



Kansas Register

Ron Thornburgh, Secretary of State

Vol. 14, No. 15

April 13, 1995

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Ron Thornburgh
 Secretary of State
 2nd Floor, State Capitol
 300 S.W. 10th Ave.
 Topeka, KS 66612-1594
 (913) 296-2236



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

State of Kansas

Kansas Inc.

Notice of Meeting

The Kansas Inc. board will meet from 10 a.m. to noon Wednesday, April 19, at Kansas Inc., 632 S.W. Van Buren, Suite 100, Topeka. The meeting is open to the public.

Charles R. Warren
President

Doc. No. 016141

State of Kansas

State Banking Board

Notice of Meeting

The State Banking Board will meet at 9 a.m. Monday, May 15, 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 as set forth in K.S.A. 9-1801 et seq.

Frank D. Dunnick
State Bank Commissioner

Doc. No. 016123

State of Kansas

Pooled Money Investment Board

Notice of Meeting

The Pooled Money Investment Board will meet at 2:15 p.m. Tuesday, April 18, in the State Treasurer's Office, Conference Room 203, Landon State Office Building, 900 S.W. Jackson, Topeka. All meetings of the board are open to the public. For more information, contact Diane Gates at (913) 296-3372.

Sally Thompson
Chair

Doc. No. 016128

State of Kansas

Kansas Sentencing Commission

Notice of Acceptance of Applications

A position will be available after April 17 for a management analyst with the Kansas Sentencing Commission. Duties include preparation of agency budget and budgets related to federal grant programs, administrative support in the management of certain federal grant programs, and basic research in areas of criminal justice administration. Applicants must possess at least a bachelor's degree in an area related to economics, criminal justice-related research analysis, or other criminal justice field. The ability to maintain a Novell computer network is a plus, but not required. This is an unclassified position and the starting salary has not yet been determined. Please submit resume and cover letter on or before April 21 to the Kansas Sentencing Commission, Suite 501, Jayhawk Tower, 700 S.W. Jackson, Topeka, 66603. No telephone inquiries, please.

Lisa Moots
Executive Director

Doc. No. 016138

State of Kansas

State Employees Health Care Commission

Notice of Meeting

The Kansas State Employees Health Care Commission will meet at 2 p.m. Monday, April 24, in Room 106, Landon State Office Building, 900 S.W. Jackson, Topeka.

Sheila Frahm
Chairperson

Doc. No. 016130

State of Kansas

Information Network of Kansas

Notice of Meeting

The Information Network of Kansas board of directors will meet at 2 p.m. Thursday, April 20, at Kansas Inc., 632 S.W. Van Buren, Suite 100, Topeka. The meeting is open to the public.

Charles R. Warren
Chairman

Doc. No. 016142

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 \$3,505,323.83 in the underground petroleum storage tank release trust fund and \$7,162,464.74 in the aboveground petroleum storage tank release trust fund at March 31, 1995.

Sheila Frahm
Secretary of Administration

Doc. No. 016134

State of Kansas

Office of the State Treasurer

Notice of Investment Rates

The following rates are published in accordance with K.S.A. 1994 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 4-17-95 through 4-23-95

Term	Rate
0-90 days	6.02%
3 months	5.82%
6 months	6.15%
9 months	6.27%
12 months	6.35%
18 months	6.51%
24 months	6.63%
36 months	6.78%
48 months	6.87%

Sally Thompson
State Treasurer

Doc. No. 016127

State of Kansas

Social and Rehabilitation Services

Notice of Public Auction

The Kansas Secretary of Social and Rehabilitation Services will offer for sale at public auction at 1 p.m. May 11 the following land and improvements located at 1951 N.W. Lyman Road, Topeka.

Description: A part of Fractional Section 24, Township 11 South, Range 15 East of the 6th P.M., described as follows: Beginning at the Southwest corner of said Section 24, which is also the Northwest corner of Kaw Half Breed Reserve No. 3, thence N1°36'34"W, 1107.77 feet along the East line of Kaw Half Breed Reserve No. 2, to the Northwest corner of said Fractional Section 24; thence N88°23'31"E, along the North line of said Fractional Section 1158.74 feet; thence S1°27'42"E, 1103.53 feet to the North line of said Reserve No. 3 being also the South line of said Section 24; thence S88°10'54"W, 1155.90 feet to the point of beginning. Contains 29.37 acres more or less, all in Shawnee County, Kansas.

Located on this property is a five-room house, approximately 40-50 years old. It has two bedrooms, one bath and an unfinished basement with approximately 888 square feet of finished area. It has a detached one-car garage. The house is in fair condition with some evidence of termite and water damage.

House to sell "as is—where is" with no guarantees or warranties.

**This property is zoned R-1 Residential
1994 taxes—\$971.52**

The house will be open for viewing from 1 to 3 p.m. Sunday, May 7.

Terms of the Sale

Money order, certified check or cashier's check in the amount of \$10,000 made payable to SRS on the day of the sale. The balance is due within 30 days upon delivery of deed and marketable title. The purchaser is to arrange for their own financing.

The Secretary of SRS or the Governor has the right to reject the final bid.

For information regarding the auction, contact Jim Sanders, Associate Broker/Auctioneer, Greenbrier Realtors/Better Homes & Gardens, (913) 271-0370.

Janet Schalansky
Acting Secretary of Social and
Rehabilitation Services

Doc. No. 016132

State of Kansas

Department of Transportation

Notice of Public Auction

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

- 10 a.m.—Tract 19** Located at 320 W. 8th—One 1,636 square foot bungalow style single family dwelling with three bedrooms.
- 11 a.m.—Tract 18** Located at 220 N. G St.—One 1,050 square foot bungalow style single family dwelling with two bedrooms.
- 1 p.m.—Tract 02** Located at 723 W. 8th—One 1,680 square foot two-story single family dwelling with five bedrooms and attached carport.
- 2 p.m.—Tract 11** Located at 119 N. H St.—One 1,932 square foot bungalow style single family dwelling with four bedrooms.

An inspection of property will be at 10 a.m., 11 a.m., 1 p.m., and 2 p.m. May 8, and 30 minutes prior to the sale.

The successful bidders will be required to remove the structures from the right of way on or before June 15. A performance bond of \$2,500 must be posted on the day of the sale for the buildings 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 purchaser shall have no right, title, interest or claim to or lien upon said remaining items or part thereof, nor any claim against the Kansas Department of Transportation for the sale price paid after said date.

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 improvements and filling in of 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 bids pursuant to this notice will be without discrimination on the grounds of sex, race, color, religion, physical handicap or national origin.

Terms of Sale

Money order, certified check or cashier's check for full price. 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 at (913) 296-3501.

E. Dean Carlson
Secretary of Transportation

Doc. No. 016150

State of Kansas

Department of Transportation

Notice of Public Auction

The Kansas Secretary of Transportation will offer for sale and removal public auction May 13 the following improvements located in Franklin County, Kansas, described as follows:

9 a.m.—Tract 17 Located at 540 E. Bungalow, Richmond: A 1,170 square foot one story single family residence with one-car attached garage, three bedrooms and one bath. Structure must be moved off site by June 13, 1995. Required performance bond is \$2,000.

11 a.m.—Tract 63 Located at 1583 Highway 59, approximately 1/2 mile north of Princeton: A 1,332 square foot two story single family residence with four bedrooms and one bath. Structure must be moved off site by June 13, 1995. Required performance bond is \$2,000.

An inspection of properties will be from 1 to 3 p.m. May 6 and one hour prior to the sale.

The successful bidders will be required to remove the structures in their entirety from the site on or before June 13. The successful bidders will be required to cap and/or disconnect all utilities, plug all sewers and drains, and remove all debris and trash from the site. A performance bond equal to the amount specified above for each sale must be posted on the day of the sale as a guarantee for the removal of the structures and site cleanup. Any item not removed from the site on or before the specified date shall revert to and become the property of the Kansas Department of Transportation. The purchaser shall have no right, title, interest or claim to or lien upon said remaining items or part thereof, nor any claim against the Department of Transportation for the sale price paid after said date.

Purchasers shall not permit use or occupancy of said structures pending removal from the site. 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 to 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 check or cashier's check for full price on the day of sale. Make checks 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 Steven L. Potucek, Right of Way Agent, at (316) 524-1333.

E. Dean Carlson
Secretary of Transportation

Doc. No. 016135

State of Kansas

Board of Education

Request for Comments

The draft Goals 2000 State Improvement Plan for Years Two through Five (1995-1999) is in the public comment period from April 13-27. Copies of the draft plan will be available at the Kansas State Board of Education office in Topeka. Comments concerning the draft plan are to be submitted by April 27 to the Goals 2000 Program, Kansas State Department of Education, 120 S.E. 10th, Topeka, 66612. The final draft of the plan will be reviewed by the Goals 2000 State Panel at the April 27 meeting and by the Kansas State Board of Education at its May meeting.

Dr. Lee DrogemueLLer
Commissioner of Education

Doc. No. 016152

State of Kansas

Board of Indigents' Defense Services

Notice of Hearing on Proposed
Administrative Regulations

A public hearing will be conducted at 11 a.m. Monday, May 15, in the Old Supreme Courtroom, third Floor, State Capitol, 300 S.W. 10th, Topeka, to consider adoption of a proposed change in existing regulation K.A.R. 105-5-2 of the State Board of Indigents' Defense Services.

The proposed change would reduce the out-of-court hourly rate from \$50 to \$45. This change will adversely affect compensation levels received by private appointed counsel. The change will decrease general fund expenditures by approximately \$264,000 during the first year and \$394,000 for the second and subsequent years.

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 the Director, State Board of Indigents' Defense Services, Room 304, Landon State Office Building, 900 S.W. Jackson, Topeka, 66612. 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 to limit any oral presentation to five minutes.

A copy of the full text of the regulation and the economic impact statement may be obtained by contacting the director at the address above.

Any individual with a disability may request accommodation in order to participate in the public hearing and may request the proposed regulation and economic impact statement in an accessible format. Requests for accommodation should be made at least five working days in advance of the hearing by contacting Joni Henley at (913) 296-4505.

Ronald E. Miles
Director

Doc. No. 016151

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 March 1995 for failure to timely file an annual report and pay the annual franchise tax as required by the Kansas general corporation code:

Domestic Corporations

*ADRDA - Greater Kansas City Area *Alzheimer's Disease and Related Disorders Association, Inc., Prairie Village, KS.
 A.P.M.E., Inc., Independence, KS.
 AJAX Oil Corporation, Tulsa, OK.
 Allan Engineering, Inc., Great Bend, KS.
 AOG Holding Corp., Tulsa, OK.
 Architectural Interiors, Inc., Garden City, KS.
 Bandiera U.S.A., Inc., Overland Park, KS.
 Black Women Community Organization, Inc., Kansas City, KS.
 Blew Chip, Inc., Hutchinson, KS.
 C & C Software, Inc., Wichita, KS.
 C. L. Fairley Construction Company, Inc., Kansas City, KS.
 Capital and Services, Inc., Dallas, TX.
 Cathey Trucking, Incorporated, Douglass, KS.
 Consumer Peer Counseling, Inc., Topeka, KS.
 Dultmeier Construction, Inc., Topeka, KS.
 Emland Builders, Incorporated, Overland Park, KS.
 FOB Kansas City, Inc., San Antonio, TX.
 Folklife Festivals, Inc., Hutchinson, KS.
 Gragg Furs Inc., Wichita, KS.
 HCT Productions, Inc., Hutchinson, KS.
 Hutchinson Government Employees Credit Union, Hutchinson, KS.
 Hyde Parent - Teacher Organization, Inc., Wichita, KS.
 Indian Hills Church of the Nazarene Inc., Wichita, KS.
 International Association of Firefighters Local 135, Inc., Wichita, KS.
 International University of Thailand Foundation, Inc., Pittsburg, KS.
 J-S Distributors, Inc., Salina, KS.
 Jules-Vern, Inc., Olathe, KS.
 Kansas Elks Association, Inc., Goodland, KS.
 Klear Vision Products, Inc., Kansas City, KS.
 Klear Vision, Inc., Kansas City, KS.
 Lawrence Select Soccer Teams, Inc., Lawrence, KS.
 Lifestyles U.S.A., Ltd., Wichita, KS.
 Lloyd's Pharmacy, Inc., Kansas City, KS.
 Management Software International, Inc., Woburn, MA.
 Mary Louise Diet Centers, Incorporated, Overland Park, KS.
 Mid-Continent Underground Storage, Inc., Miami Beach, FL.
 Midwest Bioethics Center, Inc., Kansas City, MO.
 MKC Electronics Corp., Overland Park, KS.
 MUTZ Enterprises, Inc., Maryville, MO.
 Neighbors, Inc., Hutchinson, KS.
 Oak Leaf Club, Inc., Iola, KS.

Olathe Area Youth Symphony Association, Olathe, KS.
 Overmiller Stock Farms, Inc., Smith Center, KS.
 Pilot Club of Leavenworth, Leavenworth, KS.
 Pleasant Green Community School, Inc., Kansas City, KS.
 Premier Marketing, Inc./Wichita, Wichita, KS.
 PSU Pi Kappa Alpha, Inc., Paola, KS.
 Quality Child Care Centers, Inc., Wichita, KS.
 Quick Silver, Inc., Wichita, KS.
 Rempel Auto Service, Inc., Meade, KS.
 Retirement Management Leasing Company, Lawrence, KS.
 Reynen Technologies, Inc., Wichita, KS.
 Rhodes Heating & Roofing Co., Lawrence, KS.
 Rick's Bar & Grill, Inc., Shawnee Mission, KS.
 Saint Mary of the Plains College, Dodge City, KS.
 Sharp Realty, Inc., Augusta, KS.
 Shepherd's Centers of Kansas, Inc., Prairie Village, KS.
 Sitter Solutions, Inc., Lawrence, KS.
 Sonny Hill Chevrolet Geo Oldsmobile, Inc., Lawrence, KS.
 Stephens Consulting Company, Inc., Pratt, KS.
 Superior Housing, Inc., Wichita, KS.
 The Beechcraft Employees' Flying Club, Inc., Wichita, KS.
 The Cancer Research Foundation of America, Alexandria, VA.
 The Foundation for a Christian Civilization, Inc., Bedford, NY.
 The Jewell County Arts Council, Inc., Mankato, KS.
 The John L and Mary Beth Matthews Foundation, Neodesha, KS.
 The National Arbor Day Foundation, Nebraska City, NE.
 Todd Construction, Inc., Wichita, KS.
 Total Graphic, Inc., Overland Park, KS.
 Tri-State Sport Aviation, Inc., Miami, OK.
 Veterans of the Vietnam War, Inc., Wilkes Barre, PA.
 W K C S, Inc., Hutchinson, KS.
 Wells-Bowman Trading Co., Inc., Leawood, KS.

Foreign Corporations

ABI-PAU, Inc., Shawnee Mission, KS.
 Agripro Biosciences, Inc., Shawnee, KS.
 Arks, Inc., Hays, KS.
 Cooperative Service Company *A Nebraska Corporation*, Lincoln, NE.
 Dataport Technologies, Inc., Maryland Heights, MO.
 Empire Securities Inc. of Washington, Spokane, WA.
 FCC Futures, Inc., West Des Moines, IA.
 Kansas City Medical Group, Inc., Kansas City, MO.
 Miller & Associates Contractors, Inc., Lee's Summit, MO.
 Prism Integrated Sanitation Management, Inc., Miami, FL.
 SHL Systemhouse Corp., Arlington, VA.
 Systemhouse Federal Systems Inc., Arlington, VA.
 The Western Heart Institute L.L.C., Wilmington, DE.
 Waterhouse Securities, Inc., New York, NY.
 Wichita Women's Center, Inc., Fort Worth, TX.
 World Plan Executive Council - United States, Pacific Palisades, CA.

Ron Thornburgh
 Secretary of State

Doc. No. 016133

State of Kansas

Department of Administration
Division of Purchases

Notice to Bidders

Sealed bids for items listed below 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, April 24, 1995

31095

University of Kansas Medical Center—Disposable pillows

01274

Kansas State University—Air handling and condensing units

01281

Department of Human Resources—Job Service software

01282

Department of Transportation—Wood signposts

Tuesday, April 25, 1995

30411 Rebid

Department of Wildlife and Parks—Uniform garments, various locations

01280

University of Kansas Medical Center—High speed copier

01306

Kansas State University—Dumbbells

Thursday, April 27, 1995

31090

Statewide—Electric bubbler water coolers

01275

Kansas State University—Furnish and install/set up exercise equipment

01297

Department of Social and Rehabilitation Services—IM-3100 forms

01298

Lansing Correctional Facility—Building materials

01299

Lansing Correctional Facility—Floor tile and building materials

01300

Lansing Correctional Facility—Plumbing materials

01324

Department of Wildlife and Parks—Furnish all labor and materials to develop waterway and marsh, Miami County

Friday, April 28, 1995

31093

Department of Wildlife and Parks—Trees, various locations

01311

Department of Transportation—Fuel tanks/transfer pumps for pickups, various locations

01312

Department of Human Resources—Handicapped accessibility upgrade (A-7405)

01323

Youth Center at Topeka—Tractor, loader, blade, mower

01325

Lansing Correctional Facility—Aluminum window units

01328

Department of Health and Environment—Reclamation of Fort Scott Tipple, Phase III, Pittsburg

01329

Department of Health and Environment—Reclamation of shaft closure, Pittsburg

01330

Department of Health and Environment—Reclamation of Mineral West, Pittsburg

Monday, May 1, 1995

31092

Statewide—Tires and tubes

Tuesday, May 2, 1995

A-7242, A-7502, A-7503

Department of Transportation—Chemical storage facilities, Horton, Troy and Eskridge

A-7630

Pittsburg State University—Office remodeling, first floor, Hughes Hall

A-7631

Pittsburg State University—Kelce Building remodel, Room 202

Wednesday, May 3, 1995

A-7661 Rebid

Wichita State University—Window replacement, Brennan Residence Halls II and III

Thursday, May 4, 1995

30806

Statewide—Plastic and rubber goods (Class 10)

01326

Kansas Soldiers' Home—Nurse call system

Tuesday, June 20, 1995

01290

Emporia State University—Furnish and install dishwashing machine

Leo E. Vogel
Acting Director of Purchases

Doc. No. 016149

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, April 24, 1995

#50172

Fatty acid profiles on oilseed rape

William H. Sesler
Director of Purchasing

Doc. No. 016139

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 permit in accordance with K.A.R. 28-19-300 (construction permits and approvals) to O'Brian Rock Company, Inc. to install and operate a portable ready mixed concrete plant in Cowley County, NE 1/4, W 1/2, Lot 12, Section 7, Township 34, Range 7.

Written materials, including the permit application and information relating to the application submitted by O'Brian Rock Company, draft permit and analysis by KDHE describing the basis for the proposed permit are available for public inspection during normal business hours through May 15 by contacting David Butler, KDHE, 130 S. Market, 6th Floor, Wichita, 67202-3802, (316) 337-6020.

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 Wim Gunasegaram, KDHE, (913) 296-6429.

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 May 15.

James J. O'Connell
Secretary of Health
and Environment

Doc. No. 016143

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, April 28, 1995

725344

Steerable endoscope

725345

ENT surgical instruments

Barbara Lockhart
Purchasing Director

Doc. No. 016140

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 permit in accordance with K.A.R. 28-19-300 (construction permits and approvals) to Midwest Minerals, Inc. to install and operate a vibrating screen on the existing portable facility to be located at Sec. 6, T35S, R21E.

Written materials, including the permit application and information relating to the application submitted by Midwest Minerals, Inc., draft permit and analysis by KDHE describing the basis for the proposed permit are available for public inspection during normal business hours through May 15 by contacting David Stutt, KDHE, 1500 W. 7th, Chanute, 66720, (316) 431-2390.

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 Art Hofmeister, KDHE, (913) 296-0910.

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 May 15.

James J. O'Connell
Secretary of Health
and Environment

Doc. No. 016147

State of Kansas

State Conservation Commission

Notice of Meeting

The State Conservation Commission has scheduled a telephone conference call meeting at 8 a.m. Monday, April 24, to review and take action on proposed administrative regulations for the Land Reclamation Program. Individuals may attend the telephone conference call by reporting to the executive director's office in Suite 500, 109 S.W. 9th, Topeka.

Additional information may be obtained by contacting Blake Henning at (913) 296-3600. If special accommodations are needed, contact the agency three days in advance of the meeting date.

Kenneth F. Kern
Executive Director

Doc. No. 016131

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 permit in accordance with K.A.R. 28-19-300 (construction permits and approvals) to ADM Northern Sun to install and operate additional equipment that will increase the processing capacity of sunflower seed from 500 to 1150 metric tons per day at the facility located in Goodland.

Written materials, including the permit application and information relating to the application submitted by ADM Northern Sun, draft permit and analysis by KDHE describing the basis for the proposed permit are available for public inspection during normal business hours through May 15 by contacting Kenneth Brooks, 2301 E. 13th, Hays, 67601, (913) 625-5663.

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 Art Hofmeister, KDHE, (913) 296-0910.

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 May 15.

James J. O'Connell
Secretary of Health
and Environment

Doc. No. 016144

State of Kansas

Credit Union Council

Notice of Meeting

The Credit Union Council will meet at 1:30 p.m. Friday, April 28, in the conference room located in the offices of the Kansas State Credit Union Department, Suite B, American Home Life Insurance Company Building, 400 S. Kansas Ave., Topeka. The council serves as an advisor to the administrator of the Kansas State Department of Credit Unions as set forth in K.S.A. 17-2232 et seq.

John P. Smith
Administrator

Doc. No. 016148

State of Kansas

State Conservation Commission

Notice to Contractors

Sealed bids for the construction of an approximately 106,000 cubic yard detention dam, Site 5-1 in Hodgeman County, will be received by the Pawnee Watershed Joint District No. 81 at the district office, Route 2, Box 135, West Highway 156, Jetmore, 67854, until 3 p.m. May 1, and then opened. A copy of the invitation for bids and plans and specifications can be obtained at the district office, (316) 357-6420.

Kenneth F. Kern
Executive Director

Doc. No. 016129

State of Kansas

Department of Health
and Environment

Notice Concerning Kansas
Water Pollution Control Permits

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

Public Notice No. KS-ND-95-12/18

Name and Address of Applicant	Waterway	Type of Discharge
J.H. Shears' Sons, Inc. Asphalt Plant #905 P.O. Box 1605 Hutchinson, KS 67504-1605 Reno County, Kansas	Non-overflowing	Non-overflowing

(continued)

Kansas Permit No. I-AR49-NK16

Description of Facility: This facility is engaged in a portable asphalt production operation. Two synthetic-lined settling pits collect wastewater originating from the wet washer at the asphalt plant. Wastewater from the settling pits is recycled as makeup water for the wet washer. The settling pits will be deactivated when the portable asphalt plant is moved off site. This is a new facility.

Name and Address of Applicant	Waterway	Type of Discharge
J.H. Shears' Sons, Inc. Asphalt Plant #906 P.O. Box 1605 Hutchinson, KS 67504-1605 Reno County, Kansas	Non-overflowing	Non-overflowing

Kansas Permit No. I-AR49-NK15

Description of Facility: This facility is engaged in a portable asphalt production operation. Two synthetic-lined settling pits collect wastewater originating from the wet washer at the asphalt plant. Wastewater from the settling pits is recycled as makeup water for the wet washer. The settling pits will be deactivated when the portable asphalt plant is moved off site. This is a new facility.

Name and Address of Applicant	Waterway	Type of Discharge
J.H. Shears' Sons, Inc. Asphalt Plant #911 P.O. Box 1605 Hutchinson, KS 67504-1605 Reno County, Kansas	Non-overflowing	Non-overflowing

Kansas Permit No. I-AR49-NK14

Description of Facility: This facility is engaged in a portable asphalt production operation. Two synthetic-lined settling pits collect wastewater originating from the wet washer at the asphalt plant. Wastewater from the settling pits is recycled as makeup water for the wet washer. The settling pits will be deactivated when the portable asphalt plant is moved off site. This is a new facility.

Name and Address of Applicant	Waterway	Type of Discharge
J.H. Shears' Sons, Inc. Asphalt Plant #910— Abilene P.O. Box 1605 Hutchinson, KS 67504-1605 Dickinson County, Kansas	Non-overflowing	Non-overflowing

Kansas Permit No. I-SH01-N004

Description of Facility: This facility is an asphalt plant which utilizes two, 30 mil ultra-violet resistant plastic-lined settling basins for collection of wet washer water from the air pollution control system. The wet washer water is recycled as makeup water for the wet washer or sprayed on roads for dust control. This is a new facility.

Name and Address of Applicant	Waterway	Type of Discharge
J.H. Shears' Sons, Inc. Asphalt Plant #912— Hutchinson P.O. Box 1605 Hutchinson, KS 67504-1605 Reno County, Kansas	Non-overflowing	Non-overflowing

Kansas Permit No. I-AR49-N013

Description of Facility: This facility is an asphalt plant which utilizes two, 30 mil ultra-violet resistant plastic-lined settling basins for collection of wet washer water from the air pollution control system. The wet washer water is recycled as makeup water for the wet washer or sprayed on roads for dust control. This is a new facility.

Name and Address of Applicant	Waterway	Type of Discharge
McKenzie's Restaurant Attn: Ben Nitcher I-35 and LeLoup Exit Wellsville, KS 66098 Franklin County, Kansas	Non-overflowing	Non-overflowing

Kansas Permit No. C-MC48-N001

Description of Facility: This is a one-cell non-overflowing lagoon system designed for domestic waste only. This is a new facility.

Name and Address of Applicant	Waterway	Type of Discharge
Sedalia Mobile Home Court Riley, Kansas Facility Attn: Charles J. Kearby 1909 Casement Road Manhattan, KS 66502 Riley County, Kansas	Non-overflowing	Non-overflowing

Kansas Permit No. C-KS62-N001

Description of Facility: This is a one-cell non-overflowing lagoon system designed for domestic waste only. This is a new facility.

Public Notice No. KS-95-18/19

Name and Address of Applicant	Waterway	Type of Discharge
City of Derby 611 Mulberry Derby, KS 67037 Sedgwick County, Kansas	Arkansas River	Secondary wastewater treatment facility

Kansas Permit No. M-AR29-0002 Fed. Permit No. KS-0050377

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

Name and Address of Applicant	Waterway	Type of Discharge
Hay and Forage Industries 420 W. Lincoln Blvd. Hesston, KS 67062	Little Arkansas River via Middle Emma Creek	Metal finishing process wastewater, boiler blowdown, noncontact cooling and groundwater remediation effluent

Kansas Permit No. I-LA07-P002 Fed. Permit No. KS-0080951

Description of Facility: This facility manufactures specialized farm equipment. Process wastewater, boiler blowdown and hydrocarbon contaminated groundwater (caused from a leak in an underground storage tank located under Hay and Forage's Plant I building) are directed to an oil skimmer, equalization tank and pH adjustment tank. Noncontact cooling water is commingled with the treated wastewater prior to discharge. 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.

Public Notice KS-EG-95-3/13

Tentative permits have been prepared for the construction of 11 salt-solution mining wells to be operated as two salt-solution mining galleries within the state of Kansas, for the applicant described below. One gallery will consist of six wells and one will consist of five wells. All wells will be operated by Vulcan Materials Company, P.O. Box 12283, Wichita, KS 67277-2283, and are located in Sedgwick County, Kansas.

Well Number and Permit Number	Well Location
Well Number J66 KS Permit No. KS-03-173-197	NESWNW 30-29-2W 3890' fsl and 4490' fel of SE/4
Well Number J67 KS Permit No. KS-03-173-198	SENWNW 30-29-2W 4050' fsl and 4180' fel of SE/4
Well Number J68 KS Permit No. KS-03-173-199	NESWNW 30-29-2W 3660' fsl and 4220' fel of SE/4
Well Number J69 KS Permit No. KS-03-173-200	NESWNW 30-29-2W 3580' fsl and 4610' fel of SE/4

Well Number J70 KS Permit No. KS-03-173-201	NWSWNW 30-29-2W 3900' fsl and 4790' fel of SE/4
Well Number J71 KS Permit No. KS-03-173-202	SENWNW 30-29-2W 4200' fsl and 4560' fel of SE/4
Well Number J72 KS Permit No. KS-03-173-203	NWNWNE 30-29-2W 4651' fsl and 2126' fel of SE/4
Well Number J73 KS Permit No. KS-03-173-204	NENWNE 30-29-2W 4863' fsl and 1914' fel of SE/4
Well Number J74 KS Permit No. KS-03-173-205	SEWNNE 30-29-2W 4439' fsl and 1914' fel of SE/4
Well Number J75 KS Permit No. KS-03-173-206	SWNWNE 30-29-2W 4439' fsl and 2338' fel of SE/4
Well Number J76 KS Permit No. KS-03-173-207	NWNWNE 30-29-2W 4863' fsl and 2388' fel of SE/4

Public Notice No. KS-AG-95-30/33

Name and Address of Applicant	Legal Description	Receiving Water
Darel L. Reynolds Route 1, Box 25 Agra, KS 67621	NW/4, Sec. 1, T3S, R16W, Phillips County	Solomon River Basin

Kansas Permit No. A-SOPL-S026

The proposed facility will have capacity for approximately 700 swine. Wastewater Control Facilities: Wastewater will be impounded for subsequent application to agricultural land for beneficial use. Wastewater storage capacity is provided in excess of minimum requirements.

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

Name and Address of Applicant	Legal Description	Receiving Water
Curtis Sutterby Route 1 Blue Mound, KS 66010	NE/4, Sec. 27, T22S, R22E, Linn County	Marais des Cygnis River Basin

Kansas Permit No. A-MCLN-M004

The dairy has capacity for approximately 80 dairy cattle and a required wastewater storage capacity of 45,125 cubic feet. This is a new facility.

Runoff Control Facilities: Feedlot runoff and parlor wastes are impounded for subsequent application to agricultural land for beneficial use.

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

Dewatering equipment shall be obtained within four months after this facility becomes active through purchase, rental or custom application agreement. It shall be capable of pumping and dispersing the liquids and solids as outlined in this permit and the SCS operational plan. Written verification of the acquisition of the equipment shall be submitted to the department.

Name and Address of Applicant	Legal Description	Receiving Water
Isch Dairy Ronald Isch Route 1, Box 52 Gridley, KS 66852	N/2, Sec. 15, T22S, R13E, Greenwood County	Neosho River Basin

Kansas Permit No. A-NEGW-M002

The dairy has capacity for approximately 300 dairy cattle with parlor wastes and a contributing drainage area of approximately 1.6 acres. This is an existing facility.

Runoff Control Facilities: Parlor waste and open lot runoff is impounded for subsequent application to agricultural land for beneficial use. Wastewater storage capacity is provided in excess of 2 acre-feet.

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

Name and Address of Applicant	Legal Description	Receiving Water
Joe Zimmerman Route 1, Box 50 Harper, KS 67058	NW/4, Sec. 16, T32S, R7W, Harper County	Lower Arkansas River Basin

Kansas Permit No. A-ARHP-B002

The feedlot has capacity for approximately 999 cattle and a contributing drainage area of approximately 6.25 acres. This is a new facility.

Runoff Control Facilities: Feedlot runoff is impounded for subsequent application to agricultural land for beneficial use. Wastewater storage capacity is provided in excess of 4.8 acre-feet.

Compliance Schedule: None, existing controls adequate.

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 May 12 will be considered in the formulation of final determinations regarding this public notice. Please refer to the appropriate public notice number (KS-95-18/19, KS-ND-95-12/18, KS-EG-95-3/13, KS-AG-95-30/33) 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 (28-46-21 for UIC). Media coordination (newspapers, radio) for publication and/or announcement of the public notice or public hearing is handled by the Kansas Department of Health and Environment.

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.

The documents are available upon request at the copying cost assessed by KDHE. Additional copies of this public notice also may be obtained at the Division of Environment.

James J. O'Connell
Secretary of Health
and Environment

Doc. No. 016145

State of Kansas

**Office of Judicial Administration
Court of Appeals Docket**

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

**Kansas Court of Appeals
Court of Appeals Courtroom, Second Floor, Kansas Judicial Center
Topeka, Kansas**

Tuesday, April 25, 1995

Before Gernon, P.J.; Brazil, J.; and James W. Bouska, District Judge, assigned.

9:00 a.m.

Case No.	Case Name	Attorneys	County
71,814 SC	State of Kansas, Appellee, v. William J. Leonard, Appellant.	County Attorney Attorney General Jeffrey Shaw	Riley
72,327	Juanita Marshall, Appellant, v. Donald Mahrle, Appellee.	Henry O. Boaten Ann L. Hoover	Shawnee
71,998	Penny S. Gleason, Appellant, v. Samaritan Home & Church Mutual Insurance Co., Appellees.	Steven Hornbaker Matthew S. Crowley	WC Board

Summary Calendar—No Oral Argument

72,738	Dickie Lee Methvin, deceased, Appellant, v. White & Ellis Drilling, et al., Appellees.	Russell L. Mills Richard Boeckman	WC Board
72,070	Ronald E. Switzer, Appellant, v. State of Kansas, Appellee.	Rebecca Woodman Attorney General District Attorney	Shawnee

Before Gernon, P.J.; Lewis, J.; and James W. Bouska, District Judge, assigned.

11:00 a.m.

71,400 71,401 SC	State of Kansas, Appellee, v. Carl J. Robertson, Appellant.	District Attorney Attorney General Edward Collister Jr.	Shawnee
71,615	State of Kansas, Appellee, v. Charles Roger Parker, Appellant.	County Attorney Attorney General Edward Collister Jr.	Saline

1:15 p.m.

72,632 72,805	American Home Life Insurance, et al., Appellees, v. Shawnee County Commission, Appellant.	John D. Ensley David N. Holstead Sandra L. Jacquot Rebecca A. Sanders	Shawnee
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Summary Calendar—No Oral Argument

71,783	State of Kansas, Appellee, v. Claude McGill, Appellant.	County Attorney Attorney general Thomas Jacquinot	Reno
70,925 71,796	State of Kansas, Appellee, v. Jeffrey Michael Caylor, Appellant.	County Attorney Attorney General Kim D. Steele	Reno

Before Brazil, P.J.; Lewis, J.; and James W. Bouska, District Judge, assigned.

2:45 p.m.

71,277	State of Kansas, Appellee, v. Larry James Scott, Appellant.	County Attorney Attorney General Stephen Moss	Nemaha
72,564	M & C Oil, Inc., Appellant, v. Jane Geffert, Appellee.	Kurt F. Kluin Robert V. Talkington	Allen

72,651	James Baggett, Appellee, v. B & G Constr., et al., Appellants.	Brian D. Pistotnik Kip A. Kubin	WC Board
71,611	In the Matter of the Marriage of Linda N. Glisson and Henry Glisson.	David N. Sutton Randy M. Barker James A. Cline James M. McVay	Ellsworth
Summary Calendar—No Oral Argument			
72,310	Jack Guthrie, v. Ind. Comm. Insulation, et al., Appellees, and Work Comp Fund, Appellant.	Vaughn Burkholder John K. Sherk III	WC Board

**Kansas Court of Appeals
Courtroom 11-1, Sedgwick County Courthouse, 525 N. Main
Wichita, Kansas**

Tuesday, April 25, 1995

Before Royse, P.J.; Pierron, J.; and Robert J. Schmisser, District Judge, assigned.

Case No.	Case Name	Attorneys	County
72,799	Brian and Tamara Pistotnik, Appellants, v. Jim Lawing, Appellee.	Brian D. Pistotnik Jim L. Lawing	Sedgwick
71,935	Edward Anderson, Appellee, v. Beech Aircraft Corp., Appellant.	William L. Fry Courtland Clotfelter Terry J. Torline	WC Board
71,789	In the Matter of the Marriage of Mary Frances Hiedeman and Russell Leroy Hiedeman.	Norman G. Manley Phyllis K. Webster	Butler
71,804	James Tucker Levier, Appellee, v. Michael Nelson, et al., Appellants.	Steven C. Sherwood James Levier, pro se Julie Riddle	Butler
72,037	Laverne M. Bell, Appellant, v. State of Kansas, Appellee.	Jean Gilles Phillips Attorney General Debra S. Peterson	Sedgwick
72,393 72,394	State of Kansas, Appellee, v. Mark E. Gordan, Appellant.	Debra S. Peterson Attorney General Reid Nelson	Sedgwick
71,513	State of Kansas, Appellee, v. Daniel Phillips, Appellant.	Debra S. Peterson Attorney General Michael Helvey	Sedgwick
71,963	Martha Barnhardt, Appellee, v. Hugoton Energy Corp., Appellant.	Gene H. Sharp Jana D. Abbott	Seward
Before Royse, P.J.; Pierron, J.; and James J. Noone, District Judge, Retired, assigned.			
71,140	Dillon Stores, et al., Appellees, v. Sedgwick County Commission, et al., Appellants.	Robert J. O'Connor Clarence D. Holeman	Sedgwick

(continued)

Before Royse, P.J.; Pierron, J.; and Robert J. Schmisser, District Judge, assigned.

Summary Calendar—No Oral Argument

71,109	State of Kansas, Appellee, v. Joseph L. James, Appellant.	Debra S. Peterson Attorney General Rebecca Woodman	Sedgwick
72,634	In the Matter of the Appeal of Wayne A. and Jean A. Bookout.	John C. King Frank S. Reeb	Sedgwick
71,763	State of Kansas, Appellee, v. Lloyd C. Newman, Appellant.	Debra S. Peterson Attorney General Edward Collister Jr.	Sedgwick
71,361	State of Kansas, Appellee, v. Billy G. Plummer, Appellant.	Debra S. Peterson Attorney General Jessica R. Kunen	Sedgwick
71,556	State of Kansas, Appellee, v. Roderick M. Crawford, Appellant.	Debra S. Peterson Attorney General Wendy Rhyne Slayton	Sedgwick
71,811	State of Kansas, Appellee, v. Matthew J. Hope, Appellant.	Debra S. Peterson Attorney General Julie Gorenc	Sedgwick

Kansas Court of Appeals
Courtroom 305, City/County Building, 300 W. Ash
Saline, Kansas

Tuesday, April 25, 1995

Before Rulon, P.J.; Larson, J.; and Tom Malone, District Judge, assigned.

Case No.	Case Name	Attorneys	County
		9:00 a.m.	
72,626	Florida Dept. HS, Appellee, v. Steven Breeden, Appellant.	Randy M. Barker David Lipe Serrault Donna J. Long Dennis McFall Scott Thompson	Republic
72,464	In the Matter of the Estate of William Watson, deceased.	Stanley R. Juhnke E. Dexter Galloway	Reno
71,646	State of Kansas, Appellant, v. Jose S. Favela, Appellee.	Keith E. Schroeder Attorney General Philip M. Durr	Reno
		10:45 a.m.	
72,502	Edgar Basgall, Appellee, v. Nelson Music Co., et al., Appellants.	John L. Fisher	Ellis
72,047	Roy A. Winters, Appellant, v. Coomes, Inc., et al., Appellees.	Mickey W. Mosier Ross Wichman John T. Bird James R. McEntire	Ellis
		1:15 p.m.	
72,471	In the Matter of the Marriage of Carmen K. Ekberg and Scott A. Ekberg.	Thomas C. Boone Jerry D. Fairbanks	Thomas
73,017	State of Kansas, Appellee, v. Ronald E. Hackler, Appellant.	County Attorney Attorney General Elizabeth Seale Cateforis	Harvey
		2:30 p.m.	
71,685	State of Kansas, Appellee, v. Anthony Gene Avalos, Appellant.	County Attorney Attorney General Steven Zinn	Finney

71,974	In the Matter of the Marriage of Alberto Delacruz and Tammie Delacruz.	Ricklin R. Pierce Peter J. Ramirez	Finney
Summary Calendar—No Oral Argument			
71,694	State of Kansas, Appellee, v. Edna F. Shaffer, Appellant.	County Attorney Attorney General Stephen Moss	Norton
72,291	State of Kansas, Appellee, v. Jose Luis Perez, Appellant.	County Attorney Attorney General Thomas Jacquinot	Seward
72,171	State of Kansas, Appellee, v. Harold K. Sibley, Appellant.	County Attorney Attorney General J. Patrick Lawless Jr.	Mitchell
73,048	State of Kansas, Appellant, v. Daniel J. Hebert, Appellee.	County Attorney Attorney General Dennis McFall	Republic
72,228	Lester Ode, Appellant, v. State of Kansas, Appellee.	Hazel Haupt Attorney General County Attorney	Smith
71,563	State of Kansas, Appellee, v. Darrell D. Victory, Appellant.	County Attorney Attorney General James D. Sweet	Saline

**Kansas Court of Appeals
Appellate Courtroom, 6th Floor
U.S. Courthouse, 500 State Avenue
Kansas City, Kansas**

Wednesday, April 26, 1995

Before Elliott, P.J.; Green, J.; and Marla J. Luckert, District Judge, assigned.

9:00 p.m.

Attorneys

Case No.	Case Name	Attorneys	County
72,777	In the Interest of T.W.	R. Rex Stonger Benjamin J. Neil Keith R. Taylor Alan W. Rosenak District Attorney	Johnson
72,552	Jerry Phillips, Appellee, v. Mann Steel Contr., et al., Appellants.	Dennis L. Horner Kip A. Kubin	WC Board
72,102	In the Matter of the Marriage of Kevin A. Patterson and Karen S. Patterson.	Ronald W. Nelson Anne McDonald	Wyandotte
72,339	State ex rel SRS, Appellee, v. Michael Hutchingson, Appellant.	Randy M. Barker Scott Thompson Elmer Jackson Jr. Kevin P. Kennedy	Wyandotte
70,469	Assoc. Metal Products, Appellant, v. Metcalf State Bank, Appellee.	Dennis J.C. Owens Timothy J. Carmody James Borthwick	Johnson
71,473	State of Kansas, Appellee, v. Norman E. Cathcard, Appellant.	County Attorney Attorney General Edward Collister Jr.	Franklin
71,550	State of Kansas, Appellee, v. Chad Benoit, Appellant.	County Attorney Attorney General Steven Zinn	Labette

(continued)

2:30 p.m.

71,577	State of Kansas, Appellee, v. Douglas A. Heiskell, Appellant.	County Attorney Attorney General David R. Gilman	Labette
71,251	State of Kansas, Appellee, v. Samuel L. Alexander, Appellant.	District Attorney Attorney General Jean Gilles Phillips	Johnson
Summary Calendar—No Oral Argument			
71,933	Tony Anderson, Appellant, v. Coonrod & Assoc. Constr., et al., Appellees.	John Ostrowski John David Jurcyk	WC Board
72,670	In the Matter of J.H.	Shelley Hickman Clark District Attorney	Douglas
72,191	Tom Barry, Appellee, v. K.C. Fabricators, et al., Appellants, and Work Comp Fund, Appellee.	Keith L. Mark D'Ambra M. Howard J. Paul Maurin III	Wyandotte
71,894	State of Kansas, Appellee, v. Brian L. Brown Sr., Appellant.	County Attorney Attorney General Brian Christensen	Brown
71,997	Juana Villareal, Appellant, v. Monfort, Inc., et al., Appellees.	C. Albert Herdoiza Terry J. Malone	WC Board
72,030	Max J. Johle, Appellee, v. Kansas Turnpike Authority, et al., Appellants.	Christopher Clements Douglas D. Johnson	WC Board

**Kansas Court of Appeals
Little Theatre, Johnson County Community College
12345 College at Quivira
Overland Park, Kansas**

Thursday, April 27, 1995

Before Gernon, P.J.; Brazil and Lewis, JJ.

9:00 a.m.

Case No.	Case Name	Attorneys	County
71,961	Bill Rodgers, Appellee, v. Jarnail S. Sarai, Appellant.	S. Margene Childress J.R. Russell	Johnson

10:00 a.m.

71,634	State of Kansas, Appellee, v. Joe R. Montoya, Jr., Appellant.	District Attorney Attorney General Debra Wilson	Johnson
71,991	State of Kansas, Appellee, v. Richard D. Warthen, Appellant.	District Attorney Attorney General Reid Nelson	Wyandotte

1:00 p.m.

72,011	Scott Blasi, Appellant, v. Robert Mason, D.D.S., Appellee.	Dan E. Turner Phillip P. Ashley	Montgomery
71,701	State of Kansas, Appellee, v. Larry Michael Wilson, Appellant.	County Attorney Attorney General Michael C. Hayes	Jefferson

Carol G. Green
Clerk of the Appellate Court

Doc. No. 016122

(Published in the Kansas Register April 13, 1995.)

Summary Notice of Bond Sale
City of Anthony, Kansas
\$180,000
General Obligation Bonds, Series 1995
(General obligation bonds payable from
unlimited ad valorem taxes)

Sealed Bids

Subject to the notice of bond sale dated April 13, 1995, sealed bids will be received by the clerk of the City of Anthony, Kansas (the issuer), on behalf of the governing body at 124 S. Bluff, Anthony, KS 67003, until 10 a.m. C.D.T. on April 24, 1995, for the purchase of \$180,000 principal amount of General Obligation Bonds, Series 1995. No bid of less than the entire par value of the bonds and accrued interest thereon to the date of delivery will be considered.

Bond Details

The bonds will consist of fully registered bonds in the denomination of \$5,000 or any integral multiple thereof. The bonds will be dated May 1, 1995, and will become due on November 1 in the years as follows:

Year	Principal Amount
1995	\$15,000
1996	15,000
1997	15,000
1998	15,000
1999	15,000
2000	15,000
2001	15,000
2002	15,000
2003	20,000
2004	20,000
2005	20,000

The bonds will bear interest from the date thereof at rates to be determined when the bonds are sold as hereinafter provided, which interest will be payable semiannually on May 1 and November 1 in each year, beginning on November 1, 1995.

Paying Agent and Bond Registrar

Kansas State Treasurer, Topeka, Kansas.

Good Faith Deposit

Each bid shall be accompanied by a cashier's or certified check drawn on a bank located in the United States of America in the amount of \$3,600 (2 percent of the principal amount of the bonds).

Delivery

The issuer will pay for printing the bonds and will deliver the same properly prepared, executed and registered without cost to the successful bidder on or before May 24, 1995, at such bank or trust company in the state of Kansas or Kansas City, Missouri, as may be specified by the successful bidder.

Assessed Valuation and Indebtedness

The equalized assessed tangible valuation for computation of bonded debt limitations for the year 1994 is \$7,780,068. The total general obligation indebtedness of

the issuer as of the date of the bonds, including the bonds being sold, is \$310,000.

Approval of Bonds

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

Additional Information

Additional information regarding the bonds may be obtained from the clerk, (316) 842-5434; or from the issuer's financial advisor, Ranson Capital Corporation, Wichita, Kansas, Attention: John Haas, (316) 262-4955.

Dated April 13, 1995.

City of Anthony, Kansas

Doc. No. 016146

State of Kansas**Department of Administration****Permanent Administrative Regulations****Article 2.—DEFINITIONS**

1-2-20. Commercial driver position. "Commercial driver position" means any position which is subject to the State of Kansas alcohol and controlled substances testing program established under the federal omnibus transportation employees testing act of 1991, 49 U.S.C. Appx. § 2717. Commercial driver positions shall be limited to those positions which require:

- (a) a commercial driver's license as defined in the Kansas uniform commercial drivers' license act, K.S.A. 8-2,125 *et seq.*, as amended; and
- (b) operation of a commercial motor vehicle:
 - (1) with a gross vehicle weight of over 26,000 pounds; or
 - (2) designed to carry 16 or more passengers, including the driver. (Authorized by K.S.A. 1994 Supp. 75-3747, implementing K.S.A. 75-3746, 75-2940 and 75-3707; effective, T-1-1-26-95, Jan. 26, 1995; effective May 30, 1995.)

Article 6.—RECRUITING AND STAFFING

1-6-33. Applicant alcohol and controlled substances test for commercial driver positions. (a) The provisions of 49 C.F.R., Part 382, as in effect on February 15, 1994, and 49 C.F.R., Part 40, as in effect on February 15, 1994, and amendments to Part 40, as published in 59 Fed. Reg. 42,996 (1994), are hereby adopted by reference.

(b) Each applicant who has been given a conditional offer of employment for a commercial driver position shall be administered an alcohol and controlled substances test.

(c) For purposes of this regulation, a "conditional offer of employment" means the offer of a commercial driver position is contingent upon participating in the alcohol and controlled substances testing program estab-

(continued)

lished under the federal omnibus transportation employee testing act of 1991, 49 U.S.C. Appx. § 2717.

(d) Each applicant who has been given a conditional offer of employment shall be informed of the provisions of subsection (c) and (g) of this regulation in writing and shall sign a statement agreeing to participate in the testing prior to administration of the tests. Failure to accept this condition shall make the conditional offer of employment null and void.

(e) Each applicant required to submit to alcohol and controlled substances testing shall be advised of:

(1) the methods of alcohol and controlled substances testing which may be used;

(2) the substances which may be identified;

(3) the consequences of a refusal to submit to an alcohol and controlled substances test or of a confirmed positive result; and

(4) the reasonable efforts utilized by the state to maintain the confidentiality of results and any medical information which may be provided.

(f) Procedures and testing personnel used in collecting, analyzing, and evaluating test samples shall meet the standards established by the director in accordance with 49 C.F.R., Part 40.

(g) (1) The conditional offer of employment shall be null and void and the applicant shall be subject to disqualification from commercial driver positions in accordance with K.S.A. 75-2940 and K.A.R. 1-6-7 for a period of one year from the effective date of the disqualification action in those instances in which:

(A) the applicant fails to participate in the required alcohol and controlled substances test;

(B) the applicant receives a confirmed positive alcohol or controlled substances test result;

(C) the applicant refuses to provide written authorization to obtain information from prior employers as required by 49 C.F.R., 382.413; or

(D) the information obtained from a prior employer under 49 C.F.R., 382.413 indicates that, within the preceding two years:

(i) the applicant violated any of the provisions of 49 C.F.R., 382, Subpart B; and

(ii) the applicant failed to complete the requirements for returning to work under 49 C.F.R., 382.605, including an evaluation by a substance abuse professional, a return-to-duty alcohol test, controlled substances test or both, and completion of any rehabilitation or treatment program.

(2) An alcohol test shall be considered "positive" when the alcohol concentration is 0.04 grams of alcohol per 210 liters of breath or greater. However, if the breath alcohol content is 0.02 grams of alcohol or greater and less than 0.04 grams of alcohol, the applicant shall not be allowed to begin performing safety-sensitive functions until a 24-hour period has elapsed, in accordance with 49 C.F.R., 382.505. For purposes of this regulation, "safety sensitive functions" shall be defined as in K.A.R. 1-9-25(c).

(h) In accordance with 49 C.F.R., 40.25(f)(10)(ii)(E), any applicant who receives a confirmed positive result on a controlled substances test may request a retest by the original or a different laboratory on the second half of the

original specimen within 72 hours of being notified of the positive test result.

(i) Any applicant who intentionally tampers with a sample provided for alcohol or controlled substances testing, violates chain-of-custody or identification procedures or falsifies a test result shall have the conditional offer of employment withdrawn and shall be subject to disqualification for all positions in state service in accordance with K.S.A. 75-2940.

(j) If disqualification of an applicant is warranted under subsection (g) of this regulation, the applicant shall be afforded due process in accordance with K.S.A. 75-2940 and K.A.R. 1-6-7.

(k) (1) Individual results and medical information shall be considered confidential and shall not be disclosed publicly. Each applicant shall be granted access to the applicant's information upon written request to the director, in accordance with 49 C.F.R., 382.405.

(2)(A) Each agency shall be responsible for maintaining strict security and confidentiality of the alcohol and controlled substances records in that agency. Access to these records shall be restricted to:

(i) the agency personnel officer, the agency appointing authority, the secretary of administration, the director, or any of their respective designees;

(ii) persons in the supervisory chain of command;

(iii) the agency legal counsel; or

(iv) the department of administration legal counsel.

(B) Further access to these records shall not be authorized without the express consent of the director. (Authorized by K.S.A. 1994 Supp. 75-3747, implementing K.S.A. 75-3746, 75-2940, and 75-3707; effective, T-1-1-26-95, Jan. 26, 1995; effective May 30, 1995.)

Article 9.—HOURS; LEAVES; EMPLOYEE-MANAGEMENT RELATIONS

1-9-25. Alcohol and controlled substances test for employees in commercial driver positions. (a) The provisions of 49 C.F.R., Part 382, as in effect on February 15, 1994, and 49 C.F.R. Part 40, as in effect on February 15, 1994, and amendments to Part 40, as published in 59 Fed. Reg. 42,996 (1994), are hereby adopted by reference.

(b) Any employee in a commercial driver position may be required to submit to an alcohol or controlled substances test in accordance with the federal omnibus transportation employees act of 1991, 49 U.S.C. Appx. § 2717, based upon reasonable suspicion of illegal controlled substance use or alcohol abuse by that employee or for the purposes of random testing, post-accident testing, return-to-duty testing or follow-up testing.

(c) For the purposes of this regulation, "safety-sensitive functions" means any duty required of an employee in a commercial driver position during the following periods:

(1) all time spent waiting to be dispatched at a state plant, terminal, facility or other state property or on any public property, unless the driver has been relieved from duty by the agency.

(2) all time spent inspecting equipment as required by 49 C.F.R., 392.7 and 392.8, as in effect on February 15, 1994, or otherwise inspecting, servicing or conditioning any commercial motor vehicle at any time.

(3) all driving time as defined in 49 C.F.R., 395.2 as in effect on February 15, 1994.

(4) all time, other than driving time, spent in or upon any commercial motor vehicle, except time spent resting in a sleeper berth;

(5) all time spent loading or unloading a vehicle, supervising or assisting in the unloading or loading, attending a vehicle being loaded or unloaded, remaining in readiness to operate the vehicle, or in giving or receiving receipts for shipments loaded or unloaded;

(6) all time spent performing the driver requirements relating to accidents as set out in 49 C.F.R., 392.40 and 392.41, as in effect on February 15, 1994; and

(7) all time repairing, obtaining assistance or remaining in attendance upon a disabled vehicle.

(d)(1) Each agency shall require each of its employees in commercial driver positions to submit to an alcohol or a controlled substances test when the agency has reasonable suspicion of illegal controlled substance use or alcohol abuse by that employee. Reasonable suspicion shall be based on a judgment which is supported by specific, contemporaneous, articulable observations regarding the employee's behavior, appearance, speech or body odor. Such testing may be conducted:

(A) only if the observations are made by a supervisor or other state official trained in accordance with 49 C.F.R., 382.603; and

(B) for alcohol testing, only if the observations are made during, just preceding or just after the period of the work day in which the employee is performing a safety-sensitive function.

(2) Each employee in a commercial driver position shall be subject to random testing for alcohol and controlled substances. Random testing for alcohol and controlled substances shall be unannounced and each employee in a commercial driver position shall have an equal chance of being selected for testing each time selections for testing are made. The number of employees selected for random testing each year shall be based on the percentage established by the federal highway administration under 49 C.F.R., 382.305. The process used to randomly select employees to be tested shall be a scientifically valid method. Random alcohol testing shall be conducted only during, just preceding or just after the period of the work day in which the employee is performing a safety-sensitive function.

(3) (A) Each employee in a commercial driver position who is involved in an accident shall be tested for alcohol and controlled substances if:

(i) the employee was performing a safety-sensitive function with respect to the vehicle and the accident involved the loss of human life; or

(ii) the employee was issued a citation under state or local law for a moving traffic violation arising from the accident. The post-accident testing shall be performed as soon as practicable following the accident.

(B) For purposes of this regulation, an accident is defined as an incident involving a commercial motor vehicle in which there is either a fatality, an injury treated away from the scene or a vehicle which is required to be towed from the scene.

(C) The driver shall remain available for testing and refrain from consuming alcohol for eight hours or until the driver undergoes a post-accident alcohol test. If the driver is not available, the agency may consider the driver to have refused to be tested. If the alcohol test is not administered within two hours following the accident, the employer shall maintain on file a record stating the reasons the test was not promptly administered. If the alcohol test is not administered within eight hours, the agency shall cease attempts to administer the test and shall prepare and maintain the same record. If the controlled substances test is not administered within 32 hours, the agency shall cease attempts to administer the test and shall prepare and maintain on file a record stating the reasons the test was not promptly administered.

(4) Each employee who is in a commercial driver position and who has violated one or more of the provisions of 49 C.F.R., Part 382, Subpart B, shall not return to duty requiring the performance of a safety-sensitive function until the employee undergoes a return-to-duty alcohol test with results indicating an alcohol breath content of less than 0.02 grams of alcohol per 210 liters of breath, a controlled substances test with a verified negative result, or both as appropriate.

(5) Each employee in a commercial driver position who violates one or more of the provisions of 49 C.F.R., Part 382, Subpart B, and who is identified by a substance abuse professional as needing assistance in resolving problems associated with alcohol or controlled substances, shall be subject to unannounced follow-up controlled substances testing, alcohol testing or both following the employee's return to duty. Such follow-up testing shall consist of at least six tests in the first 12 months following the driver's return to duty. Alcohol testing shall only be performed prior to, immediately after or while performing a safety-sensitive function.

(e) State agencies may ask a current employee in a commercial driver position to submit to alcohol and controlled substances tests under the provisions of paragraphs (d)(1) through (5) as a condition of employment. Refusal to comply with these requirements shall be considered the equivalent of receiving a confirmed positive result for referral or disciplinary actions.

(f)(1) Each employee required to submit to alcohol or controlled substances tests shall be notified of that requirement in writing. Each employer shall provide each current employee in a commercial driver position detailed materials containing information identified below in paragraph (f)(2). These materials shall be provided prior to the start of alcohol and controlled substances testing by the agency, and to each employee subsequently hired or transferred into a commercial driver position.

(2) The information provided to each employee in a commercial driver position shall include:

(A) the identity of the person designated by the agency to answer drivers' questions about the materials;

(B) the categories of drivers who are subject to the provisions of this regulation;

(C) sufficient information about the safety-sensitive functions performed by those drivers to make clear which

(continued)

periods of the work day the driver is required to be in compliance with this regulation;

(D) specific information concerning driver conduct that is prohibited by this regulation and Subpart B of 49 C.F.R., Part 382;

(E) the circumstances under which a driver will be tested for alcohol or controlled substances under this regulation;

(F) the procedures that will be used to test for the presence of alcohol and controlled substances, protect the driver and the integrity of the testing processes, safeguard the validity of the test results, and ensure that those results are attributed to the correct driver;

(G) the requirement that each driver submit to alcohol and controlled substances tests administered in accordance with this regulation;

(H) an explanation of what constitutes a refusal to submit to an alcohol or controlled substances test and the attendant consequences;

(I) the consequences for drivers found to have violated C.F.R., 382, subpart B, including the requirement that the driver be removed immediately from safety-sensitive functions, and the referral, evaluation and treatment procedures under 49 C.F.R., 382.605;

(J) the consequences for drivers found to have an alcohol concentration of 0.02 grams per 210 liters of breath or greater but less than 0.04 grams;

(K) information regarding post-accident procedures and instructions necessary for the employee to be able to comply with the post-accident testing requirements; and

(L) information concerning:

(i) the effects of alcohol and controlled substances use on an individual's health, work, and personal life;

(ii) signs or symptoms of an alcohol or a controlled substances problem, whether the driver's own problem or that of a co-worker; and

(iii) available methods of intervening when an alcohol or a controlled substances problem is suspected, including confrontation, referral to the state employee assistance program, referral to management, or a combination of these steps.

(g) Procedures and testing personnel used in collecting, analyzing, and evaluating test samples shall meet the standards established by the director in accordance with 49 C.F.R., Part 40.

(h) In accordance with 49 C.F.R., 40.25(f)(10)(ii)(E), any employee who receives a confirmed positive result on a controlled substances test may request a retest by the original or a different laboratory on the second half of the original specimen within 72 hours of being notified of the positive test result.

(i) (1) An alcohol test shall be considered "positive" when the alcohol concentration is 0.04 grams of alcohol per 210 liters of breath or greater. However, if the breath alcohol content is 0.02 grams of alcohol per 210 liters of breath or greater and less than 0.04 grams of alcohol, the employee shall not be allowed to perform safety-sensitive functions until a 24-hour period has elapsed, in accordance with 49 C.F.R., 382.505. The agency shall not take action against the employee based solely on a test required by 49 C.F.R., Part 382 with a test result of less than 0.04 grams of alcohol.

(2) A permanent employee who receives a confirmed "positive" controlled substances test result or an alcohol test result with a concentration of 0.04 or greater or who violates any provision of 49 C.F.R., Part 382, Subpart B shall be removed from safety-sensitive functions until the employee has:

(A) been evaluated by a substance abuse professional;

(B) completed treatment, if required by the substance abuse professional; and

(C) taken a return-to-duty alcohol test, controlled substances test or both, as determined by the substance abuse professional, with results below 0.02 grams of alcohol per 210 liters of breath and a negative result for controlled substances.

(3) An employee shall not be subject to dismissal solely on the basis of a confirmed positive test result or a violation of any other provision of 49 C.F.R., 382, Subpart B if the employee has not previously had a confirmed positive result or the equivalent or other violation and the employee successfully completes an appropriate and approved alcohol and controlled substance assessment and any recommended education or treatment program, as provided in paragraph (i)(2). However, the employee shall be subject to dismissal in accordance with K.S.A. 75-2949f if the employee has previously had a confirmed "positive" result or the equivalent or other violation or if the employee fails to successfully complete an appropriate and approved alcohol and controlled substance assessment and recommended education and treatment program as prescribed by the substance abuse professional. This regulation shall not preclude the agency appointing authority from proposing disciplinary action in accordance with K.S.A. 75-2949d and K.A.R. 1-10-8 for other circumstances that occur in addition to a confirmed "positive" result and which are normally grounds for discipline.

(4) Any probationary employee who violates any provision of 49 C.F.R., Part 382, Subpart B and any employee who is on probation, other than for a promotional appointment, at the time the employee was given written notice of an appointment for an alcohol or controlled substances test and who has a confirmed positive result shall be subject to dismissal pursuant to K.A.R. 1-10-8.

(j) Any employee who intentionally tampers with a sample provided for alcohol or controlled substances testing, violates chain-of-custody or identification procedures or falsifies a test result shall be subject to dismissal pursuant to K.S.A. 75-2949f.

(k) If disciplinary action is warranted under the provisions of this regulation, the employee shall be afforded due process in accordance with K.S.A. 75-2949 and K.A.R. 1-10-6, if a permanent employee, and in accordance with K.A.R. 1-10-8, if a probationary employee.

(l) (1) Individual results and medical information shall be considered confidential and shall not be disclosed publicly. Each employee shall be granted access to the employee's information upon written request to the director, in accordance with 49 C.F.R., 382.405.

(2) (A) Each agency shall be responsible for maintaining strict security and confidentiality of the alcohol and controlled substances records in that agency. Access to these records shall be restricted to:

(i) the agency personnel officer, the agency appointing authority, the secretary of administration, the director, or any of their respective designees;

(ii) persons in the supervisory chain of command;

(iii) the agency legal counsel; or

(iv) the department of administration legal counsel.

(B) Further access to these records shall not be authorized without the express consent of the director. (Authorized by K.S.A. 1994 Supp. 75-3747, implementing K.S.A. 75-3746 and 75-3707; effective, T-1-1-26-95, Jan. 26, 1995; effective May 30, 1995.)

1-9-26. Pre-duty alcohol and controlled substances testing for employees in positions assigned commercial driver functions. (a) The provisions of 49 C.F.R., Part 382, as in effect on February 15, 1994, and 49 C.F.R. Part 40, as in effect on February 15, 1994, and amendments to Part 40, as published in 59 Fed. Reg. 42,996 (1994), are hereby adopted by reference.

(b) For purposes of this regulation, the term "safety sensitive function" shall be as defined in K.A.R. 1-9-25(c).

(c) When an agency assigns duties to an existing, filled position which would result in the position becoming a commercial driver position, the incumbent employee in the position shall be subject to an alcohol and controlled substances test and the provisions of 49 C.F.R., 382.413 regarding release of alcohol and controlled substances test information by previous employers.

(d) Each employee who is an incumbent in a position to which commercial driver functions are assigned shall be informed of the provisions of subsections (c) and (g) through (i) of this regulation in writing and shall sign a statement agreeing to participate in the testing prior to administration of the tests. Each employee required to submit to alcohol and controlled substances testing under this regulation shall be advised of:

(1) the methods of alcohol and controlled substances testing which may be used;

(2) the substances which may be identified;

(3) the consequences of a refusal to submit to an alcohol and controlled substances test or of a confirmed positive result; and

(4) the reasonable efforts utilized by the state to maintain the confidentiality of results and any medical information which may be provided.

(e) Procedures and testing personnel used in collecting, analyzing, and evaluating test samples shall meet the standards established by the director in accordance with 49 C.F.R., Part 40.

(f) In accordance with 49 C.F.R., 40.25(f)(10)(ii)(E), any employee who receives a confirmed positive result on a controlled substances test may request a retest by the original or a different laboratory on the second half of the original specimen within 72 hours of being notified of the positive test result.

(g) If an incumbent employee fails to participate in the required alcohol and controlled substances test, refuses to sign the written authorization required under subsection (d) of this regulation or refuses to provide written authorization for release of alcohol and controlled substances test information by previous employers, the employee shall not begin performing the safety sensitive

functions. A subsequent refusal to participate in the required testing or to sign the written authorization shall be grounds for discipline under K.S.A. 75-2949f.

(h) (1) If an incumbent employee receives a confirmed positive alcohol or controlled substances test result, the employee shall not perform any safety-sensitive functions until the employee has:

(A) been evaluated by a substance abuse professional;

(B) completed treatment, if required by the substance abuse professional; and

(C) taken a subsequent alcohol test, controlled substances test or both, as determined by the substance abuse professional, with results below 0.02 grams of alcohol per 210 liters of breath and a negative result for controlled substances.

(2) An incumbent employee with permanent status in a position to which commercial driver functions are assigned shall not be subject to dismissal solely on the basis of a confirmed positive test result if the employee successfully completes an appropriate and approved alcohol and controlled substance assessment and any recommended education or treatment program, as provided in paragraph (h)(1). However, the employee shall be subject to dismissal in accordance with K.S.A. 75-2949f if the employee has previously had a confirmed "positive" result or the equivalent or other violation or if the employee fails to successfully complete an appropriate and approved alcohol and controlled substance assessment and recommended education and treatment program as prescribed by the substance abuse professional. This regulation shall not preclude the agency appointing authority from proposing disciplinary action in accordance with K.S.A. 75-2949d and K.A.R. 1-10-8 for other circumstances that occur in addition to a confirmed "positive" result and which are normally grounds for discipline.

(3) Any employee who was on probation, other than for a promotional appointment, at the time the employee was given notice of the assignment of commercial driver functions to the employee's position and written notice of the associated alcohol or controlled substances testing requirement and who has a confirmed positive result shall be subject to dismissal pursuant to K.A.R. 1-10-8.

(4) An alcohol test shall be considered "positive" when the alcohol concentration is 0.04 grams of alcohol per 210 liters of breath or greater. However, if the breath alcohol content is 0.02 grams of alcohol or greater and less than 0.04 grams of alcohol, the applicant shall not be allowed to begin performing safety-sensitive functions until a 24-hour period has elapsed, in accordance with 49 C.F.R., 382.505.

(i) The provisions of paragraphs (h)(1) and (2) relating to a confirmed positive test shall apply if the information obtained from a prior employer under 49 C.F.R., 382.413 indicates that, within the preceding two years:

(1) the employee violated any of the provisions of 49 C.F.R., 382, Subpart B; and

(2) the employee failed to complete the requirements for returning to work under 49 C.F.R., 382.605, including an evaluation by a substance abuse professional, a return-to-duty alcohol test, controlled substances test or both,

(continued)

and completion of any rehabilitation or treatment program prescribed by the substance abuse professional.

(j) Any employee who intentionally tampers with a sample provided for alcohol or controlled substances testing, violates chain-of-custody or identification procedures or falsifies a test result shall be subject to dismissal pursuant to K.S.A. 75-2949f.

(k) If disciplinary action is warranted based on the provisions of this regulation, the employee shall be afforded due process in accordance with K.S.A. 75-2949 and K.A.R. 1-10-6, if a permanent employee, and in accordance with K.A.R. 1-10-8, if a probationary employee.

(l) (1) Individual results and medical information shall be considered confidential and shall not be disclosed publicly. Each employee shall be granted access to the employee's information upon written request to the director, in accordance with 49 C.F.R., 382.405.

(2)(A) Each agency shall be responsible for maintaining strict security and confidentiality of the alcohol and controlled substance records in that agency. Access to these records shall be restricted to:

(i) the agency personnel officer, the agency appointing authority, the secretary of administration, the director, or any of their respective designees;

(ii) persons in the supervisory chain of command;

(iii) the agency legal counsel; or

(iv) the department of administration legal counsel.

(B) Further access to these records shall not be authorized without the express consent of the director. (Authorized by K.S.A. 1994 Supp. 75-3747, implementing K.S.A. 75-3746 and 75-3707; effective, T-1-1-26-95, Jan. 26, 1995; effective May 30, 1995.)

Sheila Frahm
Secretary of Administration

Doc. No. 016125

State of Kansas

Behavioral Sciences Regulatory Board

Permanent Administrative Regulations

Article 1.—CERTIFICATION OF PSYCHOLOGISTS

102-1-4. Examinations. (a) Prior to the issuance of a license, each applicant for licensure shall have passed an examination. The pass criterion score shall be 70 percent correct. Each applicant shall be notified of the results in writing.

(b) The standard examination shall be a written examination. A written examination may be waived and an oral examination procedure substituted when:

(1) a license has been revoked or suspended and relicensure is requested; or

(2) an applicant is unable to take the written examination because one or more physical handicaps preclude completion of the written examination, or may severely affect the applicant's performance.

(c) For oral examinations, the board may contract collectively or individually with a panel of licensed psychologists to conduct the oral examination and make rec-

ommendations to the board, based on the performance evaluation of the applicant.

(d) Oral examinations shall include assessment of:

(1) effectiveness and clarity of expression;

(2) knowledge and skills in the area in which the applicant is otherwise qualified to offer psychological services;

(3) knowledge and awareness of ethical issues and problems in the professional area of emphasis and for psychologists in general; and

(4) knowledge of general psychology.

(e) All oral examinations shall be recorded verbatim.

(f) The pass or fail decision shall be based on a review of the recommendation of the oral examining panel and review of the verbatim recordings, when necessary.

(g) Any applicant, other than an applicant for reinstatement of a revoked or suspended license, may be exempt from taking the written examination if:

(1) the applicant successfully passed the written portion of an examination taken in another jurisdiction at a level equal to or greater than the criterion pass score; or

(2) the applicant:

(A) has been continuously licensed or certified at the doctoral level since implementation of, or under the grandfathering provisions of, the certification or licensure law in the applicant's state;

(B) has been employed as a psychologist full-time at least for five years; and

(C) has never taken the examination. (Authorized by K.S.A. 74-7507; implementing K.S.A. 74-5310, K.S.A. 74-5311, and K.S.A. 74-7507; effective May 1, 1982; amended May 1, 1984; amended, T-85-35, Dec. 19, 1984; amended May 1, 1985; amended May 1, 1986; amended May 1, 1987; amended May 30, 1995.)

102-1-5. Professional endorsements and supervision. (a) Endorsements. As a part of the application process, each applicant shall submit the names of four persons who are licensed, certified, licensable, or certifiable at the doctoral level, in that person's state, to engage in the practice of psychology and who can attest to the applicant's previous supervised experience, previous and current professional work, and compliance with the ethical standards. The applicant shall submit the name of at least one psychologist who is able to attest to the applicant's post-doctoral experience. The board may request the submission of names of additional references. The attesting persons shall use forms supplied by the board. Members of the board shall not serve as endorsers unless they supervised the applicant.

(b) Supervision and professional experience requirements. An applicant for licensure shall demonstrate completion of two years of supervised experience in the practice of psychology, one year of which may be pre-doctoral supervised experience and one year of which shall be post-doctoral supervised experience. Each applicant shall submit the name of one or more persons who provided supervision and can verify the applicant's supervised experience in the practice of psychology.

(1) Only professional practice in an organized public or private setting, institution or organization which provided the applicant an opportunity for contact with other

disciplines, and an opportunity to utilize a variety of theories and to work with a broad range of populations and techniques shall be recognized by the board as supervised professional experience. Pre-doctoral internships or residencies, assistantships, associateships, or involvement in practicums may constitute up to one year supervised "professional experience" in the practice of psychology.

(2) Each applicant shall have been directly supervised by and under the guidance of a person who is licensed, certified, licensable, or certifiable at the doctoral level in that person's state to engage in the practice of psychology and who has had two years of experience beyond the supervisor's certification or licensure date or eligibility date in the emphasis area for which the supervision was given.

(3) Each applicant's supervised experience in psychology shall have been consistent with the applicant's educational background and with the area of emphasis in which the applicant intends to offer services to the public. At least half of the applicant's supervised experience shall have been relevant to the applicant's emphasis area.

(4) The supervisor shall have provided a minimum of one hour of individual supervision for every 40 hours of professional experience of the applicant. In the applied emphasis areas of clinical, counseling, school, and industrial and organizational psychology, one hour of supervision shall have been provided for every 20 hours of direct patient or client contact provided by the applicant.

(5) The supervisor shall be available to the applicant at the points of decision-making regarding diagnosis and treatment of clients or patients. The supervisor's relationship with the applicant shall be clearly differentiated from that of consultant.

(6) The supervisor shall not have a familial relationship with the applicant.

(7) The supervisor shall not be under a supervisory agreement with the board. This provision may be waived by the board upon application for review by the proposed supervisor.

(c) The supervisor shall submit information which will enable the board to evaluate the extent and quality of the candidate's supervised practice and to assign credit for that practice.

(d) The supervised practice time during which the applicant has received an unsatisfactory rating from the supervisor shall not be credited toward the required supervised practice hours as required by K.S.A. 74-5310. (Authorized by K.S.A. 74-5314; implementing K.S.A. 74-5314 and K.S.A. 74-5317; effective May 1, 1982; amended May 1, 1984; amended, T-85-35, Dec. 19, 1984; amended May 1, 1985; amended May 1, 1987; amended May 30, 1995.)

Article 4.—MASTERS LEVEL PSYCHOLOGISTS

102-4-1. Definitions. (a) "RMLP" means a registered masters level psychologist.

(b) "Client" or "patient" means a person who is a direct recipient of diagnostic, consultative or therapeutic psychological services.

(c) "Termination of a psychologist-client or psychologist-patient relationship" means to end the relationship by:

- (1) either the mutual consent of parties;
- (2) the completion of treatment;
- (3) dismissal of the RMLP; or
- (4) transfer or referral of the client to another professional for active treatment or therapy.

(d) "Under the direction" means professional monitoring and oversight of psychological services sufficient to ensure the welfare of clients or patients, to include regular periodic evaluation of treatment provided to client or patient.

(e) "Supervision" means individual guidance, direction and oversight in relation to the practice of psychology.

(f) "Consultant" means an individual who provides professional information or advice, but who has no professional authority over or responsibility for the applicant's supervised practice of psychology.

(g) "Continuing education" means programs or activities that are designed to enhance the RMLP's level of knowledge, skill, and ability to practice psychology. These programs shall have content clearly related to enhancement of psychology practice, values and knowledge. Continuing education credits shall not be used as a substitute for basic professional education preparation as defined in K.A.R. 102-4-3.

(h) "Licensed community mental health center or affiliate" means an agency or its affiliate as defined by K.S.A. 75-3307c.

(i) "Alternate psychology supervisor" means a person whose education is in substantial compliance with K.S.A. 74-5363(b)(2) and who has had at least 2 years experience in the practice of psychology.

(j) "Cooperating agency" means a public or private agency, institution or organization which provides psychological services and which has a prior agreement with an academic institution to participate in a practicum, internship or residency program in compliance with the requirements of K.A.R. 102-4-6(b).

(k) "Practice of psychology" means the application of established principles of learning, motivation, perception, thinking and emotional relationships to problems of behavior adjustment, group relations and behavior modification, by persons trained in psychology. The application of such principles includes, but is not restricted to:

(1) counseling and the use of psychological remedial measures with persons, in groups or individually, having adjustment or emotional problems in the areas of work, family, school and personal relationships;

(2) measuring and testing personality, intelligence, aptitudes, public opinion, attitudes and skills;

(3) the teaching of such subject matter; and

(4) the conduct of research on problems relating to human behavior, except that in all cases involving the care of the sick and ill as defined by the laws of this state, the primary responsibility devolves upon those licensed under the Kansas healing arts act.

(l) "Dual relationship" means a professional relationship with a client or patient when the objectivity or competency of the licensee or registrant is impaired because of the following present or previous relationships of the licensee or registrant:

(continued)

- (1) familial;
- (2) social;
- (3) sexual;
- (4) emotional;
- (5) financial;
- (6) supervisory;
- (7) administrative; or
- (8) legal.

(m) "Undue influence" includes, but is not limited to, promoting sales of services, goods, equipment or drugs in a manner that exploits another person for the financial gain, personal gratification or advantage of the RMLP or a third party.

(n) "Misfeasance" means the improper performance of a lawful act by a licensee or registrant.

(o) "Nonfeasance" means the omission of an act that a licensee or registrant should do.

(p) "Malfeasance" means doing an act a licensee or registrant should not do. (Authorized by and implementing K.S.A. 74-5370; effective, T-102-2-23-89, Feb. 23, 1989; effective April 3, 1989; amended May 30, 1995.)

102-4-4. Application for registration. (a) Each request for registration application forms shall be forwarded to the board's executive director. Each completed registration application form shall be returned to the board and shall include:

(1) The applicant's academic graduate transcripts and proof of receipt of graduate degrees. This proof shall be provided directly to the board by the academic institution;

- (2) documentation of academic background form; and
- (3) full payment of the appropriate fee.

(b) Evidence that the applicant meets the employment requirement of K.S.A. 74-5363(b)(4) shall be provided to the board by the applicant's employer or prospective employer.

(c) Any application may, for lack of qualifications, be suspended for a period not to exceed one year. If the applicant has not met the qualifications by the end of that year, the application shall expire. Upon expiration, an application may be renewed when the applicant submits a new application, fee, and all supporting documents.

(d) Transcripts from outside the United States. All applicants who are graduates of colleges and universities from outside the United States shall submit their official transcripts, an officially translated English copy of those transcripts, supporting documents, and, where necessary, an officially translated English copy of the graduate thesis or doctoral dissertation. The transcript shall be translated by a source or in a manner that is acceptable to the board. (Authorized by K.S.A. 74-5370; implementing K.S.A. 74-5363, K.S.A. 74-5366; and K.S.A. 74-5367; effective, T-102-2-23-89, Feb. 23, 1989; effective April 3, 1989; amended Feb. 25, 1991; amended May 30, 1995.)

102-4-5. Unprofessional conduct. (a) If the board finds a registered master level psychologist guilty of unprofessional conduct, the board may revoke, suspend, limit, or refuse to issue or renew the master level psychologist's registration.

(b) The following acts shall be evidence of unprofessional conduct:

- (1) Knowingly engaging in fraudulent or misleading advertising;
- (2) practicing psychology in an incompetent manner;
- (3) misrepresenting professional competency by offering to perform services that are clearly unwarranted on the basis of education, training, or experience;
- (4) being convicted of a crime resulting from or relating to the registrant's professional practice of psychology;
- (5) reporting distorted, erroneous, or misleading psychological information;
- (6) taking credit for work not personally performed;
- (7) providing psychological services while using alcoholic beverages or drugs in an abusive manner;
- (8) failing to obtain written, informed consent from any client, patient or the legal representative of the client or patient before:
 - (A) electronically recording sessions with any client or patient;
 - (B) releasing information to a third party concerning any client or patient except as permitted or required by law; or
 - (C) permitting a third-party observation of a client's or a patient's psychological treatment;
- (9) revealing information, a confidence or a secret of any person except as provided in K.S.A. 74-5372 and amendments thereto;
- (10) failing to protect the confidences or information concerning other persons contained in a client's or patient's records, except as provided in K.S.A. 74-5372 and amendments thereto;
- (11) failing to exercise due diligence in protecting information, confidences and secrets of any client, patient, supervisee or student of the master level psychologist from disclosure by employees, associates and others whose services are utilized by the master level psychologist;
- (12) if engaged in research, failing to:
 - (A) consider carefully the possible consequences for human beings participating in the research;
 - (B) protect each participant from unwarranted physical or mental harm;
 - (C) obtain the written, voluntary and informed consent of the participant; and
 - (D) treat information obtained as confidential;
- (13) engaging in a dual relationship with, making sexual advances toward, engaging in sexual activities with or exercising undue influence over any client, patient, supervisee or student of the master level psychologist;
- (14) engaging in a dual relationship with, making sexual advances toward, engaging in sexual activities with or exercising undue influence over any person who has been a client or patient within two years after termination of the psychological relationship;
- (15) failing to advise and explain to any client or patient the joint rights, responsibilities and duties involved in the psychological relationship;
- (16) failing to provide any client or patient with a description of what the client or patient may expect in the way of tests, consultation, reports, fees, billing, therapeutic regimen, or schedule, or failing to reasonably comply with the description;

(17) failing to provide any client or patient with a description of possible effects of the proposed treatment when there are clear and established risks to the client or patient;

(18) failing to inform any client or patient of any financial interests that might accrue to the master level psychologist from referral to any other service or from the use of any tests, books, or apparatus;

(19) failing to inform each client, patient, supervisee or student of the limits of disclosure of information, the purposes for which information is obtained, and how it may be used;

(20) refusing to cooperate in a timely manner with any request for a response or assistance from the board with the investigation of any report of an alleged violation filed against the master level psychologist, any applicant or any professional licensed or registered by the board. Any person taking longer than 30 days to provide the requested response, information or assistance shall have the burden of demonstrating that the person has acted in a timely manner;

(21) impersonating another person holding a license or registration issued by this board;

(22) knowingly allowing another person to use one's registration;

(23) furthering the application for master level psychology registration of another person known by the master level psychologist to be unqualified with respect to the applicant's experience, education or other relevant attributes;

(24) knowingly aiding or abetting anyone who is not a registered master level psychologist who represents himself or herself as a master level psychologist;

(25) failing to notify the board within a reasonable time that the master level psychologist has reason to believe or has knowledge, not obtained in the context of confidentiality, that any person regulated by the board or any person applying for licensure or registration has:

(A) had a license, certificate, permit or registration or other certification granted by any state for the practice of psychology or school psychology, or other practice in the field of behavioral sciences, limited, conditioned, qualified, restricted, suspended, or revoked, or not issued or renewed or voluntarily surrendered;

(B) been subject to any other disciplinary action by a licensing or certifying authority or professional association;

(C) been demoted, terminated or suspended from the person's employment for some form of misfeasance, malfeasance, or nonfeasance;

(D) been convicted of a misdemeanor or a felony; or

(E) practiced or taught the registrant's or licensee's profession in violation of the laws or regulations regulating that professional;

(26) directly or indirectly offering, giving, soliciting, receiving, or agreeing to receive any fee or other consideration to or from a third party for the referral of a client or patient or in connection with the performance of professional services;

(27) permitting any person to share in the fees for professional services, other than a partner, employee, an as-

sociate in a professional firm, or a consultant authorized to practice the same profession;

(28) making unsubstantiated claims of professional superiority;

(29) abandoning or neglecting any client or patient under or in need of care without making reasonable arrangements for the continuation of that care;

(30) abandoning employment, under circumstances that seriously impair the delivery of professional care to clients or patients without providing reasonable notice to the employer;

(31) failing to maintain a record for each client or patient that accurately reflects the client's or patient's contact with the master level psychologist. Any master level psychologist who is the owner or custodian of client or patient records shall retain such records for at least two years after the date of termination of the professional relationship unless provided by law;

(32) failing to exercise adequate supervision over anyone with whom the master level psychologist has a supervisory relationship;

(33) guaranteeing that satisfaction or a cure will result from the performance of professional services;

(34) continuing or ordering tests, procedures or treatment facilities not warranted by the needs and preferences of any client or patient;

(35) Failing to terminate the psychologist-client or psychologist-patient relationship when it is apparent that the relationship no longer serves the needs of the client or patient;

(36) treating any client, patient, student, supervisee or colleague in a cruel manner;

(37) discriminating against any client, patient, student, supervisee or colleague on the basis of race, gender, religion, national origin, age or disability;

(38) claiming or using any secret or special method of treatment or diagnostic technique that the master level psychologist refuses to divulge to the board;

(39) representing oneself as a registered master level psychologist in this state or practicing psychology in this state in a setting other than that authorized in K.S.A. 74-5362 and amendments thereto; or

(40) offering or providing services in a work setting other than that permitted by K.S.A. 74-5362 and amendments thereto as an independent or private provider of psychological services. (Authorized by K.S.A. 74-5370; implementing K.S.A. 74-5369; effective, T-102-2-23-89, Feb. 23, 1989; effective April 3, 1989; amended May 30, 1995.)

102-4-6. Verification of academically supervised practicum or postgraduate supervised work experience.

(a) Each applicant for registration as a masters level psychologist shall submit the name of one or more supervisors who can verify that the applicant successfully completed either 750 hours of an academically supervised practicum, internship or residency, or 1500 hours of postgraduate supervised work experience. Verification shall be on forms provided by the board which enable the board to evaluate the extent and quality of the applicant's postgraduate supervised work experience or supervised

(continued)

practicum and to assign credit for such practice. Any supervised practice hours during which the applicant has received an unsatisfactory rating from the supervisor shall not be credited toward the required supervised practice hours.

(b) In order for the postgraduate supervised work experience hours or the supervised practicum hours to qualify for credit the supervisor or supervisors shall have:

(1) had in full or in part, professional responsibility for the applicant's supervised practice of psychology;

(2) had no familial relationship with the supervisee;

(3) had a supervisory relationship which was clearly differentiated from that of consultant; and

(4) been available at the points of decision-making regarding diagnosis and treatment of clients or patients. In addition, during the time of supervision the supervisor or supervisors shall not have been subject to disciplinary action by the licensing, registering or certifying authority, unless this provision is waived by the board upon prior application by the proposed supervisor.

(c) Registration by completing 750 hours of academically supervised practicum. The applicant shall have successfully completed a supervised practicum, whether titled internship, residency or otherwise, which is within an organized academic program that meets the following requirements.

(1) The practicum shall consist of at least 750 clock hours in the practice of psychology offered by an academic institution through placement at a cooperating agency that provides individual supervision. The practicum shall include diagnosis, remediation techniques, interdisciplinary collaboration and consultation, and experience with a client or patient population presenting a diverse set of problems and backgrounds. However, credit for the practicum shall not include research or teaching experience.

(2) The program shall be directed by an individual who is either licensed or certified to practice psychology in that person's jurisdiction or holds a doctoral degree in psychology.

(3) The program shall place only students who have successfully completed practicum prerequisite graduate courses.

(4) The program shall have an identifiable psychology training staff.

(5) The program shall be an integrated, conceptually-organized entity, not an after-the-fact tabulation of experience.

(6) The program shall stand as a distinct and organized program that is clearly recognizable within an academic institution, as well as in pertinent, public, official documents issued by the institution, as a training program for psychologists.

(7) The program shall ensure that the cooperating agency accepts for psychology practicum placements only those psychology students who are enrolled in a graduate program as defined in K.A.R. 102-4-3.

(8) The program shall ensure that the cooperating agency provides the student with a minimum of one hour of individual supervision for every 10 hours of practicum experience.

(9) The program shall ensure that the cooperating agency provides on site supervision by a person who is licensed, certified or registered to practice psychology or who meets the criteria as an alternate psychology supervisor.

(10) The program shall ensure that the cooperating agency identifies students, interns or residents as being in training and not as staff.

(d) Registration by completing 1500 hours of postgraduate supervised work experience. The applicant shall have successfully completed a term of supervised practice of psychology, other than research or teaching, that meets the following requirements.

(1) The supervised practice shall consist of at least 1500 clock hours in the practice of psychology in an organized public or private-practice setting, agency, institution or organization that provides experience with diagnosis, remediation techniques, interdisciplinary collaboration and consultation, and experience with a client or patient population presenting a diverse set of problems and backgrounds.

(2) The supervised practice shall provide a minimum of one hour of individual supervision for every 40 hours of the practice of psychology by a person who is licensed or certified to practice psychology in the jurisdiction in which the supervised practice occurs, or who has a doctoral degree in psychology and is exempt from licensure or certification requirements. (Authorized by and implementing K.S.A. 74-5370; effective, T-102-2-23-89, Feb. 23, 1989; effective April 3, 1989; amended May 30, 1995.)

102-4-7. (Authorized by K.S.A. 74-5370; implementing K.S.A. 74-5363 and K.S.A. 74-5358; effective, T-102-2-23-89, Feb. 23, 1989; effective April 3, 1989; revoked May 30, 1995.)

102-4-10. Continuing education. (a) Each applicant for renewal of registration shall have completed at least 25 continuing education hours in each two-year renewal period.

(b) One academic semester credit hour shall be equivalent to 15 continuing education hours.

(c) Each continuing education credit counting toward the required 25 hours shall be distributed over the following categories of activities so that at least two categories are represented, and with a maximum of 15 hours in category one, 10 hours in category two, and 10 hours in category three. These categories shall be as follows.

(1) Category one shall include:

(A) activities that are sponsored, accredited or conducted by educational institutions, by professional associations, or by private institutions that are nationally or regionally accredited for training; or

(B) activities conducted by agencies and groups that do not meet the requirements of national or regional accreditation, if the content is clearly related to the enhancement of psychology skills and knowledge.

(2) Category two shall include:

(A) presentation of courses, workshops, or other formal training activities, when the content is clearly related to the enhancement of psychology skills and knowledge. Continuing education credit shall be allowed only for the initial presentation. A maximum of five hours shall be allowed for providing supervision; or

(B) publications and professional presentations. Five hours may be claimed for each publication or book chap-

ter authored by the applicant and five hours may be claimed for each scientific or professional paper presented.

(3) Category three shall include nonsupervised, self-programmed activities. Such activities include:

(A) self-instruction. A maximum of five hours shall be allowed;

(B) participation in quality care, client or patient diagnosis review conferences, treatment utilization reviews, peer review, case consultation with another master level psychologist, or other quality assurance committees or activities. A maximum of five hours shall be allowed in this sub-category;

(C) participation in professional organizations, if the organization's goals are clearly related to the enhancement of psychology values, skills, and knowledge. Participation may include holding office or serving on committees of the organization. A maximum of five hours shall be allowed; and

(D) receiving personal psychotherapy that is provided by a licensed, registered or certified mental health provider. A maximum of five hours shall be allowed for personal therapy.

(d) Each master level psychologist shall be responsible for maintaining personal continuing education records. Forms for the recording of continuing education activities shall be provided by the board and shall be used by the registrant for reporting continuing education activities. Personal records of participation in continuing education activities shall be submitted to the board at a time or at times specified by the board but not later than 60 days prior to the date the current registration expires.

(e) In determining whether a claimed continuing education activity will be allowed, the master level psychologist may be required by the board to demonstrate that the content was clearly related to psychology, or to verify that master level psychologist's participation in any claimed or reported activity. If a master level psychologist fails to comply with this requirement, the claimed credit may be disallowed by the board.

(f) Contractual agreements with sponsors of continuing education activities may be signed by the board.

(g) Each master level psychologist shall complete a program on professional ethics consisting of at least three hours of training. This program shall meet the requirements for inclusion in category one or, with prior approval of the board, in another category. (Authorized by K.S.A. 74-5370; implementing K.S.A. 74-5364; effective, T-102-2-23-89, Feb. 23, 1989; effective April 3, 1989; amended Aug. 13, 1990; amended May 30, 1995.)

Mary Ann Gabel
Executive Director

Doc. No. 016126

State of Kansas

**Department of Wildlife
and Parks**

**Permanent Administrative
Regulations**

Article 4.—BIG GAME

115-4-3. Antelope; legal equipment, taking methods, and general provisions. (a) Hunting equipment for

the taking of antelope during an archery antelope season shall consist of:

(1) bows and arrows:

(A) Each bow shall not be less than 45 pounds pull up to or at full draw.

(B) Each bow shall be hand-drawn.

(C) Each bow shall have no mechanical device that locks the bow at full or partial draw.

(D) Each bow shall be designed to shoot only one arrow at a time.

(E) Each bow shall have no more than 65% let-off.

(F) Each bow shall have no electronic or chemical devices attached to the bow or arrow with the exception of lighted pin sights which may be attached to the front of the bow.

(G) Each arrow used for hunting shall be equipped with a non-barbed broadhead point with all-metal cutting edges; and

(H) Each arrow used for hunting shall be not less than 20 inches in length; and

(2) crossbows as authorized under K.A.R. 115-18-7.

(b) Hunting equipment for the taking of antelope during a firearm antelope season shall consist of:

(1) equipment as authorized in subsection (a);

(2) centerfire rifles that fire a bullet greater than .23 inches in diameter and which are not fully automatic;

(3) muzzleloading rifles and muskets that fire a bullet of .39 inches in diameter or larger and can only be loaded through the front of the firing chamber with separate components;

(4) muzzleloading pistols, 45 caliber or larger, with a barrel length of 10 inches or greater that develop at least 600 foot pounds of energy at the muzzle and can only be loaded through the front of the barrel with separate components. Only conical lead or sabot bullets weighing 210 grains or greater shall be used with muzzleloading pistols;

(5) shotguns, 20 gauge or larger, using only rifled slugs;

(6) centerfire handguns, that fire a bullet greater than .23 inches in diameter, use a cartridge case 1.280 inches or more in length and which are not fully automatic;

(7) only soft point, hollow point or other expanding bullets shall be used with centerfire rifles or centerfire handguns; and

(8) optical scopes with no artificial light.

(c) Hunting equipment for the taking of antelope during a muzzleloader-only firearm season shall consist of:

(1) single barrel, muzzleloading rifles and muskets with iron or peep sights, which fire a bullet of .39 inches in diameter or larger and can only be loaded through the front of the firing chamber with separate components; and

(2) single barrel muzzleloading pistols with iron or peep sights, 45 caliber or larger, with a barrel length of 10 inches or greater that develop at least 600 foot pounds of energy at the muzzle and can only be loaded through the front of the barrel with separate components. Only conical lead or sabot bullets weighing 210 grains or greater shall be used with muzzleloading pistols.

(continued)

(d) Non-electronic calls, lures and decoys, except live decoys, may be used while hunting antelope.

(e) Blinds and stands may be used while hunting antelope.

(f) General provisions:

(1) Removal of the game tag from the permit shall invalidate the permit for hunting. Each permittee shall sign and date the game tag and attach the tag to the carcass immediately following the kill and before moving the carcass from the site of the kill. Except for an antelope taken under an "any antelope" permit, the head shall accompany the carcass while in transit from the site of the kill to the permittee's residence or to a place of processing or preservation.

(2) Any legally acquired antelope meat may be given to and possessed by another, if a written notice that includes the donor's name, address and permit number accompanies the meat.

(3) Each permittee receiving an informational card shall report the results of the hunt within 48 hours after the close of the season.

(4) Archery-only antelope permittees shall not have a firearm in possession while hunting antelope.

(5) Muzzleloader-only antelope permittees shall not have a rimfire or centerfire firearm in possession while hunting antelope.

(6) A permit shall not be transferable.

(7) A permit refund shall be granted only if the permittee dies prior to the opening date of the antelope season for which the permit was issued.

(8) In addition to other penalties prescribed by law, each permit obtained by an individual through false representation, misrepresentation, or in excess of the number of permits authorized by rules and regulations shall be invalid from the date of issuance.

(9) Each applicant shall not submit more than one application for an antelope permit or apply for an archery antelope and a firearm antelope permit in the same calendar year except as authorized in subsection (f)(10).

(10) Any applicant unsuccessful in obtaining a permit through a drawing may apply for any left-over permits or any other permits that are available on an unlimited basis.

(11) In awarding firearm antelope permits, the first priority shall be given to those individuals who have earned the highest number of preference points. Preference points shall be awarded as follows.

(A) One point shall be awarded to an individual for each year the individual is unsuccessful, beginning with the 1991 permit season.

(B) If the individual fails to make at least one application within a period of five consecutive years, all earned points shall be lost.

(C) Once an applicant obtains a permit, either firearm or archery, all earned points shall be lost.

(D) If the number of applicants with the highest preference points exceeds the number of permits for specified units or permit types, then a drawing shall be held to determine the successful applicants.

(12) Landowner-tenants receiving a permit to hunt antelope on their own land shall not be considered to have had an antelope permit for purposes of the preference

point priority system. (Authorized by K.S.A. 32-807 and K.S.A. 1994 Supp. 32-937; implementing K.S.A. 32-807, K.S.A. 1994 Supp. 32-937 and K.S.A. 32-1002; effective April 30, 1990; amended May 27, 1991; amended June 8, 1992; amended June 1, 1993; amended May 30, 1995.)

115-4-5. Deer; legal equipment, taking methods, and general provisions. (a) Hunting equipment for the taking of deer during an archery deer season shall consist of:

(1) bows and arrows:

(A) Each bow shall not be less than 45 pounds pull up to or at full draw.

(B) Each bow shall be hand-drawn.

(C) Each bow shall have no mechanical device that locks the bow at full or partial draw.

(D) Each bow shall be designed to shoot only one arrow at a time.

(E) Each bow shall have no more than 65% let-off.

(F) Each bow shall have no electronic or chemical devices attached to the bow or arrow with the exception of lighted pin sights which may be attached to the front of the bow.

(G) Each arrow used for hunting shall be equipped with a non-barbed broadhead point with all metal cutting edges.

(H) Each arrow used for hunting shall be not less than 20 inches in length; and

(2) crossbows as authorized under K.A.R. 115-18-7.

(b) Hunting equipment for the taking of deer during a firearm deer season shall consist of:

(1) equipment as authorized in subsection (a);

(2) centerfire rifles that fire a bullet greater than .23 inches in diameter and which are not fully automatic;

(3) muzzleloading rifles and muskets that fire a bullet of .39 inches in diameter or larger and that can only be loaded through the front of the firing chamber with separate components;

(4) muzzleloading pistols, 45 caliber or larger, with a barrel length of 10 inches or greater that develop at least 600 foot pounds of energy at the muzzle and can only be loaded through the front of the barrel with separate components. Only conical lead or sabot bullets weighing 210 grains or greater shall be used with muzzleloading pistols;

(5) shotguns, 20 gauge or larger, using only slugs;

(6) centerfire handguns that fire a bullet greater than .23 inches in diameter and use a cartridge case 1.280 inches or more in length and which are not fully automatic;

(7) only soft point, hollow point or other expanding bullets shall be used with centerfire rifles or centerfire handguns; and

(8) optical scopes with no artificial light.

(c) Hunting equipment for the taking of deer during a muzzleloader-only firearm season shall consist of:

(1) single barrel, muzzleloading rifles and muskets with iron or peep sights, which fire a bullet of .39 inches in diameter or larger and can only be loaded through the front of the firing chamber with separate components; and

(2) single barrel, muzzleloading pistols with iron or peep sights, 45 caliber or larger, with a barrel length of

10 inches or greater that develop at least 600 foot pounds of energy at the muzzle and can only be loaded through the front of the barrel with separate components. Only conical lead or sabot bullets weighing 210 grains or greater shall be used with muzzleloading pistols.

(d) Non-electronic calls, lures and decoys, except live decoys, shall be legal.

(e) Blinds and stands may be used while hunting deer.

(f) General provisions:

(1) Removal of the game tag from the permit shall invalidate the permit for hunting. Each permittee shall sign and date the game tag and attach the tag to the carcass immediately following the kill and before moving the carcass from the site of the kill. Except for a deer taken under an "any deer" permit, the head shall accompany the carcass while in transit from the site of the kill to the permittee's residence or to a place of processing or preservation.

(2) Any legally acquired deer meat may be given to and possessed by another, if a written notice that includes the donor's name, address and permit number accompanies the meat.

(3) Each permittee receiving an informational card shall report the results of the hunt no later than 48 hours after the close of the season.

(4) Archery-only deer permittees shall not have a firearm in possession while hunting deer.

(5) Muzzleloader-only deer permittees shall not have a rimfire or centerfire firearm in possession while hunting deer.

(6) A permit or game tag shall not be transferable.

(7) A permit or game tag refund shall be granted only if the permittee dies prior to the opening date of the season for which the permit or game tag was issued.

(8) In addition to other penalties prescribed by law, each permit or game tag obtained by an individual through false representation, misrepresentation, or in excess of the number of permits or game tags authorized by rules and regulations shall be invalid from the date of issuance.

(9) Any individual may apply for special season permits and special season game tags.

(10) In awarding firearm deer permits, the first priority shall be given to those applicants who did not receive a firearm deer permit the previous year. All other firearm deer permit applicants shall be given equal priority.

(11) Landowner-tenants receiving a permit to hunt deer on their own land, permittees receiving a firearm "antlerless only" permit or a deer game tag during the previous regular firearm season, or permittees receiving a firearm deer permit or deer game tag for a special deer season shall not be considered to have had a firearm deer permit during the previous year for purposes of the permit priority system. (Authorized by K.S.A. 32-807 and K.S.A. 1994 Supp. 32-937; implementing K.S.A. 32-807, K.S.A. 1994 Supp. 32-937 and K.S.A. 32-1002; effective April 30, 1990; amended May 27, 1991; amended June 8, 1992; amended June 1, 1993; amended May 30, 1995.)

115-4-6. Deer; management units. (a) High Plains; unit 1: that part of Kansas bounded by a line from the Nebraska-Kansas state line south on federal highway US-

283 to its junction with interstate highway I-70, then west on interstate highway I-70 to the Colorado-Kansas state line, then north along the Colorado-Kansas state line to its junction with the Nebraska-Kansas state line, then east along the Nebraska-Kansas state line to its junction with federal highway US-283, except federal and state sanctuaries.

(b) Smoky Hill; unit 2: that part of Kansas bounded by a line from the Colorado-Kansas state line east on interstate highway I-70 to its junction with state highway K-147, then south on state highway K-147 to its junction with state highway K-4, then west on state highway K-4 to its junction with federal highway US-83, then south on federal highway US-83 to its junction with state highway K-96, then west on state highway K-96 to its junction with the Colorado-Kansas state line, then north along the Colorado-Kansas state line to its junction with interstate highway I-70, except federal and state sanctuaries.

(c) Kirwin-Webster; unit 3: that part of Kansas bounded by a line from the Nebraska-Kansas state line south on state highway K-8 to its junction with federal highway US-36, then east on federal highway US-36 to its junction with federal highway US-281, then south on federal highway US-281 to its junction with interstate highway I-70, then west on interstate highway I-70 to its junction with federal highway US-283, then north on federal highway US-283 to its junction with the Nebraska-Kansas state line, then east along the Nebraska-Kansas state line to its junction with state highway K-8, except federal and state sanctuaries.

(d) Kanopolis; unit 4: that part of Kansas bounded by a line from the interstate highway I-70 and state highway K-147 junction, then east on interstate highway I-70 to its junction with federal highway US-81, then south on federal highway US-81 to its junction with state highway K-4, then west on state highway K-4 to its junction with state highway K-147, then north on state highway K-147 to its junction with interstate highway I-70, except federal and state sanctuaries.

Smoky Hill Weapons' Range; subunit 4a: the following described area shall be designated a subunit of unit 4 and, with approval of air national guard command, the area shall be open for the taking of deer during the firearm season: United States government land lying entirely within the boundaries of the Smoky Hill Weapons Range. Persons hunting in this subunit during the firearm deer season are required to be in possession of a subunit 4a permit and any permits and licenses required by air national guard.

(e) Pawnee; unit 5: that part of Kansas bounded by a line from the state highway K-4 and state highway K-14 junction, then south on state highway K-14 to its junction with federal highway US-50, then west on federal highway US-50 to its junction with federal highway US-183, then northeast and north on federal highway US-183 to its junction with federal highway US-156, then west on federal highway US-156 to its junction with federal highway US-283, then north on federal highway US-283 to its junction with state highway K-4, then east on state highway K-4 to its junction with state highway K-14, except federal and state sanctuaries.

(f) Middle Arkansas; unit 6: that part of Kansas bounded by a line from the state highway K-4 and federal

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highway US-77 junction, then south on federal highway US-77 to its junction with federal highway US-50, then west on federal highway US-50 to its junction with state highway K-14, then north on state highway K-14 to its junction with state highway K-4, then east on state highway K-4 to its junction with federal highway US-77, except federal and state sanctuaries.

(g) Solomon; unit 7: that part of Kansas bounded by a line from the Nebraska-Kansas state line south on federal highway US-81 to its junction with interstate highway I-70, then west on interstate highway I-70 to its junction with federal highway US-281, then north on federal highway US-281 to its junction with federal highway US-36, then west on federal highway US-36 to its junction with state highway K-8, then north on state highway K-8 to its junction with the Nebraska-Kansas state line, then east along the Nebraska-Kansas state line to its junction with federal highway US-81, except federal and state sanctuaries.

(h) Republican; unit 8: that part of Kansas bounded by a line from the Nebraska-Kansas state line south on federal highway US-77 to its junction with state highway K-4, then west on state highway K-4 to its junction with federal highway US-81, then north on federal highway US-81 to its junction with the Nebraska-Kansas state line, then east along the Nebraska-Kansas state line to its junction with federal highway US-77, except federal and state sanctuaries.

Fort Riley; subunit 8a: the following described area shall be designated a subunit of unit 8 and unit 9 and, with approval of Fort Riley command, the area shall be open for the taking of deer during the firearm deer season: United States government land lying entirely within the boundaries of the Fort Riley military reservation. Persons hunting in this subunit during the firearm deer season are required to be in possession of a subunit 8a permit and any permits and licenses required by Fort Riley.

(i) Tuttle Creek; unit 9: that part of Kansas bounded by a line from the Nebraska-Kansas state line, south on federal highway US-75 to its junction with interstate highway I-70, then west on interstate highway I-70 to its junction with federal highway US-77, then north on federal highway US-77 to its junction with the Nebraska-Kansas state line to its junction with federal highway US-75, except federal and state sanctuaries.

(j) Kaw; unit 10: that part of Kansas bounded by a line from the Nebraska-Kansas state line south on federal highway US-75 to its junction with interstate highway I-35, then northeasterly on interstate highway I-35 to its junction with state highway K-150, then east on state highway K-150 to the Missouri-Kansas state line, then north along the Missouri-Kansas state line to its junction with the Nebraska-Kansas state line, then west along the Nebraska-Kansas state line to its junction with federal highway US-75, except federal and state sanctuaries.

Fort Leavenworth; subunit 10a: the following described area shall be designated a subunit of unit 10 and, with approval of Fort Leavenworth command, the area shall be open for the taking of deer during the firearm deer season: United States government land lying entirely within the boundaries of the Fort Leavenworth military reservation. Persons hunting in this subunit during the firearm deer season are required to be in possession of a subunit 10a permit and any permits and licenses required by Fort Leavenworth.

(k) Osage Prairie; unit 11: that part of Kansas bounded by a line from the Oklahoma-Kansas state line north on federal highway US-169 to its junction with state highway K-47, then west on state highway K-47 to its junction with federal highway US-75, then north on federal highway US-75 to its junction with interstate highway I-35, then northeasterly on interstate highway I-35 to its junction with state highway K-150, then east on state highway K-150 to its junction with the Missouri-Kansas state line, then south along the Missouri-Kansas state line to its junction with the Oklahoma-Kansas state line, then west along the Oklahoma-Kansas state line to its junction with federal highway US-169, except federal and state sanctuaries.

(l) Chautauqua Hills; unit 12: that part of Kansas bounded by a line from the Oklahoma-Kansas state line north on federal highway US-169 to its junction with state highway K-47, then west on state highway K-47 to its junction with federal highway US-75, then north on federal highway US-75 to its junction with federal highway US-54, then west on federal highway US-54 to its junction with state highway K-99, then south on state highway K-99 to its junction with federal highway US-160, then west on federal highway US-160 to its junction with state highway K-15, then east and south on state highway K-15 to its junction with the Oklahoma-Kansas state line, then east along the Oklahoma-Kansas state line to its junction with federal highway US-169, except federal and state sanctuaries.

Game Tag Subunit; subunit 12a: that part of Kansas bounded by a line from the Oklahoma-Kansas state line north on federal highway US-169 to its junction with state highway K-47 then west on state highway K-47 to its junction with federal highway US-75, then north on federal highway US-75 to its junction with state highway K-39, then west on state highway K-39 to its junction with state highway K-96, then west on state highway K-96 to its junction with state highway K-99, then south on state highway K-99 to its junction with federal highway US-160, then west on federal highway US-160 to its junction with state highway K-15, then east and south on state highway K-15 to its junction with the Oklahoma-Kansas state line, then east along the Oklahoma-Kansas state line to its junction with federal highway US-169, except federal and state sanctuaries.

(m) Lower Arkansas; unit 13: that part of Kansas bounded by a line from the Oklahoma-Kansas state line north on federal highway US-81 to its junction with state highway K-53, then east on state highway K-53 to its junction with state highway K-15, then southeasterly on state highway K-15 to its junction with the Oklahoma-Kansas state line, then west along the Oklahoma-Kansas state line to its junction with federal highway US-81, except federal and state sanctuaries.

(n) Flint Hills; unit 14: that part of Kansas bounded by a line from the junction of interstate highway I-70 and federal highway US-75, then south on federal highway US-75 to its junction with federal highway US-54, then west on federal highway US-54 to its junction with state highway K-99, then south on state highway K-99 to its junction with federal highway US-160, then west on federal highway US-160 to its junction with federal highway US-77, then north on federal highway US-77 to its junction with interstate highway I-70, then east on interstate

highway I-70 to its junction with federal highway US-75, except federal and state sanctuaries.

(o) Ninnescah; unit 15: that part of Kansas bounded by a line from the Oklahoma-Kansas state line north on state highway K-179 to its junction with state highway K-14, then continuing north on state highway K-14 to its junction with state highway K-42, then west on state highway K-42 to its junction with federal highway US-281, then north on federal highway US-281 to its junction with federal highway US-50, then east on federal highway US-50 to its junction with federal highway US-77, then south on federal highway US-77 to its junction with state highway K-15, then west and northwest on state highway K-15 to its junction with state highway K-53, then west on state highway K-53 to its junction with federal highway US-81, then south on federal highway US-81 to the Oklahoma-Kansas state line, then west along the Oklahoma-Kansas state line to its junction with state highway K-179, except federal and state sanctuaries.

(p) Red Hills; unit 16: that part of Kansas bounded by a line from the Oklahoma-Kansas state line north on federal highway US-283 to its junction with federal highway US-54, then east on federal highway US-54 to its junction with federal highway US-183, then north on federal highway US-183 to its junction with federal highway US-50, then east on federal highway US-60 to its junction with federal highway US-281, then south on federal highway US-281 to its junction with state highway K-42, then east on state highway K-42 to its junction with state highway K-14, then south on state highway K-14 to its junction with state highway K-179, then south on state highway K-179 to the Oklahoma-Kansas state line, then west along the Oklahoma-Kansas state line to its junction with federal highway US-283, except federal and state sanctuaries.

(q) West Arkansas; unit 17: that part of Kansas bounded by a line from the Colorado-Kansas state line east on state highway K-96 to its junction with federal highway US-83, then north on federal highway US-83 to its junction with state highway K-4, then east on state highway K-4 to its junction with federal highway US-283, then south on federal highway US-283 to its junction with federal highway US-156, then east on federal highway US-156 to its junction with federal highway US-183, then south on federal highway US-183 to its junction with federal highway US-54, then southwest on federal highway US-54 to its junction with federal highway US-283, then north on federal highway US-283 to its junction with federal highway US-56, then southwest on federal highway US-56 to its junction with state highway K-144, then west on state highway K-144 to its junction with federal highway US-160, then continuing west on federal highway US-160 to the Colorado-Kansas state line, then north along the Colorado-Kansas state line to its junction with state highway K-96, except federal and state sanctuaries.

(r) Cimarron; unit 18: that part of Kansas bounded by a line from the Colorado-Kansas state line east on federal highway US-160 to its junction with state highway K-144, then east on state highway K-144 to its junction with federal highway US-56, then east on federal highway US-56 to its junction with federal highway US-283, then south on federal highway US-283 to its junction with the Oklahoma-Kansas state line, then west along the Oklahoma-Kansas state line to its junction with the Colorado-Kansas state line, then north along the

Colorado-Kansas state line to its junction with federal highway US-160, except federal and state sanctuaries. (Authorized by K.S.A. 32-807; implementing K.S.A. 32-807 and K.S.A. 32-937; effective April 30, 1990; amended June 8, 1992; amended June 1, 1993; amended June 13, 1994; amended May 30, 1995.)

115-4-7. Elk; legal equipment, taking methods, and general provisions. (a) Hunting equipment for the taking of elk during an archery elk season shall consist of bows and arrows.

(1) Each bow shall not be less than 50 pounds pull up to or at full draw.

(2) Each bow shall be hand-drawn.

(3) Each bow shall have no mechanical device that locks the bow at full or partial draw.

(4) Each bow shall be designed to shoot only one arrow at a time.

(5) Each bow shall have no more than 65% let-off.

(6) Each bow shall have no electronic or chemical devices attached to the bow or arrow with the exception of lighted pin sights which may be attached to the front of the bow.

(7) Each arrow used for hunting shall be equipped with a nonbarbed broadhead point with all metal cutting edges.

(8) Each arrow used for hunting shall be not less than 20 inches in length.

(b) Hunting equipment for the taking of elk during a firearm elk season shall consist of:

(1) equipment as authorized in subsection (a);

(2) centerfire rifles that fire a bullet greater than .25 inches in diameter, use a cartridge (case and bullet) greater than two and one-half inches in length, and are not fully automatic;

(3) muzzleloading rifles and muskets that fire a bullet of .49 inches in diameter or larger and can only be loaded through the front of the barrel with separate components;

(4) only soft point, hollow point or other expanding bullets shall be used with centerfire rifles; and

(5) optical scopes with no artificial light.

(c) Hunting equipment for the taking of elk during a muzzleloader-only firearm season shall be single barrel, muzzleloading rifles and muskets with iron or peep sights, which fires a bullet of .49 inches in diameter or larger and that can only be loaded through the front of the barrel with separate components.

(d) Non-electronic calls, lures and decoys, except live decoys, shall be legal.

(e) Blinds and stands may be used while hunting elk.

(f) General provisions.

(1) Removal of the game tag from the permit shall invalidate the permit for hunting. Each permittee shall sign and date the game tag and attach the tag to the carcass immediately following the kill and before moving the carcass from the site of the kill. Except for an elk taken under an "any elk" permit, the head shall accompany the carcass while in transit from the site of the kill to the permittee's residence or to a place of processing or preservation.

(2) Any legally acquired elk meat may be given to and possessed by another, if a written notice that includes the donor's name, address and permit number accompanies the meat.

(continued)

(3) Each permittee receiving an informational card shall report the results of the hunt no later than 48 hours after the close of the season.

(4) Archery-only elk permittees shall not have a firearm in possession while hunting elk.

(5) Muzzleloader-only elk permittees shall not have a rimfire or centerfire firearm in possession while hunting elk.

(6) A permit shall not be transferable.

(7) A permit refund shall be granted only if the permittee dies prior to the opening date of the season for which the permit was issued.

(8) In addition to other penalties prescribed by law, each permit obtained by an individual through false representation, misrepresentation, or in excess of the number of permits authorized by rules and regulations shall be invalid from the date of issuance.

(9) Each applicant shall only apply for or obtain either an archery elk permit or a firearm elk permit in the same calendar year.

(10) An individual receiving an elk hunting permit shall not be eligible to apply for or receive an elk hunting permit in subsequent seasons with the following exceptions:

(A) Any individual receiving an elk or a bull only elk hunting permit may apply for and be eligible to receive an antlerless only elk permit in subsequent seasons; and

(B) Any individual receiving an antlerless only elk hunting permit shall not be eligible to apply for or receive an antlerless only elk hunting permit for a five-year period thereafter. However, such an individual may apply for and shall be eligible to receive an any elk or bull only elk hunting permit without a waiting period. (Authorized by K.S.A. 32-807 and K.S.A. 1994 Supp. 32-937; implementing K.S.A. 32-807, K.S.A. 1994 Supp. 32-937 and K.S.A. 32-1002; effective April 30, 1990; amended May 27, 1991; amended June 8, 1992; amended June 1, 1993; amended June 13, 1994; amended May 30, 1995.)

115-4-8. Big game; clothing requirements. (a) Each individual hunting deer or elk during a firearms deer or elk season and each individual assisting an individual hunting deer or elk as authorized by K.A.R. 115-4-12 during a firearms or elk season shall wear clothing of a bright orange color having a predominant lightwave length of 595-605 nanometers, commonly referred to as daylight fluorescent orange, hunter orange, blaze orange or safety orange.

(b) The bright orange color shall be worn as follows:

(1) a hat with the exterior of not less than 50 percent of the bright orange color, an equal portion of which is visible from all directions;

(2) a minimum of 100 square inches of the bright orange color on the front of the torso; and

(3) a minimum of 100 square inches of the bright orange color on the back of the torso. (Authorized by K.S.A. 32-807; implementing K.S.A. 32-807 and K.S.A. 32-1015; effective, T-115-9-26-89, Sept. 26, 1989; effective Oct. 30, 1989; amended May 30, 1995.)

John Strickler
Acting Secretary of Wildlife
and Parks

Doc. No. 016124

State of Kansas

Secretary of State

I, Ron Thornburgh, Secretary of State of the State of Kansas, do hereby certify that the following bills are correct copies of the original enrolled bills now on file in my office.

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

Ron Thornburgh
Secretary of State

(Published in the Kansas Register April 13, 1995.)

HOUSE BILL No. 2246

AN ACT concerning the state board of pharmacy; grounds for disciplinary actions; costs of proceedings; amending K.S.A. 65-1627h, 65-1655 and 74-1606 and K.S.A. 1994 Supp. 65-1627 and 65-1658 and repealing the existing sections.

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

Section 1. K.S.A. 1994 Supp. 65-1627 is hereby amended to read as follows: 65-1627. (a) The board may revoke, suspend, place in a probationary status or deny a renewal of any license of any pharmacist upon a finding that:

(1) The license was obtained by fraudulent means;

(2) the licensee has been convicted of a felony and the licensee fails to show that the licensee has been sufficiently rehabilitated to warrant the public trust;

(3) the licensee is found by the board to be guilty of unprofessional conduct or professional incompetency;

(4) the licensee is addicted to the liquor or drug habit to such a degree as to render the licensee unfit to practice the profession of pharmacy;

(5) the licensee has violated a provision of the federal or state food, drug and cosmetic act, the uniform controlled substances act of the state of Kansas, or any rule and regulation adopted under any such act;

(6) the licensee is found by the board to have filled a prescription not in strict accordance with the directions of the practitioner;

(7) the licensee is found to be mentally or physically incapacitated to such a degree as to render the licensee unfit to practice the profession of pharmacy;

(8) the licensee has violated any of the provisions of the pharmacy act of the state of Kansas or any rule and regulation adopted by the board pursuant to the provisions of such pharmacy act;

(9) the licensee has failed to comply with the requirements of the board relating to the continuing education of pharmacists;

(10) the licensee as a pharmacist in charge or consultant pharmacist under the provisions of subsection (c) or (d) of K.S.A. 65-1648 and amendments thereto has failed to comply with the requirements of subsection (c) or (d) of K.S.A. 65-1648 and amendments thereto;

(11) the licensee has knowingly submitted a misleading, deceptive, untrue or fraudulent misrepresentation on a claim form, bill or statement;

(12) the licensee has had a license to practice pharmacy revoked, suspended or limited, has been censured or has had other disciplinary action taken, or an application for license denied, by the proper licensing authority of another state, territory, District of Columbia or other country, a certified copy of the record of the action of the other jurisdiction being conclusive evidence thereof; or

(13) the licensee has self-administered any controlled substance without a practitioner's prescription order.

(b) *In determining whether or not the licensee has violated subsection (a)(3), (a)(4), (a)(7) or (a)(13), the board upon reasonable suspicion of such violation has authority to compel a licensee to submit to mental or physical examination or drug screen, or any combination thereof, by such persons as the board may designate. To determine whether reasonable suspicion of such violation exists, the investigative information shall be presented to the board as a whole. Information submitted to the board as a whole and all reports, findings and other records shall be confidential and not subject to discovery by or release to any person or entity. The licensee shall submit to the board a release of information authorizing the board to obtain a report of such examination or drug screen, or both. A person affected by this subsection shall be offered, at reasonable intervals,*

an opportunity to demonstrate that such person can resume the competent practice of pharmacy with reasonable skill and safety to patients. For the purpose of this subsection, every person licensed to practice pharmacy and who shall accept the privilege to practice pharmacy in this state by so practicing or by the making and filing of an annual renewal to practice pharmacy in this state shall be deemed to have consented to submit to a mental or physical examination or a drug screen, or any combination thereof, when directed in writing by the board and further to have waived all objections to the admissibility of the testimony, drug screen or examination report of the person conducting such examination or drug screen, or both, at any proceeding or hearing before the board on the ground that such testimony or examination or drug screen report constitutes a privileged communication. In any proceeding by the board pursuant to the provisions of this subsection, the record of such board proceedings involving the mental and physical examination or drug screen, or any combination thereof, shall not be used in any other administrative or judicial proceeding.

(b)(c) The board may suspend, revoke, place in a probationary status or deny a renewal of any retail dealer's permit issued by the board when information in possession of the board discloses that such operations for which the permit was issued are not being conducted according to law or the rules and regulations of the board.

(c)(d) The board may revoke, suspend, place in a probationary status or deny a renewal of the registration of a pharmacy upon a finding that: (1) Such pharmacy has been operated in such manner that violations of the provisions of the pharmacy act of the state of Kansas or of the rules and regulations of the board have occurred in connection therewith; (2) the owner or any pharmacist employed at such pharmacy is convicted, subsequent to such owner's acquisition of or such employee's employment at such pharmacy, of a violation of the pharmacy act or uniform controlled substances act of the state of Kansas, or the federal or state food, drug and cosmetic act; or (3) the owner or any pharmacist employed by such pharmacy has fraudulently claimed money for pharmaceutical services.

(d)(e) A registration to manufacture or to distribute at wholesale a drug or a registration for the place of business where any such operation is conducted may be suspended, revoked, placed in a probationary status or the renewal of such registration may be denied by the board upon a finding that the registrant or the registrant's agent: (1) Has materially falsified any application filed pursuant to or required by the pharmacy act of the state of Kansas; (2) has been convicted of a felony under any federal or state law relating to the manufacture or distribution of drugs; (3) has had any federal registration for the manufacture or distribution of drugs suspended or revoked; (4) has refused to permit the board or its duly authorized agents to inspect the registrant's establishment in accordance with the provisions of K.S.A. 65-1629 and amendments thereto; (5) has failed to keep, or has failed to file with the board or has falsified records required to be kept or filed by the provisions of the pharmacy act of the state of Kansas or by the board's rules and regulations; or (6) has violated the pharmacy act of the state of Kansas or rules and regulations adopted by the state board of pharmacy under the pharmacy act of the state of Kansas or has violated the uniform controlled substances act or rules and regulations adopted by the state board of pharmacy under the uniform controlled substances act.

(e)(f) Orders under this section, and proceedings thereon, shall be subject to the provisions of the Kansas administrative procedure act.

Sec. 2. K.S.A. 65-1627h is hereby amended to read as follows: 65-1627h. (a) If the order is adverse to the licensee, registrant or permit holder, the costs shall be charged to such person as in ordinary civil actions in the district court, but if the board is the unsuccessful party, the costs shall be paid out of any money in the state board of pharmacy fee fund. Witness fees and costs may be taxed according to the statutes applicable in the district courts.

(b) All costs accrued at the instance of the state, when it is the successful party, and which the attorney general certifies cannot be collected from the licensee, registrant or permit holder, shall be paid out of any available funds in the state treasury to the credit of the board.

(c) The board may consider nonpayment of costs which have been assessed against a person under this section when considering a motion for reinstatement of a license or registration by such person, or as a condition of probation.

Sec. 3. K.S.A. 74-1606 is hereby amended to read as follows: 74-1606. (a) Annually, during the month of ~~May~~ June, the board shall organize by electing a president and a vice-president and shall also appoint

a full-time executive secretary who shall not be a member of the board and whose employment shall at all times be subject to the pleasure of the board. The executive secretary shall be in the unclassified service of the Kansas civil service act and shall receive an annual salary fixed by the board and approved by the state finance council.

(b) The board may employ, in accordance with the Kansas civil service act, such inspectors, chemists, agents and clerical help as may be necessary for the purpose of administering and enforcing the provisions of this act and may employ an attorney to assist in prosecutions under this act and for such other purposes as the board may designate.

Sec. 4. K.S.A. 65-1655 is hereby amended to read as follows: 65-1655. (a) The board shall require an applicant for registration to distribute at wholesale any drugs under K.S.A. 65-1643 and amendments thereto, or an applicant for renewal of such a registration, to provide the following information:

(1) The name, full business address and telephone number of the applicant;

(2) all trade or business names used by the applicant;

(3) addresses, telephone numbers, and the names of contact persons for all facilities used by the applicant for the storage, handling and distribution of prescription drugs;

(4) the type of ownership or operation of the applicant;

(5) the name of the owner or operator, or both, of the applicant, including:

(A) If a person, the name of the person;

(B) if a partnership, the name of each partner, and the name of the partnership;

(C) If a corporation, the name and title of each corporate officer and director, the corporate names and the name of the state of incorporation;

(D) if a sole proprietorship, the full name of the sole proprietor and the name of the business entity; and

(6) such other information as the board deems appropriate. Changes in any information in this subsection (a) shall be submitted to the board as required by such board.

(b) In reviewing the qualifications for applicants for initial registration or renewal of registration to distribute at wholesale any drugs, the board shall consider the following factors:

(1) Any convictions of the applicant under any federal, state or local laws relating to drug samples, wholesale or retail drug distribution or distribution of controlled substances;

(2) any felony convictions of the applicant under federal or state laws;

(3) the applicant's past experience in the manufacture or distribution of prescription drugs, including controlled substances;

(4) the furnishing by the applicant of false or fraudulent material in any application made in connection with drug manufacturing or distribution;

(5) suspension or revocation by federal, state or local government of any license or registration currently or previously held by the applicant for the manufacture or distribution of any drugs, including controlled substances;

(6) compliance with registration requirements under previously granted registrations, if any;

(7) compliance with requirements to maintain or make available to the board or to federal state or local law enforcement officials those records required by federal food, drug and cosmetic act, and rules and regulations adopted pursuant thereto; and

(8) any other factors or qualifications the board considers relevant to and consistent with the public health and safety.

(c) After consideration of the qualifications for applicants for registration to distribute at wholesale any drugs, the board may deny an initial application for registration or application for renewal of a registration if the board determines that the granting of such registration would not be in the public interest. The authority of the board under this subsection to deny a registration to distribute at wholesale any drugs shall be in addition to the authority of the board under subsection (d)(e) of K.S.A. 65-1627 and amendments thereto or subsection (e) of K.S.A. 65-1645 and amendments thereto.

(d) The board by rules and regulations shall require that personnel employed by persons registered to distribute at wholesale any drugs have appropriate education or experience, or both, to assume responsibility for positions related to compliance with state registration requirements.

(e) The board by rules and regulations may implement this section to conform to any requirements of the federal prescription drug market-

(continued)

ing act of 1987 (21 U.S.C. 321 *et seq.*) in effect on the effective date of this act.

(f) This section shall be part of and supplemental to the pharmacy act of the state of Kansas.

Sec. 5. K.S.A. 1994 Supp. 65-1658 is hereby amended to read as follows: 65-1658. The state board of pharmacy, in addition to any other penalty prescribed under the pharmacy act of the state of Kansas, may assess a civil fine, after notice and an opportunity to be heard in accordance with the Kansas administrative procedure act, against any licensee or registrant under subsections (a), (e) (d) and (d) (e) of K.S.A. 65-1627 and amendments thereto for violation of the pharmacy act of the state of Kansas or rules and regulations of the state board of pharmacy adopted under the pharmacy act of the state of Kansas or for violation of the uniform controlled substances act or rules and regulations of the state board of pharmacy adopted under the uniform controlled substances act, in an amount not to exceed \$500 for each violation. All fines assessed and collected under this section shall be remitted to the state treasurer. Upon receipt thereof, the state treasurer shall deposit the entire amount in the state treasury and credit such amount to the state general fund.

Sec. 6. K.S.A. 65-1627h, 65-1655 and 74-1606 and K.S.A. 1994 Supp. 65-1627 and 65-1658 are hereby repealed.

Sec. 7. This act shall take effect and be in force from and after its publication in the Kansas register.

(Published in the Kansas Register April 13, 1995.)

SENATE BILL No. 162

AN ACT relating to motor carriers; concerning the regulation thereof; amending K.S.A. 66-1,112, 66-1,112a, 66-1,112b, 66-1,112e, 66-1,113, 66-1,114, 66-1,115a, 66-1,118, 66-1,119a, 66-1,126, 66-1,217, 66-1,218, 66-1,219, 66-1,221, 66-304, 66-1313a, 66-1329 and 66-1330 and K.S.A. 1994 Supp. 66-1,109, 66-1,220 and 79-6a01 and repealing the existing sections; also repealing K.S.A. 66-1,146, 66-1,147, 66-1,148, 66-1,149, 66-1331, 66-1332, 66-1333, 66-1334 and K.S.A. 1994 Supp. 66-1335 through 66-1343.

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

Section 1. K.S.A. 1994 Supp. 66-1,109 is hereby amended to read as follows: 66-1,109. This act shall not require the following carriers to obtain a certificate, license or permit from the commission or file rates, tariffs, annual reports or provide proof of insurance with the commission:

(a) Transportation by motor carriers wholly within the corporate limits of a city or village in this state, or between contiguous cities or villages in this state or in this and another state, or between any city or village in this or another state and the suburban territory in this state within three miles of the corporate limits thereof, or between cities and villages in this state and cities and villages in another state which are within territory designated as a commercial zone by the interstate commerce commission, except that none of the exemptions specified in this subsection (a) shall apply to local wrecker carriers and none of such exemptions shall apply to motor carriers of passengers, other than motor carriers of passengers operating as a part of the general transit system serving any such city or village in this or another state, operating on regular routes and time schedules between any city or village in this or another state, and the suburban territory in this state;

(b) a private motor carrier who operates within a radius of 25 miles beyond the corporate limits of its city or village of domicile, or who operates between cities and villages in this state and cities and villages in another state which are within territory designated as a commercial zone by the interstate commerce commission;

(c) the owner of livestock or producer of farm products transporting livestock of such owner or farm products of such producer to market in a motor vehicle of such owner or producer, or the motor vehicle of a neighbor on the basis of barter or exchange for service or employment, or to such owner or producer transporting supplies for the use of such owner or producer in a motor vehicle of such owner or producer, or in the motor vehicle of a neighbor on the basis of barter or exchange for service or employment;

(d) persons operating motor vehicles used only to transport property when no common carrier is accessible, but when common-carrier service is available then this last exemption is limited to the transportation of such property from origin to the nearest practicable common-carrier receiving or loading point, or from a common-carrier unloading point by way of the shortest practicable route to destination, providing such motor vehicle does not pass a practicable delivery or receiving point of a common carrier equipped to transport such load, or when used to transport property from the point of origin to point of destination thereof when

the destination of such property is less distant from the point of origin thereof than the nearest practicable common-carrier receiving or loading point equipped to transport such load;

(e) (1) the transportation of children to and from school, or (2) to motor vehicles owned by schools, colleges, and universities, religious or charitable organizations and institutions, or governmental agencies, when used to convey students, inmates, employees, athletic teams, orchestras, bands or other similar activities;

(f) a new vehicle dealer as defined by K.S.A. 8-2401, and amendments thereto, when transporting property to or from the place of business of such dealer;

(g) motor vehicles carrying tools, property or material belonging to the owner of the vehicle and used in repair, building or construction work, not having been sold or being transported for the purpose of sale, lease, rent or bailment;

(h) persons operating motor vehicles which have an ad valorem tax situs in and are registered in the state of Kansas, and used only to transport grain from the producer to an elevator or other place for storage or sale for a distance of not to exceed 50 miles;

(i) the operation of hearses, funeral coaches, funeral cars or ambulances by motor carriers;

(j) motor vehicles owned and operated by the United States, the District of Columbia, any state, any municipality or any other political subdivision of this state, including vehicles used exclusively for handling U.S. mail;

(k) any motor vehicle with a normal seating capacity of not more than the driver and 15 passengers while used for vanpooling or otherwise not for profit in transporting persons who, as a joint undertaking, bear or agree to bear all the costs of such operations, or motor vehicles with a normal seating capacity of not more than the driver and 15 passengers for not-for-profit transportation by one or more employers of employees to and from the factories, plants, offices, institutions, construction sites or other places of like nature where such persons are employed or accustomed to work;

(l) motor vehicles used to transport water for domestic purposes or livestock consumption;

(m) transportation of sand, gravel, slag stone, limestone, crushed stone, cinders, calcium chloride, bituminous or concrete paving mixtures, blacktop, dirt or fill material to a construction site, highway maintenance or construction project or other storage facility and the operation of ready-mix concrete trucks in transportation of ready-mix concrete;

(n) the operation of a vehicle used exclusively for the transportation of solid waste, as the same is defined by K.S.A. 65-3402, and amendments thereto, to any solid waste processing facility or solid waste disposal area, as the same is defined by K.S.A. 65-3402, and amendments thereto;

(o) the transporting of vehicles used solely in the custom combining business when being transported by persons engaged in such business;

(p) the operation of vehicles used for servicing, repairing or transporting of implements of husbandry, as defined in K.S.A. 8-1427, and amendments thereto, by a person actively engaged in the business of buying, selling or exchanging implements of husbandry, if such operation is within 100 miles of such person's established place of business in this state;

(q) transportation by taxi or bus companies operated exclusively within any city or within 25 miles of the point of its domicile in a city;

(r) a vehicle being operated with a dealer license plate issued under K.S.A. 8-2406, and amendments thereto, and in compliance with K.S.A. 8-136, and amendments thereto, and vehicles being operated with a full-privilege license plate issued under K.S.A. 8-2425, and amendments thereto;

(s) any person operating a motor vehicle with a gross vehicle weight rating of 10,000 pounds or less, transporting to or from an arts or craft show, hand-crafted products produced for resale by the owner or operator of such motor vehicle.

As used in this subsection, "gross vehicle weight rating" means the value specified by the manufacturer as the maximum loaded weight of a single or a combination (articulated) vehicle. The gross vehicle weight rating of a combination (articulated) vehicle commonly referred to as the "gross combination weight rating" is the gross vehicle weight rating of the power unit, plus the gross vehicle weight rating of the towed unit or units; and

(t) the operation of vehicles used for transporting materials used in the servicing or repairing of the refractory linings of industrial boilers.

Sec. 2. K.S.A. 66-1,112 is hereby amended to read as follows: 66-1,112. (a) The commission is hereby vested with power and authority and it shall be its duty to license, supervise and regulate every public motor carrier of property or of passengers in this state, ~~and to fix and approve to the full extent not preempted by federal law, including fixing and approving~~ reasonable maximum or minimum, or maximum and minimum rates, fares, charges, classifications and rules and regulations pertaining ~~thereto~~ to the transportation of household goods or passengers as defined in 49 U.S.C. 10102. The commission shall prescribe rules and regulations related to uniform cargo liability, uniform bills of lading, uniform cargo credit and antitrust immunity for joint-line rates and routes, classifications and mileage guides. ~~And~~ The commission is hereby vested with power and authority and it shall be its duty to license, supervise and regulate every public motor carrier of property ~~or of transporting household goods or passengers~~ in this state, and to regulate and supervise the accounts, schedules, service and method of operation of same; to prescribe a uniform system and classification of accounts to be used; to require the filing of annual and other reports and any other data; and to supervise and regulate "public motor carriers of property ~~and transporting household goods or passengers~~" in all matters affecting the relationship between such "public motor carriers of property or of passengers" and the traveling and shipping public.

(b) The commission shall have power and authority, by general order or otherwise, to prescribe reasonable and necessary rules and regulations governing all such motor carriers. All laws relating to the powers, duties, authority and jurisdiction of the corporation commission over common carriers are hereby made applicable to all such motor carriers except as herein otherwise specifically provided.

(c) In order to insure nondiscriminatory, nonpreferential and just and reasonable rates, joint rates, fares, tolls, charges and exactions for all shippers, the commission shall establish rate-making procedures for all motor common and contract carriers, including collective rate-making procedures for joint consideration, initiation and establishment of such rates and charges for transporting household goods or passengers as defined in 49 U.S.C. 10102. The commission shall prescribe reasonable rules and regulations related to uniform cargo liability, uniform bills of lading, uniform cargo credit and antitrust immunity for joint-line rates and routes, classifications and mileage guides. Joint and collective rate-making shall be limited to:

(1) That which is necessary to formulate one or more joint rates as such term is used in K.S.A. 66-117, and amendments thereto;

(2) general rate increases or decreases if the tariff proposal gives shippers, under procedures approved by the state corporation commission, at least 15 days' notice of the proposal and an opportunity to present comments on it before a tariff is filed with the commission and if discussion of such increases or decreases is related to industry average carrier costs and does not include discussion related exclusively to individual markets or particular single-line rates;

(3) changes in commodity classifications;

(4) changes in tariff structures if discussion of such changes is related to industry average carrier costs and does not include discussion related exclusively to individual markets or particular single-line rates; and

(5) publishing of tariffs, filing of independent actions for individual members and changes in rules and regulations which are of at least substantially general application throughout the area in which such changes will apply.

(d) The provisions of K.S.A. 50-101 *et seq.*, and amendments thereto, shall not apply to the activities and procedures of persons, groups, agencies, bureaus or other entities where such activities and procedures have received approval by order of the state corporation commission under this statute.

Sec. 3. K.S.A. 66-1,112a is hereby amended to read as follows: 66-1,112a. Upon the filing of an application for a permit and compliance with all lawful requirements, the commission is hereby vested with power and authority to grant permits to contract motor carriers; to supervise and regulate such motor carriers for the purpose of promoting safety upon the highways and the conservation of their use; to regulate and supervise the accounts and method of operation of ~~same~~ for the transportation of household goods or passengers; to prescribe such rules and regulations as it ~~may deem~~ deems necessary to carry out the provisions of this act; and to supervise and regulate all contract motor carriers of property or of passengers and all matters affecting the relationship between such motor carriers and the traveling and shipping public and other carriers when not otherwise prohibited by federal law.

Sec. 4. K.S.A. 66-1,112b is hereby amended to read as follows: 66-1,112b. The commission, upon the filing of an application for contract carrier permit to transport household goods or passengers, shall fix a time and place for hearing thereon, which shall be not less than 20 days nor more than 60 days after the filing and shall be conducted in accordance with the provisions of the Kansas administrative procedure act. Notices of hearings shall be published bimonthly in the first and third issues of the Kansas register. Hearings shall be held no earlier than 10 days after publication of notice. Any other common carrier or any interested person may offer testimony for or against the granting of a permit at the hearing. If the commission finds that the proposed service or any part thereof is proposed to be performed by the applicant and that the applicant is fit, willing and able to perform such service, the commission shall issue the permit, except that if the commission finds that the proposed service is inconsistent with the public convenience and necessity, the commission shall not issue the permit. The commission may attach to the exercise of the privilege granted by the permit such terms and conditions as in its judgment will carry out the purposes of this act.

Notice and a hearing is required for a contract carrier permit when a motor carrier is transporting property other than household goods or passengers. The commission, upon the filing of an application for a contract carrier permit not transporting household goods or passengers, shall ascertain that the motor carrier is fit, knowledgeable and in compliance with the commission's safety rules and regulations and liability and cargo insurance requirements prior to issuing a permit. If the commission finds that the motor carrier is not fit, knowledgeable and in compliance with the commission's safety rules and regulations and liability and cargo insurance requirements an order shall be issued denying the application.

An application for a permit shall be made in writing, stating the ownership, financial condition, equipment to be used and physical property of the applicant, and shall contain such other information as the commission may require.

Sec. 5. K.S.A. 66-1,112e is hereby amended to read as follows: 66-1,112e. Every contract motor carrier transporting household goods or passengers and operating in competition with one or more common carriers is hereby forbidden: (a) To give or cause any undue or unreasonable advantage or preference to those whom he such carrier serves, as compared with the patrons of any public motor carrier, as that term is used in this act, or the patrons of any other common carrier, or of property or passengers; (b) to subject the patrons of any such common carriers to any undue or unreasonable discrimination or disadvantage; or; (c) by unfair competition to destroy or impair the service or business of any public motor carrier, as that term is used in this act, or of any other common carrier, of property or passengers or the integrity of the state's regulation of any such service or business; and (d) to the end that the said commission may enforce these provisions, each such contract motor carrier shall maintain on file with the commission a statement of his such carrier's charges and of such other matters as the commission may require.

Sec. 6. K.S.A. 66-1,113 is hereby amended to read as follows: 66-1,113. All transportation charges made by any public motor carrier transporting household goods or passengers shall be just and reasonable.

Sec. 7. K.S.A. 66-1,114 is hereby amended to read as follows: 66-1,114. Except as hereinafter provided, it shall be unlawful for any public motor carrier to operate as a carrier of intrastate commerce within this state without first having obtained from the corporation commission a certificate of convenience and necessity to transport household goods or passengers or a certificate of public service to transport property other than household goods or passengers. The corporation commission, upon the filing of an application for such a certificate, shall fix a time and place for hearing thereon, which shall be not less than 20 and not more than 60 days after the filing and shall be conducted in accordance with the provisions of the Kansas administrative procedure act. Notices of hearings shall be published bimonthly in the first and third issues of the Kansas register. Any person may offer testimony at such hearing.

If the commission finds that the proposed service or any part thereof is proposed to be performed by the applicant and that the applicant is fit, willing and able to perform such service, the commission shall issue the certificate of convenience and necessity to transport household goods and passengers, except that if the commission finds that the proposed service is inconsistent with the public convenience and necessity, the commission shall not issue the certificate.

(continued)

Prior to a formal hearing for a certificate of convenience and necessity to transport household goods or passengers, and upon the filing of an application and showing of an immediate and urgent need for service to afford relief, temporary authority to a point or points within a territory having no carrier service capable of meeting such immediate need, may be granted on the basis of an emergency proceeding, in the discretion of the commission. The temporary authority, unless suspended or revoked, shall be valid for such time as the commission shall specify but for not more than 60 days. The temporary authority may be extended or renewed for such time as the commission shall specify, but shall not be extended or renewed for a period of time which exceeds the date on which an order granting or denying permanent authority shall become effective. The granting of temporary authority shall create no presumption that corresponding permanent authority will be granted thereafter. The service rendered under the temporary authority shall be subject to all applicable provisions of law and the rules and regulations of the commission pertaining to such motor carrier operations.

The corporation commission, upon the filing of an application for a certificate of public service to transport property other than household goods or passengers shall ascertain that the motor carrier is fit, knowledgeable and in compliance with the commission's safety rules and regulations, liability and cargo insurance requirements and other applicable state laws. If the commission finds that the motor carrier is fit, knowledgeable and in compliance with the commission's safety rules and regulations, liability and cargo insurance requirements and other applicable state laws, the commission shall issue the certificate authorizing the public motor carrier of property to transport such property statewide. If the commission finds the motor carrier is not fit, knowledgeable or in compliance with the commission's safety rules and regulations, liability and cargo insurance requirements and other applicable state laws; an order shall be issued denying the application.

Motor carriers holding a certificate of convenience and necessity to transport property other than household goods or a local wrecker permit shall be considered as holding a certificate of public service to transport that property originally granted by the commission as a public motor carrier of property. Pursuant to federal law those motor carriers may transport that property originally granted by the commission statewide.

Sec. 8. K.S.A. 66-1,115a is hereby amended to read as follows: 66-1,115a. Notwithstanding the provisions of K.S.A. 66-1,112b and 66-1,114, and amendments thereto, the commission may issue or grant contract carrier permits and common carrier certificates or abandonments thereof without a formal hearing when the request for such issuance, grant or abandonment is made by verified application, and proper notice has been given in accordance with K.S.A. 66-1,112b and 66-1,114, and amendments thereto, if no protests are lodged against the granting of the application and if the application is supported by verified prefiled testimony of the applicant that demonstrates the applicant is either fit, willing and able to perform such service, ~~except that~~ or the applicant is fit, knowledgeable and in compliance with the commission's safety rules and regulations. For applications of public motor carriers transporting household goods or passengers, if the commission finds that evidence shows that the proposed service is inconsistent with the public convenience and necessity, the commission shall not grant the application.

Sec. 9. K.S.A. 66-1,118 is hereby amended to read as follows: 66-1,118. (a) A certificate of public convenience and necessity or a certificate of public service issued under the provisions of the motor carrier act or any portion of the authority conferred thereby may not be assigned or transferred without the consent of the commission.

(b) Applications for transfer of any certificate of public convenience and necessity or any portion of the authority conferred thereby shall be filed jointly by the assignor and the assignee, and shall be subject to the same provisions as to public hearings and notices as the original applications for certificates of public convenience and necessity. The commission may issue the transfer, as prayed for, or issue it the transfer for the partial exercise only of the privilege sought, and may attach to the exercise of the rights granted such terms and conditions as in its the commission's judgment the public convenience and necessity may require. Approval of the proposed transportation transfer application, either in whole or in part, shall be given after notice and hearing only upon finding by the commission that the applicant is fit, willing and able to perform such service, except that if the commission finds that evidence shows that the proposed service is inconsistent with the public convenience and necessity, the commission shall not approve the transfer.

(b) No person shall be permitted to hold a certificate as a common carrier of property if such person is also the holder of a permit as a contract carrier which authorizes the transportation of any of the same kind of property wholly or partially over the same route, or within any of the same territory as is authorized by such common carrier certificate. If, as a result of a transfer proceeding, a common carrier is granted additional authority, the two authorities shall be merged, and a single authority only reissued, unless the commission finds that such merger is contrary to public convenience and necessity. If, prior to the effective date of this act a common carrier has acquired additional rights as a result of a transfer of authority, the commission may require such carrier, after notice and hearing in accordance with the provisions of the Kansas administrative procedure act, to consolidate operations, and thereafter the authorities shall be merged and a single certificate of authority issued to such carrier.

(c) Application for the transfer of any certificate of public service shall be filed jointly by the transferor and the transferee and shall be subject to the same provisions as the original application for a certificate of public service.

Sec. 10. K.S.A. 66-1,119a is hereby amended to read as follows: 66-1,119a. No public motor carrier authorized under the provisions of the motor carrier act to operate shall by contract, lease, agreement or any other means made with any person, partnership, association or corporation, lease or assign any authority or operating rights to perform any transportation service or operations authorized or assign any territory granted by any certificate of convenience and necessity or certificate of public service issued to such motor carrier. When the interstate commerce commission has issued an order approving and authorizing a pooling agreement between two or more motor carriers covering points and places in this state, nothing herein shall be construed as prohibiting, invalidating or otherwise affecting any agreement between such motor carriers insofar as it relates to service or operations between the same points and places in intrastate commerce within this state. Any such order shall be filed with the corporation commission, and such agreement shall not be effective unless the commission finds, after notice and hearing in accordance with the provisions of the Kansas administrative procedure act, that the proposed service or any part thereof is proposed to be performed by the applicants and that the applicants are fit, willing and able to perform such service or fit, knowledgeable and in compliance with the commission's safety rules and regulations and liability and cargo insurance requirements. If the commission makes such findings, the commission shall approve such agreement, except that if the commission finds that the proposed service is inconsistent with the public convenience and necessity, the commission shall not approve the agreement.

Sec. 11. K.S.A. 66-1,126 is hereby amended to read as follows: 66-1,126. Any person who shall operate as any carrier to which this act applies without first obtaining a certificate, permit or license or in violation of any of the terms thereof, or who fails to make any return or report required by this act or by the commission hereunder, or who denies to the commission access to his such carrier's books or records, shall be guilty of a misdemeanor and shall be punished as hereinafter provided provided in K.S.A. 66-1,130, and amendments thereto.

Sec. 12. K.S.A. 66-1,217 is hereby amended to read as follows: 66-1,217. Every common carrier, except a motor carrier holding a certificate of public service, governed by this act shall be required to furnish reasonably efficient and sufficient service, joint service and facilities for the use of any and all products or services rendered, furnished; supplied or produced by such common carrier, to establish just and reasonable rates, joint rates, tolls, charges and exactions and to make just and reasonable rules, classifications and regulations. Every unjust or unreasonably discriminatory or unduly preferential rule, regulation, classification, rate, joint rate, toll, charge or exaction is prohibited, unlawful and void. The commission shall have the power, after notice and hearing in accordance with the provisions of the Kansas administrative procedure act, to require all common carriers, except a motor carrier holding a certificate of public service, governed by this act to establish and maintain just and reasonable joint rates when the same are reasonably necessary in order to maintain reasonably sufficient and efficient service from such common carriers.

Sec. 13. K.S.A. 66-1,218 is hereby amended to read as follows: 66-1,218. Every common carrier, except a motor carrier holding a certificate of public service, doing business in Kansas over which the commission has control shall publish and file with the commission copies of all schedules of rates, joint rates, tolls, charges, classifications and divisions of rates affecting Kansas traffic, either state or interstate, and shall furnish the

commission copies of all rules, regulations and contracts between common carriers, *except a motor carrier holding a certificate of public service*, pertaining to any and all services to be rendered by such common carriers. The commission shall have power to prescribe reasonable rules and regulations regarding the printing and filing of all schedules, tariffs and classifications of all rates, joint rates, tolls, charges and all rules and regulations of such common carriers.

Sec. 14. K.S.A. 66-1,219 is hereby amended to read as follows: 66-1,219. It shall be the duty of the commission, either upon complaint or upon its own initiative, to investigate all rates, joint rates, tolls, charges and exactions, classifications or schedules of rates or joint rates and rules and regulations of common carriers, *except a motor carrier holding a certificate of public service*. If after full hearing and investigation the commission finds that such rates, joint rates, tolls, charges or exactions, classifications or schedules of rates or joint rates or rules and regulations are unjust, unreasonable, unjustly discriminatory or unduly preferential, the commission shall have the power to fix and order substituted therefor such rates, tolls, charges, exactions, classifications or schedules of rates or joint rates and such rules and regulations as are just and reasonable.

If upon any investigation it is found that any *such* regulation, measurement, practice, act or service complained of is unjust, unreasonable, unreasonably inefficient or insufficient, unduly preferential, unjustly discriminatory, or otherwise in violation of this act or of the orders of the commission, or if it is found that any service is inadequate or that any reasonable service cannot be obtained, the commission may substitute therefor such other regulations, measurements, practices, service or acts, and make such order respecting any such changes in such regulations, measurements, practices, service or acts as are just and reasonable. When, in the judgment of the commission, public necessity and convenience require, the commission may establish just and reasonable concentration or other special rates, charges or privileges, but all such rates, charges and privileges shall be open to all users of a like kind of service under similar circumstances and conditions.

Sec. 15. K.S.A. 1994 Supp. 66-1,220 is hereby amended to read as follows: 66-1,220. (a) Upon a complaint in writing made against any common carrier, *except a motor carrier holding a certificate of public service*, governed by this act, by any mercantile, agricultural or manufacturing organization or society, or by any body politic or municipal organization, or by any taxpayer, firm, corporation or association, that any of the rates or joint rates, fares, tolls, charges, rules, regulations, classifications or schedules of such common carrier are in any respect unreasonable, unfair, unjust, unjustly discriminatory or unduly preferential, or both, or that any regulation, practice or act whatsoever affecting or relating to any service performed or to be performed by such common carrier for the public, is in any respect unreasonable, unfair, unjust, unreasonably inefficient or insufficient, unjustly discriminatory or unduly preferential, or that any service performed or to be performed by such common carrier for the public is unreasonably inadequate, inefficient, unduly insufficient or cannot be obtained, the commission shall proceed, with or without notice, to make such investigation as it deems necessary.

The commission *may*, upon its own motion, and without any complaint being made, *may* proceed to make such investigation, but no order changing such rates, joint rates, tolls, charges, rules, regulations and classifications, schedules, practices or acts complained of shall be made or entered by the commission without a formal public hearing in accordance with the provisions of the Kansas administrative procedure act, of which due notice shall be given by the commission to such common carrier or to such complainant or complainants, if any. Any public investigation or hearing which the commission shall have power to make or to hold may be made or held before any one or more commissioners. All investigations, hearings, decisions and orders made by a commissioner shall be deemed the investigations, hearings, decisions and orders of the commission, when approved by the commission.

(b) The commission shall have power to require common carriers, *except a motor carrier holding a certificate of public service*, to make such improvements and do such acts as are or may be required by law to be done by any such common carrier.

Sec. 16. K.S.A. 66-1,221 is hereby amended to read as follows: 66-1,221. (a) If upon such hearing and investigation the rates, joint rates, fares, tolls, charges, rules, regulations, classifications or schedules of any common carrier, *except a motor carrier holding a certificate of public service*, governed by this act are found unjust, unreasonable, unfair, unjustly discriminatory or unduly preferential, or in any way in violation of this act, or of any of the laws of the state of Kansas, the commission shall

have the power to fix and establish, and order substituted therefor, such rates, joint rates, fares, tolls, charges, rules, regulations, classifications or schedules as it shall determine to be just, reasonable and necessary. If it is found that any regulation, practice or act, relating to any service performed or to be performed by such common carrier for the public is in any respect unreasonable, unjust, unfair, unreasonably inefficient or insufficient, unjustly discriminatory or unduly preferential, or otherwise in violation of this act or of any of the laws of the state of Kansas, the commission may substitute therefor such other regulations, practice, service or act as it determines to be just, reasonable and necessary.

(b) All orders and decisions of the commission whereby any rates, joint rates, fares, tolls, charges, rules, regulations, classifications, schedules, practice or acts relating to any service performed or to be performed by any common carrier, *except a motor carrier holding a certificate of public service* for the public are altered, changed, modified, fixed or established shall be reduced to writing, and a copy thereof, duly certified, shall be served on the common carrier affected thereby. Such order and decision shall become operative and effective within 30 days after such service. Such common carrier, unless an action is commenced in a court of proper jurisdiction to set aside the findings, orders and decisions of the commission, or to review and correct the same, shall carry the provisions of such order into effect.

Sec. 17. K.S.A. 66-304 is hereby amended to read as follows: 66-304. Any common carrier receiving property for the transportation from one point in this state to another point in this state shall issue a receipt or bill of lading therefor, *except when prohibited under 49 U.S.C. 11501* and such carrier or any other common carrier to which *said such* property may be delivered or over whose line or lines such property may pass shall be liable to the owner of such property for any loss, damage or injury caused by any one or more of *said the* carriers, and no contract, rule or regulation shall exempt any of such common carriers from the liability hereby imposed. *Provided, except that nothing in this section shall deprive any owner of such property or any holder of such receipt or bill of lading of any remedy or right of action which he such person has under existing law. That* The common carrier which shall pay *pays* such loss, damage or injury shall be entitled to recover from the common carrier on whose line or lines the loss, damage or injury *shall have been was* sustained the amount of such loss, damage or injury, as it may be required to pay to the owner of such property, as *may* be evidenced by any receipt, judgment or transcript thereof.

Sec. 18. K.S.A. 66-1313a is hereby amended to read as follows: 66-1313a. Except as otherwise authorized under other laws of this state, a motor carrier who holds a certificate of convenience and necessity, *a certificate of public service*, a contract carrier permit, a private carrier permit or an interstate license from the state corporation commission *may*, upon application to the commission, *may* be designated to establish an authorized inspection station for the inspection of the motor vehicles, trailers and semitrailers operated in this state by such motor carrier for compliance with the equipment statutes and rules and regulations of this state. Such inspection station shall be located in Kansas. If the condition of the motor vehicle, trailer or semitrailer is found to be in compliance with the laws of this state, the authorized inspection station shall issue a certificate of inspection stating its approval and the date of the inspection. No certificate shall be issued unless equipment not in compliance is first repaired or corrected and records of such repairs or corrections are maintained by the authorized inspection station. Certificates issued under this section shall be valid for 12 months from the date of issue. Every certificate of approval issued pursuant to this section shall be issued in triplicate. One copy of such certificate shall be carried in the motor vehicle of the combination of vehicles of which a trailer or semitrailer is a part or in the motor vehicle if applicable to the motor vehicle, during the time such certificate is valid or in effect, one copy shall be retained by the authorized inspection station as prescribed by rules and regulations of the commission and the third copy shall be returned to the commission. Such equipment inspection records shall be made available to the commission upon request. The commission shall adopt rules and regulations for the administration of this section and shall establish a schedule of fees and charges governing the cost of administration of such authorized inspection stations.

Sec. 19. K.S.A. 66-1329 is hereby amended to read as follows: 66-1329. As used in this act:

(a) "Wrecker or tow truck" means any motor vehicle equipped with

(continued)

booms, winches or similar equipment specifically designed for recovery or towing of vehicles.

(b) "Car carrier" means any vehicle specifically designed to transport wrecked, disabled or otherwise inoperable vehicles.

(c) "Vehicle" means every device in, upon or by which any person or property is or may be transported or drawn upon a highway, except devices moved by human power or used exclusively upon stationary rails or tracks.

(d) "Wrecker or towing service" means the act of transporting, towing or recovering with a wrecker, tow truck or car carrier, any vehicle not owned by the operator of the wrecker, tow truck or car carrier for which the operator receives compensation or other personal gain, either directly or indirectly, except that such terms shall not include a private wrecker or towing service.

(e) "Private wrecker or towing service" means the act of transporting with a wrecker, tow truck or car carrier any vehicle owned by the operator of the wrecker, tow truck or car carrier.

(f) "Local wrecker carrier" means any person engaged in performing wrecker or towing service wholly within the corporate limits of a city in this state, or between contiguous cities in this state or in this and another state, or between any city in this or another state and the territory in this state within three miles of the corporate limits thereof.

(g) "Local wrecker carrier permit" means a credential issued by the state corporation commission as provided in this act.

Sec. 20. K.S.A. 66-1330 is hereby amended to read as follows: 66-1330. On and after January 1, 1985 1995, it is unlawful for any person to provide wrecker or towing service within this state without first having obtained a local wrecker carrier permit certificate of public service from the state corporation commission. The provisions of this act shall not require a motor common carrier or contract carrier with certificate or permit authority to provide wrecker or towing service to obtain any ad-

ditional permit or authority under this act to perform the services so authorized, when such services are performed with a vehicle properly registered with the commission by such carrier.

Sec. 21. K.S.A. 1994 Supp. 79-6a01 is hereby amended to read as follows: 79-6a01. The director of property valuation shall value and assess annually the over-the-road motor vehicles and rolling equipment of motor carriers described in this act. The local deputy assessor shall value and assess within the taxing district where located all other property, real and personal, belonging to said such motor carriers.

As used in this act, "over-the-road motor vehicles and rolling equipment" shall include all motor-driven vehicles, trailers, semitrailers, buses and trucks owned, used or operated in the state of Kansas by such motor carriers in the transportation of persons or property other than motor vehicles and rolling equipment used solely or mainly for local transportation in a particular community or local area, or for local pickup and delivery, or passenger automobiles used for purposes other than transportation of persons or property for hire. "Motor carriers" as used in this act shall include every person, firm or corporation who or which holds a certificate of convenience and necessity, a certificate of public service, a contract carrier permit, or an interstate license as a common, contract or exempt carrier from the corporation commission of the state of Kansas or is required to register motor carrier equipment pursuant to 49 U.S.C. 11506.

Sec. 22. K.S.A. 66-1,112, 66-1,112a, 66-1,112b, 66-1,112e, 66-1,113, 66-1,114, 66-1,115a, 66-1,118, 66-1,119a, 66-1,126, 66-1,146, 66-1,147, 66-1,148, 66-1,149, 66-1,217, 66-1,218, 66-1,219, 66-1,221, 66-304, 66-1313a, 66-1329, 66-1330, 66-1331, 66-1332, 66-1333 and 66-1334 and K.S.A. 1994 Supp. 66-1,109, 66-1,220, 66-1335 through 66-1343 and 79-6a01 are hereby repealed.

Sec. 23. This act shall take effect and be in force from and after its publication in the Kansas register.

INDEX TO ADMINISTRATIVE REGULATIONS

This index lists in numerical order the new, amended and revoked administrative regulations and the volume and page number of the Kansas Register issue in which more information can be found. This cumulative index supplements the index found in the 1993 Supplement to the Kansas Administrative Regulations.

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1-5-24	Amended	V. 13, p. 1679
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1-8-5	Amended	V. 13, p. 1461, 1502
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1-9-21	Amended	V. 12, p. 903
1-9-22	Amended	V. 13, p. 1502
1-9-23	Amended	V. 13, p. 1462, 1503
1-9-24	New	V. 12, p. 1709, 1779
1-9-25	New	V. 14, p. 173
1-9-26	New	V. 14, p. 175

1-10-6	Amended	V. 12, p. 1709
1-13-1a	Amended	V. 12, p. 1709
1-14-6	Amended	V. 12, p. 1817
1-14-7	Amended	V. 12, p. 1817
1-14-8	Amended	V. 12, p. 1710
1-14-10	Amended	V. 12, p. 1818
1-14-12	New	V. 12, p. 1711
1-16-2	Amended	V. 12, p. 721, 864
1-16-2a	Amended	V. 12, p. 721, 864
1-16-2b	Amended	V. 12, p. 721, 864
1-16-2d	Amended	V. 12, p. 721, 864
1-16-2f	Revoked	V. 12, p. 722, 865
1-16-2k	Amended	V. 12, p. 722, 865
1-16-22	Amended	V. 12, p. 865
1-17-13	Amended	V. 13, p. 720
1-18-1a	Amended	V. 12, p. 865
1-21-1	Amended	V. 12, p. 865
1-21-2	Amended	V. 12, p. 866
1-21-3	Revoked	V. 12, p. 866
1-21-4	Amended	V. 12, p. 866
1-21-5	Revoked	V. 12, p. 866
1-21-6	Revoked	V. 12, p. 866
1-21-7	Amended	V. 12, p. 866
1-21-8	Revoked	V. 12, p. 866
1-21-9	Revoked	V. 12, p. 866
1-21-10	Revoked	V. 12, p. 866
1-21-11	Revoked	V. 12, p. 866
1-21-12	Amended	V. 12, p. 866
1-22-1 through		
1-22-5	Revoked	V. 12, p. 722, 867
1-28-1	Revoked	V. 12, p. 867
1-28-2	Revoked	V. 12, p. 867
1-49-1	Amended	V. 13, p. 720
1-49-11	New	V. 12, p. 1711
1-50-2	Revoked	V. 12, p. 867
1-63-1	New	V. 13, p. 1463, 1504
1-63-2	New	V. 13, p. 1463, 1504

AGENCY 2: MUNICIPAL ACCOUNTING BOARD

Reg. No.	Action	Register
2-3-3	Revoked	V. 12, p. 887

AGENCY 4: BOARD OF AGRICULTURE

Reg. No.	Action	Register
4-2-4	Revoked	V. 13, p. 1609
4-2-5	Revoked	V. 13, p. 1609
4-2-6	Revoked	V. 13, p. 1609
4-2-8	Amended	V. 13, p. 1609
4-2-20	New	V. 13, p. 1609
4-3-47	Amended	V. 13, p. 1609
4-3-49	Amended	V. 13, p. 1609
4-4-900	Amended	V. 13, p. 1017, 1043
4-4-982	New	V. 13, p. 1018, 1043
4-4-983	New	V. 13, p. 1018, 1043
4-4-984	New	V. 13, p. 1018, 1043
4-7-716	Amended	V. 13, p. 1018
4-7-719	Amended	V. 13, p. 1018
4-7-900	Amended	V. 13, p. 1610
4-7-901	Amended	V. 13, p. 1610
4-7-904	Amended	V. 13, p. 1610
4-7-905	Amended	V. 13, p. 1610
4-8-14a	Amended	V. 12, p. 1212
4-8-28	Amended	V. 12, p. 1212
4-8-32	Amended	V. 12, p. 1213
4-13-60	Amended	V. 13, p. 1618
4-13-61	Amended	V. 13, p. 1018
4-13-64	Amended	V. 13, p. 1019
4-13-65	Amended	V. 13, p. 1019
4-16-1a	Amended	V. 13, p. 1610
4-16-1c	Amended	V. 13, p. 1611
4-16-300	Amended	V. 13, p. 1611
4-16-301	Amended	V. 13, p. 1611
4-16-304	Amended	V. 13, p. 1611
4-16-305	Amended	V. 13, p. 1612
4-17-1c	Amended	V. 13, p. 1612
4-17-5a	Amended	V. 13, p. 1612
4-17-300	Amended	V. 13, p. 1612
4-17-301	Amended	V. 13, p. 1613
4-17-304	Amended	V. 13, p. 1613
4-17-305	Amended	V. 13, p. 1613

**AGENCY 5: BOARD OF AGRICULTURE—
DIVISION OF WATER RESOURCES**

Reg. No.	Action	Register
5-1-1	Amended	V. 13, p. 491
5-1-2	New	V. 13, p. 493
5-3-4a	Amended	V. 13, p. 493
5-3-5e	New	V. 13, p. 493
5-3-9	New	V. 13, p. 1543
5-3-10	New	V. 13, p. 1543
5-3-11	New	V. 13, p. 1544
5-3-14 through		
5-3-18	New	V. 13, p. 1545-1547
5-4-4	New	V. 13, p. 493
5-5-8 through		
5-5-12	New	V. 13, p. 1547-1551
5-7-1	Amended	V. 13, p. 494
5-7-3	Revoked	V. 13, p. 494
5-7-4	New	V. 13, p. 495
5-10-6	New	V. 13, p. 1551
5-11-1	New	V. 13, p. 495
5-11-2	New	V. 13, p. 496
5-21-1	Amended	V. 13, p. 443
5-21-3	Amended	V. 13, p. 444
5-21-4	New	V. 13, p. 444
5-22-1	Amended	V. 13, p. 91
95-22-2	Amended	V. 13, p. 92
5-22-7	Amended	V. 13, p. 92
5-22-8	Amended	V. 13, p. 93

AGENCY 7: SECRETARY OF STATE

Reg. No.	Action	Register
7-19-1 through		V. 13, p. 1044, 1045
7-19-6	New	1355, 1356
7-23-2	Amended	V. 13, p. 5
7-23-12	New	V. 13, p. 5
7-23-13	New	V. 13, p. 276
7-27-1	Amended	V. 12, p. 1336
7-29-1	Revoked	V. 12, p. 1336
7-29-2	Amended	V. 12, p. 1336
7-36-1 through		
7-36-6	New	V. 13, p. 5
7-37-1	New	V. 13, p. 765
7-37-2	New	V. 13, p. 765

AGENCY 16: ATTORNEY GENERAL

Reg. No.	Action	Register
16-3-1	Amended	V. 13, p. 1992
16-3-2	Amended	V. 13, p. 1992
16-3-3	New	V. 13, p. 1992
16-4-1	Revoked	V. 13, p. 1992
16-5-2	Revoked	V. 13, p. 1992
16-5-3	Revoked	V. 13, p. 1992
16-6-2	New	V. 13, p. 1992

**AGENCY 17: STATE BANKING
DEPARTMENT**

Reg. No.	Action	Register
17-11-21	Amended	V. 13, p. 1132
17-15-1	Amended	V. 12, p. 311
17-16-8	Amended	V. 12, p. 314
17-21-1	Amended	V. 12, p. 314
17-21-2	Amended	V. 12, p. 314
17-22-1	Amended	V. 13, p. 1399
17-23-1 through		
17-23-16	New	V. 13, p. 49-57
17-23-13	Amended	V. 13, p. 1543

**AGENCY 19: KANSAS COMMISSION
ON GOVERNMENTAL STANDARDS
AND CONDUCT**

Reg. No.	Action	Register
19-29-1a	New	V. 12, p. 1336

**AGENCY 20: CRIME VICTIMS
COMPENSATION BOARD**

Reg. No.	Action	Register
20-1-1	Amended	V. 12, p. 1487
20-2-3	New	V. 12, p. 1487
20-2-6	New	V. 12, p. 1488
20-2-7	New	V. 12, p. 1488

20-2-8	New	V. 12, p. 1488
20-2-9	New	V. 12, p. 1488

AGENCY 21: HUMAN RIGHTS COMMISSION

Reg. No.	Action	Register
21-70-1 through		
21-70-54	New	V. 13, p. 1651-1660

AGENCY 22: STATE FIRE MARSHAL

Reg. No.	Action	Register
22-1-2	Amended	V. 12, p. 444
22-1-3	New	V. 12, p. 444
22-1-4	New	V. 12, p. 444
22-1-5	New	V. 12, p. 445
22-1-6	New	V. 12, p. 445
22-2-1	Revoked	V. 12, p. 445
22-3-1	Revoked	V. 12, p. 445
22-3-2	Revoked	V. 12, p. 445
22-4-1	Revoked	V. 12, p. 445
22-5-3	Amended	V. 12, p. 445
22-6-10	Revoked	V. 12, p. 445
22-6-17	Revoked	V. 12, p. 445
22-6-18	New	V. 12, p. 976
22-7-1	Revoked	V. 12, p. 445
22-7-2	Revoked	V. 12, p. 445
22-7-3	Revoked	V. 12, p. 445
22-7-5	Revoked	V. 12, p. 445
22-7-6 through		
22-7-12	New	V. 12, p. 445-447
22-8-1	Revoked	V. 12, p. 448
22-10-3a	Revoked	V. 12, p. 448
22-10-10	Revoked	V. 12, p. 448
22-10-12	Revoked	V. 12, p. 448
22-10-13	Revoked	V. 12, p. 448
22-10-14	Revoked	V. 12, p. 448
22-10-17	Revoked	V. 12, p. 448
22-10-18	New	V. 12, p. 448
22-10-19	New	V. 12, p. 448
22-13-35	Revoked	V. 12, p. 449
22-18-3	Amended	V. 12, p. 449
22-19-1	Amended	V. 12, p. 450
22-19-2	Amended	V. 12, p. 450
22-19-3	Amended	V. 12, p. 451
22-19-4	Revoked	V. 12, p. 451
22-19-5	New	V. 12, p. 451
22-20-1	Revoked	V. 12, p. 451
22-22-1	New	V. 12, p. 451

**AGENCY 23: DEPARTMENT OF
WILDLIFE AND PARKS**

Reg. No.	Action	Register
23-4-1	Revoked	V. 12, p. 1702
23-6-8	Revoked	V. 12, p. 1702
23-16-1	Revoked	V. 12, p. 1702
23-19-1	Revoked	V. 12, p. 1702

**AGENCY 25: STATE GRAIN
INSPECTION DEPARTMENT**

Reg. No.	Action	Register
25-1-8	Revoked	V. 12, p. 1460, 1571
25-1-15	Amended	V. 12, p. 1460, 1571
25-1-16	Revoked	V. 12, p. 1461, 1571
25-1-17	Revoked	V. 12, p. 1461, 1571
25-4-1	Amended	V. 13, p. 1195, 1400

AGENCY 26: DEPARTMENT ON AGING

Reg. No.	Action	Register
26-5-5	Amended	V. 12, p. 1118
26-5-6	Amended	V. 12, p. 1118
26-8-1	Amended	V. 13, p. 1428
26-8-3	Amended	V. 13, p. 1429
26-8-4	Amended	V. 13, p. 1429
26-8-5	Amended	V. 13, p. 1429
26-8-7	Amended	V. 13, p. 1429

**AGENCY 28: DEPARTMENT OF HEALTH
AND ENVIRONMENT**

Reg. No.	Action	Register
28-1-2	Amended	V. 12, p. 315
28-1-18	Amended	V. 12, p. 1057
28-1-19	Amended	V. 13, p. 1932
28-4-350	Amended	V. 12, p. 1042
28-4-351	Amended	V. 12, p. 1042

28-4-352	Amended	V. 12, p. 1043
28-4-353	Amended	V. 12, p. 1043
28-4-353a	New	V. 12, p. 1045
28-4-353b	New	V. 12, p. 1046
28-4-354	Amended	V. 12, p. 1047
28-4-355	Amended	V. 12, p. 1048
28-4-355a	New	V. 12, p. 1049
28-4-355b	New	V. 12, p. 1049
28-4-356	Amended	V. 12, p. 1051
28-4-357	Amended	V. 12, p. 1053
28-4-358	Amended	V. 12, p. 1054
28-4-359	Amended	V. 12, p. 1054
28-4-360	Amended	V. 12, p. 1057
28-4-550 through		
28-4-572	New	V. 13, p. 1932-1945
28-15-11	Amended	V. 13, p. 1788
28-15-13	Amended	V. 13, p. 1790
28-15-14	Amended	V. 13, p. 1792
28-15-15a	Amended	V. 13, p. 1801
28-15-16	Amended	V. 13, p. 1802
28-15-19	Amended	V. 13, p. 1157
28-15-20	Amended	V. 13, p. 1157
28-15-21	New	V. 12, p. 728
28-15-22	New	V. 13, p. 1157
28-15-35	Amended	V. 12, p. 1847
28-15-36	Amended	V. 12, p. 1849
28-15-36a	New	V. 12, p. 1851
28-15-37	Amended	V. 12, p. 1852
28-16-28b through		
28-16-28f	Amended	V. 13, p. 1050-1061
28-16-61	Amended	V. 12, p. 1209
28-16-150 through		
28-16-154	New	V. 12, p. 1210
28-17-6	Amended	V. 12, p. 1020
28-17-20	Amended	V. 12, p. 1020
28-19-7	Amended	V. 13, p. 1865
28-19-8	Amended	V. 13, p. 1874
28-19-14	Amended	V. 13, p. 1874
28-19-14a	Revoked	V. 13, p. 1874
28-19-14b	Revoked	V. 12, p. 1853
28-19-17b	Amended	V. 13, p. 151
28-19-17c	Amended	V. 13, p. 151
28-19-17f	Amended	V. 13, p. 151
28-19-17m	Amended	V. 13, p. 151
28-19-31	Amended	V. 12, p. 1458
28-19-32	Amended	V. 12, p. 1458
28-19-63	Amended	V. 12, p. 1458
28-19-78	Revoked	V. 13, p. 151
28-19-202	Amended	V. 13, p. 1875
28-19-204	New	V. 13, p. 1876
28-19-210	New	V. 12, p. 1535
28-19-212	New	V. 13, p. 1876
28-19-275	New	V. 13, p. 1877
28-19-300 through		
28-19-304	New	V. 13, p. 1877-1880
28-19-400 through		
28-19-404	New	V. 13, p. 1880, 1881
28-19-500	New	V. 13, p. 1881
28-19-501	New	V. 13, p. 1882
28-19-502	New	V. 13, p. 1883
28-19-510 through		
28-19-518	New	V. 13, p. 1883-1892
28-19-540 through		
28-19-546	New	V. 13, p. 1892-1894
28-19-561	New	V. 13, p. 1894
28-19-562	New	V. 13, p. 1895
28-19-563	New	V. 13, p. 1896
28-19-575 through		
28-19-578	New	V. 13, p. 1896, 1897
28-19-720	New	V. 13, p. 1897
28-19-735	New	V. 13, p. 1897
28-19-750 through		
28-19-753	New	V. 13, p. 1897, 1898
28-23-82	Amended	V. 12, p. 1058

(continued)

30-5-81b	Amended	V. 12, p. 1225
30-5-82a	Amended	V. 13, p. 730
30-5-100	Amended	V. 12, p. 1225
30-5-105	Amended	V. 12, p. 1226
30-5-106	Amended	V. 14, p. 169
30-5-107	Amended	V. 14, p. 169
30-5-109a	Amended	V. 12, p. 1226
30-5-116	Amended	V. 13, p. 730
30-5-116a	Amended	V. 12, p. 1226
30-5-118a	Amended	V. 13, p. 731
30-5-151	Amended	V. 12, p. 266, 579
30-5-173	Revoked	V. 14, p. 4
30-5-173a	Revoked	V. 14, p. 4
30-6-34	Amended	V. 13, p. 1705
30-6-35w	New	V. 13, p. 1705
30-6-41w	New	V. 13, p. 1705
30-6-50w	New	V. 13, p. 1706
30-6-52	Amended	V. 13, p. 1160
30-6-52w	New	V. 13, p. 1706
30-6-53w	New	V. 13, p. 1706
30-6-54w	New	V. 13, p. 1707
30-6-55w	New	V. 13, p. 1708
30-6-56	Amended	V. 13, p. 734
30-6-56w	New	V. 13, p. 1708
30-6-59w	New	V. 13, p. 1710
30-6-60w	New	V. 13, p. 1710
30-6-65w	New	V. 13, p. 1710
30-6-70w	New	V. 13, p. 1711
30-6-72w	New	V. 13, p. 1711
30-6-77	Amended	V. 13, p. 1711
30-6-77w	New	V. 13, p. 1712
30-6-78w	New	V. 13, p. 1712
30-6-81w	New	V. 13, p. 1713
30-6-82w	New	V. 13, p. 1713
30-6-85w	New	V. 13, p. 1713
30-6-86w	New	V. 13, p. 1713
30-6-87w	New	V. 13, p. 1713
30-6-94w	New	V. 13, p. 1714
30-6-103	Amended	V. 13, p. 1714
30-6-103w	New	V. 13, p. 1714
30-6-105w	New	V. 13, p. 1715
30-6-106	Amended	V. 13, p. 1966
30-6-106w	Amended	V. 13, p. 1968
30-6-107	Amended	V. 13, p. 1717
30-6-107w	New	V. 13, p. 1717
30-6-109	Amended	V. 13, p. 735
30-6-109w	New	V. 13, p. 1717
30-6-110w	New	V. 13, p. 1719
30-6-111	Amended	V. 13, p. 1719
30-6-111w	New	V. 13, p. 1720
30-6-112	Amended	V. 13, p. 1722
30-6-112w	New	V. 13, p. 1723
30-6-113	Amended	V. 13, p. 1724
30-6-113w	New	V. 13, p. 1725
30-6-150	Amended	V. 12, p. 1745, 1789
30-6-150w	New	V. 13, p. 1726
30-7-100	Amended	V. 12, p. 398
30-10-1a	Amended	V. 13, p. 1163
30-10-1b	Amended	V. 13, p. 1165
30-10-1c	Amended	V. 12, p. 1748
30-10-1d	Amended	V. 12, p. 1748
30-10-2	Amended	V. 13, p. 1165
30-10-6	Amended	V. 14, p. 4
30-10-7	Amended	V. 14, p. 5
30-10-11	Amended	V. 12, p. 1749
30-10-15a	Amended	V. 12, p. 1751
30-10-17	Amended	V. 12, p. 1753
30-10-18	Amended	V. 13, p. 1167
30-10-19	Amended	V. 12, p. 1756
30-10-20	Amended	V. 14, p. 169
30-10-23a	Amended	V. 12, p. 1756
30-10-25	Amended	V. 12, p. 1757
30-10-28	Amended	V. 12, p. 1758
30-31-7	Amended	V. 12, p. 901, 975
30-41-1	Amended	V. 13, p. 1970
30-44-2	New	V. 13, p. 1971
30-44-3	New	V. 13, p. 1972
30-46-10	Amended	V. 12, p. 1231
30-65-1	New	V. 12, p. 1592, 1632
30-65-2	New	V. 12, p. 1593, 1633
30-65-3	New	V. 12, p. 1593, 1633

AGENCY 33: DEPARTMENT OF WILDLIFE AND PARKS

Reg. No.	Action	Register
33-1-18	Revoked	V. 13, p. 1926
33-1-20	Revoked	V. 13, p. 1926

AGENCY 36: DEPARTMENT OF TRANSPORTATION

Reg. No.	Action	Register
36-27-11	Revoked	V. 13, p. 91
36-37-1 through		
36-37-6	New	V. 12, p. 309, 310
36-38-1	New	V. 12, p. 310
36-38-2	New	V. 12, p. 310
36-39-1 through		
36-39-6	New	V. 12, p. 1088-1090

AGENCY 40: KANSAS INSURANCE DEPARTMENT

Reg. No.	Action	Register
40-1-22	Amended	V. 13, p. 185
40-1-39	New	V. 12, p. 1563
40-1-41	New	V. 12, p. 1563
40-2-23	New	V. 12, p. 1564
40-3-10	Revoked	V. 12, p. 1564
40-3-32	Amended	V. 12, p. 1564
40-3-33	Amended	V. 12, p. 1565
40-3-47	Amended	V. 13, p. 185
40-3-50	New	V. 12, p. 1568
40-4-2	Amended	V. 12, p. 1568
40-5-12	New	V. 12, p. 1568

AGENCY 44: DEPARTMENT OF CORRECTIONS

Reg. No.	Action	Register
44-2-103	New	V. 12, p. 822
44-5-102	Revoked	V. 13, p. 835
44-5-115	New	V. 13, p. 1755
44-6-124	Amended	V. 13, p. 1755
44-6-142	Amended	V. 13, p. 1756
44-6-146	Amended	V. 13, p. 1756
44-7-104	Amended	V. 13, p. 835
44-7-116	New	V. 12, p. 1155
44-9-103	Revoked	V. 13, p. 836
44-9-104	Revoked	V. 13, p. 837
44-9-105	Amended	V. 13, p. 837
44-12-601	Amended	V. 13, p. 1757
44-12-1202	Amended	V. 13, p. 1758
44-12-1308	Amended	V. 13, p. 1758
44-13-201	Amended	V. 13, p. 837
44-13-201b	Amended	V. 13, p. 838
44-13-202	Amended	V. 13, p. 838
44-13-402	Amended	V. 13, p. 839
44-13-403	Amended	V. 13, p. 839
44-13-408	Amended	V. 13, p. 1758
44-13-603	Amended	V. 13, p. 841
44-13-704	Amended	V. 13, p. 1759
44-14-101	Amended	V. 12, p. 1593
44-14-102	Amended	V. 12, p. 1594
44-14-201	Amended	V. 12, p. 1594
44-14-301	Amended	V. 12, p. 1594
44-14-302	Amended	V. 13, p. 841
44-14-303	Amended	V. 12, p. 1596
44-14-305	Amended	V. 12, p. 1596
44-14-305a	Revoked	V. 12, p. 1596
44-14-306	Amended	V. 12, p. 1596
44-14-307	Amended	V. 12, p. 1597
44-14-309	Amended	V. 12, p. 1597
44-14-310	Amended	V. 12, p. 1597
44-14-311	Amended	V. 12, p. 1597
44-14-314	Amended	V. 12, p. 1597
44-14-316	Amended	V. 12, p. 1597
44-14-318	New	V. 12, p. 1597

AGENCY 51: DEPARTMENT OF HUMAN RESOURCES—

DIVISION OF WORKERS COMPENSATION

Reg. No.	Action	Register
51-9-7	Amended	V. 12, p. 1399

AGENCY 56: OFFICE OF THE ADJUTANT GENERAL

Reg. No.	Action	Register
56-2-1	New	V. 12, p. 1736
56-2-2	New	V. 12, p. 1736
56-3-1 through		
56-3-6	New	V. 13, p. 89-91, 111-112

AGENCY 60: BOARD OF NURSING

Reg. No.	Action	Register
60-1-101	Revoked	V. 12, p. 1205
60-1-102	Amended	V. 12, p. 348

60-1-103	Amended	V. 12, p. 348
60-3-101	Amended	V. 12, p. 348
60-3-102	Amended	V. 13, p. 1498
60-3-104	Revoked	V. 13, p. 365
60-3-105	Amended	V. 13, p. 365
60-3-106	Amended	V. 13, p. 365
60-3-106a	New	V. 13, p. 365
60-3-110	Amended	V. 13, p. 1086
60-3-111	New	V. 12, p. 349
60-4-101	Amended	V. 13, p. 1964
60-4-103	Amended	V. 13, p. 365
60-7-104	Amended	V. 13, p. 366
60-7-106	Amended	V. 13, p. 1086
60-7-108	New	V. 12, p. 349
60-8-101	Amended	V. 13, p. 1964
60-9-105	Amended	V. 12, p. 349
60-9-107	Amended	V. 12, p. 1206
60-11-103	Amended	V. 13, p. 1086
60-11-104a	Amended	V. 13, p. 1754
60-11-108	Amended	V. 13, p. 1087
60-11-113	Amended	V. 13, p. 366
60-11-118	Amended	V. 12, p. 350
60-11-119	Amended	V. 13, p. 1964
60-12-104	Amended	V. 12, p. 1208
60-12-105	Amended	V. 12, p. 1208
60-13-101	Amended	V. 13, p. 1964
60-13-110	Amended	V. 13, p. 366
60-16-101 through		
60-16-105	New	V. 13, p. 1498-1500

AGENCY 63: BOARD OF MORTUARY ARTS

Reg. No.	Action	Register
63-1-3	Amended	V. 14, p. 202
63-1-4	Amended	V. 12, p. 632
63-2-3	Amended	V. 14, p. 202
63-2-12	Amended	V. 14, p. 203
63-3-10	Amended	V. 12, p. 632
63-3-11	Amended	V. 12, p. 632
63-3-19	Amended	V. 12, p. 633
63-4-1	Amended	V. 12, p. 1598
63-6-1	Amended	V. 14, p. 203
63-6-2	Amended	V. 14, p. 203
63-6-3	Amended	V. 14, p. 204

AGENCY 65: BOARD OF EXAMINERS IN OPTOMETRY

Reg. No.	Action	Register
65-4-3	Amended	V. 12, p. 630
65-4-4	Amended	V. 12, p. 630

AGENCY 66: BOARD OF TECHNICAL PROFESSIONS

Reg. No.	Action	Register
66-6-1	Amended	V. 13, p. 1992
66-6-4	Amended	V. 13, p. 1993
66-6-6	Amended	V. 12, p. 1926
66-6-8	Amended	V. 13, p. 1994
66-6-9	Amended	V. 13, p. 1994
66-7-3	New	V. 13, p. 1994
66-8-2 through		
66-8-5	Amended	V. 12, p. 1926, 1927
66-8-4	Amended	V. 13, p. 1994
66-9-1	Amended	V. 12, p. 1927
66-9-2	Amended	V. 12, p. 1927
66-9-4	Amended	V. 12, p. 1927
66-9-5	Amended	V. 12, p. 1928
66-10-1	Amended	V. 13, p. 1994
66-10-3	Amended	V. 13, p. 1994
66-10-4	Amended	V. 13, p. 1995
66-10-5	Revoked	V. 13, p. 1995
66-10-9	Amended	V. 13, p. 1995
66-10-10	Amended	V. 13, p. 1995
66-10-10a	Amended	V. 13, p. 1995
66-10-11	Amended	V. 13, p. 1996
66-10-12	Amended	V. 13, p. 1996
66-11-1	Amended	V. 12, p. 1929
66-11-2	Amended	V. 12, p. 1929
66-11-3	Revoked	V. 13, p. 1996
66-12-1	Amended	V. 13, p. 1996

AGENCY 67: BOARD OF HEARING AID EXAMINERS

Reg. No.	Action	Register
67-2-4	Amended	V. 14, p. 66

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AGENCY 68: BOARD OF PHARMACY

Table with 3 columns: Reg. No., Action, Register. Lists regulations 68-1-1a through 68-20-19.

AGENCY 69: BOARD OF COSMETOLOGY

Table with 3 columns: Reg. No., Action, Register. Lists regulations 69-1-4 through 69-13-3.

AGENCY 70: BOARD OF VETERINARY EXAMINERS

Table with 3 columns: Reg. No., Action, Register. Lists regulations 70-1-4 through 70-6-1.

AGENCY 71: KANSAS DENTAL BOARD

Table with 3 columns: Reg. No., Action, Register. Lists regulations 71-1-13 through 71-3-3.

AGENCY 74: BOARD OF ACCOUNTANCY

Table with 3 columns: Reg. No., Action, Register. Lists regulations 74-4-8 through 74-14-2.

AGENCY 75: CONSUMER CREDIT COMMISSIONER

Table with 3 columns: Reg. No., Action, Register. Lists regulation 75-6-6.

AGENCY 80: KANSAS PUBLIC EMPLOYEES RETIREMENT SYSTEM

Table with 3 columns: Reg. No., Action, Register. Lists regulations 80-8-1 through 80-8-7.

AGENCY 81: OFFICE OF THE SECURITIES COMMISSIONER

Table with 3 columns: Reg. No., Action, Register. Lists regulations 81-2-1 and 81-3-1.

Table with 3 columns: Reg. No., Action, Register. Lists regulations 81-3-3 through 81-11-11.

AGENCY 82: STATE CORPORATION COMMISSION

Table with 3 columns: Reg. No., Action, Register. Lists regulations 82-1-228 through 82-4-42.

AGENCY 86: REAL ESTATE COMMISSION

Table with 3 columns: Reg. No., Action, Register. Lists regulations 86-1-5 through 86-3-24.

AGENCY 88: BOARD OF REGENTS

Table with 3 columns: Reg. No., Action, Register. Lists regulations 88-10-4 through 88-22-10.

AGENCY 91: DEPARTMENT OF EDUCATION

Table with 3 columns: Reg. No., Action, Register. Lists regulations 91-1-30 and 91-1-30a.

Table with 3 columns: Reg. No., Action, Register. Lists regulations 91-1-56 through 91-12-74.

AGENCY 98: KANSAS WATER OFFICE

Table with 3 columns: Reg. No., Action, Register. Lists regulations 98-5-2 through 98-5-5.

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

Table with 3 columns: Reg. No., Action, Register. Lists regulations 99-40-21 through 99-40-105.

AGENCY 100: BOARD OF HEALING ARTS

Table with 3 columns: Reg. No., Action, Register. Lists regulations 100-10a-1 through 100-60-13.

AGENCY 102: BEHAVIORAL SCIENCES REGULATORY BOARD

Reg. No.	Action	Register
102-1-13	Amended	V. 12, p. 1038
102-5-1 through 102-5-12	New	V. 12, p. 189-194
102-5-2	Amended	V. 12, p. 1038

AGENCY 105: BOARD OF INDIGENTS' DEFENSE SERVICES

Reg. No.	Action	Register
105-2-1	Amended	V. 13, p. 183
105-3-2	Amended	V. 12, p. 976, 1013
105-3-11	New	V. 13, p. 184
105-5-2	Amended	V. 13, p. 184
105-5-6	Amended	V. 12, p. 977, 1013
105-5-7	Amended	V. 12, p. 977, 1014
105-5-8	Amended	V. 12, p. 977, 1014
105-5-9	New	V. 12, p. 1014
105-9-5	New	V. 12, p. 1014
105-10-1	Revoked	V. 13, p. 184
105-10-1a	New	V. 13, p. 184
105-10-3	New	V. 13, p. 184
105-10-4	New	V. 13, p. 185
105-10-5	New	V. 13, p. 185

AGENCY 109: BOARD OF EMERGENCY MEDICAL SERVICES

Reg. No.	Action	Register
109-1-1	Amended	V. 13, p. 1928
109-2-5	Amended	V. 12, p. 1015
109-2-8	Amended	V. 12, p. 1016
109-5-1	Amended	V. 13, p. 1649
109-8-1	Amended	V. 13, p. 1650
109-9-4	Amended	V. 12, p. 1874
109-9-5	Amended	V. 12, p. 1875
109-10-1	Amended	V. 14, p. 235
109-10-2	New	V. 12, p. 1091
109-10-3	New	V. 12, p. 1875
109-10-4	New	V. 12, p. 1876
109-10-5	New	V. 13, p. 1651
109-11-1	Amended	V. 12, p. 1876
109-11-4	Amended	V. 12, p. 1019
109-11-8	Amended	V. 12, p. 1876
109-13-1	New	V. 12, p. 1877
109-13-3	New	V. 12, p. 1877

AGENCY 110: DEPARTMENT OF COMMERCE AND HOUSING

Reg. No.	Action	Register
110-6-1 through 110-6-6	New	V. 12, p. 1294, 1295, 1489, 1490
110-7-1 through 110-7-4	New	V. 13, p. 1407, 1408, 1571, 1572
110-6-7	New	V. 12, p. 1490
110-40-5	Amended	V. 13, p. 1132

AGENCY 111: THE KANSAS LOTTERY

Reg. No.	Action	Register
111-1-2	Amended	V. 7, p. 1190
111-1-5	Amended	V. 13, p. 1045
111-2-1	Amended	V. 14, p. 311
111-2-2	Amended	V. 12, p. 1261
111-2-2a	Revoked	V. 9, p. 1675
111-2-6	Revoked	V. 13, p. 149
111-2-7	Revoked	V. 10, p. 1210
111-2-13	Revoked	V. 10, p. 881
111-2-14	Amended	V. 13, p. 1435
111-2-15	Revoked	V. 10, p. 881
111-2-16	Revoked	V. 10, p. 1210
111-2-17	Revoked	V. 10, p. 1210
111-2-18	Revoked	V. 11, p. 413
111-2-19	Revoked	V. 11, p. 413
111-2-20 through 111-2-26	Revoked	V. 13, p. 1401
111-2-27	New	V. 12, p. 1370
111-2-28	New	V. 12, p. 1844
111-2-29	New	V. 12, p. 1844
111-2-30	Amended	V. 14, p. 403
111-2-31	New	V. 14, p. 170

111-2-32	New	V. 14, p. 311	111-4-241 through 111-4-244	Revoked	V. 12, p. 1371
111-2-33	New	V. 14, p. 312	111-4-245 through 111-4-248	Revoked	V. 12, p. 1371
111-2-34	New	V. 14, p. 403	111-4-249 through 111-4-256	Revoked	V. 12, p. 113, 114
111-3-1	Amended	V. 13, p. 1825	111-4-257 through 111-4-286	Revoked	V. 11, p. 413, 414
111-3-6	Amended	V. 12, p. 677	111-4-287 through 111-4-300	New	V. 10, p. 883-886
111-3-9	Revoked	V. 11, p. 1793	111-4-287 through 111-4-290	Revoked	V. 12, p. 1371
111-3-10 through 111-3-31	New	V. 7, p. 201-206	111-4-291 through 111-4-300	Revoked	V. 12, p. 114
111-3-11	Amended	V. 13, p. 35	111-4-301 through 111-4-307	Revoked	V. 13, p. 1402
111-3-12	Amended	V. 13, p. 1826	111-4-301 Amended		V. 12, p. 1115
111-3-13	Amended	V. 11, p. 1148	111-4-303 Amended		V. 12, p. 1115
111-3-14	Amended	V. 13, p. 1826	111-4-304 Amended		V. 12, p. 1115
111-3-16	Amended	V. 9, p. 1566	111-4-306 Amended		V. 12, p. 1115
111-3-19 through 111-3-22	Amended	V. 9, p. 30	111-4-308 through 111-4-320	New	V. 10, p. 1214, 1215
111-3-19	Revoked	V. 13, p. 1827	111-4-308 Amended		V. 12, p. 1261
111-3-20	Amended	V. 11, p. 1148	111-4-311 Amended		V. 12, p. 1262
111-3-21	Amended	V. 11, p. 1148	111-4-312 Amended		V. 12, p. 1262
111-3-22	Amended	V. 11, p. 1148	111-4-313 Amended		V. 12, p. 1262
111-3-23	Revoked	V. 10, p. 883	111-4-318 through 111-4-321	Revoked	V. 12, p. 114
111-3-25	Amended	V. 13, p. 1827	111-4-322 through 111-4-331	New	V. 10, p. 1411-1413
111-3-26	Amended	V. 11, p. 1149	111-4-322 through 111-4-327	Revoked	V. 12, p. 1371
111-3-27	Amended	V. 11, p. 1149	111-4-328 through 111-4-335	Revoked	V. 12, p. 114
111-3-29	Revoked	V. 11, p. 1149	111-4-336 through 111-4-345	New	V. 10, p. 1526-1528
111-3-31	Amended	V. 8, p. 209	111-4-346 through 111-4-361	New	V. 10, p. 1586-1589
111-3-32	Amended	V. 10, p. 883	111-4-362 through 111-4-366	Revoked	V. 14, p. 7
111-3-33	New	V. 7, p. 1434	111-4-367 through 111-4-379	Revoked	V. 14, p. 7, 8
111-3-34	New	V. 13, p. 149	111-4-380 through 111-4-383	Revoked	V. 12, p. 1664
111-3-35	Amended	V. 13, p. 1828			
111-3-36	New	V. 13, p. 877			
111-3-37	New	V. 13, p. 877			
111-4-1 through 111-4-5	Revoked	V. 12, p. 113			
111-4-5a	Revoked	V. 12, p. 113			
111-4-6 through 111-4-15	Revoked	V. 12, p. 113			
111-4-15	Revoked	V. 12, p. 113			
111-4-66 through 111-4-77	New	V. 7, p. 207-209			
111-4-96 through 111-4-114	New	V. 7, p. 1606-1610			
111-4-100	Amended	V. 13, p. 1045			
111-4-101	Amended	V. 13, p. 1045			
111-4-102	Amended	V. 12, p. 1114			
111-4-103	Amended	V. 10, p. 1211			
111-4-104	Amended	V. 13, p. 1046			
111-4-105	Amended	V. 13, p. 1046			
111-4-106	Amended	V. 13, p. 1046			
111-4-106a	Amended	V. 11, p. 1149			
111-4-107	Amended	V. 11, p. 978			
111-4-108	Amended	V. 12, p. 1114			
111-4-110	Amended	V. 11, p. 978			
111-4-111	Amended	V. 9, p. 1366			
111-4-112	Amended	V. 13, p. 1047			
111-4-113	Amended	V. 9, p. 1366			
111-4-114	Amended	V. 9, p. 1366			
111-4-153 through 111-4-160	Revoked	V. 9, p. 1676, 1677			
111-4-177 through 111-4-212	Revoked	V. 9, p. 1677, 1678			
111-4-213 through 111-4-220	Revoked	V. 10, p. 1213			
111-4-217	Amended	V. 9, p. 986			
111-4-221 through 111-4-224	Revoked	V. 10, p. 1585			
111-4-225 through 111-4-228	Revoked	V. 10, p. 1585			
111-4-229 through 111-4-236	Revoked	V. 10, p. 1585, 1586			
111-4-237 through 111-4-240	Revoked	V. 11, p. 413			

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111-4-384 through							
111-4-387	Revoked	V. 12, p. 1373					
111-4-388 through							
111-4-400	New	V. 11, p. 478-481					
111-4-388 through							
111-4-391	Revoked	V. 12, p. 1373					
111-4-392	Amended	V. 12, p. 520					
111-4-394 through							
111-4-400	Amended	V. 12, p. 521, 522					
111-4-401 through							
111-4-404	Revoked	V. 12, p. 1373					
111-4-405 through							
111-4-413	New	V. 11, p. 756, 757					
111-4-405	Amended	V. 13, p. 877					
111-4-407	Amended	V. 13, p. 877					
111-4-408	Amended	V. 13, p. 877					
111-4-409	Amended	V. 13, p. 877					
111-4-411	Amended	V. 11, p. 1474					
111-4-412	Amended	V. 11, p. 1475					
111-4-413	Amended	V. 11, p. 1475					
111-4-414 through							
111-4-428	Revoked	V. 14, p. 8					
111-4-414	Amended	V. 11, p. 1150					
111-4-429 through							
111-4-432	Revoked	V. 12, p. 1373					
111-4-433 through							
111-4-436	Revoked	V. 12, p. 1374					
111-4-437 through							
111-4-444	New	V. 11, p. 1475-1477					
111-4-437 through							
111-4-440	Revoked	V. 12, p. 1374					
111-4-441 through							
111-4-443	Revoked	V. 14, p. 8					
111-4-445 through							
111-4-453	New	V. 11, p. 1794-1796					
111-4-445 through							
111-4-448	Revoked	V. 12, p. 1374					
111-4-449 through							
111-4-453	Revoked	V. 14, p. 8					
111-4-454 through							
700through							
111-4-465	Revoked	V. 12, p. 1664, 1665					
111-4-466 through							
111-4-473	New	V. 12, p. 316, 317					
111-4-466 through							
111-4-473	New	V. 12, p. 316, 317					
111-4-466 through							
111-4-469	Revoked	V. 12, p. 1665					
111-4-470	Amended	V. 12, p. 522					
111-4-474 through							
111-4-488	New	V. 12, p. 522-524					
111-4-489 through							
111-4-492	New	V. 12, p. 861					
111-4-493 through							
111-4-496	New	V. 12, p. 525					
111-4-497 through							
111-4-500	New	V. 12, p. 913, 914					
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111-4-512		V. 12, p. 1115-1118					
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111-4-521		V. 12, p. 1374, 1375					
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111-4-530	New	V. 12, p. 1569, 1570					
111-4-531 through							
111-4-534	New	V. 12, p. 1665, 1666					
111-4-535 through							
111-4-542	New	V. 12, p. 1844-1846					
111-4-543 through							
111-4-546	New	V. 13, p. 150					
111-4-547 through							
111-4-554	New	V. 13, p. 337-339					
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111-4-563	New	V. 13, p. 396-398					
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111-4-571	New	V. 13, p. 635-637					
111-4-572 through							
111-4-585	New	V. 13, p. 878-880					
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111-4-593	New	V. 13, p. 1047-1049					
111-4-594 through							
111-4-606	New	V. 13, p. 1402-1405					
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111-4-619	New	V. 13, p. 1436-1438					
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111-4-623	New	V. 13, p. 1567					
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111-4-652	New	V. 13, p. 1828-1835					
111-4-640	Amended	V. 13, p. 1922					
111-4-652	Amended	V. 13, p. 1922					
111-4-653 through							
111-4-664	New	V. 13, p. 1923-1925					
111-4-665 through							
111-4-669	New	V. 14, p. 8, 9					
111-4-670 through							
111-4-673	New	V. 14, p. 170					
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111-4-677	New	V. 14, p. 312, 313					
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111-4-682	New	V. 14, p. 438, 439					
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111-4-694	New	V. 14, p. 404-406					
111-5-1 through							
111-5-23	New	V. 7, p. 209-213					
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111-5-15	Amended	V. 8, p. 210, 211					
111-5-11	Amended	V. 9, p. 505					
111-5-12	Amended	V. 11, p. 415					
111-5-17	Amended	V. 8, p. 211					
111-5-18	Amended	V. 10, p. 13					
111-5-19	Amended	V. 8, p. 212					
111-5-21 through							
111-5-33	New	V. 11, p. 415-418					
111-5-22	Amended	V. 13, p. 1438					
111-5-23	Amended	V. 11, p. 481					
111-5-24	Amended	V. 11, p. 983					
111-5-25	Amended	V. 11, p. 482					
111-5-27	Amended	V. 11, p. 482					
111-5-28	Amended	V. 12, p. 317					
111-5-34	New	V. 12, p. 318					
111-5-34a	Amended	V. 13, p. 1568					
111-5-35 through							
111-5-38	Revoked	V. 13, p. 1439					
111-6-1 through							
111-6-15	New	V. 7, p. 213-217					
111-6-1	Amended	V. 13, p. 339					
111-6-3	Amended	V. 14, p. 313					
111-6-4	Amended	V. 10, p. 1413					
111-6-5	Amended	V. 13, p. 1405					
111-6-6	Amended	V. 11, p. 1973					
111-6-7	Amended	V. 11, p. 1477					
111-6-7a	New	V. 12, p. 1118					
111-6-8	Revoked	V. 12, p. 1263					
111-6-9	Revoked	V. 14, p. 313					
111-6-11	Revoked	V. 12, p. 1376					
111-6-12	Amended	V. 8, p. 212					
111-6-13	Amended	V. 8, p. 299					
111-6-15	Amended	V. 12, p. 677					
111-6-17	Revoked	V. 10, p. 1475					
111-6-18	New	V. 13, p. 150					
111-6-19	New	V. 13, p. 340					
111-6-20	New	V. 13, p. 340					
111-6-21	New	V. 13, p. 881					
111-6-22	New	V. 13, p. 881					
111-6-23	New	V. 13, p. 881					
111-7-1 through							
111-7-10	New	V. 7, p. 1192, 1193					
111-7-1	Amended	V. 8, p. 212					
111-7-3	Amended	V. 11, p. 1796					
111-7-3a	Revoked	V. 13, p. 340					
111-7-4	Amended	V. 9, p. 1367					
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					
111-7-46	Amended	V. 11, p. 1152					
111-7-54	Amended	V. 11, p. 1511					
111-7-55 through							
111-7-63	Revoked	V. 10, p. 1217					
111-7-60	Amended	V. 10, p. 262					
111-7-64 through							
111-7-75	New	V. 11, p. 13, 14					
111-7-66	Amended	V. 13, p. 1049					
111-7-66a	Revoked	V. 13, p. 340					
111-7-76 through							
111-7-78	New	V. 11, p. 1478-1480					
111-7-79	Revoked	V. 13, p. 340					
111-7-80 through							
111-7-83	New	V. 11, p. 1478-1480					
111-7-81	Amended	V. 13, p. 1406					
111-7-84 through							
111-7-90	New	V. 12, p. 677, 678					
111-7-91 through							
111-7-94	Revoked	V. 13, p. 340					
111-7-98	New	V. 12, p. 914					
111-7-99 through							
111-7-105	New	V. 12, p. 1376, 1377					
111-7-106 through							
111-7-112	New	V. 13, p. 1568, 1569					
111-7-113 through							
111-7-117	New	V. 14, p. 171					
111-8-1	New	V. 7, p. 1633					
111-8-2	New	V. 7, p. 1633					
111-8-3	Amended	V. 10, p. 886					
111-8-4	New	V. 7, p. 1714					
111-8-4a	Revoked	V. 13, p. 1406					

111-8-5		
through		
111-8-13	New	V. 7, p. 1634
111-8-14	New	V. 13, p. 881
111-8-15	New	V. 13, p. 881
111-9-1		
through		
111-9-12	New	V. 7, p. 1714-1716
111-9-1		
through		
111-9-6	Revoked	V. 9, p. 1680
111-9-13		
through		
111-9-18	Revoked	V. 9, p. 1680
111-9-25		
through		
111-9-30	New	V. 9, p. 699, 700
111-9-31		
through		
111-9-36	New	V. 10, p. 262
111-9-37		
through		
111-9-48	New	V. 10, p. 1439, 1440
111-9-49		
through		
111-9-54	New	V. 12, p. 318, 319
111-9-55		
through		
111-9-60	New	V. 12, p. 1263, 1264
111-10-1		
through		
111-10-9	New	V. 8, p. 136-138
111-10-7	Amended	V. 8, p. 301

AGENCY 112: KANSAS RACING COMMISSION

Reg. No.	Action	Register
112-4-1	Amended	V. 14, p. 200
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
112-12-2	Amended	V. 13, p. 1996
112-12-3	Revoked	V. 13, p. 1997
112-12-4		
through		
112-12-9	Amended	V. 13, p. 1997-1999
112-12-10	Amended	V. 12, p. 1816
112-12-12	Amended	V. 13, p. 1999
112-12-13	Amended	V. 13, p. 1999
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. 13, p. 1926
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
115-8-3	Amended	V. 13, p. 1680
115-8-19	New	V. 13, p. 1926
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
115-18-8	Amended	V. 13, p. 1927
115-18-9	New	V. 12, p. 1702
115-18-10	New	V. 12, p. 1702
115-18-12	Amended	V. 13, p. 1927
115-18-13	New	V. 13, p. 981
115-18-14	New	V. 13, p. 1680
115-20-1	Amended	V. 14, p. 123
115-21-3	New	V. 12, p. 1703
115-30-3	Amended	V. 14, p. 123
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. 1965
117-6-2	Amended	V. 13, p. 1965
117-7-1	Amended	V. 13, p. 1966
117-8-1	Amended	V. 13, p. 1966

AGENCY 120: HEALTH CARE DATA GOVERNING BOARD

Reg. No.	Action	Register
120-1-1	New	V. 13, p. 1682

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