



# Kansas Register

Ron Thornburgh, Secretary of State

Vol. 14, No. 17

April 27, 1995

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**Ron Thornburgh**  
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 (913) 296-2236



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

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 5-1-95 through 5-7-95

Term	Rate
0-90 days	5.97%
3 months	5.75%
6 months	6.01%
9 months	6.12%
12 months	6.18%
18 months	6.33%
24 months	6.41%
36 months	6.56%
48 months	6.68%

Sally Thompson  
State Treasurer

Doc. No. 016206

State of Kansas

Secretary of State

Notice of Election Results

Pursuant to K.S.A. 17-5908, the results of an election held in Bourbon County on April 4, 1995, on the question of whether a corporate swine production facility shall be established were 640 votes in favor of and 2,651 votes against such establishment. Swine production facilities are not allowed to be established in Bourbon County.

Pursuant to K.S.A. 17-5907, the results of an election held in Trego County on April 4, 1995, on the question of whether certain business entities may establish dairy production facilities were 785 votes in favor of and 233 votes against such establishment. Dairy production facilities are allowed to be established in Trego County.

Pursuant to K.S.A. 17-5908, the results of an election held in Reno County on April 4, 1995, on the question of whether a corporate swine production facility shall be established were 2,968 votes in favor of and 9,304 votes against such establishment. Swine production facilities are not allowed to be established in Reno County.

Pursuant to K.S.A. 17-5907, the results of an election held in Reno County on April 4, 1995, on the question of whether certain business entities may establish dairy production facilities were 3,911 votes in favor of and 8,016 votes against such establishment. Dairy production facilities are not allowed to be established in Reno County.

Pursuant to K.S.A. 17-5908, the results of an election held in Chautauqua County on April 4, 1995, on the question of whether a corporate swine production facility shall be established were 481 votes in favor of and 949 votes against such establishment. Swine production facilities are not allowed to be established in Chautauqua County.

Ron Thornburgh  
Secretary of State

Doc. No. 016202

State of Kansas

State Conservation Commission

Notice to Contractors

Sealed bids for the construction of a 39,000 cubic yard detention dam, Site C-10 in Coffey County, will be received by the Pottawatomie Creek Watershed Joint District No. 90 at the Natural Resources Conservation Service office, 519 S. Elm, Garnett, 66032, until noon May 17. Bids will be opened at 1:30 p.m. May 17 at the Town Hall Center, 125 W. 5th, Garnett, (913) 448-3796. A copy of the invitation for bids and plans and specifications can be obtained at the Natural Resources Conservation Service office, (913) 448-6323.

Kenneth F. Kern  
Executive Director

Doc. No. 016203

State of Kansas

Board of Education

Request for Comments

The Kansas State Board of Education will submit a preliminary consolidated plan for fiscal year 1995 covering the following federal education programs:

- Title I, Part A (LEA Program)
- Title I, Part B (Even Start)
- Title I, Part C (Migrant Education)
- Title I, Part D (Neglected, Delinquent or At-Risk Children)
- Title II, SEA (Professional Development)
- Title IV, Part A (Safe & Drug Free Schools and Communities)
- Title VI, (Innovative Education Program Strategies)
- State leadership programs in Title II, Perkins Vocational and Applied Technology Education Act and all other state formula grant programs under the Perkins Act
- Goals 2000 Educate America Act
- School-to-Work Opportunities
- Title III, Part A, Subpart 2 (Technology for Education)
- Subtitle B of Title VII of Stewart B. McKinney Homeless Assistance Act

The public comment period is from April 27-May 11. Copies of the preliminary plan are available at the Kansas State Board of Education, 120 S.E. 10th Ave., Topeka, 66612, (913) 296-2306. Comments concerning the preliminary plan are to be submitted by May 11 to the Program Support Services Section, Kansas State Department of Education.

Dr. Lee Droegemueller  
Commissioner of Education

Doc. No. 016232

## State of Kansas

**Kansas Insurance Department****Notice of Creation of Pharmacy Network**

Pursuant to the provisions of K.S.A. 40-2,153, notice is hereby given that Blue Cross and Blue Shield of Kansas intends to create a statewide pharmacy network. The contact person for Blue Cross and Blue Shield is Bob Riley, Blue Cross and Blue Shield of Kansas, 1133 S.W. Topeka Blvd., Topeka, 66629-0001.

Kathleen Sebelius  
Commissioner of Insurance

Doc. No. 016214

## State of Kansas

**Secretary of State****Executive Appointments**

Executive appointments made by the Governor, and in some cases by other state officials, are filed with the Secretary of State's office. The following appointments were filed April 17-21:

**Department of Administration**

**Frederick E. Boesch, Chief Information Architect,**  
Landon State Office Building, 900 S.W. Jackson, Topeka, 66612.

**Kansas Department on Aging**

**J.W. (Jake) Reisinger, Director, Senior Health Insurance Counseling of Kansas Program,** 1st Floor, Docking State Office Building, 915 S.W. Harrison, Topeka, 66612.

**Department of Commerce and Housing**

**Matthew B. Brisch, Director of Public Information, Administration Division,** 700 S.W. Harrison, Suite 1300, Topeka, 66612.

**Stephen R. Kelly, Director, Business Development Division,** 700 S.W. Harrison, Suite 1300, Topeka, 66612.

**Governor's Commission on School-to-Work**

**Dr. Wynne H. Begun,** 4104 W. 93rd, Prairie Village, 66207.

**Department of Human Resources**

**George M. Wolf, Deputy Chief Counsel,** 427 Topeka Blvd., Topeka, 66603.

**Kansas Inc.**

**John O. Farmer III,** 239 Amber Drive, Russell, 67665. Subject to Senate confirmation. Term expires June 30, 1998. Succeeds Michael Vess.

**Kansas Lottery**

**Thomas Payne, District Manager,** 201 W. 23rd, Hays, 67601.

**Department of Revenue**

**Richard Oxandale, General Counsel,** Docking State Office Building, 915 S.W. Harrison, Topeka, 66612.

Ron Thornburgh  
Secretary of State

## State of Kansas

**Kansas Commission on Governmental Standards and Conduct****Advisory Opinion No. 95-8**

Written April 18, 1995, to the Honorable Ron Thornburgh, Secretary of State, Topeka.

This opinion is in response to your letter of April 6, 1995, in which you request an opinion from the Kansas Commission on Governmental Standards and Conduct concerning the Campaign Finance Act (K.S.A. 25-4142 et seq.).

**Factual Statement**

We understand you request this opinion in your capacity as the Secretary of State for the State of Kansas. You advise us that Kids Voting Kansas, Inc., a nonprofit, nonpartisan organization dedicated to educating Kansas youth about the rights, responsibilities and mechanics of voting, would like to ask contributors to political campaigns for monetary donations which would be used to serve all Kansas students and enable them to participate in Kids Voting programs.

You further advise us that requests for donations would be made in the form of a letter signed by various elected state officials. These requests would be sent to campaign contributors of these officials. The names of the contributors would be derived from campaign finance reports filed by the officials.

You note that K.S.A. 25-4154 prohibits using such names "for any commercial purpose."

**Question**

Is it permissible, under K.S.A. 25-4154, to request donations from individuals who are listed on campaign finance reports to support the Kids Voting programs?

**Opinion**

K.S.A. 25-4154(d) applies to your question. That subsection states:

No person shall copy any name of a contributor from any report or statement filed under the campaign finance act and use such name for any commercial purpose, and no person shall use any name for a commercial purpose with knowledge that such name was obtained solely by copying information relating to contributions contained in any report or statement filed under the campaign finance act.

We believe the term "commercial purpose," as used in this section, is aimed at precluding the use of such information for commercial mailing lists and other such undertakings. When any entity or person uses names found on campaign finance reports to solicit, no matter how honorable the purpose, the names have been used for a "commercial purpose."

Therefore, if Kids Voting Kansas, Inc. were to use the names found on campaign finance reports to solicit donations for Kids Voting programs, these names would be used for a "commercial purpose" and this activity would be impermissible under K.S.A. 25-4154(d).



**Advisory Opinion No. 95-9**

Written April 18, 1995, to William E. Enright, Scott, Quinlan & Hecht, Topeka.

This opinion is in response to your letter of March 22, 1995, in which you request an opinion concerning the local conflict of interest laws (K.S.A. 75-4301 et seq.).

**Factual Statement**

We understand that you request this opinion in your capacity as attorney for Unified School District No. 437 in Shawnee County, Kansas. You advise us that a member of the Board of Education is employed by the same board as a classified employee (nonteacher).

You further advise us that a member of the Board of Education has a spouse that is employed by the same board as a teacher for the school district.

You also note that under the rules of statutory construction, K.S.A. 77-201 *Thirteenth*, that "'person' may be extended to bodies politic and corporate."

**Questions**

Based on the above situations, you ask us the following questions:

1. Is it permissible for the board member to continue to serve on the board?
2. Is it permissible for the board member to participate in the discussions and decisions affecting that person's employment with the school district?
3. Is it permissible for a board member to continue serving on the board while the member's spouse is employed by the school district?
4. Is it permissible for the board member to participate in discussions and decisions concerning the school district's contract with the member's spouse?

**Opinion**

K.S.A. 75-4304(a) applies to your questions. That subsection states:

No local governmental officer or employee shall, in the capacity of such an officer or employee, make or participate in the making of a contract with any person or business by which the officer or employee is employed or in whose business the officer or employee has a substantial interest.

Turning to your first question, since the definition of "business" found in K.S.A. 75-4301a(b) does not include governmental subdivisions and there is no definition of "person" found in the local conflict of interest laws, this commission has consistently held that the prohibition found in K.S.A. 75-4304(a) does not apply in this type of situation. Therefore, an individual employed by a school district as a classified employee may also serve on that district's board of education.

Your second question is answered by using the same analysis. Since the definition of "business" does not include subdivisions of government, and there is no definition of "person," the board member may participate in discussions and decisions affecting his or her employment with the school district as a classified employee.

In answer to your third and fourth questions, we first note that the holdings of spouses are attributable to one another insofar as the definition of "substantial interest"

is concerned under K.S.A. 75-4301a. However, since the definition of "business" does not include governmental subdivisions, and there is no definition of "person" in the local conflict of interest laws, the prohibition found in K.S.A. 75-4304(a) does not apply in this situation. Therefore, the board member may remain on the board even if his or her spouse is employed by the school district, and the board member may participate in discussions and decisions affecting his or her spouse's employment.

In regard to the issue you raise concerning the Rules for Statutory Construction, where the definition of "person" may be extended to political bodies, we first turn to the general provision found in K.S.A. 77-201.

That section states:

In the construction of the statutes of this state the following rules shall be observed, unless the construction would be inconsistent with the manifest intent of the legislature or repugnant to the context of the statute:

In 1982, the Kansas Legislature changed the definition of "business" in the state conflict of interest laws, K.S.A. 46-215 et seq., to include governmental agencies and local subdivisions of government (see K.S.A. 46-230). The state conflict of interest laws have also had the definition of "person," which includes governmental agencies and governmental subdivisions, since 1974 (see K.S.A. 46-223).

The Legislature made several changes to the local conflict of interest laws, K.S.A. 75-4301 et seq., in 1990 and 1991. However, during both sessions, the Legislature did not include "governmental subdivisions" in the definition of "business," nor was a definition of "person" added to the local conflict laws.

The changes implemented in 1990 and 1991 were an attempt to make the state conflict of interest laws and the local conflict of interest laws similar. The Legislature had two opportunities to include "subdivisions of government" in the definition section of the local conflict laws, but chose not to do so.

Therefore, we believe the "manifest intent" of the Legislature has been to exclude "subdivisions of government" from the definition of "business," and to not include a definition of "person" at the local level. Thus, in situations such as the ones you raise, the commission will continue to rule that the prohibition found in K.S.A. 75-4304(a) does not apply.

Note that if the state conflict of interest laws, K.S.A. 46-215 et seq., did apply to these situations, a different outcome would have been reached since this law defines "business" to include "subdivisions of government," and there is a definition of "person" which also includes "subdivisions of government."

Diane Gaede  
Chairwoman

Doc. No. 016228

## State of Kansas

## State Corporation Commission

Notice of Hearing on Proposed  
Administrative Regulations

A public hearing will be conducted at 10 a.m. Tuesday, June 20, in the third floor hearing room of the State Corporation Commission, 1500 S.W. Arrowhead Road, Topeka, to consider the adoption of proposed additions and amendments to existing rules and regulations of the State Corporation Commission.

This notice of public hearing shall commence a 30-day public comment period for the purpose of receiving written public comments on the proposed rules and regulations. All interested parties may submit written comments prior to May 29 to the executive director, State Corporation Commission, 1500 S.W. Arrowhead Road, Topeka, 66604-4027. All interested parties will be given a reasonable opportunity to present their views orally on the adoption of the proposed regulations during the hearing. In order to give all parties an opportunity to present their views, it may be necessary to request each participant to limit oral presentation to five minutes.

These regulations, concerning wire-stringing, are proposed for adoption on a permanent basis. The proposal involves the revision of existing rules for the following purposes:

- (1) adoption by reference of the 1993 edition of the National Electrical Safety Code (NESC), the currently-recognized national safety standard concerning the design, construction, operation and maintenance of electric supply and communication facilities operated by public utilities or qualified personnel;
- (2) relocation of the misplaced wire-stringing rules to a new article dedicated to the subject;
- (3) new requirements for filing annual telecommunication line reports, instead of communication line applications (CL);
- (4) requirements of filing electric line water crossing information concurrently with electric line applications (EL), in lieu of annual reports for line water crossings;
- (5) deletion of antiquated line siting requirements.

A summary of proposed regulations and their economic impact follows:

**K.A.R. 82-5-13. Overhead clearance.** The proposed modification is necessary to make this rule consistent with K.A.R. 82-12-2, in which it is proposed that the 1993 edition of the National Electrical Safety Code (NESC) be adopted by reference. Language changes are proposed to avoid inconsistencies, and the need to again modify this rule when future updated NESC editions are adopted. There is no economic impact associated with this amendment to governmental agencies or units, to persons subject to this regulation or its enforcement, or to the general public.

**K.A.R. 82-8-100 to K.A.R. 82-8-108.** These rules, collectively called the "Wire-Stringing Rules," are to be revoked and moved to a new article under this proposal. Currently, they appear in Article 8, "Siting of Electric Generating Facilities," which is inappropriate. K.A.R. 82-

8-105 is proposed for revocation, as the grounding of supply lines is adequately addressed in the NESC. There is no economic impact associated with these amendments to governmental agencies or units, to persons subject to these regulations or their enforcement, or to the general public.

**Article 12.—WIRE-STRINGING RULES**

This article is proposed as the new location for rules concerning wire stringing that currently appear in Article 8.

**K.A.R. 82-12-1. Definitions.** This proposed rule is a modified version of the current regulation, K.A.R. 82-8-100. The definition for "metallic circuit" has been deleted, as the term will no longer be used in these regulations. Definitions for "electric supply line" and "telecommunication supply line" have been added, as distinctions are made between these types in the proposed wire-stringing rules. There is no economic impact associated with this amendment to governmental agencies or units, to persons subject to this regulation or its enforcement, or to the general public.

**K.A.R. 82-12-2. Adoption by reference of the National Electrical Safety Code, or NESC, 1993 edition.** This proposed rule is a modified version of the current regulation, K.A.R. 82-8-101. The proposal revises the current regulation to adopt the 1993 edition of the NESC, the nationally-recognized safety standard applicable to the systems and equipment operated by utilities and qualified personnel. The minimum clearance language that refers to K.S.A. 66-183 and K.S.A. 66-320 has been modified to also include consideration of NESC Table 232-1. This proposal requires compliance with all of the above specified clearances where applicable. There is no economic impact associated with this amendment to governmental agencies or units, to persons subject to this regulation or its enforcement, or to the general public.

**K.A.R. 82-12-3. Utility applications for electric supply lines.** This proposed rule is a modified version of the current regulation, K.A.R. 82-8-102. The proposed regulation amends the requirements for utility reporting and State Corporation Commission approval of supply lines to include only electric supply lines. Requirements for filing communication line applications and seeking commission approval for telecommunication supply lines have been deleted. New requirements for telecommunication lines are provided in K.A.R. 82-12-7. There is no economic impact associated with this amendment to governmental agencies or units, to persons subject to this regulation or its enforcement, or to the general public. There would be an expected decrease in cost to the commission and those utilities that would ordinarily comply with the CL requirements, as processing of CL filings will no longer be required.

**K.A.R. 82-12-4. Exceptions to 82-12-3 application.** This proposed rule is a modified version of the current regulation, K.A.R. 82-8-103. The proposed regulation amends the requirements to maintain compatibility with the proposal for K.A.R. 82-12-3. There is no economic impact associated with this amendment to governmental agencies or units, to persons subject to this regulation or its enforcement, or to the general public.

**K.A.R. 82-12-5. Notice of construction of electric supply lines.** This proposed rule is a modified version of the current regulation, K.A.R. 82-8-104. The proposed regulation involves minor changes for compatibility with the above changes, and to allow agreements other than joint use as an exception to the requirement of providing notice of construction to other utilities. There is no economic impact associated with this amendment to governmental agencies or units, to persons subject to this regulation or its enforcement, or to the general public.

**K.A.R. 82-12-6. Requirements for the installation of warning buoys and warning spheres installed in connection with electric lines crossing water areas suitable for sailboating.** This proposed rule is a modified version of the current regulation, K.A.R. 82-8-108. Annual reports are viewed as excessive and overly-burdensome for most jurisdictional utilities, considering the construction of electric supply lines over navigable waterways is infrequent. This proposed rule would require the reporting of this information at the time of filing an EL application for an electric supply line crossing a waterway, rather than in annual reports. There is no economic impact associated with this amendment to governmental agencies or units, to persons subject to this regulation or its enforcement, or to the general public. There would be an expected decrease in cost to the commission and those utilities that would ordinarily comply with the annual report requirements.

**K.A.R. 82-12-7. Utility requirements for telecommunication supply lines.** This proposed rule is added to provide new requirements for utilities owning or operating telecommunication supply lines. In lieu of current requirements for filing CL applications and seeking commission approval for construction of telecommunication supply lines, this rule will require telecommunication utilities to file an annual report showing location of all lines, with indication of lines built in the past calendar year. There is no economic impact associated with this amendment to governmental agencies or units, to persons subject to this regulation or its enforcement, or to the general public. There would be an expected decrease in cost to the commission and those utilities that would ordinarily comply with the annual report requirements.

**K.A.R. 82-12-8. Coordinated location of lines.** This proposed rule is a modified version of the current regulation, K.A.R. 82-8-106. The rule removes the current requirement in paragraph (b) to segregate overhead electric and telecommunication supply lines on opposite sides of roads, as the requirement is antiquated. Similarly, paragraph (c) is modified for consistency. Paragraph (d) will be deleted, as overbuilding and underbuilding are often preferred, given the technology available today. There is no economic impact associated with this amendment to governmental agencies or units, to persons subject to this regulation or its enforcement, or to the general public.

**K.A.R. 82-12-9. Inductive coordination.** This proposed rule is an exact duplicate of K.A.R. 82-8-107. There is no economic impact associated with this amendment to governmental agencies or units, to persons subject to this regulation or its enforcement, or to the general public.

Copies of the regulations and their economic impact statements may be obtained from the State Corporation Commission at the address above, (913) 271-3159.

Judith McConnell  
Executive Director

Doc. No. 016218

## State of Kansas

### Kansas Water Authority

#### Notice of Meetings

The Kansas Water Authority will meet May 10-11 in Hays to discuss working drafts of the Kansas Water Plan prepared for public release and comment at five public hearings scheduled for June 6-8. The Policy and Planning Committee of the Authority will meet at 1 p.m. Wednesday, May 10, at the Fort Hays Agricultural Experiment Station auditorium. The Operations Committee will meet at 3 p.m. May 10 at the same location. The Authority will review the comments heard at the eight public meetings held in March on the preliminary material for six policy and basin subsections.

Working drafts have been developed on policy issues related to flood management, coordination of water quality management and banking of water rights. Revisions to the water quality subsections of the basin plans for the Lower Arkansas, the Marais des Cygnes and the Smoky Hill-Saline basins are also under development. These working drafts now contain policy and program recommendations based on the input from the public meetings.

Should the Kansas Water Authority approve the release of these working drafts, they will be made available to the public for review and comment at five public hearings in early June. After the testimony at those public hearings is considered, the Kansas Water Office will make the appropriate revisions to the working drafts for final consideration by the Authority in July for inclusion into the Kansas Water Plan.

The Authority also will review a request from Miami County Rural Water District No. 2 to begin to negotiate for additional water from Hillsdale Lake. Briefings on the status of Basin Advisory Committee membership, storage acquisition and water assurance operations also will be heard by the Authority.

The full Authority will convene at 8:30 a.m. May 11 at the auditorium to take action on the committee business. Additionally, the Authority will be updated on the status of its public information and education efforts. There will be a briefing by the Kansas Department of Health and Environment on the Local Environmental Protection Program and a roundtable discussion on the relationship between economic development and administration of state water law.

Copies of the agenda are available by contacting Janelle Amon, Kansas Water Office, 109 S.W. 9th, Suite 300, Topeka, 66612-1249, (913) 296-3185, (TTY) 913/296-6604.

If accommodations are needed for persons with disabilities, please notify the Kansas Water Office at least two days prior to the meeting.

John R. Best  
Chairman

Doc. No. 016233

## 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 Revenue  
Division of Taxation

## - Public Notice

On April 5, 1995, Governor Bill Graves signed Senate Bill No. 14 into law. The new law repeals the 2.5 percent sales tax on original construction labor services and became effective April 15, 1995. The purpose of this notice is to advise contractors how this action will affect their businesses and to outline the procedure for reporting any 2.5 percent tax due for periods prior to April 15, 1995.

The general effect of the new law is to return contractors to the reporting practices that were in place before the 2.5 percent sales tax on original construction became law on June 1, 1992. Contractors will continue to pay the 4.9 percent state sales tax and any local sales tax on material purchases and collect the 4.9 percent state sales tax and any local sales tax on labor services other than original construction. The repeal only affects the 2.5 percent sales tax and any associated local sales tax that were imposed on original construction. Generally, original construction includes labor services performed on bridges and highways and labor services performed to construct new buildings, refineries, industrial plants, oil, gas and water wells, feed lots, and transmission and distribution lines owned by REA's and municipalities. The new law does not change the reporting practices of contractors that do not perform original construction labor services.

Because of Senate Bill No. 14, the 2.5 percent sales tax should not be charged for labor services performed on or after April 15, 1995. Contractors should continue to collect and remit the 2.5 percent tax on original construction labor services performed before April 15, 1995. It is the date labor services are performed—not the contract date or payment date—that determines whether contractors should collect the 2.5 percent tax from their customers.

The Department of Revenue will continue to send contractors returns to report the 4.9 percent state sales tax, the 2.5 percent state sales tax on original construction, and any local sales taxes that are due on either imposition. Once contractors have remitted all the taxes due on original construction labor services performed before April 15, 1995, they should complete and file the Contractor's Notice of Change/Cancellation form (BT/rg-108C). Contractors who perform labor services subject to the 4.9 percent sales tax will remain registered and will begin receiving a standard sales tax return, form STD-16. The department will cancel the registration for contractors, registered since 1992, that have been reporting the 2.5 percent tax exclusively. Annual filers will receive their 1995 return in December 1995 and should file the Notice of Change/Cancellation form (BT/rg-108C) with their return.

**Note:** Contractors should complete and submit the Contractor's Notice of Change/Cancellation form only after they have reported all the 2.5 percent sales tax due for periods prior to April 15, 1995.

For additional information or assistance in completing the forms, contact the Taxpayer Assistance Bureau, Kansas Department of Revenue, Docking State Office Building, 915 S.W. Harrison, Topeka, 66625-0001, (913) 296-0222.

Wayne C. Vennard, Jr.  
Director of Taxation

Doc. No. 016229

## State of Kansas

## Social and Rehabilitation Services

Notice of Hearing on Proposed  
Administrative Regulations

A public hearing will be conducted at 9 a.m. Tuesday, June 6, at the SRS Staff Development, 300 S.W. Oakley, Topeka, to consider the adoption of proposed changes in existing rules and regulations on a permanent basis effective September 1, 1995.

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 regulations. All interested parties may submit written comments prior to the hearing to the Secretary of Social and Rehabilitation Services, Room 603-N, Docking State Office Building, 915 S.W. Harrison, Topeka, 66612. All interested parties will be given a reasonable opportunity to present their views orally on the proposed regulations during the hearing. In order to give all parties an opportunity to present their views, it may be necessary to request each participant to limit any oral presentation to five minutes.

The phrase "Federal Mandate" following an item indicates that the change is required by federal policy. Optional changes in regulations related to federal programs are subject to approval by the U.S. Department of Health and Human Services.

Copies of the regulations and their economic impact statements may be obtained by contacting Hope Burns, Office of the Secretary, (913) 296-3271.

Any individual with a disability may request accommodation in order to participate in the public hearing and may request the proposed regulations and economic impact statements in an accessible format. Requests for accommodation should be made at least five working days in advance of the hearing by contacting Barbara Conant at (913) 296-3271 or by calling the Kansas Relay Center at 1-800-766-3777.

The adoption of the September 1, 1995, permanent regulations will take place at 9 a.m. Friday, June 16, in the SRS executive conference room, 603-N, Docking State Office Building.

A summary of the proposed regulations and their economic impact follows:

**Article 5.—PROVIDER PARTICIPATION,  
SCOPE OF SERVICES, AND REIMBURSEMENTS  
FOR THE MEDICAID  
(MEDICAL ASSISTANCE) PROGRAM**

**30-5-58. Definitions.** This regulation is being amended to add three new definitions to clarify terms used in Medicaid Managed Care. The terms are "managed care," "capitated managed care," and "Primary Care Case Management (PCCM)."

**Economic Impact:** During FY 1996, no cost avoidance is anticipated from capitated managed care. This is due to the phase-in of various populations, areas of the state, and HMOs. Some limited cost avoidance is expected to begin in FY 1997 after the first full year of capitated payments.

**30-5-116. Scope of rehabilitation services.** This regulation is being amended to remove the three-per-lifetime

limit on inpatient treatment for substance abuse. Research in the field of substance abuse is showing that the traditional long inpatient stays are less effective than more frequent interventions of shorter duration.

**Economic Impact:** There will be a cost of \$24,800 (\$10,000 state general fund) as a result of this regulation change. It is estimated that 18 Medicaid beneficiaries per year will have more than three admissions per year. The average treatment stay is 21 days at an average daily rate of \$65.61 per day.

**30-5-174. Delivery of managed care services.** This new regulation implements legislation passed by the 1994 Kansas Legislature directing the Secretary of SRS to enter into contracts for a system of managed care service delivery for Medicaid eligibles in certain areas of the state in 1995.

**Economic Impact:** During FY 1996, no cost avoidance is anticipated from capitated managed care. This is due to the phase-in of various populations, areas of the state, and HMOs. Some limited cost avoidance is expected to begin in FY 1997 after the first full year of capitated payments.

**Article 44.—SUPPORT ENFORCEMENT**

**30-44-4. Disclosure of credit reporting agencies.** This new regulation generally identifies support debts the SRS Child Support Enforcement Program will routinely report to consumer reporting agencies (credit bureaus). The regulation also identifies entities with which debt information will not be shared.

**Economic Impact:** The proposed regulation is not expected to affect the revenues of cities, counties or school districts nor does it impose functions or responsibilities on cities, counties or school districts which will increase their expenditures or fiscal liability.

**Open Meeting/Public Testimony**

Immediately following the public hearing on rules and regulations, there will be a public testimony on SRS programs for FY 1997. Any organization or individual wishing to present views may do so by contacting Marie Valdivia at (913) 296-6216 by 3 p.m. Friday, June 2. Please state the person speaking and the content of testimony. Testimony should be limited to five minutes, and two copies of the testimony are requested at the time of the presentation. Presentations will begin at 9:30 a.m. and end at 12:30 p.m. or as soon as those present to testify, have been given an opportunity.

Janet Schalansky  
Acting Secretary of Social and  
Rehabilitation Services

Doc. No. 016205



## 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, May 8, 1995

01459

Topeka Correctional Facility East—Control unit upgrades, mau's and token ring boards

31120

University of Kansas Medical Center—Detergents (Animal Care Unit)

Tuesday, May 9, 1995

A-7516

Department of Transportation—Metal storage building, District Four, Chanute

31117

Statewide—Licensing and rental of pre-recorded prints (videocassettes)

31119

Department of Social and Rehabilitation Services—Muslin

31122

Statewide—Linens

Wednesday, May 10, 1995

31065-Rebid

Department of Corrections—Badges and uniform rank insignias

31123

Statewide—Upholstery material and foam

01400

Winfield State Hospital—Septic cleaning/disposal

01401

Fort Hays State University—Tractor

01407

Emporia State University—Token ring network cards

01408

Kansas State University—Holographic digital image processing system

01409

Kansas State University—Unix RISC/SPARC workstation

Thursday, May 11, 1995

01416

Adjutant General's Department—Furnish and install skylights, McConnell Air Force Base

01418

University of Kansas—Paper, printing and binding

01420

Emporia State University—Furnish and replace elevator

01421

Kanas State School for the Blind—Furnish all labor and materials for reroofing carriage house

01423

University of Kansas Medical Center—Endoscopic surgical instrumentation

01424

Department of Social and Rehabilitation Services—Computerized communications system, Parsons

Friday, May 12, 1995

01422

Parsons State Hospital—High speed floor burnishers

01429

Adjutant General's Department—Furnish and install door and frames

01435

Department of Wildlife and Parks—Agricultural tractors, various locations

01439

Kansas State University—Positioning table and drive system

01440

Fort Hays State University—Front deck riding mower

01441

Department of Wildlife and Parks—Trash pump, Clinton Wildlife Area

01442

Adjutant General's Department—Furnish inspection of hoist and monorails, McConnell Air Force Base

Monday, May 15, 1995

31121

Department of Administration, Division of Personnel Services—Court reporting services for the Civil Service Board

Wednesday, May 17, 1995

A-7677

Kansas State University—Salina—Replace air conditioning unit, Administration Building

A-7678

Kansas State University—Salina—Remodel first floor, Science Center

Thursday, May 18, 1995

A-6378(e)

Department of Wildlife and Parks—Renovation/enhancement, Cheyenne Bottoms Wildlife Area, Barton County

A-7034

Pittsburg State University—Porter Hall renovation, Phase III

A-7608

Hutchinson Correctional Facility—Tunnel reconstruction and renovation

Leo E. Vogel  
Acting Director of Purchases

Doc. No. 016231

State of Kansas

## Office of Judicial Administration

## Court of Appeals Docket

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

Kansas Court of Appeals  
 District Courtroom, Reno County Courthouse  
 Hutchinson, Kansas

Before Lewis, P.J.; Royse, J.; and Barry A. Bennington, District Judge, assigned.

Tuesday, May 16, 1995

1:00 p.m.

Case No.	Case Name	Attorneys	County
72,076	In the Matter of the Marriage of Katrina Humphrey and Robert Humphrey.	Gerald O. Schultz Randy M. Barker Douglas L. Guill	Saline
72,664	Specialty Grain Co., Inc., et al., Appellants, v. Rovohl Township, Appellee.	Jose Hurlstone-Peggs	Rawlins
72,444	In the Interest of J.C. and R.S.	John D. Gatz Robert R. Johnson County Attorney Dean K. Ryan Curtis E. Bolt	Finney

2:30 p.m.

71,522	State of Kansas, Appellee, v. Huy Vu Phan Nguyen, Appellant.	County Attorney Attorney General Edward Collister Jr.	Finney
71,826	State of Kansas, Appellee, v. Michael Lyle Atkinson, Appellant.	County Attorney Attorney General Thomas Jacquinet	Finney
71,386	State of Kansas, Appellee, v. Joseph Louis Miranda, Appellant.	County Attorney Attorney General J. Patrick Lawless Jr.	Finney

Wednesday, May 17, 1995

9:30 a.m.

Case No.	Case Name	Attorneys	County
71,512	State of Kansas, Appellant, v. Danny L. Heath, Appellee.	County Attorney Attorney General David E. Roberts	Reno

10:30 a.m.

71,897	State of Kansas, Appellant, v. David N. Powers, Appellee.	County Attorney Attorney General Hazel Haupt Shannon S. Crane	Reno
72,057	State of Kansas, Appellee, v. Wyatt E. Simmons, Appellant.	County Attorney Attorney General Hazel Haupt	Reno
71,475	State of Kansas, Appellee, v. Melissa Ann Waggoner, Appellant.	County Attorney Attorney General Rebecca Woodman	Reno

1:00 p.m.

71,411	State of Kansas, Appellee, v. Steven Wesley Nance, Appellant.	County Attorney Attorney General Rick Kittel	Reno
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(continued)



70,658	State of Kansas, Appellee, v. Loyd M. Shropshire, Appellant.	County Attorney Attorney General Jean Gilles Phillips	Reno
<b>Summary Calendar—No Oral Argument</b>			
72,810	In the Matter of the Marriage of Melba J. Heitsman and Steven R. Heitsman.	Larry Livengood Steven K. Blackwell Eric N. Anderson	Saline
72,905	In the Matter of the Marriage of Roslyn J. Lewis and Larry L. Lewis.	Allen Shelton Ronald S. Shalz	Sherman
72,904	Joseph Johnson, Appellant, v. Michael Nelson, et al., Appellees.	Russell L. Mills Julie Riddle	Butler

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

Before Brazil, P.J.; Larson, J.; and Daniel L. Love, District Judge, assigned.

Tuesday, May 16, 1995

9:00 a.m.

Case No.	Case Name	Attorneys	County
71,838	Anthony K. Lee, Appellee, v. Boeing Military Airplanes, et al., Appellants.	Michael L. Snider Steven L. Foulston Stephen M. Kerwick	WC Board
72,532	In the Matter of the Marriage of Manuel L. Osborne and Patricia Osborne.	Jennifer Wagle Patricia Osborne, pro se	Sedgwick

10:30 a.m.

71,728	State of Kansas, Appellee, v. David J. Javier, Appellant.	Debra S. Peterson Attorney General Edward Collister Jr.	Sedgwick
71,749	State of Kansas, Appellee, v. Tony T. Caldwell, Appellant.	Debra S. Peterson Attorney General Rick Kittel	Sedgwick
71,809	State of Kansas, Appellee, v. Walter A. Reed Sr., Appellant.	Debra S. Peterson Attorney General J. Patrick Lawless Jr.	Sedgwick

1:30 p.m.

71,393	State of Kansas, Appellee, v. James B. Marble, Appellant.	Debra S. Peterson Attorney General Hazel Haupt	Sedgwick
71,631	State of Kansas, Appellee, v. Danny Lee Kelly, Appellant.	Debra S. Peterson Attorney General Michael Helvey	Sedgwick
71,373 71,374	State of Kansas, Appellee, v. Bruce A. Wright, Appellant.	Debra S. Peterson Attorney General Jeffrey Shaw	Sedgwick
71,727	State of Kansas, Appellee, v. Michael Fiene, Appellant.	Debra S. Peterson Attorney General Wendy Rhyne Slayton	Sedgwick

**Summary Calendar—No Oral Argument**

71,843 71,844	State of Kansas, Appellee, v. Robert L. Richmond, Appellant.	Debra S. Peterson Attorney General Benjamin Wood	Sedgwick
71,588 71,589 71,590	State of Kansas, Appellee, v. Ezekial Brewer III, Appellant.	Debra S. Peterson Attorney General Benjamin Wood	Sedgwick

72,136	In the Interest of C.L.A. and L.M.A.	Willard Thompson Jr. Aronda Strutt Kerns J. Larry Linn Alma A. Heckler	Sedgwick
73,096	State of Kansas, Appellee, v. Larry L. Washington Jr., Appellant.	Debra S. Peterson Attorney General Stephen Moss	Sedgwick
72,275	Anthony D. Davis, Appellant, v. State of Kansas, Appellee.	Jeffrey Shaw Attorney General Debra S. Peterson	Sedgwick
72,606	Stanley Christiansen, Appellant, v. State of Kansas, Appellee.	Michael S. Holland Attorney General County Attorney	Reno

**Kansas Court of Appeals  
Division #3 Courtroom, Wyandotte County Courthouse  
Kansas City, Kansas**

Before Pierron, P.J.; Elliott, J.; and Richard W. Wahl, District Judge Retired, assigned.

Tuesday, May 16, 1995

9:30 a.m.

Case No.	Case Name	Attorneys	County
72,595	In the Matter of D.J.K.	Barbara J. Steele David Hughes District Attorney	Johnson
73,112	Amer. Cas. Co., et al., Appellees, v. Robert L. Emrick, Appellant.	Douglas M. Greenwald Greg L. Musil Thomas A. Sheehan	Johnson

11:00 a.m.

71,755	State of Kansas, Appellee, v. Almando Preza, Appellant.	District Attorney Attorney General Benjamin Wood	Johnson
71,752 71,753 71,754	State of Kansas, Appellee, v. Vincent Scott Jr., Appellant.	District Attorney Attorney General Debra Wilson	Johnson

1:30 p.m.

72,060	In the Matter of the Adoption of A.G.L. and L.A.L.	Edwin R. Smith John H. Mitchelson Susan C. Stallings	Allen
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2:00 p.m.

70,469	Assoc. Metal Products, Appellant, v. Metcalf State Bank, Appellee.	Dennis J.C. Owens Timothy J. Carmody James Borthwick	Johnson
72,665	Kenneth Helms, Appellee, v. Pat Pendergast, et al., Appellees, and Work Comp. Fund, Appellant.	John G. O'Connor  William W. Hutton Robert D. Benham	WC Board

Wednesday, May 17, 1995

9:00 a.m.

Case No.	Case Name	Attorneys	County
73,032	Alyssa Franklin-Herron, Appellee, v. David Edward Herron II, Appellant.	Roger W. McLean  David E. Herron II, pro se	Wyandotte
71,430	Ks. Bd. of Regents, et al., Appellants, v. Benjamin Loftin, Appellee.	Janet M. Simpson  Jay Thomas	Wyandotte

(continued)

10:30 a.m.

71,721	In the Matter of the Marriage of Dorothy L. Muggy and William P. Muggy.	Jane M. Eldredge Jeffrey O. Heeb	Douglas
73,348	State of Kansas, Appellant, v. James E. Hale, Appellee.	County Attorney Attorney General Robert L. Bezek Jr.	Franklin
<b>Summary Calendar—No Oral Argument</b>			
71,741	State of Kansas, Appellee, v. Debra L. Smith, Appellant.	District Attorney Attorney General Steven Zinn	Johnson
72,446	In the Matter of the Marriage of Gayle Dykes Grimmett and Joe Dean Grimmett.	J. Charles Droege Lois S. Wexler Marilyn M. Shapiro	Johnson
73,219 73,220	In the Interest of M.M. and J.M.	Gary L. Fuller County Attorney Michael J. Waite	Leavenworth
72,067	State of Kansas, Appellee, v. Phillip D. Fields, Appellant.	District Attorney Attorney General Thomas Jacquinet	Johnson

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

Tuesday, May 16, 1995

Before Green, P.J.; Rulon and Gernon, JJ.

9:30 a.m.

Case No.	Case Name	Attorneys	County
72,349	Kansas Association of School Boards, Inc., Appellant, v. Shawnee County Commission, et al., Appellees.	Kerry M. Gasper Eugene T. Hackler Sandra L. Jacquot	Shawnee
71,878	Sheri Dill, et al., Appellants, v. Nancy Parish, et al., Appellees.	William P. Tretbar  Ronald H. Grant	Shawnee

10:30 a.m.

72,319	In the Matter of the Application of Bank IV, N.A.	Timothy P. O'Sullivan Michael A. Montoya	Saline
72,165	In the Matter of the Appeal of Taylor Crane & Rigging, Inc.	Larry E. Gregg Ronald H. Grant	Tax Appeal

**Summary Calendar—No Oral Argument**

71,828	State of Kansas, Appellee, v. Bonnie Grace Taylor, Appellant.	County Attorney Attorney General Brian Christensen	Bourbon
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**Before Green, P.J.; Rulon, J.; and Theodore B. Ice, District Judge, assigned.**

1:30 p.m.

72,133	In the Matter of the Marriage of Glenita M. Brammell and Max E. Brammell.	Alan F. Alderson Evelyn Zabel Wilson	Shawnee
72,010	State of Kansas, Appellee, v. Michael Gaskin, Appellant.	County Attorney Attorney General Ralph J. DeZago Troy V. Huser	Geary

2:30 p.m.

71,718	State of Kansas, Appellee, v. Earl C. Martin, Appellant.	County Attorney Jon P. Fleenor Stephen Moss	Nemaha
71,551	State of Kansas, Appellee, v. Michael Barker, Appellant.	County Attorney Attorney General Laura Shaneyfelt	Saline
72,504	Virginia Krom, Appellant, v. National Heritage, Appellee.	Russell B. Cranmer  Paul Hasty Jr.	Barton

Wednesday, May 17, 1995

Before Green, P.J.; Gernon, J.; and Theodore B. Ice, District Judge, assigned.

9:30 a.m.

Case No.	Case Name	Attorneys	County
71,977	State of Kansas, Appellee, v. Eotis O. Johnson, Jr., Appellant.	District Attorney Attorney General B. Kay Huff	Shawnee
72,622	State of Kansas, Appellee, v. James R. Starling, Appellant.	District Attorney Attorney General Thomas Jacquinet	Shawnee

11:00 a.m.

72,495	Claire McCurdy, Appellee, v. Dept. of Transportation, Appellant.	J. Franklin Hummer  Wilburn Dillon Jr.	Shawnee
72,134	Farmers Cas. Co. Mut., Appellant, and Farmers Ins. Co., Inc., Appellee, v. Marcella Graham, Appellee.	James M. McVay Floyd G. Gehrt  Don C. Kruger	Lyon

Summary Calendar—No Oral Argument

72,515	James R. Reed, Appellee, v. Yellow Freight Systems, Inc., Appellant.	Richard Friedman  Douglas M. Greenwald	Shawnee
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Before Rulon, P.J.; Gernon, J.; and Theodore B. Ice, District Judge, assigned.

1:30 p.m.

72,049	Affiliated Bank Group Ltd., Appellees, v. Lawrence Hilt, et al., Appellants.	Charles R. Pike James M. Milliken R. Scott Seifert	Cheyenne
72,260	Taryn Dawn Raile, et al., Appellees, v. Nationwide Agribusiness Ins. Co., et al., Appellees, and Karlene Barrett, et al., Appellants.	Donald F. Hoffman Larry G. Pepperdine Michael V. Foust F.L. McGinley Thomas M. Sutherland	Sherman

Summary Calendar—No Oral Argument

72,816	In the Matter of the Marriage of Terry Dale Frye and Patricia Ann Frye.	Debera A. Erickson Thomas T. O'Neill	Wyandotte
71,867	Jesse Jones, Appellant, v. State of Kansas, Appellee.	Luis Mata Attorney General District Attorney	Wyandotte
72,930	Ronald Schmitt, Appellant, v. Michael Nelson, et al., Appellees.	Steven C. Sherwood  Julie Riddle	Butler

Carol G. Green  
Clerk of the Appellate Courts

## 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.

**Monday, May 8, 1995**

725366

Notebook computers

725375

Orthopedic spine cervical-lamni instruments

**Thursday, May 11, 1995**

725377

Activated clotting time/heparin titrator analyzer

Barbara Lockhart  
Purchasing Director

Doc. No. 016224

## State of Kansas

## Department of Transportation

## Notice to Consulting Engineering Firms

The Kansas Department of Transportation is seeking qualified consultant engineering firms for the following projects:

**Project: 106 K 5889-01 - Statewide**

The scope of work is to prepare a feasibility study to determine an alternative public water supply for the existing safety rest areas and weigh stations that presently use a pressurized water well system in Districts Three, Five and Six. The pre-construction activities are scheduled to be completed by April 1, 1996. The estimated preliminary engineering cost is \$30,000.

**Project: 56-46 K-2854-01 Johnson County**

**US-56 Bridge (075) over US-69 (Metcalf Road) in Mission, replacement**

The scope of work is to prepare the roadway and bridge plans for this bridge replacement project. Along with the preparation of the construction plans, field engineering survey services will be needed. (Land survey services will not be included.) The pre-construction activities are scheduled to be completed by October 1, 1999. The estimated preliminary engineering cost is \$97,000.

**Project: 70-105 K 5658-01 Wyandotte County**

**I-70 (WB) Kansas River Bridge (030), replacement (two spans) 0.53 kilometers (0.33 mile) west of the Missouri state line**

The scope of work is to prepare the roadway and bridge plans for this bridge replacement project. Along with the preparation of the construction plans, field engineering survey services will be needed. (Land survey services will not be included.) The pre-construction activities are scheduled to be completed by August 1, 1999. The estimated preliminary engineering cost is \$363,000.

**Project: 166B-10 K 5660-01 Chautauqua County Middle Caney Creek Bridge (008), replacement 1.74 kilometers (1.08 miles) west of the north Junction K-99**

The scope of work is to prepare the roadway and bridge plans for this bridge replacement project. Along with the preparation of the construction plans, field engineering survey services will be needed. (Land survey services will not be included.) The pre-construction activities are scheduled to be completed by September 1, 1999. The estimated preliminary engineering cost is \$110,000.

**Project: 166-11 K-2873-01 Cherokee County Spring River Bridge (036), replacement 1.50 kilometers (0.93 mile) east of US-69A**

The scope of work is to prepare the roadway and bridge plans for this bridge replacement project. Along with the preparation of the construction plans, field engineering survey services will be needed. (Land survey services will not be included.) The pre-construction activities are scheduled to be completed by August 1, 1999. The estimated preliminary engineering cost is \$251,000.

**Project: 50-24 K 5656-01 Edwards County US-50 Bridge (002) over AT&SF RR and US-56, replacement 1.00 kilometers (0.62 miles) northeast of the US-56 Junction**

The scope of work is to prepare the roadway and bridge plans for this bridge replacement project. Along with the preparation of the construction plans, field engineering survey services will be needed. (Land survey services will not be included.) The pre-construction activities are scheduled to be completed by August 1, 1999. The estimated preliminary engineering cost is \$241,000.

Responses must be received by May 4 for the consultant engineering firm to be considered. Seven signed copies of responses should be mailed to Mike Stock, P.E., Project Control Engineer, Office of Engineering Support, KDOT, 7th Floor, Docking State Office Building, 915 S.W. Harrison, Topeka, 66612.

From firms expressing interest, the Consultant Selection Committee will select a list of the most highly qualified (not less than three, not more than five) and invite them to attend a pre-proposal conference. Firms not selected will be notified by letter.

The Negotiating Committee, appointed by the Secretary of Transportation, will conduct discussions with firms invited to the pre-proposal conference and select one firm with which to negotiate a contract. After a contract has been awarded, the firms not selected will be notified by letter.

It is the policy of KDOT to use the following criteria as the basis for selection of engineering consultant firms:

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

E. Dean Carlson  
Secretary of Transportation

Doc. No. 016160

## State of Kansas

## Department of Transportation

## Notice to Contractors

Sealed proposals for the construction of road and bridge work in the following Kansas counties will be received at the office of the Chief of Construction and Maintenance, KDOT, Topeka, until 10 a.m. May 17, and then publicly opened:

## District One—Northeast

**Johnson**—46 C-3209-01 - Hedge Lane, 0.3 mile north of 199th Street, 0.2 mile, grading, bridge and surfacing. (Federal Funds)

**Johnson**—46 N-0036-01 - Prairie Village, 67th and Nall Avenue, 0.1 mile, grading and surfacing. (Federal Funds)

**Johnson**—46 N-0056-01 - Leawood, College Boulevard from Stateline Road to Tomahawk Road, 0.8 mile, grading, bridge and surfacing. (Federal Funds)

**Lyon**—35-56 K-5637-01 - I-35 and Industrial Road in Emporia, traffic signal. (Federal Funds)

**Pottawatomie**—24-75 K-4905-01 - Intersection of U.S. 24 and McCall Road east of Manhattan, 0.2 mile, intersection improvement. (State Funds)

**Riley**—18-81 K-5506-01 - K-18, bridge 44, Seven Mile Creek, bridge painting. (State Funds)

**Shawnee**—89 U-1512-01 - Huntoon Street and Washburn Avenue in Topeka, intersection improvement. (Federal Funds)

**Wyandotte**—70-105 K-4652-01 - I-70 and 110th Street in Kansas City, new interchange. (Federal Funds)

**Wyandotte**—32-105 K-5901-01 - K-32, Kansas River bridge east of 59th Street, bridge repair. (State Funds)

## District Two—Northcentral

**Ellsworth**—14-27 K-5632-01 - K-14 and 3rd Street in Ellsworth, traffic signal. (State Funds)

**Geary**—70-31 M-1777-01 - I-70, safety rest area, 2.5 miles west of Junction City, remodeling. (State Funds)

**Marion**—57 C-3266-02 - County road, 0.4 mile north and 1 mile west of Durham, 0.1 mile, bridge repair. (Federal Funds)

**Morris**—57-64 K-4616-01 - K-57, Council Grove from Hockaday Street south to the south city limits, 0.9 mile, grading, surfacing and bridge. (State Funds)

**Ottawa**—72 C-3112-01 - County road, 3 miles west of Culver, grading and bridge. (Federal Funds)

**Saline**—70-85 M-1778-01 - I-70, safety rest area, 1.5 miles west of Solomon, remodeling. (State Funds)

## District Three—Northwest

**Osborne**—181-71 K-5543-01 - K-181, bridges 42 and 43, south fork Solomon River, bridge repair. (State Funds)

**Osborne**—281-71 K-4909-01 - U.S. 281, Jefferson Street to Madison in Osborne, 0.1 mile, pavement reconstruction. (State Funds)

**Sheridan**—23-90 K-5510-01 - K-23, bridge 17, Sand Creek, 0.7 mile south of U.S. 24, bridge repair. (State Funds)

**Smith**—181-92 K-5544-01 - K-181, bridge 38, Oak Creek, bridge repair. (State Funds)

## District Four—Southeast

**Chautauqua**—166-10 K-4729-01 - U.S. 166, 4 miles east of county route 1566 southeast to the south junction of U.S. 166 and K-99, 5.8 miles, grading. (State Funds)

**Crawford**—69-19 K-5499-01 - U.S. 69, Camptown Race Track entrance in Frontenac, 0.2 mile, grading and surfacing. (State Funds)

**Linn**—69-54 K-5526-01 - U.S. 69, bridge 6, Marais des Cygnes River, bridge repair. (State Funds)

## District Five—Southcentral

**Butler**—8 C-3062-01 - Andover Road, from U.S. 54 to Central Avenue in Andover, 1 mile, grading and surfacing. (Federal Funds)

**Cowley**—160-18 K-4231-01 - U.S. 160, 125 feet east to 475 feet west of Mill Street in Winfield, 0.1 mile, grading and surfacing. (State Funds)

**Rice**—14-80 K-5502-01 - K-14, culvert 501, 10.7 miles south of U.S. 56, culvert repair. (State Funds)

**Sumner**—53-96 K-4913-01 - K-53, from the west city limits of Mulvane east and north to Main Street (except railroad), 0.6 mile, pavement reconstruction. (State Funds)

## District Six—Southwest

**Clark**—160-13 K-4061-02 U.S. 160, from the junction of U.S. 283 south to the south junction of U.S. 283, 6.5 miles, surfacing. (State Funds)

**Ford**—56-29 K-4420-01 - U.S. 56, southeast Dodge City bypass from U.S. 283 east and north to K-154, 3.3 miles grading and bridge. (State Funds)

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

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

(continued)

package will make the bid nonresponsive and not eligible for award consideration.

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

E. Dean Carlson  
Secretary of Transportation

Doc. No. 016178

State of Kansas

Department of Transportation

Notice of Sealed Bid Sale

The Kansas Secretary of Transportation will offer for sale by sealed bid the following improvement located in Montgomery County, described as follows:

**Montgomery County Motor carrier inspection building #22 located on the east side of 2800 Walnut Street in Coffeyville, 12' x 16' white metal building with window AC, 2 pc bathroom. Minimum bid \$500.**

An inspection of property will be May 17 from 10:30 to 11:30 a.m. Bid forms are available by contacting Beverly Lee, Bureau of Right of Way, 217 E. 4th, Topeka, 66603, (913) 296-6933, FAX (913) 296-0009; or Gerald Alford, Area Engineer, 3201 W. Main, Independence, 67301, (316) 331-3760.

Bids must be in the Topeka office by 5 p.m. May 29, either by mail or FAX. The successful bidder will be notified by mail. A bill of sale will be provided upon receipt of cashier's check or money order for the purchase price. Check should be made payable to the Kansas Department of Transportation. A performance bond of \$1,000, also in the form of a cashier's check, must be provided at that time as a guarantee of removal of structure. The building must be removed on or before June 29. 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 Department of Transportation for the sale price paid after said date.

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

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

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

E. Dean Carlson  
Secretary of Transportation

Doc. No. 016216

State of Kansas

Department of Transportation

Notice of Public Auction

The Kansas Secretary of Transportation will offer for sale at public auction at 10 a.m. May 31 the following tract of land and improvements located in Cowley County, Kansas, approximately 3 miles south of Arkansas City along old Highway 77 described as follows:

Kansas Department of Transportation sub area shop located on the east 400 feet of Lots 13 thru 17 in Block 1, IXL Subdivision of SE1/4 of Sec. 12, T35S, R3E, and

30' x 134' newly painted interior concrete block building with a new corrugated metal roof, containing a three-room office, two restrooms, two window air conditioners, hot water tank, forced air furnace and six repair bays (two of the bays share an overhead heater), a 20' x 57' wooden storage building with composition shingle roof secured by a 6' chain-link fence. The shop is on a septic system with rural water and natural gas. A 60' free standing radio tower, air compressor and a 2,000 gallon fuel tank with dispenser are also included.

The underground fuel tanks have previously been removed and the area condition report by KDHE is available upon request, as well as a title commitment for title insurance.

An inspection of property will be May 17 from 9 a.m. to noon and one hour prior to the sale.

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

The minimum acceptable bid for the entire property is \$45,000. Monday order, certified or cashier's check for 10 percent of the purchase price is required the date of the sale. The balance of the purchase price will be paid by money order, certified check or cashier's check on or before July 1. If the balance is paid on or before said date, a quitclaim deed and a bill of sale will be provided to the successful bidder. If the balance of the purchase price is not paid on or before said date, the sale is voided and the 10 percent down payment will be forfeited to the seller. Make checks payable to "Secretary of Transportation."

The seller reserves the right to reject any and all bids and is not responsible for accidents. For additional information contact Allen Grunder, area engineer, (316) 221-3370, 8 a.m. to 5 p.m. weekdays.

E. Dean Carlson  
Secretary of Transportation

Doc. No. 016217



## State of Kansas

**Commission on Children, Youth  
and Families****Notice of Meeting Cancellation**

The Kansas Commission on Children, Youth and Families has cancelled its meeting scheduled for Friday, May 5. Notification of the next scheduled meeting will be made at least two weeks in advance. For further information, contact Yvonne M. Alvizo at (913) 291-3368.

Commissioner Lee Droegemueller  
Convener

Doc. No. 016213

## State of Kansas

**Department of Health  
and Environment****Request for Comments**

The Kansas Department of Health and Environment is soliciting comments regarding a proposed air quality construction permit. Ottawa Ready Mix Concrete L.L.C. has applied for an air quality construction permit to construct a ready mixed concrete plant in accordance with the provisions of K.A.R. 28-19-300. Potential emissions of particulate matter were evaluated during the permit review process.

Ottawa Ready Mix Concrete L.L.C., 1521 S. Maple, Ottawa, proposes the stationary source, located at 2598 S. U.S. 59, Ottawa, at which the ready mixed concrete plant is proposed for construction.

A copy of the proposed permit, permit application, all supporting, nonconfidential documentation and all information relied upon during the permit application review process, is available for public review during normal business hours at the Bureau of Air and Radiation, Kansas Department of Health and Environment, Building 283, Forbes Field, Topeka, 66620; and at the Northeast District Office, Kansas Department of Health and Environment, 800 W. 24th, Lawrence, 66046. To obtain or review the proposed permit and supporting documentation, contact Wim Gunasegaram at the central office of the Kansas Department of Health and Environment, (913) 296-6429, or Pat Simpson at (913) 842-4600. The standard departmental cost will be assessed for any copies requested.

Direct written comments or questions regarding the proposed permit to Wim Gunasegaram, Bureau of Air and Radiation, Kansas Department of Health and Environment, Building 283, Forbes Field, Topeka, 66620, (913) 296-6429. Written comments must be received no later than the close of business on May 30 in order to be considered in formulating a final permit decision.

A person may request a public hearing be held on the proposed permit. The request for a public hearing shall be in writing and set forth the basis for the request. The written request must be submitted to Connie Carreno, Bureau of Air and Radiation, no later than the close of

business on May 30 in order for the Secretary of Health and Environment to consider the request.

James J. O'Connell  
Secretary of Health  
and Environment

Doc. No. 016227

## State of Kansas

**Department of Health  
and Environment****Request for Comments**

The Kansas Department of Health and Environment is soliciting comments regarding a proposed air quality construction permit. Fogle Quarry Company has applied for an air quality construction permit to build a rock crushing plant in accordance with the provisions of K.A.R. 28-19-300. Potential emissions of particulate matter were evaluated during the permit review process.

Fogle Quarry Company, 1107 E. 23rd, Ottawa, will build the stationary source, located at S13, T16S, R19E, 2 miles north of Ottawa, at which the rock crushing plant is proposed for installation.

A copy of the proposed permit, permit application, all supporting, nonconfidential documentation and all information relied upon during the permit application review process, is available for public review during normal business hours at the Bureau of Air and Radiation, Kansas Department of Health and Environment, Building 283, Forbes Field, Topeka, 66620; and at the KDHE Northeast District Office, 800 W. 24th, Lawrence, 66046. To obtain or review the proposed permit and supporting documentation, contact Eugene E. Sallee at the central office of the Kansas Department of Health and Environment, (913) 296-1575, or Pat Simpson at (913) 842-4600. The standard departmental cost will be assessed for any copies requested.

Direct written comments or questions regarding the proposed permit to Eugene E. Sallee, Bureau of Air and Radiation, Kansas Department of Health and Environment, Building 283, Forbes Field, Topeka, 66620, (913) 296-1575. Written comments must be received no later than the close of business on May 30 in order to be considered in formulating a final permit decision.

A person may request a public hearing be held on the proposed permit. The request for a public hearing shall be in writing and set forth the basis for the request. The written request must be submitted to Connie Carreno, Bureau of Air and Radiation, no later than the close of business on May 30 in order for the Secretary of Health and Environment to consider the request.

James J. O'Connell  
Secretary of Health  
and Environment

Doc. No. 016219

## State of Kansas

Department of Health  
and Environment

## Request for Comments

The Kansas Department of Health and Environment is soliciting comments regarding a proposed air quality construction permit. Kansas Gas Supply Corporation, operated by Trident NGL, Inc., has applied for an air quality construction permit to construct a natural gas engine and compressor at the Colwich Compressor Station in accordance with the provisions of K.A.R. 28-19-300. Potential emission increases of 131 tons/year NOx, 95 tons/year of CO and 3 tons/year nonmethane HC were evaluated during the permit review process.

Trident NGL, Inc., 10200 Grogans Mill Road, The Woodlands, Texas, owns and operates the stationary source, located at S15, T26S, R2W, Sedgwick County, at which the gas engine and compressor are proposed for construction.

A copy of the proposed permit, permit application, all supporting, nonconfidential documentation and all information relied upon during the permit application review process, is available for public review during normal business hours at the Bureau of Air and Radiation, Kansas Department of Health and Environment, Building 283, Forbes Field, Topeka, 66620; and at the Wichita-Sedgwick County Department of Community Health, 1900 E. 9th, Wichita, 67214. To obtain or review the proposed permit and supporting documentation, contact Michael Stewart at the central office of the Kansas Department of Health and Environment, (913) 296-1994, or Fred Spencer at (316) 268-8448. The standard departmental cost will be assessed for any copies requested.

Direct written comments or questions regarding the proposed permit to Michael Stewart, Bureau of Air and Radiation, Kansas Department of Health and Environment, Building 283, Forbes Field, Topeka, 66620, (913) 296-1994. Written comments must be received no later than the close of business on May 30 in order to be considered in formulating a final permit decision.

A person may request a public hearing be held on the proposed permit. The request for a public hearing shall be in writing and set forth the basis for the request. The written request must be submitted to Connie Carreno, Bureau of Air and Radiation, no later than the close of business on May 30 in order for the Secretary of Health and Environment to consider the request.

James J. O'Connell  
Secretary of Health  
and Environment

Doc. No. 016220

## State of Kansas

Department of Health  
and Environment

## Request for Comments

The Kansas Department of Health and Environment is soliciting comments regarding a proposed air quality construction permit. Vulcan Chemicals has applied for an air quality construction permit to install and operate a vent control and recovery unit in accordance with the provisions of K.A.R. 28-19-300. Potential emissions of volatile organic compounds (VOC), oxides of nitrogen (NOx), carbon monoxide (CO) and hydrochloric acid (HCl) were evaluated during the permit review process.

Vulcan Chemicals, P.O. Box 12283, Wichita, owns and operates the stationary source, located at 6200 S. Ridge Road, Wichita, at which the vent control and recovery unit is proposed for installation.

A copy of the proposed permit, permit application, all supporting, nonconfidential documentation and all information relied upon during the permit application review process, is available for public review during normal business hours at the Bureau of Air and Radiation, Kansas Department of Health and Environment, Building 283, Forbes Field, Topeka, 66620; and at the Wichita-Sedgwick County Department of Community Health, 1900 E. 9th, Wichita, 67214. To obtain or review the proposed permit and supporting documentation, contact Mindy Bowman at the central office of the Kansas Department of Health and Environment, (913) 296-3414, or Fred Spencer at (316) 268-8448. The standard departmental cost will be assessed for any copies requested.

Direct written comments or questions regarding the proposed permit to Mindy Bowman, Bureau of Air and Radiation, Kansas Department of Health and Environment, Building 283, Forbes Field, Topeka, 66620, (913) 296-3414. Written comments must be received no later than the close of business on May 30 in order to be considered in formulating a final permit decision.

A person may request a public hearing be held on the proposed permit. The request for a public hearing shall be in writing and set forth the basis for the request. The written request must be submitted to Connie Carreno, Bureau of Air and Radiation, no later than the close of business on May 30 in order for the Secretary of Health and Environment to consider the request.

James J. O'Connell  
Secretary of Health  
and Environment

Doc. No. 016222

## State of Kansas

Department of Health  
and Environment

## Request for Proposals

The Kansas Department of Health and Environment, in cooperation with the federal Centers for Disease Control and Prevention, is making available grants and requests proposals from eligible community-based, community-service organizations to develop and implement HIV/AIDS education activities targeting Blacks/African Americans at-risk for HIV infection and living in Douglas, Geary and Wyandotte counties. Each qualified organization may submit one proposal. Three awards of up to \$40,000 each will be made for the period July 1 through December 31, 1995. Release of funds is contingent upon the availability of federal funds and on budget approvals of the Kansas Legislature. The project period may be extended an additional 12 months contingent upon success of the grantee in meeting contract objectives for the first six-month period and availability of funding.

To receive a copy of an application packet, call Sally Finney Brazier, M.Ed., at (913) 296-6173, or write to the Kansas Department of Health and Environment, AIDS Section, 109 S.W. 9th, Suite 605, Topeka, 66612-1271, Attn: RFP. Applications must be postmarked on or before June 1.

James J. O'Connell  
Secretary of Health  
and Environment

Doc. No. 016234

## State of Kansas

Department of Health  
and EnvironmentNotice Concerning Kansas  
Water Pollution Control Permits

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

## Public Notice No. KS-AG-95-36/45

Name and Address of Applicant	Legal Description	Receiving Water
Hinchman Ranch Feedlot c/o C.C. Hutchinson P.O. Box 4526 Topeka, KS 66604	N/2, Sec. 34, T17S, R9E, Morris County	Neosho River Basin

Kansas Permit No. A-NEMR-C002      Federal Permit No. KS-0091308

The feedlot has capacity for approximately 999 cattle with expansion for an additional 1001 cattle and a contributing drainage area of approximately 30 acres. This is an expansion of an existing 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 28 acre-feet.

Compliance Schedule: None, existing controls adequate.

Name and Address of Applicant	Legal Description	Receiving Water
Emporia Truck Wash c/o Jerry Prator and David Holland P.O. Box 858 Russell, KS 67665	NE/4 & SW/4, Sec. 12, T19S, R10E, Lyon County	Neosho River Basin

Kansas Permit No. A-NELY-T003

The proposed facility will have capacity for approximately 75 stock trucks per week.

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
Crist Feedyard, Inc., dba KC Feeders Route 3, Box 151B Scott City, KS 67871	NW/4, Sec. 23, T18S, R34W, Scott County	Upper Arkansas River Basin

Kansas Permit No. A-UASC-C015      Federal Permit No. KS-0081175

The feedlot has capacity for approximately 20,000 cattle and a contributing drainage area of approximately 152 acres. This is an expansion of an existing 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 61 acre-feet.

Compliance Schedule: None, existing controls adequate.

Name and Address of Applicant	Legal Description	Receiving Water
Leland Worth Box 104 Ellis, KS 67637	NE/4, Sec. 18, T13S, R21W, Trego County	Smoky Hill River Basin

Kansas Permit No. A-SHTR-B003

The feedlot has capacity for approximately 800 cattle and a contributing drainage area of approximately 6.1 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 2.4 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.

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<b>Name and Address of Applicant</b>	<b>Legal Description</b>	<b>Receiving Water</b>
Leroy Hurd P.O. Box 158 Perry, KS 66073	SW/4, Sec. 15, T11S, R18E, Jefferson County	Kansas River Basin

Kansas Permit No. A-KSJF-B002

The feedlot has capacity for approximately 80 cattle and a contributing drainage area of approximately 2.2 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 1.6 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.

<b>Name and Address of Applicant</b>	<b>Legal Description</b>	<b>Receiving Water</b>
Douglas Holt Route 1, Box 16 Atlanta, KS 67008	SE/4, Sec. 11, T30S, R5E, Cowley County	Walnut River Basin

Kansas Permit No. A-WACL-S010

The proposed facility will have capacity for approximately 36 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 within six months following receipt of detailed requirements. The approved plan will become part of this permit.

<b>Name and Address of Applicant</b>	<b>Legal Description</b>	<b>Receiving Water</b>
Richard A. Van Leeuwen Dutchmans Dream Dairy Eldorado, KS 67042	NW/4, Sec. 9, T26S, R7E, Butler County	Walnut River Basin

Kansas Permit No. A-WABU-M002

The feedlot has capacity for approximately 300 dairy cattle with expansion planned for an additional 200 dairy cattle and a contributing drainage area of approximately 16.3 acres. This is an expansion of an existing 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 12.8 acre-feet.

Compliance Schedule: None, existing controls adequate.

<b>Name and Address of Applicant</b>	<b>Legal Description</b>	<b>Receiving Water</b>
John Blocker Route 2 Haven, KS 67543	NE/4, Sec. 4, T26S, R4W, Reno County	Lower Arkansas River Basin

Kansas Permit No. A-ARRN-B001

The feedlot has capacity for approximately 200 cattle and a contributing drainage area of approximately 1.5 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 1 acre-foot.

Compliance Schedule: None, existing controls adequate.

<b>Name and Address of Applicant</b>	<b>Legal Description</b>	<b>Receiving Water</b>
Harry Bontrager 5717 E. Red Rock Road Haven, KS 67543	NE/4, Sec. 26, T24S, R5W, Reno County	Lower Arkansas River Basin

Kansas Permit No. A-ARRN-M002

The feedlot has capacity for approximately 31 dairy cattle and a contributing drainage area of approximately 8,257 square feet and dairy parlor. 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 9,670 cubic feet.

Compliance Schedule: None, existing controls adequate.

<b>Name and Address of Applicant</b>	<b>Legal Description</b>	<b>Receiving Water</b>
Newton Livestock c/o Vern Koch 1822 Cow Palace Road Newton, KS 67114	E/2, Sec. 25, T23S, R1W, Harvey County	Lower Arkansas River Basin

Kansas Permit No. A-LAHV-S032

The proposed facility will have capacity for approximately 400 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: None, existing controls adequate.

**Public Notice No. KS-95-22/26**

<b>Name and Address of Applicant</b>	<b>Waterway</b>	<b>Type of Discharge</b>
City of Benton P.O. Box 388 Benton, KS 67017	Whitewater River via west branch Whitewater River	Secondary wastewater treatment facility

Butler County, Kansas

Kansas Permit No. M-WA04-0001

Fed. Permit No. KS-0026689

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 technology based.

<b>Name and Address of Applicant</b>	<b>Waterway</b>	<b>Type of Discharge</b>
Fina #6164-Wichita c/o Fina Oil and Chemical Company P.O. Box 2159 Dallas, TX 75221	Arkansas River via city storm sewer	Petroleum contaminated groundwater

Sedgwick County, Kansas

Kansas Permit No. I-AR94-P071

Fed. Permit No. KS-0091081

Description of Facility: This facility is engaged in a groundwater cleanup. Hydrocarbon contaminated groundwater is treated with an air stripper prior to discharge. Design discharge capacity is 20 gpm. This is a new 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.

<b>Name and Address of Applicant</b>	<b>Waterway</b>	<b>Type of Discharge</b>
City of Muscotah P.O. Box 295 Muscotah, KS 66058	Delaware River	Secondary wastewater treatment facility

Atchison County, Kansas

Kansas Permit No. M-KS48-0001

Fed. Permit No. KS-0085707

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 technology based.

Name and Address of Applicant	Waterway	Type of Discharge
Panhandle Eastern Pipeline Company Olpe 300-Waverly Test Waverly, Kansas 5444 Westheimer St. Suite 690 Houston, TX 77056	Cottonwood River via Coal Creek via unnamed tributary	Hydrostatic test water from used natural gas pipeline
Lyon County, Kansas Kansas Permit No. I-NE52-P002		Fed. Permit No. KS-0091499

Description of Facility: Water is discharged to a drainage of the Coal Creek via Olpe Compressor Station pond after it is used to hydrostatically test an existing natural gas pipeline. This is an existing facility. Proposed effluent limitations are pursuant to Kansas surface water quality standards, K.A.R. 28-16-28(b-f), and federal surface water criteria.

Name and Address of Applicant	Waterway	Type of Discharge
Trinity United Methodist Church 1602 N. Main Hutchinson, KS 67501	Arkansas River via Cow Creek via city storm sewer	Single pass noncontact cooling water
Reno County, Kansas Kansas Permit No. I-AR49-C019		Fed. Permit No. KS-0091065

Description of Facility: Once-through noncontact cooling water from the water cooled chiller (for air conditioning) is discharged into the city storm sewer from April to October. No chemical additives are used in this water. The cooling water discharge is 27,050 gallons per day. This is a new facility. Proposed effluent limitations are pursuant to Kansas surface water quality standards, K.A.R. 28-16-28(b-f), and federal surface water criteria.

Written comments on the proposed determinations may be submitted to Bethel Spotts, Permit Clerk, or Dorothy Geisler (agricultural permits), Kansas Department of Health and Environment, Division of Environment, Bureau of Water, Forbes Field, Topeka, 66620. All comments postmarked or received on or before May 26 will be considered in the formulation of final determinations regarding this public notice. Please refer to the appropriate public notice number (KS-AG-95-36/45, KS-95-22/26) and the name of applicant as listed when preparing comments.

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

The application, proposed permit, including proposed effluent limitations and special conditions, fact sheets as appropriate, comments received, and other information are on file and may be inspected at the Kansas Department of Health and Environment offices, Building 283, Forbes Field, Topeka, from 8 a.m. to 4:30 p.m. Monday through Friday. 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. 016221

State of Kansas  
Kansas Insurance Department  
Permanent Administrative Regulations

Article 4.—ACCIDENT AND HEALTH INSURANCE

**40-4-41. Utilization review organizations; application; definitions.** (a) Except as provided in K.S.A. 1994 Supp. 40-22a06(b), each organization offering utilization review services which is required to apply for a certificate pursuant to K.S.A. 1994 Supp. 40-22a01, et seq., and amendments thereto, shall comply with these regulations. Utilization review services subject to these regulations shall include:

(1) prospective, concurrent and retrospective utilization review for inpatient and outpatient care rendered by a health care provider; and

(2) utilization review activity conducted in connection with health benefit plans.

(b) Notwithstanding adherence to the standards prescribed by these regulations, the decision as to what treatment to prescribe for an individual patient shall remain that of the health care provider, and the patient or the patient's representative. The final decision as to whether the prescribed treatment constitutes a covered benefit shall be the responsibility of the claims administrator or health benefit plan.

(c) As used in these regulations, these terms shall have the following meanings.

(1) "Appeal" means a formal request to reconsider a determination not to certify an admission, extension of stay or other health care service.

(2) "Attending health care provider" means the health care provider selected by, or assigned to the patient and who has primary responsibility for the treatment and care of the patient as provided by the applicable licensing, registration or certification requirements of Kansas.

(3) "Certification" means a determination by a utilization review organization that an admission, extension of stay, or other health care service, based on a review of the information provided, meets the clinical review requirements of the applicable health benefit plan.

(4) "Claims administrator" means any entity that reviews and determines whether to pay claims to enrollees, health care providers or others on behalf of the health benefit plan. Such payment determinations are made based on contract provisions. Claims administrators may be insurance companies, third party administrators or other private contractors.

(5) "Clinical criteria" means the written policies, decision rules, medical protocols, or guidelines used by the utilization review organization.

(6) "Concurrent review" means a utilization review conducted during a patient's inpatient stay or course of treatment, sometimes called a "continued stay review."

(7) "Discharge planning" means the process that assesses a patient's needs for treatment after an inpatient stay or course of treatment to help arrange for the necessary services and resources to effect an appropriate and timely discharge.

(continued)



(8) "Enrollee" means the individual, including dependents of the individual, who has elected to contract for, or participate in, a health benefit plan.

(9) "Health benefit plan" means any public or private organization's written plan that insures or pays for specific health care expenses on behalf of enrollees or covered persons.

(A) "Health benefit plan" includes:

(i) any individual, group or blanket policy of accident and sickness, medical or surgical expense coverage; and

(ii) any provision of a policy, contract, plan or agreement for medical service, including any contract of a health maintenance organization, non-profit medical and hospital service corporation, or municipal group-funded sickness and accident pool.

(B) "Health benefit plan" does not include:

(i) a policy or certificate covering only credit;

(ii) a policy or certificate covering only disability income;

(iii) coverage issued as a supplement to liability insurance;

(iv) insurance arising out of a workers compensation or similar law;

(v) automobile medical payment insurance;

(vi) insurance under which benefits are payable with or without regard to fault and which is statutorily required to be contained in any liability insurance policy;

(vii) Medicare; or

(viii) Medicaid.

(10) "Health care provider" shall have the meaning ascribed by K.S.A. 1994 Supp. 40-22a03(d) and amendments thereto.

(11) "Inpatient care" means admissions to and services provided in all licensed medical care facilities and other licensed inpatient facilities, including skilled nursing facilities, residential treatment centers and free standing rehabilitation facilities.

(12) "Outpatient care" means health care provider diagnostic and therapeutic services provided at any medical care facility, and other outpatient locations, including laboratories, radiology facilities, provider offices and patient homes.

(13) "Peer clinical reviewer" means a health care provider who holds a non-restricted license in a state of the United States and who is in the same or similar profession which typically manages the health condition, procedure or treatment under review.

(14) "Prospective review" means a utilization review conducted prior to a patient's inpatient stay or course of treatment.

(15) "Retrospective review" means a review of services provided after the discharge of the patient.

(16) "Utilization review" shall have the meaning ascribed by K.S.A. 1994 Supp. 40-22a03(b) and amendments thereto.

(17) "Utilization review organization" shall have the meaning ascribed by K.S.A. 1994 Supp. 40-22a03(c) and amendments thereto. (Authorized by K.S.A. 40-103 and K.S.A. 1994 Supp. 40-22a01, et seq.; implementing K.S.A. 1994 Supp. 40-22a04; effective, T-\_\_\_\_, \_\_\_\_; effective June 12, 1995.)

**40-4-41a. Utilization review organizations; responsibility for requesting certification.** If specified in the health benefit plan which imposes the utilization review requirements:

(a) The insured individual seeking the health care services shall be responsible for notifying the utilization review organization in a timely manner and initiating the request for certification of health care services; and

(b) any health care provider or responsible patient representative, including a family member, may assist in fulfilling the responsibility of initiating the request for certification. (Authorized by K.S.A. 40-103 and K.S.A. 1994 Supp. 40-22a01, et seq.; implementing K.S.A. 1994 Supp. 40-22a04; effective, T-\_\_\_\_, \_\_\_\_; effective June 12, 1995.)

**40-4-41b. Utilization review organizations; requirements for collecting information.** When conducting routine prospective, concurrent and retrospective utilization reviews, each utilization review organization shall comply with the following requirements.

(a) Each utilization review organization shall collect only the information necessary to certify the admission, procedure or treatment and length of stay. Utilization review organizations shall not:

(1) Routinely require health care providers to supply numerically codified diagnoses or procedures to be considered for certification. Utilization review organizations may ask for such coding, since if it is known, its inclusion in the data collected increases the effectiveness of the communication;

(2) routinely request copies of clinical records on all patients reviewed prospectively or concurrently. During prospective and concurrent review, copies of clinical records shall only be required when a difficulty develops in certifying the necessity or appropriateness of the admission or extension of stay. In those cases, only the necessary or pertinent sections of the record shall be required; or

(3) request all records on all patients reviewed. This shall not preclude a request for copies of relevant clinical records retrospectively for clinical review for a number of purposes, including auditing the services provided, quality assurance, evaluation of compliance with the terms of the health benefit plan or utilization review provisions. With the exception of reviewing records associated with an appeal or with an investigation of data discrepancies and unless otherwise provided for by contract or law, health care providers shall be entitled to reimbursement for the reasonable direct costs of duplicating requested records.

(b) Each utilization review organization shall accept required or requested information when submitted on claim forms as authorized by K.S.A. 40-2253 and K.A.R. 40-4-40.

(c) Each utilization review organization shall limit its data requirements to the following elements unless otherwise prescribed in these regulations:

(1) Patient information, which shall include the patient's name, address, telephone number, date of birth, gender, social security number or patient identification number, the name of the carrier or plan, including the plan type, and plan identification number;

(2) enrollee information, which shall include the enrollee's name, address, telephone number, social security number or employee identification number, relation to patient, employer, health benefit plan, group number or plan identification number, and other coverages available, including workers compensation, auto, champus, medicare, or other coverages;

(3) health care provider information, which shall include the provider's name, address, telephone number, degree, specialty or certification status, and tax identification or other identification number;

(4) diagnosis or treatment information, which shall include the primary diagnosis, secondary diagnosis, tertiary diagnosis, proposed or provided procedures or treatments, surgical assistant requirement, anesthesia requirement, admission or service dates, the procedure date and the proposed length of stay;

(5) clinical information sufficient to support the appropriateness and level of service proposed or provided, and the name of a contact person for detailed clinical information;

(6) facility information, which shall include:

(A) The type of facility, including an in-patient or out-patient facility, special unit, skilled nursing facility, rehabilitation facility, office or clinic;

(B) the licensing or certification status of the facility, including any applicable diagnostic related group exempt status; and

(C) the facility's name, address, telephone number and tax identification number or other identification number;

(7) concurrent or continued stay review information, which shall include:

(A) The number of additional days, services or procedures proposed;

(B) a description of the reasons for the extension, including clinical information sufficient to support the appropriateness and level of service proposed; and

(C) information regarding the continued or changed diagnoses;

(8) information on admissions to facilities other than medical care facilities, which shall include a history of the present illness, the patient treatment plan and goals, the prognosis, staff qualifications, and 24 hour availability of appropriate staff;

(9) additional information for specific review functions, which may include discharge planning or catastrophic case management, or when applicable, second opinion information sufficient to support benefit plan requirements; and

(10) other additional information when there is a significant lack of agreement between the utilization review organization and health care provider regarding the appropriateness of certification. Significant lack of agreement means that the utilization review organization:

(A) Has tentatively determined, through its professional staff, that a service cannot be certified;

(B) has referred the case to a peer clinical reviewer for review; and

(C) for prospective and concurrent review, has talked to or attempted to talk to the health care provider for further information.

(d) Each utilization review organization shall share all clinical and demographic information on individual patients among its various divisions to avoid duplicate requests for information from enrollees or providers. (Authorized by K.S.A. 40-103 and K.S.A. 40-22a01, et seq.; implementing K.S.A. 40-22a04; effective, T-\_\_\_\_, \_\_\_\_; effective June 12, 1995.)

**40-4-41e. Utilization review organizations; written procedures.** Each utilization review organization shall maintain the following written procedures.

(a) Written procedures to assure that reviews are conducted in a timely manner shall be maintained as follows:

(1) Each utilization review organization shall make prospective or concurrent certification determinations within two working days of receipt of the necessary information on a proposed admission or service requiring a review determination. Collection of the necessary information may necessitate a discussion with the health care provider or, based on the requirements of the health benefit plan, may involve a completed second opinion review.

(2) The utilization review organization may review ongoing inpatient stays, but shall not routinely conduct daily review of all such stays. The frequency of the review for extension of the initial determination may vary, based on the severity or complexity of the patient's condition or on necessary treatment and discharge planning activity.

(3) Each utilization review organization shall make retrospective determinations within 30 days of the receipt of the necessary information.

(b) Written procedures for providing notification of determinations regarding all forms of certification shall be maintained in accordance with the following:

(1) When an initial determination is made to certify, the utilization review organization shall notify the health care provider promptly either in writing, by telephone or by electronic transmission.

(2) A determination to certify an extended stay or additional services resulting from concurrent review shall be transmitted to the health care provider by telephone, electronic transmission or in writing within one working day of receipt of all information necessary to complete the review process, but not later than the end of a current certified period.

(3) If a utilization review organization transmits written confirmation of certification for continued hospitalization, that notification shall include, when possible, the number of extended days or the next review date, the new total number of days approved and the date of admission.

(4) When a prospective or concurrent review determination is made not to certify an admission or extension of an inpatient stay, course of treatment, or other service requiring review determination, such decision shall be made only by a peer clinical reviewer after not less than two bona fide attempts have been made to contact and consult with the attending health care provider.

(A) If the attending health care provider cannot be contacted in a timely manner, written notification shall be sent to the health care provider and the enrollee or patient within one working day following the determination.

(continued)



Any such notification shall be accompanied by the most appropriate telephone number necessary to facilitate an expedited appeal.

(B) The written notification shall include the principal reasons for the determination and procedures to initiate an appeal of the determination. Reasons for a determination not to certify may include the lack of adequate information to certify after a reasonable attempt has been made to contact the health care provider.

(5) When a retrospective determination is made not to certify an admission, stay or other service requiring review determination, the decision shall be made only by a peer clinical reviewer. Written notification of the determination shall be provided to the health care provider and the enrollee or patient. The written notification shall include the principal reasons for the determination and procedures to initiate an appeal of the determination. Reasons for a determination not to certify may include the lack of adequate information to certify after a reasonable attempt has been made to contact the health care provider.

(c) Written procedures to address the failure of a health care provider, patient or other representative to provide the necessary information for review shall be maintained. If the patient or provider will not release the necessary, clinically relevant information to the utilization review organization, the utilization review organization may deny certification in accordance with its own policy or that of the health benefit plan. (Authorized by K.S.A. 40-103 and K.S.A. 1994 Supp. 40-22a01, et seq.; implementing K.S.A. 1994 Supp. 40-22a04; effective, T—, —; effective June 12, 1995.)

**40-41d. Utilization review organizations; appeal procedures.** Each utilization review organization shall have in place procedures for appeals of a determination not to certify an admission, procedure, service or extension of stay. The right to appeal shall be available to the patient or enrollee, the representative of the patient or enrollee, and to the attending health care provider on behalf of the patient. Hospitals or other health care providers may assist in an appeal. The procedures for appeals shall include, at a minimum, the following:

(a) Expedited appeal.

(1) When an initial determination not to certify a health care service is made prior to or during an ongoing service requiring review, and the attending health care provider believes that the determination warrants immediate appeal, the attending health care provider shall have an opportunity to appeal that determination over the telephone or via facsimile on an expedited basis.

(2) Each utilization review organization shall provide reasonable access to a peer clinical reviewer who did not make the original decision. The peer clinical reviewer shall be available for such appeals during normal business hours.

(3) The peer clinical reviewer shall have immediate access to the material which formed the basis for the original determination when discussing an appeal.

(4) The utilization review organization shall not be required to provide a peer clinical reviewer other than the peer clinical reviewer who made the original decision if

the attending health care provider only needs to supply additional or new information which will justify the need for the health care service or treatment.

(5) Health care providers and utilization review organizations shall attempt to share the maximum information by telephone, facsimile or otherwise to resolve the expedited appeal satisfactorily.

(6) The utilization review organization shall notify the health care provider of its decision regarding the expedited appeal by telephone at the time the decision is made and shall notify the health care provider and the enrollee in writing within one working day.

(7) Expedited appeals which do not resolve a difference of opinion may be resubmitted through the standard appeal process.

(8) Non-certifications made on a retrospective basis may be appealed only through the standard appeal process.

(b) Standard appeal. The utilization review organization shall establish procedures for appeals to be made either in writing or by telephone.

(1) Each utilization review organization shall notify in writing the enrollee or patient, health care provider and the claims administrator of its determination on the appeal as soon as practical, but never later than 30 days after receiving the required documentation for the appeal.

(2) The documentation required by the utilization review organization may include copies of part or all of the clinical record or a written statement from the attending health care provider.

(3) Prior to upholding the original decision not to certify for clinical reasons, a peer clinical reviewer who did not make the original non-certification determination shall review the documentation.

(4) The process established by a utilization review organization may include a period within which an appeal must be filed to be considered.

(5) Each attending health care provider who unsuccessfully appeals a determination not to certify shall be provided the clinical basis for that determination upon request.

(6) In cases involving physician-directed services where an appeal to reverse a determination not to certify for medical reasons is unsuccessful, the utilization review organization shall assure that a peer clinical reviewer, in the same or a similar medical specialty as the attending health care provider, is reasonably available to review the case as mutually deemed appropriate.

(7) In cases involving other than physician-directed services where an appeal to reverse a determination not to certify for clinical reasons is unsuccessful, the utilization review organization shall assure that a peer clinical reviewer in the same or similar profession as the attending health care provider is reasonably available to review the case as mutually deemed appropriate.

(8) Each utilization review organization shall forward, electronically or in writing, a notification of certification or a determination not to certify to the appropriate claims administrator for the health benefit plan. (Authorized by K.S.A. 40-103 and K.S.A. 40-22a01, et seq.; implementing K.S.A. 40-22a04; effective, T—, —; effective June 12, 1995.)

**40-4-41e. Utilization review organizations; staff requirements.** Each utilization review organization shall have utilization review staff who are properly trained, qualified, supervised and supported by written clinically substantiated criteria and review procedures established under the direct supervision and appropriate involvement of health care providers.

(a) All nurses, physicians, accredited records technicians, registered record administrators and other properly credentialed health professionals conducting reviews of medical services, and all other clinical reviewers conducting specialized reviews in their area of specialty, shall be currently licensed or certified by an approved state licensing agency in the United States.

(b) A peer clinical reviewer shall review all cases in which the utilization review organization has concluded that a determination not to certify for clinical reasons is appropriate. The peer clinical reviewer shall be reasonably available by telephone to discuss the determination with the health care provider. (Authorized by K.S.A. 40-103 and K.S.A. 40-22a01, et seq.; implementing K.S.A. 40-22a04; effective, T-\_\_\_\_, \_\_\_\_; effective June 12, 1995.)

**40-4-41f. Utilization review organizations; review requirements.** (a) Each utilization review organization shall use written, clinically substantiated criteria, as needed, for the purpose of determining or screening the appropriateness of the certification.

(1) Such criteria shall be periodically evaluated and updated, and shall be made available to the attending health care provider upon request.

(2) Professionally accepted, pre-established review criteria shall be used for concurrent reviews and shall be periodically evaluated and updated.

(3) When copyright laws prohibit the copying of criteria for health care providers, the utilization review organization shall identify the type of criteria being utilized so that the health care provider may purchase the criteria directly from the source.

(4) Clinical protocols, as well as other relevant review processes used in a health benefit plan's concurrent review program, shall be established with appropriate involvement from health care provider panels made up of health care providers contracting with the utilization review organization.

(b) Each utilization review organization shall use one or more health care provider consultants, including, as needed and available, one or more specialists who are board-certified or board-eligible and working toward certification in a specialty board approved by the American board of medical specialists or the American board of osteopathy from the major areas of clinical services.

(c) Each utilization review organization shall use one or more peer clinical reviewers who have a firm understanding of clinical practice, are familiar with current treatment guidelines, are able to access expert clinical opinions when necessary, and take into consideration any local specific issues as described by the attending health care provider.

(d) Each utilization review organization shall provide a formal program for orientation and training of utilization review staff and professional consultants.

(e) Each utilization review organization shall maintain written documentation of an active quality assessment

program. "Quality assessment program" means a structured mechanism that, at a minimum, monitors and evaluates a utilization review organization's program and provides management intervention, as needed, to support compliance with these standards. (Authorized by K.S.A. 40-103 and K.S.A. 40-22a01, et seq.; implementing K.S.A. 40-22a04; effective, T-\_\_\_\_, \_\_\_\_; effective June 12, 1995.)

**40-4-41g. Utilization review organizations; access to review staff.** (a) Each utilization review organization shall provide access to its review staff by a toll free or collect call telephone line, at a minimum, from 9:00 a.m. to 4:00 p.m. of each normal business day in the Central Standard Time zone. Each utilization review organization shall also have a mechanism to receive timely call-backs from health care providers and shall establish written procedures for receiving a redirecting after-hour calls, either in person or by recording.

(b) Each utilization review organization and its staff shall conduct its telephone reviews, on-site information gathering reviews, and health care provider communications during reasonable and normal business hours for health care providers, unless otherwise mutually agreed.

(c) Utilization review organization staff members shall identify themselves by name and by the name of their organization, and for on-site reviews, shall carry photograph identification and their organization's company identification card. On-site concurrent reviews shall, whenever possible, be scheduled at least one business day in advance of the appropriate health care provider contact. If requested by a health care provider or in-patient facility, the utilization review organization shall assure that its on-site review staff register with the appropriate contact person, if available, prior to requesting any clinical information or assistance from health care provider staff and the on-site review staff shall wear appropriate hospital-supplied identification while on the premises.

(d) Each utilization review organization and its staff shall agree, if so requested, that the clinical records remain available in designated areas during the on-site review and that reasonable health care provider administrative procedures shall be followed by on-site review staff so as to not disrupt health care provider operations or patient care. Such procedures, however, should not limit the ability of a utilization review organization to efficiently conduct the necessary review on behalf of the patient's health benefit plan.

(e) Upon request, each utilization review organization shall:

(1) verbally inform designated health care provider personnel of the utilization review requirements of the specific health benefit plan and the general type of criteria used by the review agent; and

(2) verbally inform health care providers of the organization's operational procedures in order to facilitate the review process. (Authorized by K.S.A. 40-103 and K.S.A. 1994 Supp. 40-22a01, et seq.; implementing K.S.A. 1994 Supp. 40-22a04; effective, T-\_\_\_\_, \_\_\_\_; effective June 12, 1995.)

Kathleen Sebelius  
Kansas Insurance Commissioner

Doc. No. 016223

(Published in the Kansas Register April 27, 1995.)

**Notice of Redemption  
to the holders of  
Crawford County, Kansas  
Single Family Mortgage Revenue Bonds  
1980 Series A**

Notice is hereby given that, pursuant to Section 3.01 of the Indenture dated as of February 1, 1980 and as amended by the First Supplemental Indenture dated April 1, 1989, \$250,000 principal amount of bonds has been drawn pro-rata among maturities and by lot for redemption at par on June 1, 1995.

Coupon bonds of \$5,000 denominations called in full bearing CUSIP No. 224851 and suffix:

AQ8	AR6	AS4	AT2	AU9	AW5		
724	746	847	931	1043	1745	2464	2997
731	805	874	933	1077	1780	2513	3010
		912		1110	1797	2519	3047
					1913	2527	3052
					1959	2531	3068
					2031	2646	3100
					2058	2678	3108
					2254	2769	3169
					2279	2782	
					2340	2804	
					2370	2865	
					2391	2879	
					2394	2887	
					2428	2950	
					2431	2973	

Bonds with the June 1, 1995, coupons and all subsequent coupons attached should be presented to one of the offices of the paying agents:

**By Mail:**

Bank of America Illinois  
(formerly Continental Bank)  
Corporate Trust Operations  
231 S. LaSalle St., 19th Floor  
Chicago, IL 60697

Intrust Bank N.A.  
Attn: Corporate Trust  
105 N. Main  
Wichita, KS 62702

**By Hand Delivery:**

Bank of America Illinois  
(formerly Continental Bank)  
Corporate Trust Operations  
231 S. LaSalle St., 19th Floor  
Chicago, IL 60697

To assure prompt payment of the redemption price, bond certificates should be sent, unendorsed, approximately two weeks before June 1, 1995, to the above Bank of America Illinois address. The method of delivery of the bonds for payment is at the election and risk of the holder, but if sent by mail, insured, registered or certified mail, return receipt requested, is recommended.

Although registered bondholders have the option of presenting bonds to the Kansas paying agent, there will be a delay in the issuance of bonds for any unredeemed portion unless such presentment is made to the principal paying agent in Chicago. Accordingly, the registered bonds which have been called in part should be presented

to the paying agent in Chicago at the address given above.

Where a fully registered bond is redeemed in part, a new fully registered bond for the unredeemed portion will be issued and returned without charge. Interest on the bonds or portions of the bonds called for redemption will cease to accrue on June 1, 1995.

To avoid a 31 percent backup withholding tax required by federal law effective January 1, 1993, holders must submit a properly completed IRS Form W-9 with their bonds, unless such a form has been provided previously.

Dated April 27, 1995.

By: Bank of America Illinois  
as Trustee for  
Crawford County, Kansas

Doc. No. 016215

**State of Kansas**

**Behavioral Sciences Regulatory Board**

**Permanent Administrative  
Regulations**

**Article 2.—LICENSING OF SOCIAL WORKERS**

**102-2-3. Fees.** (a) Each new applicant for a social work license shall pay the application fee as set forth below:

- (1) Licensed baccalaureate social worker (LBSW): \$90;
- (2) Licensed master social worker (LMSW): \$95;
- (3) Licensed specialist clinical social worker (LSCSW): \$100.00; or

- (4) Temporary license fee: \$15.00.

(b) Each applicant for license renewal shall pay the applicable fee as set forth below:

- (1) Licensed associate social worker (LASW): \$90.00;
- (2) Licensed baccalaureate social worker (LBSW): \$90.00;
- (3) Licensed master social worker (LMSW): \$95.00; and
- (4) Licensed specialist clinical social worker (LSCSW): \$100.00.

(c) The fee for a social work examination shall be \$150.00.

(d) Each applicant for license renewal after the date of its expiration shall pay the penalty fee, in addition to the renewal fee, as set forth below:

- (1) Licensed associate social worker (LASW): \$90.00;
- (2) Licensed baccalaureate social worker (LBSW): \$90.00;
- (3) Licensed master social worker (LMSW): \$95.00;
- (4) Licensed specialist clinical social worker (LSCSW): \$100.00.

(e) The fee for a duplicate license shall be \$10.00. (Authorized by and implementing K.S.A. 65-6313, and K.S.A. 65-6314; effective May 1, 1982; amended, T-86-20, July 1, 1985; amended May 1, 1986; amended, T-87-10, July 1, 1986; amended May 1, 1987; amended, T-102-10-17-89, Oct. 17, 1989; amended, T-102-11-29-90, Nov. 29, 1990; amended Jan. 21, 1991; amended June 12, 1995.)

Mary Ann Gabel  
Executive Director

Doc. No. 016212

(Published in the Kansas Register April 27, 1995.)

**Notice of Call for Redemption  
to the holders of  
City of Abilene, Kansas  
Industrial Revenue Bonds  
Series June 1, 1983  
(Duckwall-Alco Stores, Inc.)**

Notice is hereby given that pursuant to Section 4 of Ordinance No. 2566 of the City of Abilene, Kansas, the following described bonds maturing on and after June 1, 1998, and all unmatured coupons appertaining thereto, have been called for redemption and payment on June 1, 1995, at the office of the First National Bank, Abilene, Kansas (formerly Citizens Bank and Trust Co.), the paying agent.

**Term Bonds**

Bond Nos.	Maturity Date	Principal Amount	Interest Rate
R33 (453)	6-1-98	\$5,000	9.50%
R37 (462, 545)	6-1-98	\$10,000	9.50%
R60 (473, 555)	6-1-98	\$10,000	9.50%
402	6-1-98	\$5,000	9.50%
412	6-1-98	\$5,000	9.50%
438	6-1-98	\$5,000	9.50%
450	6-1-98	\$5,000	9.50%
461	6-1-98	\$5,000	9.50%
478	6-1-98	\$5,000	9.50%
480	6-1-98	\$5,000	9.50%
483	6-1-98	\$5,000	9.50%
490	6-1-98	\$5,000	9.50%
491	6-1-98	\$5,000	9.50%
492	6-1-98	\$5,000	9.50%
495	6-1-98	\$5,000	9.50%
497	6-1-98	\$5,000	9.50%
498	6-1-98	\$5,000	9.50%
499	6-1-98	\$5,000	9.50%
501	6-1-98	\$5,000	9.50%
503	6-1-98	\$5,000	9.50%
510	6-1-98	\$5,000	9.50%
523	6-1-98	\$5,000	9.50%
526	6-1-98	\$5,000	9.50%
539	6-1-98	\$5,000	9.50%
542	6-1-98	\$5,000	9.50%
544	6-1-98	\$5,000	9.50%
546	6-1-98	\$5,000	9.50%
549	6-1-98	\$5,000	9.50%
557	6-1-98	\$5,000	9.50%
578	6-1-98	\$5,000	9.50%
579	6-1-98	\$5,000	9.50%
580	6-1-98	\$5,000	9.50%
593	6-1-98	\$5,000	9.50%

On such redemption date there shall become due and payable, upon the presentation and surrender of each such bond and appropriate coupons appertaining thereto, the redemption price thereof equal to 100 percent of the principal amount of each bond together with interest accrued to the redemption date. Interest shall cease to accrue on the bonds so called for redemption, and all unmatured coupons appertaining thereto, from and after

June 1, 1995, subject to the condition that sufficient funds for redemption are then on deposit with the paying agent. Under the provisions of the Interest and Dividend Tax Compliance Act of 1983, paying agents making payments of interest or principal on corporate securities may be obligated to withhold a 20 percent tax from remittances to individuals who have failed to furnish the paying agent with a valid taxpayer identification number. Holders of the Series June 1, 1983 Bonds who wish to avoid the imposition of the tax should submit certified taxpayer identification numbers when presenting the bonds for payment.

Dated April 27, 1995.

City of Abilene, Kansas  
By: First National Bank, Abilene, Kansas  
(Formerly Citizens Bank and Trust Co.)  
as Fiscal Agent

Doc. No. 016226

(Published in the Kansas Register, April 27, 1995.)

**Notice of Bond Sale  
\$6,550,000  
City of Topeka, Kansas  
General Obligation Bonds  
Series 1995-A  
(Internal Improvement Bonds)**

**Sealed Bids**

Sealed bids for the purchase of \$6,550,000 principal amount of General Obligation Bonds, Series 1995-A (Internal Improvement Bonds) of the city hereinafter described, will be received by the undersigned, city clerk of the City of Topeka, Kansas, on behalf of the governing body of the city at City Hall, 215 E. 7th, Topeka, KS 66603, until 11 a.m. C.D.T. on Tuesday, May 9, 1995. All bids will be publicly opened and read at said time and place and will be affirmed and finally acted upon by the governing body of the city at its meeting May 9, 1995. No oral or auction bids will be considered.

Bidders may deliver a bid to the city clerk, or they may telefax it to the city clerk prior to the said time and date. Bidders who transmit their bid by telefax must undertake the following: (a) send the "good faith" check and a blank copy of the official proposal form for the bonds in time to be received by the city not less than one business day prior to the date of sale; (b) the blank proposal must provide the name and telephone number of the authorized representative of the lead manager of each account signed by such representative and must list the members of the account on the back thereof. On the date of the sale, the authorized representative of the account may transmit to the city, by telefax, the bid for the bonds. The signed proposal will be completed by the city with such information. Telefax transmissions must be directed to any one of the following numbers: (913) 295-3975; (913) 232-1102; or (913) 295-3850. The city will not accept responsibility for inaccurate bids submitted by telefax, including garbled transmissions, or the inability of a bidder to access the telefax number prior to the indicated sale time.

**Bond Details**

The bonds will consist of fully registered bonds without coupons in the denomination of \$5,000 or any integral

(continued)

multiple thereof. The bonds will be dated May 1, 1995, and will become due on August 15 in the years as follows:

Year (August 15)	Principal Amount
1997	\$200,000
1998	200,000
1999	225,000
2000	250,000
2001	250,000
2002	275,000
2003	275,000
2004	300,000
2005	300,000
2006	325,000
2007	350,000
2008	400,000
2009	400,000
2010	400,000
2011	400,000
2012	500,000
2013	500,000
2014	500,000
2015	500,000

The bonds will bear interest at rates to be determined when the bonds are sold as hereinafter provided, which interest will be payable semiannually on February 15 and August 15 in each year, beginning on February 15, 1996.

#### Place of Payment and Bond Registration

The principal of and interest on the bonds will be payable in lawful money of the United States of America by check or draft of the Kansas State Treasurer, Topeka, Kansas (the paying agent and bond registrar). The principal of the bonds will be payable at maturity or upon earlier redemption to the registered owners upon presentation and surrender of the bonds at the office of the paying agent. Interest on the bonds will be paid by check or draft mailed by the paying agent to the persons in whose names the bonds are registered on the registration books maintained by the bond registrar at the close of business on the record date for such interest, which shall be the first day (whether or not a business day) of the calendar month of such interest payment date.

The city will pay for the fees of the bond registrar for registration and transfer of the bonds and will also pay for printing a reasonable supply of registered bond blanks. Any additional costs or fees that might be incurred in the secondary market, other than fees of the bond registrar, will be the responsibility of the bondholders.

#### Redemption of Bonds Prior to Maturity

At the option of the city, bonds maturing on August 15, 2001, and thereafter will be subject to redemption and payment prior to maturity on August 15, 2000, and thereafter in whole on any date or in part on any interest payment date (bonds of less than a single maturity to be selected by lot in multiples of \$5,000 principal amount by the paying agent and bond registrar in such equitable manner as it shall designate), at the redemption price equal to the principal amount thereof, plus a premium of 1 percent of the principal amount redeemed, such pre-

mium to decline one-quarter of 1 percent each interest payment date thereafter, plus accrued thereon to the date fixed for redemption and payment.

Whenever the city is to select the bonds for the purpose of redemption, it shall, in the case of bonds in denominations greater than \$5,000, if less than all of the bonds then outstanding are to be called for redemption, treat each \$5,000 of face value of each such fully registered bond as though it were a separate bond of the denomination of \$5,000.

If the city shall elect to call any bond for redemption and payment prior to the maturity thereof, the city shall give written notice of its intention to redeem and pay said bonds on a specified date, the same being described by number and maturity, said notice to be mailed by United States certified mail addressed to the paying agent and bond registrar, and to the manager or managers of the underwriting account making the successful bid, each of said notices to be mailed at least 45 days prior to the redemption date. Thereafter, the paying agent and bond registrar will notify the registered owners of the bonds, by first class mail, postage prepaid, of the city's redemption call. If any bond be called for redemption and payment as aforesaid, all interest on such bond shall cease from and after the date for which such call is made, provided funds are available for its payment at the price hereinbefore specified.

#### Conditions of Bids

Proposals will be received on the bonds bearing such rate or rates of interest as may be specified by the bidders, subject to the following conditions: The same rate shall apply to all bonds of the same maturity. Each interest rate specified shall be a multiple of  $\frac{1}{8}$  or  $\frac{1}{20}$  of 1 percent. No interest rate shall exceed a rate equal to the index of treasury bonds published by *The Bond Buyer* in New York, New York, on the Monday next preceding the day on which the bonds are sold, plus 2 percent. The difference between the highest rate specified and the lowest rate specified shall not exceed 2 percent. No supplemental interest payments will be authorized. No bid of less than the principal amount of the bonds and accrued interest will be considered. Each bid shall specify the total interest cost to the city during the life of the bond issue on the basis of such bid, the premium, if any, offered by the bidder, and the net interest cost to the city on the basis of such bid. Each bid shall also specify the average annual net interest rate to the city on the basis of such bid. Bidders shall specify in the bid form the prices (exclusive of accrued interest), expressed as a percentage of the principal amount thereof, at which the bidder intends that each maturity amount of the bonds shall be initially offered to the public (the initial reoffering prices). All bonds maturing on or after August 15, 2001, must be reoffered at 100 percent of the principal amount thereof.

#### Basis of Award

The award of the bonds will be made on the basis of the lowest net interest cost to the city, which will be determined by subtracting the amount of the premium bid, if any, from the total interest cost to the city. If there is any discrepancy between the net interest cost and the average annual net interest rate specified, the specified net



interest cost shall govern and the interest rates specified in the bid shall be adjusted accordingly. If two or more proper bids providing for identical amounts for the lowest net interest cost are received, the city shall determine which bid, if any, shall be accepted, and its determination shall be final.

#### **Authorization, Purpose and Security for the Bonds**

The bonds are being authorized and issued to permanently finance various internal improvements to the city. The bonds will be general obligations of the city payable as to both principal and interest in part from special assessments levied upon specially benefited property and, if not so paid, from ad valorem taxes which may be levied without limitation upon all the taxable tangible property, real and personal, within the territorial limits of the city. The balance of the principal of and interest on the bonds is payable from ad valorem taxes which may be levied, without limitation as to rate or amount on all the taxable tangible property, real and personal, within the territorial limits of the city.

#### **Internal Revenue Code of 1986**

The Internal Revenue Code of 1986 imposes requirements on the city which must be met subsequent to the issuance of the bonds by the city and, as a result, the city will and does hereby covenant that it will diligently undertake those steps necessary to maintain the tax-exempt status of the bonds. The city's failure to comply with such requirements could adversely affect the tax-exempt status of the bonds. Purchasers of the bonds should be aware that should the bonds lose their status as tax-exempt obligations as a result of the city's failure to comply with such requirements, the bonds are neither callable nor will the rate of interest on the bonds be adjusted to reflect such circumstances.

The code includes interest on tax-exempt obligations, such as the bonds, in the adjusted current earnings of certain corporations in the calculation of alternative minimum taxable income with certain other adjustments. Furthermore, Section 59A of the code, as added by the Superfund Amendments and Reauthorization Act of 1986, provides for an environmental tax generally based on corporate alternative minimum taxable income. The amount of the tax is equal to 0.12 percent of the excess of alternative minimum taxable income, without regard to net operating losses and the deduction for this tax, over \$2 million. The environmental tax is imposed whether or not the taxpayer is subject to the alternative minimum tax. The environmental tax may subject certain bondowners to additional taxation for interest earned on the bonds.

The code also requires property and casualty insurance companies to reduce the amount of their deductible underwriting losses by a percentage of the amount of tax-exempt interest received or accrued on such obligations. With the exception of certain "qualified tax-exempt obligations," the code provides that banks and thrift institutions may not deduct any portion of the interest cost of purchasing or carrying tax-exempt obligations such as the bonds. The city does not intend to designate the bonds as "qualified tax-exempt obligations" under Section 265 of the code.

#### **Legal Opinion**

The bonds will be sold subject to the legal opinion of Nichols and Wolfe Chartered, Topeka, Kansas, bond counsel, whose approving legal opinion as to the validity of the bonds will be furnished and paid for by the city, printed on the bonds and delivered to the successful bidder when the bonds are delivered. Said opinion will also state that in the opinion of bond counsel, assuming continued compliance by the city with the provisions of the ordinance authorizing the issuance of the bonds and the code, under existing law, the interest on the bonds is excludable from gross income for federal income tax purposes. Interest on the bonds will also be excludable from the computation of Kansas adjusted gross income.

#### **Delivery and Payment**

The city will pay for printing the bonds and will deliver the bonds, without cost to the successful bidder, properly prepared, executed and registered, on or about May 30, 1995, at such bank or trust company in the contiguous United States of America as may be specified by the successful bidder. Said bidder will also be furnished with a certified transcript of the proceedings evidencing the authorization and issuance of the bonds and the usual closing documents, including a certificate that there is no litigation pending or threatened at the time of delivery of the bonds affecting their validity and a certificate regarding the completeness and accuracy of the official statement. Payment for the bonds shall be made in Federal Reserve funds, immediately subject to use by the city. The denominations of the bonds and the names, addresses and social security or taxpayer identification numbers of the registered owners shall be submitted in writing by the successful bidder to the city and bond registrar not later than 1 p.m. C.D.T. on May 16, 1995. In the absence of such information, the city will deliver bonds in the denomination of each maturity registered in the name of the successful bidder.

The successful bidder shall furnish the city by 1 p.m. C.D.T. on May 16, 1995, a certificate acceptable to the city's bond counsel to the effect that (i) the successful bidder has made a bona fide public offering of the bonds at the initial reoffering prices, which initial reoffering prices must reflect that all bonds maturing on or after August 15, 2001, are being reoffered at a price equal to 100 percent of the principal amount thereof, and (ii) a substantial amount of the bonds was sold to the public (excluding brokers and other intermediaries) at such initial reoffering prices. Such certificate shall state that (1) it is made on the best knowledge, information and belief of the successful bidder, and (2) 10 percent or more in par amount of the bonds of each maturity was sold to the public at or below the initial reoffering prices (such amount being sufficient to establish the sale of a "substantial amount" of the bonds).

#### **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 \$131,000, payable to the order of the city to secure the city from any loss resulting from the failure of the bidder to comply with the terms

*(continued)*

of the bid. No interest will be paid upon the deposit made by the successful bidder. Said check shall be returned to the bidder if the bid is not accepted. If a bid is accepted, said check shall be held by the city until the bidder shall have complied with all of the terms and conditions of this notice, at which time said check shall, at the option of the city, be returned to the successful bidder or deducted from the purchase price. If a bid is accepted but the city shall fail to deliver the bonds to the bidder in accordance with the terms and conditions of this notice, said check shall be returned to the bidder, with the city having no further obligations due to the bidder. If a bid is accepted but the bidder shall default in the performance of any of the terms and conditions of this notice, the proceeds of such check shall be forfeited to the city, and the city reserves the right to pursue any consequential damages as a result of such default.

#### CUSIP Numbers

CUSIP identification numbers will be printed on the bonds, but neither the failure to print such number on any bond nor any error with respect thereto shall constitute cause for failure or refusal by the purchaser thereof to accept delivery of and pay for the bonds in accordance with the terms of this notice. All expenses in relation to the assignment and printing of CUSIP numbers on the bonds will be paid by the city.

#### Bond Ratings

The outstanding general obligation bonds of the city are rated "Aa" by Moody's Investor Service, Inc., and the city has applied for rating on the bonds herein offered for sale.

#### Bid Forms

All bids must be made on forms which may be procured from the city clerk. No additions or alterations in such forms shall be made and any erasures may cause rejection of any bid. The city reserves the right to waive irregularities and to reject any or all bids.

#### Submission of Bids

Bids must be submitted in sealed envelopes addressed to the undersigned city clerk and marked "Proposal for the Purchase of General Obligation Bonds." Bids may be submitted by mail, delivered in person or telefaxed as hereinbefore provided to the undersigned at City Hall and must be received by the undersigned prior to 11 a.m. C.D.T. on Tuesday, May 9, 1995.

#### Delivery of Preliminary and Final Official Statement

The city has authorized the preparation and disbursement of a preliminary official statement containing information relating to the both the bonds and the city's Temporary Notes, Series 1995-A, in the aggregate principal amount of \$13,765,000 being concurrently issued with the bonds. The preliminary official statement comprises the final official statement required by Rule 15c2-12 of the Securities and Exchange Commission.

The preliminary official statement, when amended to include the interest rates specified by the successful purchaser and the price or yield at which the purchaser will re-offer the bonds to the public, together with any other information required by law, will constitute a "Final Of-

ficial Statement" with respect to the notes and bonds as that term is defined in Rule 15c2-12. No more than seven business days after the date of the sale of the bonds, the city will provide without cost to the purchaser such reasonable number of printed copies of the final official statement as such purchaser may request without cost to the purchaser; further copies, if desired, will be made available at the purchaser's expense. If the sale of the bonds is awarded to a syndicate, the city will designate the senior managing purchaser of the syndicate as its agent for purposes of distributing copies of the final official statement to each participating purchaser. Any purchaser executing and delivering a bid form with respect to the bonds agrees thereby that if the bid is accepted it shall accept such designation and shall enter into a contractual relationship with all participating purchasers for the purpose of assuring the receipt and distribution by each such participating purchaser of the final official statement.

The city will deliver to the purchaser on the date of delivery of the bonds a certificate executed by the city controller and the city clerk to the effect that the final official statement, as of the date of delivery of the bonds, does not contain any untrue statement of a material fact or omit to state a material fact necessary to make the statements made, in the light of the circumstances in which they are made, not misleading.

Copies of the city's preliminary official statement relating to the bonds may be obtained from the city clerk or the city's financial advisor, MG McMahon & Co., 4310 Madison Ave., Suite 200, Kansas City, MO 64111, (816) 531-1777, FAX (816) 531-0503.

#### Assessed Valuation and Indebtedness

The total assessed valuation of the taxable tangible property (including motor vehicles) within the city as of November 1, 1994, is \$660,600,742. The total general obligation bonded indebtedness of the city, following the concurrent issuance of the bonds and the city's Temporary Notes, Series 1995-A, dated May 15, 1995, in the aggregate principal amount of \$13,765,000, is \$133,685,000. There will be retired out of the proceeds of the bonds, the city's 1995-A Temporary Notes and other legally available funds, temporary notes in the aggregate principal amount of \$9,850,000. A description of the city's Temporary Notes, Series 1995-A, is set forth within the city's official statement relating to both the bonds and the notes. In accordance with the financial advisor's agreement with the city, the financial advisor will not be submitting a bid or participating in a group submitting a bid for the purchase of the bonds.

Dated April 26, 1995.

City of Topeka, Kansas  
Iris E. Walker  
City Clerk  
City Hall  
215 E. 7th  
Topeka, KS 66603  
(913) 295-3940

Doc. No. 016241



(Published in the Kansas Register April 27, 1995.)

**Summary Notice of Bond Sale**  
**City of Lawrence, Kansas**  
**\$3,360,000\* General Obligation Bonds**  
**Series Q 1995**  
**and**  
**\$5,435,000\* Temporary Notes**  
**Series 1995-A**  
**of the**  
**City of Lawrence, Kansas**  
**(General obligations payable from**  
**unlimited ad valorem taxes)**

**Sealed Bids**

Subject to the notice of sale and preliminary official statement, sealed bids will be received by the city clerk of the City of Lawrence, Kansas, on behalf of the governing body at City Hall, 6 E. 6th, Lawrence, KS 66044, until 11 a.m. local time on Tuesday, May 9, 1995, for the purchase of \$3,360,000\* principal amount of General Obligation Bonds, Series Q 1995, and \$5,435,000\* Temporary Notes, Series 1995-A. No bid of less than the entire par value of the bonds or notes, as applicable, and accrued interest 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 15, 1995, and will become due on September 1 in the years as follows:

Year	Principal Amount*
1995	\$400,000
1996	255,000
1997	275,000
1998	290,000
1999	310,000
2000	325,000
2001	345,000
2002	365,000
2003	385,000
2004	410,000

The bonds will bear interest from the date thereof at rates to be determined when the bonds are sold, and interest will be payable semiannually on March 1 and September 1 in each year, beginning on September 1, 1995. The Kansas State Treasurer, Topeka, Kansas, will be the paying agent and bond registrar for bonds.

**Note Details**

The notes will consist of fully registered notes in the denomination of \$5,000 or any integral multiple thereof. Notes shall initially be registered in the name of Cede & Co., as nominee of the Depository Trust Company, New York, New York, to which payment of principal of and interest on the notes will be made. Individual purchases of notes will be made in book-entry form only. Purchasers will not receive certificates representing their interest in notes purchased. The notes will be dated May 15, 1995, and will become due on June 1, 1996. The notes will bear interest from the dated date at rates to be determined when the notes are sold, and interest will be payable semi-

annually on December 1, 1995 and June 1, 1996 (or earlier redemption date). The City Treasurer will be the paying agent and note registrar for the notes.

**Good Faith Deposit**

Each bid for the bonds 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 2 percent of the principal amount of the bonds. Each bid for the notes shall be accompanied by a good faith deposit in the form of a cashier's or certified check or a financial surety bond in the amount of 1 percent of the principal amount of the notes.

**Delivery**

The city will pay for printing the bonds and the preparation of the notes and will deliver the bonds properly prepared, executed and registered without cost to the successful bidder on or before May 31, 1995, at such bank or trust company in the United States of America as may be specified by the successful bidder. The city will deliver the notes in book-entry form only to the Depository Trust Company, New York, New York.

**Assessed Valuation and Indebtedness**

The equalized assessed tangible valuation for computation of bonded debt limitations for the year 1994 is \$366,123,512. The total general obligation indebtedness of the city as of the date of the bonds, including the bonds and notes being sold, is \$28,280,000.

**Approval of Bonds**

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

**Additional Information**

Additional information regarding the bonds and notes may be obtained from the city clerk or the city's director of finance, (913) 832-3214; or from Gilmore & Bell, P.C., Bond Counsel, 700 W. 47th, Suite 400, Kansas City, MO 64112, (816) 931-7500.

Dated May 1, 1995.

City of Lawrence, Kansas  
 By Raymond J. Hummert  
 Lawrence City Clerk  
 Lawrence City Hall  
 6 E. 6th  
 Lawrence, KS 66044  
 (913) 832-3000

\*Subject to change.  
 Doc. No. 016242

(Published in the Kansas Register April 27, 1995.)

**Summary Notice of Bond Sale  
Atchison County, Kansas  
\$1,400,000  
General Obligation Bonds  
Series 1995**

**(General obligation bonds payable from  
unlimited ad valorem taxes)**

**Sealed Bids**

Subject to the notice of bond sale dated May 3, 1995, sealed bids will be received by the county clerk of Atchison County, Kansas, on behalf of the governing body at 423 N. 5th, Atchison, KS 66002, until 11 a.m. Central Time on May 10, 1995, for the purchase of \$1,400,000 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 of \$5,000. The bonds will be dated June 1, 1995, and will become due on September 1 in the years as follows:

Maturity September 1	Principal Amount
1997	\$70,000
1998	75,000
1999	80,000
2000	85,000
2001	85,000
2002	90,000
2003	95,000
2004	100,000
2005	105,000
2006	110,000
2007	115,000
2008	125,000
2009	130,000
2010	135,000

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 March 1 and September 1 in each year, beginning on September 1, 1996.

**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 \$28,000 (2 percent of the principal amount of the bonds).

**Delivery**

The county will pay for printing the bonds and will delivery the same properly prepared, executed and registered without cost to the successful bidder on or before June 1, 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 the county for computation of bonded debt limitations for the year 1994 is \$74,156,287. The total general obligation indebtedness of the county as of the date of the bonds, including the bonds being sold, is \$1,400,000.

**Approval of Bonds**

The bonds will be sold subject to the legal opinion of Logan, Riley, Carson & Kaup, L.C., Overland Park, Kansas, and Fred W. Rausch, Jr., Chartered, Topeka, Kansas, co-bond counsel, whose approving legal opinions as to the validity of the bonds will be furnished and paid for by the county, 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 county clerk; the financial advisor, Mark Twain Bank, Public Finance Division, 8600 Shawnee Mission Parkway, Merriam, KS 66202, (913) 384-4222, Attention: Marty Nohe; or from co-bond counsel, Logan, Riley, Carson & Kaup, L.C., 9200 Indian Creek Parkway, Suite 230, Overland Park, KS 66210, (913) 661-0399; or Fred W. Rausch, Jr., Chartered, 220 S.W. 33rd, Suite 201, Topeka, KS 66611, (913) 267-3470.

Dated April 19, 1995.

Atchison County, Kansas  
By: County Clerk  
423 N. 5th  
Atchison, KS 66002  
(913) 367-1653

Doc. No. 016225

**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 27, 1995.)

**HOUSE BILL No. 2478**

AN ACT concerning wildlife and parks; amending K.S.A. 32-701, 32-906, 32-929 and 32-1125 and K.S.A. 1994 Supp. 32-988 and repealing the existing sections.

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

Section 1. K.S.A. 32-701 is hereby amended to read as follows: 32-701. As used in the wildlife and parks laws of this state, unless the context otherwise requires or specifically defined otherwise:

- (a) "Big game animal" means any antelope, deer, elk or wild turkey.
- (b) "Commission" means the Kansas wildlife and parks commission created by K.S.A. 32-805, and amendments thereto.
- (c) "Department" means the Kansas department of wildlife and parks.
- (d) "Fish," as a verb, means take, in any manner, any fish.
- (e) "Furbearing animal" means any badger, beaver, bobcat, grey fox, lynx, marten, mink, muskrat, opossum, otter, raccoon, red fox, spotted skunk, striped skunk, swift fox or weasel.

- (f) "Furharvest" means:
- (1) Take, in any manner, any furbearing animal; or
  - (2) trap or attempt to trap any coyote.
- (g) "Game animal" means any big game animal or small game animal.
- (h) "Game bird" means any grouse, partridge, pheasant, prairie chicken or quail.
- (i) "Hunt" means:
- (1) Take, in any manner, any wildlife other than a fish, bullfrog, furbearing animal or coyote; or
  - (2) take, in any manner other than by trapping, any coyote.
- (j) "Motor vehicle" means a vehicle, other than a motorized wheelchair, which is self-propelled.
- (k) "Motorized wheelchair" means any self-propelled vehicle designed specifically for use by a physically disabled person that is incapable of a speed in excess of 15 miles per hour.
- (l) "Nonresident" means any person who has not been a bona fide resident of this state for the immediately preceding 60 days.
- (m) "On a commercial basis" means for valuable consideration.
- (n) "Person" means any individual or any unincorporated association, trust, partnership, public or private corporation or governmental entity, including foreign governments, or any officer, employee, agent or agency thereof.
- (o) "Private water fishing impoundment" means a water impoundment one or more water impoundments:
- (1) Constructed by man rather than natural, located wholly within the boundary of the lands owned or leased by the person operating the private water impoundment impoundments; and
  - (2) Entirely isolated from other surface water so that the impoundment does not have any connection either continuously or at intervals, except during periods of floods, with streams or other bodies of water so as to permit the fish to move between the two bodies of water, except that the impoundment streams or other bodies of water and the private water impoundments, except that the private water impoundments may be connected with a stream or other body of water by a pipe or conduit no larger than eight inches in diameter if the flow is screened at all times to the extent necessary to prevent fish from moving between the two bodies of water if fish will be prevented at all times from moving between streams or other bodies of water and the private water impoundment by screening the flow or by other means.
- (p) "Resident" means any person who has maintained the person's place of permanent abode in this state for a period of 60 days immediately preceding the person's application for any license, permit, stamp or other issue of the department. Domiciliary intent is required to establish that a person is maintaining the person's place or permanent abode in this state. Mere ownership of property is not sufficient to establish domiciliary intent. Evidence of domiciliary intent includes, without limitation, the location where the person votes, pays personal income taxes or obtains a driver's license.
- (q) "Secretary" means the secretary of wildlife and parks.
- (r) "Small game" means any game bird, hare, rabbit or squirrel.
- (s) "Species" includes any species of wildlife and any other group of wildlife of the same species or smaller taxa in common spatial arrangement that interbreed when mature.
- (t) "Take" means harass, harm, pursue, shoot, wound, kill, molest, trap, capture, collect, catch, possess or otherwise take, or attempt to engage in any such conduct.
- (u) "Wildlife" means any member of the animal kingdom, including, without limitation, any mammal, fish, bird, amphibian, reptile, mollusk, crustacean, arthropod or other invertebrate, and includes any part, product, egg or offspring thereof, or the dead body or parts thereof. Wildlife does not include agricultural livestock (cattle, swine, sheep, goats, horses, mules and other equines) and poultry (domestic chickens, turkeys and guinea fowl).
- Sec. 2. K.S.A. 32-906 is hereby amended to read as follows: 32-906.
- (a) Except as otherwise provided by law or rules and regulations of the secretary, a valid Kansas fishing license is required to fish or to take any bullfrog in this state.
    - (b) The provisions of subsection (a) do not apply to fishing by:
      - (1) A person, or a member of a person's immediate family domiciled with such person, on land owned by such person or on land leased or rented by such person for agricultural purposes;
      - (2) a resident of this state who is less than 16 years of age or who is 65 or more years of age;
      - (3) a nonresident who is less than 16 years of age;

- (4) a person fishing in a private water fishing impoundment unless waived pursuant to K.S.A. 32-975;
- (5) a resident of an adult care home, as defined by K.S.A. 39-923 and amendments thereto, licensed by the secretary of health and environment;
- (6) an inmate in an honor camp operated by the secretary of corrections, pursuant to an agreement between the secretary of corrections and the secretary of wildlife and parks;
- (7) a person on dates designated pursuant to subsection (f);
- (8) a resident of the state of Texas who is 65 or more years of age if the state of Texas permits residents of this state who are 65 or more years of age to fish in Texas without having to obtain a Texas fishing license; or
- (9) a person fishing under a valid institutional group fishing license issued pursuant to subsection (g); or
- (10) a participant in a fishing clinic sponsored or cosponsored by the department, during the period of time that the fishing clinic is being conducted.
  - (c) The fee for a fishing license shall be the amount prescribed pursuant to K.S.A. 32-988.
  - (d) Unless otherwise provided by law or rules and regulations of the secretary, a fishing license is valid throughout the state.
  - (e) Unless otherwise provided by law or rules and regulations of the secretary, a fishing license is valid from the date of issuance and expires on December 31 following its issuance, except that the secretary may issue a:
    - (1) Permanent license pursuant to K.S.A. 32-929;
    - (2) lifetime license pursuant to K.S.A. 32-930;
    - (3) nonresident fishing license valid for a period of five days; and
    - (4) resident or nonresident fishing license valid for a period of 24 hours.
  - (f) The secretary may designate by resolution two days each calendar year during which persons may fish by legal means without having a valid fishing license.
  - (g) The secretary shall issue an annual institutional group fishing license to each facility operating under the jurisdiction of or licensed by the secretary of social and rehabilitation services and to any veterans administration medical center in the state of Kansas upon application by such facility or center to the secretary of wildlife and parks for such license.
 

All applications for facilities under the jurisdiction of the secretary of social and rehabilitation services shall be made with the approval of the secretary of social and rehabilitation services and shall provide such information as the secretary of wildlife and parks requires. All applications for any veterans administration medical center shall be made with the approval of the director of such facility and shall provide such information as the secretary of wildlife and parks requires. Persons who have been admitted to and are currently residing at the facility or center, not to exceed 20 at any one time, may fish under an institutional group fishing license within the state while on a group trip, group outing or other group activity which is supervised by the facility or center. Persons fishing under an institutional group fishing license shall not be required to obtain a fishing license but shall be subject to all other laws and to all rules and regulations relating to fishing.

The staff personnel of the facility or center supervising the group trip, group outing or other group activity shall have in their possession the institutional license when engaged in supervising any activity requiring the license. Such staff personnel may assist group members in all aspects of their fishing activity.
  - (h) The secretary may issue a special nonprofit group fishing license to any community, civic or charitable organization which is organized as a not-for-profit corporation, for use by such community, civic or charitable organization for the sole purpose of conducting group fishing activities for handicapped or developmentally disabled individuals. All applications for a special nonprofit group fishing license shall be made to the secretary or the secretary's designee and shall provide such information as required by the secretary.
 

Handicapped or developmentally disabled individuals, not to exceed 20 at any one time, may fish under a special nonprofit group fishing license while on a group trip, outing or activity which is supervised by the community, civic or charitable organization. Individuals fishing under a special nonprofit group fishing license shall not be required to obtain a fishing license but shall be subject to all other laws and rules and regulations relating to fishing.

(continued)

The staff personnel of the community, civic or charitable organization supervising the group trip, outing or activity shall have in their possession the special nonprofit group fishing license when engaged in supervising any activity requiring the special nonprofit group fishing license. Such staff personnel may assist group members in all aspects of their fishing activity.

Sec. 3. K.S.A. 32-929 is hereby amended to read as follows: 32-929.

(a) Subject to the provisions of K.S.A. 32-912 and 32-920, and amendments thereto, the secretary or the secretary's designee shall issue, free of charge, a permanent license to hunt, fish and furharvest to any person residing in the state who submits to the secretary satisfactory proof that the person: (1) Is at least  $\frac{1}{16}$  Indian by blood and who is enrolled as an American Indian, and (2) maintains enrollment on a tribal membership roll maintained by the bureau of Indian affairs of the United States department of the interior or who has been issued a certificate of degree of Indian blood by such bureau of Indian affairs, upon submission to the secretary of satisfactory proof thereof a federally recognized tribe. Any such person hunting, fishing or furharvesting in this state shall be subject to the provisions of all rules and regulations relating to hunting, fishing or furharvesting.

(b) For the purposes of this section, a federally recognized tribe means an American Indian group that has petitioned for and obtained recognition by the United States department of the interior under the standards set out in 25 C.F.R. Part 83, as amended.

Sec. 4. K.S.A. 1994 Supp. 32-988 is hereby amended to read as follows: 32-988. (a) The secretary is authorized to adopt, in accordance with K.S.A. 32-805 and amendments thereto, rules and regulations fixing the amount of fees for the following items, subject to the following limitations and subject to the requirement that no such rules and regulations shall be adopted as temporary rules and regulations:

**Big game permits**

- Resident: minimum \$10, maximum \$100
- Nonresident: minimum \$30, maximum \$400
- Big game tag: maximum \$10
- Nonresident applications: maximum \$5
- Transfer fee: minimum \$10, maximum \$40
- Combination hunting and fishing licenses**
- Resident: minimum \$10, maximum \$30
- Lifetime: minimum \$400, maximum \$600; or 8 quarterly payments, each minimum \$55, maximum \$80
- Nonresident: minimum \$75, maximum \$125
- Commercial dog training permits: minimum \$10, maximum \$25**
- Commercial guide permit or associate guide permit: maximum \$50**
- Commercial harvest or dealer permits: minimum \$10, maximum \$200**
- Commercial prairie rattlesnake harvesting permits**
- Resident or nonresident with valid hunting license: maximum \$5
- Resident or nonresident nonfirearm without valid hunting license: maximum \$20
- Controlled shooting area operator license: minimum \$200, maximum \$400**
- Duplicate licenses, permits, stamps and other issues of the department: maximum \$10**
- Falconry**
- Permits: minimum \$50, maximum \$300
- Examinations: minimum \$25, maximum \$100
- Field trial permits: minimum \$10, maximum \$25**
- Fishing licenses**
- Resident: minimum \$5, maximum \$15
- Lifetime: minimum \$200, maximum \$300; or 8 quarterly payments, each minimum \$30, maximum \$45
- Nonresident: minimum \$15, maximum \$50
- Five-day nonresident: minimum \$5, maximum \$15
- Institutional group: minimum \$100, maximum \$200
- Special nonprofit group: minimum \$50, maximum \$200
- Twenty-four-hour: maximum \$3
- Fur dealer licenses**
- Resident: minimum \$50, maximum \$200
- Nonresident: minimum \$50, maximum \$400
- Furharvester licenses**
- Resident: minimum \$10, maximum \$20
- Nonresident: minimum \$50, maximum \$400
- Game breeder permits: minimum \$2, maximum \$15**
- Handicapped hunting and fishing permits: maximum \$5**
- Hound trainer-breeder running permits: minimum \$10, maximum \$25**
- Hunting licenses**
- Resident: minimum \$5, maximum \$15
- Lifetime: minimum \$200, maximum \$300; or 8 quarterly payments, each minimum \$30, maximum \$45
- Nonresident: minimum \$25, maximum \$75
- Controlled shooting area: minimum \$5, maximum \$15
- Forty-eight-hour waterfowl permits: maximum \$25
- Migratory waterfowl habitat stamps: minimum \$3, maximum \$5
- Mussel fishing licenses**
- Resident: minimum \$25, maximum \$200
- Nonresident: minimum \$50, maximum \$400 \$1,500

**Rabbit permits**

- Live trapping: maximum \$200
- Shipping: minimum \$25, maximum \$400
- Raptor propagation permits: maximum \$100
- Rehabilitation permits: maximum \$50
- Scientific, educational or exhibition permits: maximum \$10
- Wildlife damage control permits: maximum \$10
- Wildlife importation permits: maximum \$10
- Special permits under K.S.A. 32-961: maximum \$100
- Miscellaneous fees**
- Special events on department land or water: maximum \$200
- Special departmental services, materials or supplies: no maximum
- Other issues of department: no maximum
- Vendor bond: no maximum

(b) The fee for a landowner-tenant resident big game hunting permit shall be an amount equal to  $\frac{1}{2}$  the fee for a general resident big game hunting permit.

(c) The fee for a furharvester license for a resident under 16 years of age shall be an amount equal to  $\frac{1}{2}$  the fee for a resident furharvester license.

(d) The secretary may establish, by rules and regulations adopted in accordance with K.S.A. 32-805 and amendments thereto, different fees for various classes and types of licenses, permits, stamps and other issuances of the department which may occur within each item as described under subsection (a).

(e) The fee for a nonprofit group fishing license issued under subsection (h) of K.S.A. 32-906 and amendments thereto shall be \$50 for calendar year 1995.

(f) The fee for a nonresident mussel fishing license shall be \$1,000 from the effective date of this act through calendar year 1995.

Sec. 5. K.S.A. 32-1125 is hereby amended to read as follows: 32-1125. (a) No person shall operate any motorboat or vessel or manipulate any water skis, surfboard or similar device in a reckless or negligent manner so as to endanger the life or property of any person.

(b) No person shall manipulate any water skis, surfboard or similar device while under the influence of alcohol or drugs, or both.

(c) No person shall operate any motorboat or vessel for pleasure riding or pull any water skis, surfboard or similar device in any waters of this state marked by buoys or otherwise designated as a mooring, launching, fishing or hunting nonboating area by a county or other political subdivision or by the secretary, except that a motorboat or vessel used for fishing may be operated in a mooring or launching nonboating area.

As used in this subsection, "waters of this state" includes, but is not limited to, any water storage reservoir impoundments over which the secretary has been granted jurisdiction by the proper agency or official of the United States government.

(d) No person shall operate or moor a vessel within a water area which is marked, by buoys or some other distinguishing device, as a bathing or swimming area or as an all-boats-prohibited area. No person shall operate a vessel for purposes other than fishing in areas marked by buoys or otherwise designated as fishing areas, and no person shall operate a vessel for purposes other than hunting in areas marked by buoys or otherwise designated as hunting areas, and in areas designated for combined use of fishing and hunting, vessels may be used for both purposes unless prohibited by federal law.

(e) No owner or person in possession of a vessel shall permit a person under 12 years of age to operate a motorboat unless accompanied and under the direct and audible supervision of a parent or other person over 17 years old of age.

(f) No operator of a vessel shall willfully fail or refuse to bring such vessel to a stop, or otherwise flee or attempt to elude a pursuing law enforcement vehicle or vessel, when given a visual or audible signal to bring the operator's vessel to a stop. The signal may be given by hand, voice, emergency light or siren, and shall be given by a uniformed law enforcement officer prominently displaying the officer's badge of office.

Sec. 6. K.S.A. 32-701, 32-906, 32-929 and 32-1125 and K.S.A. 1994 Supp. 32-988 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 27, 1995.)

## HOUSE BILL No. 2215

AN ACT relating to drivers' licenses; concerning the voluntary surrender of a driver's license; providing for the extension for renewal; amending K.S.A. 1994 Supp. 8-247 and repealing the existing section.

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

New Section 1. (a) The division of vehicles shall accept any voluntary surrender of a driver's license by the licensee.

(b) Upon surrender of such driver's license, the division shall note on the person's driving record that such driver's license has been voluntarily surrendered.

(c) Nothing herein shall prohibit a person from applying or the division from granting a new driver's license upon application of such person, if the person is otherwise eligible to apply for a driver's license. No person who has voluntarily surrendered such person's driver's license shall be eligible to apply for a new license for a period of at least 90 days.

(d) The voluntary surrender of a driver's license under this section shall not affect the authority of the division or of a court to suspend, revoke, cancel or withdraw the person's driving privileges or the privilege to obtain a driver's license under any other statute or ordinance.

(e) This section shall be part of and supplemental to the motor vehicle drivers' license act.

Sec. 2. K.S.A. 1994 Supp. 8-247 is hereby amended to read as follows: 8-247. (a) All original licenses shall expire on the fourth anniversary of the date of birth of the licensee which is nearest the date of application. All renewals thereof, shall expire on every fourth anniversary of the date of birth of the licensee. No driver's license shall expire in the same calendar year in which the original license or renewal license is issued, except that if the foregoing provisions of this section shall require the issuance of a renewal license or an original license for a period of less than six calendar months, the license issued to the applicant shall expire at midnight on every fourth anniversary of the date of birth of the applicant.

(b) If the driver's license of any person expires while such person is outside of the state of Kansas and on active duty in the armed forces of the United States, the license of such person shall be renewable, without examination, at any time prior to the end of the sixth month following the discharge of such person from the armed forces, or within 90 days after reestablished residence within the state, whichever time is sooner. If the driver's license of any person expires while such person is outside the United States, the division shall provide for renewal by mail.

(c) At least 30 days prior to the expiration of a person's license the division shall mail a notice of expiration or renewal application to such person at the address shown on the license. The division shall include with such notice a copy of the eyesight examination form and a copy of the written examination prescribed by subsection (e). In addition, a copy of the Kansas driver's manual, prepared pursuant to K.S.A. 8-266b, and amendments thereto, also shall be included.

(d) Every driver's license shall be renewable on or before its expiration upon application and payment of the required fee and successful completion of the examinations required by subsection (e). Application for renewal of a valid driver's license shall be made to the division in accordance with rules and regulations adopted by the secretary of revenue. Such application shall contain all the requirements of subsection (b) of K.S.A. 8-240, and amendments thereto. Upon satisfying the foregoing requirements of this subsection, and if the division makes the findings required by K.S.A. 8-235b, and amendments thereto, for the issuance of an original license, the license shall be renewed without examination of the applicant's driving ability. If the division finds that any of the statements relating to revocation, suspension or refusal of licenses required under subsection (b) of K.S.A. 8-240, and amendments thereto, are in the affirmative, or if it finds that the license held by the applicant is not a valid one, or if the applicant has failed to make application for renewal of such person's license on or before the expiration date thereof, the division may require the applicant to take an examination of ability to exercise ordinary and reasonable control in the operation of a motor vehicle as provided in K.S.A. 8-235d, and amendments thereto.

(e) (1) Prior to renewal of a driver's license, the applicant shall pass an examination of eyesight and a written examination of ability to read and understand highway signs regulating, warning and directing traffic and knowledge of the traffic laws of this state. Such examination shall be equivalent to the tests required for an original driver's license under K.S.A. 8-235d, and amendments thereto. A driver's license examiner shall administer the examinations without charge and shall report the results

of the examinations on a form provided by the division, which shall be submitted by the applicant to the division at the time such applicant applies for license renewal.

(2) In lieu of the examination of the applicant's eyesight by the examiner, the applicant may submit a report on the examination of eyesight by a physician licensed to practice medicine and surgery or by a licensed optometrist. The report shall be based on an examination of the applicant's eyesight not more than three months prior to the date the report is submitted, and it shall be made on a form furnished the applicant with the notice of the expiration of license under subsection (c).

(3) In lieu of the driver's license examiner administering the written examination, the applicant may complete the examination furnished with the notice of the expiration of license under subsection (c) and submit the completed examination to the division.

(4) The division shall determine whether the results of the written examination and the eyesight reported are sufficient for renewal of the license and, if the results of either or both of the examinations are insufficient, the division shall notify the applicant of such fact and return the license fee. In determining the sufficiency of an applicant's eyesight, the division may request an advisory opinion of the medical advisory board, which is hereby authorized to render such opinions.

(5) An applicant who is denied a license under this subsection (e) may reapply for renewal of such person's driver's license, except that if such application is not made within 90 days of the date the division sent notice to the applicant that the license would not be renewed, the applicant shall proceed as if applying for an original driver's license. If the applicant has been denied renewal of such person's driver's license because such applicant failed to pass the written examination, the applicant shall pay an examination fee of \$1.50 to take the test again.

(6) When the division has good cause to believe that an applicant for renewal of a driver's license is incompetent or otherwise not qualified to operate a motor vehicle in accord with the public safety and welfare, the division may require such applicant to submit to such additional examinations as are necessary to determine that the applicant is qualified to receive the license applied for. Subject to paragraph (7) of this subsection, in so evaluating such qualifications, the division may request an advisory opinion of the medical advisory board which is hereby authorized to render such opinions in addition to its duties prescribed by subsection (b) of K.S.A. 8-255b, and amendments thereto. Any such applicant who is denied the renewal of such a driver's license because of a mental or physical disability shall be afforded a hearing in the manner prescribed by subsection (c) of K.S.A. 8-255, and amendments thereto.

(7) Seizure disorders which are controlled shall not be considered a disability. In appropriate cases to which this paragraph applies, the director or the medical advisory board may recommend that such person be issued a driver's license to drive class C or M vehicles and restricted to operating such vehicles as the division determines to be appropriate to assure the safe operation of a motor vehicle by the licensee. Restricted licenses issued pursuant to this paragraph shall be subject to suspension or revocation. For the purpose of this paragraph, seizure disorders which are controlled means that the licensee has not sustained a seizure involving a loss of consciousness in the waking state within six months preceding the application or renewal of a driver's license or whenever a person licensed to practice medicine and surgery in this state makes a written report to the division stating that the licensee's seizures are controlled. Any physician who makes such report shall not be liable for any damages which may be attributable to the issuance or renewal of a driver's license and subsequent operation of a motor vehicle by the licensee.

(f) *If the driver's license of any person expires while such person is outside the state of Kansas, the license of such person shall be extended for a period not to exceed six months and shall be renewable, without a driving examination, at any time prior to the end of the sixth month following the original expiration date of such license or within 10 days after such person returns to the state, whichever time is sooner.*

Sec. 3. K.S.A. 1994 Supp. 8-247 is hereby repealed.

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



(Published in the Kansas Register April 27, 1995.)

## HOUSE BILL No. 2426

AN ACT relating to counties; concerning county law libraries; concerning the apportionment of revenue received from a countywide retailers sales tax; amending K.S.A. 20-3128 and K.S.A. 1994 Supp. 12-1902, as amended by section 4 of 1995 Senate Bill No. 20, 20-3126, 20-3127 and 20-3129 and repealing the existing sections; also repealing K.S.A. 20-3113, 20-3115, 20-3117, 20-3121, 20-3122, 20-3124 and 20-3125 and K.S.A. 1994 Supp. 20-3112 and 20-3123.

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

Section 1. K.S.A. 1994 Supp. 12-192, as amended by section 4 of 1995 Senate Bill No. 20, is hereby amended to read as follows: 12-192. (a) Except as otherwise provided by subsection (b), (d) or (h), all revenue received by the director of taxation from a countywide retailers' sales tax shall be apportioned among the county and each city located in such county in the following manner: (1) One-half of all revenue received by the director of taxation shall be apportioned among the county and each city located in such county in the proportion that the total tangible property tax levies made in such county in the preceding year for all funds of each such governmental unit bear to the total of all such levies made in the preceding year, and (2) except as provided by paragraph (3), 1/2 of all revenue received by the director of taxation from such countywide retailers' sales tax shall be apportioned among the county and each city located in such county, first to the county that portion of the revenue equal to the proportion that the population of the county residing in the unincorporated area of the county bears to the total population of the county, and second to the cities in the proportion that the population of each city bears to the total population of the county, except that no persons residing within the Fort Riley military reservation shall be included in the determination of the population of any city located within Riley county, or (3) one-half of all revenue received by the director of taxation from countywide retailers' sales taxes levied in Geary county in any year shall be apportioned among the county and each city located in such county, first to the county that portion of the revenue equal to the proportion that the population of the county residing in the unincorporated area of the county less the population residing on a military reservation bears to the total population of the county less the population residing on a military reservation, and second to the cities in the proportion that the population of each city bears to the total population of the county less the population residing on a military reservation. All revenue apportioned to a county shall be paid to its county treasurer and shall be credited to the general fund of the county.

(b) (1) As an alternative and in lieu of the apportionment formula provided in subsection (a), all revenue received by the director of taxation from a countywide retailers' sales tax imposed within Johnson county at the rate of .75% or 1% after the effective date of this act may be apportioned among the county and each city located in such county in the following manner: (A) One-half of all such ~~The revenue received from the first .5% rate of tax~~ shall be apportioned in the manner prescribed by subsection (a) and (B) ~~one-half of all such the revenue received from the rate of tax exceeding .5%~~ shall be apportioned as follows: (i) One-fourth shall be apportioned among the county and each city located in such county in the proportion that the total tangible property tax levies made in such county in the preceding year for all funds of each such governmental unit bear to the total of all such levies made in the preceding year and (ii) one-fourth shall be apportioned among the county and each city located in such county, first to the county that portion of the revenue equal to the proportion that the population of the county residing in the unincorporated area of the county bears to the total population of the county, and second to the cities in the proportion that the population of each city bears to the total population of the county and (iii) one-half shall be retained by the county for its sole use and benefit.

(2) In lieu of the apportionment formula provided in subsection (a), all money received by the director of taxation from a countywide sales tax imposed within Montgomery county pursuant to the election held on November 8, 1994, shall be remitted to and shall be retained by the county and expended only for the purpose for which the revenue received from the tax was pledged. All revenue apportioned and paid from the imposition of such tax to the treasurer of any city prior to the effective date of this act shall be remitted to the county treasurer and expended only for the purpose for which the revenue received from the tax was pledged.

(c) (1) Except as otherwise provided by paragraph (2) of this subsection, for purposes of subsections (a) and (b), the term "total tangible property tax levies" means the aggregate dollar amount of tax revenue derived from ad valorem tax levies applicable to all tangible property located within each such city or county. The ad valorem property tax levy of any county or city district entity or subdivision shall be included within this term if the levy of any such district entity or subdivision is applicable to all tangible property located within each such city or county.

(2) For the purposes of subsections (a) and (b), any ad valorem property tax levied on property located in a city in Johnson county for the purpose of providing fire protection service in such city shall be included within the term "total tangible property tax levies" for such city regardless of its applicability to all tangible property located within each such city. If the tax is levied by a district which extends across city boundaries, for purposes of this computation, the amount of such levy shall be apportioned among each city in which such district extends in the proportion that such tax levied within each city bears to the total tax levied by the district.

(d) (1) All revenue received from a countywide retailers' sales tax imposed pursuant to paragraphs (2), (6) or (7) of subsection (b) of K.S.A. 12-187, and amendments thereto, shall be remitted to and shall be retained by the county and expended only for the purpose for which the revenue received from the tax was pledged.

(2) Except as otherwise provided in paragraph (5) of subsection (b) of K.S.A. 12-187, and amendments thereto, all revenues received from a countywide retailers' sales tax imposed pursuant to paragraph (5) of subsection (b) of K.S.A. 12-187, and amendments thereto, shall be remitted to and shall be retained by the county and expended only for the purpose for which the revenue received from the tax was pledged.

(e) All revenue apportioned to the several cities of the county shall be paid to the respective treasurers thereof and deposited in the general fund of the city. Whenever the territory of any city is located in two or more counties and any one or more of such counties do not levy a countywide retailers' sales tax, or whenever such counties do not levy countywide retailers' sales taxes at a uniform rate, the revenue received by such city from the proceeds of the countywide retailers' sales tax, as an alternative to depositing the same in the general fund, may be used for the purpose of reducing the tax levies of such city upon the taxable tangible property located within the county levying such countywide retailers' sales tax.

(f) Prior to March 1 of each year, the secretary of revenue shall advise each county treasurer of the revenue collected in such county from the state retailers' sales tax for the preceding calendar year.

(g) Prior to December 31 of each year, the clerk of every county imposing a countywide retailers' sales tax shall provide such information deemed necessary by the secretary of revenue to apportion and remit revenue to the counties and cities pursuant to this section.

Sec. 2. On July 1, 1995, K.S.A. 1994 Supp. 20-3126 is hereby amended to read as follows: 20-3126. (a) Any county of this state may establish a county law library, under the provisions of and subject to the qualifications of this act. *Any law library in existence on the effective date of this act which was established under previously existing statutes or previous versions of this statute shall be governed by this statute, and amendments thereto, on and after the effective date of this act.*

(b) No county law library shall be established under the provisions of this act until a majority of the attorneys ~~residing within~~ *required to register* in such county and admitted to practice before the bar in Kansas elect to do so, except that, where a county law library has already been established pursuant to other statutory provisions, such library ~~may~~ *shall* come under the provisions of this act upon an affirmative vote of the majority of the board of trustees of the library. The results of the voting shall be filed with the county commissioners. The clerk of the district court shall at the request of the president of the county bar association provide for the mailing of ballots to all attorneys residing within the county, and for the tabulation of the results of such election. Such election shall be filed with the county commissioners. This provision for the holding of an election shall not be construed as precluding any election in any other normally accepted manner.

(c) After such election, all attorneys ~~residing within~~ *required to register* in such county shall register annually with the clerk of the district court in a register kept for that purpose. The clerk shall enter the name, place of residence, employment, location of office and firm connection, if any, of each such attorney. All such attorneys shall register within 30



days after an election has been made to provide for a county law library, and on or before January 15 of each year thereafter. All attorneys required to register, except those employed *solely* as public defenders by the state board of indigents' defense services, shall pay to the clerk at the time of registering an annual registration fee of not less than \$10 nor more than \$75, as determined by the trustees of the law library, except that in Sedgwick county, each attorney shall pay to such clerk at the time of registering an annual registration fee of not less than \$25 nor more than \$125, as determined by the trustees of the law library. Public defenders are exempt from the registration fee during their employment with the state board of indigents' defense services. A registration fee in excess of the amount prescribed in this subsection annually may be fixed by a majority of the attorneys registered under the provisions of this act. A schedule of current registration fees shall be filed with the clerk of the district court.

(d) Whenever a law library has been established in any county, the clerk of the district court, or the clerk of any inferior court within such county, shall not file in the clerk's office in any matter or action, any pleading or other papers signed by an attorney required to register under this act who has not so registered and paid to the clerk of the district court the required registration fee. ~~If any pleadings or other papers signed by an attorney who has not complied with the provisions of this act are filed by the clerk of any court within the county through the clerk's mistake or neglect, such pleadings or papers shall be stricken from the files on the order of the judge before whom such cause is pending upon motion of the adverse party or motion of any registered attorney of the county.~~

(e) For the purposes of this section, an attorney shall be required to be registered in the county: (1) Where the attorney's principal office is located, if such attorney is a resident of Kansas or a resident of another state; or (2) where the attorney resides, if such attorney's principal office is located in another state. The principal office shall be the principal office of the attorney and not the principal office of such attorney's firm.

Sec. 3. On July 1, 1995, K.S.A. 1994 Supp. 20-3127 is hereby amended to read as follows: 20-3127. (a) All fees collected pursuant to K.S.A. 20-3126, and amendments thereto, shall be used to establish and maintain the county law library. A board of trustees, appointed as provided in this section, shall have the management and control of such library and shall use the fees paid for registration, and all other sums, books, or library materials or equipment donated or provided by law, for the purpose of establishing and maintaining such library in the county courthouse or other suitable place to be provided and maintained by the county commissioners of such county. The district judge or district judges of the district court, members of the bar who have registered and paid the fee provided for in K.S.A. 20-3126, and amendments thereto, judges of all other courts in the county and the county officials shall have the right to use the library in accordance with the rules and regulations established by the board of trustees. *The board of trustees shall develop guidelines to provide members of the public reasonable access to the law library.*

(b) The board of trustees of ~~the any~~ law library established or governed under this act or pursuant to K.S.A. 20-3113, and amendments thereto, in Johnson county and Sedgwick counties shall consist of five members, two of which shall be judges of the district court, appointed by a consensus of all judges of the district court in Johnson county those counties, and three of which shall be members of the Johnson or Sedgwick county bar association, appointed by selection of the Johnson county bar association pursuant to the Johnson or Sedgwick county bar association's bylaws for two-year terms. The board of trustees of the law library in all other counties, ~~except as provided in K.S.A. 20-3113, and amendments thereto,~~ shall consist of the district judge or judges of the district court presiding in such county and not less than two attorneys who shall be elected for two-year terms by a majority of the attorneys residing in the county.

(c) The clerk of the district court of the county shall be treasurer of the library and shall safely keep the funds of such library and disburse them as the trustees shall direct. The clerk shall be liable on an official bond for any failure, refusal or neglect in performing such duties.

(d) The board of county commissioners of any county designated an urban area pursuant to K.S.A. 19-2654, and amendments thereto, wherein an election has been held to come under the provisions of this act is hereby authorized to appoint, by and with the advice and consent of the board of trustees of the law library of such county, a librarian, who shall act as custodian of the law library of such county and shall assist in

the performance of the clerk's duties as treasurer thereof, and such assistants as are necessary to perform the duties of administering the law library. The librarian and any assistants so appointed shall be employees of the county under the supervision of the board of county commissioners, or the board's designated official, with the advice and recommendations of the board of trustees of the law library, and shall be subject to the personnel policies and procedures established by the board of county commissioners for all employees of the county. The librarian and any assistants shall receive as compensation such salaries and benefits as established by the law library board of trustees, subject to the approval of the board of county commissioners, which shall be payable from the general fund of the county, through the county payroll process, from funds budgeted and made available by the law library board of trustees for that purpose through the collection of fees or other funds authorized by this act.

(e) All attorneys registered under this act shall not be liable to pay any occupational tax or city license fees levied under the laws of this state by any municipality.

Sec. 4. On July 1, 1995, K.S.A. 20-3128 is hereby amended to read as follows: 20-3128. The trustees of any county law library may release the board of county commissioners from the duty to maintain said the library in the county courthouse or at some other suitable place, and may establish and maintain said the library in some suitable place not provided by the board of county commissioners in which case a deputy clerk of the district court shall be appointed upon the approval thereof by said trustees, which deputy shall act as custodian and librarian of said library, assist said clerk in the performance of the duties of treasurer thereof, perform such other duties not inconsistent with those herein enumerated as said clerk shall direct, and shall be paid a salary by the trustees. *Provided, however, That in all counties with a population in excess of one hundred thousand (100,000), event the board of county commissioners shall pay out of the to the board of trustees from its general fund an amount not in excess of two thousand seven hundred dollars (\$2,700) to exceed \$5,000 annually to the said trustees, to be applied to the cost of maintaining and operating said the library as in the discretion of said the board of trustees is determined most in its discretion may determine to be proper. Said sum shall be paid in equal monthly installments.* The trustees shall have the power to rescind said the action at any time, in which case it shall become the duty of the county commissioners to establish the said library in the courthouse or any other suitable place provided and maintained by the county. *If the board of trustees elects to establish and maintain the library at some other place other than the county courthouse, or at some other suitable place not selected by the board of county commissioners, the board of trustees may also release the board of county commissioners from the duty to appoint a librarian and assistants for the library.*

Sec. 5. On July 1, 1995, K.S.A. 1994 Supp. 20-3129 is hereby amended to read as follows: 20-3129. (a) Subject to the limitations contained in this section, the clerks of the district courts shall tax a library fee in an amount determined by the trustees of the law library in each county for the benefit and account of the law library in each county. Such library fee shall be not less than \$2 nor more than \$10 in all cases commenced pursuant to chapter 60 of the Kansas Statutes Annotated and in all felony criminal cases and shall be not less than \$.50 nor more than \$7 in all other cases. *The trustee of the law library in each county may increase law library fees under this subsection once per calendar year as of July 1. Changed docket fee. shall be effective as of that date and when filed with the clerk of the supreme court. The supreme court shall publish or make available a list of such docket fees.* The trustees of the law library in each county shall file with the respective clerks the fees to be charged in that court.

(b) The fees provided for by subsection (a) shall be deducted from the docket fee, except that any library fee charged pursuant to this section which exceeds \$5 in all cases commenced pursuant to chapter 60 of the Kansas Statutes Annotated and in all felony criminal cases and \$4 in all other cases shall be added to the docket fee otherwise provided by law.

(c) In criminal cases where the case is dismissed by the state, the county shall be liable for the library fee. Where appeals from conviction in the municipal court are dismissed for want of prosecution, or by the defendant, the state or city shall collect the library fee. Upon failure of the state or city to do so within 90 days after the dismissal, the county from which the appeal is taken shall be liable therefor.

(continued)

Sec. 6. K.S.A. 1994 Supp. 12-192, as amended by section 4 of 1995 Senate Bill No. 20, is hereby repealed.

Sec. 7. On and after July 1, 1995, K.S.A. 20-3113, 20-3115, 20-3117, 20-3121, 20-3122, 20-3124, 20-3125 and 20-3128 and K.S.A. 1994 Supp. 20-3112, 20-3123, 20-3126, 20-3127 and 20-3129 are hereby repealed.

Sec. 8. This act shall take effect and be in force from and after its publication in the Kansas register.

(Published in the Kansas Register April 27, 1995.)

#### HOUSE BILL No. 2546

AN ACT concerning certain recreational areas; relating to liability of owners of such areas; amending K.S.A. 58-3203 and 58-3204 and repealing the existing sections.

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

Section 1. K.S.A. 58-3203 is hereby amended to read as follows: 58-3203. Except as specifically recognized by or provided in K.S.A. 58-3206 and amendments thereto, an owner of land who makes all or any part of the land available to the public for recreational purposes owes no duty of care to keep the premises, or that part of the premises so made available, safe for entry or use by others for recreational purposes, or to give any warning of a dangerous condition, use, structure, or activity on such premises to persons entering for such purposes. An owner of land who does take actions to keep the premises safe or to warn persons of a dangerous condition, use, structure or activity on the premises shall not be deprived of the protection which this law would provide had the owner not taken such actions or given such warning.

Sec. 2. K.S.A. 58-3204 is hereby amended to read as follows: 58-3204. Except as specifically recognized by or provided in K.S.A. 58-3206, and amendments thereto, an owner of land who either directly or indirectly invites or permits any person to use such property, or any part of such property, for recreational purposes or an owner of nonagricultural land who either directly or indirectly invites or permits without charge any person to use such property, or any part of such property, for recreational purposes does not thereby:

- (a) Extend any assurance that the premises are safe for any purpose.
- (b) Confer upon such person the legal status of an invitee or licensee to whom a duty of care is owed.
- (c) Assume responsibility for or incur liability for any injury to person or property caused by an act of or omission of such persons.

Sec. 3. K.S.A. 58-3203 and 58-3204 are hereby repealed.

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

(Published in the Kansas Register April 27, 1995.)

#### SENATE BILL No. 342

AN ACT relating to the Kansas guardianship program; amending K.S.A. 78-101 and repealing the existing section.

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

New Section 1. Sections 1 to 6 shall be known and may be cited as the Kansas guardianship program act.

New Sec. 2. It is the intent of the legislature that a non-profit corporation be organized to recruit volunteers to serve as court appointed guardians or conservators, or both, of adults who are found by the court to be in need of this level of protection.

A goal of the corporation is to provide that qualified, caring, willing and trained persons are available throughout the state to serve as court appointed guardians or conservators, or both, for those eligible disabled persons in need of this level of protection and advocacy, and for non-adjudicated persons who elect to have a voluntary conservator and who do not have family members capable of or willing to assume such responsibilities.

New Sec. 3. (a) There is hereby created a body politic and corporate to be known as the Kansas guardianship program, a partnership involving the state of Kansas and its citizen volunteers to assist certain adults legally determined to be unable to manage for themselves. The Kansas guardianship program is hereby constituted a public instrumentality and the exercise of the authority and powers conferred by this act shall be deemed and held to be the performance of an essential governmental function.

The corporation shall be governed by a board of directors who shall be residents of this state.

- (b) The board of directors of the Kansas guardianship program shall:
  - (1) employ staff necessary to administer the programs of the Kansas guardianship program, establish administrative and accounting procedures for the operation of the corporation and enter into contracts as may be necessary under this act;
  - (2) accept and receive grants, gifts or donations from any public or private entity in support of programs developed by the Kansas guardianship program;
  - (3) report on the corporation's activities to the governor, the legislature, the judiciary and the public on or before February 1 of each year;
  - (4) enter into contracts necessary, as the board deems appropriate; and
  - (5) adopt by-laws for the corporation.

New Sec. 4. (a) The board of directors of the Kansas guardianship program shall consist of seven members as follows:

- (1) The chief justice of the supreme court or the chief justice's designee; and
- (2) six residents of the state appointed by the governor at least one of whom is serving as a volunteer in the Kansas guardianship program.
- (b) Members appointed pursuant to subsection (a) shall have knowledge and interest in issues relating to guardianship and conservatorship and the needs of adults adjudicated disabled.
- (c) Members of the board of directors appointed pursuant to subsection (a) shall serve for terms of four years, except that the members first appointed by the governor and the chief justice of the supreme court shall serve for terms of two years. Any vacancy in a member's term shall be filled by appointment for the unexpired term by the officer who made the original appointment.
- (d) The chairperson of the board of directors shall be elected annually by the board from among its members. The board of directors shall meet upon the call of the chairperson.
- (e) Members of the board of directors shall serve without pay and no financial benefit shall accrue as a result of membership on the board of directors.

New Sec. 5. (a) The board of directors of the Kansas guardianship program shall employ a person to serve as executive director who shall direct and supervise the general management of the corporation. The executive director shall employ persons needed to perform duties of the Kansas guardianship program as directed by the board of directors.

(b) Employees of the Kansas guardianship program shall not be considered to be state employees except that such employees may participate in the Kansas public employees retirement system. Employees of the Kansas guardianship program shall not be considered to be state employees, except for the purposes specified in this subsection (b). The secretary of administration shall extend the use of state intercity telecommunications facilities and services under control of the secretary pursuant to K.S.A. 75-4709 and amendments thereto to the Kansas guardianship program. The Kansas guardianship program shall be considered to be a state agency only for the purposes specified in this subsection.

(c) The provisions of article 32 of chapter 75 of the Kansas Statutes annotated, any acts amendatory thereof or supplemental thereto, and any rules and regulations adopted thereunder, shall not apply to officers or employees of the Kansas guardianship program. Subject to policies established by the Kansas guardianship program, the chairperson of the board of directors or the chairperson's designee shall approve all travel and travel expenses of such officers and employees.

New Sec. 6. (a) All state appropriations to the Kansas guardianship program shall remain in the state treasury until expended by the agency pursuant to the guardianship program act.

(b) The executive director of the Kansas guardianship program shall provide a monthly report on the expenditure of all funds to the board of directors. The board of directors shall be responsible for an annual audit of all financial records by an independent certified public accountant.

Sec. 7. K.S.A. 78-101 is hereby amended to read as follows: 78-101. (a) Except as provided by subsection (b), no state or county officers, or their deputies, shall be taken as surety on the bond of any administrator, executor or other officer from whom bond is or may be required by law. No practicing attorney shall be taken on any official bond, or bond in any legal proceedings as aforesaid, in the district in which the attorney resides.

(b) The secretary of social and rehabilitation services, in the secretary's official capacity, shall act as surety on the bond of any conservator

providing advocacy services to a conservatee under contract with the agency designated as the developmental disabilities protection and advocacy agency pursuant to P.L. 94-103, as amended Kansas guardianship program established under sections 1 to 6, inclusive and amendments thereto.

Sec. 8. K.S.A. 78-101 is hereby repealed.

Sec. 9. This act shall take effect and be in force from and after its publication in the Kansas register.

(Published in the Kansas Register April 27, 1995.)

#### HOUSE BILL No. 2450

AN ACT concerning probate; relating to judgment or decrees; proof; amending K.S.A. 59-2213 and repealing the existing section.

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

Section 1. K.S.A. 59-2213 is hereby amended to read as follows: 59-2213. No judgment or decree shall be rendered in a probate proceeding without proof. The verification of the petition pursuant to K.S.A. 59-2201 and amendments thereto shall constitute sufficient proof of the statements made in the petition in the absence of written defenses or any appearance by an adverse party. The court shall have control of its orders, judgments, and decrees for thirty 30 days after the date of the rendition thereof. Thereafter such orders, judgments, and decrees may be vacated or modified as provided by subsection (b) of K.S.A. 60-260 (b) of the code of civil procedure.

Sec. 2. K.S.A. 59-2213 is hereby repealed.

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

(Published in the Kansas Register April 27, 1995.)

#### HOUSE BILL No. 2430

AN ACT concerning marriage; relating to license forms; amending K.S.A. 1994 Supp. 23-107 and repealing the existing sections.

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

Section 1. K.S.A. 1994 Supp. 23-107 is hereby amended to read as follows: 23-107. Forms for license shall be furnished by the secretary of health and environment and shall be photocopied and issued with the photocopy to the applicant therefor for delivery to the person who performs the marriage ceremony after the judge or clerk or the district court has recorded the required personal information as provided by K.S.A. 23-106 and amendments thereto for the original marriage license being issued. Such photocopy shall clearly be marked as "DUPLICATE." The secretary may approve the use of an automated system whereby the marriage license form is computer generated. In such instances, the court shall comply with prescribed specifications as set out by the secretary to ensure uniformity across the state.

Sec. 2. K.S.A. 1994 Supp. 23-107 is hereby repealed.

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

(Published in the Kansas Register April 27, 1995.)

#### HOUSE Substitute for SENATE BILL No. 128

AN ACT concerning crimes and punishments; amending K.S.A. 21-2505 and K.S.A. 1994 Supp. 21-3902 and 21-3910 and repealing the existing sections; also repealing K.S.A. 8-307 and 75-3202.

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

Section 1. K.S.A. 21-2505 is hereby amended to read as follows: 21-2505. Neglect or refusal of the officers herein mentioned any officer to furnish the information herein required or to do or perform any other act or duty on his part to be done or performed shall constitute a misdemeanor, and such officer shall, upon conviction thereof, be punished by a fine of not less than five dollars (\$5) nor more than twenty-five dollars (\$25), or by imprisonment in the county jail for a period not exceeding thirty (30) days, or by both such fine and imprisonment, at the discretion of the court. Such neglect or refusal shall also constitute nonfeasance in office and subject the officer to removal from office required of the officer under K.S.A. 21-2501, 21-2501a, 21-2502, 21-2503 or 21-2504, and amendments thereto, is a class A nonperson misdemeanor and, upon conviction thereof, the officer shall forfeit the officer's office.

Sec. 2. K.S.A. 1994 Supp. 21-3902 is hereby amended to read as follows: 21-3902. (a) Official misconduct is any of the following acts committed by a public officer or employee in the officer or employee's public capacity or under color of the officer or employee's office or employment:

(a) Intentionally and maliciously committing an act of misconduct or abuse of authority; or

(b) Intentionally demanding or receiving any fee or reward, knowing that same is illegal, for the execution of any official act or the performance of a duty imposed by law or the terms of the officer or employee's employment.

(1) Using or authorizing the use of any aircraft, as defined by K.S.A. 3-201, and amendments thereto, vehicle, as defined by K.S.A. 8-1485, and amendments thereto, or vessel, as defined by K.S.A. 32-1102, and amendments thereto, under the officer's or employee's control or direction, or in the officer's or employee's custody, exclusively for the private benefit or gain of the officer or employee or another.

(2) Knowingly and willfully failing to serve civil process when required by law.

(3) Using confidential information acquired in the course of and related to the officer's or employee's office or employment for the private benefit or gain of the officer or employee or another or to maliciously cause harm to another. As used in this section, "confidential" means any information that is not subject to mandatory disclosure pursuant to K.S.A. 45-221, and amendments thereto.

(4) Except as authorized by law, knowingly, willfully and with the intent to reduce or eliminate competition among bidders or prospective bidders on any contract or proposed contract: (A) Disclosing confidential information regarding proposals or communications from bidders or prospective bidders on any contract or proposed contract; (B) accepting any bid or proposal on a contract or proposed contract after the deadline for acceptance of such bid or proposal; or (C) altering any bid or proposal submitted by a bidder on a contract or proposed contract.

(5) Except as authorized by law, knowingly destroying, tampering with or concealing evidence of a crime.

(6) Knowingly and willfully submitting to a governmental entity a claim for expenses which is false or duplicates expenses for which a claim is submitted to such governmental entity, another governmental or private entity.

(b) The provisions of subsection (a)(1) shall not apply to any use of persons or property which:

(1) At the time of the use, is authorized by law or by formal written policy of the governmental entity; or

(2) constitutes misuse of public funds, as defined in K.S.A. 21-3910 and amendments thereto.

(c) (1) Official misconduct as defined in subsections (a)(1) through (a)(4) is a class A nonperson misdemeanor.

(2) Official misconduct as defined in subsection (a)(5) is: (A) A severity level 8, nonperson felony if the evidence is evidence of a crime which is a felony; and (B) a class A nonperson misdemeanor if the evidence is evidence of a crime which is a misdemeanor.

(3) Official misconduct as defined in subsection (a)(6) is: (A) A severity level 7, nonperson felony if the claim is for \$25,000 or more; (B) a severity level 9, nonperson felony if the claim is for at least \$500 but less than \$25,000; and (C) a class A nonperson misdemeanor for a claim of less than \$500.

(4) Upon conviction of official misconduct a public officer or employee shall forfeit such officer or employee's office or employment.

Sec. 3. K.S.A. 1994 Supp. 21-3910 is hereby amended to read as follows: 21-3910. (a) Misuse of public funds is using, lending or permitting another to use, public money in a manner not authorized by law, by a custodian or other person having control of public money by virtue of such person's official position.

(b) As used in this section, "public money," means any money or negotiable instrument which belongs to the state of Kansas or any political subdivision thereof.

(c) Misuse of public funds is a severity level 8, nonperson felony. Upon conviction of misuse of public funds, the convicted person shall forfeit the person's official position.

Sec. 4. K.S.A. 8-307, 21-2505 and 75-3202 and K.S.A. 1994 Supp. 21-3902 and 21-3910 are hereby repealed.

Sec. 5. This act shall take effect and be in force from and after its publication in the Kansas register.

(Published in the Kansas Register April 27, 1995.)

HOUSE BILL No. 2573

AN ACT concerning the university of Kansas school of medicine; authorizing the conveyance of certain real property located in Sedgwick county.

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

Section 1. The state board of regents is hereby authorized to convey the real property located in Sedgwick county, Kansas, and more specifically described as lots 18 and 20 of Beal and Berry's Subdivision replatted as Lot 2, Block 2 KUMC Addition to Wichita in the city of Wichita, Sedgwick county, Kansas, to Sedgwick county in accordance with the lease agreement entered into with Sedgwick county during 1994 concerning such real property. The conveyance authorized by this section shall not be subject to the provisions of K.S.A. 75-3043a and amendments thereto.

Sec. 2. This act shall take effect and be in force from and after its publication in the Kansas register.

(Published in the Kansas Register April 27, 1995.)

HOUSE BILL No. 2584

AN ACT authorizing the state historical society to lease certain property to the city of Hays, Kansas; relating to the terms and conditions of such lease; amending K.S.A. 76-2007a and 76-2007b and repealing the existing sections; also repealing 76-2007c.

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

Section 1. K.S.A. 76-2007a is hereby amended to read as follows: 76-2007a. (a) The state of Kansas is hereby authorized to lease a tract of land to the city of Hays for use as a golf course open to the public or for such other purpose as may be specified in the lease entered into in accordance with this act, which tract is located in said city in Ellis county, Kansas, in what is officially known as the Kansas frontier historical park on the Fort Hays military reservation, and which tract is described as follows: A tract of land in the southeast quarter of section 5, township 14 south, range 18 west of the sixth principal meridian, Ellis county, Kansas, more particularly described as follows: Beginning at a point on the east line of said section 5, said point being at a point 846 feet north of the southeast corner of said section 5; thence west one-half mile to the west line of the southeast quarter of said section 5; thence north along the west line of said the southeast quarter, a distance of 1772 feet; thence with an angle of 90° 0' to the right, a distance of 251.19 feet; thence with an angle of 90° 0' to the right, a distance of 110.78 feet; thence with an angle of 28° 42' 20" to the left, a distance of 342.78 feet; thence with an angle of 35° 13' 00" to the right, a distance of 445.70 feet; thence with an angle of 74° 45' 30" to the left, a distance of 421.00 feet; thence with an angle of 7° 00' 06" to the left, a distance of 201.56 feet; thence with an angle of 80° 17' 44" to the left, a distance of 488.04 feet; thence with an angle of 15° 05' 58" to the right, a distance of 379.85 feet to the south right-of-way line of alternate U.S. 183 highway; thence easterly along said the south right-of-way, a distance of approximately 1,294 feet, to the east line of said section 5; thence south along said the east line to the point of beginning, less any existing public road right-of-way.

(b) Such lease shall be signed by the governor of the state of Kansas secretary of the state historical society, attested by the secretary of state and signed by the governing body of said the city or its authorized representative. The lease shall be for a period of fifteen (15) 15 years and shall be entered into upon such terms and conditions as the governor secretary of the state historical society and the governing body of such city shall agree to, consistent with the provisions of K.S.A. 76-2007b and 76-2007e, and amendments thereto, and such lease shall require that the real estate so leased shall be maintained and operated by said the city at no cost to the state.

Sec. 2. K.S.A. 76-2007b is hereby amended to read as follows: 76-2007b. The lease entered into pursuant to the provisions of this act K.S.A. 76-2007a, and amendments thereto, shall be renewable at the end of fifteen (15) 15 years or may be deemed cancelled at the instance of either of the parties thereto. Such lease shall be deemed cancelled automatically, after notice thereof to the governing body of the city, if any of the provisions of K.S.A. 76-2007e the lease are violated.

Sec. 3. K.S.A. 76-2007a, 76-2007b and 76-2007c are hereby repealed.

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

(Published in the Kansas Register April 27, 1995.)

SENATE BILL No. 178

AN ACT making and concerning appropriations for the fiscal years ending June 30, 1995, and June 30, 1996, for the state fair board, Kansas water office, department of social and rehabilitation services, Osawatomie state hospital, Topeka state hospital, Larned state hospital, Kansas state school for the blind, Kansas state school for the deaf, department of corrections, state historical society and state board of agriculture; authorizing the initiation and completion of certain capital improvement projects; imposing certain requirements, restrictions and limitations and directing or authorizing certain disbursements and acts incidental to the foregoing.

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

Section 1. (a) For the fiscal years ending June 30, 1995, and June 30, 1996, appropriations are hereby made, restrictions and limitations are hereby imposed, and transfers, disbursements and acts incidental to the foregoing are hereby directed or authorized as provided in this act.

(b) The agencies named in this act are hereby authorized to initiate and complete the capital improvement projects specified and authorized by this act or for which appropriations are made by this act, subject to the restrictions and limitations imposed by this act.

(c) This act shall not be subject to the provisions of subsection (a) of K.S.A. 1994 Supp. 75-6702 and amendments thereto.

Sec. 2.

STATE FAIR BOARD

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 1996, for the capital improvement project specified as follows:

ADA compliance—installation of elevator at state fair grandstand ..... \$12,125

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 1996, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

State fair capital improvements fund .....	No limit
Grandstand renovation project fund .....	No limit
Grandstand cost of issuance fund .....	No limit
Grandstand principal and interest fund .....	No limit
Grandstand renovation reserve fund .....	No limit
Grandstand rebate fund .....	No limit
Grandstand renovation surplus fund .....	No limit
Grandstand contingency fund .....	No limit
SBSF—encampment building renovation fund .....	No limit

(c) Any unencumbered balance in excess of \$100 as of June 30, 1995, in the encampment building renovation account of the state general fund is hereby reappropriated for fiscal year 1996: *Provided*, That the director of accounts and reports shall release moneys in the encampment building renovation account as amounts of private funding are certified by the secretary of the state fair board as available for the renovation of the 4-H encampment building: *Provided further*, That the director of accounts and reports shall release the funding at the rate of \$8 from the state general fund for every \$1 of private funding certified as available from other sources.

Sec. 3.

KANSAS WATER OFFICE

(a) On July 1, 1995, any unencumbered balance in excess of \$100 as of June 30, 1995, in the water supply acquisition account of the state general fund is hereby reappropriated for fiscal year 1996.

Sec. 4.

DEPARTMENT OF SOCIAL AND REHABILITATION SERVICES

(a) There is appropriated for the above agency from the state institutions building fund for the fiscal year ending June 30, 1996, for the capital improvement projects specified as follows:

Rehabilitation and repair projects ..... \$4,750,000

*Provided*, That the secretary of social and rehabilitation services is hereby authorized to transfer moneys during fiscal year 1996 from the rehabilitation and repair projects account to a rehabilitation and repair account for any institution, as defined by K.S.A. 76-12a01 or 76-12a18 and amendments thereto, for projects approved by the secretary of social and rehabilitation services: *Provided further*, That expenditures also may be made from this account during fiscal year 1996 for the purposes of rehabilitation and repair for facilities of the department of social and rehabilitation services other than any institution, as defined by K.S.A. 76-12a01 or 76-12a18 and amendments thereto.

(b) In addition to the purposes for which expenditures may be made by the above agency from the other state fees fund for the fiscal year ending June 30, 1996, expenditures may be made by the above agency from the other state fees fund for fiscal year 1996 for the following capital improvement project or projects, subject to the expenditure limitations prescribed therefor:

Area office rehabilitation and repair ..... \$295,919
Provided, That expenditures from the area office rehabilitation and repair account shall be in addition to any expenditure limitation imposed on the other state fees fund for fiscal year 1996.

Sec. 5.

OSAWATOMIE STATE HOSPITAL

(a) During the fiscal year ending June 30, 1996, the Osawatomie state hospital is hereby authorized to make expenditures to raze greenhouse 1 (state property number 49400-00016) and palmhouse (state property number 49400-00048).

(b) On July 1, 1995, any unencumbered balance as of June 30, 1995, in the following accounts of the state institutions building fund is hereby lapsed: Construct outdoor activity areas; remodel Biddle cafeteria.

Sec. 6.

TOPEKA STATE HOSPITAL

(a) During the fiscal year ending June 30, 1996, the Topeka state hospital is hereby authorized to make expenditures to raze the following: Engineering "D" garage (state property number 66400-00031); engineering "E" garage (state property number 66400-00032); engineering "F" garage (state property number 66400-00033); staff house No. 5 (state property number 66400-00048); staff house No. 6 (state property number 66400-00049); bus stop shelter (state property number 66400-00034); bus stop shelter (state property number 66400-00057); property control storage (state property number 66400-00024); Provided, That prior to razing such buildings the agency shall report to the joint committee on state building construction, on other possible uses for the buildings and the feasibility for renovation of the buildings.

(b) On July 1, 1995, any unencumbered balance as of June 30, 1995, in the following accounts of the state institutions building fund is hereby lapsed: Air condition Southard kitchen; revamp dock at Southard kitchen; add parking stalls at Jarret and Sullivan buildings.

Sec. 7.

LARNED STATE HOSPITAL

(a) On July 1, 1995, any unencumbered balance as of June 30, 1995, in the following accounts of the state institutions building fund is hereby lapsed: Pave outdoor recreation areas; remodel dietary facilities (including equipment).

(b) During the fiscal year ending June 30, 1996, Larned state hospital is hereby authorized to make expenditures to raze the following: Rush building (state property number 41000-00005) and Pinel building (state property number 41000-00007);

Provided, That prior to razing such buildings the agency shall report to the joint committee on state building construction on other possible uses for the buildings and the feasibility of renovation of the buildings.

Sec. 8.

KANSAS STATE SCHOOL FOR THE BLIND

(a) There is appropriated for the above agency from the state institutions building fund for the fiscal year ending June 30, 1996, for the capital improvements projects specified as follows:

Rehabilitation and repair projects ..... \$207,159

Sec. 9.

KANSAS STATE SCHOOL FOR THE DEAF

(a) There is appropriated for the above agency from the state institutions building fund for the fiscal year ending June 30, 1996, for the capital improvement projects specified as follows:

Rehabilitation and repair projects ..... \$224,000

Sec. 10.

DEPARTMENT OF CORRECTIONS

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 1996, for the capital improvement projects specified as follows:

Debt service payment for the revenue refunding bond issue ..... \$7,275,000

Debt service payment for the Wichita work release facility bond issue ..... \$151,250

Debt service payment for the Ellsworth correctional facility at Ellsworth, Kansas ..... \$1,674,978

(b) There is appropriated for the above agency from the correctional institutions building fund for the fiscal year ending June 30, 1996, for the capital improvement projects specified as follows:

Capital improvements—rehabilitation, remodeling, renovation and repair of correctional institutions ..... \$4,725,542

Provided, That the secretary of corrections is hereby authorized to transfer moneys during fiscal year 1996 from the capital improvements—rehabilitation, remodeling, renovation and repair of correctional institutions account of the correctional institutions building fund to an account or accounts of the correctional institutions building fund of any institution or facility under the jurisdiction of the secretary of corrections to be expended during fiscal year 1996 by the institution or facility for capital improvement projects, including security improvement projects, approved by the secretary of corrections.

Expand general services building at Topeka correctional facility ..... \$262,376

(c) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 1996, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

Ellsworth correctional facility—principal and interest fund—K DFA B bonds ..... No limit

Ellsworth correctional facility—principal and interest fund—K DFA C bonds ..... No limit

Wichita work release facility—principal and interest fund—K DFA F bonds ..... No limit

Revenue refunding bond—principal and interest fund—K DFA L bonds ..... No limit

Sec. 11.

STATE HISTORICAL SOCIETY

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 1996, for the capital improvement projects specified as follows:

Rehabilitation and repair projects ..... \$56,637

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 1996, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

EDIF purchase of certain land in Washington county near Hanover for Hollenberg station state historic site fund ..... \$5,000

Provided, That such moneys shall be used towards the purchase of the southeast quarter of the southeast quarter of section three, township two south, range five east of the sixth P.M. in Washington, county, Kansas, less a track of 7.5 acres conveyed to the state of Kansas by deed in book 117 at page 11, described as follows: Beginning at a point forty feet north and twenty-five feet west of the southeast corner of said section three, running thence north 780.5 feet; thence west 425 feet; thence south 756.9 feet; thence east 425.65 feet to the point of the beginning, containing a total of thirty-three acres, more or less.

(c) On July 1, 1995, or as soon thereafter as such moneys are available, the director of accounts and reports shall transfer \$5,000 from the state economic development initiatives fund of the department of commerce and housing to the EDIF purchase of certain land in Washington county near Hanover for Hollenberg station state historic site fund of the state historical society.

Sec. 12.

STATE BOARD OF AGRICULTURE

(a) In addition to the other purposes for which expenditures may be made from the state budget stabilization fund for fiscal year 1995, expenditures may be made by the above agency from the state budget stabilization fund for fiscal year 1995 for the following specified purpose subject to the expenditure limitation prescribed therefor:

Air conditioner replacement ..... \$43,091

Provided, That all expenditures by the above agency from the state budget stabilization fund for fiscal year 1995 for the air conditioner replacement shall be in addition to any expenditure limitation imposed on the state budget stabilization fund for fiscal year 1995.

Sec. 13. Appeals to exceed limitations. Upon written application to the governor and approval of the state finance council, expenditures from special revenue funds may exceed the amounts specified in this act.

Sec. 14. Savings. Any unencumbered balance in any special revenue fund, or account thereof, which is not otherwise specifically appropriated or limited by this or other appropriation act of the 1995 regular session of the legislature, is hereby reappropriated for the fiscal year ending June 30, 1996, for the same use and purpose as the same was heretofore appropriated.

Sec. 15. Any correctional institutions building fund appropriation heretofore appropriated to any state agency named in this or other appropriation act of the 1995 regular session of the legislature, and having an unencumbered balance as of June 30, 1995, in excess of \$100 is hereby reappropriated for the fiscal year ending June 30, 1996, for the same uses and purposes as originally appropriated unless specific provision is made for lapsing such appropriation.

Sec. 16. Any state institutions building fund appropriation heretofore appropriated to any state agency named in this or other appropriation act of the 1995 regular session of the legislature, and having an unencumbered balance as of June 30, 1995, in excess of \$100 is hereby reappropriated for the fiscal year ending June 30, 1996, for the same uses and purposes as originally appropriated unless specific provision is made for lapsing such appropriation.

Sec. 17. Effective date. This act shall take effect and be in force from and after its publication in the Kansas register.



(Published in the Kansas Register April 27, 1995.)

## HOUSE BILL No. 2203

AN ACT relating to public records; confidentiality of certain information; amending K.S.A. 1994 Supp. 45-221 and repealing the existing section; also repealing K.S.A. 1994 Supp. 45-221a, 45-221b and 45-221c.

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

Section 1. K.S.A. 1994 Supp. 45-221 is hereby amended to read as follows: 45-221. (a) Except to the extent disclosure is otherwise required by law, a public agency shall not be required to disclose:

(1) Records the disclosure of which is specifically prohibited or restricted by federal law, state statute or rule of the Kansas supreme court or the disclosure of which is prohibited or restricted pursuant to specific authorization of federal law, state statute or rule of the Kansas supreme court to restrict or prohibit disclosure.

(2) Records which are privileged under the rules of evidence, unless the holder of the privilege consents to the disclosure.

(3) Medical, psychiatric, psychological or alcoholism or drug dependency treatment records which pertain to identifiable patients.

(4) Personnel records, performance ratings or individually identifiable records pertaining to employees or applicants for employment, except that this exemption shall not apply to the names, positions, salaries and lengths of service of officers and employees of public agencies once they are employed as such.

(5) Information which would reveal the identity of any undercover agent or any informant reporting a specific violation of law.

(6) Letters of reference or recommendation pertaining to the character or qualifications of an identifiable individual.

(7) Library, archive and museum materials contributed by private persons, to the extent of any limitations imposed as conditions of the contribution.

(8) Information which would reveal the identity of an individual who lawfully makes a donation to a public agency, if anonymity of the donor is a condition of the donation.

(9) Testing and examination materials, before the test or examination is given or if it is to be given again, or records of individual test or examination scores, other than records which show only passage or failure and not specific scores.

(10) Criminal investigation records, except that the district court, in an action brought pursuant to K.S.A. 45-222, and amendments thereto, may order disclosure of such records, subject to such conditions as the court may impose, if the court finds that disclosure:

- (A) Is in the public interest;
- (B) would not interfere with any prospective law enforcement action;
- (C) would not reveal the identity of any confidential source or undercover agent;
- (D) would not reveal confidential investigative techniques or procedures not known to the general public; and
- (E) would not endanger the life or physical safety of any person; and
- (F) *would not reveal the name, address, phone number or any other information which specifically and individually identifies the victim of any sexual offense in article 35 of chapter 21 of the Kansas Statutes Annotated, and amendments thereto.*

(11) Records of agencies involved in administrative adjudication or civil litigation, compiled in the process of detecting or investigating violations of civil law or administrative rules and regulations, if disclosure would interfere with a prospective administrative adjudication or civil litigation or reveal the identity of a confidential source or undercover agent.

(12) Records of emergency or security information or procedures of a public agency, or plans, drawings, specifications or related information for any building or facility which is used for purposes requiring security measures in or around the building or facility or which is used for the generation or transmission of power, water, fuels or communications, if disclosure would jeopardize security of the public agency, building or facility.

(13) The contents of appraisals or engineering or feasibility estimates or evaluations made by or for a public agency relative to the acquisition of property, prior to the award of formal contracts therefor.

(14) Correspondence between a public agency and a private individual, other than correspondence which is intended to give notice of an action, policy or determination relating to any regulatory, supervisory or enforcement responsibility of the public agency or which is widely dis-

tributed to the public by a public agency and is not specifically in response to communications from such a private individual.

(15) Records pertaining to employer-employee negotiations, if disclosure would reveal information discussed in a lawful executive session under K.S.A. 75-4319, and amendments thereto.

(16) Software programs for electronic data processing and documentation thereof, but each public agency shall maintain a register, open to the public, that describes:

(A) The information which the agency maintains on computer facilities; and

(B) the form in which the information can be made available using existing computer programs.

(17) Applications, financial statements and other information submitted in connection with applications for student financial assistance where financial need is a consideration for the award.

(18) Plans, designs, drawings or specifications which are prepared by a person other than an employee of a public agency or records which are the property of a private person.

(19) Well samples, logs or surveys which the state corporation commission requires to be filed by persons who have drilled or caused to be drilled, or are drilling or causing to be drilled, holes for the purpose of discovery or production of oil or gas, to the extent that disclosure is limited by rules and regulations of the state corporation commission.

(20) Notes, preliminary drafts, research data in the process of analysis, unfunded grant proposals, memoranda, recommendations or other records in which opinions are expressed or policies or actions are proposed, except that this exemption shall not apply when such records are publicly cited or identified in an open meeting or in an agenda of an open meeting.

(21) Records of a public agency having legislative powers, which records pertain to proposed legislation or amendments to proposed legislation, except that this exemption shall not apply when such records are:

(A) Publicly cited or identified in an open meeting or in an agenda of an open meeting; or

(B) distributed to a majority of a quorum of any body which has authority to take action or make recommendations to the public agency with regard to the matters to which such records pertain.

(22) Records of a public agency having legislative powers, which records pertain to research prepared for one or more members of such agency, except that this exemption shall not apply when such records are:

(A) Publicly cited or identified in an open meeting or in an agenda of an open meeting; or

(B) distributed to a majority of a quorum of any body which has authority to take action or make recommendations to the public agency with regard to the matters to which such records pertain.

(23) Library patron and circulation records which pertain to identifiable individuals.

(24) Records which are compiled for census or research purposes and which pertain to identifiable individuals.

(25) Records which represent and constitute the work product of an attorney.

(26) Records of a utility or other public service pertaining to individually identifiable residential customers of the utility or service, except that information concerning billings for specific individual customers named by the requester shall be subject to disclosure as provided by this act.

(27) Specifications for competitive bidding, until the specifications are officially approved by the public agency.

(28) Sealed bids and related documents, until a bid is accepted or all bids rejected.

(29) Correctional records pertaining to an identifiable inmate, except that:

(A) The name, sentence data, parole eligibility date, disciplinary record, custody level and location of an inmate shall be subject to disclosure to any person other than another inmate;

(B) the ombudsman of corrections, the corrections ombudsman board, the attorney general, law enforcement agencies, counsel for the inmate to whom the record pertains and any county or district attorney shall have access to correctional records to the extent otherwise permitted by law; and

(C) the information provided to the law enforcement agency pursuant to the sex offender registration act, K.S.A. 22-4901, et seq., and amendments thereto, shall be subject to disclosure to any person.

(30) Public records containing information of a personal nature



where the public disclosure thereof would constitute a clearly unwarranted invasion of personal privacy.

(31) Public records pertaining to prospective location of a business or industry where no previous public disclosure has been made of the business' or industry's interest in locating in, relocating within or expanding within the state. This exception shall not include those records pertaining to application of agencies for permits or licenses necessary to do business or to expand business operations within this state, except as otherwise provided by law.

(32) The bidder's list of contractors who have requested bid proposals for construction projects from any public agency, until a bid is accepted or all bids rejected.

(33) Engineering and architectural estimates made by or for any public agency relative to public improvements.

(34) Financial information submitted by contractors in qualification statements to any public agency.

(35) Records involved in the obtaining and processing of intellectual property rights that are expected to be, wholly or partially vested in or owned by a state educational institution, as defined in K.S.A. 76-711, and amendments thereto, or an assignee of the institution organized and existing for the benefit of the institution.

(36) Any report or record which is made pursuant to K.S.A. 65-4922, 65-4923 or 65-4924, and amendments thereto, and which is privileged pursuant to K.S.A. 65-4915 or 65-4925, and amendments thereto.

(37) Information which would reveal the precise location of an archeological site.

(38) All financial data or traffic information from a railroad company, to a public agency, concerning the sale, lease or rehabilitation of the railroad's property in Kansas.

(39) Risk-based capital reports, risk-based capital plans and corrective orders including the working papers and the results of any analysis filed with the commissioner of insurance in accordance with K.S.A. 1994 Supp. 40-2c20, and amendments thereto.

(40) Memoranda and related materials required to be used to support the annual actuarial opinions submitted pursuant to subsection (b) of K.S.A. 40-409, and amendments thereto.

(41) Disclosure reports filed with the commissioner of insurance under subsection (a) of K.S.A. 1994 Supp. 40-2,156, and amendments thereto.

(42) All financial analysis ratios and examination synopses concerning insurance companies that are submitted to the commissioner by the national association of insurance commissioners' insurance regulatory information system.

(b) Except to the extent disclosure is otherwise required by law or as appropriate during the course of an administrative proceeding or on appeal from agency action, a public agency or officer shall not disclose financial information of a taxpayer which may be required or requested by a county appraiser to assist in the determination of the value of the taxpayer's property for ad valorem taxation purposes; or any financial information of a personal nature required or requested by a public agency or officer, including a name, job description or title revealing the salary or other compensation of officers, employees or applicants for employment with a firm, corporation or agency, except a public agency. Nothing contained herein shall be construed to prohibit the publication of statistics, so classified as to prevent identification of particular reports or returns and the items thereof.

(c) As used in this section, the term "cited or identified" shall not include a request to an employee of a public agency that a document be prepared.

(d) If a public record contains material which is not subject to disclosure pursuant to this act, the public agency shall separate or delete such material and make available to the requester that material in the public record which is subject to disclosure pursuant to this act. If a public record is not subject to disclosure because it pertains to an identifiable individual, the public agency shall delete the identifying portions of the record and make available to the requester any remaining portions which are subject to disclosure pursuant to this act, unless the request is for a record pertaining to a specific individual or to such a limited group of individuals that the individuals' identities are reasonably ascertainable, the public agency shall not be required to disclose those portions of the record which pertain to such individual or individuals.

(e) The provisions of this section shall not be construed to exempt from public disclosure statistical information not descriptive of any identifiable person.

(f) Notwithstanding the provisions of subsection (a), any public record which has been in existence more than 70 years shall be open for inspection by any person unless disclosure of the record is specifically prohibited or restricted by federal law, state statute or rule of the Kansas supreme court or by a policy adopted pursuant to K.S.A. 72-6214, and amendments thereto.

Sec. 2. K.S.A. 1994 Supp. 45-221, 45-221a, 45-221b and 45-221c are hereby repealed.

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

**INDEX TO ADMINISTRATIVE REGULATIONS**

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

**AGENCY 1: DEPARTMENT OF ADMINISTRATION**

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1-2-20	New	V. 14, p. 172, 483
1-2-30	Amended	V. 12, p. 902
1-2-46	Amended	V. 12, p. 1705
1-5-15	Amended	V. 13, p. 1500
1-5-24	Amended	V. 13, p. 1679
1-5-28	Amended	V. 12, p. 902
1-5-29	Amended	V. 13, p. 1461, 1501
1-6-21	Amended	V. 13, p. 1461, 1501
1-6-22a	Amended	V. 13, p. 1501
1-6-23	Amended	V. 12, p. 1706
1-6-33	New	V. 14, p. 172, 483

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1-8-2	Amended
1-8-5	Amended
1-8-6	Amended
1-9-5	Amended
1-9-6	Amended
1-9-13	Amended
1-9-21	Amended
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1-9-23	Amended
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1-9-26	New
1-10-6	Amended
1-13-1a	Amended
1-14-6	Amended
1-14-7	Amended
1-14-8	Amended
1-14-10	Amended
1-14-12	New
1-16-2	Amended
1-16-2a	Amended
1-16-2b	Amended
1-16-2d	Amended
1-16-2f	Revoked
1-16-2k	Amended
1-16-22	Amended
1-17-13	Amended
1-18-1a	Amended
1-21-1	Amended
1-21-2	Amended
1-21-3	Revoked

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1-21-5	Revoked
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1-21-9	Revoked
1-21-10	Revoked
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**AGENCY 2: MUNICIPAL ACCOUNTING BOARD**

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4-2-5	Revoked	V. 13, p. 1609
4-2-6	Revoked	V. 13, p. 1609

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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
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4-8-32	Amended	V. 12, p. 1213
4-13-60	Amended	V. 13, p. 1018
4-13-61	Amended	V. 13, p. 1018
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4-16-301	Amended	V. 13, p. 1611
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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
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4-17-305	Amended	V. 13, p. 1613

**AGENCY 5: BOARD OF AGRICULTURE—  
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5-1-2	New	V. 13, p. 493
5-3-4a	Amended	V. 13, p. 493
5-3-5e	New	V. 13, p. 493
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5-3-10	New	V. 13, p. 1543
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5-3-18	New	V. 13, p. 1545-1547
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5-5-12	New	V. 13, p. 1547-1551
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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
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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
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7-23-13	New	V. 13, p. 276
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7-36-6	New	V. 13, p. 5
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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

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17-15-1	Amended	V. 12, p. 311
17-16-8	Amended	V. 12, p. 314
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17-22-1	Amended	V. 13, p. 1399
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17-23-16	New	V. 13, p. 49-57
17-23-13	Amended	V. 13, p. 1543

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20-2-3	New	V. 12, p. 1487
20-2-6	New	V. 12, p. 1488
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20-2-8	New	V. 12, p. 1488
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21-70-54	New	V. 13, p. 1651-1660

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22-1-5	New	V. 12, p. 445
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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
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22-10-14	Revoked	V. 12, p. 448
22-10-17	Revoked	V. 12, p. 448
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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	28-35-144a	New	V. 13, p. 1299	28-39-103a	Revoked	V. 12, p. 1400
28-19-300			28-35-180a	Amended	V. 12, p. 1176	28-39-104		
through			28-35-199a	Amended	V. 13, p. 1300	through		
28-19-304	New	V. 13, p. 1877-1880	28-35-211a	Amended	V. 13, p. 1300	28-39-113	Revoked	V. 12, p. 1400
28-19-400			28-35-211b	Revoked	V. 12, p. 1176	28-39-144		
through			28-35-211c	New	V. 13, p. 1300	through		
28-19-404	New	V. 13, p. 1880, 1881	28-35-211d	New	V. 13, p. 1300	28-39-162	New	V. 12, p. 1400-1416
28-19-500	New	V. 13, p. 1881	28-35-212a	Amended	V. 13, p. 1301	28-39-162a	New	V. 12, p. 1417
28-19-501	New	V. 13, p. 1882	28-35-212b	Amended	V. 13, p. 1301	28-39-162b	New	V. 12, p. 1422
28-19-502	New	V. 13, p. 1883	28-35-212c	New	V. 13, p. 1301	28-39-162c	New	V. 12, p. 1424
28-19-510			28-35-212d	New	V. 13, p. 1302	28-39-163	New	V. 12, p. 1428
through			28-35-212e	New	V. 13, p. 1302	28-39-164		
28-19-518	New	V. 13, p. 1883-1892	28-35-212f	New	V. 13, p. 1303	through		
28-19-540			28-35-212g	New	V. 13, p. 1304	28-39-174	New	V. 13, p. 37-42
through			28-35-213a	Amended	V. 13, p. 1305	28-39-227		
28-19-546	New	V. 13, p. 1892-1894	28-35-213b	New	V. 13, p. 1305	through		
28-19-561	New	V. 13, p. 1894	28-35-214a	Amended	V. 12, p. 1176	28-39-239	New	V. 13, p. 399-403
28-19-562	New	V. 13, p. 1895	28-35-215a	Revoked	V. 13, p. 1306	28-44-28	New	V. 12, p. 1541
28-19-563	New	V. 13, p. 1896	28-35-217a	Amended	V. 13, p. 1306	28-44-29	New	V. 12, p. 1541
28-19-575			28-35-217b	New	V. 13, p. 1306	28-46-1	Amended	V. 13, p. 152
through			28-35-218a	Amended	V. 12, p. 1176	28-46-2	Amended	V. 13, p. 152
28-19-578	New	V. 13, p. 1896, 1897	28-35-219a	Amended	V. 13, p. 1306	28-46-3	Amended	V. 13, p. 152
28-19-720	New	V. 13, p. 1897	28-35-220a	Amended	V. 13, p. 1309	28-46-5		
28-19-735	New	V. 13, p. 1897	28-35-221a	Amended	V. 13, p. 1309	through		
28-19-750			28-35-221b	Amended	V. 13, p. 1310	28-46-22	Amended	V. 13, p. 152, 153
through			28-35-222a	Amended	V. 13, p. 1317	28-46-24	Amended	V. 13, p. 154
28-19-753	New	V. 13, p. 1897, 1898	28-35-223a	Amended	V. 13, p. 1317	28-46-26		
28-23-82	Amended	V. 12, p. 1058	28-35-224a	Amended	V. 13, p. 1317	through		
28-25-1			28-35-225a	Amended	V. 13, p. 1318	28-46-34	Amended	V. 13, p. 154, 155
through			28-35-226a	Amended	V. 13, p. 1318	28-46-36	Amended	V. 13, p. 155
28-25-15	New	V. 12, p. 1058, 1059	28-35-227a	Revoked	V. 13, p. 1318	28-46-37	Revoked	V. 13, p. 354
28-29-23a	New	V. 14, p. 5	28-35-227b			28-46-38	Amended	V. 13, p. 354
28-29-6a	New	V. 13, p. 151	through			28-46-39	Revoked	V. 13, p. 156
28-29-8a	New	V. 12, p. 435, 487	28-35-227l	New	V. 13, p. 1318, 1319	28-46-41	Amended	V. 13, p. 156
28-29-85	New	V. 12, p. 436, 488	28-35-228a	Amended	V. 13, p. 1320	28-46-42	Amended	V. 13, p. 156
28-29-98	Amended	V. 14, p. 7, 91	28-35-229a	Amended	V. 13, p. 1320	28-46-43	New	V. 13, p. 156
28-29-99	Revoked	V. 13, p. 1017	28-35-230a	Amended	V. 13, p. 1321	28-46-44	New	V. 13, p. 156
28-29-100	New	V. 13, p. 1356	28-35-230b	Amended	V. 13, p. 1321	28-51-100		
28-29-101	New	V. 13, p. 1357	28-35-230c	New	V. 13, p. 1321	through		
28-29-102	New	V. 13, p. 1358	28-35-230d	New	V. 13, p. 1322	28-51-104	Amended	V. 13, p. 43-45
28-29-103	New	V. 13, p. 1361	28-35-230e	New	V. 13, p. 1322	28-51-108	Amended	V. 13, p. 45
28-29-104	New	V. 13, p. 1362	28-35-230f	New	V. 13, p. 1322	28-51-110	Amended	V. 13, p. 45
28-29-108	New	V. 13, p. 1366	28-35-231b	Amended	V. 13, p. 1322	28-51-111	Amended	V. 13, p. 46
28-29-111	New	V. 13, p. 1369	28-35-232a	Revoked	V. 13, p. 1323	28-51-112	Amended	V. 13, p. 46
28-29-112	New	V. 13, p. 1371	28-35-233a	Revoked	V. 13, p. 1323	28-59-5	Amended	V. 13, p. 1158
28-29-113	New	V. 13, p. 1372	28-35-234a	Revoked	V. 12, p. 1177	28-59-5a	New *	V. 13, p. 1159
28-29-114	New	V. 13, p. 1376	28-35-242	Amended	V. 12, p. 1177	28-59-7	Amended	V. 13, p. 1159
28-29-121	New	V. 13, p. 1377	28-35-245	Revoked	V. 12, p. 1177	28-65-1	Amended	V. 12, p. 1541
28-30-2	Amended	V. 12, p. 1539	28-35-246	Revoked	V. 12, p. 1177	28-65-2	Amended	V. 13, p. 1551
28-30-3	Amended	V. 12, p. 1540	28-35-247	Amended	V. 12, p. 1177	28-65-3	Amended	V. 13, p. 1552
28-30-6	Amended	V. 12, p. 730	28-35-248	Revoked	V. 12, p. 1177	28-65-4	Amended	V. 13, p. 1552
28-31-1			28-35-249	Amended	V. 12, p. 1177	28-66-1		
through			28-35-250	Revoked	V. 12, p. 1177	through		
28-31-6	Amended	V. 13, p. 312-318	28-35-251	Amended	V. 12, p. 1177	28-66-4	New	V. 13, p. 46-48
28-31-8	Amended	V. 13, p. 318	28-35-252	New	V. 12, p. 1177	28-67-1		
28-31-8b	Amended	V. 13, p. 319	28-35-254	New	V. 12, p. 1177	through		
28-31-9	Amended	V. 13, p. 319	28-35-255	New	V. 12, p. 1177	28-67-12	New	V. 13, p. 1645-1649
28-31-10	Amended	V. 13, p. 320	28-35-276	Amended	V. 12, p. 1177			
28-31-11	Amended	V. 13, p. 320	28-35-282	Amended	V. 12, p. 1177			
28-31-14	Amended	V. 13, p. 320	28-35-284	Amended	V. 12, p. 1177			
28-34-1	Revoked	V. 12, p. 780	28-35-285	Amended	V. 12, p. 1177			
28-34-1a	New	V. 12, p. 780	28-35-287	Amended	V. 12, p. 1177			
28-34-2	Amended	V. 12, p. 781	28-35-288	Amended	V. 12, p. 1177			
28-34-3b	New	V. 12, p. 781	28-35-333	Amended	V. 13, p. 1323			
28-34-5	Revoked	V. 12, p. 782	28-35-334	Amended	V. 13, p. 1324			
28-34-5a	New	V. 12, p. 782	28-35-341					
28-34-6	Revoked	V. 12, p. 782	through					
28-34-6a	New	V. 12, p. 782	28-35-363	New	V. 12, p. 1177, 1178			
28-34-8	Revoked	V. 12, p. 783	28-36-21	Amended	V. 12, p. 1059			
28-34-8a	New	V. 12, p. 783	28-36-30	Amended	V. 12, p. 1211			
28-34-9a	Amended	V. 12, p. 784	28-38-18					
28-34-10	Revoked	V. 12, p. 784	through					
28-34-10a	New	V. 12, p. 784	28-38-23	Amended	V. 12, p. 437, 438			
28-34-16	Revoked	V. 12, p. 785	28-38-29	New	V. 12, p. 439			
28-34-16a	New	V. 12, p. 785	28-39-76	Revoked	V. 12, p. 1399			
28-34-17	Revoked	V. 12, p. 785	28-39-77	Revoked	V. 12, p. 1399			
28-34-17a	New	V. 12, p. 785	28-39-77a	Revoked	V. 12, p. 1400			
28-34-17b	New	V. 12, p. 786	28-39-78	Revoked	V. 12, p. 1400			
28-34-20	Revoked	V. 12, p. 787	28-39-79	Revoked	V. 13, p. 37			
28-34-20a	New	V. 12, p. 787	28-39-80	Revoked	V. 13, p. 37			
28-34-32a	Revoked	V. 12, p. 787	28-39-81	Revoked	V. 13, p. 37			
28-34-32b	New	V. 12, p. 787	28-39-81a	Revoked	V. 13, p. 37			
28-34-125	Revoked	V. 12, p. 787	28-39-81b	Revoked	V. 13, p. 37			
28-35-135	Amended	V. 13, p. 1287	28-39-82					
28-35-143	Revoked	V. 12, p. 1176	through					
			28-39-103	Revoked	V. 12, p. 1400			

AGENCY 30: SOCIAL AND REHABILITATION SERVICES

Reg. No.	Action	Register
30-2-16	Amended	V. 13, p. 1159
30-4-34	Amended	V. 13, p. 1685
30-4-35w	New	V. 13, p. 1685
30-4-41w	New	V. 13, p. 1685
30-4-50w	New	V. 13, p. 1686
30-4-52	Amended	V. 12, p. 1213
30-4-52w	New	V. 13, p. 1686
30-4-53w	New	V. 13, p. 1686
30-4-54w	New	V. 13, p. 1686
30-4-55w	New	V. 13, p. 1686
30-4-58w	New	V. 13, p. 1687
30-4-59w	New	V. 13, p. 1688
30-4-61w	New	V. 13, p. 1688
30-4-63	Amended	V. 12, p. 1213
30-4-63w	New	V. 13, p. 1688
30-4-64	Amended	V. 12, p. 1215
30-4-64w	New	V. 13, p. 1689
30-4-70w	New	V. 13, p. 1670
30-4-71w	New	V. 13, p. 1690
30-4-72w	New	V. 13, p. 1690
30-4-73	Amended	V. 12, p. 386
30-4-74w	New	V. 13, p. 1691
30-4-85a	Amended	V. 12, p. 1461, 1486

(continued)

30-4-90	Amended	V. 13, p. 721	30-10-1b	Amended	V. 13, p. 1165	44-14-201	Amended	V. 12, p. 1594
30-4-90w	New	V. 13, p. 1691	30-10-1c	Amended	V. 12, p. 1748	44-14-301	Amended	V. 12, p. 1594
30-4-96	Amended	V. 13, p. 1159	30-10-1d	Amended	V. 12, p. 1748	44-14-302	Amended	V. 13, p. 841
30-4-100w	New	V. 13, p. 1693	30-10-2	Amended	V. 13, p. 1165	44-14-303	Amended	V. 12, p. 1596
30-4-105w	New	V. 13, p. 1694	30-10-6	Amended	V. 14, p. 4	44-14-305	Amended	V. 12, p. 1596
30-4-106w	New	V. 13, p. 1694	30-10-7	Amended	V. 14, p. 5	44-14-305a	Revoked	V. 12, p. 1596
30-4-109w	New	V. 13, p. 1695	30-10-11	Amended	V. 12, p. 1749	44-14-306	Amended	V. 12, p. 1596
30-4-110w	New	V. 13, p. 1696	30-10-15a	Amended	V. 12, p. 1751	44-14-307	Amended	V. 12, p. 1597
30-4-111	Amended	V. 12, p. 1737, 1781	30-10-17	Amended	V. 12, p. 1753	44-14-309	Amended	V. 12, p. 1597
30-4-111w	New	V. 13, p. 1696	30-10-18	Amended	V. 13, p. 1167	44-14-310	Amended	V. 12, p. 1597
30-4-112	Amended	V. 13, p. 1697	30-10-19	Amended	V. 12, p. 1756	44-14-311	Amended	V. 12, p. 1597
30-4-112w	New	V. 13, p. 1698	30-10-20	Amended	V. 14, p. 169	44-14-314	Amended	V. 12, p. 1597
30-4-113	Amended	V. 13, p. 1699	30-10-23a	Amended	V. 12, p. 1756	44-14-316	Amended	V. 12, p. 1597
30-4-113w	New	V. 13, p. 1699	30-10-25	Amended	V. 12, p. 1757	44-14-318	New	V. 12, p. 1597
30-4-120w	New	V. 13, p. 1700	30-10-28	Amended	V. 12, p. 1758			
30-4-122a	Amended	V. 12, p. 1461, 1486	30-31-7	Amended	V. 12, p. 901, 975	<b>AGENCY 51: DEPARTMENT OF HUMAN RESOURCES—</b>		
30-4-130	Amended	V. 12, p. 1217	30-41-1	Amended	V. 13, p. 1970	<b>DIVISION OF WORKERS COMPENSATION</b>		
30-4-130w	New	V. 13, p. 1700	30-44-2	New	V. 13, p. 1971	<b>Reg. No.</b>	<b>Action</b>	<b>Register</b>
30-4-140w	New	V. 13, p. 1702	30-44-3	New	V. 13, p. 1972	51-9-7	Amended	V. 12, p. 1399
30-5-58	Amended	V. 14, p. 162	30-46-10	Amended	V. 12, p. 1231	<b>AGENCY 56: OFFICE OF THE ADJUTANT GENERAL</b>		
30-5-59	Amended	V. 14, p. 168	30-65-1	New	V. 12, p. 1592, 1632	<b>Reg. No.</b>	<b>Action</b>	<b>Register</b>
30-5-60	Amended	V. 12, p. 393	30-65-2	New	V. 12, p. 1593, 1633	56-2-1	New	V. 12, p. 1736
30-5-64	Amended	V. 14, p. 4	30-65-3	New	V. 12, p. 1593, 1633	56-2-2	New	V. 12, p. 1736
30-5-65	Amended	V. 13, p. 730				56-3-1		
30-5-70	Amended	V. 12, p. 394	<b>AGENCY 33: DEPARTMENT OF WILDLIFE AND PARKS</b>			through		V. 13, p. 89-91,
30-5-71	Amended	V. 13, p. 1703	<b>Reg. No.</b>	<b>Action</b>	<b>Register</b>	56-3-6	New	111-112
30-5-73	Amended	V. 12, p. 1224	33-1-18	Revoked	V. 13, p. 1926	<b>AGENCY 60: BOARD OF NURSING</b>		
30-5-81b	Amended	V. 12, p. 1225	33-1-20	Revoked	V. 13, p. 1926	<b>Reg. No.</b>	<b>Action</b>	<b>Register</b>
30-5-82a	Amended	V. 13, p. 730	<b>AGENCY 36: DEPARTMENT OF TRANSPORTATION</b>			60-1-101	Revoked	V. 12, p. 1205
30-5-100	Amended	V. 14, p. 169	<b>Reg. No.</b>	<b>Action</b>	<b>Register</b>	60-1-102	Amended	V. 12, p. 348
30-5-105	Amended	V. 12, p. 1226	36-27-11	Revoked	V. 13, p. 91	60-1-103	Amended	V. 12, p. 348
30-5-106	Amended	V. 14, p. 169	36-37-1			60-3-101	Amended	V. 12, p. 348
30-5-107	Amended	V. 12, p. 1226	through			60-3-102	Amended	V. 13, p. 1498
30-5-109a	Amended	V. 13, p. 730	36-37-6	New	V. 12, p. 309, 310	60-3-104	Revoked	V. 13, p. 365
30-5-116	Amended	V. 12, p. 1226	36-38-1	New	V. 12, p. 310	60-3-105	Amended	V. 13, p. 365
30-5-116a	Amended	V. 13, p. 731	36-38-2	New	V. 12, p. 310	60-3-106	Amended	V. 13, p. 365
30-5-118a	Amended	V. 12, p. 266, 579	36-39-1			60-3-106a	New	V. 13, p. 365
30-5-151	Amended	V. 14, p. 4	through			60-3-110	Amended	V. 13, p. 1086
30-5-173	Revoked	V. 14, p. 4	36-39-6	New	V. 12, p. 1088-1090	60-3-111	New	V. 12, p. 349
30-5-173a	Revoked	V. 14, p. 4	<b>AGENCY 40: KANSAS INSURANCE DEPARTMENT</b>			60-4-101	Amended	V. 13, p. 1964
30-6-34	Amended	V. 13, p. 1705	<b>Reg. No.</b>	<b>Action</b>	<b>Register</b>	60-4-103	Amended	V. 13, p. 365
30-6-35w	New	V. 13, p. 1705	40-1-22	Amended	V. 13, p. 185	60-7-104	Amended	V. 13, p. 366
30-6-41w	New	V. 13, p. 1705	40-1-39	New	V. 12, p. 1563	60-7-106	Amended	V. 13, p. 1086
30-6-50w	New	V. 13, p. 1706	40-1-41	New	V. 12, p. 1563	60-7-108	New	V. 12, p. 349
30-6-52	Amended	V. 13, p. 1706	40-2-23	New	V. 12, p. 1564	60-8-101	Amended	V. 13, p. 1964
30-6-52w	New	V. 13, p. 1706	40-3-10	Revoked	V. 12, p. 1564	60-9-105	Amended	V. 12, p. 349
30-6-53w	New	V. 13, p. 1706	40-3-32	Amended	V. 12, p. 1564	60-9-107	Amended	V. 12, p. 1206
30-6-54w	New	V. 13, p. 1707	40-3-33	Amended	V. 12, p. 1565	60-11-103	Amended	V. 13, p. 1086
30-6-55w	New	V. 13, p. 1708	40-3-37	Amended	V. 13, p. 185	60-11-104a	Amended	V. 13, p. 1754
30-6-56	Amended	V. 13, p. 734	40-3-47	Amended	V. 12, p. 1568	60-11-108	Amended	V. 13, p. 1087
30-6-56w	New	V. 13, p. 1708	40-3-50	New	V. 12, p. 1568	60-11-113	Amended	V. 13, p. 366
30-6-59w	New	V. 13, p. 1710	40-4-2	Amended	V. 12, p. 1568	60-11-118	Amended	V. 12, p. 350
30-6-60w	New	V. 13, p. 1710	40-5-12	New	V. 12, p. 1568	60-11-119	Amended	V. 13, p. 1964
30-6-65w	New	V. 13, p. 1711	<b>AGENCY 44: DEPARTMENT OF CORRECTIONS</b>			60-12-104	Amended	V. 12, p. 1208
30-6-70w	New	V. 13, p. 1711	<b>Reg. No.</b>	<b>Action</b>	<b>Register</b>	60-12-105	Amended	V. 12, p. 1208
30-6-72w	New	V. 13, p. 1711	44-2-103	New	V. 12, p. 822	60-13-101	Amended	V. 13, p. 1964
30-6-77	Amended	V. 13, p. 1712	44-5-102	Revoked	V. 13, p. 835	60-13-110	Amended	V. 13, p. 366
30-6-77w	New	V. 13, p. 1712	44-5-115	New	V. 13, p. 1755	60-16-101		
30-6-78w	New	V. 13, p. 1712	44-6-124	Amended	V. 13, p. 1755	through		
30-6-81w	New	V. 13, p. 1713	44-6-142	Amended	V. 13, p. 1756	60-16-105	New	V. 13, p. 1498-1500
30-6-82w	New	V. 13, p. 1713	44-6-146	Amended	V. 13, p. 1756	<b>AGENCY 63: BOARD OF MORTUARY ARTS</b>		
30-6-85w	New	V. 13, p. 1713	44-7-104	Amended	V. 13, p. 835	<b>Reg. No.</b>	<b>Action</b>	<b>Register</b>
30-6-86w	New	V. 13, p. 1713	44-7-116	New	V. 12, p. 1155	63-1-3	Amended	V. 14, p. 202
30-6-87w	New	V. 13, p. 1713	44-9-103	Revoked	V. 13, p. 836	63-1-4	Amended	V. 12, p. 632
30-6-94w	New	V. 13, p. 1714	44-9-104	Revoked	V. 13, p. 837	63-2-3	Amended	V. 14, p. 202
30-6-103	Amended	V. 13, p. 1714	44-9-105	Amended	V. 13, p. 837	63-2-12	Amended	V. 14, p. 203
30-6-103w	New	V. 13, p. 1714	44-12-601	Amended	V. 13, p. 1757	63-3-10	Amended	V. 12, p. 632
30-6-105w	New	V. 13, p. 1715	44-12-1202	Amended	V. 13, p. 1758	63-3-11	Amended	V. 12, p. 632
30-6-106	Amended	V. 13, p. 1966	44-12-1308	Amended	V. 13, p. 1758	63-3-19	Amended	V. 12, p. 633
30-6-106w	Amended	V. 13, p. 1968	44-13-201	Amended	V. 13, p. 837	63-4-1	Amended	V. 12, p. 1598
30-6-107	Amended	V. 13, p. 1717	44-13-201b	Amended	V. 13, p. 838	63-6-1	Amended	V. 14, p. 203
30-6-107w	New	V. 13, p. 1717	44-13-202	Amended	V. 13, p. 838	63-6-2	Amended	V. 14, p. 203
30-6-109	Amended	V. 13, p. 735	44-13-402	Amended	V. 13, p. 839	63-6-3	Amended	V. 14, p. 204
30-6-109w	New	V. 13, p. 1717	44-13-403	Amended	V. 13, p. 839	<b>AGENCY 65: BOARD OF EXAMINERS IN OPTOMETRY</b>		
30-6-110w	New	V. 13, p. 1719	44-13-408	Amended	V. 13, p. 1758	<b>Reg. No.</b>	<b>Action</b>	<b>Register</b>
30-6-111	Amended	V. 13, p. 1719	44-13-603	Amended	V. 13, p. 841	65-4-3	Amended	V. 12, p. 630
30-6-111w	New	V. 13, p. 1720	44-13-704	Amended	V. 13, p. 1759	65-4-4	Amended	V. 12, p. 630
30-6-112	Amended	V. 13, p. 1722	44-14-101	Amended	V. 12, p. 1593	<b>AGENCY 66: BOARD OF TECHNICAL PROFESSIONS</b>		
30-6-112w	New	V. 13, p. 1723	44-14-102	Amended	V. 12, p. 1594	<b>Reg. No.</b>	<b>Action</b>	<b>Register</b>
30-6-113	Amended	V. 13, p. 1724				66-6-1	Amended	V. 13, p. 1992
30-6-113w	New	V. 13, p. 1725				66-6-4	Amended	V. 13, p. 1993
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						

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. 13, p. 1994
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

**AGENCY 68: BOARD OF PHARMACY**

Reg. No.	Action	Register
68-1-1a	Amended	V. 14, p. 124
68-1-1f	Amended	V. 14, p. 125
68-2-12a	Amended	V. 14, p. 125
68-2-20	Amended	V. 14, p. 125
68-7-12a	Amended	V. 14, p. 125
68-7-14	Amended	V. 14, p. 126
68-7-19	New	V. 12, p. 187
68-11-1	Amended	V. 13, p. 534
68-11-2	Amended	V. 13, p. 535
68-12-2	Amended	V. 12, p. 187
68-14-1	Amended	V. 14, p. 126
68-20-9	Amended	V. 13, p. 535
68-20-15a	Amended	V. 14, p. 126
68-20-18	Amended	V. 14, p. 127
68-20-19	Amended	V. 14, p. 128

**AGENCY 69: BOARD OF COSMETOLOGY**

Reg. No.	Action	Register
69-1-4	Amended	V. 13, p. 4
69-11-1	Amended	V. 12, p. 1633
69-12-1		
through		
69-12-17	New	V. 12, p. 1633-1635
69-13-1	New	V. 13, p. 1825
69-13-2	New	V. 13, p. 1825
69-13-3	New	V. 13, p. 1825

**AGENCY 70: BOARD OF VETERINARY EXAMINERS**

Reg. No.	Action	Register
70-1-4	New	V. 13, p. 1681
70-1-5	New	V. 13, p. 1681
70-3-1	Amended	V. 14, p. 90
70-3-2	Amended	V. 14, p. 90
70-3-4	Revoked	V. 14, p. 90
70-5-1	Amended	V. 13, p. 445
70-6-1	New	V. 13, p. 1681

**AGENCY 71: KANSAS DENTAL BOARD**

Reg. No.	Action	Register
71-1-13	Revoked	V. 14, p. 68
71-1-16	New	V. 13, p. 1085
71-1-17	New	V. 13, p. 1085
71-1-18	New	V. 12, p. 1700
71-3-3	Amended	V. 13, p. 1085

**AGENCY 74: BOARD OF ACCOUNTANCY**

Reg. No.	Action	Register
74-4-8	Amended	V. 12, p. 1922
74-5-2	Amended	V. 12, p. 1039
74-5-202	Amended	V. 13, p. 1152

74-5-203	Amended	V. 13, p. 1152
74-5-405	Amended	V. 12, p. 1040
74-5-406	Amended	V. 12, p. 1040
74-6-1	Amended	V. 12, p. 1040
74-6-2	Amended	V. 12, p. 1041
74-8-2	Amended	V. 12, p. 1041
74-8-5	Amended	V. 12, p. 1041
74-11-1		
through		
74-11-5	Revoked	V. 12, p. 1922
74-11-6		
through		
74-11-14	New	V. 12, p. 1922-1926
74-12-1	Amended	V. 13, p. 1152
74-14-1	New	V. 12, p. 1041
74-14-2	New	V. 12, p. 1041

**AGENCY 75: CONSUMER CREDIT COMMISSIONER**

Reg. No.	Action	Register
75-6-6	Amended	V. 13, p. 276

**AGENCY 80: KANSAS PUBLIC EMPLOYEES RETIREMENT SYSTEM**

Reg. No.	Action	Register
80-8-1		
through		
80-8-7	New	V. 12, p. 980, 981

**AGENCY 81: OFFICE OF THE SECURITIES COMMISSIONER**

Reg. No.	Action	Register
81-2-1	Amended	V. 14, p. 287
81-3-1	Amended	V. 12, p. 788
81-3-3	Amended	V. 12, p. 790
81-3-4	New	V. 12, p. 790
81-5-3	Amended	V. 12, p. 790
81-5-7	Amended	V. 13, p. 1355
81-5-8	Amended	V. 12, p. 791
81-5-9	Amended	V. 12, p. 791
81-5-10	New	V. 12, p. 791
81-5-11	New	V. 12, p. 1873
81-5-12	New	V. 14, p. 287
81-7-1	Amended	V. 12, p. 791
81-7-2	New	V. 12, p. 794
81-11-11	Amended	V. 12, p. 794

**AGENCY 82: STATE CORPORATION COMMISSION**

Reg. No.	Action	Register
82-1-228	Amended	V. 12, p. 147
82-1-232	Amended	V. 12, p. 148
82-3-101	Amended	V. 14, p. 129
82-3-103	Amended	V. 14, p. 132
82-3-106	Amended	V. 14, p. 133
82-3-107	Amended	V. 13, p. 531
82-3-115	Amended	V. 14, p. 134
82-3-115a	New	V. 14, p. 135
82-3-115b	New	V. 14, p. 135
82-3-116	Amended	V. 14, p. 136
82-3-120	Amended	V. 14, p. 136
82-3-138	Amended	V. 13, p. 532
82-3-200	Amended	V. 13, 532
82-3-203	Amended	V. 13, p. 532
82-3-206	Amended	V. 12, p. 1592
82-3-300	Amended	V. 14, p. 137
82-3-307	Amended	V. 12, p. 1592
82-3-401	Amended	V. 12, p. 376
82-3-401a	New	V. 12, p. 377
82-3-604	Amended	V. 13, p. 532
82-3-605	Amended	V. 13, p. 533
82-4-1	Amended	V. 13, p. 1929
82-4-3	Amended	V. 13, p. 1930
82-4-6d	Amended	V. 13, p. 1931
82-4-8a	Amended	V. 12, p. 441
82-4-20	Amended	V. 13, p. 1931
83-4-22	Amended	V. 13, p. 1190
82-4-23	Amended	V. 13, p. 1190
82-4-24a	Amended	V. 13, p. 1191
82-4-27	Amended	V. 13, p. 1191
82-4-27a	Amended	V. 13, p. 1191
82-4-27f	Amended	V. 13, p. 1192
82-4-28	Amended	V. 13, p. 1192
82-4-29	Amended	V. 12, p. 443
82-4-29a	Amended	V. 13, p. 1193

82-4-30	Amended	V. 13, p. 1193
82-4-31	Amended	V. 13, p. 1193
82-4-32	Amended	V. 13, p. 1193
82-4-33	Amended	V. 13, p. 1194
82-4-34	Revoked	V. 12, p. 443
82-4-35a	Amended	V. 13, p. 1194
82-4-37	Amended	V. 13, p. 1194
82-4-38	Revoked	V. 12, p. 443
82-4-39	Amended	V. 13, p. 1194
82-4-42	Amended	V. 13, p. 1194

**AGENCY 86: REAL ESTATE COMMISSION**

Reg. No.	Action	Register
86-1-5	Amended	V. 12, p. 1662
86-1-11	Amended	V. 12, p. 1662
86-2-8	New	V. 13, p. 1108
86-3-7	Amended	V. 12, p. 1663
86-3-22	Amended	V. 12, p. 1663
86-3-24	Revoked	V. 12, p. 980

**AGENCY 88: BOARD OF REGENTS**

Reg. No.	Action	Register
88-10-4	Amended	V. 12, p. 631
88-11-5	Amended	V. 12, p. 631
88-12-1		
through		
88-12-8	Amended	V. 13, p. 1542
88-22-1		
through		
88-22-10	New	V. 12, p. 93, 94

**AGENCY 91: DEPARTMENT OF EDUCATION**

Reg. No.	Action	Register
91-1-30	Amended	V. 12, p. 579
91-1-30a	Amended	V. 13, p. 975
91-1-56	Amended	V. 13, p. 308
91-1-80	Amended	V. 12, p. 580
91-1-85	Amended	V. 13, p. 976
91-1-92	Amended	V. 13, p. 976
91-1-93a	Amended	V. 13, p. 977
91-1-102	Revoked	V. 13, p. 367
91-1-102a	Amended	V. 13, p. 308
91-1-104	Revoked	V. 13, p. 367
91-1-104a	Revoked	V. 13, p. 367
91-1-104b	Amended	V. 13, p. 309
91-1-104c	Amended	V. 13, p. 309
91-1-110a	Amended	V. 12, p. 582
91-1-110b	Revoked	V. 13, p. 367
91-1-110c	Amended	V. 13, p. 310
91-1-112a	Revoked	V. 13, p. 367
91-1-112b	Revoked	V. 13, p. 367
91-1-112c	Amended	V. 13, p. 310
91-1-112d	Amended	V. 13, p. 311
91-1-113a	Revoked	V. 13, p. 367
91-1-113b	Amended	V. 13, p. 311
91-12-22	Amended	V. 12, p. 1929
91-12-23	Amended	V. 14, p. 91
91-12-24a	Amended	V. 12, p. 590
91-12-25	Amended	V. 14, p. 91
91-12-27	Amended	V. 12, p. 590
91-12-28	Amended	V. 12, p. 590
91-12-29	Revoked	V. 14, p. 92
91-12-30	Amended	V. 12, p. 591
91-12-33	Amended	V. 12, p. 591
91-12-34	Revoked	V. 14, p. 92
91-12-35	Amended	V. 14, p. 92
91-12-37	Amended	V. 12, p. 591
91-12-40	Amended	V. 12, p. 592
91-12-41	Amended	V. 14, p. 92
91-12-42	Amended	V. 14, p. 93
91-12-44	Amended	V. 12, p. 594
91-12-45	Amended	V. 12, p. 1934
91-12-46	Amended	V. 12, p. 1935
91-12-47	Amended	V. 12, p. 595
91-12-51	Amended	V. 14, p. 94
91-12-53	Amended	V. 12, p. 596
91-12-54	Amended	V. 14, p. 94
91-12-55	Amended	V. 12, p. 598
91-12-56	Amended	V. 14, p. 94
91-12-59	Amended	V. 12, p. 598
91-12-60	Amended	V. 14, p. 95
91-12-61	Amended	V. 12, p. 598
91-12-64	Amended	V. 12, p. 599

(continued)

91-12-65	Amended	V. 12, p. 600
91-12-71	Amended	V. 12, p. 1935
91-12-74	New	V. 14, p. 95

**AGENCY 98: KANSAS WATER OFFICE**

Reg. No.	Action	Register
98-5-2	Amended	V. 12, p. 351
98-5-3	Amended	V. 12, p. 352
98-5-5	Amended	V. 12, p. 353

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

Reg. No.	Action	Register
99-40-21 through 99-40-46		V. 13, p. 1013-1015
99-40-100	New	V. 13, p. 1608
99-40-101	New	V. 13, p. 1608
99-40-104	New	V. 13, p. 1608
99-40-105	New	V. 13, p. 1609

**AGENCY 100: BOARD OF HEALING ARTS**

Reg. No.	Action	Register
100-10a-1	Amended	V. 13, p. 637
100-11-1	Amended	V. 12, p. 1704
100-24-1	Amended	V. 13, p. 638
100-26-1	New	V. 13, p. 638
100-35-7	Amended	V. 13, p. 638
100-38-1	Amended	V. 12, p. 1704
100-46-3	Amended	V. 13, p. 638
100-46-5	Amended	V. 13, p. 638
100-46-6	New	V. 12, p. 679
100-47-1	Amended	V. 12, p. 679
100-49-4	Amended	V. 12, p. 1704
100-54-6	Amended	V. 12, p. 1704
100-55-6	Amended	V. 12, p. 1704
100-60-13	Amended	V. 13, p. 638

**AGENCY 102: BEHAVIORAL SCIENCES  
REGULATORY BOARD**

Reg. No.	Action	Register
102-1-4	Amended	V. 14, p. 488
102-1-5	Amended	V. 14, p. 488
102-1-13	Amended	V. 12, p. 1038
102-4-1	Amended	V. 14, p. 489
102-4-4	Amended	V. 14, p. 490
102-4-5	Amended	V. 14, p. 490
102-4-6	Amended	V. 14, p. 491
102-4-7	Revoked	V. 14, p. 492
102-4-10	Amended	V. 14, p. 492
102-5-1 through 102-5-12		V. 12, p. 189-194
102-5-2	New	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		V. 12, p. 1294, 1295 1489, 1490
110-7-1 through 110-7-4		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		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
111-2-33	New	V. 14, p. 312
111-2-34	New	V. 14, p. 403
111-3-1	Amended	V. 13, p. 1825
111-3-6	Amended	V. 12, p. 677
111-3-9	Revoked	V. 11, p. 1793
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111-3-13	Amended	V. 11, p. 1148
111-3-14	Amended	V. 13, p. 1826
111-3-16	Amended	V. 9, p. 1566
111-3-19 through 111-3-22		V. 9, p. 30
111-3-19	Revoked	V. 13, p. 1827
111-3-20	Amended	V. 11, p. 1148
111-3-21	Amended	V. 11, p. 1148
111-3-22	Amended	V. 11, p. 1148
111-3-23	Revoked	V. 10, p. 883
111-3-25	Amended	V. 13, p. 1827
111-3-26	Amended	V. 11, p. 1149
111-3-27	Amended	V. 11, p. 1149
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111-3-31	Amended	V. 8, p. 209
111-3-32	Amended	V. 10, p. 883
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111-3-34	New	V. 13, p. 149
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111-7-63	Revoked	V. 10, p. 1217
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111-9-12	New	V. 7, p. 1714-1716
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111-10-9	New	V. 8, p. 136-138
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**AGENCY 112: KANSAS RACING  
COMMISSION**

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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
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112-9-30	Amended	V. 12, p. 975, 1211
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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		
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112-12-9	Amended	V. 13, p. 1997-1999
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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
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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**

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115-4-5	Amended	V. 14, p. 494
115-4-6	Amended	V. 14, p. 495
115-4-7	Amended	V. 14, p. 497
115-4-8	Amended	V. 14, p. 498
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
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115-17-20	New	V. 13, p. 234-236
115-18-4	Amended	V. 12, p. 1491
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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**

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116-3-2	New	V. 12, p. 1173
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
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117-2-2	Amended	V. 14, p. 533
117-2-4	Amended	V. 12, p. 529
117-3-1	Amended	V. 12, p. 529
117-3-2	Amended	V. 14, p. 534
117-4-1	Amended	V. 12, p. 1699
117-4-2	Amended	V. 14, p. 534
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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