

Kansas Register

Ron Thornburgh, Secretary of State

Vol. 15, No. 8

February 22, 1996

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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, which are effective immediately unless otherwise specified, were filed January 15-February 16:

Cheyenne County Attorney

James M. Millikan, 101 W. Washington, P.O. Box 627, St. Francis, 67556. Term expires when a successor is elected and qualifies according to law. Succeeds Floyd E. Jensen.

Johnson County Commissioner

David Wsong, 6630 Indian Lane, Mission Hills, 66208. Term expires when a successor is elected and qualifies according to law.

Morris County Treasurer

Shirley K. Thurston, P.O. Box 205, Dwight, 66849. Term expires when a successor is elected and qualifies according to law.

Smith County Clerk

Teri Van Wey, 519 B St., Smith Center, 66967. Term expires when a successor is elected and qualifies according to law.

James B. Pearson Fellowship
Selection Board

Kenneth North, 8529 Bradshaw, Lenexa, 66215. Term expires December 31, 1998. Reappointment.

Solid Waste Grants
Advisory Committee

Chiquita Cornelius, 3526 Summerwood Road, Topeka, 66614. Term expires December 12, 1997. New position.

Charles Peckham, 308 Main, P.O. Box 46, Atwood, 67730. Term expires December 12, 1997. New position.

Workers Compensation Fund
Oversight Committee

Julie Bachman, 1838 Woodchuck, Wichita, 67212. Serves at the pleasure of the Governor. Succeeds Mike Vilander.

J. Philip Davidson, 2650 N. Ridgewood Court, Wichita, 67220. Serves at the pleasure of the Governor. Succeeds Diane Gjerstad.

Bryce Hayes, P.O. Box 108, Attica, 67009. Serves at the pleasure of the Governor. Succeeds David Alvarado.

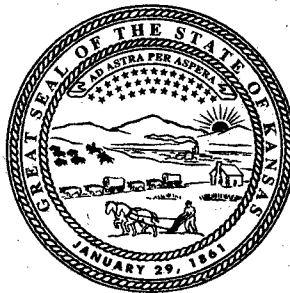
Ron Thornburgh
Secretary of State

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(913) 296-3489

State of Kansas

Board of Technical Professions

Notice of Meetings

The State Board of Technical Professions will meet Friday, March 1, at the Shawnee Country Club, 913 S.E. 29th, Topeka. The Professional Engineer and Land Surveyor Committee will meet in the President's Room at 8 a.m., and the Architect and Landscape Architect Committee will meet in the PDR West Room at 9 a.m. The full board will meet at approximately 10 a.m. (at the conclusion of the committee meetings) in the President's Room. All meetings are open to the public.

Betty L. Rose
Executive Director

Doc. No. 017305

State of Kansas

State Corporation Commission

Notice of Hearing

The State Corporation Commission, pursuant to K.S.A. 55-703, has directed that an investigation be instituted and a hearing be conducted to determine the reasonable market demand for gas produced from the fields listed below for the period extending from April 1, 1996 through September 30, 1996, inclusive; to determine the deliverability and acreage attributable to each of the wells therein; and to fix gas production percentages and quotas for wells within said fields. Evidence will be received at the hearing for the above purposes and for determining and fixing the allowables for each of the wells in the following fields for the above proration period.

- Hugoton Gas Field in Finney, Grant, Gray, Hamilton, Haskell, Kearny, Morton, Seward, Stanton, Stevens and Wichita counties
- Panoma-Council Grove Gas Field in Finney, Grant, Hamilton, Haskell, Kearney, Morton, Stanton, Stevens, Wichita, and Seward counties
- Glick (Mississippi) Gas Pool in Barber, Comanche and Kiowa counties
- Greenwood Gas Field in Morton County
- Shepard Conglomerate Gas Field in Stafford County

The hearing will be at 10 a.m. Thursday, March 21, in Room 2078 of the Finney State Office Building, 130 S. Market, Wichita. All transporters of gas produced from the above fields should furnish to the commission at the hearing their nominations from said fields for the calendar months included in the above proration period.

Further information can be obtained by contacting John McCannon or William J. Wix, Assistant General Counsel, State Corporation Commission, Conservation Division, Room 2078, Finney State Office Building, 130 S. Market, Wichita, 67202, (316) 337-6200.

Judith McConnell
Executive Director

Doc. No. 017302

State of Kansas

Kansas Turnpike Authority

Request for Proposals

The Kansas Turnpike Authority requires the services of a firm to provide financial advice and a financial plan related to current debt management and possible future debt issuance. The Request for Proposal may be obtained via fax by a written request by fax to (316) 682-1897. Please direct RFP requests to: Controller, Kansas Turnpike Authority.

Completed proposals must be received not later than 2 p.m. March 8. For additional information, call (316) 682-4537, ext. 2282.

Jon Glaser
Controller

Doc. No. 017307

State of Kansas

Kansas State University

Notice to Bidders

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

Tuesday, March 5, 1996

#60102

Glove box and gas purification system

#60103

486 microcomputers

William H. Sesler
Director of Purchasing

Doc. No. 017306

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.

Thursday, March 7, 1996

726232

Laboratory wood casework

Tuesday, March 12, 1996

726234

Outpatient pharmacy prescription labels

Barbara Lockhart
Purchasing Director

Doc. No. 017310

State of Kansas

Statewide Independent Living Council

Notice of Meeting

The Statewide Independent Living Council of Kansas, Inc. will meet at 10 a.m. Friday, March 15, at the Topeka Independent Living Center, 501 S.W. Jackson, Topeka. For further information, contact Shannon Jones at (913) 234-6990 (Voice/TDD).

Shannon Jones
Executive Director

Doc. No. 017301

State of Kansas

Kansas Insurance Department

Notice of Creation of New Pharmacy Networks

Pursuant to K.S.A. 40-2,153, the Commissioner of Insurance is publishing notice that two pharmacy networks have been created in the State of Kansas: Premier Blue-Pharmacy Network and Blue Cross and Blue Shield-Pharmacy Network. For further information, contact Anne Hought at the Kansas Insurance Department, (913) 296-3071.

Kathleen Sebelius
Commissioner of Insurance

Doc. No. 017308

State of Kansas

Department of Administration

Notice of Hearing on Proposed Administrative Regulations

A public hearing will be conducted at 9 a.m. Monday, April 22, in Room 108, Landon State Office Building, 900 S.W. Jackson, Topeka, to consider the adoption of proposed rules and regulations of the Department of Administration, Division of Personnel Services.

This 60-day notice of the public hearing shall constitute a public comment period for the purpose of receiving written public comments on the proposed rules and regulations. All interested parties may submit written comments prior to the hearing to the Secretary of Administration, Room 263-E, State Capitol, 300 S.W. 10th Ave., Topeka, 66612. All interested parties will be given a reasonable opportunity to present their views orally on the adoption of the proposed regulations during the hearing. In order to give all parties an opportunity to present their views, it may be necessary to request each participant to limit any oral presentation to five minutes.

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 Faith Loretto at (913) 296-6000 [TTY (913) 296-4798]. Handicapped parking is located on the south end of Landon State Office Building, and the north entrance to the building is accessible.

Summaries of the proposed regulations and their economic impact follow.

Article 1 is being revised to combine the responsibilities of the Division of Personnel Services into one regulation. These changes are in response to the governor's request to review and streamline regulations where possible. K.A.R. 1-1-1 is being revised, while K.A.R. 1-1-2, 1-1-3 and 1-1-4 are being revoked. There would be no economic impact on state agencies caused by the amendments to these regulations.

K.A.R. 1-2-53 is being revoked because "permanent employee" has no meaning in the regulations under SHARP. K.A.R. 1-2-57, 1-2-71, 1-2-72 and 1-2-88 are being revised to fine-tune the definitions. State employees will not be affected by the changes to these revised or revoked regulations. There would be no economic impact on state agencies caused by the amendments to these regulations.

K.A.R. 1-3-1, 1-3-3 and 1-3-4 are being revoked to accommodate the governor's 1995 request to review and streamline regulations where possible. These regulations are self-regulating and are not necessary for the division to perform its duties. State employees will not be affected by the changes to these revised regulations. There would be no economic impact on state agencies caused by the amendments to these regulations.

K.A.R. 1-4-2 is being revised and K.A.R. 1-4-6 is being revoked. Both the revision and the revocation are in response to the governor's 1995 request to review and streamline regulations where possible. State employees will not be affected by the changes to these revised regulations. There would be no economic impact on state agencies caused by the amendments to these regulations.

The regulations in Article 5 have been revised to accommodate the governor's 1995 request to review and streamline regulations where possible. The main features of K.A.R. 1-5-1, 1-5-2, 1-5-3 and 1-5-6 are being combined into one regulation. K.A.R. 1-5-7 is being revised to eliminate unnecessary and repetitive language. There would be no economic impact on state agencies based on this change. K.A.R. 1-5-12 is being revised to clarify that unclassified employees who are appointed to classified positions may be paid at a higher step in the pay grade if they have exceptional qualifications, as it is for classified employees. K.A.R. 1-5-15 is being revised to eliminate language referring to a regulation that is being revoked. K.A.R. 1-5-22 is being revised to clarify that the Secretary of Administration must give prior approval for all multiple appointments exceeding 100 percent. K.A.R. 1-5-24 is being revised to clarify that a non-exempt employee's compensatory time balance must be zero before becoming an exempt employee. K.A.R. 1-5-26 is being revised to clarify that only non-exempt employees qualify for stand-by compensation. There will be no fiscal impact based on the changes to these regulations. K.A.R. 1-5-28 is being revised to distinguish that the only time shift differential to be paid is for regularly scheduled time worked between 7 p.m. and 7 a.m. This change allows the state to be consistent in its administration of shift differential pay. The agency estimates that there could possibly be some cost savings for the state based on this change. Employees in some agencies currently receive shift dif-

ferential for all hours on a shift even if only a portion of the shift qualifies for shift differential. With this change, only the hours worked between 7 p.m. and 7 a.m. will count for shift differential. However, some agencies' shifts may fit into this time frame and some may not, so it is difficult to estimate a fiscal savings.

The regulations in Article 6 have been revised to accommodate the governor's 1995 request to review and streamline regulations where possible. K.A.R. 1-6-22a is being revised to add federally approved apprenticeship programs to the list of training classes to be designated by the director. There is no economic impact on state agencies based on these changes. K.A.R. 1-6-23 is being revised to clarify language. K.A.R. 1-6-24 is being revised to delete self-directing language and change the term "permanent employee" to "employee with permanent status," because "permanent employee" is no longer being used in the regulations, or in the SHARP system. K.A.R. 1-6-31 is being revised for self-directing language. There is no economic impact based on these changes.

K.A.R. 1-8-1 and 1-8-7 are being proposed to be revoked to accommodate the governor's 1995 request to review and streamline regulations where possible. K.A.R. 1-8-5 is being revised to eliminate language that refers to a regulation that is being revoked. There is no fiscal impact on state agencies based on the changes.

K.A.R. 1-9-9, 1-9-15 and 1-9-16 are being revoked and 1-9-19a is being revised to accommodate the governor's 1995 request to review and streamline regulations where possible. There is no fiscal impact on state agencies based on these changes.

Changes in K.A.R. 1-9-2 address payment and time off for holidays worked and not worked. Currently, employees receive holiday "credit" for each holiday which can be paid or given as time off. The revision allows for holiday "leave" to be given for each observed holiday which must be used on the holiday, if it is a part of the employee's regular work schedule, used before the end of the fiscal year, or forfeited. This will ensure that each employee receives time off from work for every holiday. This change could also result in a cost savings for some agencies who currently pay the employee the holiday credit instead of granting time off. The revision will not allow an agency to pay for that time. Exempt employees will receive a "day" of holiday leave and non-exempt employees will receive up to a maximum of eight hours of holiday leave. Non-exempt employees will still receive pay at the time-and-a-half rate for all hours worked on a legal holiday, but exempt employees will receive one-half day off in addition to their regular salary for time worked on a legal holiday. Currently, if an employee works on a legal and an observed holiday, in succession, the employee receives the time-and-a-half rate for only one of the days worked. The new language determines on which day an employee may receive holiday leave (observed) and holiday pay at the time-and-a-half rate (legal). This could be a cost savings for some agencies who have different employees work on back-to-back legal and observed holidays. Currently, all of those employees would receive time-and-a-half for working on either of these days. The revision would only allow the payment of time-and-a-half for those working on the legal holiday. The rule

regarding the same employee working both the legal and observed holidays remains the same; the employee would only receive time-and-a-half for one of the two days.

K.A.R. 1-9-23 is being revised to eliminate the leave share review committee. K.S.A. 1995 Supp. 75-5549 eased the standards required to receive shared leave, thus rendering the leave share review committee virtually powerless and unnecessary. There is no fiscal impact on state agencies based on these changes.

K.A.R. 1-9-27 is a proposed new regulation implementing the Family and Medical Leave Act of 1993 (FMLA). State employees may be affected by this new regulation because it mandates that employees must use all available sick leave prior to using vacation leave or leave without pay when the leave is used for FMLA qualifying conditions. Currently, agencies are allowed flexibility in this area. This regulation does exceed the federal regulations in the amount of notice for leave. FMLA requires a 30-day notice from the employee for using leave for FMLA purposes, while K.A.R. 1-9-27 only requires the same notification as stated in K.A.R. 1-9-3. There is no fiscal impact on state agencies based on these changes.

K.A.R. 1-10-6 is being revised and 1-10-8 and 1-10-9 are being revoked to accommodate the governor's 1995 request to review and streamline regulations where possible. State employees will not be affected by the changes to these revised regulations. There is no fiscal impact on state agencies based on the changes.

K.A.R. 1-11-1 is being revised to accommodate the governor's 1995 request to review and streamline regulations where possible. State employees will not be affected by the changes to this revised regulation. There is no fiscal impact on state agencies based on the changes.

K.A.R. 1-13-1a is being revised and 1-13-2, 1-13-3 and 1-13-4 are being revoked to accommodate the governor's 1995 request to review and streamline regulations where possible. State employees will not be affected by the changes to this revised regulation. There is no fiscal impact on state agencies based on the change.

K.A.R. 1-14-7 and 1-14-10 are being revised and 1-14-6 is being revoked to accommodate the governor's 1995 request to review and streamline regulations where possible. There is no fiscal impact on state agencies based on the changes. K.A.R. 1-14-11 is being revised so that agencies will no longer have to submit a new furlough informational plan each time there is a furlough. This change will allow agencies to be more efficient in handling furloughs when state employees paid by federal funds are furloughed by the federal government. State employees will not be affected by the changes to this revised regulation. There is no fiscal impact on state agencies based on these changes.

Copies of the proposed regulations and the associated economic impact statements may be obtained from the Division of Personnel Services, Room 951-S, Landon State Office Building, 900 S.W. Jackson, Topeka, 66612; or by calling Keith Tate at (913) 296-1082.

Sheila Frahm
Secretary of Administration

Doc. No. 017297

State of Kansas

Department of Administration
Division of Purchases

Notice to Bidders

Sealed bids for the following items 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, March 4, 1996

31651

Statewide—Northern Telecom CPE equipment

31673

University of Kansas—Commercial compressed gas

03381

Department of Transportation—Gyratory compactors, Norton and Hutchinson

03382

Department of Transportation—Digitizing oscilloscope, Salina

Tuesday, March 5, 1996

31665

Department of Social and Rehabilitation Services—Dustmop yarn

03351

Kansas State University—Pickup truck

03352

University of Kansas—Network repeater

03353

Kansas State University—Unix based minicomputer (RS/6000E20)

03367

Kansas State University—Hi-Pro soybean meal

Wednesday, March 6, 1996

31671

Statewide—Cereals (cold)

Thursday, March 7, 1996

A-7750

University of Kansas—Partial reroof, Green Hall

31653

Statewide—PC computer maintenance

31667

Kansas Correctional Industries—Chemical for soap factory

31670

Kansas Neurological Institute—Canned beverages

03362

Emporia State University—Furnish and install storefront system

03366

Department of Transportation—Bituminous plant mix (District 1)

03372

University of Kansas—Furnish and install carpet and pad

03373

Adjutant General's Department—All labor and materials for asbestos removal

03383

Kansas Bureau of Investigation—Violent offenders' samples, DNA profiling

Friday, March 8, 1996

31661

Kansas State University—Floor care products

31666

Kansas Correctional Industries—Liquid detergent concentrate

03379

Kansas State University—Disk storage system (SUN SPARC array Model 210)

03380

Wichita State University—Office furniture

Tuesday, March 12, 1996

A-7477

Department of Transportation—Equipment wash building, Minneapolis

A-7478

Department of Transportation—Equipment wash building, McPherson

A-7482 Rev.

Department of Transportation—Equipment wash building, K-42 and I-35 bypass, Wichita

A-7494 Rev.

Department of Transportation—Equipment wash building, Winfield

A-7833 Rev.

Kansas State University—Masonry wall and ornamental fence, Clinical Sciences Building

Wednesday, March 13, 1996

A-7839

Fort Hays State University—Renovation, Phase 2, restoration and waterproofing, Lewis Field Stadium

A-7852

University of Kansas—Classroom lighting improvements, Learned Hall and Military Science Building

Friday, March 22, 1996

31660

Statewide—Automotive supplies

Monday, April 1, 1996

31664

Kansas Turnpike Authority—Use and occupancy insurance, bridge property damage

Request for Proposals

Tuesday, March 26, 1996

31603

Adoptive family services for the Department of Social and Rehabilitation Services

31652

Medicare re-pricing and health insurance premium purchase for Medicaid for the Department of Social and Rehabilitation Services

John T. Houlihan
Director of Purchases

Doc. No. 017314

State of Kansas

Kansas Commission on Governmental Standards and Conduct

Advisory Opinion No. 96-1

Written January 23, 1996, to Marla Barnt, Salina.

This opinion is in response to your letter of December 21, 1995, in which you request an opinion from the Kansas Commission on Governmental Standards and Conduct concerning the state level conflict of interest laws (K.S.A. 46-215 *et seq.*). We note at the outset that the commission's jurisdiction concerning your question is limited to the application of K.S.A. 46-215 *et seq.*, and whether some other statutory system, common law theory or agency rule and regulation applies to your inquiry is not covered by this opinion.

Factual Statement

We understand you request this opinion in your capacity as a rehabilitation counselor with the Kansas Vocational Rehabilitation Center (KVRRC). You advise us that as a rehabilitation counselor, you provide vocational counseling to individuals in need of rehabilitation. These individuals are referred to you by district office counselors. Vocational counseling is done by administering and interpreting vocational assessment tools. Information gathered includes vocational aptitude, interests, skills and personality behaviors. The information is processed, and a report is then written and sent to the individual and district office counselor.

You also advise us that you would like to set up a private business to provide rehabilitation services in the private sector during off-duty hours. These services would entail attending physician visits with a client to obtain medical information regarding the individual's medical needs and how soon his or her maximum medical improvement would be reached. Additional information gathered would consist of when the individual could be released to return to work, and what restrictions would be given.

You state that if one of your private sector clients were to be referred to the KVRRC, you would make sure that a different rehabilitation counselor would handle the case. Also, you would not refer individuals to the state for services or vice-versa.

Question

Is it a violation of the state level conflict of interest laws for you, during off-duty hours as a State of Kansas rehabilitation counselor, to provide rehabilitation services in the private sector?

Opinion

We have reviewed K.S.A. 46-215 *et seq.* in its entirety, and two sections apply to your question.

K.S.A. 1995 Supp. 46-233(a) states:

No state officer or employee shall in the capacity as such officer or employee be substantially involved in the preparation of or participate in the making of a contract with any person or business by which such officer or employee is employed or in whose business such officer or employee or any member of such officer's or employee's immediate family has a substantial interest and no such per-

son or business shall enter into any contract where any state officer or employee, acting in such capacity, is a signatory to, has been substantially involved in the preparation of or is a participant in the making of such contract and is employed by such person or business or such officer or employee or any member of such officer's or employee's immediate family has a substantial interest in such person or business. Substantial interest means "substantial interest" as defined by K.S.A. 46-229, and amendments thereto, and any such interest held within the preceding twelve months of the act or event of participating in the preparation of making a contract.

Whenever any individual has, within the preceding two years participated as a state officer or employee in the making of any contract with any person or business, such individual shall not accept employment with such person or business for one year following termination of employment as a state officer or employee.

K.S.A. 46-235 states:

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

In applying these sections to your situation, we understand that you will not participate, in your official capacity as a state employee, in the making of contracts between the state and your private business. Also, the services you will provide in the private sector will be separate, and apart from, your official duties with the state.

Therefore, so long as you do not participate, in the capacity as a state employee, in any contracts between the state and your business (K.S.A. 46-233), and your private services do not overlap with your state duties (K.S.A. 46-235), the situation you describe does not violate the state level conflict of interest laws.

Advisory Opinion No. 96-2

Written January 23, 1996, to Victor Dewey, Yates Center.

This opinion is in response to your letter of January 4, 1996, in which you request an opinion from the Kansas Commission on Governmental Standards and Conduct concerning the local level conflict of interest laws (K.S.A. 75-4301 *et seq.*). We note at the outset that the commission's jurisdiction concerning your question is limited to the application of K.S.A. 75-4301 *et seq.* Whether some other statutory system, common law theory or agency rule and regulation applies to your inquiry is not covered by this opinion.

Factual Statement

We understand you request this opinion in your capacity as the Emergency Preparedness Coordinator for Woodson County. You advise us that you are also the chairperson of the Woodson County Democratic Party.

(continued)

Question

Is it a violation of the local level conflict of interest laws (K.S.A. 75-4301 *et seq.*) for a county employee to also serve as chairperson of a county political party?

Opinion

We have reviewed the local level conflict of interest laws (K.S.A. 75-4301 *et seq.*) and nothing in those laws prohibits an individual from serving as both a county employee and as chairperson of a county political party.

Advisory Opinion No. 96-3

Written January 23, 1996, to John D. Petersen, Polsinelli, White, Vardeman & Shalton, Topeka.

This opinion is in response to your letter of January 10, 1996, in which you request an opinion from the Kansas Commission on Governmental Standards and Conduct concerning the lobbying provisions of the state level conflict of interest laws (K.S.A. 46-215 *et seq.*). We note at the outset that the commission's jurisdiction concerning your question is limited to the application of K.S.A. 46-215 *et seq.*, and whether some other statutory system, common law theory or agency rule and regulation applies to your inquiry is not covered by this opinion.

Factual Statement

We understand you request this opinion in your capacity as a partner in the law firm of Polsinelli, White, Vardeman & Shalton. You advise us that your firm has been retained by a civil litigant in an action against the State of Kansas. You further advise us that any possible settlement options regarding the litigation would entail you being involved in discussions with legislative and/or administrative officials regarding the appropriation of state funds.

You note that K.S.A. 46-225(d) specifically excludes such contact with state officials from the definition of lobbying for claims pending before the Special Committee on Claims. However, you are unclear as to the application of the lobbying provisions where an attorney's contact with the governmental officials would be part of his or her representation of a client in a lawsuit against the state.

Question

Is an attorney representing a client in a lawsuit against the state engaging in the business of lobbying if, as part of that representation, the attorney has contact with state governmental officials regarding the lawsuit?

Opinion

K.S.A. 46-225 states:

(a) "Lobbying" means: (1) Promoting or opposing in any manner action or nonaction by the legislature on any legislative matter or the adoption or nonadoption of any rule and regulation by any state agency; or

(2) entertaining any state officer or employee or giving any gift, honorarium or payment to a state officer or employee in an aggregate value of \$40 or more within any calendar year, if at any time during such year the person supplying the entertainment, gifts, honoraria or payments has a financial interest in any contract with, or action, proceeding or other matter before the state agency in which such state officer or employee serves, or if such person is the representative of a person having such a financial interest.

(c) "Lobbying" does not include any expenditure from amounts appropriated by the legislature for official hospitality.

(d) "Lobbying" does not include representation of a claimant on a claim filed by the claimant under K.S.A. 46-907 and 46-912 to 46-919, inclusive, and amendments thereto in proceedings before the joint committee on special claims against the state.

(e) "Lobbying" does not include bona fide personal or business entertaining.

(f) No legislator may be hired as a lobbyist to represent anyone before any state agency.

[When K.S.A. 46-225 was amended in 1991, proper lettering of the statute did not occur and subsection (b) became (a)(2). No subsection (b) now exists in K.S.A. 46-225.]

K.A.R. 19-61-1(a) in pertinent part, defines legislative matters as:

General. Promoting or opposing in any manner action or nonaction by the legislature on any legislative matter constitutes lobbying.

Legislative matters include any bills, resolutions, nominations, or other issues or proposals pending before the legislature or any committee, subcommittee, or council thereof. An issue or proposal is pending before any such body if it is being directly considered by such body, if it has been communicated to such body or a member thereof even if not directly considered by it, or if it is an issue subject to continuing review by any such body.

The commission believes that an attorney representing a claimant against the State of Kansas is not automatically engaging in the business of "lobbying." However, the lobbying provisions will be triggered when the representation extends to "lobbying" as defined by K.S.A. 46-225.

Turning then to your question, your representation involves discussions with legislators and other governmental officials regarding the appropriation of state funds. The appropriation of state funds would be a "legislative matter." Therefore, if in your representation you are involved in the promoting or opposing of legislative action or nonaction concerning these funds, you would be lobbying.

In closing, we note that as you stated, K.S.A. 46-225(d) does exclude the representation of a claimant on a claim filed under K.S.A. 46-901 *et seq.* from the definition of "lobbying." However, this exclusion would only extend to governmental officials involved in the claim as a party, or those legislators who serve on the Joint Committee on Special Claims Against the State. Thus, if you were to contact other governmental officials or legislators in order to help facilitate your client's claim under that section, these contacts would constitute "lobbying."

Advisory Opinion No. 96-4

Written January 23, 1996, to Scott Sewell, Department of Commerce and Housing, Topeka.

This opinion is in response to your letter of January 12, 1996, in which you request an opinion from the Kansas Commission on Governmental Standards and Conduct concerning the state level conflict of interest laws (K.S.A. 46-215 *et seq.*). We note at the outset that the commission's jurisdiction concerning your question is limited to the application of K.S.A. 46-215 *et seq.*, and whether some other

statutory system, common law theory or agency rule and regulation applies to your inquiry is not covered by this opinion.

Factual Statement

We understand you request this opinion in your capacity as the assistant coordinator of the Kansas Main Street Program in the Kansas Department of Commerce and Housing (KDOC&H). You advise us that the Kansas Downtown Development Association (KDDA), which is a nonprofit organization that works to help communities revitalize their downtowns, would like you to provide quasi-staff functions during off-duty hours. In this capacity, you would be maintaining KDDA membership files, planning membership drives and any other miscellaneous tasks.

You further advise us that to your knowledge KDDA does not contract with the state, nor is it licensed, inspected or regulated by the state.

Question

Is it a violation of the state level conflict of interest laws (K.S.A. 46-215 *et seq.*) for an employee of the Kansas Department of Commerce and Housing to also be employed by the Kansas Downtown Development Association during off-duty hours?

Opinion

We have reviewed K.S.A. 46-215 *et seq.*, and two sections might apply to your situation.

K.S.A. 1995 Supp. 46-233(a) states:

No state officer or employee shall in the capacity as such officer or employee be substantially involved in the preparation of or participate in the making of a contract with any person or business by which such officer or employee is employed or in whose business such officer or employee or any member of such officer's or employee's immediate family has a substantial interest and no such person or business shall enter into any contract where any state officer or employee, acting in such capacity, is a signatory to, has been substantially involved in the preparation of or is a participant in the making of such contract and is employed by such person or business or such officer or employee or any member of such officer's or employee's immediate family has a substantial interest in such person or business. Substantial interest means "substantial interest" as defined by K.S.A. 46-229, and amendments thereto, and any such interest held within the preceding twelve months of the act or event of participating in the preparation of making a contract.

Whenever any individual has, within the preceding two years participated as a state officer or employee in the making of any contract with any person or business, such individual shall not accept employment with such person or business for one year following termination of employment as a state officer or employee.

K.S.A. 46-286(a) states:

No state officer or employee, in the officer's or employee's official capacity, shall participate directly in the licensure, inspection or administration or enforcement of any regulation of or in any contract with any outside organization with which the officer or employee holds a position.

In applying this language to your situation, so long as you do not participate in your capacity as a state official in the making of contracts between the state and the development association (K.S.A. 46-233), and in your state duties you do not license, inspect or regulate the association (K.S.A. 46-286), the situation you describe does not violate the state level conflict of interest laws.

Advisory Opinion No. 96-5

Written January 23, 1996, to all interested persons:

Pursuant to K.S.A. 25-4159, the Kansas Commission on Governmental Standards and Conduct takes the opportunity to issue its opinion on the question of a candidate being required to remove his or her campaign treasurer due to the imposition of a civil penalty under the Kansas Campaign Finance Act (K.S.A. 25-4142 *et seq.*).

Question

When is a civil penalty imposed such that a candidate is required to remove his or her campaign treasurer?

Opinion

K.S.A. 25-4146 in pertinent part states:

(a) . . . A candidate shall remove any treasurer, that such candidate has appointed, against whom a civil penalty has been imposed pursuant to K.S.A. 25-4152, and amendments thereto.

K.A.R. 19-41-1(b) states:

Any person who is assessed a civil penalty for failing to comply with the registration, filing, and reporting provisions within five (5) days of notice may make written application for a waiver of the penalty within thirty (30) days after receipt of a civil penalty assessment order. Upon receipt of a written application for waiver, the commission shall schedule a public hearing within thirty (30) days in order to receive an explanation from the person as to why the document was not filed in a timely manner. Upon a finding of good cause, the commission may waive at any time any imposed civil penalty.

The commission believes that a civil penalty is not "imposed," for purposes of requiring the candidate to remove his or her campaign treasurer, until all final action is taken concerning the penalty. Thus, for an individual who does not seek a waiver of the civil penalty, the treasurer would have to be removed five days after receiving the civil penalty assessment order. For an individual who did seek a waiver, the treasurer would have to be removed upon completion of the public hearing if the waiver request was denied. The removal requirement would not apply to any treasurer who has his or her penalty waived for good cause by the commission.

Diane Gaede
Chair

Doc. No. 017247

State of Kansas

Attorney General

Opinion No. 96-4

Courts—District Courts; Miscellaneous Provisions—Budget for District Court Expenses Payable by Counties; Application of County Purchasing Policy to District Court. Judge Jack L. Lively, 14th Judicial District of Kansas, Coffeyville, February 2, 1996.

District courts are not required to follow county purchasing policies. Cited herein: K.S.A. 19-101a; 20-101; 20-329; 20-342; 20-348; 20-349; Kan. Const., art. 3, § 1. MF

Opinion No. 96-5

Constitution of the State of Kansas—Bill of Rights—Religious Liberty; Distribution by School District of Materials Regarding Weekday Bible School; Attendance.

Constitution of the United States—Amendments to the Constitution of the United States—Freedom of Religion, Speech and Press; Distribution by School District of Materials Regarding Weekday Bible School; Attendance.

Schools—School Attendance, Curriculum and Accreditation—School Term; Exceptions; Attendance at Weekday Bible School. John S. Robb, Counsel for Unified School District No. 373, Newton, February 5, 1996.

We concur with the conclusion expressed in Attorney General Opinion No. 73-242 that Unified School District No. 373 does not violate constitutional provisions when releasing pupils during the school day to attend the Newton Weekday Bible School conducted by interested citizens at a church or other designated location. If the policy of the school district is to have school personnel distribute information and materials regarding organizations seeking pupils for enlistment or to permit representatives of such organizations to distribute information and materials on school district property, the school district would not be permitted to preclude the Newton Weekday Bible School or its representatives from abiding by the policy of the school district by either providing for distribution by school personnel information and materials regarding the Bible school or by having a representative of the Bible school distribute on school property information or materials regarding the Bible school. A child is deemed to be enrolled in and attending school unless the child has been inexcusably absent from school for the number of days set forth in K.S.A. 1995 Supp. 72-1113. It is within the discretion of the unified school district to establish criteria for determining whether a child is inexcusably absent for a significant part of the school day. Cited herein: K.S.A. 72-977; 72-1033; 72-1106; K.S.A. 1995 Supp. 72-1111; 72-1113; Kan. Const., Bill of Rights, § 7; U.S. Const., amend. 1. RDS

Opinion No. 96-6

Counties and County Officers—Jails—County Jails; United States Prisoners; Prisoners on Detainer from Other States.

Criminal Procedure—Kansas Code of Criminal Procedure; Arrest—Fugitives From Justice; Confinement in Jail When Necessary. Representative Kenny A. Wilk, 42nd District, Lansing, February 5; 1996.

A county sheriff has the authority and the duty to comply with a warrant issued by a court of the governor acting under K.S.A. 22-2701 *et seq.* and must detain persons in accordance with the terms of K.S.A. 22-4401 *et seq.* Absent a warrant issued for arrest, a county sheriff must cooperate with other state authorities in accordance with K.S.A. 22-4403 and take custody of a person wanted by another state. The resulting costs of incarceration incurred by a county detaining a person on behalf of another state may be requested from the demanding state or the defendant, pursuant to K.S.A. 19-1917a, 22-3801, 22-4401 article V(g), or 22-2712. The state seeking ultimate custody of the person detained in Kansas must somehow obtain or possess personal jurisdiction over the individual in question before taking actual physical custody of a person found outside their boundaries. Such jurisdiction may be accomplished pursuant to the provisions of the detainer act and the extradition act. States may not act extra-territorially prior to establishing jurisdiction. Cited herein: K.S.A. 19-811; 19-812; 19-1910; 19-1916; 19-1917; 19-1930; 22-2701; 22-2702 22-2708; 22-2710; 22-2712; 22-2713; 22-2714; 22-2715; 22-2717; 22-3801; 22-4101; 22-4301; 22-4401; 22-4403; 28-175; 18 U.S.C.A. § 3181; U.S. const., art. 4, sec. 2, cl. 2. TMN

Opinion No. 96-7

Taxation—Listing Property for Taxation—Personal Property to be Listed and Assessed; Business Machinery, Equipment, Materials and Supplies. Representative Clyde D. Graeber, 41st District, Leavenworth, February 6, 1996.

Machinery, equipment, materials and supplies exempted from taxation pursuant to K.S.A. 1995 Supp. 79-201w are not required to be listed for assessment pursuant to K.S.A. 79-301 *et seq.* Cited herein: K.S.A. 1995 Supp. 79-201w; 79-213; K.S.A. 79-301; K.S.A. 1995 Supp. 79-306. JLM

Opinion No. 96-8

Personal and Real Property—Real Estate Brokers and Salespersons; Brokerage Relationships—Disclosure of Agency Relationship. Jean Duncan, Executive Director, Kansas Real Estate Commission, Topeka, February 6, 1996.

K.S.A. 1995 Supp. 58-30,110(a) pertains to a licensee's use of the "disclosure of alternative agency relationships" form with a prospective buyer or seller client in a real estate transaction. It does not require a licensee to furnish such disclosure form to perspective landlord or tenant client. Cited herein: K.S.A. 1995 Supp. 58-30,101; 58-30,103; 58-30,110. CN

Opinion No. 96-9

Counties and County Officers—County Commissioners; Powers and Duties—Powers of Board of Commissioners; Control Over County Employees; Employees Running

for County Office. Laurel D. McClellan, Kingman County Attorney, Kingman, February 14, 1996.

A county may adopt a general employee policy requiring that certain non-elected employees of a county take an unpaid leave of absence during the time they are a candidate running for county office. Such a policy can only be imposed upon those employees subject to the personnel policy authority of the board of county commissioners, should be drawn as narrowly as possible and must rationally promote a legitimate government interest. Cited herein: K.S.A. 19-101a; 19-212; 19-302; 19-503; 19-805; 19-1202; 44-714; 75-3925; 5 U.S.C.A. § 1501; U.S. Const., amends. I, V. TMN

Opinion No. 96-10

State Boards, Commissions and Authorities—Kansas Guardianship Program—Application of Tort Claims Act.

State Departments, Public Officers and Employees—Kansas Tort Claims Act—Definitions. Senator Tim Emert, 15th District, Independence, February 14, 1996.

The Kansas tort claims act applies to the Kansas Guardianship Program, its board of directors and employees. Cited herein: K.S.A. 38-1803; K.S.A. 1995 Supp. 74-8001; 74-8101; K.S.A. 74-9303; K.S.A. 1995 Supp. 74-9603; K.S.A. 75-6101; K.S.A. 1995 Supp. 75-6102. MF

Opinion No. 96-11

State Departments, Public Officers and Employees—Kansas Tort Claims Act—Definition of Municipality; Application to Cemetery Districts.

Corporations—Cemetery Corporations—Cemetery Districts; Application of Kansas Tort Claims Act. Lawrence M. Wright, Franklin County Attorney, Ottawa, February 14, 1996.

The Richmond-Berea Cemetery Association is a cemetery district organized pursuant to K.S.A. 17-1330 *et seq.* and, therefore, is a governmental entity for purposes of the Kansas tort claims act. Cited herein: 17-1330; 17-1331; 17-1332; 17-1366; 17-1367; K.S.A. 1995 Supp. 75-6102; 75-6104. MF

Carla J. Stovall
Attorney General

Doc. No. 017315

State of Kansas

Legislature

Legislative Bills Introduced

The following numbers and titles of bills and resolutions were recently introduced by the 1996 Kansas Legislature. Copies of bills and resolutions are available free of charge from the Legislative Document Room, 145-N, State Capitol, Topeka, 66612, (913) 296-4096.

Bills introduced February 8-14:

House Bills

HB 2982, by Committee on Agriculture: An act concerning the secretary of agriculture; relating to the powers and duties thereof.

HB 2983, by Committee on Agriculture: An act concerning plant pests; relating to fees; amending K.S.A. 2-2118 and repealing the existing section.

HB 2984, by Committee on Agriculture: An act concerning plant pests; relating to the secretary of agriculture's ability to become a member of the interstate pest control compact; amending K.S.A. 2-2114 and repealing the existing section.

HB 2985, by Committee on Financial Institutions and Insurance: An act relating to insurance; concerning accident and sickness insurance; providing for out-of-network access; amending K.S.A. 40-2,103 and 40-1909 and K.S.A. 1995 Supp. 40-19a10, 40-19b10, 40-19c09 and 40-19d10 and repealing the existing sections.

HB 2986, by Committee on Business, Commerce and Labor: An act concerning wage claims; relating to the collection thereof; amending K.S.A. 44-324 and repealing the existing section.

HB 2987, by Committee on Business, Commerce and Labor: An act concerning the department of human resources; abolishing the division of labor management relations and employment standards; repealing K.S.A. 75-5710.

HB 2988, by Committee on Business, Commerce and Labor: An act concerning the employment security law; implementing federal conformity requirements; amending K.S.A. 44-710, 44-714 and 44-718 and K.S.A. 1995 Supp. 44-706 and repealing the existing sections.

HB 2989, by Committee on Agriculture: An act concerning crimes and punishment; relating to cruelty to animals; amending K.S.A. 21-4310 and repealing the existing section.

HB 2990, by Committee on Judiciary: An act concerning crimes and punishment; relating to criminal possession of a firearm; amending K.S.A. 21-4204 and repealing the existing section.

HB 2991, by Committee on Judiciary: An act concerning criminal procedure; relating to discovery and inspection; amending K.S.A. 22-3212 and repealing the existing section.

HB 2992, by Committee on Judiciary: An act concerning the definition of capital murder; amending K.S.A. 21-3439 and repealing the existing section.

HB 2993, by Committee on Judiciary: An act concerning criminal procedure; relating to sentencing; amending K.S.A. 21-4704 and repealing the existing section.

HB 2994, by Select Committee on Telecommunications: An act concerning telecommunications services; relating to competition in rural areas; amending K.S.A. 66-1,187 and repealing the existing section.

HB 2995, by Committee on Transportation: An act relating to alternative-fueled motor vehicle property; providing a tax credit; amending K.S.A. 1995 Supp. 79-32,201 and repealing the existing section.

HB 2996, by Committee on Judiciary: An act concerning motor vehicles; relating to reporting of traffic convictions and adjudications; amending K.S.A. 8-2115 and K.S.A. 1995 Supp. 8-253 and repealing the existing sections.

HB 2997, by Committee on Agriculture: An act concerning public livestock markets; relating to inspections by authorized regulatory veterinarians; amending K.S.A. 47-1008 and repealing the existing section.

HB 2998, by Committee on Taxation: An act relating to sales taxation; concerning compliance investigation practices and procedures.

HB 2999, by Committee on Taxation: An act relating to sales taxation; concerning the payment thereof.

HB 3000, by Committee on Governmental Organization and Elections: An act relating to governmental ethics and conduct; concerning

(continued)

public officers and employees; prescribing certain standards governing ethics and conduct; amending K.S.A. 21-3902, 21-3910, 25-901, 25-904, 25-905, 25-4148, 25-4149, 25-4153, 46-215, 46-216, 46-217, 46-222, 46-224, 46-225, 46-226, 46-227, 46-228, 46-232, 46-239, 46-240, 46-242, 46-246a, 46-253, 46-255, 46-256, 46-257, 46-258, 46-266, 46-267, 46-269, 46-270, 46-271, 46-272, 46-274, 46-275 and K.S.A. 1995 Supp. 25-4143, 25-4145, 46-233, 46-236, 46-237, 46-265, 46-268, 75-4301a and 75-4304 and repealing the existing sections.

HB 3001, by Committee on Taxation: An act relating to income taxation; excluding certain retirement benefits therefrom; amending K.S.A. 1995 Supp. 79-32,117 and repealing the existing section.

HB 3002, by Committee on Governmental Organization and Elections: An act relating to election campaign finance; concerning reports by committees, organizations and associations promoting the success or defeat of parties and candidates in elections in certain political subdivisions of the state; amending K.S.A. 25-901 and repealing the existing section.

HB 3003, by Committee on Governmental Organization and Elections: An act concerning firefighters; relating to training; relating to the powers and duties of the state fire marshal; establishing the Kansas firefighter training certification program; establishing the Kansas firefighter training recognition program.

HB 3004, by Committee on Energy and Natural Resources: An act concerning hazardous waste; amending K.S.A. 65-3430 and repealing the existing section.

HB 3005, by Committee on Energy and Natural Resources: An act concerning certain fees established by the secretary of health and environment; amending K.S.A. 65-3022, 65-5309, 65-5704 and 82a-1206 and K.S.A. 1995 Supp. 65-166a, 65-3008 and 65-3024 and repealing the existing sections.

HB 3006, by Committee on Judiciary: An act concerning crimes and punishment; relating to interference with the administration of justice; amending K.S.A. 21-3816 and repealing the existing section.

HB 3007, by Committee on Judiciary: An act concerning civil procedure; relating to grounds for divorce; amending K.S.A. 60-1601 and K.S.A. 1995 Supp. 60-1610 and repealing the existing sections.

HB 3008, by Committee on Local Government: An act concerning property exempt from property and ad valorem taxes; amending K.S.A. 1995 Supp. 79-201a and repealing the existing section.

HB 3009, by Committee on Business, Commerce and Labor: An act concerning the workers compensation act; authorizing 24-hour health and disability insurance policies as a substitute therefor; amending K.S.A. 44-501 and repealing the existing section.

HB 3010, by Committee on Transportation: An act relating to product liability; concerning aircraft.

HB 3011, by Committee on Energy and Natural Resources: An act concerning vessels; providing for certificates of title; amending K.S.A. 32-1111 and K.S.A. 1995 Supp. 84-9-302 and repealing the existing sections.

HB 3012, by Committee on Energy and Natural Resources: An act relating to personal watercraft; concerning the regulation of personal watercraft franchises.

HB 3013, by Committee on Health and Human Services: An act requiring notification of certain persons prior to an abortion being performed in certain cases; providing requirements concerning notification and establishing limitations; providing substitute notification provisions; requiring certain reports; repealing K.S.A. 1995 Supp. 65-6705.

HB 3014, by Select Committee on Telecommunications: An act concerning taxation; relating to telecommunications public utilities; amending K.S.A. 79-5a01 and repealing the existing section.

HB 3015, by Committee on Judiciary: An act concerning adoption; amending K.S.A. 59-2114, 59-2124, 59-2131, 59-2134 and 59-2136 and K.S.A. 1995 Supp. 65-504 and repealing the existing sections; also repealing K.S.A. 59-2123.

HB 3016, by Committee on Judiciary: An act concerning emergency medical care.

HB 3017, by Committee on Judiciary: An act concerning the Kansas code for care of children; relating to the investigation of reports; amending K.S.A. 38-1523 and repealing the existing section.

HB 3018, by Committee on Judiciary: An act concerning crimes and punishment; relating to deceptive commercial practices; concerning the statute of limitations thereof; amending K.S.A. 21-3106 and 21-4403 and repealing the existing sections.

HB 3019, by Committee on Judiciary: An act concerning the consumer credit code; relating to deficiency judgments; amending K.S.A. 16a-5-103 and repealing the existing section.

HB 3020, by Committee on Judiciary: An act concerning crimes and punishment; relating to escape from custody, aggravated escape from custody and aiding an escape from custody; amending K.S.A. 21-3809, 21-3810 and 21-3811 and repealing the existing sections.

HB 3021, by Committee on Judiciary: An act concerning crimes and punishment; relating to pyramid promotional schemes.

HB 3022, by Committee on Judiciary: An act concerning civil procedure; relating to subcontractors' liens; amending K.S.A. 60-1103b and repealing the existing section.

HB 3023, by Committee on Judiciary: An act concerning children and minors; relating to visitation rights of grandparents; amending K.S.A. 38-129 and 60-1616 and repealing the existing sections.

HB 3024, by Committee on Judiciary: An act concerning criminal procedure; relating to the definition of a law enforcement officer; amending K.S.A. 22-2202 and repealing the existing section.

HB 3025, by Committee on Judiciary: An act concerning the Kansas code for care of children; relating to the termination of parental rights; amending K.S.A. 1995 Supp. 38-1582 and 38-1583 and repealing the existing sections.

HB 3026, by Committee on Judiciary: An act concerning criminal procedure; relating to lawful arrests and searches; concerning policies adopted by prosecutors to handle domestic violence situations; amending K.S.A. 22-2501 and repealing the existing section.

HB 3027, by Committee on Economic Development: An act concerning water supply and distribution districts; relating to the detachment of certain land.

HB 3028, by Committee on Judiciary: An act concerning motor vehicles; relating to use of child car seats and seat belts; amending K.S.A. 8-1347, 8-2503, 8-2504 and 20-2801 and K.S.A. 1995 Supp. 8-1345 and 8-2118 and repealing the existing sections.

HB 3029, by Committee on Energy and Natural Resources: An act concerning water quality standards; requiring certain conditions to be met before imposition of certain standards.

HB 3030, by Committee on Energy and Natural Resources: An act concerning telecommunications services; relating to dial-up access to on-line or internet providers.

HB 3031, by Committee on Energy and Natural Resources: An act designating the Kansas river as an outstanding natural resource water.

HB 3032, by Committee on Economic Development: An act concerning the Kansas development finance authority; relating to the issuance of bonds for certain housing development; amending K.S.A. 1995 Supp. 74-8902 and 74-8905 and repealing the existing sections.

HB 3033, by Committee on Judiciary: An act concerning civil procedure; relating to docket fees; creating the access to justice fund in the state treasury; amending K.S.A. 20-362 and K.S.A. 1995 Supp. 60-2001 and repealing the existing sections.

HB 3034, by Committee on Judiciary: An act concerning dispute resolution; amending K.S.A. 1995 Supp. 5-501, 5-502, 5-503, 5-504, 5-505, 5-506, 5-507, 5-508, 5-509, 5-510, 5-511, 5-512, 5-513, 5-515, 5-516 and 5-517 and repealing the existing sections.

HB 3035, by Committee on Judiciary: An act to protect the fundamental right of a parent to direct the upbringing of a child.

HB 3036, by Committee on Judiciary: An act concerning children and minors; amending K.S.A. 38-1507, 38-1508, 38-1523 and 38-1526 and K.S.A. 1995 Supp. 38-1527, 38-1563 and 38-1584 and repealing the existing sections; also repealing K.S.A. 38-1507a.

HB 3037, by Committee on Judiciary: An act concerning protection from abuse; amending K.S.A. 22-2307, 22-2308, 60-3103, 60-3104, 60-3105 and 60-3107 and repealing the existing sections.

HB 3038, by Committee on Judiciary: An act concerning driving under the influence; relating to a suspended license; amending K.S.A. 1995 Supp. 8-262, 8-1014, 8-1015, 8-1016 and 8-1017 and repealing the existing sections.

HB 3039, by Committee on Judiciary: An act concerning civil procedure; relating to worthless checks; amending K.S.A. 1995 Supp. 60-2610 and repealing the existing section; also repealing K.S.A. 60-2611.

HB 3040, by Committee on Economic Development: An act concerning the community strategic planning assistance act; extending the eligibility for action grants awarded thereunder for an additional year; amending K.S.A. 1995 Supp. 74-50,100 and repealing the existing section.

HB 3041, by Committee on Judiciary: An act enacting the uniform partnership act (1994); repealing K.S.A. 56-301 through 56-343.

House Concurrent Resolutions

HCR 5039, A proposition to amend article 2 of the constitution of the state of Kansas by adding a new section thereto; authorizing initiation and enactment of laws by the registered voters of the state.

HCR 5040, A proposition to amend sections 2, 4 and 7 of article 6 of the constitution of the state of Kansas, relating to education.

Senate Bills

SB 635, by Committee on Transportation and Utilities: An act relating to the board of public utilities; concerning procedures for rate increases; amending K.S.A. 13-1228a and 13-1228f and repealing the existing sections.

SB 636, by Committee on Judiciary: An act concerning pupils of private, nonprofit elementary or secondary schools; relating to the provision of auxiliary schools services thereto by school districts; amending K.S.A. 72-5392 and 72-5393 and repealing the existing sections.

SB 637, by Committee on Public Health and Welfare: An act concerning nursing; relating to the delegation of nursing procedures.

SB 638, by Committee on Public Health and Welfare: An act concerning the Kansas healing arts act; practice of medicine and surgery; amending K.S.A. 65-2802 and 65-2869 and repealing the existing sections.

SB 639, by Committee on Public Health and Welfare: An act concerning assisted living facilities; relating to payment under the medicaid plan.

SB 640, by Committee on Public Health and Welfare: An act concerning the Kansas healing arts act; license prerequisite to practice the healing arts; amending K.S.A. 65-2803 and 65-2872 and repealing the existing sections.

SB 641, by Committee on Agriculture: An act concerning agricultural corporations; amending K.S.A. 17-5903 and 17-5904 and repealing the existing sections.

SB 642, by Committee on Judiciary: An act enacting the simplified establishment and enforcement of support act; amending K.S.A. 23-4,101, 23-9,102, 38-1131 and 75-3306 and K.S.A. 1995 Supp. 39-709, 40-2209, 40-2209d, 74-2012 and 79-3234 and repealing the existing sections.

SB 643, by Committee on Judiciary: An act concerning the Kansas juvenile offenders code; relating to release or discharge from commitment; notice; amending K.S.A. 1995 Supp. 38-1673 and 38-1675 and repealing the existing sections.

SB 644, by Committee on Judiciary: An act concerning court costs; relating to costs of sexual assault evidence collection kits; amending K.S.A. 1995 Supp. 65-448 and repealing the existing section.

SB 645, by Committee on Financial Institutions and Insurance: An act concerning insurance; reinsurance of risks; amending K.S.A. 1995 Supp. 40-221a and repealing the existing section.

SB 646, by Committee on Federal and State Affairs: An act concerning the Kansas lottery; relating to certain transfers to the state gaming revenues fund; amending K.S.A. 74-8711 and repealing the existing section.

SB 647, by Committee on Judiciary: An act concerning criminal procedure; relating to juries; less than unanimous verdicts; amending K.S.A. 22-3403, 22-3421 and 22-3423 and repealing the existing sections.

SB 648, by Committee on Commerce: An act concerning group-funded workers compensation pools; amending K.S.A. 44-566a and repealing the existing section.

SB 649, by Committee on Commerce: An act concerning the workers compensation act; relating to certain procedures thereunder; amending K.S.A. 44-510, 44-510d, 44-510e, 44-525, 44-531, 44-532, 44-534a, 44-543, 44-566a and 44-5,110 and K.S.A. 1995 Supp. 44-508, 44-551 and 44-5,125 and repealing the existing sections; also repealing K.S.A. 44-5,111, 44-5,112, 44-5,113, 44-5,114, 44-5,115 and 44-5,116.

SB 650, by Committee on Commerce: An act concerning the workers compensation act; relating to the eligibility of certain employers to self-insure; amending K.S.A. 44-532 and repealing the existing section.

SB 651, by Committee on Transportation and Utilities: An act relating to motor vehicles; concerning license plates; amending K.S.A. 8-127, 8-132, 8-133, 8-134, 8-145a, 8-145b, 8-145c, 8-148, 8-161, 8-161b, 8-162, 8-195, 8-1,126, 8-1,130, 8-1,133, 8-1,139, 8-1705, 8-1706, 8-1729, 8-2425, 32-901 and 75-4612 and K.S.A. 1995 Supp. 8-135, 8-139, 8-142, 8-143, 8-143j, 8-145, 8-170, 8-171, 8-177a, 8-177c, 8-1,125, 8-1,129, 8-1,140, 8-1,142, 8-1567, 75-4610 and 79-5107 and repealing the existing sections.

SB 652, by Committee on Local Government: An act concerning the open meetings act; relating to executive or closed meetings; amending K.S.A. 75-4320a and K.S.A. 1995 Supp. 75-4319 and repealing the existing sections.

SB 653, by Committee on Local Government: An act concerning water supply and distribution districts; relating to the detachment of certain land.

SB 654, by Committee on Judiciary: An act concerning county and city jails; relating to inmates; medical visit service fees.

SB 655, by Committee on Judiciary: An act concerning criminal procedure; relating to Kansas parole board; amending K.S.A. 22-3701, 22-3709, 22-3717, 22-3718 and 22-3722 and repealing the existing sections; also repealing K.S.A. 22-3712.

SB 656, by Committee on Financial Institutions and Insurance: An act concerning long-term care insurance; amending K.S.A. 40-2228 and K.S.A. 1995 Supp. 40-2,116 and repealing the existing sections.

SB 657, by Committee on Commerce: An act concerning workers compensation; relating to the medical fee schedule; amending K.S.A. 44-510 and repealing the existing section.

SB 658, by Committee on Education: An act enacting the Kansas national guard educational assistance act.

SB 659, by Committee on Agriculture: An act concerning public livestock markets; relating to occasional sales; amending K.S.A. 47-1001d and K.S.A. 1995 Supp. 47-1001 and repealing the existing sections.

SB 660, by Committee on Public Health and Welfare: An act enacting the Kansas medicaid fraud control act; declaring certain acts to be crimes and providing penalties therefor; authorizing civil actions and penalties for certain violations; granting certain powers to and imposing certain duties upon the attorney general; amending K.S.A. 21-3106 and repealing the existing section.

SB 661, by Committee on Ways and Means: An act concerning the Kansas public broadcasting council act; relating to grants to stations; amending K.S.A. 1995 Supp. 75-4914, 75-4916, 75-4917, 75-4918, 75-4920 and 75-4921 and repealing the existing sections.

SB 662, by Committee on Ways and Means: An act relating to certificates of title; concerning the disposition of title fees; amending K.S.A. 1995 Supp. 8-135, 8-135a, 8-139, 8-145, 8-170, 8-171, 8-198 and 74-2013 and repealing the existing sections.

SB 663, by Legislative Post Audit Committee: An act concerning racing with parimutuel wagering; amending K.S.A. 1995 Supp. 74-8802, 74-8805 and 74-8813 and repealing the existing sections.

SB 664, by Committee on Commerce: An act concerning the employment security law, exempting direct sellers from coverage thereunder; amending K.S.A. 1995 Supp. 44-703 and repealing the existing section.

SB 665, by Committee on Financial Institutions and Insurance: An act concerning mortgages; mortgage business and mortgage loans.

SB 666, by Committee on Financial Institutions and Insurance: An act concerning banks; limitations on loans and borrowing; amending K.S.A. 1995 Supp. 9-1104 and repealing the existing section.

SB 667, by Committee on Energy and Natural Resources: An act relating to big game permits; amending K.S.A. 1995 Supp. 32-937 and repealing the existing section.

SB 668, by Committee on Energy and Natural Resources: An act relating to public utilities; concerning securities of public utilities; amending K.S.A. 66-127 and repealing the existing section; also repealing K.S.A. 66-124 and K.S.A. 1995 Supp. 66-125.

SB 669, by Committee on Ways and Means: An act concerning the state board of regents; relating to the granting of easements upon land under the custody and control thereof; amending K.S.A. 74-3264 and repealing the existing section.

SB 670, by Committee on Ways and Means: An act concerning state agencies; relating to write-off of accounts receivable and taxes receivable; revising the definition of head of a state agency to include chief executive officers of state educational institutions; amending K.S.A. 75-3728a and repealing the existing section.

SB 671, by Committee on Elections, Congressional and Legislative Apportionment and Governmental Standards: An act concerning elections; relating to advance voting; amending K.S.A. 25-1133 and K.S.A. 1995 Supp. 25-1134 and repealing the existing sections.

SB 672, by Committee on Judiciary: An act concerning crimes, criminal procedure and punishment; relating to federal law enforcement officers.

SB 673, by Committee on Judiciary: An act concerning crimes and punishment; relating to escape from custody and aggravated escape from custody; juvenile offenders; amending K.S.A. 21-3809 and 21-3810 and repealing the existing sections.

SB 674, by Committee on Judiciary: An act concerning criminal procedure; relating to material witness; juvenile offender proceedings; amending K.S.A. 22-2805 and repealing the existing section.

(continued)

SB 675, by Committee on Judiciary: An act enacting the abortion-breast cancer act; establishing requirements for informed consent relating to abortions and breast cancer; providing penalties for violations; repealing K.S.A. 65-6706.

SB 676, by Committee on Judiciary: An act concerning divorce; relating to division of property; amending K.S.A. 1995 Supp. 60-1610 and repealing the existing section.

SB 677, by Committee on Judiciary: An act concerning crimes and punishment; relating to persons with life threatening communicable disease; amending K.S.A. 21-3435 and repealing the existing section.

SB 678, by Committee on Judiciary: An act concerning public health; relating to cremation; fees for permits; amending K.S.A. 1995 Supp. 65-2426a and repealing the existing section.

SB 679, by Committee on Judiciary: An act concerning coroners; relating to retention of specimens; amending K.S.A. 22a-233 and repealing the existing section.

SB 680, by Committee on Public Health and Welfare: An act concerning the state health care benefits program; benefits authorized; amending K.S.A. 75-6501 and repealing the existing section.

SB 681, by Committee on Public Health and Welfare: An act concerning public water supply systems; requiring the addition of fluorides; amending K.S.A. 65-171m and repealing the existing section.

SB 682, by Health Care Reform Legislative Oversight Committee: An act establishing the Kansas voluntary health care purchasing cooperative act; amending K.S.A. 1995 Supp. 40-2209 and repealing the existing section.

SB 683, by Committee on Ways and Means: An act relating to income taxation; excluding certain retirement benefits therefrom; amending K.S.A. 1995 Supp. 79-32,117 and repealing the existing section.

SB 684, by Committee on Public Health and Welfare: An act concerning the optometry law; concerning the practice of optometry; creating an interprofessional advisory committee; amending K.S.A. 65-1501, 65-1501a, 65-1505 and 74-1501 and repealing the existing sections.

SB 685, by Committee on Energy and Natural Resources: An act relating to oil and gas; concerning the prevention of pollution and protection of water quality; amending K.S.A. 55-179 and K.S.A. 1995 Supp. 55-162 and repealing the existing sections.

SB 686, by Committee on Energy and Natural Resources: An act relating to the accidental release or discharge of materials detrimental to the quality of the waters and soil of the state; concerning the liability of landowners for correction or remedial action therefor.

SB 687, by Committee on Public Health and Welfare: An act concerning the Kansas healing arts act; concerning temporary education licenses; amending K.S.A. 65-28,123 and repealing the existing section.

SB 688, by Committee on Public Health and Welfare: An act concerning adult care home administrators; establishing a new board of adult care home administrators; providing for appointment of an executive director; amending K.S.A. 65-3506, 65-3507 and 65-3508 and K.S.A. 1995 Supp. 65-3503 and repealing the existing sections.

SB 689, by Committee on Elections, Congressional and Legislative Apportionment and Governmental Standards: An act concerning elections; relating to candidates' names on ballots; residence; amending K.S.A. 25-613 and K.S.A. 1995 Supp. 25-1120 and repealing the existing sections.

SB 690, by Committee on Elections, Congressional and Legislative Apportionment and Governmental Standards: An act relating to elections; concerning primary elections; amending K.S.A. 25-215, 25-216 and 25-1310 and K.S.A. 1995 Supp. 25-1122d and repealing the existing sections; also repealing K.S.A. 25-3301, 25-3303, 25-3304, 25-3306 and 25-3307 and K.S.A. 1995 Supp. 25-3302.

SB 691, by Committee on Elections, Congressional and Legislative Apportionment and Governmental Standards: An act relating to elections; concerning primary elections; prescribing the date therefor; amending K.S.A. 25-203, 25-204, 25-1115, 25-2102 and 25-2502 and K.S.A. 1995 Supp. 25-302a, 25-1122 and 25-3205 and repealing the existing sections.

SB 692, by Committee on Elections, Congressional and Legislative Apportionment and Governmental Standards: An act relating to election campaign finance; concerning contributions and reports of treasurers; amending K.S.A. 25-4148, 25-4153, 25-4153a and 25-4155 and repealing the existing sections.

SB 693, by Committee on Elections, Congressional and Legislative Apportionment and Governmental Standards: An act relating to state governmental ethics; prescribing limitations upon the value of gifts; concerning the reporting of gifts and hospitality; amending K.S.A. 46-225, 46-269 and 46-271 and K.S.A. 1995 Supp. 46-237 and repealing the existing sections.

SB 694, by Committee on Commerce: An act concerning workers compensation; relating to permanent partial disability; amending K.S.A. 44-501 and repealing the existing section.

SB 695, by Committee on Judiciary: An act concerning judges; relating to retirement; amending K.S.A. 20-2608 and repealing the existing section.

SB 696, by Committee on Judiciary: An act concerning crimes and punishment; relating to sentencing guidelines grid for drug crimes; amending K.S.A. 21-4705 and repealing the existing section.

SB 697, by Committee on Judiciary: An act concerning corrections; relating to inmates in custody of county pending transfer to state facility; amending K.S.A. 1995 Supp. 75-5220 and repealing the existing section.

SB 698, by Committee on Judiciary: An act concerning criminal procedure; relating to release procedures; off-grid crimes; parole eligibility; amending K.S.A. 22-3717 and repealing the existing section.

SB 699, by Committee on Judiciary: An act concerning crimes and punishment; relating to battery against a law enforcement officer; amending K.S.A. 21-3413 and repealing the existing section.

SB 700, by Committee on Judiciary: An act concerning criminal procedure; relating to search without search warrant; amending K.S.A. 22-2501 and repealing the existing section.

SB 701, by Committee on Judiciary: An act concerning crimes and punishment; relating to making a false writing; amending K.S.A. 21-3711 and repealing the existing section.

SB 702, by Committee on Judiciary: An act concerning courts; relating to collection of debts owed thereto; attorney general; amending K.S.A. 21-4603d and 60-2310 and K.S.A. 1995 Supp. 60-4302 and 75-6202 and repealing the existing sections.

SB 703, by Committee on Federal and State Affairs: An act concerning banks and banking; relating to delivery of certain contents of safe deposit boxes on death of the lessee or lessees; amending K.S.A. 1995 Supp. 9-1504 and repealing the existing section.

SB 704, by Committee on Legislative Post Audit: An act concerning the quality and quantity of petroleum products; amending K.S.A. 55-422, 55-423, 55-426, 55-427, 55-434, 55-436, 55-437, 55-438, 55-439, 55-440, 55-441, 55-442, 55-443, 83-401 and 83-410 and K.S.A. 1995 Supp. 83-402, 83-404, 83-405, 83-407 and 83-409 and repealing the existing sections; also repealing K.S.A. 55-446 and 83-406.

SB 705, by Committee on Legislative Post Audit: An act concerning weights and measures devices; amending K.S.A. 34-2,108, 83-143, 83-144, 83-145, 83-146, 83-149, 83-154, 83-155, 83-205, 83-208, 83-209, 83-210, 83-212, 83-213, 83-215, 83-216, 83-220, 83-221, 83-222, 83-225, 83-303, 83-307 and 83-311 and K.S.A. 1995 Supp. 83-201, 83-202, 83-206, 83-207, 83-214, 83-219, 83-301, 83-302, 83-304, 83-305, 83-308, 83-321, 83-322, 83-323, 83-324 and 83-325 and repealing the existing sections; also repealing K.S.A. 83-147 and 83-306 and K.S.A. 1995 Supp. 83-310.

SB 706, by Committee on Judiciary: An act concerning transfer on death; designation of former spouse as beneficiary; marriage dissolution, effect.

SB 707, by Committee on Judiciary: An act concerning civil procedure and civil actions; relating to garnishment; amending K.S.A. 60-717, 60-718 and 61-2005 and repealing the existing sections; also amending Form No. 8 and Form No. 8a, as provided in the appendix of forms following K.S.A. 61-2605 and repealing the existing forms.

SB 708, by Committee on Federal and State Affairs: An act concerning racing with parimutuel wagering; amending K.S.A. 74-8815 and K.S.A. 1995 Supp. 74-8802, 74-8810, 74-8813, 74-8818 and 74-8836 and repealing the existing sections.

SB 709, by Committee on Judiciary: An act concerning juvenile justice; relating to juvenile justice or care agencies; release of records.

SB 710, by Committee on Judiciary: An act concerning the brokerage relationships in real estate transactions act; amending K.S.A. 1995 Supp. 58-30,101 and repealing the existing section.

Senate Concurrent Resolutions

SCR 1620, A concurrent resolution urging the Kansas legislature to provide funding within the department on aging budget for expansion of the retired and senior volunteer program.

Senate Resolutions

SR 1811, A resolution congratulating and commending Danielle Boatwright for placing first runner-up in the Miss USA Pageant.

SR 1812, A resolution disapproving Executive Reorganization Order No. 27, relating to the state's administration of the federal individuals with disabilities education act.

SR 1813, A resolution disapproving Executive Order No. 28, relating to the Kansas human rights commission.

Doc. No. 017300

State of Kansas

Office of the State Treasurer

Notice of Investment Rates

The following rates are published in accordance with K.S.A. 1995 Supp. 75-4210, as amended. These rates and their uses are defined in K.S.A. 75-4201(l), 12-1675(b)(c)(d) and 75-4209(a)(1)(B), as amended.

Effective 2-26-96 through 3-3-96	
Term	Rate
0-90 days	5.20%
3 months	4.87%
6 months	4.92%
9 months	4.86%
12 months	4.82%
18 months	4.85%
24 months	4.90%
36 months	4.99%
48 months	5.17%

Sally Thompson
State Treasurer

Doc. No. 017299

(Published in the Kansas Register February 22, 1996.)

**Abbreviated Notice of Bond Sale
City of Kansas City, Kansas
\$1,535,000**

**Federally Taxable General Obligation
Refunding Bonds
Series 1996
(Renaissance Center Project)
(General obligations payable from
unlimited ad valorem taxes)**

Sealed Bids

Sealed bids will be received by the director of finance/budget director of the City of Kansas City, Kansas, at the City Hall, One McDowell Plaza, Suite 350, 701 N. 7th, Kansas City, KS 66101, until 10 a.m. Central Time on Thursday, February 29, 1996, for the purchase of the city's \$1,535,000 principal amount of federally taxable General Obligation Refunding Bonds, Series 1996 (Renaissance Center Project). All bids will be publicly opened and read at said time and place and will be acted upon by the governing body at 7 p.m. Central Time of the same day. No oral or auction bids will be considered. No bid of less than \$1,519,650 (99 percent of the principal amount of the bonds) and accrued interest on the principal amount of the bonds to the date of delivery thereof will be considered.

Bond Details

The bonds will consist of fully registered bonds in the denomination of \$5,000 or any integral multiple thereof, will be dated March 1, 1996, will be issued in the principal amount of \$1,535,000, and will become due serially on April 1 in each of the years as follows:

Maturity Schedule

Maturity April 1	Principal Amount
1997	\$155,000
1998	170,000
1999	175,000
2000	185,000
2001	195,000
2002	205,000
2003	220,000
2004	230,000

The bonds will bear interest from their date at rates to be determined when the bonds are sold as herein provided, which interest will be payable semiannually on April 1 and October 1 in each year, commencing October 1, 1996.

Delivery and Payment

The bonds will be delivered to the successful bidder properly prepared, executed and registered without cost to the bidder on or about March 28, 1996, at such bank or trust company in the continental United States of America as may be specified by the successful bidder and which is acceptable to the city.

Good Faith Deposit

A good faith deposit in the form of a certified or cashier's check in the amount of \$30,700 must accompany each bid for the bonds.

Costs

The city will pay the cost of printing the bonds and the expense of all legal services, including the opinion of Burke, Williams, Sorensen & Gaar, bond counsel, approving the legality of the bonds and the exclusion of the interest thereon (with specified minor exceptions) from Kansas gross income taxes.

Assessed Valuation and Indebtedness

For the computation of the debt limitation relating to the bonds, the assessed valuation of the taxable tangible property within the city as of December 31, 1995, is \$638,016,179. The total general obligation bonded indebtedness, including bonds being refunded on April 1, 1996, with the proceeds of the bonds, of the city as of March 1, 1996, the date of the bonds, including the bonds, is \$119,695,177.

Additional Information

A complete notice of bond sale, preliminary official statement and bid forms approved by the city will be mailed to all interested parties. Additional information regarding the bonds may be obtained from the director of finance/budget director at (913) 573-5270; from Springsted Public Finance, the city's financial advisor, at (612) 223-3000; or from Burke, Williams, Sorensen & Gaar, bond counsel, at (913) 339-6200.

City of Kansas City, Kansas
By Nancy L. Zielke
Director of Finance/Budget Director
City of Kansas City, Kansas
701 N. 7th
Kansas City, KS 66101
(913) 573-5270

Doc. No. 017312

State of Kansas

University of Kansas

Notice to Bidders

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

Monday, March 4, 1996

RFQ 96-6482

Unix workstation

Diane Goddard
Acting Director of Purchasing

Doc. No. 017311

(Published in the Kansas Register February 22, 1996.)

Notice of Redemption
City of Chapman, Kansas
Water and Sewer System
Revenue Bonds

Series 1978-1

Dated October 1, 1978

Notice is hereby given that pursuant to a resolution of the governing body of the City of Chapman, Kansas, and Section 3 of the city's ordinance No. 552, the following outstanding City of Chapman, Kansas, Water and Sewer System Revenue Bonds, Series 1978-1, dated October 1, 1978, maturing on and after October 1, 1995, have been called for redemption and prepayment on April 1, 1996 (the redemption date) prior to their maturity subject to the provisions and limitations set forth herein.

Bond Numbers	Principal Amount	Maturity Date	Interest Rate
28-30	\$15,000	October 1, 1996	7.25%
31-33	\$15,000	October 1, 1997	7.25%
34-36	\$15,000	October 1, 1998	7.25%

The principal amount of the above described Series 1978-1 Bonds shall become due and payable on April 1, 1996, at a redemption price equal to the principal amount thereof, plus accrued interest thereon to said redemption date, and at a premium of 2½ percent.

On April 1, 1996, provided that funds are on hand to pay the specified redemption price, all outstanding 1978-1 Bonds will become due and payable at the office of the Kansas State Treasurer, Topeka, Kansas, and from and after April 1, 1996, all interest on the Series 1978-1 Bonds will cease to accrue thereon. All coupons maturing subsequent to April 1, 1996, must be attached to and surrendered with said Series 1978-1 Bonds.

Under the Interest and Dividend Tax Compliance Act of 1983 [Section 3406(a)(1) of the Internal Revenue Code of 1986], as amended, paying agents making payment of principal on municipal securities may be obligated to withhold a 31 percent tax from remittances to individuals who have failed to provide the paying agent with a valid taxpayer identification number when presenting securities for payment. Holders of the Series 1978-1 Bonds who desire to avoid the imposition of said tax should submit

certified taxpayer identification numbers when presenting the bonds for payment.

Dated February 8, 1996.

City of Chapman, Kansas
By Kansas State Treasurer
Topeka, Kansas
Paying Agent

Doc. No. 017316

State of Kansas

State Employees Health Care Commission

Notice of Hearing on Proposed
Administrative Regulations

A public hearing will be conducted at 9 a.m. Monday, April 22, in Room 108, Landon State Office Building, 900 S.W. Jackson, Topeka, to consider the adoption of a proposed rule and regulation of the Health Care Commission.

This 60-day notice of the public hearing shall constitute a public comment period for the purpose of receiving written public comments on the proposed rule and regulation. All interested parties may submit written comments prior to the hearing to the Secretary of Administration, Room 263-E, State Capitol, 300 S.W. 10th Ave., Topeka, 66612. All interested parties will be given a reasonable opportunity to present their views orally on the adoption of the proposed regulation during the hearing. In order to give all parties an opportunity to present their views, it may be necessary to request each participant to limit any oral presentation to five minutes.

Any individual with a disability may request accommodation in order to participate in the public hearing and may request the proposed regulation and economic impact statement in an accessible format. Requests for accommodation to participate in the hearing should be made at least five working days in advance of the hearing by contacting Faith Loretto at (913) 296-6000 [TTY (913) 296-4798]. Handicapped parking is located on the south end of the Landon State Office Building, and the north entrance to the building is accessible.

A summary of the proposed regulation and the economic impact follows.

K.A.R. 108-1-1 is being revised to clarify the nature of participation in the State of Kansas Group Health Insurance Program. There are no changes in who is eligible or in administrative policy, and therefore no economic impact on state agencies. The changes are requested for purposes of delineating which participants are "active employees" with biweekly payroll contributions and which are "direct bill" with monthly premium payments.

Copies of the proposed regulation and the associated economic impact statement may be obtained from the Division of Personnel Services, Room 951-S, Landon State Office Building, Topeka, 66612; or by calling Keith Tate at (913) 296-1082.

Sheila Frahm
Secretary of Administration

Doc. No. 017309

State of Kansas

Department of Transportation

Notice to Consulting Engineers

Consultant engineering firms not currently qualified who would like to be qualified to perform engineering services for the Kansas Department of Transportation are requested to submit information to KDOT.

To become qualified, firms should request a DOT Form No. 1050, "Consulting Engineer Qualification Question-

naire," from Neil R. Rusch, P.E., Assistant to the Director, Division of Engineering and Design, Kansas Department of Transportation, Room 1084-West, Docking State Office Building, 915 S.W. Harrison, Topeka, 66612. Seven signed copies of this form must be returned to the address above by March 11.

E. Dean Carlson
Secretary of Transportation

Doc. No. 017285

State of Kansas

Office of Judicial Administration
Supreme Court Docket

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

Monday, March 4, 1996

9:00 a.m.

Case No.	Case Name	Attorneys	County
71,560	Gloria Hardesty, Appellee, v. Coastal Mart, Inc., Appellant.	James Z. Hernandez	Sedgwick Petition for Review
73,584	State of Kansas, Appellee, v. Maceo Thompson, Jr., Appellant.	Tim J. Moore Carla J. Stovall, Attorney General Debra S. Peterson, Assistant District Attorney	Sedgwick
73,322	State of Kansas, Appellee, v. Leck B. Kaesontae, Appellant.	Thomas Jacquinet, Special Appellate Defender Carla J. Stovall, Attorney General Debra S. Peterson, Assistant District Attorney	Sedgwick
75,060	State of Kansas, Appellee, v. Curtis L. Turner, Appellant.	Hazel Haupt, Assistant Appellate Defender Carla J. Stovall, Attorney General Debra S. Peterson, Assistant District Attorney	Sedgwick
(73,779) (73,781) (73,782) (Consolidated)	In the Matter of the Care and Treatment of James Raborn.	Daniel E. Monnat	Sedgwick
73,594	State of Kansas, Appellee, v. Derrick L. Laughlin, Appellant.	Stephen B. Plummer E. Jay Greeno Thomas J. Weilert Carla J. Stovall, Attorney General Debra S. Peterson, Assistant District Attorney	Sedgwick
		Carla J. Stovall, Attorney General Debra S. Peterson, Assistant District Attorney	Sedgwick
		Michael J. Helvey, Assistant Appellate Defender	

(continued)

73,741	State of Kansas, Appellee, v. Willie J. Bowen, Appellant.	Carla J. Stovall, Attorney General Debra S. Peterson, Assistant District Attorney Benjamin C. Wood, Special Appellate Defender	Sedgwick
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Tuesday, March 5, 1996

Case No.	Case Name	Attorneys	County
74,178	State of Kansas, Appellant, v. Austin Garza, Appellee.	Carla J. Stovall, Attorney General Paul J. Morrison, District Attorney	Johnson
74,889	In the Matter of C.M.J.	Kevin P. Moriarty Carla J. Stovall, Attorney General Paul J. Morrison, District Attorney Gregory M. Cogs	Johnson
72,839	State of Kansas, Appellee, v. Gregory Starr, Appellant.	Carla J. Stovall, Attorney General Ann Smith, County Attorney B. Kay Huff, Special Appellate Defender	Montgomery
74,225	State of Kansas, Appellee, v. Kent Vanderveen, Appellant.	Carla J. Stovall, Attorney General Joan M. Hamilton, District Attorney John J. Ambrosio	Shawnee
74,763	State of Kansas, Appellant, v. Jerry E. Patterson, Appellee.	Carla J. Stovall, Attorney General Edwin Rodney Smith, County Attorney Sue Devoe	Osage

Wednesday, March 6, 1996

Case No.	Case Name	Attorneys	County
74,083	State of Kansas, Appellee, v. Adrian C. Robinson, Appellant.	Carla J. Stovall, Attorney General Nick A. Tomasic, District Attorney Rhonda K. Levinson, Special Appellate Defender	Wyandotte
73,029	State of Kansas, Appellee, v. Ray A. Harris, Appellant.	Carla J. Stovall, Attorney General Nick A. Tomasic, District Attorney J. Patrick Lawless, Assistant Appellate Defender	Wyandotte
74,233	State of Kansas, Appellant, v. Raymond L. Weaver, Appellee.	Carla J. Stovall, Attorney General Timothy J. Chambers, County Attorney	Reno
74,008	State of Kansas, Appellee, v. Donald W. Rowell, Jr., Appellant.	R. J. Kleinherenbrink Carla J. Stovall, Attorney General Mary McDonald, County Attorney Edward G. Collister, Special Appellate Defender	Harvey

1:30 p.m.

(73,711) State of Kansas, Appellee,
 (74,120)
 (Consolidated)
 v.
 Robert D. Johnson, Appellant.

Carla J. Stovall, Attorney General
 Chris E. Biggs, County Attorney

Geary

Rick Kittel,
 Assistant Appellate Defender

Thursday, March 7, 1996

9:00 a.m.

Case No. Case Name
 (73,406) State of Kansas, Appellee,
 (73,467)
 (73,578)
 (Consolidated)

Attorneys
 Carla J. Stovall, Attorney General
 Glenn R. Braun, County Attorney

County

Ellis

v.
 Roy L. Jensen, Appellant.
 72,762 State of Kansas, Appellee,

Michael S. Holland
 Carla J. Stovall, Attorney General
 Jim Pringle, County Attorney

Cowley

v.
 Donnie W. L. Lolar, Appellant.

Steven R. Zinn,
 Deputy Appellate Defender

75,082 In the Matter of J.D.B.

Ronald L. Hodgson,
 County Attorney
 Troy V. Huser

Clay

74,160 State of Kansas, Appellant,

Carla J. Stovall, Attorney General
 Ty Kaufman, County Attorney

McPherson

v.
 Daniel Lee Unruh, Appellee.

David P. Simmons

Friday, March 8, 1996

9:00 a.m.

Case No. Case Name
 (73,232) State of Kansas, Appellee,
 (73,233)
 (73,234)
 (Consolidated)

Attorneys
 Carla J. Stovall, Attorney General
 Joan M. Hamilton, District Attorney

County

Shawnee

v.
 Bobby D. Riley, Appellant.
 75,283 In the Matter of Charles E. Hill,
 Respondent.

Keith E. Renner
 Mark F. Anderson,
 Disciplinary Administrator
 Charles E. Hill, pro se
 John W. Johnson

Original

75,366 In the Matter of Salvatore A. Scimeca,
 Respondent.

Marty M. Snyder,
 Deputy Disciplinary Administrator
 Salvatore A. Scimeca, pro se
 Ron W. Paschal

Original

85,284 In the Matter of Charles E. Watson,
 Respondent.

Mark F. Anderson,
 Disciplinary Administrator
 Charles E. Watson, pro se

Original

75,359 In the Matter of James Monroe Munyon V,
 Respondent.

Stanton A. Hazlett,
 Deputy Disciplinary Administrator
 James Monroe Munyon V, pro se

Original

Carol G. Green
 Clerk of the Appellate Courts

Doc. No. 017298

State of Kansas

Department of Health and Environment

Notice of Hearing on Pending Water Pollution Control Permit

The Kansas Department of Health and Environment has prepared a draft Kansas water pollution control/national discharge elimination system permit, M-BB13-0002, for a new wastewater treatment lagoon system for the City of Marysville. The proposed permit has been placed on public notice in the Kansas Register (Public Notice No. KS-96-033) dated February 22, 1996 through March 23, 1996. Because KDHE is expecting significant public interest in the proposed permit, a public hearing has been scheduled in conformance with state regulation 28-16-61.

A public hearing on KDHE's intention to issue the proposed permit has been scheduled for 7 p.m. Wednesday, April 3, at the Marysville City Hall, 209 N. 8th, Marysville.

The Secretary of Health and Environment will make a final permit decision after consideration of all comments received and all requirements of state statutes and regulations.

Additional information can be obtained by contacting the permit clerk at (913) 296-5519 or fax (913) 296-5509, or by writing the Kansas Department of Health and Environment, Attn: Permit Clerk, Bureau of Water, Forbes Field, Building 283, Topeka, 66620.

James J. O'Connell
Secretary of Health and Environment

Doc. No. 017317

State of Kansas

Department of Health and Environment

Notice Concerning Kansas Water Pollution Control Permits

In accordance with state regulations 28-16-57 through 63, 28-18-1 through 4, 28-16-150 through 154, 28-46-7, and the authority vested with the state by the administrator of the U.S. Environmental Protection Agency, draft permits have been prepared for discharges to the waters of the United States and the State of Kansas for the class of dischargers described below. The determinations for permit content are based on 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 subject to certain conditions.

Public Notice No. KS-AG-96-52/58

Name and Address of Applicant	Legal Description	Receiving Water
Sellers Farms, Inc. Steve Sellers 1433 14th Road, Route 2 Lyons, KS 67554-9001	N/2, Sec. 7, T20S, R8W, Rice County	Lower Arkansas River Basin
Kansas Permit No. A-ARRC-C004		Federal Permit No. KS-0086690

This is an existing facility for 12,000 head (12,000 animal units) of cattle.

Wastewater Control Facilities: Wastewater will be impounded for subsequent application to agricultural land for beneficial use. Wastewater storage capacity is provided for 58 acre-feet, which meets or exceeds KDHE minimum requirements.

Compliance Schedule: The waste management plan developed by the designer and approved by the department shall be adhered to as a condition of this permit. The plan calls for nutrient analysis of both liquids and solids with applications to meet crop nutrient needs. If wastes are not analyzed for nutrient content, wastewater shall be applied at not greater than 6.0 acre inch per acre per year and solids shall be applied at not greater than 21 ton per acre. The two runoff retention structures located in the southwest portion of the operation are short of storage capacity. Plans to update these structures to meet or exceed this agency's design requirements shall be submitted by June 1, 1996. The submittal shall be sent to the North Central District Office, 2501 Market Place, Suite D, Salina, KS 67401.

Name and Address of Applicant	Legal Description	Receiving Water
Brian A. Coon 22730 W. K-42 Viola, KS 67149	SW/4, Sec. 13, T29S, R3W, Sedgwick County	Lower Arkansas River Basin

Kansas Permit No. A-ARSG-K001

This is an existing facility for 20 head (0 animal units) of emus, llamas, and dogs.

Wastewater Control Facilities: Wastewater will be impounded for subsequent application to agricultural land for beneficial use. Wastewater storage capacity is provided for 20,688 cubic feet, which meets or exceeds KDHE minimum requirements.

Compliance Schedule: None, existing controls adequate.

Name and Address of Applicant	Legal Description	Receiving Water
Clifford Nisly 6710 S. Dean Road Hutchinson, KS 67501	SW/4, Sec. 7, T24S, R6W, Reno County	Lower Arkansas River Basin

Kansas Permit No. A-ARRN-M029

This is a new facility for 200 head (280 animal units) of dairy cattle

Wastewater Control Facilities: Wastewater will be impounded for subsequent application to agricultural land for beneficial use. Wastewater storage capacity is provided for 66,723 cubic feet, which meets or exceeds KDHE minimum requirements.

Compliance Schedule: The waste management plan developed by the designer and approved by the department shall be adhered to as a condition of this permit. The plan calls for nutrient analysis of both liquids and solids with applications to meet crop nutrient needs. If wastes are not analyzed for nutrient content, wastewater shall be applied at not greater than 1.37 inch per acre per year and solids shall be applied at not greater than 5.4 ton per acre.

Name and Address of Applicant	Legal Description	Receiving Water
Strauss Farms, Inc. Ron Strauss 1903 S. SpringValley Road Junction City, KS 66441	SE/4, Sec. 16, T12S, R5E, Geary County	Smoky Hill River Basin

Kansas Permit No. A-SHGE-M002

This is an existing facility for 150 head (210 animal units) of dairy cows.

Wastewater Control Facilities: Wastewater will be impounded for subsequent application to agricultural land for beneficial use. Wastewater storage capacity is provided for 76,415 cubic feet, which meets or exceeds KDHE minimum requirements.

Compliance Schedule: None, existing controls adequate.

Name and Address of Applicant	Legal Description	Receiving Water
Dale and Sheila Muetting Route 1, Box 165 Centralia, KS 66415	SE/4, Sec. 36, T4S, R11E, Nemaha County	Big Blue River Basin

Kansas Permit No. A-BBNM-M003

This is an existing facility for 85 head (119 animal units) of dairy cattle.

Wastewater Control Facilities: Wastewater will be impounded for subsequent application to agricultural land for beneficial use. Waste-

water storage capacity is provided for 83,040 cubic feet, which meets or exceeds KDHE minimum requirements.

Compliance Schedule: The waste management plan developed by the designer and approved by the department shall be adhered to as a condition of this permit. The plan calls for nutrient analysis of both liquids and solids with applications to meet crop nutrient needs. If wastes are not analyzed for nutrient content, wastewater shall be applied at not greater than 1.5 acre inch per acre per year and solids shall be applied at not greater than 14 ton per acre.

Name and Address of Applicant	Legal Description	Receiving Water
James Dobbins Route 2, Box 105 Goff, KS 66428	SE/4, Sec. 32, T4S, R13E, Nemaha County	Kansas River Basin

Kansas Permit No. A-KSNM-S006

This is an existing facility for 200 head (20 animal units) of swine.

Wastewater Control Facilities: Wastewater will be impounded for subsequent application to agricultural land for beneficial use. Wastewater storage capacity is provided for 94,000 cubic feet, which meets or exceeds KDHE minimum requirements.

Compliance Schedule: The wastewater must be analyzed for nutrient content. Wastewater is then applied at crop nutrient needs. If wastes are not analyzed for nutrient content, wastewater shall be applied at not greater than 1.0 acre inch per acre per year.

Name and Address of Applicant	Legal Description	Receiving Water
Anton Strafuss 4170 254th Road Effingham, KS 66023	NW/4, Sec. 25, T6S, R17E, Atchison County	Kansas River Basin

Kansas Permit No. A-KSAT-S012

This is an existing facility for 325 head (130 animal units) of swine.

Wastewater Control Facilities: Wastewater will be impounded for subsequent application to agricultural land for beneficial use. Wastewater storage capacity is provided for 34,368 cubic feet, which meets or exceeds KDHE minimum requirements.

Compliance Schedule: Both liquids and solids must be analyzed for nutrient content with application rates to meet crop nutrient needs. If wastes are not analyzed for nutrient content, wastewater shall be applied at not greater than 1.5 acre inch per acre per year and solids shall be applied at not greater than 20 ton per acre.

Public Notice No. KS-96-033/037

Name and Address of Applicant	Waterway	Type of Discharge
City of Marysville 209 N. 8th Marysville, KS 66508	Big Blue River	Treated domestic wastewater

Legal: SE 1/4, S31, T2S, R7E, Marshall County

Kansas Permit No. M-BB13-0002 Federal Permit No. KS-0092142

Facility Description: The draft permit is for a proposed new four-cell wastewater treatment lagoon at the above stated location to replace the existing WWTF. KDHE expects significant public interest in the proposed permit. Therefore, KDHE has set a public hearing on this permit for 7 p.m. Wednesday, April 3, at the Marysville City Hall, 209 N. 8th, Marysville. Additional information on the permit hearing is included in a separate section of this Kansas Register. The 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
City of Havensville City Hall Havensville, KS 66432	Vermillion River via Spring Creek	Treated domestic wastewater

Legal: SW 1/4, S21, T6S, R12E, Pottawatomie County

Kansas Permit No. M-KS22-0001 Federal No. KS-0081523

Facility Description: The proposed permit is for re-issuance of an existing permit for operation of an existing wastewater treatment lagoon system treating domestic wastewater. The proposed permit contains a schedule of compliance requiring the city to obtain the services of

the KDHE-certified operator. The 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
City of Linwood P.O. Box 146 Linwood, KS 66052	Kansas River via 9-Mile Creek	Treated domestic wastewater

Legal: NE 1/4, S14, T12S, R21E, Leavenworth County

Kansas Permit No. M-KS36-0001 Federal No. KS-0047481

Facility Description: The proposed permit is for re-issuance of an existing permit for operation of an existing wastewater treatment lagoon system treating domestic wastewater. The proposed permit contains a schedule of compliance requiring the city to obtain the services of the certified operator. The 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
City of McFarland P.O. Box 183 McFarland, KS 66501	Kansas River via Mill Creek via Paw Paw Creek	Treated domestic wastewater

Legal: NW 1/4, S31, T11S, R11E, Wabaunsee County

Kansas Permit No. M-KS41-0001 Federal No. KS-0024686

Facility Description: The proposed permit is for re-issuance of an existing permit for operation of an existing wastewater treatment lagoon system treating domestic wastewater. The proposed permit contains a schedule of compliance requiring the city to obtain the services of a KDHE-certified operator. The 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
Martin Marietta Materials Smith Quarry 4554 N.W. 114th St. Des Moines, IA 50322	Kansas River via Wakarusa River	Quarry dewatering and stormwater

Kansas Permit No. I-KS72-PO03 Federal Permit No. KS-0020648

Quarry Location: SE 1/4, S7, T13S, R17E, Shawnee County

Facility Description: The proposed permit is for re-issuance of an existing permit for operation of an existing quarry. Activities include limestone quarrying and crushing with no washing. The 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.

Public Notice No. KS-ND-96-013/014

Name and Address of Applicant	Legal Location	Type of Discharge
City of Leoti P.O. Box 7E Leoti, KS 67861	SW 1/4, S18, T18S, R36W, Wichita County	Nondischarging

Kansas Permit No. M-UA26-NO01

Facility Description: The proposed permit is for re-issuance of an existing permit for operation of an existing nondischarging wastewater treatment plant treating domestic wastewater. Disposal of the lagoon wastewater is by percolation and evaporation. Irrigation of the golf course with wastewater was practiced previously but the system does not meet current KDHE requirements. Therefore, irrigation is prohibited by this permit unless approval is obtained in writing from KDHE.

Name and Address of Applicant	Legal Location	Type of Discharge
City of Manchester City Hall Manchester, KS 67463	NE 1/4, S21, T11S, R1E, Dickinson County	Nondischarging

Kansas Permit No. M-SH24-NO01

Facility Description: The proposed permit is for modification of an existing permit for operation of an existing nondischarging wastewater

(continued)

treatment plant treating domestic wastewater. Disposal of the lagoon wastewater is by percolation and evaporation. The modification provides a schedule of compliance for the city to obtain the services of a KDHE-certified operator by February 1, 1997.

Public Notice No. KS-EG-96-025

In accordance with K.A.R. 28-46-7 and the authority vested with the state by the administrator of the U.S. Environmental Protection Agency, a draft permit has been prepared for the continued use of a Class I nonhazardous waste injection well for the applicants described below.

Name and Address of Applicant

Mid-America Pipeline Co.
Mitchell Facility
Well Identification #1
Route 2, Box 174
McPherson, KS 67460
Kansas Permit No. KS-01-159-002

Well Location

NE SE NE S27 T19S R7W, Rice
County, 3419' FSL and 130' FEL of
SE corner of section

Description: The station is an underground storage facility for hydrocarbon-gas products.

Written comments on the draft permits must be submitted to the attention of Lisa Duncan for agricultural permits, or to the permit clerk for all other permits, at the Kansas Department of Health and Environment, Division of Environment, Bureau of Water, J Street and 2 North, Forbes Field, Building 283, Topeka, 66620. All comments postmarked or received on or before March 22 will be considered in the formulation of final determinations regarding this public notice. Please refer to the appropriate public notice number (KS-AG-96-52/58, KS-96-033/037, KS-ND-96-013/014, KS-EG-96-025) and the name of applicant as listed when preparing comments.

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

The applications, proposed permits, 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. 017318

State of Kansas

Kansas Racing Commission

Permanent Administrative Regulations

Article 3.—APPLICATION PROCEDURE

112-3-19. Background investigations. (a) Any entity or individual identified for investigation in these regulations or found to be material to the racing program shall submit to a background investigation conducted by the director of security, director of the Kansas bureau of investigation or other person designated by the commission. Each individual or entity identified in this regulation shall provide three sets of fingerprints, recorded on fingerprint cards by a certified law enforcement officer, and shall execute and verify a personal background disclosure form provided by the commission. The level of any background investigation may be designated by the commission.

(b) Each individual or entity identified in this regulation shall file the fingerprint cards and personal background disclosure form in the offices of the Kansas bureau of investigation or the Kansas racing commission as designated by the commission.

(c) Except as otherwise provided by law or rules and regulations adopted by the commission, no individual or entity identified for investigation in these regulations or found to be material to the racing program shall exercise any power, duty or function in the identified capacity until the background investigation for such individual or entity has been completed and approved by the commission.

(d) Each individual who regularly assumes duties similar to the following positions shall undergo a complete background investigation conducted by the commission's director of security, the Kansas bureau of investigation or any other person designated by the commission:

- (1) Board of directors of:
 - (A) The organization licensee;
 - (B) the facility owner licensee; and
 - (C) the facility manager licensee;
- (2) officers of fair associations seeking organizational licenses;
- (3) board of directors/officers of non-profit horsemen's organizations seeking organizational licenses;
- (4) chief executive officer of organization/facility licensee;
- (5) general manager;
- (6) assistant general manager;
- (7) horse racetrack officials;
- (8) greyhound racetrack officials;
- (9) backup horse racetrack officials;
- (10) backup greyhound racetrack officials;
- (11) director of security;
- (12) mutuel employee serving as money room manager;
- (13) concession manager/operator; and
- (14) any other position designated for good cause by the commission. (Authorized by and implementing K.S.A. 1985 Supp. 74-8804, as amended by K.S.A. 1995 Supp. 74-8804; effective, T-89-6, Jan. 21, 1988; effective

Sept. 20, 1988; amended March 19, 1990; amended March 8, 1996.)

Article 4.—OCCUPATION LICENSES

112-4-1. Occupation licenses. (a) Before engaging in the following occupations at a racetrack facility, each person shall pay the required fee and secure the appropriate license or licenses from the commission:

- (1) administration-organization;
- (2) administration-facility;
- (3) administrative support-facility;
- (4) administrative support-organization;
- (5) amateur jockey;
- (6) apprentice jockey;
- (7) assistant trainer-horse/greyhound;
- (8) backup greyhound racetrack official;
- (9) backup horse racetrack official;
- (10) authorized agent;
- (11) blacksmith/plater/farrier;
- (12) breed registry;
- (13) concession employee;
- (14) concession manager/operator;
- (15) driver;
- (16) exercise person;
- (17) groom/hot walker;
- (18) greyhound racetrack official;
- (19) horse racetrack official;
- (20) horseman/kennel representative;
- (21) jockey;
- (22) jockey agent;
- (23) jockey guild representative;
- (24) kennel helper;
- (25) kennel owner;
- (26) medical attendant;
- (27) owner-horse/greyhound;
- (28) owner/assistant trainer-horse/greyhound;
- (29) owner/trainer-horse/greyhound;
- (30) owner/trainer/driver-horse;
- (31) owner by open claim-horse;
- (32) photo finish operator;
- (33) pony person;
- (34) practicing veterinarian;
- (35) practicing veterinary assistant;
- (36) racing department staff;
- (37) racing judge;
- (38) selection sheet operator;
- (39) service provider;
- (40) steward;
- (41) totalisator employee;
- (42) trainee-racing official/conditional appointee;
- (43) trainer-horse/greyhound;
- (44) video operator; and
- (45) any other personnel designated by the commission.

(b) Each applicant for an occupation license shall apply in writing on the application form approved and furnished by the commission.

(c) Each applicant for an occupation license acting as an employer shall submit proof of compliance with the workers compensation act of the state of Kansas, K.S.A. 44-501, *et seq.*

(d) Each person who is appointed by an owner to act as an authorized agent shall secure an occupation license. Each owner or authorized agent shall file each authorized agent agreement form with the commission. Each authorized agent shall perform for the owner only the duties that are the subject of the authorized agent agreement form. Each authorized agent shall notify the commission in writing when the authorized agent agreement is terminated.

(e) An applicant for an occupation license shall not knowingly provide false information on any occupation license application form.

(f) An applicant for an occupation license shall not fail to disclose any material fact on any occupation license application form.

(g) No person shall alter or attempt to alter any information contained on an occupation license badge.

(h) Each person who loses an occupation license shall immediately:

(1) notify the commission office at the racetrack facility;

(2) secure a duplicate license; and

(3) pay the required fee.

(i) An applicant shall pay each required fee when the occupation license is issued. Occupation licenses issued by the commission shall be for one-year or three-year periods.

(1) Each one-year or annual license shall be valid for a period commencing on January 1 and terminating December 31 of the calendar year in which the license is issued.

(2) Each three-year or triennial license shall be valid for a period commencing on January 1 of the year in which such license is issued, and terminating December 31 of the final year. For the second and third years of a three-year license, the licensee shall complete a validation form approved by the commission and shall be issued current validation stickers. The licensee shall properly display the current validation stickers on the licensee's badge before being admitted to a racetrack facility.

(j) An ARCI computer check shall be run annually on all licensees by the commission. ARCI computer checks shall also be run at the time of validation of each three-year license.

(k) Any applicant may be required to submit with the application or validation form at least two complete sets of fingerprint cards approved by the commission. If the fingerprints are not acceptable for processing, each applicant shall be required to resubmit fingerprint cards.

(l) Each applicant for an occupation license shall be at least 16 years of age. This provision shall not preclude dependent children under the age of 16 from working for a parent or guardian when the parent or guardian is licensed as a kennel owner, trainer or assistant trainer and the parent or guardian has obtained approval from the organization licensee. Each licensed trainer at a horse or greyhound racetrack facility or assistant trainer at a horse racetrack facility shall be at least 18 years of age. Each racing official, security employee and mutuel employee shall be at least 18 years of age.

(continued)

(m) Each employer at a racetrack facility shall ensure that each employee is properly licensed and shall immediately notify the commission office at the racetrack facility and the organization licensee when a licensee's employment status changes or when an employee is terminated. Each employer shall make an effort to secure the employee's occupation license and, if the license is secured, shall deliver the license to the commission office at the racetrack facility. (Authorized by K.S.A. 1994 Supp. 74-8804, as amended by L. 1995, Ch. 255, Sec. 8; implementing K.S.A. 1994 Supp. 74-8804, as amended by L. 1995, Ch. 255, Sec. 8, and K.S.A. 74-8816; effective, T-112-1-19-89, Jan. 19, 1989; effective April 10, 1989; amended, T-112-8-22-89, Aug. 22, 1989; amended Oct. 9, 1989; amended, T-112-12-30-91, Dec. 30, 1991; amended Feb. 24, 1992; amended, T-112-8-13-92, Aug. 13, 1992; amended, T-112-12-10-92, Dec. 10, 1992; amended Feb. 15, 1993; amended, T-112-7-22-93, July 22, 1993; amended Oct. 25, 1993; amended April 3, 1995; amended March 8, 1996.)

Article 5.—RACE TRACK OFFICIALS

112-5-2. Commission officials, stewards. (a) Each licensee and each individual attending horses during a race meet shall conduct the licensee's and individual's activities under the general authority and supervision of the stewards. The stewards may interpret any of these racing regulations, and the stewards may order any appropriate action not expressly authorized by these racing regulations in order to ensure a fair race and to protect the best interests of racing.

(b) The stewards shall determine each matter regarding entry, eligibility and racing. The stewards shall supervise each entry, declaration and scratch.

(c) If a vacancy occurs among the stewards, the chief steward shall immediately appoint a substitute. If the chief steward is absent, the senior associate steward shall make the appointment. The stewards shall immediately report each substitution to the commission office.

(d) The stewards' jurisdiction over any matter shall commence 72 hours before any entry is taken for the first day of racing at the meet and shall extend until 30 days after the last day of the meet. If a dispute arises during a race meet that is not settled within the stewards' 30-day jurisdiction, the authority of the stewards may be extended by the commission until the matter is resolved or until it is referred or appealed to the commission.

(e) Any occupation licensee may be penalized by the stewards or the commission in accordance with the Kansas parimutuel racing act and the Kansas administrative procedure act. At the direction of the commission, all of the stewards, or any of them, may conduct summary adjudicative hearings in accordance with the Kansas administrative procedure act.

(f) The steward shall immediately report each penalty to the commission.

(g) The stewards may suspend any horse from participating in races for a period of time determined by the stewards if the horse does not meet the requirements of, or has been involved in any violations of these racing regulations or any provisions of the Kansas parimutuel racing act.

(h) Any matter within the jurisdiction of the stewards may be referred by the stewards to the commission with or without recommendation.

(i) The stewards shall maintain a detailed written account of each question, dispute, protest, complaint and objection. The stewards shall prepare and submit a daily report to the executive director within 72 hours of the race date that is the subject of the report. The report shall detail each raceday's activities, including:

- (1) each foul and disqualification;
- (2) each disciplinary hearing;
- (3) each suspension;
- (4) the conduct of each race;
- (5) each interruption and delay; and
- (6) the condition of the racetrack facility.

(j) A qualified person shall test or examine each horse that has entered a race or that has run in a race when ordered by the stewards. The stewards may examine any ownership papers, certificates, documents of eligibility, contracts or leases pertaining to any horse at the racetrack facility.

(k) If the stewards determine a race or races cannot be conducted in accordance with the regulations, the stewards shall cancel that race or those races. If a mechanical failure or any interference during the running of any race affects the horses in the race, the stewards may declare the race a no contest. If no horse covers the course of the race, the stewards shall declare the race a no contest.

(l) Any horse's trainer may select a substitute jockey if a jockey who is named to ride the horse in a race is unable to fulfill the jockey's engagement and is excused by the stewards. Each trainer shall secure a jockey for the trainer's entered horse. If no substitute jockey is available, the stewards may scratch the horse from the race. If the stewards scratch a horse, no individual shall be entitled to any refund of nomination, sustaining, penalty payments or entry fees. The stewards may place any horse in the temporary care of any trainer the stewards select if the trainer of a horse is absent. However, the owner and the substitute trainer shall approve the horse's entry or competition in a race before the horse is allowed to enter or race. Each substitute trainer shall sign the entry card.

(m) The stewards shall maintain a list that identifies the horses that are ineligible to be entered in any race because of poor or inconsistent performance, which includes but is not limited to failing to maintain a straight course or causing a hazard to the safety of any participant. The steward shall refuse entry to each horse on the stewards' list until the horse has demonstrated to the stewards or their representatives that the horse can race safely. (Authorized by K.S.A. 1994 Supp. 74-8804, as amended by L. 1995, Ch. 255, Sec. 8; implementing K.S.A. 1994 Supp. 74-8804, as amended by L. 1995, Ch. 255, Sec. 8, 1994 Supp. 74-8818 and 74-8816; effective, T-112-1-19-89, Jan. 19, 1989; effective April 10, 1989; amended March 19, 1990; amended March 8, 1996.)

Article 6.—RACE TRACK OFFICIALS

112-6-2. Commission officials, racing judges. (a) Each licensee and each individual attending greyhounds during a race meet shall conduct activities under the gen-

eral authority and supervision of the racing judges. The racing judges may interpret any of these racing regulations, and the racing judges may order any appropriate action not expressly authorized by these racing regulations in order to ensure a fair race and to protect the best interests of racing.

(b) Each race day, any licensee who wishes to consult with the racing judges may do so at the offices of the racetrack facility.

(1) Two of the three racing judges shall be in attendance at least one-half hour before weighing in time.

(2) The third racing judge shall be in attendance at the racetrack facility at least one-half hour before post-time for the first official race.

(3) If all three of the racing judges are present in the judges' stand during a performance, one and only one racing judge may leave the judges' stand to supervise any racing-related matter as official duties may dictate.

(c) If a vacancy occurs among the racing judges, the chief judge may appoint a substitute in an emergency. If the chief judge is absent, the senior associate judge may make the appointment.

(1) The racing judges shall immediately report each substitute to the commission office.

(2) If a vacancy has occurred among the racing judges, and a substitute has not been appointed, the remaining two judges may conduct the business of the racing judges until the vacancy is filled in accordance with these racing regulations.

(d) The racing judges' jurisdiction over any matter shall commence 72 hours before any entry is taken for the first day of racing at the meet and shall extend until 30 days after the last day of the meet. If a dispute arises during a race meet that is not settled within the racing judges' 30-day jurisdiction, the authority of the racing judges may be extended by the commission until the matter is resolved or until it is referred or appealed to the commission.

(e) Any occupation licensee may be penalized by the racing judges or the commission in accordance with the Kansas parimutuel racing act and the Kansas administrative procedure act. At the direction of the commission, all of the racing judges, or any of them, may conduct summary adjudicative hearings in accordance with the Kansas administrative procedure act.

(f) The racing judges shall immediately report each penalty to the commission.

(g) The racing judges may excuse any greyhound that the racing judges determine is disabled or unfit to run.

(h) The racing judges may suspend any greyhound from participating in races for any period of time determined by the racing judges if the greyhound does not meet the requirements of, or has been involved in any violations of these racing regulations or any provisions of the Kansas parimutuel racing act.

(i) Any matter within the jurisdiction of the racing judges may be referred by the racing judges to the commission with or without recommendation.

(j) The racing judges shall maintain a detailed written account of each question, dispute, protest, complaint and objection. The racing judges shall prepare and submit a daily report to the executive director within 72 hours of

the race date that is the subject of the report. The report shall detail each raceday's activities, including:

- (1) each derogatory comment;
- (2) each disciplinary hearing;
- (3) each fine;
- (4) each suspension;
- (5) the conduct of each race;
- (6) each interruption and delay; and
- (7) the condition of the racetrack facility.

(k) A qualified person shall test or examine each greyhound that has entered a race or that has run in a race when ordered by the racing judges. The racing judges may examine any ownership papers, certificates, documents of eligibility, contracts or leases pertaining to any greyhound at the racetrack facility.

(l) If the racing judges determine that any race or races cannot be conducted in accordance with the regulations, the racing judges shall cancel each race or those races.

(m) The timing of each race shall be conducted by the racing judges as follows.

(1) The racing judges shall declare the official time of each race.

(2) The racing judges shall hand-time each race using a stopwatch that has been inspected and certified by a competent watchmaker.

(3) The racing judges shall time each race to 1/100th of a second.

(4) The timing of the race shall commence with the opening of the lids of the starting box.

(5) The racing judges shall declare the time shown on the official timing device as the official time of the race if the racing judges are satisfied that the timing device is functioning properly. If the racing judges are not satisfied, the racing judges shall use the time shown on the hand-held stopwatch.

(n) The racing judges shall determine the official winner and other respective positions in the order of finish. The racing judges shall consider only the relative position of the respective racing muzzles of the greyhounds to determine each place at the finish.

(o) If a greyhound loses its racing muzzle or finishes with a hanging muzzle, the racing judges shall consider only the relative position of the nose of the greyhound that finishes without its racing muzzle in respect to the racing muzzles of the other greyhounds in the race.

(p) In each race, the racing judges shall promptly display the number of the first three greyhounds in order of their finish. The racing judges shall also display the number of the greyhound finishing fourth. If the racing judges disagree about the order of finish, the majority shall prevail.

(q) If the racing judges wish to consult a picture from the photo finish camera, the placements the racing judges have agreed upon may be posted without waiting for a picture and, after consulting the picture, the racing judges may post any changes in placement. However, the racing judges shall not declare the race official until the racing judges have determined which greyhounds finished first, second and third.

(r) Nothing in these racing regulations shall prevent the racing judges from correcting an error before the of-

(continued)

ficial sign is displayed or from recalling the official sign in the event it has been displayed through error. (Authorized by K.S.A. 1994 Supp. 74-8804, as amended by L. 1995, Ch. 255, Sec. 8; implementing K.S.A. 1994 Supp. 74-8804, as amended by L. 1995, Ch. 255, Sec. 8, 1994 Supp. 74-8818 and 74-8816; effective, T-112-1-19-89, Jan. 19, 1989; effective April 10, 1989; amended March 25, 1991; amended Sept. 6, 1994; amended March 8, 1996.)

Myron Scafe
Executive Director

Doc. No. 017303

State of Kansas
Department of Education
Permanent Administrative
Regulations

Article 12.—SPECIAL EDUCATION

91-12-22. Definitions. (a) "Adapted physical education" means a diversified program of developmental activities, games, sports, and rhythms suited to the interests, capabilities and limitations of children with disabilities who may not successfully engage in an unrestricted regular physical education program.

(b) "Assistive technology device" means any item, piece of equipment, or product system, whether acquired commercially off the shelf, modified, or customized, that is used to increase, maintain, or improve functional capabilities of individuals with disabilities.

(c) "Assistive technology service" means any service that directly assists an individual with a disability in the selection, acquisition, or use of an assistive technology device. Such term includes the following:

(1) evaluating the needs of an individual with a disability, including a functional evaluation of the individual in the individual's customary environment;

(2) purchasing, leasing, or otherwise providing for the acquisition of assistive technology devices by individuals with disabilities;

(3) selecting, designing, fitting, customizing, adapting, applying, maintaining, repairing, or replacing assistive technology devices;

(4) coordinating and using other therapies, interventions, or services with assistive technology devices, such as those associated with existing education and rehabilitation plans and programs;

(5) providing training or technical assistance for an individual with disabilities, or, where appropriate, the family of an individual with disabilities; and

(6) providing training or technical assistance for professionals including individuals providing education and rehabilitation services, employers, or other individuals who provide services to, employ, or are otherwise substantially involved in the major life functions of individuals with disabilities.

(d) "Autism" means a developmental disability significantly affecting verbal and nonverbal communication and social interaction, generally evident before age three, that adversely affects a child's educational performance. Other characteristics often associated with autism are en-

gagement in repetitive activities and stereotyped movements, resistance to environmental change or change in daily routines, and unusual responses to sensory experiences. The term shall not apply if a child's educational performance is adversely affected primarily because the child has a behavior disorder.

(e) "Behavior disorder" means a condition with one or more behavioral characteristics that are:

(1) exhibited at either a much higher or much lower rate than is appropriate for a child's age;

(2) documented as occurring over an extended period of time in different environmental settings within the school, and home or community; and

(3) interfering consistently with the student's educational performance. This interference with educational performance shall not be a result of intellectual, sensory, cultural or health factors that have not received appropriate attention.

"Behavior disorder" shall not include a child who is socially maladjusted, unless it is determined through the evaluation process that the child has a behavior disorder.

(f) "Categorical service unit" means the delivery of special education services in the same educational program to exceptional children within one of the categorical areas of exceptionality.

(g) "Center-based program" means an organized early childhood education experience for a group of children at a central location.

(h) "Children with disabilities" means exceptional children except those identified as gifted.

(i) "Consulting teacher services" means the provision of indirect special education services by a special teacher who provides regular or other special education teachers with assistance in educational diagnosis, prescriptive decisions and educational interventions.

(j) "Deaf-blindness" means the combination of auditory and visual impairments which causes such severe communication and other developmental and educational problems that the individual cannot be educated in special education programs solely for the hearing impaired or the visually impaired.

(k) "Developmental preschool" means a school, operated by a private nonprofit corporation or foundation, that serves children with disabilities through age seven.

(l) "Early childhood special education eligibility" means that a multidisciplinary team has determined that a child age five or under:

(1)(A) is at least 1.5 standard deviations below the mean on a standardized diagnostic instrument in one or more of the following areas:

(i) cognitive;

(ii) adaptive behavior;

(iii) communication;

(iv) motor; or

(v) socio-emotional development; or

(B) requires special education and related services when test results are unreliable or inconclusive, or when the child has a diagnosed condition that has a high probability of resulting in the need for special education and related services. This process shall include a written team report which documents the assessment procedures used, the results of the procedures and the reasons the team

believes the assessment results are unreliable, inconclusive or that the child has a diagnosed condition which necessitates special education and related services; and

(2) has special needs which are not primarily the result of environment, economic disadvantage, or cultural differences.

(m) "Early childhood special education program" means an education program of developmentally appropriate intervention services designed to meet the individual needs of children with disabilities ages five and under.

(n) "Educational placement" means the special education and related services specified in a student's current individualized education program (IEP) and the instructional environment in which these services are provided.

(o) "Exceptional children" means those children who meet one or more of the following criteria and need special education services:

(1) children who have autism, mental retardation, specific learning disabilities, hearing impairments, language impairments, speech impairments, behavior disorders, physical impairments, other health impairments, severe multiple disabilities, deaf-blindness, traumatic brain injury, or visual impairments;

(2) children eligible for early childhood special education services; and

(3) children who are gifted.

(p) "Hearing impairment" means a loss of auditory functions sufficiently severe to affect the ability to communicate with others or to develop communicative or learning skills.

(q) "Home-based program" means the delivery of early childhood services in which a special teacher instructs the parent or other person caring for the child on the means of providing special education services to the child so that the parent or other person caring for the child may provide appropriate services to the child on a daily basis.

(r) "Homebound instruction" means the delivery of educational services in the home of a child whose health problems are so serious that school attendance is impossible, or who is temporarily disabled by physical or mental illness.

(s) "Hospital instruction" means the delivery of educational services to children confined to hospitals or convalescent homes for psychiatric or medical treatment.

(t) "Independent educational evaluation" means an evaluation conducted by one or more qualified examiners who are not employed by the local education agency responsible for the education of the child.

(u) "Individualized educational program (I.E.P.)" means an annual written statement for each exceptional child which describes the unique educational needs of the child and the manner in which these needs are to be met.

(v) "Infants and toddlers with disabilities" means children ages birth through two years of age who have been determined to be eligible for early intervention services under the federal individuals with disabilities education act.

(w) "Intellectual giftedness" means outstanding performance or potential for outstanding performance by virtue of superior intellectual abilities.

(x) "Interrelated services" means the delivery of special education services in the same educational program to exceptional children with similar learning characteristics and needs, but from two or more categories of exceptionality.

(y) "Itinerant services" means the delivery of special education services by a special teacher who provides direct service for five percent or less of the school day to exceptional children enrolled in the regular education classroom.

(z) "Language and speech impairments" means communication deviations or impairments which adversely affect educational performance. These deviations or impairments include the following:

(1) "language or speech deviation or impairment," which means a basic communication system disorder, deviation, or general developmental need in language, speech, or fluency, which hinders academic learning, social adjustment, self-help skills, or communication skills;

(2) "voice deviation or impairment," which means an abnormality in pitch, loudness, or quality resulting from pathological conditions or inappropriate use of the vocal mechanism that interferes with communication or produces psycho-social maladjustment;

(3) "fluency deviation or impairment," which means a disruption in the normal flow of verbal expression that:

(A) is not readily controllable by the individual;

(B) occurs frequently or is markedly noticeable; and

(C) occurs to the degree that the individual or persons who listen to the individual evidence reactions to the manner of speech and the disruptions so that communication is impeded; and

(4) "articulation deviation or impairment," which means defective production of phonemes that interferes with intelligibility of speech. Types of misarticulation include substitution of one phoneme for another, omission of phonemes in words, phonemic distortions, and inappropriate additions of phonemes.

(aa) "Least restrictive environment" means educational placement in which, to the maximum extent appropriate, children with disabilities are placed in educational programs with children who are not disabled, with such placement being:

(1) determined annually;

(2) based upon the student's individualized education program; and

(3) as close as possible to the child's home.

(bb) "Local education agency" means any governmental agency authorized or required by state law to provide education to exceptional children, including each unified school district, special education cooperative, school district interlocal, state school, and state institution.

(cc) "Mental retardation" means substantial limitations in present functioning as characterized by:

(1) significant subaverage intellectual functioning;

(2) limitations in two or more of the following adaptive skill areas:

(A) communication;

(B) self-care;

(C) home living;

(continued)

- (D) social skills;
- (E) community use;
- (F) self-direction;
- (G) health and safety;
- (H) functional academics;
- (I) leisure; and
- (J) work; and

(3) manifestation of the limitations before age 18 as prescribed in American association on mental retardation (1992), pages 5, 14-15, 35-38 and 49, "Mental Retardation: Definition, Classification, and Systems of Support—9th Edition," Washington, DC; author, copyrighted 1992.

(dd) "Other health impairment" means limited strength, vitality, or alertness to a chronic or acute health condition that interferes with learning to the extent that special education is necessary for the child to benefit from instruction.

(ee) "Parent," as used in these regulations, means lawful custodian and educational advocate as defined in K.S.A. 72-962 and any amendments to that statute.

(ff) "Physical impairment" means a physical disability that interferes with learning to the extent that special education is necessary for the child to benefit from instruction.

(gg) "Public expense" means paid or otherwise provided by a local education agency with no cost to the parent.

(hh) "Rehabilitation counseling services" means services provided by a qualified rehabilitation counseling professional in individual or group sessions, that focus specifically on career development, employment preparation, achieving independence, and integration in the workplace and community of a student with a disability. The term also includes services to students with disabilities by vocational rehabilitation programs funded under the rehabilitation act of 1973, as amended.

(ii) "Related services" means those services that are required to assist an exceptional child to benefit from special education. Related services include the following:

- (1) art therapy;
- (2) assistive technology devices and services;
- (3) audiology;
- (4) counseling services;
- (5) dance movement therapy;
- (6) medical services for diagnostic or evaluation purposes;
- (7) music therapy;
- (8) occupational therapy;
- (9) parent counseling and training;
- (10) physical therapy;
- (11) recreation;
- (12) rehabilitation counseling services;
- (13) school health services;
- (14) school psychological services;
- (15) school social work services;
- (16) special education administration and supervision;
- (17) special music education;
- (18) speech and language services; and
- (19) transportation.

(jj) "Residential school" means a facility which provides a residential program of treatment and special education for exceptional children.

(kk) "Resource room services" means the delivery of special education services to exceptional children in a special education class for 60 percent or less of the school day.

(ll) "School age" means:

(1) for gifted children, having attained the age at which the local board of education provides educational services to children without disabilities, through the school year in which the gifted child completes a local curriculum or reaches age 21, whichever occurs first; and

(2) for children with disabilities, having attained age three, through the school year in which the child with disabilities completes a local curriculum or reaches age 21, whichever occurs first.

(mm) "School facility" means any setting in which instruction and school-related activities occur.

(nn) "School psychological services" means special services which provide the following:

(1) consultation with other school staff to plan individual programs to meet the special needs of children as indicated by interviews, behavioral evaluations, and tests;

(2) administration and interpretation of psychological and educational tests;

(3) consultation with teachers and other school staff concerning child behavior, modes of learning, and development of a positive learning climate; and

(4) psychological counseling for children and parents.

(oo) "School social work" means special services which provide the following:

(1) a liaison between the home, school, and the community to prevent problems in learning and to promote quality education;

(2) consultation with teachers or other school staff to provide an understanding of the cultural and social factors related to a child's performance in school;

(3) coordination between the school and other community agencies to mobilize resources to enable the child to profit from the educational experience; and

(4) assistance through group and individual counseling with the child and family to affect the child's adjustment in school.

(pp) School term.

(1) "School term for exceptional children of school age," means the period of time prescribed in K.S.A. 72-1106, and any amendments to that statute, except as otherwise prescribed in this subsection.

(2) "School term for center-based programs for children with disabilities age five and under," means the period of time prescribed for kindergarten in K.S.A. 72-1106, and any amendments to that statute.

(3) "School term for home-based programs for children with disabilities age five and under," means 215 hours including a minimum of 54 hours of instruction by a professional and an instructional paraprofessional.

(A) The professional staff shall provide at least 13 of the 54 hours.

(B) The additional hours of individual instruction necessary to fulfill the required 215 hours shall be provided through documented implementation of the IEP by a parent, caregiver, professional or paraprofessional.

(4) If a center-based and a home-based program are combined, a proportional combination of the two school terms shall be required.

(5) A shorter period of time may be prescribed on an individual basis for exceptional children whose physical or emotional needs, or both, are such that a shorter period is advisable. Any period of time shorter than that prescribed by statute shall be determined by the individualized education team of the child and shall be included in the individualized education program of the child.

(qq) "Severe multiple disabilities" means severe to profound functional retardation in conjunction with severe sensory disabilities, motor disabilities, severe emotional disturbance, chronic health conditions, or severe communication disorders.

(rr) "Special classroom services" means the delivery of special education services to exceptional children in a special education class for more than 60 percent of the school day.

(ss) "Special day school" means the delivery of special education services in a special purpose school that provides any of the following:

- (1) specialized curricula for exceptional children;
- (2) modified facilities and equipment for exceptional children; or
- (3) interdisciplinary, ancillary, medical, psychiatric, or social services for exceptional children, or some combination of these services.

(tt) "Special education action" means any act by a local education agency which causes a child to be:

- (1) excluded, reassigned, or transferred from regular school classes upon the basis that the child is an exceptional child and cannot benefit from these classes; or
- (2) placed in, transferred to or from, or denied placement in special education services. Special education action includes the following:

(A) any initiation or refusal to initiate a comprehensive evaluation to determine eligibility for special education services; and

(B) any change in programming which alters the type or intensity of special education services offered to an exceptional child.

(uu) "Special purpose school" means any school for exceptional children which is operated by a private, non-profit corporation or a public or private institution, within or without the state of Kansas, and at which special education services, meeting the requirements of these regulations and S.B.R. 91-33-1 *et seq.*, are provided.

(vv) "Special teacher" means:

(1) a teacher who is certified by the state board of education to instruct exceptional children and who is employed by a local education agency to provide special education services;

(2) special education related services personnel certified by the state board of education;

(3) special education related services or instructional personnel who hold current certification from their respective licensing or registering agency appropriate for their specialized area of service;

(4) other related services or instructional personnel for which there is no licensing or registering agency, but who are employed to work with exceptional children. These individuals shall be approved on an individual basis by the special education administration section and shall be

recommended for employment by their parent training institution; and

(5) a paraprofessional who provides instructional or related services under the supervision of a licensed or certified or approved special education professional in an accredited or approved special education program.

(ww) "Specific learning disability" means a disorder in the ability to learn effectively with respect to one's own potential when presented with an appropriate regular instructional environment.

(1) The inability to learn effectively is manifested as a disorder in the ability to receive, organize, or express information relevant to school functioning, and is demonstrated by a significant discrepancy between aptitude and achievement in one or more of the following areas:

- (A) preacademic skills;
- (B) oral expression;
- (C) listening comprehension;
- (D) written expression;
- (E) basic reading skills;
- (F) reading comprehension;
- (G) mathematics calculation; and
- (H) mathematics reasoning.

(2) This discrepancy between aptitude and achievement shall not be primarily attributable to any of the following:

- (A) vision, hearing, or motor impairments;
- (B) mental retardation;
- (C) emotional disabilities;
- (D) environmental, cultural, or economic disadvantage; or
- (E) a history of an inconsistent education program.

(xx) "State special education advisory council" means a lay and professional council consisting of nine members appointed by the state board of education. This council shall offer advice, consultation and recommendations to the state board on matters concerning special education services for exceptional children.

(yy) "Supplementary aids and services" means special instruction, curricular adaptations, instructional support services, materials, or equipment provided in conjunction with general education instruction including consulting teacher services, itinerant instruction, resource room instruction, tutoring, instructional support provided by teacher aides and paraprofessional personnel, technology, readers, and interpreters.

(zz) "Transition services" means a coordinated set of activities for a student, designed within an outcome-oriented process, which promotes movement from school to post-school activities, including post-secondary education, vocational training, integrated employment including supported employment, continuing and adult education, adult services, independent living, or community participation. The coordinated set of activities shall be based on the individual student's needs, taking into account the student's preferences and interests, and shall include instruction, community experiences, the development of employment and other post-school adult living objectives, and, when appropriate, acquisition of daily living skills and functional vocational evaluation.

(continued)

(aaa) "Traumatic brain injury" means an injury to the brain, caused by an external physical force, resulting in total or partial functional disability or psychosocial impairment that adversely affects educational performance.

(1) The term includes open or closed head injuries resulting in mild, moderate, or severe impairments in one or more areas, including:

- (A) cognition;
- (B) language;
- (C) memory;
- (D) attention;
- (E) reasoning;
- (F) abstract thinking;
- (G) judgment;
- (H) problem-solving;
- (I) sensory, perceptual and motor abilities;
- (J) psychosocial behavior;
- (K) physical functions;
- (L) information processing; and
- (M) speech.

(2) The term shall not include brain injuries that are congenital or dysgenerative or brain injuries induced by birth trauma.

(bbb) "Visual impairment" means limited vision that interferes with learning to the extent that special education is necessary for the child to benefit from instruction.

(1) "Partially seeing" means a visual limitation which constitutes an educational disability but does not prevent the use of print as the primary educational medium.

(2) "Blindness" means a visual limitation which requires dependence on tactile and auditory media for learning.

(ccc) "Vocational program" means any organized educational program which is directly related to the preparation of individuals for paid or unpaid employment, or for additional preparation for a career requiring other than a baccalaureate or advanced degree. (Authorized by and implementing K.S.A. 72-963; effective May 1, 1983; amended May 1, 1984; amended May 1, 1986; amended, T-88-40, Oct. 27, 1987; amended May 1, 1988; amended July 1, 1990; amended July 1, 1991; amended Sept. 2, 1991; amended June 1, 1993; amended Feb. 14, 1994; amended March 8, 1996.)

91-12-55. Behavior disorders. (a) Comprehensive evaluation. In addition to meeting the requirements of K.A.R. 91-12-40, each local education agency shall include in its procedures for identifying children with behavior disorders the following:

(1) specialized procedures which include a behavior rating scale and that are designed to identify children with behavior disorders. Such procedures may include student and parent interviews, a family history, personality rating scales and inventories, and projective tests;

(2) an observation of educational performance in the regular classroom. The observation shall be conducted by at least one evaluation team member, other than the regular classroom teacher.

(A) In the case of a preschool age child or a child who is out of school, the observation shall be made in an age-appropriate environment.

(B) Observations concerning the child's behavior and learning shall be recorded.

(C) The individual responsible for the observation shall be trained to use observation as a diagnostic procedure; and

(3) procedures for determining the need for a referral to a mental health professional. If the need for a referral for educational purposes is indicated, any evaluation resulting from such referral shall be provided at public expense.

(b) In addition to meeting the requirements of K.A.R. 91-12-23, each local education agency shall provide children who are hospitalized for the treatment of behavior disorders with educational instruction for the duration of their confinement. Homebound instruction shall be used only as a temporary measure while the local education agency arranges for an appropriate educational placement.

(c) Class size and caseload limitations for programs for students with behavior disorders shall be as prescribed in Table VI.

TABLE VI

Program Level	Class Size and Caseload for Programs for Students with Behavior Disorders	
	Administrative Plan	Maximum Class Size and Caseload
All Levels	Consulting Teacher	No more than ¼ time to be spent with students.
	Itinerant teacher	15—Increase to 18 with one or more paraprofessionals.
	Resource room	12—No more than 8 at any one time. Increase to 16 with one or more paraprofessionals.
	Special Classroom	8—Increase to 10 with a paraprofessional.
	Special purpose schools (departmentalized by curricular content area)	No more than 8 at any time in one classroom; increase to 9 with a full-time paraprofessional. No more than 35 students assigned to one teacher; increase to 45 with a full-time paraprofessional.

(Authorized by and implementing K.S.A. 72-963; effective May 1, 1983; amended May 1, 1984; amended May 1, 1986; amended, T-88-8, March 4, 1987; amended May 1, 1988; amended July 1, 1990; amended June 1, 1993; amended March 8, 1996.)

91-12-61. Paraprofessionals in special education. (a) A person shall not be employed as a paraprofessional unless the person:

(1) has completed an orientation session addressing the services to be provided and the policies and procedures of the local education agency concerning special education; or

(2) possesses a paraprofessional I, II or III permit.

(b) A special education paraprofessional shall not:

(1) be solely responsible for a special education instructional or related service;

(2) be responsible for selecting or administering formal diagnostic or psychological instruments or for interpreting the results of those instruments;

(3) be responsible for selecting, programming or prescribing educational activities or materials for the students without the supervision and guidance of the teacher;

(4) be solely responsible for preparing lesson plans or initiating original concept instruction;

(5) be assigned to implement the individual education program for disabled students without direct supervision and involvement from the professional;

(6) be employed in lieu of certified special education personnel;

(7) be used as a substitute teacher, unless the paraprofessional possesses the appropriate Kansas certification;

(8) be enrolled as an elementary or secondary school student; or

(9) perform nursing procedures or administer medications without appropriate supervision from an approved health care professional.

(c) (1) A paraprofessional may be assigned to assist in a general education program when one or more students with exceptionalities are included in that program, if the paraprofessional is assigned to and supervised by a special teacher who meets the requirements in K.A.R. 91-12-22 (vv) (1) through (4).

(2) A local education agency shall not assign more paraprofessionals to an approved special teacher than can be adequately supervised by that special teacher. When an assigned special teacher is not present, a designated principal or teacher may supervise a paraprofessional. A local education agency shall not assign a paraprofessional to more than two special teachers for supervisory purposes.

(3) Except for paraprofessionals providing supervised occupational, physical or speech therapy, any paraprofessional assigned to a professional may work with an exceptional child when the professional is not in the building only if the professional works directly with both that child and the paraprofessional at least twice each week. Any paraprofessional providing supervised occupational or physical therapy must receive direct supervision by a professional occupational or physical therapist twice each month. If the professional therapist is not present each day, the paraprofessional shall be assigned to, and supervised by, a designated principal or teacher.

(4) A special teacher shall supervise any paraprofessional who is assigned to a learning site that is off school property. The special teacher shall work with the paraprofessional and the student at least twice a week.

(d) (1) Each local education agency shall adopt and have on file a plan for inservice training for special education instructional paraprofessionals. Each local education agency shall prepare and maintain for a period of at least three years documentation of the annual inservice training provided for special education instructional paraprofessionals.

(2) Each inservice training program shall include the following:

(A) an orientation session at the beginning of each school year or at the time that a paraprofessional is employed during the school year; and

(B) inservice training specifically related to the area and type of program in which the special education instructional paraprofessional is employed.

(3) Each inservice training program may include up to five clock hours annually of on-the-job learning experiences which are:

(A) related to the assignment of the particular paraprofessional; and

(B) planned and provided by the special teacher.

(e) Each local education agency shall:

(1) provide each special education instructional paraprofessional not less than 20 clock hours of inservice training per school year. The 20 clock hours of inservice training may be prorated according to the length of employment for any special education instructional paraprofessional who is not employed for a full school year; or

(2) allow each special education instructional paraprofessional to substitute two or more credit hours of related college coursework for the inservice training specified in paragraph (1).

(f) (1) The requirement for a paraprofessional I permit shall be participation in at least four inservice sessions totaling at least 20 clock hours of inservice training per school year.

(2) The requirements for a paraprofessional II permit shall be:

(A) two years experience as an instructional paraprofessional;

(B) completion of:

(i) 30 semester college hours of approved academic work;

(ii) an equivalent 450 clock hours of approved inservice training; or

(iii) a combination of (i) and (ii) totaling 450 clock hours; and

(C) participation in at least four inservice sessions totaling at least 20 clock hours of inservice training per school year.

(3) The requirements for a paraprofessional III permit shall be:

(A) three years experience as an instructional paraprofessional;

(B) completion of:

(i) 60 semester college hours of approved academic work;

(ii) an associate degree from an approved training program for instructional paraprofessionals;

(iii) a certificate from an approved training program for instructional paraprofessionals from a vocational technical school;

(iv) an equivalent 900 clock hours of approved inservice training; or

(v) a combination of (i) to (iii) totaling 900 clock hours of training; and

(C) participation in at least four inservice sessions totaling at least 20 clock hours of inservice training per school year. (Authorized by and implementing K.S.A. 72-963; effective May 1, 1983; amended May 1, 1985; amended May 1, 1986; amended July 1, 1990; amended June 29, 1992; amended June 1, 1993; amended March 8, 1996.)

Dale M. Dennis
Interim Commissioner of Education

Doc. No. 017304

State of Kansas

Secretary of State

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

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

Ron Thornburgh
Secretary of State

(Published in the Kansas Register February 22, 1996.)

SENATE BILL No. 495

AN ACT concerning implementation of tribal-state gaming compacts; relating to investigation of qualifications of certain employees and licensees.

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

Section 1. (a) A tribal gaming agency and the state gaming agency may receive from the Kansas bureau of investigation or other criminal justice agencies such criminal history record information (including arrest and nonconviction data), criminal intelligence information and information relating to criminal and background investigations as necessary for the purpose of determining qualifications of employees of the state gaming agency or applicants for employment by the state gaming agency or qualifications of the following, or applicants for the following, under a tribal-state gaming compact: Employees of a tribal gaming agency, gaming employees, key employees, manufacturer-distributors, management contractors, primary management officials, or standard gaming employees. Upon the written request of the chief administrative officer of a tribal gaming agency or of the state gaming agency, the tribal gaming agency or state gaming agency may receive from the district courts such information relating to juvenile proceedings as necessary for the purpose of determining such qualifications. Information received pursuant to this subsection, other than conviction data, shall be confidential and shall not be disclosed except to members and employees of the state gaming agency or members and employees of a tribal gaming agency as necessary to determine such qualifications. Any other disclosure of such confidential information is a class A misdemeanor and shall constitute grounds for removal from office or termination of employment.

(b) The state gaming agency, in accordance with K.S.A. 75-4319 and amendments thereto, may recess for a closed or executive meeting to receive and discuss information received by the state gaming agency pursuant to subsection (a).

Sec. 2. The state gaming agency shall require fingerprinting of persons for the purpose of determining their qualifications to be employees of the state gaming agency or their qualifications to be employees of a tribal gaming agency, gaming employees, key employees, manufacturer-distributors, management contractors, primary management officials or standard gaming employees under a tribal-state gaming compact. The state gaming agency shall submit such fingerprints to the Kansas bureau of investigation and to the federal bureau of investigation for the purposes of verifying the identity of such persons and obtaining criminal history record information (including arrest and nonconviction data), criminal intelligence information and information relating to criminal and background investigations.

Sec. 3. A tribal gaming agency, the Kansas bureau of investigation or the state gaming agency may enter into agreements with the federal bureau of investigation, the federal internal revenue service, the Kansas attorney general or any state, federal or local agency as necessary to carry out the duties of the tribal gaming agency, the Kansas bureau of investigation or the state gaming agency under a tribal-state gaming compact. Any consideration paid by the state gaming agency or the Kansas bureau of investigation for the purpose of entering into or carrying out any agreement shall be considered an administrative expense of the state gaming agency and shall be assessed in accordance with the applicable tribal-state gaming compact. When such agreements are entered into for responsibilities relating to licensing, as set forth in a tribal-state gaming compact,

the tribal gaming agency may provide by rules and regulations for the licensees to pay the costs incurred.

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

State of Kansas

Department of Wildlife and Parks

Permanent Administrative Regulations

Article 2.—FEES, REGISTRATIONS AND OTHER CHARGES

115-2-5. Trail access pass; requirement, fees, exceptions and general provisions. (a) Each individual 16 years of age and older using the Prairie Spirit rail trail state park or designated portions thereof, or trail systems on the Sand Hills state park or designated portions thereof shall possess a trail access pass.

(b) The provisions of section (a) do not apply to any individual using a trail system for which the trail access pass is required who is:

- (1) engaged in construction, development, operation, maintenance, concession or agricultural activities approved by the department in writing;
(2) engaged in emergency or law enforcement activities;
(3) engaged in official government business for a governmental entity;
(4) in possession of a special permit or pass issued by the secretary;
(5) engaged in news media activities as described in K.A.R. 115-18-6; or
(6) using the trail system during the period of time established by the secretary as free state park use days.

(c) The fee for a trail access pass shall be:

Table with 2 columns: Fee type and Amount. Annual trail access pass 10.00, Daily trail access pass 2.00

(d) Each annual trail access pass shall expire on December 31 of the year for which issued.

(e) Each daily trail access pass shall expire at 11:59 p.m. on the day for which it is issued.

(f) A trail access pass shall not be transferable.

(g) Each daily trail access pass shall be valid only for the trail system for which it is issued.

(h) A motor vehicle permit shall not be required to enter the Prairie Spirit rail trail state park or the Sand Hills state park.

(i) This regulation shall be effective on and after April 1, 1996. (Authorized by and implementing K.S.A. 32-807, K.S.A. 32-901 and K.S.A. 1994 Supp. 32-988, as amended by L. 1995, Chapter 164, section 4; effective April 1, 1996.)

Steven Williams
Secretary of Wildlife and Parks

Doc. No. 017313

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 1995 Supplement to the *Kansas Administrative Regulations*.

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1-2-8	New	V. 14, p. 1441
1-2-9	Amended	V. 14, p. 1441
1-2-11	Revoked	V. 14, p. 1441
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1-2-17	Amended	V. 14, p. 1441
1-2-20	New	V. 14, p. 172, 483
1-2-26	Revoked	V. 14, p. 1441
1-2-27	Revoked	V. 14, p. 1441
1-2-29	Revoked	V. 14, p. 1441
1-2-31	Amended	V. 14, p. 1441
1-2-35	Amended	V. 14, p. 1441
1-2-37	Revoked	V. 14, p. 1441
1-2-39	Revoked	V. 14, p. 1441
1-2-42	New	V. 14, p. 1441
1-2-42a	New	V. 14, p. 1441
1-2-43	Revoked	V. 14, p. 1442
1-2-44	New	V. 14, p. 1442
1-2-46	Amended	V. 14, p. 1442
1-2-47	Revoked	V. 14, p. 1442
1-2-48	Amended	V. 14, p. 1442
1-2-49	Revoked	V. 14, p. 1442
1-2-50	Amended	V. 14, p. 1442
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1-2-67	Amended	V. 14, p. 1442
1-2-68	New	V. 14, p. 1443
1-2-70	New	V. 14, p. 1443
1-2-71	Amended	V. 14, p. 1443
1-2-72	New	V. 14, p. 1443
1-2-73	Amended	V. 14, p. 1443
1-2-75	Revoked	V. 14, p. 1443
1-2-79	Amended	V. 14, p. 1443
1-2-83	Revoked	V. 14, p. 1443
1-2-84	Amended	V. 14, p. 1443
1-2-85	Amended	V. 14, p. 1443
1-2-86	New	V. 14, p. 1443
1-2-88	Amended	V. 14, p. 1443
1-2-91	Revoked	V. 14, p. 1443
1-2-95	Revoked	V. 14, p. 1443
1-3-2	Amended	V. 14, p. 1443
1-4-1	Amended	V. 14, p. 1444
1-4-7	Amended	V. 14, p. 1444
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1-5-4	Amended	V. 14, p. 1444
1-5-5	Revoked	V. 14, p. 1444
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1-5-16	Amended	V. 14, p. 1444-1447
1-5-18	Revoked	V. 14, p. 1448
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1-5-29	Amended	V. 14, p. 1450
1-5-30	Amended	V. 14, p. 1450
1-6-1	Amended	V. 14, p. 1451

1-6-2	Amended	V. 14, p. 1451
1-6-3	Amended	V. 14, p. 1451
1-6-4	Revoked	V. 14, p. 1452
1-6-5	Revoked	V. 14, p. 1452
1-6-6	Revoked	V. 14, p. 1452
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1-6-8	Amended	V. 14, p. 1452
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1-6-20	Revoked	V. 14, p. 1452
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1-6-22	Amended	V. 14, p. 1452
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1-6-24	Amended	V. 14, p. 1453
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1-7-5	Revoked	V. 14, p. 1458
1-7-6	Amended	V. 14, p. 1458
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1-8-6	Amended	V. 14, p. 1459
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1-9-6	Amended	V. 14, p. 1460-1463
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1-9-8	Amended	V. 14, p. 1465
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19-13	Amended	V. 14, p. 1466
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1-9-22	Amended	V. 14, p. 1466
1-9-23	Amended	V. 14, p. 1467
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1-9-26	New	V. 14, p. 175, 487
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1-14-7	Amended	V. 14, p. 1469
1-14-8	Amended	V. 14, p. 1470
1-14-10	Amended	V. 14, p. 1471
1-16-18	Amended	V. 14, p. 1376
1-18-1a	Amended	V. 14, p. 971, 1018
1-21-1	Amended	V. 14, p. 1472
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1-21-4	Amended	V. 14, p. 1472
1-24-1	Amended	V. 14, p. 1472

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7-36-6	Amended	V. 14, p. 982, 1102

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10-21-6	New	V. 14, p. 1630, 1631

AGENCY 11: STATE CONSERVATION COMMISSION

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11-8-1		
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11-8-8	New	V. 14, p. 629, 630

AGENCY 25: STATE GRAIN INSPECTION DEPARTMENT

Reg. No.	Action	Register
25-1-1	Revoked	V. 15, p. 138
25-3-3	Amended	V. 15, p. 138
25-4-1	Amended	V. 14, p. 676, 720

AGENCY 26: DEPARTMENT ON AGING

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26-8-1	Amended	V. 14, p. 990
26-8-4	Amended	V. 14, p. 991

26-8-8	Amended	V. 14, p. 991
26-9-1	New	V. 14, p. 884, 970

AGENCY 28: DEPARTMENT OF HEALTH AND ENVIRONMENT

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28-1-2	Amended	V. 14, p. 1740
28-1-3	Revoked	V. 14, p. 1740
28-1-4	Amended	V. 14, p. 1740
28-1-18	Amended	V. 14, p. 1740
28-19-7	Amended	V. 14, p. 1580
28-19-45	Revoked	V. 15, p. 183
28-19-46	Revoked	V. 15, p. 183
28-19-47	Revoked	V. 15, p. 183
28-19-511	Amended	V. 14, p. 1589
28-19-512	Amended	V. 14, p. 1591
28-19-518	Amended	V. 14, p. 1594
28-19-645	New	V. 15, p. 183
28-19-646	New	V. 15, p. 183
28-19-647	New	V. 15, p. 183
28-19-648	New	V. 15, p. 184
28-29-84	Amended	V. 14, p. 992
28-29-85	Amended	V. 14, p. 992
28-29-98	Amended	V. 14, p. 991
28-34-62a	Amended	V. 14, p. 1659

AGENCY 30: SOCIAL AND REHABILITATION SERVICES

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30-4-34	Amended	V. 14, p. 826
30-4-63	Amended	V. 14, p. 826
30-4-63w	Amended	V. 14, p. 827
30-4-64	Amended	V. 14, p. 828
30-4-64w	Amended	V. 14, p. 829
30-4-65w	New	V. 14, p. 830
30-4-85a	Amended	V. 15, p. 15
30-4-101	Amended	V. 14, p. 1327
30-4-120	Amended	V. 14, p. 831
30-4-120w	Amended	V. 14, p. 832
30-4-140w	Amended	V. 14, p. 833
30-5-58	Amended	V. 15, p. 188
30-5-59	Amended	V. 14, p. 168
30-5-64	Amended	V. 15, p. 194
30-5-71	Amended	V. 14, p. 988, 1017
30-5-80	Amended	V. 14, p. 1660
30-5-81u	Amended	V. 14, p. 1661
30-5-82	Amended	V. 14, p. 1661
30-5-86	Amended	V. 14, p. 1662
30-5-94	Amended	V. 14, p. 1662
30-5-95	Amended	V. 14, p. 1663
30-5-106	Amended	V. 14, p. 169
30-5-107	Amended	V. 14, p. 169
30-5-110	Amended	V. 14, p. 1663
30-5-116	Amended	V. 14, p. 920
30-5-153	New	V. 14, p. 1663
30-5-153a	New	V. 14, p. 1663
30-5-174	New	V. 14, p. 920
30-6-103	Amended	V. 14, p. 1663
30-6-103w	Amended	V. 14, p. 1664
30-6-106	Amended	V. 14, p. 1665
30-6-106w	Amended	V. 14, p. 1666
30-6-111	Amended	V. 14, p. 833
30-6-111w	Amended	V. 14, p. 834
30-10-1a	Amended	V. 14, p. 1668
30-10-1b	Amended	V. 14, p. 1671
30-10-2	Amended	V. 14, p. 1671
30-10-15a	Amended	V. 14, p. 1672
30-10-17	Amended	V. 14, p. 1673
30-10-18	Amended	V. 14, p. 1675
30-10-19	Amended	V. 14, p. 1677
30-10-20	Amended	V. 14, p. 169
30-10-23a	Amended	V. 14, p. 1677
30-10-23b	Amended	V. 14, p. 1678
30-10-24	Amended	V. 14, p. 1678
30-10-25	Amended	V. 14, p. 1680
30-10-27	Amended	V. 14, p. 1680
30-10-29	Amended	V. 14, p. 1681
30-23-1	Revoked	V. 14, p. 1682
30-23-3	Revoked	V. 14, p. 1682
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through		
30-23-15	Revoked	V. 14, p. 1682
30-23-17	Revoked	V. 14, p. 1682
30-26-5	Revoked	V. 14, p. 1682

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30-26-6 Revoked V. 14, p. 1682
30-44-4 New V. 14, p. 921

AGENCY 37: KANSAS HIGHWAY PATROL

Reg. No.	Action	Register
37-1-1 through 37-1-5	Revoked	V. 14, p. 1633
37-1-5a	Revoked	V. 14, p. 1633
37-1-6 through 37-1-12	Revoked	V. 14, p. 1633

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40-4-17	Amended	V. 15, p. 77
40-4-37	Amended	V. 15, p. 77
40-4-37d	Amended	V. 15, p. 78
40-4-41	New	V. 14, p. 583, 624
40-4-41a through 40-4-41g	New	V. 14, p. 584-587, 625-628
40-5-109	Amended	V. 15, p. 78

AGENCY 60: BOARD OF NURSING

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60-11-108	Amended	V. 15, p. 115
60-11-109	Revoked	V. 15, p. 115
60-11-112	Revoked	V. 15, p. 115
60-11-114	Revoked	V. 15, p. 115
60-11-117	Revoked	V. 15, p. 115
60-12-106	Amended	V. 15, p. 115
60-12-109	Revoked	V. 15, p. 116
60-13-112	Amended	V. 15, p. 116
60-13-115	Revoked	V. 15, p. 116

AGENCY 63: BOARD OF MORTUARY ARTS

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63-1-3	Amended	V. 14, p. 202
63-2-2	Revoked	V. 14, p. 1439
63-2-3	Amended	V. 14, p. 202
63-2-10	Amended	V. 14, p. 1439
63-2-12	Amended	V. 14, p. 203
63-2-13	Amended	V. 14, p. 1439
63-3-9	Amended	V. 14, p. 1439
63-3-12	Amended	V. 14, p. 1439
63-3-13	Amended	V. 14, p. 1439
63-3-14	Revoked	V. 14, p. 1439
63-3-15	Amended	V. 14, p. 1439
63-3-16	Amended	V. 14, p. 1439
63-3-19	Amended	V. 14, p. 1439
63-4-1	Amended	V. 14, p. 1440
63-5-1	Amended	V. 14, p. 1440
63-5-2	Revoked	V. 14, p. 1440
63-6-1	Amended	V. 14, p. 203
63-6-2	Amended	V. 14, p. 203
63-6-3	Amended	V. 14, p. 204
63-6-4	Revoked	V. 14, p. 1440
63-6-5	Amended	V. 14, p. 1440

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66-6-6	Amended	V. 15, p. 185
66-7-3	Amended	V. 15, p. 185
66-8-1	Amended	V. 15, p. 185
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66-12-1	Amended	V. 15, p. 185
66-14-1 through 66-14-12	New	V. 15, p. 186, 187

AGENCY 67: BOARD OF HEARING AID EXAMINERS

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67-2-4	Amended	V. 14, p. 66

AGENCY 68: BOARD OF PHARMACY

Reg. No.	Action	Register
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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
68-14-1	Amended	V. 14, p. 126
68-20-15a	6Amended	V. 14, p. 126
68-20-18	Amended	V. 14, p. 127
68-20-19	Amended	V. 14, p. 128

AGENCY 70: BOARD OF VETERINARY MEDICAL EXAMINERS

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70-3-2	Amended	V. 14, p. 90
70-3-4	Revoked	V. 14, p. 90

AGENCY 71: KANSAS DENTAL BOARD

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71-1-13	Revoked	V. 14, p. 68
71-5-1 through 71-5-6	New	V. 14, p. 1533, 1534

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74-4-1	Amended	V. 14, p. 1736
74-4-4	Amended	V. 14, p. 1736
74-4-5	Revoked	V. 14, p. 1736
74-4-6	Revoked	V. 14, p. 1736
74-5-2	Amended	V. 14, p. 1736
74-5-103	Amended	V. 14, p. 1737
74-5-202	Amended	V. 14, p. 1738
74-5-203	Amended	V. 14, p. 1738
74-5-406	Amended	V. 14, p. 1738
74-6-1	Amended	V. 14, p. 1739
74-6-2	Amended	V. 14, p. 1739
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74-14-1	Revoked	V. 14, p. 1739
74-14-2	Revoked	V. 14, p. 1739

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81-5-12	New	V. 14, p. 287

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82-3-103	Amended	V. 14, p. 132
82-3-106	Amended	V. 14, p. 133
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
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82-3-300	Amended	V. 14, p. 137
82-5-13	Amended	V. 14, p. 1047
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86-1-12	Amended	V. 14, p. 1496
86-1-13	Amended	V. 14, p. 1497
86-1-15	Amended	V. 14, p. 1497
86-1-17	New	V. 14, p. 1497
86-1-18	New	V. 14, p. 1498
86-2-4	Revoked	V. 14, p. 1660
86-2-6	Revoked	V. 14, p. 1660
86-3-25	New	V. 14, p. 1498

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91-1-34	Amended	V. 14, p. 1705

91-1-35	Amended	V. 14, p. 1705
91-1-36	Revoked	V. 14, p. 1706
91-1-44	Amended	V. 14, p. 1706
91-1-45	Amended	V. 14, p. 1706
91-1-46	Amended	V. 14, p. 1706
91-1-48	Amended	V. 14, p. 1706
91-1-68a through 91-1-68d	Amended	V. 14, p. 677-680
91-1-68e	New	V. 14, p. 681
91-1-70a	New	V. 14, p. 682
91-1-70b	New	V. 14, p. 682
91-1-103	Revoked	V. 14, p. 1707
91-1-113b	Amended	V. 14, p. 1707
91-1-114a	Amended	V. 14, p. 1707
91-1-115a	Amended	V. 14, p. 1707
91-1-117a	Amended	V. 14, p. 1708
91-1-118a	Amended	V. 14, p. 1708
91-1-123	Revoked	V. 14, p. 1708
91-1-127a	Amended	V. 14, p. 1708
91-1-128a	Revoked	V. 14, p. 1708
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91-1-146d	Amended	V. 14, p. 1709
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91-12-25	Amended	V. 14, p. 91
91-12-29	Revoked	V. 14, p. 92
91-12-34	Revoked	V. 14, p. 92
91-12-35	Amended	V. 14, p. 92
91-12-41	Amended	V. 14, p. 92
91-12-42	Amended	V. 14, p. 93
91-12-51	Amended	V. 14, p. 94
91-12-54	Amended	V. 14, p. 94
91-12-56	Amended	V. 14, p. 94
91-12-60	Amended	V. 14, p. 95
91-12-74	New	V. 14, p. 95

AGENCY 100: BOARD OF HEALING ARTS

Reg. No.	Action	Register
100-38-1	Amended	V. 14, p. 676

AGENCY 102: BEHAVIORAL SCIENCES REGULATORY BOARD

Reg. No.	Action	Register
102-1-1	Amended	V. 14, p. 1014
102-1-4	Amended	V. 14, p. 488
102-1-5	Amended	V. 14, p. 488
102-1-10	Amended	V. 14, p. 1015
102-1-13	Amended	V. 14, p. 1016
102-2-3	Amended	V. 14, p. 1016
102-3-2	Amended	V. 14, p. 1016
102-4-1	Amended	V. 14, p. 489
102-4-2	Amended	V. 14, p. 1016
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
102-5-2	Amended	V. 14, p. 1016
102-6-1	New	V. 14, p. 796
102-6-2	New	V. 14, p. 797
102-6-4	New	V. 14, p. 797
102-6-5	New	V. 14, p. 797
102-6-8	New	V. 14, p. 798
102-6-9	New	V. 14, p. 798
102-6-10	New	V. 14, p. 798
102-6-11	New	V. 14, p. 799
102-6-12	New	V. 14, p. 799

AGENCY 109: BOARD OF EMERGENCY MEDICAL SERVICES

Reg. No.	Action	Register
109-8-1	Amended	V. 14, p. 1710
109-10-1	Amended	V. 14, p. 1242

AGENCY 111: 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 through 111-2-2e	New	V. 14, p. 1633, 1634
111-2-6	Revoked	V. 13, p. 149
111-2-7	Revoked	V. 10, p. 1210

111-2-13	Revoked	V. 10, p. 881	111-4-177			111-4-346		
111-2-14	Amended	V. 14, p. 1634	through			through		
111-2-15	Revoked	V. 10, p. 881	111-4-212	Revoked	V. 9, p. 1677, 1678	111-4-349	Revoked	V. 12, p. 114
111-2-16	Revoked	V. 10, p. 1210	111-4-213			111-4-362		
111-2-17	Revoked	V. 10, p. 1210	through			through		
111-2-18	Revoked	V. 11, p. 413	111-4-220	Revoked	V. 10, p. 1213	111-4-365	Revoked	V. 12, p. 114, 115
111-2-19	Revoked	V. 11, p. 413	111-4-217	Amended	V. 9, p. 986	111-4-362	Amended	V. 11, p. 13
111-2-20			111-4-221			111-4-366		
through			through			through		
111-2-26	Revoked	V. 13, p. 1401	111-4-224	Revoked	V. 10, p. 1585	111-4-379	New	V. 11, p. 136-139
111-2-27	Revoked	V. 14, p. 972	111-4-225			111-4-366		
111-2-28	New	V. 12, p. 1844	through			through		
111-2-29	Revoked	V. 14, p. 972	111-4-228	Revoked	V. 10, p. 1585	111-4-369	Revoked	V. 12, p. 1373
111-2-30	Amended	V. 14, p. 403	111-4-229			111-4-370		
111-2-31	New	V. 14, p. 170	through			through		
111-2-32	New	V. 14, p. 311	111-4-236	Revoked	V. 10, p. 1585, 1586	111-4-379	Revoked	V. 14, p. 7, 8
111-2-33	Amended	V. 14, p. 1741	111-4-237			111-4-380		
111-2-34	Amended	V. 14, p. 722	through			through		
111-2-35	New	V. 14, p. 796	111-4-240	Revoked	V. 11, p. 413	111-4-383	Revoked	V. 12, p. 1664
111-2-36	New	V. 14, p. 908	111-4-241			111-4-384		
111-2-37	New	V. 14, p. 1094	through			through		
11-2-38	New	V. 14, p. 1741	111-4-244	Revoked	V. 12, p. 1371	111-4-387	Revoked	V. 12, p. 1373
111-2-39	New	V. 14, p. 1502	111-4-245			111-4-388		
111-2-40	New	V. 14, p. 1502	through			through		
111-2-41	New	V. 14, p. 1742	111-4-248	Revoked	V. 12, p. 1371	111-4-400	New	V. 11, p. 478-481
111-2-42	New	V. 14, p. 1742	111-4-249			111-4-388		
111-3-1	Amended	V. 14, p. 908	through			through		
111-3-6	Amended	V. 12, p. 677	111-4-256	Revoked	V. 12, p. 113, 114	111-4-391	Revoked	V. 12, p. 1373
111-3-9	Revoked	V. 11, p. 1793	111-4-257			111-4-392	Amended	V. 12, p. 520
111-3-10			through			111-4-394		
through			111-4-286	Revoked	V. 11, p. 413, 414	through		
111-3-31	New	V. 7, p. 201-206	111-4-287			111-4-400	Amended	V. 12, p. 521, 522
111-3-11	Amended	V. 13, p. 35	through			111-4-401		
111-3-12	Amended	V. 13, p. 1826	111-4-300	New	V. 10, p. 883-886	through		
111-3-13	Amended	V. 11, p. 1148	111-4-287			111-4-404	Revoked	V. 12, p. 1373
111-3-14	Amended	V. 13, p. 1826	through			111-4-405		
111-3-16	Amended	V. 9, p. 1566	111-4-290	Revoked	V. 12, p. 1371	through		
111-3-19			111-4-291			111-4-413	New	V. 11, p. 756, 757
through			through			111-4-405	Amended	V. 14, p. 723
111-3-22	Amended	V. 9, p. 30	111-4-300	Revoked	V. 12, p. 114	111-4-407	Amended	V. 13, p. 877
111-3-19	Revoked	V. 13, p. 1827	111-4-301			111-4-408	Amended	V. 14, p. 723
111-3-20	Amended	V. 11, p. 1148	through			111-4-409	Amended	V. 14, p. 723
111-3-21	Amended	V. 11, p. 1148	111-4-307	Revoked	V. 13, p. 1402	111-4-411	Amended	V. 14, p. 1094
111-3-22	Amended	V. 11, p. 1148	111-4-301	Amended	V. 12, p. 1115	111-4-412	Amended	V. 11, p. 1475
111-3-23	Revoked	V. 10, p. 883	111-4-303	Amended	V. 12, p. 1115	111-4-413	Amended	V. 11, p. 1475
111-3-25	Amended	V. 13, p. 1827	111-4-304	Amended	V. 12, p. 1115	111-4-414		
111-3-26	Amended	V. 11, p. 1149	111-4-306	Amended	V. 12, p. 1115	through		
111-3-27	Amended	V. 11, p. 1149	111-4-308			111-4-428	Revoked	V. 14, p. 8
111-3-29	Revoked	V. 11, p. 1149	through			111-4-414	Amended	V. 11, p. 1150
111-3-31	Amended	V. 8, p. 209	111-4-320	New	V. 10, p. 1214, 1215	111-4-429		
111-3-32	Amended	V. 10, p. 883	111-4-308	Amended	V. 12, p. 1261	through		
111-3-33	New	V. 7, p. 1434	111-4-311	Amended	V. 12, p. 1262	111-4-432	Revoked	V. 12, p. 1373
111-3-34	New	V. 13, p. 149	111-4-312	Amended	V. 12, p. 1262	111-4-433		
111-3-35	Amended	V. 14, p. 909	111-4-313	Amended	V. 12, p. 1262	through		
111-3-36	New	V. 13, p. 877	111-4-318			111-4-436	Revoked	V. 12, p. 1374
111-3-37	New	V. 13, p. 877	through			111-4-437		
111-4-1			111-4-321	Revoked	V. 12, p. 114	through		
through			111-4-322			111-4-444	New	V. 11, p. 1475-1477
111-4-5	Revoked	V. 12, p. 113	through			111-4-437		
111-4-5a	Revoked	V. 12, p. 113	111-4-331	New	V. 10, p. 1411-1413	111-4-440	Revoked	V. 12, p. 1374
111-4-6			111-4-322			111-4-441		
through			through			through		
111-4-15	Revoked	V. 12, p. 113	111-4-327	Revoked	V. 12, p. 1371	111-4-443	Revoked	V. 14, p. 8
111-4-66			111-4-328			111-4-445		
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111-4-77	New	V. 7, p. 207-209	111-4-335	Revoked	V. 12, p. 114	111-4-453	New	V. 11, p. 1794-1796
111-4-96			111-4-336			111-4-445		
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111-4-114	New	V. 7, p. 1606-1610	111-4-345	New	V. 10, p. 1526-1528	111-4-448	Revoked	V. 12, p. 1374
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111-4-101	Amended	V. 14, p. 972	111-4-341	Revoked	V. 11, p. 1473	through		
111-4-102	Amended	V. 12, p. 1114	111-4-341a	Revoked	V. 12, p. 1372	111-4-453	Revoked	V. 14, p. 8
111-4-103	Amended	V. 10, p. 1211	111-4-341b	Amended	V. 12, p. 1372	111-4-454		
111-4-104	Amended	V. 14, p. 972	111-4-341c	New	V. 12, p. 1664	through		
111-4-105	Amended	V. 14, p. 972	111-4-344	Amended	V. 12, p. 1373	111-4-465	Revoked	V. 12, p. 1664, 1665
111-4-106	Amended	V. 14, p. 973	111-4-346			111-4-466		
111-4-106a	Amended	V. 14, p. 974	through			through		
111-4-107	Amended	V. 11, p. 978	111-4-346			111-4-473	New	V. 12, p. 316, 317
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111-4-110	Amended	V. 11, p. 978	through			through		
111-4-111	Amended	V. 9, p. 1366	111-4-356			111-4-473	New	V. 12, p. 316, 317
111-4-112	Amended	V. 14, p. 974	through			through		
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through								
111-4-160	Revoked	V. 9, p. 1676, 1677						

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112-9-21a Amended V. 14, p. 751
 112-10-38 New V. 14, p. 1632
 112-12-10 Amended V. 14, p. 1102
 112-12-14 Amended V. 14, p. 1632
 112-16-14 Amended V. 14, p. 1633
 112-17-1 through
 112-17-13 Amended V. 14, p. 752-756
 112-17-15 Amended V. 14, p. 756

AGENCY 115: DEPARTMENT OF WILDLIFE AND PARKS

Reg. No.	Action	Register
115-2-1	Amended	V. 14, p. 949
115-2-2	Amended	V. 14, p. 949
115-2-3	Amended	V. 14, p. 950

115-4-3 Amended V. 14, p. 493
 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
 115-18-6 New V. 14, p. 950
 115-18-14 Amended V. 14, p. 1244
 115-20-1 Amended V. 14, p. 123
 115-30-3 Amended V. 14, p. 123
 115-30-11 1New V. 14, p. 950

AGENCY 117: REAL ESTATE APPRAISAL BOARD

Reg. No.	Action	Register
117-2-2	Amended	V. 14, p. 533
117-3-2	Amended	V. 14, p. 534

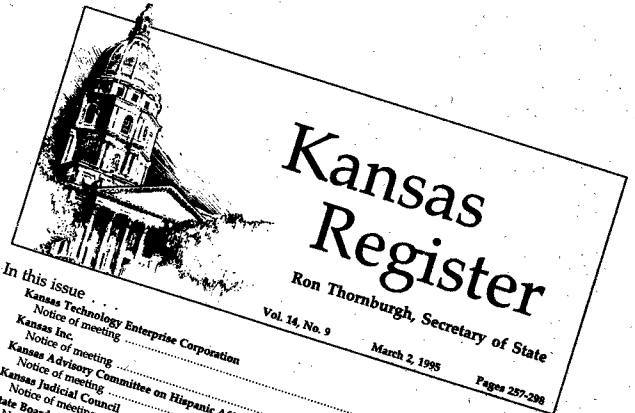
117-4-2 Amended V. 14, p. 534
AGENCY 121: DEPARTMENT OF CREDIT UNIONS

Reg. No.	Action	Register
121-1-1	New	V. 14, p. 1214

AGENCY 122: POOLED MONEY INVESTMENT BOARD

Reg. No.	Action	Register
122-1-1	New	V. 14, p. 1126, 1499
122-2-1	New	V. 14, p. 1126, 1499
122-2-2	New	V. 14, p. 1126, 1499
122-3-1 through		V. 14, p. 1127, 1128
122-3-10	New	1499-1501
122-4-1	New	V. 14, p. 1128, 1501
122-5-1	New	V. 14, p. 1128, 1501

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