

# Kansas Register

Ron Thornburgh, Secretary of State

Vol. 15, No. 14

April 4, 1996

Pages 391-432

## In this issue . . .

Page

<b>Information Network of Kansas</b>	
Notice of meeting .....	392
<b>Department of Administration—Division of Architectural Services</b>	
Notice of commencement of negotiations for engineering services .....	392
<b>University of Kansas</b>	
Notice to bidders .....	392
<b>Kansas Judicial Council</b>	
Notice of meetings .....	392
<b>Military Advisory Board</b>	
Notice of meeting .....	393
<b>Department of Commerce and Housing</b>	
Notice of hearings on Kansas Consolidated Plan .....	393
<b>State Fair Board</b>	
Notice of meeting .....	393
<b>Executive appointments</b> .....	393
<b>Department on Aging</b>	
Request for proposals for in-home nutrition services .....	394
<b>Department of Transportation</b>	
Notice to contractors .....	394
<b>University of Kansas Medical Center</b>	
Notice to bidders .....	395
<b>State Corporation Commission</b>	
Notice of motor carrier hearings .....	395
Notice of hearing .....	402
<b>Department of Administration—Division of Purchases</b>	
Notice to bidders for state purchases .....	397
<b>Supreme Court docket</b> .....	398
<b>Speech-Language Pathology and Audiology Advisory Board</b>	
Notice of meeting .....	400
<b>Kansas Water Authority</b>	
Notice of meeting .....	400
<b>Kansas State Treasurer</b>	
Notice of investment rates .....	400
<b>Secretary of State</b>	
Usury rate for April .....	400
Notice of corporations forfeited .....	401
<b>Notice of Bond Sale</b>	
U.S.D. 380, Marshall County .....	403
City of Leavenworth .....	406
City of Louisburg .....	407
<b>Legislative bills introduced March 21-27</b> .....	407
<b>Notice of Bond Redemption</b>	
City of Deerfield (corrected) .....	408
<b>Department of Health and Environment</b>	
Notice concerning Kansas water pollution control permits .....	409
<b>Permanent Administrative Regulations</b>	
Department of Agriculture—Division of Water Resources .....	410
<b>New State Laws</b>	
House Bill 2811, concerning counties; relating to county officers and employees .....	413
Senate Bill 649, concerning the workers compensation act .....	415
Senate Bill 684, concerning the optometry law .....	423
Senate Bill 408, concerning garnishment .....	426
House Bill 2982, concerning the secretary of agriculture .....	426
<b>Index to administrative regulations</b> .....	427

State of Kansas  
Information Network of Kansas

Notice of Meeting

The Information Network of Kansas Board of Directors will meet at 2 p.m. Thursday, April 18, at Kansas Inc., 632 S.W. Van Buren, Suite 100, Topeka. The meeting is open to the public.

Charles R. Warren  
Chairman

Doc. No. 017460

State of Kansas  
Department of Administration  
Division of Architectural Services

Notice of Commencement of Negotiations  
for Engineering Services

Notice is hereby given for the commencement of negotiations for "on-call" engineering services for the Department of Administration, Division of Architectural Services. The selected firm would provide civil and site utility engineering services for small projects.

If interested, an original and six copies of the SF 255 form (plus relevant attachments of information regarding similar projects) should be submitted. These submittals should be concise, relevant to the project and follow the State Building Advisory Commission guidelines for submittal. Copies of the guidelines have previously been distributed to firms; if copies of the guidelines are required, contact Gary Grimes, Division of Architectural Services, 625 Polk, Topeka, 66603, (913) 233-9367.

Any questions or expressions of interest should be submitted to Gary Grimes by 5 p.m. April 19.

Thaine Hoffman, AIA  
Director, Division of  
Architectural Services

Doc. No. 017461

State of Kansas  
University of Kansas

Notice to Bidders

Sealed bids for the items 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, April 15, 1996

RFQ 96-6578

Microscopes

RFQ 96-6588

Multi-media computer workstation

Diane Goddard  
Acting Director of Purchasing

Doc. No. 017462

State of Kansas  
Kansas Judicial Council

Notice of Meetings

The Kansas Judicial Council and its advisory committees will meet according to the following schedule at the Kansas Judicial Center, 301 W. 10th, Topeka:

Date	Committee	Time	Location
April 12	Care & Treatment	9:30 a.m.	Room 259
April 19	Family Law	9:30 a.m.	Room 275
April 19	PIK-Civil	9:30 a.m.	Room 259
May 3	Probate Law	9:30 a.m.	Room 259
May 10	Care & Treatment	9:30 a.m.	Room 259
May 17	Judicial Council	9:00 a.m.	Room 259
May 17	PIK-Civil	9:30 a.m.	Room 275

Justice Tyler C. Lockett  
Chair

Doc. No. 017477

The Kansas Register (ISSN No. 0662-190) is an official publication of the State of Kansas, published by authority of K.S.A. 75-430. The Kansas Register is published weekly by the Kansas Secretary of State, State Capitol, Topeka, KS 66612-1594. One year subscriptions are \$60 (Kansas residents must include \$3.69 state and local sales tax). Single copies may be purchased, if available, for \$2 each. Second class postage paid at Topeka, KS.

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

© Kansas Secretary of State 1996. Reproduction of this publication in its entirety or for commercial purposes is prohibited without prior permission. Official enactments of the Kansas Legislature and proposed and adopted administrative regulations of state agencies may be reproduced in any form without permission.

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



Register Office:  
Room 233-N, State Capitol  
(913) 296-3489

## State of Kansas

**Military Advisory Board****Notice of Meeting**

The Kansas Military Advisory Board of the Adjutant General's Department will meet at 10 a.m. Tuesday, April 16, in the State Defense Building, Conference Room 102, 2800 S.W. Topeka Blvd., Topeka. An agenda may be obtained by contacting Charles Bredahl at (913) 274-1004.

Charles G. Bredahl  
Special Assistant to the  
Adjutant General

Doc. No. 017455

## State of Kansas

**Department of Commerce  
and Housing****Notice of Hearings on Kansas Consolidated Plan**

The Department of Commerce and Housing will conduct public hearings for comment on the preliminary draft of the Kansas Consolidated Plan for federal fiscal years 1996-1998 (state fiscal years 1997-1999). The consolidated plan is the state's proposed framework for business development, community development and housing development. The Kansas Consolidated Plan will be available for public examination beginning April 8 at county seat public libraries, selected local government offices and video conference sites (April 17 only). The public comment period ends May 7.

The public hearings will be conducted as a video conference at 7:30 p.m. April 17. Persons attending should arrive by 7 p.m. All conference sites are accessible to persons with disabilities. The video conference sites are as follows:

- Mitchell County Hospital Library, 400 W. 8th, Beloit
- Northwest Kansas Regional Medical Center, Hospital Classroom/ER, 220 W. 2nd, Goodland
- Emporia State University, Vissler Hall, Room 111, 1200 Commercial, Emporia
- Grisell Memorial Hospital, Conference Room, 330 Vermont, Ransom
- Southeast Kansas Education Service Center, Video Conference Room, 947 W. 57 Highway, Greenbush
- Hutchinson Community College, Lockman Hall, Room 22, 1300 N. Plum, Hutchinson
- St. Catherine Hospital, Classroom One, 410 E. Walnut, Garden City
- Landon State Office Building, Room 855 South, 900 S.W. Jackson, Topeka

Gary Sherrer  
Secretary of Commerce  
and Housing

Doc. No. 017470

## State of Kansas

**State Fair Board****Notice of Meeting**

The State Fair Board will meet at noon Friday, April 12, in the board room of the Administration Office on the fairgrounds in Hutchinson. For further information, contact Deana Novak at (316) 669-3612.

Deana Novak  
Public Service Administrator

Doc. No. 017456

## 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, were filed March 11-31:

**District Judge, 28th Judicial District**

Jerome P. Hellmer, 4880 N. Dorman Drive, Salina, 67401.

**Marion County Attorney**

Edwin M. Wheeler, Jr., 304 Locust, Marion, 66861. Term expires when a successor is elected and qualifies according to law.

**Rice County Sheriff**

Milton R. Gillespie, 115 N. St. Johns Ave., Lyons, 67554. Term expires when a successor is elected and qualifies according to law.

**Russell County Attorney**

Daniel W. Krug, 405 W. Jewell St., Russell, 67665. Term expires when a successor is elected and qualifies according to law.

**Kansas Credit Union Council**

Sharon M. Allbaugh, 1110 N. Denene St., Wichita, 67207. Term expires March 15, 1999.

Carolyn J. Campbell, 713 N. 14th, Atchison, 66002. Term expires March 15, 1999.

William E. Hauber, 3122 W. 29th Terrace, Fort Leavenworth, 66027. Term expires March 15, 1999.

**Respiratory Therapist Council**

Edward B. Anderson, P.O. Box 1071, Elkhart, 67950. Term expires June 30, 1998.

**Kansas Turnpike Authority**

Frank J. Becker, 4408 Heritage Drive, Lawrence, 66047. Effective May 1, 1996. Term expires April 30, 2000.

Ron Thornburgh  
Secretary of State

## State of Kansas

## Department on Aging

Request for Proposals for  
In-Home Nutrition Services

The Kansas Department on Aging is currently accepting proposals for in-home nutrition services funded by state resources for the program period July 1, 1996 through June 30, 1997. Complete proposals must be received by 5 p.m. May 3.

The In-Home Nutrition Program provides at least one home delivered meal per day containing one-third of the current recommended dietary allowance five or more days a week to individuals age 60 or older who meet specific eligibility criteria. Programs may be funded in all areas of the state; however, priority will be given to maintaining services in areas currently served by the In-Home Nutrition Program. Programs funded are subject to those Kansas administrative regulations and KDOA policy issuances which may come into effect after the date of the initial agreement for this contract period.

Organizations interested in receiving a request for proposal should contact Tamara Tiemann, R.D., Nutrition Specialist, Kansas Department on Aging, Docking State Office Building, Room 150, 915 S.W. Harrison, Topeka, 66612-1500, (913) 296-4986.

Thelma Hunter Gordon  
Secretary of Aging

Doc. No. 017475

## State of Kansas

## Department of Transportation

## Notice to Contractors

Sealed proposals for the construction of road and bridge work in the following Kansas counties will be received at the office of the Chief of Construction and Maintenance, KDOT, Topeka, until 2 p.m. April 17, and then publicly opened:

## District One—Northeast

**Brown**—7 X-1917-01—Union Pacific Railroad and county route 66 south of Padonia, flashing light signal. (Federal Funds)

**Brown**—7 X-1918-01—Union Pacific Railroad and county route 60 at Baker, flashing light signal. (Federal Funds)

**District Wide**—106 K-6264-01—Guard fence repair. (State Funds)

**District Wide**—106 K-6265-01—Guard fence repair. (State Funds)

**District Wide**—106 K-6266-01—Guard fence repair. (State Funds)

**Johnson**—46 N-0063-01—Noland Road intersection at 95th and at Santa Fe Trail, intersection improvement. (Federal Funds)

**Johnson**—169-46 K-6091-01—U.S. 169 from U.S. 69 and U.S. 169 north to 107th Street, overlay. (State Funds)

**Johnson**—69-46 K-6073-01—U.S. 69 from the Miami-Johnson county line north to the junction of U.S. 69 and U.S. 169, overlay. (State Funds)

**Leavenworth**—52 C-3105-01—County road from Lowemont east to county route 18, 5.6 miles (9 kilometers), surfacing. (Federal Funds)

**Marshall**—36-58 K-5969-01—U.S. 36 (14th Street) and Center Street in Marysville, traffic signal. (State Funds)

**Nemaha**—66 C-3039-01—County road 1 mile (1.6 kilometers) north and 2 miles (3.2 kilometers) east of Seneca, 0.2 mile (0.3 kilometer), grading and bridge. (Federal Funds)

**Shawnee**—4-89 K-6037-01—K-4, from Wabauunsee-Shawnee county line northeast to Auburn Road, 10 miles (16.1 kilometers), overlay. (State Funds)

**Wyandotte**—105 N-0019-01—U.S. 169/7th Street and Southwest Boulevard in Kansas City, intersection improvement. (Federal Funds)

## District Two—Northcentral

**Cloud**—81-15 K-4429-02—U.S. 81 from the Ottawa-Cloud county line north to county route 140, 9.1 miles (14.7 kilometers), grading and bridge. (State Funds)

**District Wide**—106 K-6267-01—Guard fence repair. (State Funds)

**Geary**—70-31 K-5965-01—I-70 rest area east of Junction City, lighting. (State Funds)

**Saline**—70-85 K-6000-01—I-70 approximately 12 miles (19.2 kilometers) east of the Lincoln-Saline county line, 1.2 miles (2 kilometers), slide repair. (State Funds)

**Washington**—148-101 K-5850-01—K-148, culverts 524 and 530, culvert replacements. (State Funds)

## District Three—Northwest

**District Wide**—106 K-5927-96—Various locations in the district, signing. (State Funds)

**District Wide**—106 K-6268-01—Guard fence repair. (State Funds)

**Ellis**—26 TE-0064-01—Union Pacific corridor, landscaping and beautification. (State Funds)

**Graham**—18-33 K-5831-01—K-18, bridge 044 (South Fork Solomon River), bridge repair. (State Funds)

**Norton**—283-69 K-5861-01—U.S. 283, bridge 060 (North Fork Solomon River), bridge repair. (State Funds)

**Rawlins**—25-77 K-5269-01—K-25 from the Little Beaver Creek bridge 13, then north approximately 0.2 mile (0.3 kilometer), grading and surfacing. (State Funds)

## District Four—Southeast

**Crawford**—19 U-1498-01—City of Pittsburg, signing. (Federal Funds)

**District Wide**—106 K-6269-01—Guard fence repair. (State Funds)

**Franklin**—68-30 K-5842-01—K-68, bridge 073 over the Missouri Pacific Railroad, bridge repair. (State Funds)

**Labette**—50 C-3197-01—County road 3.5 miles (5.6 kilometers) north of Mound Valley, grading and bridge. (Federal Funds)

Miami—61 K-6270-01—Guard fence repair. (State Funds)

Neosho—59-67 K-5841-01—U.S. 59, bridge 7 (Little Canville Creek) 4.1 miles (6.6 kilometers) east of the west junction of K-39, bridge overlay. (State Funds)

**District Five—Southcentral**

Cowley—166-18 K-4354-02—U.S. 166, Ark City Bypass, 3.8 miles (6 kilometers), surfacing. (State Funds)

Cowley—77-18 K-4431-03—Intersection of U.S. 77 and U.S. 166, grading and surfacing. (State Funds)

Cowley—166-18 K-5968-01—U.S. 166 and B Street in Arkansas City, traffic signals. (State Funds)

District Wide—106 K-6271-01—Guard fence repair. (State Funds)

District Wide—106 K-6272-01—Guard fence repair. (State Funds)

Sedgwick—54-87 K-5519-01—U.S. 54, bridges 149 and 150 over the Kansas Turnpike Authority at the east city limits of Wichita, bridge painting. (State Funds)

**District Six—Southwest**

District Wide—106 K-5929-96—Various locations in district, signing. (State Funds)

District Wide—106 K-6273-01—Guard fence repair. (State Funds)

Ford—154-29 K-3212-02—K-154 and West Plains Energy Company Railroad Crossing, flashing light signals. (State Funds)

Seward—83-88 K-3370-01—U.S. 83, east Liberal bypass, 5 miles (8 kilometers), grading and surfacing. (State Funds)

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

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

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

E. Dean Carlson  
Secretary of Transportation

Doc. No. 017427

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.

**Tuesday, April 16, 1996**

726275

Powered air purifying respirators

**Wednesday, April 17, 1996**

726279

Notebook computers

Barbara Lockhart  
Purchasing Director

Doc. No. 017466

State of Kansas

**State Corporation Commission**

**Notice of Motor Carrier Hearings**

Applications set for hearing are to be heard at 9:30 a.m. April 23 before the State Corporation Commission, 1500 S.W. Arrowhead Road, Topeka.

This list does not include cases previously assigned hearing dates for which parties of record have received notice.

Questions concerning applications for hearing dates should be addressed to the State Corporation Commission, 1500 S.W. Arrowhead Road, Topeka, 66604-4027, (913) 271-3196 or 271-3146. Anyone needing special accommodations should give notice to the commission 10 days prior to the scheduled hearing date.

Your attention is invited to Kansas Administrative Regulation 82-1-228, "Rules of Practice and Procedure Before the Commission."

\*\*\*\*\*

**Applications set for April 23, 1996**

**Application for Certificate of Public Service:**

Dewey S. Cook, dba ) Docket No. 161,374 M  
Cook's Service )  
203 S. Hickory )  
Ottawa, KS 66067 ) MC ID No. 131469

Applicant's Attorney: None

*Disabled vehicles,*

Between all points and places in the State of Kansas.

\*\*\*\*\*

**Application for Certificate of Public Service:**

Jerry Edwards, dba ) Docket No. 194,270 M  
Edwards Custom Combining )  
Route 1, Box 34 )  
Council Grove, KS 66846 ) MC ID No. 152966

Applicant's Attorney: None

(continued)

General commodities (except household goods and hazardous materials),

Between all points and places in the State of Kansas.

\*\*\*\*\*

Application for Certificate of Public Service:

Daniel J. Fletcher, dba ) Docket No. 193,298 M
Fletcher Trucking )
417 S. Hungerford )
Haysville, KS 67060 ) MC ID No. 152492

Applicant's Attorney: None

Agricultural commodities and livestock,

Between all points and places in the State of Kansas.

\*\*\*\*\*

Application for Transfer of Certificate of Public Service:

Randy Gilmore, dba ) Docket No. 177,516 M
Pop's Pipe & Supply )
1910 W. 3rd )
Liberal, KS 67901 ) MC ID No. 141856

TO:

Scott J. Gilmore and Randy J. Gilmore, dba
Pop's Pipe & Supply
1910 W. 3rd
Liberal, KS 67901

Applicant's Attorney: None

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

Between all points and places in the State of Kansas.

\*\*\*\*\*

Application for Certificate of Public Service:

Kim S. Holland ) Docket No. 194,272 M
5 Sunset Drive )
Hutchinson, KS 67502 ) MC ID No. 152968

Applicant's Attorney: None

Building materials,

Between all points and places in the State of Kansas.

\*\*\*\*\*

Application for Certificate of Public Service:

Craig S. Johnson, dba ) Docket No. 194,271 M
Jonco Enterprises )
1608 Hackney )
Winfield, KS 67156 ) MC ID No. 152967

Applicant's Attorney: None

General commodities (except household goods and hazardous materials),

Between all points and places in the State of Kansas.

\*\*\*\*\*

Application for Abandonment of Certificate of Public Service:

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

Applicant's Attorney: None

\*\*\*\*\*

Application for Certificate of Public Service:

Watkins Motor Lines, Inc. ) Docket No. 146,167 M
1144 W. Griffin Road )
Lakeland, FL 33804-5002 ) MC ID No. 121932

Applicant's Attorney: Andrew Light, Scopelitis, Garvin, Light & Hanson, 1777 Market Tower, 10 W. Market St., Indianapolis, IN 46204-2971

General commodities (except household goods),

Between all points and places in the State of Kansas.

\*\*\*\*\*

Application for Certificate of Public Service:

Ed Wilkinson, dba ) Docket No. 194,303 M
Mr. Ed's Trucking )
P.O. Box 19 )
Courtland, KS 66939 ) MC ID No. 153139

Applicant's Attorney: Clyde Christey, Southwest Plaza Bldg., Suite 124, 3601 W. 29th, Topeka, KS 66614

General commodities (except household goods and hazardous commodities),

Between all points and places in the State of Kansas.

\*\*\*\*\*

Application for Name Change of Certificate of Public Service:

Willis Shaw Frozen Express, ) Docket No. 188,923 M
Inc. )
201 N. Elm )
Elm Springs, AR 72728 ) MC ID No. 107018

TO:

Willis Shaw Express, Inc., dba
Willis Shaw Express
201 N. Elm
Elm Springs, AR 72728

Applicant's Attorney: None

General commodities (except household goods, classes A and B explosives, commodities in bulk and hazardous materials),

Between all points and places in the State of Kansas.

\*\*\*\*\*

Don Carlile
Administrator
Transportation Division

Doc. No. 017469

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, April 15, 1996

03582

Wichita State University—Refurbished Silicon Graphics workstation

03620

Kansas State University—Chemistry system and lab computer system

Tuesday, April 16, 1996

03589

Department of Transportation—Gabion rock (Girard)

03590

Department of Transportation—AS-1 aggregate, Winfield

03591

Department of Health and Environment—Fume hood and laboratory furniture

03623

Kansas State University—Voltammeter analyzer

Wednesday, April 17, 1996

31038 Supp.

Kansas State Fair—Tickets (carnival ride coupons and wristbands)

31559

Statewide—Surgical specialty items (Class 12)

31730

Kansas Lottery—Adjustable dispenser and cash register stands

31732

University of Kansas Medical Center—Silver recovery

Thursday, April 18, 1996

03592

University of Kansas—Research microscope and upright microscope installed

03600

Department of Administration, Central Motor Pool—Compact sport utility vehicle

03601

Pittsburg State University—Emergency telephones

03608

Department of Transportation—Bituminous plant mix (Salina)

03609

Department of Transportation—Bituminous plant mix (District 4), various locations

03610

Kansas State University—High speed copier

03611

Emporia State University—Data backup/recovery software

03612

Kansas State University—Unix workstations

03613

Wichita State University—CD-ROM cabinet, drivers and controller

03629

Kansas State University—High-Pro soybean meal and corn

Friday, April 19, 1996

31733

University of Kansas—Maintenance plumbing service

03218 Rebid

Department of Health and Environment—AS/400 9406-30s

03615

Fort Hays State University—Furnish all labor and materials for asbestos removal

03621

Kansas Insurance Department—Upgrade to AS/400 system

03622

Department of Transportation—Electrical test equipment, various locations

03624

Kansas State University—Laboratory fume hoods with cabinets

Friday, May 3, 1996

31734

Kansas Highway Patrol—Aircraft Insurance

Monday, May 6, 1996

31735

Department of Wildlife and Parks—Hay lease, Fall River

Thursday, May 9, 1996

A-7808

University of Kansas—Templin Hall renovation

\*\*\*\*\*

Request for Proposals

Tuesday, April 30, 1996

31736

Rest area cleaning services for five rest areas for the Department of Transportation

Thursday, May 2, 1996

31603

Adoptive family services for the Department of Social and Rehabilitation Services

John T. Houlihan  
Director of Purchases

Doc. No. 017471

State of Kansas

**Office of Judicial Administration  
Supreme Court Docket**

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

**Monday, April 15, 1996**

9:00 a.m.

Case No.	Case Name	Attorneys	County
75,566	OMI Holdings, Inc., Plaintiff, v. John M. Howell, Defendant.	Douglas M. Greenwald J. H. Eschmann	Certified Question
73,994	Universal Motor Fuels, Appellant, v. Michael L. Johnston, Appellee.	Phillip Mellor John W. Strahan	Sedgwick
72,761	State of Kansas, Appellee, v. Alan Keith Copridge, Appellant.	Carla J. Stovall, Attorney General Debra S. Peterson, Assistant District Attorney Stephen Douglas Bonney, Special Appellate Defender	Sedgwick
74,075	State of Kansas, Appellee, v. Anthony D. Chiles, Appellant.	Carla J. Stovall, Attorney General Debra S. Peterson, Assistant District Attorney Edward G. Collister, Jr., Special Appellate Defender	Sedgwick
1:30 p.m.			
74,144	State of Kansas, Appellee, v. Donald Whitaker, Appellant.	Carla J. Stovall, Attorney General Debra S. Peterson, Assistant District Attorney Mary D. Prewitt, Special Appellate Defender	Sedgwick
74,344	State of Kansas, Appellee, v. Darren Edwards, Appellant.	Carla J. Stovall, Attorney General Debra S. Peterson, Assistant District Attorney Jean K. Gilles Phillips, Special Appellate Defender	Sedgwick
74,253	State of Kansas, Appellee, v. Vernon P. Thomas, Appellant.	Carla J. Stovall, Attorney General Debra S. Peterson, Assistant District Attorney Steven R. Zinn, Deputy Appellate Defender	Sedgwick

**Tuesday, April 16, 1996**

9:00 a.m.

Case No.	Case Name	Attorneys	County
74,817	Brook Robinson, et al., Appellees, v. Kansas State High School Activities Association, Appellant.	Ken M. Peterson Randall J. Forbes	Sedgwick
74,821	Sheila Ann Paida, Appellant, v. John Patrick Leach, Appellee.	Jonathan L. Laurans Donna M. Manning	Johnson
74,639	State of Kansas, Appellant, v. Anthony A. Allen, Appellee.	Carla J. Stovall, Attorney General Paul J. Morrison, District Attorney William Grimshaw	Johnson
71,905	State of Kansas, Appellee, v. Michael Todd Crane, Appellant.	Carla J. Stovall, Attorney General Paul J. Morrison, District Attorney Elizabeth Seale Cateforis, Assistant Appellate Defender	Johnson



1:30 p.m.

74,412	State of Kansas, Appellant, v. Melvin Neufeld, Appellee.	Carla J. Stovall, Attorney General Melanie S. Pfeifer, Assistant Attorney General Mark L. Bennett, Jr.	Shawnee
73,991	State of Kansas, Appellee, v. Shari Webber, Appellant.	Carla J. Stovall, Attorney General Chris O. Concannon, County Attorney Linda W. Powell	Stevens

Wednesday, April 17, 1996

9:00 a.m.

Case No.	Case Name	Attorneys	County
75,266	Felix and Vicenta Degollado, Plaintiffs, v. Emilio Gallegos, et al., Defendants.	Dustin L. Devaughn  Arthur S. Chalmers	Certified Question
74,078	State of Kansas, Appellee, v. Kym E. Myers, Appellant.	Carla J. Stovall, Attorney General Patrick W. Peters, Assistant Attorney General Rick Kittel, Assistant Appellate Defender	Lyon
74,668	State of Kansas, Appellant, v. Roger Kent Reno, Appellee.	Carla J. Stovall, Attorney General Sheryl A. Beagley, County Attorney Daryl D. Ahlquist	Neosho
74,040	State of Kansas, Appellant, v. Joseph L. Hopper, Appellee.	Carla J. Stovall, Attorney General Jerry B. Hathaway, County Attorney John A. Potucek II	Sumner  Petition for Review

1:30 p.m.

74,860	In the Matter of the Appeal of Topeka SMSA, Kansas City SMSA, Wichita SMSA, and Southwestern Bell Mobil Systems.	Ron Bodinson  William E. Waters	Tax Appeal
73,397	State of Kansas, Appellee, v. Stanton Shane Holt, Appellant.	Carla J. Stovall, Attorney General Chris E. Biggs, County Attorney Lisa Nathanson, Assistant Appellate Defender	Geary

Thursday, April 18, 1996

9:00 a.m.

Case No.	Case Name	Attorneys	County
72,314	Robert and Shirley Isnard, Appellants, v. City of Coffeyville, Appellee.	Carlton W. Kennard E. Dudley Smith	Montgomery  Petition for Review
74,531	Eve Whitter, Appellee, v. Jimmy Dean Hall, Appellant.	Frederick R. Smith	Montgomery
73,848	Rodney Murphy, Appellee, v. David McKune, Appellant.	Philip J. Bernhart Charles J. Cavenee	Leavenworth
73,822	State of Kansas, Appellee, v. Travis E. Knighten, Appellant.	Linden G. Appel Carla J. Stovall, Attorney General Frank E. Kohl, County Attorney Reid T. Nelson, Assistant Appellate Defender	Leavenworth

(continued)

Friday, April 19, 1996

9:00 a.m.

75,473	Adam Goldsmith, et al., Plaintiffs, v. Learjet, Inc., Defendant.	Randall E. Fisher  L. Richard Musat Michael J. Davis	Certified Question
72,521	Richard Dickey, et al., Appellees, v. Ted W. Daughety, M.D., Appellant.	Kevin L. Diehl Evelyn Zabel Wilson	Shawnee
73,166	State of Kansas, Appellee, v. Joshua Brandon Kaiser, Appellant.	Carla J. Stovall, Attorney General Joan M. Hamilton, District Attorney Jessica R. Kunen, Chief Appellate Defender	Petition for Review Shawnee
75,820	In the Matter of Ronald R. Gooding, Respondent.	Stanton A. Hazlett, Chief Deputy Disciplinary Administrator Ronald R. Gooding, pro se William K. Rork	Original

Carol G. Green  
Clerk of the Appellate Courts

Doc. No. 017430

**State of Kansas  
Speech-Language Pathology and  
Audiology Advisory Board**

**Notice of Meeting**

The Speech-Language Pathology and Audiology Advisory Board will meet at 10 a.m. Friday, April 19, in Room 1003 of the Landon State Office Building, 900 S.W. Jackson, Topeka.

Lesa Bray, Director  
Health Occupations Credentialing

Doc. No. 017463

**State of Kansas  
Secretary of State  
Usury Rate for April**

Pursuant to the provisions of K.S.A. 16-207, the maximum effective rate of interest per annum for notes secured by all real estate mortgages and contracts for deed for real estate executed during the period of April 1, 1996 through April 30, 1996, is 9.59 percent.

Ron Thornburgh  
Secretary of State

Doc. No. 017458

**State of Kansas  
Kansas Water Authority**

**Notice of Meeting**

The Kansas Water Authority will conduct its quarterly meeting in Great Bend April 10-11. Committee meetings begin at 9 a.m. April 10 at the Barton County Community College Student Union. The full Authority will convene at 9 a.m. April 11 in the first floor commissioner's hearing room, Barton County Courthouse, 1400 Main, to conduct its business session. The agenda includes the director's report, committee reports, and any old and new business items.

Detailed agendas and other information about the meeting are available by contacting the Kansas Water Office, 109 S.W. 9th, Topeka, 66612-1249, (913) 296-3185, TTY (913) 296-6604. If accommodations are needed for persons with disabilities, please notify the Kansas Water Office at least two days prior to the meeting.

Kent Lamb  
Chairman

Doc. No. 017474

**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(1), 12-1675(b)(c)(d) and 75-4209(a)(1)(B), as amended.

<b>Effective 4-8-96 through 4-14-96</b>	
<b>Term</b>	<b>Rate</b>
0-90 days	5.27%
3 months	5.12%
6 months	5.26%
9 months	5.40%
12 months	5.53%
18 months	5.79%
24 months	5.78%
36 months	5.95%
48 months	6.07%

Sally Thompson  
State Treasurer

Doc. No. 017454

## State of Kansas

## Secretary of State

## Notice of Corporations Forfeited

In accordance with K.S.A. 17-7510, the articles of incorporation of the following corporations organized under the laws of Kansas and the authority of the following foreign corporations authorized to do business in Kansas were forfeited during the month of February 1996 for failure to timely file an annual report and pay the annual franchise tax as required by the Kansas general corporation code:

## Domestic Corporations

Beaty Chiropractic Clinic, P.A., Olathe, KS.  
 Bellows Commercial Laundry Equipment, Inc., Topeka, KS.  
 Bonanza Cattle Co., Inc., Sioux City, IA.  
 C.L.B. Enterprises, Inc., Pittsburg, KS.  
 Cartwright's, Inc., Wichita, KS.  
 Chip and Dell Realty, Ltd., Wichita, KS.  
 Club Single International, Inc., Mission, KS.  
 Connelly Psychological Services, Inc., Pittsburg, KS.  
 D R I Equity Corporation, Lenexa, KS.  
 Dali Services Inc., Wichita, KS.  
 Discount Car Company, Wichita, KS.  
 Dr. Stephen H. Christy, P.A., Overland Park, KS.  
 East Side Y Men's Club, Incorporated, Wichita, KS.  
 Ed Arenson and Associates, Inc., Overland Park, KS.  
 F & W Development, L.L.C., Cheney, KS.  
 Factory Direct Kitchens, Inc., Wichita, KS.  
 Factory Direct Kitchens, L.P., Wichita, KS.  
 Fraternal Order of Eagles Aerie No. 3507 Inc., Beloit, KS.  
 Global Enterprise, Inc., Lawrence, KS.  
 Golden Hills 2nd Addition Home Owners Association, Wichita, KS.  
 Helionics, Inc., Topeka, KS.  
 IDEXposure, Inc., Wichita, KS.  
 Innovative International, Inc., Wichita, KS.  
 Interior Showcase, Inc., Overland Park, KS.  
 Jerden Industries, Inc., Garden City, KS.  
 John R. Carnahan, D.D.S., P.A., Wichita, KS.  
 Kansas City Education and Athletic Foundation, Inc., Kansas City, KS.  
 Kansas Communications Group, Inc., Parsons, KS.  
 Kansas Integrated Distributors, Inc., Hutchinson, KS.  
 Larry R. Peal, C.P.A., Chartered, Overland Park, KS.  
 Leawood Office Associates, L.P., Kansas City, MO.  
 Lenexa Family Practice, P.A., Lenexa, KS.  
 Lisson Services, Inc., Prairie Village, KS.  
 Meek & Associates, Inc., Overland Park, KS.  
 Mission Heating and Air Conditioning, Inc., Shawnee, KS.  
 Mitchell Trucking, Inc., Formoso, KS.  
 MJ and JJ, Inc., Great Bend, KS.  
 Nichols Enterprises, Inc., Wichita, KS.  
 Osage Sign Company, Osage City, KS.  
 P & A Auto Parts, Inc., Henderson, NV.  
 Palmyra Baptist Church, Inc., Benton, KS.  
 Parents Without Partners, Wichita Chapter No. 886 Inc., Wichita, KS.

Peters, Gamm, West & Vincent, Inc., Wichita, KS.  
 Pilot International Inc., Wichita, KS.  
 Players, Inc., Overland Park, KS.  
 Professional Business Computing Systems, Inc., Leavenworth, KS.  
 Psychologica, Inc., Overland Park, KS.  
 Ramoka, Inc., Wichita, KS.  
 Ronald S. Reivich, M.D., P.A., Overland Park, KS.  
 Salina Mobile Homes, Inc., Salina, KS.  
 Shawnee Mission East Theatre Boosters, Inc., Prairie Village, KS.  
 Shawnee Mission Labrador Retriever Club, Ltd., DeSoto, KS.  
 Simon Development, Inc., Colwich, KS.  
 Special Delivery Diaper Service, Incorporated, Lawrence, KS.  
 Straco, Inc., Overland Park, KS.  
 Tan Fix-Up Service Inc., Topeka, KS.  
 The Flint Hills Alliance, Inc., Manhattan, KS.  
 The Winner's Circle, Inc., Kansas City, KS.  
 Timberlakes Homes Association, Inc., Bonner Springs, KS.  
 Volk Enterprises, Inc., Newton, KS.  
 Wholesale Beauty Club, Inc., Wichita, KS.  
 Zarda Real Estate Corporation, Overland Park, KS.

## Foreign Corporations

Acme Electric Inc., Gonzalez, FL.  
 Actmedia, Inc., Norwalk, CT.  
 Budco Group, Inc., Cincinnati, OH.  
 Checklot Service Center, Inc., New York, NY.  
 Conquest Oil Company, Greeley, CO.  
 Contract Lodging Corporation, Eden Prairie, MN.  
 Davenport Cooling Technology, Inc., Kansas City, MO.  
 Grand Casinos of Kansas, Inc.—Potawatomi, Plymouth, MN.  
 III Investments, Inc., Kansas City, MO.  
 Information Industries, Inc., Kansas City, MO.  
 Intermec Corporation, Everett, WA.  
 Inverness Energy Inc., Katy, TX.  
 K-B Pump Co., Inc., Kansas City, MO.  
 Kandy Tours, Inc., Glen Elder, KS.  
 Lotus Development Corporation, Cambridge, MA.  
 M. & P. Co., A Delaware Corporation, Wichita, KS.  
 Marcrum Management Company, Birmingham, AL.  
 Mid-States Piano Company, Inc., Fairview Heights, IL.  
 Mid-West Corrugated Company, Inc., Overland Park, KS.  
 Multacc Corporation, Torrance, CA.  
 Oncology & Hematology Clinics of Kansas City, P.C., Kansas City, MO.  
 Power Distribution Services, Inc., West Chester, OH.  
 Provest, L.P., Topeka, KS.  
 Safety Centers, Inc., South Holland, IL.  
 Snow's/Doxsee, Inc., Augusta, GA.  
 Sooner Enterprises of Oklahoma, Inc., Perry, OK.  
 Space Plus, Inc., Colorado Springs, CO.  
 Spartan Constructors, Inc., Chamblee, GA.  
 Springs Industries, Inc., Fort Mill, SC.  
 The Ochino Foundation, Kansas City, MO.  
 The Triple-I Corporation, Kansas City, MO.

(continued)

TransOK Gas Gathering Company, Tulsa, OK.

Ron Thornburgh  
Secretary of State

Doc. No. 017459

State of Kansas

State Corporation Commission

Notice of Hearing

The State Corporation Commission has directed that a hearing be conducted pursuant to K.S.A. 55-603, 55-604, 55-703 and 55-703a to allow interested parties to show cause as to why the following basic proration orders should not be dissolved:

- In the matter of establishing a well spacing pattern in the Lansing-Kansas City Oil Reservoir of the **Knoll North Field**, Graham County, Kansas, and for the establishment of appropriate allowables for wells drilled therein, affecting all of Sections 29, 30, 31 and 32, Township 8 South, Range 25 West, Graham County, Kansas. Docket No. 80-405-C (C-13,152)
- In the matter of the application of Leo J. Dreiling Oil Company for a basic proration order and well spacing pattern for a common source of supply of oil in the **Lansing Formation** covering an area in Sheridan County, Kansas, therein affecting the South Half (S/2) of Section 19, the South Half (S/2) of Section 20, and all of Sections 29 and 30, in Township 8 South, Range 26 West, and the Southeast Quarter (SE/4) of Section 24 and the East Half (E/2) of Section 25 in Township 8 South, Range 27 West, all in Sheridan County, Kansas. Docket No. 81,579-C (C-13,505)
- In the matter of the application of **Mesa Petroleum Company** for an order establishing 80-acre spacing and field rules for a newly discovered oil pool in the Kansas City "A" Formation, Grant County, Kansas, therein affecting Sections 34, 35 and 36 of Township 29 South, Range 35 West, and Sections 1, 2, 3, 10, 11 and 12 of Township 30 South, Range 35 West, Grant County, Kansas. Docket No. 147,828-C (C-21,280)
- In the matter of the application of **Kimbark Oil & Gas Company** for an order establishing rules and regulations relating to the formation of drilling units, well spacing and location, and assignment of allowables, production, sale and conservation of oil in the St. Louis Formation in certain lands in Stanton County, Kansas, therein affecting all of Section 23; all of Section 24; the N/2 of Section 25; the N/2 of Section 26, all in Township 30 South, Range 42 West; and all of Section 19, N/2 of Section 30, all in Township 30 South, Range 41 West; Stanton County, Kansas. Docket No. 139,066-C (C-20417)
- In the matter of the application of **Cities Service Oil and Gas Corporation** for an order establishing a basic proration order for the Morrow Formation in the South Half (S/2) of Section 07, South Half (S/2) of Section 8, all of Section 17, and the North Half (N/2) and Southeast Quarter (SE/4) of Section 18, Township 33 South, Range 43 West, all in Morton County, Kansas, therein affecting the South Half of Section 07, Southwest Quar-

ter of Section 08, Northwest Quarter of the Northwest Quarter of Section 17, and the North Half of the North Half of Section 18, all in Township 33 South, Range 43 West, Morton County, Kansas. Docket No. 156,025-C (C-22,565)

- In the matter of establishing rules and regulations relating to the production, sale and conservation of crude oil in the Lansing "B"-Kansas City "A" Reservoir in the **Victory Field** in Haskell and Seward counties, Kansas, therein affecting all of Sections 28, 29, 30, 31, 32 and 33 in Township 30 South, Range 33 West, and all of Sections 25 and 36 in Township 30 South, Range 34 West, Haskell County, Kansas; all of Sections 5 and 6, Township 31 South, Range 33 West, and all of Sections 1 and 2, Township 31 South, Range 34 West, Seward County, Kansas. Docket No. 68,574-C (C-9338)
- In the matter of establishing rules and regulations relating to the production, sale and conservation of crude oil in the Upper Morrow Reservoir in the **Kinsler Field** in Morton County, Kansas, and in the matter of the application of **Amoco Production Company** for an order amending the basic proration order for the Kinsler Upper Morrow Oil Pool to extend the field boundary to include all of Sections 30 and 31, Township 31 South, Range 40 West, and the Southwest Quarter (SW/4) of Section 24 and all of Section 25, Township 31 South, Range 41 West, Morton County, Kansas. Docket Nos. 69,135-C (C-9457) and 149,794 (C-21,542)
- In the matter of the application of **Oxy, USA, Inc.** for an order establishing a basic proration order for the Morrow Formation in the South Half (S/2) of the Southeast Quarter (SE/4) of Section 32, the South Half (S/2) of the South Half (S/2) of Section 33, Township 31 South, Range 39 West, all of Section 4, and the East Half (E/2) of Section 5, Township 32 South, Range 39 West, Morton County, Kansas, and the West Half (W/2) of the West Half (W/2) of Section 3, Township 32 South, Range 39 West, Stevens County, Kansas, therein affecting the S/2 SE/4 of Section 32 and the S/2 S/2 and N/2 S/2 of Section 33, Township 31 South, Range 39 West; all of Section 4, E/2 of Section 5, Township 32 South, Range 39 West, Morton and Stevens counties, Kansas. Docket Nos. 163,611-C (C-24,145) and 176-123-C (C-26,055)

The hearing will be at 9 a.m. Thursday, May 2, in Room 2078 of the Finney State Office Building, 130 S. Market, Wichita. Any person requiring special accommodations under the Americans With Disabilities Act should give notice to the commission at least 10 days prior to the hearing.

Further information can be obtained by contacting William J. Wix, Assistant General Counsel, State Corporation Commission, Conservation Division, (316) 337-6200.

Judith McConnell  
Executive Director

Doc. No. 017465

(Published in the Kansas Register April 4, 1996.)

**Notice of Bond Sale**  
**Unified School District No. 380**  
**Marshall County, Kansas**  
**General Obligation Bonds**  
**Series 1996**

**Sealed Bids**

Sealed bids for the purchase of \$2,800,000 principal amount of General Obligation Bonds, Series 1996, of Unified School District No. 380, Marshall County, Kansas, hereinafter described, will be received by the undersigned, district clerk of Unified School District No. 380, Marshall County, Kansas, on behalf of the Board of Education of the district at the district's administrative offices, 3rd and School Streets, Vermillion, KS 66544, until 11:30 a.m. central time April 17, 1996. All bids will be publicly opened and read at said time and place and will be acted upon by the district immediately thereafter. No oral or auction bids will be considered.

**Bond Details**

The bonds will consist of fully registered bonds without coupons in the denomination of \$5,000 or any integral multiple thereof. The bonds will be dated May 1, 1996, and will become due serially on September 1, 1997 in the years as follows:

Year	Principal Amount
1997	\$ 60,000
1998	110,000
1999	145,000
2000	155,000
2001	160,000
2002	170,000
2003	180,000
2004	190,000
2005	200,000
2006	210,000
2007	220,000
2008	230,000
2009	245,000
2010	255,000
2011	270,000

The bonds will bear interest at rates to be determined when the bonds are sold as hereinafter provided, which interest will be payable semiannually on March 1 and September 1 in each year, beginning on March 1, 1997.

**Place of Payment and Bond Registration**

The principal of and interest on the bonds will be payable in lawful money of the United States of America by check or draft of the Kansas State Treasurer, Topeka, Kansas (the paying agent and bond registrar). The principal of the bonds will be payable at maturity or upon earlier redemption to the registered owners upon presentation and surrender of the bonds at the office of the paying agent. Interest on the bonds will be paid by check or draft mailed by the paying agent to the persons in whose names the bonds are registered on the registration books maintained by the bond registrar at the close of business on the record date for such interest, which shall be the 15th day (whether or not a business day) of the calendar month next preceding such interest payment date.

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

**Redemption of Bonds Prior to Maturity**

At the option of the district, bonds maturing on September 1, 2005, and thereafter will be subject to redemption and payment prior to maturity on September 1, 2004, and thereafter in whole on any date or in part on any interest payment date (bonds of less than a single maturity to be selected by lot in multiples of \$5,000 principal amount by the paying agent and bond registrar in such equitable manner as it shall designate), at the principal amount thereof, plus accrued interest to the redemption date, without premium.

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

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

**Conditions of Bids**

Proposals will be received on the bonds bearing such rate or rates of interest as may be specified by the bidders, subject to the following conditions: The same rate shall apply to all bonds of the same maturity. Each interest rate specified shall be a multiple of  $\frac{1}{8}$  or  $\frac{1}{20}$  of 1 percent. No interest rate shall exceed index of 30-year treasury bonds published by *The Bond Buyer* in New York, New York, on the Monday next preceding the day on which the bonds are sold, plus 2 percent. The difference between the highest rate specified and the lowest rate specified shall not exceed 2 percent. No supplemental interest payments will be authorized. No bid of less than the principal amount of the bonds and accrued interest will be considered. Each bid shall specify the total interest cost to the district during the life of the bond issue on the basis of such bid, the premium, if any, offered by the bidder, and the net interest cost to the district on the basis of such bid. Each bid

(continued)

shall also specify the average annual net interest rate to the district on the basis of such bid. Bidders shall specify in the bid form the prices (exclusive of accrued interest), expressed as a dollar price, at which the bidder intends that each maturity amount of the bonds shall be initially offered to the public (the initial reoffering prices).

#### **Basis of Award**

The award of the bonds will be made on the basis of the lowest net interest cost to the district, which will be determined by subtracting the amount of the premium bid, if any, from the total interest cost to the district. If there is any discrepancy between the net interest cost and the average annual net interest rate specified, the specified net interest cost shall govern and the interest rates specified in the bid shall be adjusted accordingly. If two or more proper bids providing for identical amounts for the lowest net interest cost are received, the district shall determine which bid, if any, shall be accepted, and its determination shall be final.

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

The bonds are being authorized and issued to permanently finance various improvements to the district's schools. The bonds will be general obligations of the district payable as to both principal and interest for the district's general obligation bonds from ad valorem taxes which may be levied, without limitation as to rate or amount on all the taxable tangible property, real and personal, within the territorial limits of the district.

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

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

The code includes interest on tax-exempt obligations, such as the bonds, in the adjusted current earnings of certain corporations in the calculation of alternative minimum taxable income.

The district does intend to designate the bonds as "qualified tax-exempt obligations" under Section 265 of the code.

#### **Legal Opinion**

The bonds will be sold subject to the legal opinion of Watson and Marshall L.C., Kansas City, Missouri, bond counsel, whose approving legal opinion as to the validity of the bonds will be furnished and paid for by the district, printed on the bonds and delivered to the successful bidder when the bonds are delivered. Said opinion will also state that in the opinion of bond counsel, assuming continued compliance by the district with the provisions of the resolution authorizing the issuance of the bonds and the code, under existing law, the interest on the bonds is

excludable from federal income taxation. Under present law, interest on the bonds is also excludable from the computation of Kansas adjusted gross income.

#### **Delivery and Payment**

The district will pay for printing the bonds and will deliver the bonds, without cost to the successful bidder, properly prepared, executed and registered, on or about May 15, 1996, at such bank or trust company in the contiguous 48 states of the United States as may be specified by the successful bidder. Delivery elsewhere will be at the expense of the successful bidder. Said bidder will also be furnished with a certified transcript of the proceedings evidencing the authorization and issuance of the bonds and the usual closing documents, including a certificate that there is no litigation pending or threatened at the time of delivery of the bonds affecting their validity and a certificate regarding the completeness and accuracy of the official statement. Payment for the bonds shall be made in Federal Reserve funds, immediately subject to use by the district. The denominations of the bonds and the names, addresses and social security or taxpayer identification numbers of the registered owners shall be submitted in writing by the successful bidder to the district and bond registrar not later than noon central time April 24, 1996. In the absence of such information, the district will deliver bonds in the denomination of each maturity registered in the name of the successful bidder.

The successful bidder shall furnish the district by noon April 24, 1996, a certificate acceptable to the district's bond counsel to the effect that (i) the successful bidder has made a bona fide public offering of the bonds at the initial reoffering prices, and (ii) a substantial amount of the bonds was sold to the public (excluding brokers and other intermediaries) at such initial reoffering prices. Such certificate shall state that (1) it is made on the best knowledge, information and belief of the successful bidder, and (2) 10 percent or more of the par amount of the bonds of each maturity was sold to the public at or below the initial reoffering prices (such amount being sufficient to establish the sale of a "substantial amount" of the bonds).

#### **Good Faith Deposit**

Each bid shall be accompanied by a cashier's or certified check drawn on a bank located in the United States of America in the amount equal to 2 percent of the par value of the bonds payable to the order of the district to secure the district from any loss resulting from the failure of the bidder to comply with the terms of the bid. No interest will be paid upon the deposit made by the successful bidder. Said check shall be returned to the bidder if the bid is not accepted. If a bid is accepted, said check shall be held by the district until the bidder shall have complied with all of the terms and conditions of this notice and the bid, at which time said check shall be returned to the successful bidder or deducted from the purchase price of the bonds, all at the option of the district. If a bid is accepted but the district shall fail to deliver the bonds to the bidder in accordance with the terms and conditions of this notice, said check shall be returned to the bidder, this being the sole remedy of such bidder. If a bid is accepted but the bidder shall default in the per-

formance of any of the terms and conditions of this notice, the proceeds of such check shall be forfeited to the district, and the district reserves the right to pursue any consequential damages as a result of such default.

#### CUSIP Numbers

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

#### Bid Forms

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

#### Submission of Bids

Bids must be submitted in sealed envelopes addressed to the undersigned district clerk and marked "Proposal for the Purchase of General Obligation Bonds." Bids may be submitted by mail or delivered in person to the undersigned at 3rd and School Streets, P.O. Box 107, Vermillion, KS 66544, and must be received by the undersigned prior to 11:30 a.m. central time April 17, 1996.

#### Final Official Statement and Continuing Disclosure

The district has prepared and disbursed a preliminary official statement containing information relating to the bonds and the district. The preliminary official statement comprises the final official statement required by Rule 15c2-12 of the Securities and Exchange Commission.

The preliminary official statement, when amended to include the interest rates specified by the underwriter(s) and the price or yield at which the underwriter(s) will offer the bonds to the public, together with any other information required by law, will constitute a "Final Official Statement" with respect to the bonds as that term is defined in Rule 15c2-12. No more than seven business days after the date of the sale, the district will provide without cost to the underwriter(s) such reasonable number, as determined by the district, of printed copies of the final official statement as such underwriter(s) may request. Further copies, if desired, will be made available at the underwriter's expense. If the sale of the bonds are awarded to a syndicate, the district will designate the senior managing underwriter of the syndicates as its agent for purposes of distributing copies of the final official statement to each participating underwriter. Any underwriter executing and delivering a bid form with respect to the bonds agrees thereby that if the bid is accepted it shall accept such designation and shall enter into a contractual relationship with all participating underwriters for the purpose of assuring the receipt and distribution by each such participating underwriter of the final official statement.

The district will covenant in the resolution authorizing the sale and issuance of the bonds to supply to the nationally recognized municipal securities repositories the

annual audits of the district and, to the extent applicable, any other information required by SEC Rule 15c2-12.

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

Copies of the district's preliminary official statement relating to the bonds may be obtained from the district clerk or from John McArthur, B.C. Christopher and Co. Inc., 534 S. Kansas Ave., Topeka, KS 66603, (913) 235-9289, the district's financial advisor.

#### Optional Municipal Bond Insurance

The district may apply to AMBAC Indemnity Corporation (AMBAC), Financial Security Assurance (FSA) or Municipal Bond Investors Assurance Corporation (MBIA) for a commitment for municipal bond insurance relating to the bonds. A notice as to the issuance of a commitment for municipal bond insurance relating to the bonds from any of the insurers, if received, will be provided to prospective bidders prior to the date of sale. If a commitment is issued by an insurer, the bonds may be purchased with or without this insurance at the option of the successful bidder. All expenses associated with the purchase of said insurance (including appropriate rating agency fees) will be the responsibility of the successful bidder. The amount of such insurance premium and rating agency fees may be obtained from AMBAC, FSA or MBIA. The insurance policy, if purchased, will insure the timely payment of the principal of and interest on the bonds. Bidders desiring to purchase the optional municipal bond insurance must so indicate on the official bid form.

#### Bond Rating

The district has *not* applied for an independent rating on the bonds herein offered for sale. If the successful bidder elects to purchase the bonds with municipal bond insurance, Standard & Poor's Rating Group and Moody's Investors Service, Inc. may assign their ratings of "AAA" and "Aaa," respectively, to the bonds with the understanding that upon delivery of the bonds, a policy insuring the payment when due of the principal of and interest on the bonds will be issued by AMBAC, FSA or MBIA.

#### Assessed Valuation and Indebtedness

The total equalized assessed valuation of the taxable tangible property within the district is \$20,697,513. The total general obligation bonded indebtedness of the district as of the date of the bonds, including the bonds, is \$2,800,000.

Dated April 1, 1996.

Unified School District No. 380  
Marshall County, Kansas  
Marceil Hasenkamp, District Clerk  
3rd and School Streets  
Vermillion, KS 66544

Doc. No. 017473

(Published in the Kansas Register April 4, 1996.)

**Summary Notice of Bond Sale**  
**\$2,650,000**  
**City of Leavenworth, Kansas**  
**General Obligation Bonds**  
**Series 1996B**  
**and Series 1996C**

(General obligation bonds payable from unlimited ad valorem taxes)

**Sealed Bids**

Subject to the notice of bond sale and preliminary official statement dated April 4, 1996, sealed bids will be received by the city clerk of the City of Leavenworth, Kansas (the issuer), on behalf of the governing body of the issuer at City Hall, 100 N. 5th, Leavenworth, KS 66048, until 10 a.m. C.D.T. Tuesday, April 16, 1996, for the purchase of all and not less than all of the \$2,650,000 aggregate principal amount of the issuer's General Obligation Bonds, consisting of Series 1996B Bonds in the aggregate principal amount of \$1,600,000, and Series 1996C Bonds in the aggregate principal amount of \$1,050,000 (collectively, the bonds), of the issuer hereinafter described. No bid of less than the entire par value of the bonds and accrued interest thereon to the date of delivery will be considered.

**Bond Details**

The bonds will consist of fully registered bonds in the denomination of \$5,000 or any integral multiple thereof. The bonds will be dated May 1, 1996, and will become due on September 1 in the years as follows:

**\$1,600,000**  
**Series 1996B Bonds**

Year	Principal Amount
1997	\$80,000
1998	80,000
1999	80,000
2000	80,000
2001	80,000
2002	80,000
2003	80,000
2004	80,000
2005	80,000
2006	80,000
2007	80,000
2008	80,000
2009	80,000
2010	80,000
2011	80,000
2012	80,000
2013	80,000
2014	80,000
2015	80,000
2016	80,000

**\$1,050,000**  
**Series 1996C Bonds**

Year	Principal Amount
1997	\$105,000
1998	105,000

1999	105,000
2000	105,000
2001	105,000
2002	105,000
2003	105,000
2004	105,000
2005	105,000
2006	105,000

The bonds will be subject to optional redemption prior to maturity as provided in the official notice of bond sale and preliminary official statement.

The bonds will bear interest from the date thereof at rates to be determined when the bonds are sold as hereinafter provided, which interest will be payable semiannually on March 1 and September 1 in each year, beginning on March 1, 1997.

**Paying Agent and Bond Registrar**

The bank designated in the official notice of bond sale and preliminary official statement or the Kansas State Treasurer, Topeka, Kansas.

**Good Faith Deposit**

Each bid shall be accompanied by a cashier's or certified check drawn on a bank located in the United States of America in the amount of \$53,000 (2 percent of the principal amount of the bonds).

**Delivery**

The issuer will pay for printing the bonds and will deliver the same properly prepared, executed and registered at such bank or trust company in the contiguous United States of America as may be specified by the successful bidder without cost to the successful bidder within 45 days after the date of sale.

**Assessed Valuation and Indebtedness**

The total assessed valuation of taxable tangible property in the city for the year 1995 is \$122,969,864. The total general obligation indebtedness of the issuer as of the date of the bonds, including the bonds being sold, is \$18,852,645, including, as of the date of the bonds, temporary notes outstanding in the principal amount of \$3,840,000, of which \$2,064,000 will be retired out of proceeds of the bonds herein offered for sale.

**Approval of Bonds**

The bonds will be sold subject to the legal opinion of Nichols and Wolfe Chartered, Topeka, Kansas, bond counsel, whose approving legal opinion as to the validity of the bonds will be furnished and paid for by the issuer and delivered to the successful bidder as and when the bonds are delivered.

**Additional Information**

Additional information regarding the bonds may be obtained from the city clerk.

Dated April 4, 1996.

City of Leavenworth, Kansas  
 Carol Sadler, City Clerk  
 City Hall  
 100 N. 5th  
 Leavenworth, KS 66048  
 (913) 682-9201

Doc. No. 017472



(Published in the Kansas Register April 4, 1996.)

**Summary Notice of Bond Sale  
City of Louisburg, Kansas  
\$1,035,000**

**General Obligation Refunding and  
Improvement Bonds  
Series 1996-A**

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

**Sealed Bids**

As described in the notice of bond sale dated April 4, 1996, sealed bids will be received by the city clerk of the City of Louisburg, Kansas, on behalf of the governing body at City Hall, 5 S. Peoria, Louisburg, KS 66053, until 11 a.m. April 17, 1996, for the purchase of \$1,035,000 principal amount of General Obligation Refunding and Improvement Bonds, Series 1996-A. No bid of less than the entire par value of the bonds and accrued interest to the date of delivery will be considered.

**Bond Details**

The bonds will consist of fully registered bonds in the denomination of \$5,000 or any integral multiple thereof. The bonds will be dated April 15, 1996, and will become due September 1 in the years as follows:

Maturity September 1	Principal Amount
1997	\$30,000
1998	\$55,000
1999	\$55,000
2000	\$55,000
2001	\$60,000
2002	\$65,000
2003	\$65,000
2004	\$35,000
2005	\$40,000
2006	\$40,000
2007	\$45,000
2008	\$45,000
2009	\$45,000
2010	\$50,000
2011	\$50,000
2012	\$55,000
2013	\$55,000
2014	\$60,000
2015	\$65,000
2016	\$65,000

The bonds will bear interest from that date at rates to be determined when the bonds are sold as provided, which interest will be payable semiannually on March 1 and September 1 in each year, beginning March 1, 1997.

**Paying Agent and Bond Registrar**

Kansas State Treasurer, Topeka, Kansas.

**Good Faith Deposit**

Each bid shall be accompanied by a cashier's or certified check drawn on a bank located in the United States of America in the amount of \$20,700 (2 percent of the principal amount of the bonds).

**Delivery**

The city will pay for printing the bonds and will deliver the same properly prepared, executed and registered

without cost to the successful bidder on or before April 30, 1996, at such bank or trust company in the State of Kansas or Kansas City, Missouri, as may be specified by the successful bidder.

**Assessed Valuation and Indebtedness**

The equalized assessed tangible valuation for computation of bonded debt limitations for the year 1995 is \$10,470,047. The total general obligation indebtedness of the city as of the date of the bonds, including the bonds being sold, is \$1,180,000.

**Approval of Bonds**

The bonds will be sold subject to the legal opinion of Logan, Riley, Carson & Kaup, L.C., Overland Park, Kansas, bond counsel, whose approving legal opinion as to the validity of the bonds will be furnished and paid for by the city, printed on the bonds and delivered to the successful bidder as and when the bonds are delivered.

**Additional Information**

Additional information regarding the bonds may be obtained from the city clerk, (913) 837-5371; from the financial advisor, Kirkpatrick Pettis, 9401 Indian Creek Parkway, Suite 520, Overland Park, KS 66210, Attention: Marty Nohe, (913) 338-3447; or from bond counsel, Logan, Riley, Carson & Kaup, L.C., 9200 Indian Creek Parkway, Suite 230, Overland Park, KS 66210, (913) 661-0399.

Dated April 4, 1996.

City of Louisburg, Kansas  
by Sue Seuferling, City Clerk  
5 S. Peoria  
Louisburg, KS 66053  
(913) 837-5371

Doc. No. 017467

**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 March 21-27:**

**House Bills**

**HB 3082**, by Committee on Federal and State Affairs: An act concerning lotteries; providing for the operation of certain lottery games at certain racetrack facilities; providing for disposition of revenues from such games; prohibiting certain acts and providing penalties for violations; relating to certain expenses of the Kansas racing commission; amending K.S.A. 74-8701, 74-8702, 74-8704, 74-8706, 74-8711, 74-8716 and 74-8720 and K.S.A. 1995 Supp. 74-8710, 74-8718, 74-8719, 74-8806, 74-8810 and 74-8818 and repealing the existing sections.

**House Concurrent Resolutions**

**HCR 5050**, A concurrent resolution urging the enactment of legislation establishing a Kansas student scholarship program, which shall be known as the Student Tuition Assistance Recognition (STARS) program, to assist Kansas residents in meeting the increasing costs of completing their higher education.

(continued)

(Published in the Kansas Register April 4, 1996.)

HCR 5051, A concurrent resolution relating to the issuance of private activity bonds.

HCR 5052, A concurrent resolution requesting the Legislative Coordinating Council to appoint a special committee or designate a statutory joint committee to study the subject of early childhood education.

HCR 5053, A concurrent resolution appointing a task force on the regulation of residential building contractors; mandating its tasks; stating membership; and directing the task force to make certain recommendations.

### House Resolutions

HR 6018, A resolution relating to the issuance of private activity bonds.

HR 6019, A resolution requiring the Attorney General to commence an action, or join with attorneys general in other states in actions already brought, against tobacco companies for damages caused by tobacco products to the citizens and taxpayers of the state of Kansas.

HR 6020, A resolution in memory of Wayne W. Ryan.

### Senate Bills

SB 753, by Committee on Ways and Means: An act concerning the Kansas automobile injury reparations act; amending K.S.A. 1995 Supp. 40-3104, as amended by section 2 of 1995 House Bill No. 2691, and repealing the existing section; also repealing K.S.A. 1995 Supp. 40-3104, as amended by section 1 of Substitute for House Bill No. 2652.

SB 754, by Committee on Federal and State Affairs: An act amending and supplementing the Kansas lottery act; providing for the operation of certain lottery games at certain racetrack facilities; providing for disposition of revenues from such games; amending K.S.A. 74-8701, 74-8702, 74-8704, 74-8706, 74-8711, 74-8716 and 74-8720, and K.S.A. 1995 Supp. 74-8710, 74-8718, 74-8719, 74-8806, 74-8810 and 74-8818 and repealing the existing sections.

SB 755, by Committee on Ways and Means: An act concerning oil and gas; providing for payment of costs of remediation of certain contamination sites and costs of plugging, replugging and repairing certain wells and remediation of pollution from such wells; amending K.S.A. 27-118, 55-151, 55-161, 55-179 and 55-180 and repealing the existing sections.

### Senate Concurrent Resolutions

SCR 1621, A proposition to amend article 15 of the constitution of the state of Kansas by adding a new section authorizing the legislature to permit, regulate, license and tax casino games in certain counties.

### Senate Resolutions

SR 1826, A resolution designating September 1, 1996, as Independent Insurance Agents Centennial Day.

SR 1827, A resolution congratulating and commending Funk Manufacturing and Coffeyville Community College on being recognized as the 1996 Kansas Outstanding Business/Education Partnership and as a nominee for National Outstanding Partnership.

SR 1828, A resolution supporting the efforts to designate I-35 as an international corridor.

SR 1829, A resolution congratulating and commending the Arkansas City High School wrestling team and Coach Wayne Jackson for winning the 1996 Kansas State High School Activities Association Class 5A State Wrestling Championship.

SR 1830, A resolution congratulating and commending Collin Stieben for winning the 1996 Wichita State University Clay Barton Scholarship.

SR 1831, A resolution congratulating and commending the Baldwin High School girls' basketball team and Coaches Zuzzio, Curran and Berg for winning the 1996 Class 4A State Basketball Championship in Kansas.

SR 1832, A resolution commending Wichita State University upon completion of 100 years of service to the state of Kansas and the nation.

Doc. No. 017453

**Corrected**  
**Notice of Redemption**  
**City of Deerfield**  
**Kearny County, Kansas**  
**Waterworks System Revenue Bonds**  
**Series A, 1979**  
**Dated May 1, 1979**

Notice is hereby given that pursuant to a resolution of the city council of the City of Deerfield, Kearny County, Kansas, the following outstanding Waterworks System Revenue Bonds, Series A, 1979, maturing on and after May 1, 1997, have been called for redemption and prepayment on May 1, 1996 (the redemption date), prior to their maturity subject to the provisions and limitations set forth herein.

Bond Numbers	Maturity Date	Interest Rate	Amount
22-23	May 1, 1997	7.55%	\$10,000
24-25	May 1, 1998	7.55%	\$10,000
26-28	May 1, 1999	7.55%	\$15,000

The principal amount of the above described 1979 Bonds shall become due and payable on May 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 103 percent of the face amount of each bond.

On May 1, 1996, provided that funds are on hand to pay the specified redemption price, all outstanding bonds will be due and payable at the principal office of the Kansas State Treasurer, Topeka, Kansas, and from and after May 1, 1996, all interest on said 1979 Bonds will cease to accrue. All coupons maturing subsequent to May 1, 1996, must be attached to and surrendered with said 1979 Bonds.

Under the provisions of the Interest and Dividend Tax Compliance Act of 1983, as amended, paying agents making payments of principal on municipal securities will be obligated to withhold 31 percent of payment of principal to holders who have failed to provide the paying agent with a valid taxpayer identification number when presenting securities for payment.

Dated February 6, 1996.

City of Deerfield, Kansas  
City Hall  
P.O. Box 281  
Deerfield, KS 67838  
By Connie West  
City Clerk

Doc. No. 017476

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-96-86/92

Name and Address of Applicant	Legal Description	Receiving Water
Vera Freeman Ottawa County Cattle Association P.O. Box 170 Minneapolis, KS 67467	NW/4, Sec. 33, T10S, R3W, Ottawa County	Solomon River Basin
Kansas Permit No. A-SOOT-C001	Federal Permit No. KS-0037346	

This is an existing facility for 8,000 head (8,000 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, which meets or exceeds KDHE minimum requirements.

Compliance Schedule: A livestock waste management plan for the facility shall be developed. The plan shall cover, but not be limited to, the following items: handling and disposal equipment for both solid and liquid wastes, land application practices used to protect against runoff and leaching, waste application rates based on crop nutrient utilization, and identification of adequate land areas for application of all wastes. Detailed guidance and requirements will be provided by the department. A plan shall be submitted to the department within six months following receipt of detailed requirements. The approved plan will become part of this permit. Dewatering equipment shall be obtained within two months after issuance of this permit through purchase, rental or custom application agreement. It shall be capable of pumping at least 1,450 gallons per minute and dispersing the wastewater over 160 acres of land suitable for waste application. Written verification of the acquisition of the equipment shall be submitted to the department.

Name and Address of Applicant	Legal Description	Receiving Water
Bevin Law 287 Frontier Longford, KS 67458	NW/4, Sec. 25, T10S, R1E, Clay County	Smoky Hill River Basin
Kansas Permit No. A-SHCY-S005		

This is an existing expansion facility for 1,205 head (482 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, which meets or exceeds KDHE minimum requirements.

Compliance Schedule: A livestock waste management plan for the facility shall be developed. The plan shall cover, but not be limited to, the following items: handling and disposal equipment for both solid and liquid wastes, land application practices used to protect against

runoff and leaching, waste application rates based on crop nutrient utilization, and identification of adequate land areas for application of all wastes. Detailed guidance and requirements will be provided by the department. A plan shall be submitted to the department within six months following receipt of detailed requirements. The approved plan will become part of this permit.

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 liquid 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 1.0 acre inch per acre per year and solids shall be applied at not greater than 10 ton per acre.

In the event the liquid exceeds upon the uppermost 3.5 feet of the earthen retention structure, dewatering equipment shall be obtained. It shall be capable of pumping at least 80 gpm and dispersing the wastewater over 32 acres of land suitable for waste application. Written verification of the acquisition of the equipment shall be submitted to the department.

Name and Address of Applicant	Legal Description	Receiving Water
Jerry Roths, dba Roths Hog Farm 14745 S.W. 50th Benton, KS 67017	NE/4, Sec. 15, T26, R3E, Butler County	Walnut River Basin

Kansas Permit No. A-WABU-S031

This is an existing facility for 600 head (240 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, which meets or exceeds KDHE minimum requirements.

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

Name and Address of Applicant	Legal Description	Receiving Water
Feldkamp Farms Jim Feldkamp Route 1, Box 103 Centralia, KS 66415	SE/4, Sec. 31, T3S, R12E, Nemaha County	Big Blue River Basin

Kansas Permit No. A-BBNM-S006

This is an existing facility for 2,180 head (360 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, which meets or exceeds KDHE minimum requirements.

Compliance Schedule: None, existing controls adequate.

Name and Address of Applicant	Legal Description	Receiving Water
Feldkamp Farms Jim Feldkamp Route 1, Box 103 Centralia, KS 66415	NE/4, Sec. 6, T4S, R12E, Nemaha County	Big Blue River Basin

Kansas Permit No. A-BBNM-S045

This is an existing facility for 2,400 head (960 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, which meets or exceeds KDHE minimum requirements.

Compliance Schedule: None, existing controls adequate.

(continued)

<b>Name and Address of Applicant</b>	<b>Legal Description</b>	<b>Receiving Water</b>
Bedwell Feeders Route 1, Box 43 Medicine Lodge, KS 67104	NE/4, Sec. 6, T32S, R12W, Barber County	Lower Arkansas River Basin
Kansas Permit No. A-ARBA-C001		Federal Permit No. KS-0092436

This is a new facility for 1,000 head of beef cattle with an average weight of 600 pounds.

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

**Compliance Schedule:** None, existing controls adequate.

<b>Name and Address of Applicant</b>	<b>Legal Description</b>	<b>Receiving Water</b>
Seaboard Farms, Inc., Farm #8 9000 W. 67th Shawnee Mission, KS 66201	SW/4, Sec. 7, T28S, R42W, Stanton County	Cimarron River Basin
Kansas Permit No. A-CIST-S002		

This is a new facility for 120 head (48 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, which meets or exceeds KDHE minimum requirements.

**Compliance Schedule:** None, existing controls adequate.

**Public Notice No. KS-96-055/056**

<b>Name and Address of Applicant</b>	<b>Waterway</b>	<b>Type of Discharge</b>
ATSF Railway Co. Topeka Maintenance Term. P.O. Box 1738 Topeka, KS 66601	Kansas River	Treated process and stormwater
Kansas Permit No. I-KS72-PO01		Federal No. KS-0001694

**Facility Description:** The proposed permit is for the existing facility. Railroad locomotive and car service and maintenance, including parts cleaning and degreasing, surface preparation and painting, metal fabrication, machining, fueling and washing are performed. All process wastewater and stormwater runoff from the areas affected by industrial activity is directed to the facility's wastewater treatment plant. Domestic wastewater is directed to the Topeka POTW. Stormwater run-off from nonindustrial areas is discharged to the storm sewer. Average daily wastewater discharge is about 182,000. 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 water quality based.

<b>Name and Address of Applicant</b>	<b>Waterway</b>	<b>Type of Discharge</b>
Sherwin-Williams Co. P.O. Box 1028 Coffeyville, KS 67337	Verdigris River via unnamed tributary	Stormwater
Kansas Permit No. I-VE09-PO01		Federal No. KS-0000809

**Facility Location:** 1800 W. 4th St., Coffeyville

**Facility Description:** The permit is for the existing facility. Plant site stormwater runoff is collected by a system of ditches and two stormwater ponds. The runoff collected in the stormwater ponds is directed to two of the three on-site disposal wells. When the quantity of stormwater exceeds the pond's capacity, the excess runoff bypasses the ponds and flows off-site into the Verdigris River via an unnamed tributary. 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 water quality based.

**Public Notice No. KS-ND-96-032**

<b>Name and Address of Applicant</b>	<b>Legal Location</b>	<b>Type of Discharge</b>
Ralph Luther Mobile Home Park 515 E. Walnut Salina, KS 67401	SE 1/4, S8, T14S R4W, Saline County	Nondischarging
Kansas Permit No. C-SA20-NO01		

**Facility Description:** The proposed permit is for issuance of a new permit for operation of a new nondischarging wastewater treatment facility treating domestic wastewater. Disposal of the lagoon wastewater is by percolation and evaporation.

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, 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 May 3 will be considered in the formulation of final determinations regarding this public notice. Please refer to the appropriate public notice number (KS-AG-96-86/92, KS-96-055/056, KS-ND-96-032) 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 determination. 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. 017464

**State of Kansas**

**Department of Agriculture  
Division of Water Resources**

**Permanent Administrative  
Regulations**

**Article 25.—BIG BEND GROUNDWATER  
MANAGEMENT DISTRICT NO. 5**

**5-25-1. Definitions.** As used in these rules and regulations, unless the context clearly requires otherwise, the following words and phrases shall have the meaning as-

cribed to them in this article. (a) "Aquifer" means a geologic formation capable of yielding water in a sufficient quantity to supply water to a spring or pumping well.

(b) "Board" means the board of directors constituting the governing body of the big bend groundwater management district no. 5.

(c) "District" means the big bend groundwater management district no. 5.

(d) "Stream" means any water course, or part of a water course, with a well-defined bed and banks that flows continuously during the calendar year, except during a drought.

(e) "Well" means any excavation that is drilled, cored, bored, washed, driven, dug or otherwise constructed, either by nature or by man, when the proposed use of such excavation is for the acquisition, diversion, or artificial recharge of groundwater.

(f) "Bedrock aquifer" means any consolidated material and unconsolidated material that is older than the Dakota formation of the Dakota aquifer system, as defined in K.A.R. 5-1-1(mm), that will yield water in a sufficient quantity to supply a spring or a pumping well.

(g) "Baseflow" means groundwater that seeps, flows or is otherwise naturally discharged from an aquifer into a stream.

(h) "Baseflow node" means an artificial point located in the channel of a stream for the purpose of allocating a proportional amount of the baseflow to be considered when evaluating a new application to appropriate water from a proposed point of diversion located within two miles of the node.

(i) "Sustainable yield" means the long term yield of the source of supply including hydraulically connected surface water or groundwater, allowing for the reasonable raising and lowering of the water table.

(j) "Baseflow node allocation" means the annual quantity of water assigned to a baseflow node expressed in acre feet per year. The baseflow node allocation shall be based on the natural discharge to a stream which shall be the rate of flow in the stream that is equalled or exceeded 90 percent of the time.

(k) "Dakota aquifer" means that portion of the Cretaceous Dakota formation that is capable of yielding water in a sufficient quantity to supply water to a spring or pumping well. (Authorized by K.S.A. 82a-706a and K.S.A. 82a-1028(o); implementing K.S.A. 82a-1028(n); effective May 1, 1980; amended May 1, 1987; amended April 19, 1996.)

**5-25-2. Well spacing.** (a) With the exception of those wells described in subsection (c), the minimum spacing of all wells, other than those used for domestic use described in an application to appropriate water for beneficial use, shall be 1320 feet from:

- (1) all other wells or proposed wells which carry an earlier priority; and
- (2) baseflow nodes.

Non-domestic wells shall be 660 feet from all other earlier priority domestic wells, except those domestic wells owned by the applicant.

(b) The location of a well requested in an application to change a point of diversion shall be no more than 1320 feet from the point originally authorized by a vested right, appropriation right or an application to appropriate

water for beneficial use. Such wells shall meet the minimum spacing requirement established in subsection (a) except when the replacement well is drilled within 100 feet of the originally authorized point of diversion.

(c) Each nondomestic well which proposes the withdrawal of groundwater from the Dakota aquifer or any bedrock aquifer shall be one mile from all other wells withdrawing groundwater from the same formation, including domestic wells, except those domestic wells owned by the applicant.

(d) Exceptions to this regulation may be recommended by the board to the chief engineer provided that it is proven by the applicant to the satisfaction of the board that such exceptions will neither impair a use under an existing right, nor prejudicially and unreasonably affect the public interest. (Authorized by K.S.A. 82a-706a and K.S.A. 82a-1028(o); implementing K.S.A. 82a-1028(n); effective May 1, 1980; amended April 19, 1996.)

**5-25-3. Reasonable appropriation.** An application for a permit to appropriate water for beneficial use shall not be recommended by the board for approval for a quantity in excess of 1½ acre feet of groundwater per acre of land to be irrigated. For other uses, it must be demonstrated to the satisfaction of the board and the chief engineer that the quantity requested is reasonable for the proposed beneficial use, and that such approval will not impair an existing right, nor prejudicially and unreasonably affect the public interest. (Authorized by K.S.A. 82a-706a and K.S.A. 82a-1028(o); implementing K.S.A. 1994 Supp. 82a-711; effective May 1, 1980; amended April 19, 1996.)

**5-25-4. Sustainable yield.** (a) Except as set forth in subsections (b) and (c), the approval of all applications for a permit to appropriate water for beneficial use filed on and after March 9, 1990, and applications for change in point of diversion filed after the effective date of this regulation, shall be subject to the following sustainable yield criteria.

(1) The proposed appropriation, when added to the vested rights, prior appropriation rights, earlier priority applications, term permits for more than a year, and all baseflow node allocations within a two-mile radius circle whose center is the location of the proposed well, shall not exceed 1,500 acre feet. It shall be assumed for purposes of analysis that all prior applications, permits, certificates and vested rights are being fully exercised and that all limitation clauses listed on permits and certificates are in force.

(2) If part of the area within the two-mile radius circle around the proposed well location is outside the district boundary, the 1,500 acre feet quantity of water referred to above shall be reduced proportionately by the percentage of the circle lying outside of the district boundaries. Only the baseflow node allocations, vested rights, prior appropriations, earlier priority applications and term permits for more than one year ascribed to wells within the portion of the circle within the district shall be considered.

(3) If wells authorized under a vested right or an application are divided by the circumference of the circle, then a reasonable quantity shall be allocated to each well or wells based upon the best available information.

(continued)

(4) Each analysis for an application for a change in the point of diversion referred to in subsection (a) shall include all applications with a priority earlier than the priority established by the filing of the application for change.

(b) The following types of applications shall be exempt from the sustainable yield criteria in subsection (a) and the basin closings in subsection (c):

- (1) domestic use;
- (2) temporary permits;
- (3) applications for a change in the point of diversion for which the diversion works have been completed under the original approved application;
- (4) standby wells used for emergency purposes only;
- (5) permits to appropriate 15 acre feet of water or less per year which will not impair use under an existing right nor prejudicially and unreasonably affect the public interest;
- (6) term permit applications of one year or less;
- (7) permits to appropriate water from a bedrock aquifer; and
- (8) permits to appropriate water from the Dakota aquifer if the applicant can show that an impermeable zone of ten or more feet of graneros shale exists between the Pleistocene aquifer and the Dakota aquifer at the proposed well location.

(c) Except as set forth in subsection (b) above, the following hydrologic units have been determined to be appropriated to the sustainable yield, and therefore, those units shall be closed to further new surface water and groundwater appropriations with respect to any applications filed on and after March 9, 1990:

- (1) the Arkansas river basin;
- (2) the rattlesnake creek basin;
- (3) the pawnee river basin; and
- (4) the walnut creek basin.

(d) Exceptions to this regulation may be recommended by the board to the chief engineer if it is proven by the applicant to the satisfaction of the board that such exceptions will neither impair a use under an existing right, nor prejudicially and unreasonably affect the public interest. (Authorized by K.S.A. 82a-706a and K.S.A. 82a-1028(o); implementing K.S.A. 82a-1028(n); effective May 1, 1980; amended May 1, 1981; amended, T-86-4, March 22, 1985; amended May 1, 1986; amended May 1, 1987; amended May 1, 1988; amended April 19, 1996.)

**5-25-5. Well equipment.** (a) Each nondomestic well, except any well authorized by a temporary permit, shall be equipped with:

- (1) an acceptable in-line water flow meter; and
- (2) an in-line, automatic, quick-closing check valve capable of preventing pollution of the source of water supply.

(b) Each water flow meter and check valve shall meet the minimum standards of the board and the chief engineer as to type, quality and installation.

(c) The water right owner shall:

- (1) install and maintain required water flow meters and check valves in accordance with the manufacturer's specifications and instructions;
- (2) maintain the water flow meter and check valve in an operating condition satisfactory to the chief engineer and the board whenever the well is operating; and

(3) promptly initiate action to complete repair or replacement of the meter or check valve or to correct any problems with the installation whenever the required meter or check valve fails to function properly for any reason.

(d) Exceptions to this regulation may be recommended by the board to the chief engineer provided it is proven by the applicant to the satisfaction of the board that such exceptions will not impair a use under an existing water right, nor prejudicially and unreasonably affect the public interest. (Authorized by K.S.A. 82a-706a and K.S.A. 82a-1028(o); implementing K.S.A. 82a-1028(l) and (n); effective May 1, 1980; amended May 1, 1985; amended April 19, 1996.)

**5-25-6. Reporting water use.** Each water right owner shall report to the board the readings of water meters, gauges and other measuring devices at such times as may be required by the board. (Authorized by K.S.A. 82a-706a and K.S.A. 82a-1028(o); implementing K.S.A. 82a-1028(l); effective May 1, 1980; amended April 19, 1996.)

**5-25-7. Water quality tests.** Each water right owner shall take water samples from the owner's wells and have water quality analyses made on those samples at the owner's expense at times specified by the board. A laboratory licensed by the Kansas department of health and environment shall conduct the water quality analyses. The type of water quality analyses conducted shall be specified by the board. The owner shall submit the results of the water quality analyses to the board. (Authorized by K.S.A. 82a-706a and K.S.A. 82a-1028(o); implementing K.S.A. 82a-1028(k); effective May 1, 1980; amended April 19, 1996.)

**5-25-8. Waste of water.** A person shall not commit or allow a waste of water as is defined in K.A.R. 5-1-1(cc). (Authorized by K.S.A. 82a-706a and K.S.A. 82a-1028(o); implementing K.S.A. 82a-1028(m); effective May 1, 1980; amended April 19, 1996.)

**5-25-9. Procedures for non-compliance with rules and regulations.** (a) The district's board or manager, any eligible voter or any person 18 years or older residing within the district may file a written complaint with the district alleging a violation of these rules and regulations, the management program, the groundwater management district act or the Kansas water appropriation act, as amended. The written complaint shall be filed at the district office.

(b) Within 30 days following the filing of the complaint, a representative of the district designated by the board shall investigate the complaint. If the representative of the district finds that a violation exists or did exist, the representative shall issue a written directive to the violator to come into compliance with the applicable rules and regulations, management program and laws, within a reasonable period of time.

(c) If the violator fails to comply with the directive of the representative within a reasonable period of time as determined by the board, the district may:

- (1) seek to enjoin the violator's use of water by suitable action in district court until such time as the violator complies;
- (2) seek the assistance of the chief engineer and attorney general of the state of Kansas to enjoin the violator's use of water until such time as the violator complies; or

(3) pursue other courses of action in the public interest. (Authorized by K.S.A. 82a-706a and K.S.A. 82a-1028(o); implementing K.S.A. 82a-1028(n); effective May 1, 1980; amended May 1, 1981; amended April 19, 1996.)

**5-25-10. Test holes and water quality analyses.** (a) Except for those types of applications described in K.A.R. 5-25-4(b), each applicant proposing to divert groundwater for nondomestic use within the district shall drill a test hole which shall be:

- (1) drilled to the bottom of the aquifer;
- (2) completed as an observation well according to specifications adopted by the district; and
- (3) drilled under the supervision of the district.

(b) The applicant shall have a water sample taken from within five feet of the bottom of the aquifer and have the water sample analyzed for chloride content by a laboratory certified by the Kansas department of health and environment. The applicant shall furnish the results of the water quality analysis and a copy of the test hole log to the district.

(c) If the analysis of the water sample taken within five feet of the bottom of the aquifer indicates the chloride content exceeds 500 milligrams per liter (mg/l), the application to appropriate water shall be recommended for denial by the district unless:

(1) the applicant shows to the satisfaction of the board and the chief engineer that approval of the application will not cause an unreasonable deterioration of the water quality nor prejudicially and unreasonably affect the public interest; and

(2) the applicant desires to proceed and is willing, at the applicant's expense, to drill and complete at least two additional observation wells at locations to be determined by the district based on the lithology and the construction of the proposed well. Both of these two additional observation wells shall be constructed according to specifications adopted by the district and in the presence of a representative of the district. The two additional observation wells shall be constructed and screened above the salt water and fresh water interface at a depth specified by the district.

(d) If at any time the chloride concentration in either of the latter two observation wells exceeds 500 mg/l, the owner shall reduce the instantaneous rate of pumping or the annual quantity pumped, or both, as necessary to reduce the chloride concentration in both observation wells to below 500 mg/l.

(e) The permit shall be dismissed and the owner shall properly plug the well at the owner's expense if:

(1) within one year after the chloride concentrations exceeds 500 mg/l in either of the two observation wells, the chloride concentrations are not reduced below 500 mg/l; or

(2) operation of the well causes impairment of any other water right, including a domestic water right. (Authorized by K.S.A. 82a-706a and K.S.A. 82a-1028(o); implementing K.S.A. 82a-1028(n); effective May 1, 1983; amended April 19, 1996.)

David L. Pope, P.E.  
Chief Engineer

Doc. No. 017468

## State of Kansas

### Secretary of State

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

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

Ron Thornburgh  
Secretary of State

(Published in the Kansas Register April 4, 1996.)

#### HOUSE BILL No. 2811

AN ACT concerning counties; relating to county officers and employees; amending K.S.A. 19-101a and 19-204 and repealing the existing sections.

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

Section 1. K.S.A. 19-204 is hereby amended to read as follows: 19-204. (a) Subject to the provisions of K.S.A. 19-204a, and amendments thereto, the board of county commissioners, on the day of the organization of the board or as soon thereafter as may be possible, shall meet and divide the county into three commissioner districts or such number of districts as is prescribed by resolution of the board, as compact and equal in population as possible, and number them. Such districts shall be subject to alteration at least once every three years.

(b) In Shawnee county, each district shall include residents of both the incorporated and unincorporated areas of the county. The number of residents in each district from the unincorporated area of the county shall be as equal in number, as possible. Such districts shall be subject to alteration at least once every three years.

If the districts do not meet the requirements of this subsection, the districts shall be altered to comply with such requirements no later than 30 days following the effective date of this act.

(b)(c) The board of county commissioners of any county, by resolution, may divide the county into three, five or seven commissioner districts, as compact and equal in population as possible, but no such resolution which would effect a change in the number of commissioner districts shall take effect until it has been approved by a majority of the qualified electors of the county voting thereon at the next general election following not less than 60 days the adoption of such resolution, in which all the qualified electors of the county are entitled to vote. Upon the presentation of a petition to the board of county commissioners, signed by electors equal in number to 5% of the qualified electors of the county and verified by the county election officer, requesting that the number of commissioner districts be changed, the board of county commissioners shall cause such proposition to be submitted to the voters of the county at the next general election, following not less than 60 days the presentation of such petition, in which all of the qualified electors of the county are entitled to vote. In the event that more than one such petition is presented to the board of county commissioners prior to a general election, and any of such petitions conflicts with any other such petition with respect to the number of commissioner districts requested, the board of county commissioners shall decide, by majority vote thereon, which of the propositions shall be submitted to the voters at the next such general election. If a majority of the electors voting at such election shall be in favor of changing the number of commissioner districts, the board of county commissioners shall provide for the division of the county into commissioner districts as provided in K.S.A. 19-204a, and amendments thereto.

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

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

Sec. 2. K.S.A. 19-101a is hereby amended to read as follows: 19-101a. (a) The board of county commissioners may transact all county business and perform all powers of local legislation and administration it deems appropriate, subject only to the following limitations, restrictions or prohibitions:

(continued)

- (1) Counties shall be subject to all acts of the legislature which apply uniformly to all counties.
- (2) Counties may not consolidate or alter county boundaries.
- (3) Counties may not affect the courts located therein.
- (4) Counties shall be subject to acts of the legislature prescribing limits of indebtedness.
- (5) In the exercise of powers of local legislation and administration authorized under provisions of this section, the home rule power conferred on cities to determine their local affairs and government shall not be superseded or impaired without the consent of the governing body of each city within a county which may be affected.
- (6) Counties may not legislate on social welfare administered under state law enacted pursuant to or in conformity with public law No. 271—74th congress, or amendments thereof.
- (7) Counties shall be subject to all acts of the legislature concerning elections, election commissioners and officers and their duties as such officers and the election of county officers.
- (8) Counties shall be subject to the limitations and prohibitions imposed under K.S.A. 12-187 to 12-195, inclusive, and amendments thereto, prescribing limitations upon the levy of retailers' sales taxes by counties.
- (9) Counties may not exempt from or effect changes in statutes made nonuniform in application solely by reason of authorizing exceptions for counties having adopted a charter for county government.
- (10) No county may levy ad valorem taxes under the authority of this section upon real property located within any redevelopment area established under the authority of K.S.A. 12-1772, and amendments thereto, unless the resolution authorizing the same specifically authorized a portion of the proceeds of such levy to be used to pay the principal of and interest upon bonds issued by a city under the authority of K.S.A. 12-1774, and amendments thereto.
- (11) Counties shall have no power under this section to exempt from any statute authorizing or requiring the levy of taxes and providing substitute and additional provisions on the same subject, unless the resolution authorizing the same specifically provides for a portion of the proceeds of such levy to be used to pay a portion of the principal and interest on bonds issued by cities under the authority of K.S.A. 12-1774, and amendments thereto.
- (12) Counties may not exempt from or effect changes in the provisions of K.S.A. 19-4601 to 19-4625, inclusive, and amendments thereto.
- (13) Except as otherwise specifically authorized by K.S.A. 12-1,101 to 12-1,109, inclusive, and amendments thereto, counties may not levy and collect taxes on incomes from whatever source derived.
- (14) Counties may not exempt from or effect changes in K.S.A. 19-430, and amendments thereto. Any charter resolution adopted by a county prior to July 1, 1983, exempting from or effecting changes in K.S.A. 19-430, and amendments thereto, is null and void.
- (15) Counties may not exempt from or effect changes in K.S.A. 19-302, 19-502b, 19-503, 19-805 or 19-1202, and amendments thereto.
- (16) Counties may not exempt from or effect changes in K.S.A. 13-13a26, and amendments thereto. Any charter resolution adopted by a county, prior to the effective date of this act, exempting from or effecting changes in K.S.A. 13-13a26, and amendments thereto, is null and void.
- (17) Counties may not exempt from or effect changes in K.S.A. 71-301, and amendments thereto. Any charter resolution adopted by a county, prior to the effective date of this act, exempting from or effecting changes in K.S.A. 71-301, and amendments thereto, is null and void.
- (18) Counties may not exempt from or effect changes in K.S.A. 19-15,139, 19-15,140 and 19-15,141, and amendments thereto. Any charter resolution adopted by a county prior to the effective date of this act, exempting from or effecting changes in such sections is null and void.
- (19) Counties may not exempt from or effect changes in the provisions of K.S.A. 12-1223, 12-1225, 12-1225a, 12-1225b, 12-1225c and 12-1226, and amendments thereto, or the provisions of K.S.A. 1995 Supp. 12-1260 to 12-1270, inclusive, and amendments thereto, and 12-1276, and amendments thereto.
- (20) Counties may not exempt from or effect changes in the provisions of K.S.A. 19-211, and amendments thereto.
- (21) Counties may not exempt from or effect changes in the provisions of K.S.A. 19-4001 to 19-4015, inclusive, and amendments thereto.
- (22) Counties may not regulate the production or drilling of any oil or gas well in any manner which would result in the duplication of regulation by the state corporation commission and the Kansas department of health and environment pursuant to chapter 55 and chapter 65 of the Kansas Statutes Annotated and any rules and regulations adopted pursuant thereto. Counties may not require any license or permit for the drilling or production of oil and gas wells. Counties may not impose any fee or charge for the drilling or production of any oil or gas well.
- (23) Counties may not exempt from or effect changes in K.S.A. 79-41a04, and amendments thereto.
- (24) Counties may not exempt from or effect changes in K.S.A. 1995 Supp. 79-1611, and amendments thereto.
- (25) Counties may not exempt from or effect changes in K.S.A. 1995 Supp. 79-1494, and amendments thereto.
- (26) Counties may not exempt from or effect changes in subsection (b) of K.S.A. 19-202, and amendments thereto.
- (27) Counties may not exempt from or effect changes in subsection (b) of K.S.A. 19-204, and amendments thereto.
- (b) Counties shall apply the powers of local legislation granted in subsection (a) by resolution of the board of county commissioners. If no statutory authority exists for such local legislation other than that set forth in subsection (a) and the local legislation proposed under the authority of such subsection is not contrary to any act of the legislature, such local legislation shall become effective upon passage of a resolution of the board and publication in the official county newspaper. If the legislation proposed by the board under authority of subsection (a) is contrary to an act of the legislature which is applicable to the particular county but not uniformly applicable to all counties, such legislation shall become effective by passage of a charter resolution in the manner provided in K.S.A. 19-101b, and amendments thereto.
- New Sec. 3. (a) The board of county commissioners of any county may adopt a resolution establishing the office of county administrator.
- (b) Upon presentation of a petition requesting the establishment of the office of county administrator signed by at least 5% of the qualified electors of the county, the board of county commissioners shall adopt a resolution establishing such office. Such resolution shall not be effective until the question has been submitted to and approved by a majority of the voters of the county voting at an election thereon. Such election shall be called and held in the manner provided by the general bond law.
- New Sec. 4. (a) Within six months following the effective date of the resolution, or the date of the election at which the resolution was approved, as required by section 3, the board of county commissioners shall appoint a county administrator.
- (b) The compensation of the county administrator shall be determined by the board of county commissioners.
- (c) The county administrator may be removed by a majority vote of the board of county commissioners.
- New Sec. 5. The county administrator shall be the chief administrative officer of the county. Unless otherwise provided by the board of county commissioners, the county administrator shall carry out the following duties and responsibilities within the limits of and in conformance with the requirements of federal, state and county laws and policies:
- (a) Attend all meetings of the board of county commissioners, and present proposed policies, programs and plans aimed at addressing overall county needs for review, revision and approval by the board;
- (b) present an annual recommended operating budget, capital improvements program and long-range strategic plan for all county operations for review, revision and adoption by the board of county commissioners;
- (c) identify and recommend individuals to the board of county commissioners for appointment to boards and commissions;
- (d) recommend individuals to the board of county commissioners for appointment to offices for which the board is the appointing authority by law. Evaluate and recommend the compensation, suspension or dismissal of all such appointed administrative officers;
- (e) coordinate and supervise the administrative operations of the departments of all officials appointed by the board of county commissioners. All officers and employees therein shall be administratively responsible to the county administrator;
- (f) in conjunction with the board of county commissioners, prepare the meeting agenda of the board;
- (g) coordinate the administrative services of county departments and agencies, offices of elected officials, advisory and governing boards appointed by the board of county commissioners. Provide technical assistance to such departments, offices, agencies and boards as needed;
- (h) coordinate county programs and operations with other local governmental units, federal and state governments and other governmental and nongovernmental entities;
- (i) supervise, evaluate and recommend the compensation and discipline of personnel of the board of county commissioners;



(j) execute contracts and other documents as approved by the board of county commissioners;

(k) approve the appointment, compensation, discipline and change in status of personnel in the departments of all officials appointed by the board of county commissioners. All employees affected by such decisions shall continue to have access to all appellate and other rights granted them by county personnel policies;

(l) monitor and provide regular reports to the board of county commissioners concerning adherence by county departments to the personnel, purchasing, budget, accounting and other administrative policies of the board; and

(m) perform such other duties as shall be lawfully delegated by the board of county commissioners.

Sec. 6. K.S.A. 19-101a and 19-204 are hereby repealed.

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

(Published in the Kansas Register April 4, 1996.)

#### SENATE BILL No. 649

AN ACT concerning the workers compensation act; relating to certain procedures thereunder; amending K.S.A. 44-501, 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.

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

Section 1. K.S.A. 44-501 is hereby amended to read as follows: 44-501. (a) If in any employment to which the workers compensation act applies, personal injury by accident arising out of and in the course of employment is caused to an employee, the employer shall be liable to pay compensation to the employee in accordance with the provisions of the workers compensation act. In proceedings under the workers compensation act, the burden of proof shall be on the claimant to establish the claimant's right to an award of compensation and to prove the various conditions on which the claimant's right depends. In determining whether the claimant has satisfied this burden of proof, the trier of fact shall consider the whole record.

(b) Except as provided in the workers compensation act, no employer, or other employee of such employer, shall be liable for any injury for which compensation is recoverable under the workers compensation act nor shall an employer be liable to any third party for any injury or death of an employee which was caused under circumstances creating a legal liability against a third party and for which workers compensation is payable by such employer.

(c) Except for liability for medical compensation, as provided for in K.S.A. 44-510 and amendments thereto, the employer shall not be liable under the workers compensation act in respect of any injury which does not disable the employee for a period of at least one week from earning full wages at the work at which the employee is employed. The employee shall not be entitled to recover for the aggravation of a preexisting condition, except to the extent that the work-related injury causes increased disability. Any award of compensation shall be reduced by the amount of functional impairment determined to be preexisting.

(d) (1) If the injury to the employee results from the employee's deliberate intention to cause such injury; or from the employee's willful failure to use a guard or protection against accident required pursuant to any statute and provided for the employee, or a reasonable and proper guard and protection voluntarily furnished the employee by the employer, any compensation in respect to that injury shall be disallowed.

(2) The employer shall not be liable under the workers compensation act where the injury, disability or death was contributed to by the employee's use or consumption of alcohol or any drugs, chemicals or any other compounds or substances, including but not limited to, any drugs or medications which are available to the public without a prescription from a health care provider, prescription drugs or medications, any form or type of narcotic drugs, marijuana, stimulants, depressants or hallucinogens. In the case of drugs or medications which are available to the public without a prescription from a health care provider and prescription drugs or medications, compensation shall not be denied if the employee can show that such drugs or medications were being taken or used in therapeutic doses and there have been no prior incidences of the employee's impairment on the job as the result of the use of such drugs or medications within the previous 24 months. It shall be conclusively presumed that the employee was impaired due to alcohol if it is shown that

at the time of the injury that the employee had an alcohol concentration of .04 or more. An employee's refusal to submit to a chemical test shall not be admissible evidence to prove impairment unless there was probable cause to believe that the employee used, possessed or was impaired by a drug or alcohol while working. The results of a chemical test shall not be admissible evidence to prove impairment unless the following conditions were met:

(A) There was probable cause to believe that the employee used, had possession of, or was impaired by the drug or alcohol while working;

(B) the test sample was collected at a time contemporaneous with the events establishing probable cause;

(C) the collecting and labeling of the test sample was performed by a licensed health care professional;

(D) the test was performed by a laboratory approved by the United States department of health and human services or licensed by the department of health and environment, except that a blood sample may be tested for alcohol content by a laboratory commonly used for that purpose by state law enforcement agencies;

(E) the test was confirmed by gas chromatography, gas chromatography-mass spectroscopy or other comparably reliable analytical method, except that no such confirmation is required for a blood alcohol sample; and

(F) the foundation evidence must establish, beyond a reasonable doubt, that the test results were from the sample taken from the employee.

(e) Compensation shall not be paid in case of coronary or coronary artery disease or cerebrovascular injury unless it is shown that the exertion of the work necessary to precipitate the disability was more than the employee's usual work in the course of the employee's regular employment.

(f) Except as provided in the workers compensation act, no construction design professional who is retained to perform professional services on a construction project or any employee of a construction design professional who is assisting or representing the construction design professional in the performance of professional services on the site of the construction project, shall be liable for any injury resulting from the employer's failure to comply with safety standards on the construction project for which compensation is recoverable under the workers compensation act, unless responsibility for safety practices is specifically assumed by contract. The immunity provided by this subsection to any construction design professional shall not apply to the negligent preparation of design plans or specifications.

(g) It is the intent of the legislature that the workers compensation act shall be liberally construed for the purpose of bringing employers and employees within the provisions of the act to provide the protections of the workers compensation act to both. The provisions of the workers compensation act shall be applied impartially to both employers and employees in cases arising thereunder.

(h) If the employee is receiving retirement benefits under the federal social security act or retirement benefits from any other retirement system, program or plan which is provided by the employer against which the claim is being made, any compensation benefit payments which the employee is eligible to receive under the workers compensation act for such claim shall be reduced by the weekly equivalent amount of the total amount of all such retirement benefits, less any portion of any such retirement benefit, other than retirement benefits under the federal social security act, that is attributable to payments or contributions made by the employee, but in no event shall the workers compensation benefit be less than the workers compensation benefit payable for the employee's percentage of functional impairment.

New Sec. 2. The provisions of K.S.A. 44-501, as amended by section 1 of this act, shall apply to any claim brought under the Kansas workers compensation act for an injury which occurred prior to the effective date of this act, unless the claim has been fully adjudicated.

Sec. 3. K.S.A. 1995 Supp. 44-508 is hereby amended to read as follows: 44-508. As used in the workers compensation act:

(a) "Employer" includes: (1) Any person or body of persons, corporate or unincorporate, and the legal representative of a deceased employer or the receiver or trustee of a person, corporation, association or partnership; (2) the state or any department, agency or authority of the state, any city, county, school district or other political subdivision or municipality or public corporation and any instrumentality thereof; and (3) for the purposes of community service work, the entity for which the community service work is being performed and the governmental agency

(continued)

which assigned the community service work, if any, if either such entity or such governmental agency has filed a written statement of election with the director to accept the provisions under the workers compensation act for persons performing community service work and in such case such entity and such governmental agency shall be deemed to be the joint employer of the person performing the community service work and both shall have the rights, liabilities and immunities provided under the workers compensation act for an employer with regard to the community service work, except that the liability for providing benefits shall be imposed only on the party which filed such election with the director, or on both if both parties have filed such election with the director; for purposes of community service work, "governmental agency" shall not include any court or any officer or employee thereof and any case where there is deemed to be a "joint employer" shall not be construed to be a case of dual or multiple employment.

(b) "Workman" or "employee" or "worker" means any person who has entered into the employment of or works under any contract of service or apprenticeship with an employer. Such terms shall include but not be limited to: Executive officers of corporations; professional athletes; persons serving on a volunteer basis as duly authorized law enforcement officers, ambulance attendants, mobile intensive care technicians, fire-fighters, but only to the extent and during such periods as they are so serving in such capacities; persons employed by educational, religious and charitable organizations, but only to the extent and during the periods that they are paid wages by such organizations; persons in the service of the state, or any department, agency or authority of the state, any city, school district, or other political subdivision or municipality or public corporation and any instrumentality thereof, under any contract of service, express or implied, and every official or officer thereof, whether elected or appointed, while performing official duties; persons in the service of the state as volunteer members of the Kansas department of civil air patrol, but only to the extent and during such periods as they are officially engaged in the performance of functions specified in K.S.A. 48-3302 and amendments thereto; volunteers in any employment, if the employer has filed an election to extend coverage to such volunteers; minors, whether such minors are legally or illegally employed; and persons performing community service work, but only to the extent and during such periods as they are performing community service work and if an election has been filed an election to extend coverage to such persons. Any reference to an employee who has been injured shall, where the employee is dead, include a reference to the employee's dependents, to the employee's legal representatives, or, if the employee is a minor or an incapacitated person, to the employee's guardian or conservator. Unless there is a valid election in effect which has been filed as provided in K.S.A. 44-542a and amendments thereto, such terms shall not include individual employers, limited or general partners or self-employed persons.

(c) (1) "Dependents" means such members of the employee's family as were wholly or in part dependent upon the employee at the time of the accident.

(2) "Members of a family" means only surviving legal spouse and children; or if no surviving legal spouse or children, then parents or grandparents; or if no parents or grandparents, then grandchildren; or if no grandchildren, then brothers and sisters. In the meaning of this section, parents include stepparents, children include stepchildren, grandchildren include stepgrandchildren, brothers and sisters include stepbrothers and stepsisters, and children and parents include that relation by legal adoption. In the meaning of this section, a surviving spouse shall not be regarded as a dependent of a deceased employee or as a member of the family, if the surviving spouse shall have for more than six months willfully or voluntarily deserted or abandoned the employee prior to the date of the employee's death.

(3) "Wholly dependent child or children" means:

(A) A birth child or adopted child of the employee except such a child whose relationship to the employee has been severed by adoption;

(B) A stepchild of the employee who lives in the employee's household;

(C) any other child who is actually dependent in whole or in part on the employee and who is related to the employee by marriage or consanguinity; or

(D) any child as defined in subsections (3)(A), (3)(B) or (3)(C) who is less than 23 years of age and who is not physically or mentally capable of earning wages in any type of substantial and gainful employment or who is a full-time student attending an accredited institution of higher education or vocational education.

(d) "Accident" means an undesigned, sudden and unexpected event or events, usually of an afflictive or unfortunate nature and often, but not necessarily, accompanied by a manifestation of force. The elements of an accident, as stated herein, are not to be construed in a strict and literal sense, but in a manner designed to effectuate the purpose of the workers compensation act that the employer bear the expense of accidental injury to a worker caused by the employment.

(e) "Personal injury" and "injury" mean any lesion or change in the physical structure of the body, causing damage or harm thereto, so that it gives way under the stress of the worker's usual labor. It is not essential that such lesion or change be of such character as to present external or visible signs of its existence. An injury shall not be deemed to have been directly caused by the employment where it is shown that the employee suffers disability as a result of the natural aging process or by the normal activities of day-to-day living.

(f) The words "arising out of and in the course of employment" as used in the workers compensation act shall not be construed to include injuries to the employee occurring while the employee is on the way to assume the duties of employment or after leaving such duties, the proximate cause of which injury is not the employer's negligence. An employee shall not be construed as being on the way to assume the duties of employment or having left such duties at a time when the worker is on the premises of the employer or on the only available route to or from work which is a route involving a special risk or hazard and which is a route not used by the public except in dealings with the employer. *An employee shall not be construed as being on the way to assume the duties of employment, if the employee is a provider of emergency services responding to an emergency.*

The words, "arising out of and in the course of employment" as used in the workers compensation act shall not be construed to include injuries to employees while engaged in recreational or social events under circumstances where the employee was under no duty to attend and where the injury did not result from the performance of tasks related to the employee's normal job duties or as specifically instructed to be performed by the employer.

(g) "Burden of proof" means the burden of a party to persuade the trier of facts by a preponderance of the credible evidence that such party's position on an issue is more probably true than not true on the basis of the whole record.

(h) "Director" means the director of workers compensation as provided in K.S.A. 75-5708 and amendments thereto.

(i) "Health care provider" means any person licensed, by the proper licensing authority of this state, another state or the District of Columbia, to practice medicine and surgery, osteopathy, chiropractic, dentistry, optometry, podiatry or psychology.

(j) "Secretary" means the secretary of human resources.

(k) "Construction design professional" means any person who is an architect, professional engineer, landscape architect or land surveyor who has been issued a license by the state board of technical professions to practice such technical profession in Kansas or any corporation organized to render professional services through the practice of one or more of such technical professions in Kansas under the professional corporation law of Kansas or any corporation issued a certificate of authorization under K.S.A. 74-7036 and amendments thereto to practice one or more of such technical professions in Kansas.

(l) "Community service work" means: (1) Public or community service performed as a result of a contract of diversion or of assignment to a community corrections program or conservation camp or suspension of sentence or as a condition of probation or in lieu of a fine imposed by court order; or (2) public or community service or other work performed as a requirement for receipt of any kind of public assistance in accordance with any program administered by the secretary of social and rehabilitation services.

(m) "Utilization review" means the initial evaluation of appropriateness in terms of both the level and the quality of health care and health services provided a patient, based on accepted standards of the health care profession involved. Such evaluation is accomplished by means of a system which identifies the utilization of health care services above the usual range of utilization for such services, which is based on accepted standards of the health care profession involved, and which refers instances of possible inappropriate utilization to the director for referral to a peer review committee.

(n) "Peer review" means an evaluation by a peer review committee of the appropriateness, quality and cost of health care and health services provided a patient, which is based on accepted standards of the health

care profession involved and which is conducted in conjunction with utilization review.

(o) "Peer review committee" means a committee composed of health care providers licensed to practice the same health care profession as the health care provider who rendered the health care services being reviewed.

(p) "Group-funded self-insurance plan" includes each group-funded workers compensation pool, which is authorized to operate in this state under K.S.A. 44-581 through 44-592 and amendments thereto, each municipal group-funded pool under the Kansas municipal group-funded pool act which is covering liabilities under the workers compensation act, and any other similar group-funded or pooled plan or arrangement that provides coverage for employer liabilities under the workers compensation act and is authorized by law.

(q) On and after the effective date of this act, "workers compensation board" or "board" means the workers compensation board established under K.S.A. 1995 Supp. 44-555c and amendments thereto.

Sec. 4. K.S.A. 44-510 is hereby amended to read as follows: 44-510. Except as otherwise provided therein, medical compensation under the workers compensation act shall be as follows:

(a) It shall be the duty of the employer to provide the services of a health care provider, and such medical, surgical and hospital treatment, including nursing, medicines, medical and surgical supplies, ambulance, crutches, and apparatus, and transportation to and from the home of the injured employee to a place outside the community in which such employee resides, and within such community if the director in the director's discretion so orders, including transportation expenses computed in accordance with subsection (a) of K.S.A. 44-515 and amendments thereto, as may be reasonably necessary to cure and relieve the employee from the effects of the injury.

(1) The director shall appoint, subject to the approval of the secretary, a specialist in health services delivery, who shall be referred to as the medical administrator. The medical administrator shall be a person licensed to practice medicine and surgery in this state and shall be in the unclassified service under the Kansas civil service act. The medical administrator, subject to the direction of the director, shall have the duty of overseeing the providing of health care services to employees in accordance with the provisions of the workers compensation act, including but not limited to:

(A) Preparing, with the assistance of the advisory panel, the fee schedule for health care services as set forth in this section;

(B) developing, with the assistance of the advisory panel, the utilization review program for health care services as set forth in this section;

(C) developing procedures for appeals and review of disputed charges or services rendered by health care providers under this section;

(D) developing a system for collecting and analyzing data on expenditures for health care services by each type of provider under the workers compensation act; and

(E) carrying out such other duties as may be delegated or directed by the director or secretary.

(2) The director shall prepare and adopt rules and regulations, which shall be in effect on or before July 1, 1993, and which establish a schedule of maximum fees for medical, surgical, hospital, dental, nursing, vocational rehabilitation or any other treatment or services provided or ordered by health care providers and rendered to employees under the workers compensation act. The schedule shall include provisions and review procedures for exceptional cases involving extraordinary medical procedures or circumstances and shall include costs and charges for medical records and testimony.

(3) The schedule of maximum fees shall be reasonable, shall promote health care cost containment and efficiency with respect to the workers compensation health care delivery system, and shall be sufficient to ensure availability of such reasonably necessary treatment, care and attendance to each injured employee to cure and relieve the employee from the effects of the injury.

(4) (A) In every case, all fees, transportation costs, charges under this section and all costs and charges for medical records and testimony shall be subject to approval by the director and shall be limited to such as are fair, reasonable and necessary. The schedule of maximum fees shall be reviewed annually by the director to assure that the schedule is current, reasonable and fair.

(B) There is hereby created an advisory panel to assist the director in establishing a schedule of maximum fees as required by this section. The panel shall consist of the commissioner of insurance and seven members appointed as follows: (i) One person shall be appointed by the Kansas

medical society, (ii) one member shall be appointed by the Kansas association of osteopathic medicine, (iii) one member shall be appointed by the Kansas hospital association, (iv) one member shall be appointed by the Kansas chiropractic association, and (v) three members appointed by the secretary. One member appointed by the secretary shall be a representative of employers recommended to the secretary by the Kansas chamber of commerce and industry. One member appointed by the secretary shall be a representative of employees recommended to the secretary by the Kansas AFL-CIO. One member appointed by the secretary shall be a representative of entities providing vocational rehabilitation services pursuant to K.S.A. 44-510g and amendments thereto. Each appointed member shall be appointed for a term of office of two years which shall commence on July 1 of the year of appointment.

(C) All fees and other charges paid for such treatment, care and attendance, including treatment, care and attendance provided by any health care provider, hospital or other entity providing health care services, shall not exceed the amounts prescribed by the schedule of maximum fees established under this section or the amounts authorized pursuant to the provisions and review procedures prescribed by the schedule for exceptional cases. A health care provider, hospital or other entity providing health care services shall be paid either such health care provider, hospital or other entity's usual charge for the treatment, care and attendance or the maximum fees as set forth in the schedule, whichever is less. In reviewing and approving the schedule of maximum fees, the director shall consider the following:

(i) The levels of fees for similar treatment, care and attendance imposed by other health care programs or third-party payors in the locality in which such treatment or services are rendered;

(ii) the impact upon cost to employers for providing a level of fees for treatment, care and attendance which will ensure the availability of treatment, care and attendance required for injured employees;

(iii) the potential change in workers compensation insurance premiums or costs attributable to the level of treatment, care and attendance provided; and

(iv) the financial impact of the schedule of maximum fees upon health care providers and health care facilities and its effect upon their ability to make available to employees such reasonably necessary treatment, care and attendance to each injured employee to cure and relieve the employee from the effects of the injury.

(D) Members of the advisory panel attending meetings of the advisory panel, or attending a subcommittee of the advisory panel authorized by the advisory panel, shall be paid subsistence allowances, mileage and other expenses as provided in K.S.A. 75-3223 and amendments thereto.

(5) Any contract or any billing or charge which any health care provider, vocational rehabilitation service provider, hospital, person, or institution enters into with or makes to any patient for services rendered in connection with injuries covered by the workers compensation act or the fee schedule adopted under this section, which is or may be in excess of or not in accordance with such act or fee schedule, is unlawful, void and unenforceable as a debt.

(6) The director shall have jurisdiction to hear and determine all disputes as to such charges and interest due thereon and shall prescribe procedural rules to be followed by the parties to such disputes. In the event of any controversy arising under this section, payments shall not be delayed for any amounts not in dispute or controversy. Acceptance by any provider of services of a payment amount under this section which is less than the full amount charged for the services, shall not affect the right to have a review of the claim for the outstanding or remaining amounts. In the event of a dispute as to such charges, the health care provider, hospital, institution, person or other provider under this section shall appear and be represented in the action under the workers compensation act.

(7) If the director finds, after utilization review and peer review, that a provider or facility has made excessive charges or provided or ordered unjustified treatment, services, hospitalization or visits, the provider or facility shall not receive payment pursuant to this section from an insurance carrier, employer or employee for the excessive fees or unjustified treatment, services, hospitalization or visits and such provider or facility shall repay any fees or charges collected therefor.

(8) Not later than December 31, 1993, the director shall develop and implement, or contract with a qualified entity to develop and implement, utilization review and peer review procedures relating to the services rendered by providers and facilities, which services are paid for in whole or in part pursuant to the workers compensation act. The director may

(continued)

contract with one or more private foundations or organizations to provide utilization review, as appropriate, of entities providing health care services or vocational rehabilitation services, or both, pursuant to the workers compensation act.

(9) By accepting payment pursuant to this section for treatment or services rendered to an injured employee, a health care provider or health care facility shall be deemed to consent to submitting all necessary records to substantiate the nature and necessity of the service or charge and other information concerning such treatment to utilization review and peer review under this section. Such health care provider shall comply with any decision of the director pursuant to subsection (a)(10).

(10) If it is determined by a peer review committee that a provider improperly overutilized or otherwise rendered or ordered unjustified treatment or services or that the fees for such treatment or services were excessive, the director may order the provider to show cause why the provider should not be required to repay the amount which was paid for rendering or ordering such treatment or services and shall provide the provider a hearing thereon if requested. If a hearing is not requested within 30 days of receipt of the order and the director decides to proceed with the matter, a hearing shall be conducted and if a prima facie case is established a final order shall be issued by the director. If the final order is adverse to a health care provider, the director shall provide a report to the licensing board of the health care provider with full documentation of any such determination, except that no such report shall be provided until after judicial review if the order is appealed. Any order of the director under this section shall be subject to review by the board.

(11) Except as provided by K.S.A. 60-437 and amendments thereto or this section, all reports, information, statements, memoranda, proceedings, findings and records which relate to utilization review or peer review conducted pursuant to this section, including any records of peer review committees, shall be privileged and shall not be subject to discovery, subpoena, or other means of legal compulsion for release to any person or entity and shall not be admissible in evidence in any judicial or administrative proceeding, except those proceedings authorized pursuant to this section.

(12) A provider or facility may not improperly charge or overcharge a workers compensation insurer or charge for services which were not provided, for the purpose of obtaining additional payment.

(13) Any violation of the provisions of this section which is willful or which demonstrates a pattern of improperly charging or overcharging workers compensation insurers constitutes grounds for the director to impose a civil fine not to exceed \$5,000. Any civil fine imposed under this section shall be subject to review in accordance with the act for judicial review and civil enforcement of agency actions in the district court for Shawnee county. All moneys received for civil fines imposed under this section shall be deposited in the state treasury to the credit of the workers compensation fund.

(14) As used in this subsection (a), unless the context or the specific provisions require otherwise, "provider" means any health care provider or vocational rehabilitation service provider, and "facility" means any facility providing health care services or vocational rehabilitation services, or both, including any hospital.

(b) Any health care provider, nurse, physical therapist, any entity providing medical, physical or vocational rehabilitation services or providing reeducation or training pursuant to K.S.A. 44-510g and amendments thereto, medical supply establishment, surgical supply establishment, ambulance service or hospital who accept the terms of the workers compensation act by providing services or material thereunder shall be bound by the fees approved by the director and no injured employee or dependent of a deceased employee shall be liable for any charges above the amounts approved by the director. If the employer has knowledge of the injury and refuses or neglects to reasonably provide the services of a health care provider required by this section, the employee may provide the same for such employee, and the employer shall be liable for such expenses subject to the regulations adopted by the director. No action shall be filed in any court by a health care provider or other provider of services under this section for the payment of an amount for medical services or materials provided under the workers compensation act and no other action to obtain or attempt to obtain or collect such payment shall be taken by a health care provider or other provider of services under this section, including employing any collection service, until after final adjudication of any claim for compensation for which an application for hearing is filed with the director under K.S.A. 44-534 and amendments thereto. In the case of any such action filed in a court prior to the date an application is filed under K.S.A. 44-534 and amendments thereto, no judgment may be

entered in any such cause and the action shall be stayed until after the final adjudication of the claim. In the case of an action stayed hereunder, any award of compensation shall require any amounts payable for medical services or materials to be paid directly to the provider thereof plus an amount of interest at the rate provided by statute for judgments. No period of time under any statute of limitation, which applies to a cause of action barred under this subsection, shall commence or continue to run until final adjudication of the claim under the workers compensation act.

(c) (1) If the director finds, upon application of an injured employee, that the services of the health care provider furnished as provided in subsection (a) and rendered on behalf of the injured employee are not satisfactory, the director may authorize the appointment of some other health care provider. In any such case, the employer shall submit the names of three health care providers that are not associated in practice together. The injured employee may select one from the list who shall be the authorized treating health care provider. If the injured employee is unable to obtain satisfactory services from any of the health care providers submitted by the employer under this subsection (c)(1), the injured employee may apply for a benefit review conference for the purpose of obtaining satisfactory health care services. The benefit review officer shall attempt to obtain agreement between the parties on the name of another health care provider to be the authorized treating health care provider. If the benefit review officer is unable to obtain agreement, the benefit review officer may request the assistance of a peer review service provider, who has contracted to provide peer review services under subsection (a)(9), to assist in determining whether the injured employee is in need of medical care and, if so, the adequacy and appropriateness of further medical care. If the parties are thereafter unable to agree on a treating health care provider, either party or both parties may request the director to select a treating health care provider from the names previously submitted by the parties to the benefit review officer.

(2) Without application or approval, an employee may consult a health care provider of the employee's choice for the purpose of examination, diagnosis or treatment, but the employer shall only be liable for the fees and charges of such health care provider up to a total amount of \$500. The amount allowed for such examination, diagnosis or treatment shall not be used to obtain a functional impairment rating. Any medical opinion obtained in violation of this prohibition shall not be admissible in any claim proceedings under the workers compensation act.

(d) An injured employee whose injury or disability has been established under the workers compensation act may rely, if done in good faith, solely or partially on treatment by prayer or spiritual means in accordance with the tenets of practice of a church or religious denomination without suffering a loss of benefits subject to the following conditions:

(1) The employer or the employer's insurance carrier agrees thereto in writing either before or after the injury;

(2) the employee submits to all physical examinations required by the workers compensation act;

(3) the cost of such treatment shall be paid by the employee unless the employer or insurance carrier agrees to make such payment;

(4) the injured employee shall be entitled only to benefits that would reasonably have been expected had such employee undergone medical or surgical treatment; and

(5) the employer or insurance carrier that made an agreement under paragraph (1) or (3) of this subsection may withdraw from the agreement on 10 days' written notice.

(e) In any employment to which the workers compensation act applies, the employer shall be liable to each employee who is employed as a duly authorized law enforcement officer, ambulance attendant, mobile intensive care technician or firefighter, including any person who is serving on a volunteer basis in such capacity, for all reasonable and necessary preventive medical care and treatment for hepatitis to which such employee is exposed under circumstances arising out of and in the course of employment.

(f) No person shall be subject to civil liability for libel, slander or any other relevant tort cause of action by virtue of performing utilization review or peer review under contract with the director pursuant to subsection (a)(7).

Sec. 5. K.S.A. 44-510d is hereby amended to read as follows: 44-510d. (a) Where disability, partial in character but permanent in quality, results from the injury, the injured employee shall be entitled to the compensation provided in K.S.A. 44-510 and amendments thereto, but shall not be entitled to any other or further compensation for or during the first week following the injury unless such disability exists for three

consecutive weeks, in which event compensation shall be paid for the first week. Thereafter compensation shall be paid for temporary total loss of use and as provided in the following schedule, 66 $\frac{2}{3}$ % of the average gross weekly wages to be computed as provided in K.S.A. 44-511 and amendments thereto, except that in no case shall the weekly compensation be more than the maximum as provided for in K.S.A. 44-510c and amendments thereto. If there is an award of permanent disability as a result of the injury there shall be a presumption that disability existed immediately after the injury and compensation is to be paid for not to exceed the number of weeks allowed in the following schedule:

- (1) For loss of a thumb, 60 weeks.
- (2) For the loss of a first finger, commonly called the index finger, 37 weeks.
- (3) For the loss of a second finger, 30 weeks.
- (4) For the loss of a third finger, 20 weeks.
- (5) For the loss of a fourth finger, commonly called the little finger, 15 weeks.
- (6) Loss of the first phalange of the thumb or of any finger shall be considered to be equal to the loss of  $\frac{1}{2}$  of such thumb or finger, and the compensation shall be  $\frac{1}{2}$  of the amount specified above. The loss of the first phalange and any part of the second phalange of any finger, which includes the loss of any part of the bone of such second phalange, shall be considered to be equal to the loss of  $\frac{2}{3}$  of such finger and the compensation shall be  $\frac{2}{3}$  of the amount specified above. The loss of the first phalange and any part of the second phalange of a thumb which includes the loss of any part of the bone of such second phalange, shall be considered to be equal to the loss of the entire thumb. The loss of the first and second phalanges and any part of the third proximal phalange of any finger, shall be considered as the loss of the entire finger. Amputation through the joint shall be considered a loss to the next higher schedule.
  - (7) For the loss of a great toe, 30 weeks.
  - (8) For the loss of any toe other than the great toe, 10 weeks.
  - (9) The loss of the first phalange of any toe shall be considered to be equal to the loss of  $\frac{1}{2}$  of such toe and the compensation shall be  $\frac{1}{2}$  of the amount above specified.
  - (10) The loss of more than one phalange of a toe shall be considered to be equal to the loss of the entire toe.
  - (11) For the loss of a hand, 150 weeks.
  - (12) For the loss of a forearm, 200 weeks.
  - (13) For the loss of an arm, excluding the shoulder joint, shoulder girdle, shoulder musculature or any other shoulder structures, 210 weeks, and for the loss of an arm, including the shoulder joint, shoulder girdle, shoulder musculature or any other shoulder structures, 225 weeks.
  - (14) For the loss of a foot, 125 weeks.
  - (15) For the loss of a lower leg, 190 weeks.
  - (16) For the loss of a leg, 200 weeks.
  - (17) For the loss of an eye, or the complete loss of the sight thereof, 120 weeks.
  - (18) Amputation or severance below the wrist shall be considered as the loss of a hand. Amputation at the wrist and below the elbow shall be considered as the loss of the forearm. Amputation at or above the elbow shall be considered loss of the arm. Amputation below the ankle shall be considered loss of the foot. Amputation at the ankle and below the knee shall be considered as loss of the lower leg. Amputation at or above the knee shall be considered as loss of the leg.
    - (19) For the complete loss of hearing of both ears, 110 weeks.
    - (20) For the complete loss of hearing of one ear, 30 weeks.
    - (21) Permanent loss of the use of a finger, thumb, hand, shoulder, arm, forearm, toe, foot, leg or lower leg or the permanent loss of the sight of an eye or the hearing of an ear, shall be equivalent to the loss thereof. For the permanent partial loss of the use of a finger, thumb, hand, shoulder, arm, toe, foot or leg, or the sight of an eye or the hearing of an ear, compensation shall be paid as provided for in K.S.A. 44-510c and amendments thereto, per week during that proportion of the number of weeks in the foregoing schedule provided for the loss of such finger, thumb, hand, shoulder, arm, toe, foot or leg, or the sight of an eye or the hearing of an ear, which partial loss thereof bears to the total loss of a finger, thumb, hand, shoulder, arm, toe, foot or leg, or the sight of an eye or the hearing of an ear; but in no event shall the compensation payable hereunder for such partial loss exceed the compensation payable under the schedule for the total loss of such finger, thumb, hand, arm, toe, foot or leg, or the sight of an eye or the hearing of an ear, exclusive of the healing period. As used in this paragraph (21), "shoulder" means the shoulder joint, shoulder girdle, shoulder musculature or any other shoulder structures.

(22) For traumatic hernia, compensation shall be limited to the compensation under K.S.A. 44-510 and amendments thereto, compensation for temporary total disability during such period of time as such employee is actually unable to work on account of such hernia, and, in the event such hernia is inoperable, weekly compensation during 12 weeks, except that, in the event that such hernia is operable, the unreasonable refusal of the employee to submit to an operation for surgical repair of such hernia shall deprive such employee of any benefits under the workers compensation act.

(23) Loss of a scheduled member shall be based upon permanent impairment of function to the scheduled member as determined using the third edition, revised, of the American Medical Association Guidelines for the Evaluation of Physical Impairment, if the impairment is contained therein the fourth edition of the American Medical Association Guides to the Evaluation of Permanent Impairment, if the impairment is contained therein.

(b) Whenever the employee is entitled to compensation for a specific injury under the foregoing schedule, the same shall be exclusive of all other compensation except the benefits provided in K.S.A. 44-510 and amendments thereto, and no additional compensation shall be allowable or payable for any temporary or permanent, partial or total disability, except that the director, in proper cases, may allow additional compensation during the actual healing period, following amputation. The healing period shall not be more than 10% of the total period allowed for the scheduled injury in question nor in any event for longer than 15 weeks. The return of the employee to the employee's usual occupation shall terminate the healing period.

Sec. 6. K.S.A. 44-510e is hereby amended to read as follows: 44-510e. (a) If the employer and the employee are unable to agree upon the amount of compensation to be paid in the case of injury not covered by the schedule in K.S.A. 44-510d and amendments thereto, the amount of compensation shall be settled according to the provisions of the workers compensation act as in other cases of disagreement, except that in case of temporary or permanent partial general disability not covered by such schedule, the employee shall receive weekly compensation as determined in this subsection during such period of temporary or permanent partial general disability not exceeding a maximum of 415 weeks. Weekly compensation for temporary partial general disability shall be 66 $\frac{2}{3}$ % of the difference between the average gross weekly wage that the employee was earning prior to such injury as provided in the workers compensation act and the amount the employee is actually earning after such injury in any type of employment, except that in no case shall such weekly compensation exceed the maximum as provided for in K.S.A. 44-510c and amendments thereto. Permanent partial general disability exists when the employee is disabled in a manner which is partial in character and permanent in quality and which is not covered by the schedule in K.S.A. 44-510d and amendments thereto. The extent of permanent partial general disability shall be the extent, expressed as a percentage, to which the employee, in the opinion of the physician, has lost the ability to perform the work tasks that the employee performed in any substantial gainful employment during the fifteen-year period preceding the accident, averaged together with the difference between the average weekly wage the worker was earning at the time of the injury and the average weekly wage the worker is earning after the injury. In any event, the extent of permanent partial general disability shall not be less than the percentage of functional impairment. Functional impairment means the extent, expressed as a percentage, of the loss of a portion of the total physiological capabilities of the human body as established by competent medical evidence and based on the third edition, revised, of the American Medical Association Guidelines for the Evaluation of Physical Impairment, if the impairment is contained therein and based on the fourth edition of the American Medical Association Guides to the Evaluation of Permanent Impairment, if the impairment is contained therein. An employee shall not be entitled to receive permanent partial general disability compensation in excess of the percentage of functional impairment as long as the employee is engaging in any work for wages equal to 90% or more of the average gross weekly wage that the employee was earning at the time of the injury. If the employer and the employee are unable to agree upon the employee's functional impairment and if at least two medical opinions based on competent medical evidence disagree as to the percentage of functional impairment, such matter shall may be referred by the administrative law judge to an independent health care provider who shall be selected by the administrative law judge from a list of health care providers maintained by the director. The health care provider selected by the director

(continued)

pursuant to this section shall issue an opinion regarding the employee's functional impairment which shall be considered by the administrative law judge in making the final determination. The amount of weekly compensation for permanent partial general disability shall be determined as follows:

(1) Find the payment rate which shall be the lesser of (A) the amount determined by multiplying the average gross weekly wage of the worker prior to such injury by 66% or (B) the maximum provided in K.S.A. 44-510c and amendments thereto;

(2) find the number of disability weeks payable by subtracting from 415 weeks the total number of weeks of temporary total disability compensation was paid, excluding the first 15 weeks of temporary total disability compensation that was paid, and multiplying the remainder by the percentage of permanent partial general disability as determined under this subsection (a); and

(3) multiply the number of disability weeks determined in paragraph (2) of this subsection (a) by the payment rate determined in paragraph (1) of this subsection (a).

The resulting award shall be paid for the number of disability weeks at the full payment rate until fully paid or modified. If there is an award of permanent disability as a result of the compensable injury, there shall be a presumption that disability existed immediately after such injury. In any case of permanent partial disability under this section, the employee shall be paid compensation for not to exceed 415 weeks following the date of such injury, subject to review and modification as provided in K.S.A. 44-528 and amendments thereto.

(b) If an employee has received an injury for which compensation is being paid, and the employee's death is caused by other and independent causes, any payment of compensation already due the employee at the time of death and then unpaid shall be paid to the employee's dependents directly or to the employee's legal representatives if the employee left no dependent, but the liability of the employer for the payments of compensation not yet due at the time of the death of such employee shall cease and be abrogated by the employee's death.

(c) The total amount of compensation that may be allowed or awarded an injured employee for all injuries received in any one accident shall in no event exceed the compensation which would be payable under the workers compensation act for 100% permanent total disability resulting from such accident.

(d) Where a minor employee or a minor employee's dependents are entitled to compensation under the workers compensation act, such compensation shall be exclusive of all other remedies or causes of action for such injury or death, and no claim or cause of action against the employer shall inure or accrue to or exist in favor of the parent or parents of such minor employee on account of any damage resulting to such parent or parents on account of the loss of earnings or loss of service of such minor employee.

(e) In any case of injury to or death of a female an employee, where the female employee or her the employee's dependents are entitled to compensation under the workers compensation act, such compensation shall be exclusive of all other remedies or causes of action for such injury or death, and no claim or action shall inure, accrue to or exist in favor of the surviving husband spouse or any relative or next of kin of such female employee against such employer on account of any damage resulting to such surviving husband spouse or any relative or next of kin on account of the loss of earnings, services, or society of such female employee or on any other account resulting from or growing out of the injury or death of such female employee.

Sec. 7. K.S.A. 44-525 is hereby amended to read as follows: 44-525.

(a) Every finding or award of compensation shall be in writing signed and acknowledged by the administrative law judge and shall specify the amount due and unpaid by the employer to the employee up to the date of the award, if any, and the amount of the payments thereafter to be paid by the employer to the employee, if any, and the length of time such payment shall continue. The award of the administrative law judge shall be effective the day following the date noted in the award.

(b) No award shall be or provide for payment of compensation in a lump sum, except as to such portion of the compensation as shall be found to be due and unpaid at the time of the award, or except at the discretion of the director on settlement agreements, and credit shall be given to the employer in such award for any amount or amounts paid by the employer to the employee as compensation prior to the date of the award.

(c) In the event the employee has been overpaid temporary total disability benefits as described in subsection (b) of K.S.A. 44-534a, and amendments thereto, and the employee is entitled to additional disability

benefits, the administrative law judge shall provide for the application of a credit against such benefits. The credit shall first be applied to the final week of any such additional disability benefit award and then to each preceding week until the credit is exhausted.

Sec. 8. K.S.A. 44-531 is hereby amended to read as follows: 44-531.

(a) Where all parties agree to the payment of all or any part of compensation due under the workers compensation act or under any award or judgment, and where it has been determined at a hearing before the administrative law judge that it is for the best interest of the injured employee or the dependents of a deceased employee, or that it will avoid undue expense, litigation or hardship to any party or parties, the administrative law judge may permit the employer to redeem all or any part of the employer's liability under the workers compensation act by the payment of compensation in a lump sum, except that no agreement for payment of compensation in a lump sum shall be approved for two years nine months after an employee has returned to work in cases in which the employee, who would otherwise be entitled to compensation for work disability, is not entitled to work disability compensation because of being returned to work at a comparable wage by any employer the employer who employed the worker at the time of the injury giving rise to the claim being settled. The employer shall be entitled to an 8% discount on the amount of any such lump-sum payment that is not yet due at the time of the award. Upon paying such lump sum the employer shall be released and discharged of and from all liability under the workers compensation act for that portion of the employer's liability redeemed under this section.

(b) No lump-sum awards, unless agreed to by the parties, shall be rendered under the workers compensation act except: (1) As provided in subsection (a) of this section, (2) in cases of remarriage of a surviving spouse as provided in K.S.A. 44-510b and amendments thereto, (3) in cases involving compensation due the employee at the time the award is rendered as provided in K.S.A. 44-525 and amendments thereto and in cases of past due compensation as provided in K.S.A. 44-529 and amendments thereto.

Sec. 9. K.S.A. 44-532 is hereby amended to read as follows: 44-532.

(a) The payment of compensation of the employee or the employee's dependents is insured by a policy or policies, at the expense of the employer, or the employer is a member of a qualified group-funded workers compensation pool, the insurer or the qualified group-funded workers compensation pool shall be subrogated to the rights and duties under the workers compensation act of the employer so far as appropriate, including the immunities provided by K.S.A. 44-501 and amendments thereto.

(b) Every employer shall secure the payment of compensation to the employer's employees by insuring in one of the following ways: (1) By insuring and keeping insured the payment of such compensation with an insurance carrier authorized to transact the business of workers compensation insurance in the state of Kansas; (2) by showing to the director that the employer carries such employer's own risk and is what is known as a self-insurer and by furnishing proof to the director of the employer's financial ability to pay such compensation for the employer's self; (3) by maintaining a membership in a qualified group-funded workers compensation pool. The cost of carrying such insurance or risk shall be paid by the employer and not the employee.

(c) The knowing and intentional failure of an employer to secure the payment of workers compensation to the employer's employees as required in subsection (b) of this section is a class C misdemeanor.

(d) In addition, whenever the director has reason to believe that any employer has engaged or is engaging in the knowing and intentional failure to secure the payment of workers compensation to the employer's employees as required in subsection (b) of this section, the director shall issue and serve upon such employer a statement of the charges with respect thereto and shall conduct a hearing in accordance with the Kansas administrative procedure act, wherein the employer may be liable to the state for a civil penalty in an amount equal to twice the annual premium the employer would have paid had such employer been insured or \$25,000, whichever amount is greater.

(e) Any civil penalty imposed or final action taken under this section shall be subject to review in accordance with the act for judicial review of agency actions in the district court of Shawnee county.

(f) All moneys received under this section for costs assessed or monetary penalties imposed shall be deposited in the state treasury and credited to the workers compensation fund.

(g) (1) Every insurance carrier writing workers' compensation insurance for any employment covered under the workers compensation act shall file, with the director, written notice of the issuance, nonrenewal

or cancellation of a policy or contract of insurance, or any endorsement, providing workers compensation coverage, within 10 days after such issuance, nonrenewal or cancellation. Every such insurance carrier shall file, with the director, written notice of all such policies, contracts and endorsements in force on the effective date of this act.

(2) Every employer covered by the workers compensation act who is a qualified self-insurer shall give written notice to the director if such employer changes from a self-insurer status to insuring through an insurance carrier or by maintaining a membership in a qualified group-funded workers compensation pool, such notice to be given within 10 days after the effective date of such change. Every self-insurer shall file with the director annually a report verifying the employer's continuing ability to pay compensation to the employer's employees.

(3) Every employer covered by the workers compensation act who is a member of a qualified group-funded workers compensation pool shall give written notice to the director if such employer changes from a group-funded workers compensation pool to insuring through an insurance carrier or becoming a self-insurer, such notice to be given within 10 days after the effective date of such change.

(4) The mailing of any written notice or report required by this subsection (d) in a stamped envelope within the prescribed time shall comply with the requirements of this subsection.

(5) The director shall provide by regulation for the forms of written notices and reports required by this subsection (d).

(e) (h) As used in this section, "qualified group-funded workers compensation pool" means any qualified group-funded workers compensation pool under K.S.A. 44-581 through 44-591 and amendments thereto or any group-funded pool under the Kansas municipal group-funded pool act which includes workers compensation and employers' liability under the workers compensation act.

(f) (i) A private firm shall not be eligible to apply to become a self-insurer unless it has been in continuous operation for at least five years or is purchasing an existing self-insured Kansas firm, plant or facility and the operation of the purchased firm, plant or facility: (1) Has been in continuous operation in Kansas for at least 10 years; (2) has generated an after-tax profit of at least \$1,000,000 annually for the preceding three consecutive years; and (3) has a ratio of debt to equity of not greater than 3.5 to 1. As used in this subsection, "debt" means the sum of long-term borrowing maturing in excess of one year plus the current portion of long-term borrowing plus short-term financial institution borrowing plus commercial paper borrowing, and "equity" means the sum of the book value of stock plus paid-in capital plus retained earnings.

Sec. 10. K.S.A. 44-534a is hereby amended to read as follows: 44-534a. (a) (1) After an application for a hearing has been filed pursuant to K.S.A. 44-534 and amendments thereto, the employee or the employer may make application for a preliminary hearing, in such form as the director may require, on the issues of the furnishing of medical treatment and the payment of temporary total disability compensation. At least seven days prior to filing an application for a preliminary hearing, the applicant shall give written notice to the adverse party of the intent to file such an application. Such notice of intent shall contain a specific statement of the benefit change being sought that is to be the subject of the requested preliminary hearing. If the parties do not agree to the change of benefits within the seven-day period, the party seeking a change in benefits may file an application for preliminary hearing which shall be accompanied by a copy of the notice of intent and the applicant's certification that the notice of intent was served on the adverse party or that party's attorney and that the request for a benefit change has either been denied or was not answered within seven days after service. Copies of medical reports or other evidence which the party intends to produce as exhibits supporting the change of benefits shall be included with the application. The director shall conduct a benefit review conference within 15 days after receipt of the application for preliminary hearing, to attempt to resolve the issues raised. If the issues cannot be resolved by the benefit review conference, the director shall assign the application to an administrative law judge who shall set the matter for a preliminary hearing and shall give at least seven days' written notice by mail to the parties of the date set for such hearing.

(2) Such preliminary hearing shall be summary in nature and shall be held by an administrative law judge in any county designated by the administrative law judge, and the administrative law judge shall exercise such powers as are provided for the conduct of full hearings on claims under the workers compensation act. Upon a preliminary finding that the injury to the employee is compensable and in accordance with the facts presented at such preliminary hearing, the administrative law judge may

make a preliminary award of medical compensation and temporary total disability compensation to be in effect pending the conclusion of a full hearing on the claim, except that if the employee's entitlement to medical compensation or temporary total disability compensation is disputed or there is a dispute as to the compensability of the claim, no preliminary award of benefits shall be entered without giving the employer the opportunity to present evidence, including testimony, on the disputed issues. A finding with regard to a disputed issue of whether the employee suffered an accidental injury, whether the injury arose out of and in the course of the employee's employment, whether notice is given or claim timely made, or whether certain defenses apply, shall be considered jurisdictional, and subject to review by the board. Such review by the board shall not be subject to judicial review. If an appeal from a preliminary order is perfected under this section, such appeal shall not stay the payment of medical compensation and temporary total disability compensation from the date of the preliminary award. If temporary total compensation is awarded, such compensation may be ordered paid from the date of filing the application, except that if the administrative law judge finds from the evidence presented that there were one or more periods of temporary total disability prior to such filing date, temporary total compensation may be ordered paid for all periods of temporary total disability prior to such date of filing. The decision in such preliminary hearing shall be rendered within five days of the conclusion of such hearing. Except as provided in this section, no such preliminary findings or preliminary awards shall be appealable by any party to the proceedings, and the same shall not be binding in a full hearing on the claim, but shall be subject to a full presentation of the facts.

(b) If compensation in the form of medical benefits or temporary total disability benefits has been paid by the employer or the employer's insurance carrier either voluntarily or pursuant to an award entered under this section or pursuant to an interlocutory order entered by a benefit review officer under K.S.A. 44-5114 and amendments thereto and, upon a full hearing on the claim, the amount of compensation to which the employee is entitled is found to be less than the amount of compensation paid or is totally disallowed, the employer and the employer's insurance carrier shall be reimbursed from the workers compensation fund established in K.S.A. 44-566a and amendments thereto, for all amounts of compensation so paid which are in excess of the amount of compensation the employee is entitled to less any amount deducted from additional disability benefits due the employee pursuant to subsection (c) of K.S.A. 44-525, and amendments thereto, as determined in the full hearing on the claim. The director shall determine the amount of compensation paid by the employer or insurance carrier which is to be reimbursed under this subsection, and the director shall certify to the commissioner of insurance the amount so determined. Upon receipt of such certification, the commissioner of insurance shall cause payment to be made to the employer or the employer's insurance carrier in accordance therewith.

Sec. 11. K.S.A. 44-543 is hereby amended to read as follows: 44-543. (a) As used in this section:

(1) "Nonprofit organization" means those nonprofit organizations exempt from federal income tax pursuant to section 501(c) of the internal revenue code of 1986, as in effect on the effective date of this act.

(2) "Compensation" does not include actual and necessary expenses that are incurred by a volunteer officer, director or trustee in connection with the services that the volunteer performs for a nonprofit organization and that are reimbursed to the volunteer or otherwise paid.

(3) "Volunteer officer, director or trustee" means an officer, director or trustee who performs services for a nonprofit organization but does not receive compensation, either directly or indirectly, for those services.

(b) Any employee of a corporate employer who owns ten percent (10%) 10% or more of the outstanding stock of such employer, may file with the director, prior to injury, a written declaration that he the employee elects not to accept the provisions of the workmen's workers compensation act, and at the same time, he the employee shall file a duplicate of such election with the employer. Such election shall be valid only during his the employee's term of employment with such employer. Any employee so electing and thereafter desiring to change his the employee's election may do so by filing a written declaration to that effect with the director and a duplicate of such election with the employer. Any contract in which an employer requires of an employee as a condition of employment that he the employee elect not to come within the provisions of the workmen's workers compensation act, shall be void. Any written declarations filed pursuant to this section shall be in such form as may be required by regulation of the director.

(continued)

(c) Any noncompensated volunteer officer, director or trustee of a nonprofit corporation as defined in clause 3 of subsection (a) may elect to be covered by the provisions of the workers compensation act by filing with the director, prior to injury, a written declaration that the officer, director or trustee elects to accept the provisions of the workers compensation act, and at the same time, the person shall file a duplicate of such election with the employer and the employer's insurance company or qualified group-funded workers compensation pool.

Sec. 12. K.S.A. 1995 Supp. 44-551 is hereby amended to read as follows: 44-551. (a) The duties of the assistant directors of workers compensation shall include but not be limited to acting in the capacity of an administrative law judge.

(b) (1) Administrative law judges shall have power to administer oaths, certify official acts, take depositions, issue subpoenas, compel the attendance of witnesses and the production of books, accounts, papers, documents and records to the same extent as is conferred on the district courts of this state, and may conduct an investigation, inquiry or hearing on all matters before the administrative law judges. All acts, findings, awards, decisions, rulings or modifications of findings or awards made by an administrative law judge shall be subject to review by the board upon written request of any interested party within 10 days and if no such request is made, then the board shall approve such actions, findings, awards, decisions, rulings or modifications of findings or awards of the administrative law judge. Review by the board shall be a prerequisite to judicial review as provided for in K.S.A. 44-556 and amendments thereto. On any such review, the board shall have authority to grant or refuse compensation, or to increase or diminish any award of compensation or to remand any matter to the administrative law judge for further proceedings.

(2) (A) If an administrative law judge has entered a preliminary award under K.S.A. 44-534a and amendments thereto, a review by the board shall not be conducted under this section unless it is alleged that the administrative law judge exceeded the administrative law judge's jurisdiction in granting or denying the relief requested at the preliminary hearing. *Such an appeal from a preliminary award may be heard and decided by a single member of the board. Members of the board shall hear such preliminary appeals on a rotating basis and the individual board member who decides the appeal shall sign each such decision.* The orders of the board on any acts, findings, awards, decisions, rulings or modifications of findings or awards shall be issued within 30 days from the date arguments were presented by the parties.

(B) If an order on review is not issued by the board within the applicable time period prescribed by subsection (b)(2)(A), medical compensation and any disability compensation as provided in the award of the administrative law judge shall be paid commencing with the first day after such time period and shall continue to be paid until the order of the board is issued, except that no payments shall be made under this provision for any period before the first day after such time period. Nothing in this section shall be construed to limit or restrict any other remedies available to any party to a claim under any other statute.

(C) In any case in which the final award of an administrative law judge is appealed to the board for review under this section and in which the compensability is not an issue to be decided on review by the board, medical compensation shall be payable in accordance with the award of the administrative law judge and shall not be stayed pending such review. The employee may proceed under K.S.A. 44-534a and amendments thereto and may have a hearing in accordance with that statute to enforce the provisions of this subsection.

(c) Each assistant director and each administrative law judge or special administrative law judge shall be allowed all reasonable and necessary expenses actually incurred while in the actual discharge of official duties in administering the workers compensation act, but such expenses shall be sworn to by the person incurring the same and be approved by the secretary.

(d) In case of emergency the director may appoint special local administrative law judges and assign to them the examination and hearing of any designated case or cases. Such special local administrative law judges shall be attorneys and admitted to practice law in the state of Kansas and shall, as to all cases assigned to them, exercise the same powers as provided by this section for the regular administrative law judges. Special local administrative law judges shall receive a fee commensurate with the services rendered as fixed by rules and regulations adopted by the director. The fees prescribed by this section prior to the effective date of this act shall be effective until different fees are fixed by such rules and regulations.

(e) All special local administrative law judge's fees and expenses shall be taxed as cost in each case heard by such special local administrative law judge and when collected shall be paid directly to such special local administrative law judge by the party charged with the payment of the same.

(f) Except as provided for judicial review under K.S.A. 44-556 and amendments thereto, the decisions and awards of the board shall be final.

Sec. 13. K.S.A. 44-566a is hereby amended to read as follows: 44-566a. (a) There is hereby created in the state treasury the workers compensation fund. The commissioner of insurance shall be responsible for administering the workers compensation fund, and all payments from the workers compensation fund shall be upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the commissioner of insurance or a person or persons designated by the commissioner. The commissioner of insurance annually shall report to the governor and the legislature the receipts and disbursements from the workers compensation fund during the preceding fiscal year.

(b) (1) On June 1 of each year, the commissioner of insurance shall impose an assessment against all insurance carriers, self-insurers and group-funded workers compensation pools insuring the payment of compensation under the workers compensation act, and the same shall be due and payable to the commissioner on the following July 1, the proceeds of which shall be credited to the workers compensation fund. The total amount of each such assessment shall be equal to an amount sufficient, in the opinion of the commissioner of insurance, to pay all amounts, including attorney fees and costs, which may be required to be paid from such fund during the current fiscal year, less the amount of the estimated unencumbered balance in the workers compensation fund as of the June 30 immediately preceding the date the assessment is due and payable under this section. The total amount of each such assessment shall be apportioned among those upon whom it is imposed, such that each is assessed an amount that bears the same relation to such total assessment as the amount of money paid or payable in workers compensation claims by such insurance carrier, self-insurer or group-funded workers compensation pool in the immediately preceding calendar year bears to all such claims paid or payable during such calendar year. The commissioner of insurance may establish experience-based rates of assessments under this subsection and make adjustments in the assessments imposed under this subsection based on the success of accident prevention programs under K.S.A. 44-5,104 and amendments thereto and other employer safety programs.

(2) The commissioner of insurance shall remit all moneys received by or for such commissioner under this subsection to the state treasurer. Upon receipt of any such remittance the state treasurer shall deposit the entire amount thereof in the state treasury to the credit of the workers compensation fund.

(c) (1) Whenever the workers compensation fund may be made liable for the payment of any amounts in proceedings under the workers compensation act, the commissioner of insurance, in the capacity of administrator of such fund, shall be impleaded in such proceedings and shall represent and defend the workers compensation fund. The commissioner of insurance shall be deemed impleaded in any such proceedings whenever written notice of the proceedings setting forth the nature of the liability asserted against the workers compensation fund, is given to the commissioner of insurance. The commissioner of insurance may be made a party in this manner by any party to the proceedings. A copy of the written notice shall be given to the director and to all other parties to the proceedings.

(2) The administrative law judge shall dismiss the workers compensation fund from any proceeding where the administrative law judge has determined that there is insufficient evidence to indicate involvement by the workers compensation fund.

(3) *In any case in which the workers compensation fund has been impleaded, if the liability of the fund has not been established within five years of the date of the employee filing a written notice of claim, the commissioner of insurance may cause to be filed with an administrative law judge a motion to dismiss the fund from the case. The administrative law judge shall notify counsel of record not less than 10 days prior to issuing any order dismissing the fund from a case. The administrative law judge shall dismiss the fund from any such case absent a showing by one of the parties that the case should be left open due to medical necessity or other just cause.*

(d) The commissioner of insurance, in the capacity of administrator of the workers compensation fund, may make settlements of any amounts which may be payable from the workers compensation fund with regard



to any claim under the workers compensation act, subject to the approval of the director.

(e) The workers compensation fund shall be liable for:

(1) Payment of awards to handicapped employees in accordance with the provisions of K.S.A. 44-569 and amendments thereto for claims arising prior to July 1, 1994;

(2) payment of workers compensation benefits to an employee who is unable to receive such benefits from such employee's employer under the conditions prescribed by K.S.A. 44-532a and amendments thereto;

(3) reimbursement of an employer or insurance carrier pursuant to the provisions of K.S.A. 44-534a and amendments thereto, subsection (d) of K.S.A. 44-556 and amendments thereto, subsection (c) of K.S.A. 44-569 and amendments thereto and K.S.A. 44-569a and amendments thereto;

(4) payment of the actual expenses of the commissioner of insurance which are incurred for administering the workers compensation fund, subject to the provisions of appropriations acts; and

(5) any other payments or disbursements provided by law.

(f) If it is determined that the workers compensation fund is not liable as described in subsection (e), attorney fees incurred by the workers compensation fund may be assessed against the party who has impleaded the workers compensation fund other than impleadings pursuant to K.S.A. 44-532a and amendments thereto.

(g) The commissioner of insurance shall provide for the implementation of the workers compensation fund as provided in this section and shall be responsible for ensuring the fund's adequacy to meet and pay claims awarded against it.

Sec. 14. K.S.A. 44-5,110 is hereby amended to read as follows: 44-5,110. (a) The director of workers compensation shall establish an ombudsman program within the division of workers compensation to assist injured employees and persons claiming death benefits in obtaining benefits under the workers compensation act. The director shall employ qualified persons as ombudsmen for the program.

(b) Each ombudsman shall meet with or otherwise provide information to injured employees, shall investigate complaints and shall communicate with employers, insurance carriers and health care providers. An ombudsman may assist claimants in benefit review mediation conferences and otherwise assist unrepresented claimants, employers and other parties to protect the rights of such parties under the workers compensation act.

(c) In cases of emergency, on a case-by-case basis, the director may enter into contracts with trained mediators or other qualified persons to perform services under the ombudsman program as special ombudsmen. Each special ombudsman shall receive a fee commensurate with the services rendered in accordance with the contracts for services. The fee for a special ombudsman shall be taxed as costs in the claim to which the special ombudsman is assigned against the respondent.

(d) The director of workers compensation shall widely disseminate information about the ombudsman program.

New Sec. 15. (a) Upon the request of any party to a workers compensation claim and the acceptance of the other party, the director of workers compensation shall schedule the parties for a mediation conference. The purpose of the mediation shall be to assist the parties in reaching agreement on any disputed issues in a workers compensation claim. If the director is advised that one party does not wish to participate in the mediation, the director is authorized to encourage that party to participate.

(b) Mediation conferences shall be conducted by mediators appointed by the director. Such mediators shall be qualified as mediators pursuant to the dispute resolution act, K.S.A. 5-501 *et seq.*, and amendments thereto, and any relevant rules of the Kansas supreme court as authorized pursuant to K.S.A. 5-510, and amendments thereto.

(c) Persons with final settlement authority for each party shall be present, in person, at the mediation conference.

(d) All mediation conferences shall be conducted by a mediator in accordance with the dispute resolution act, K.S.A. 5-501, and amendments thereto.

(e) The director shall widely disseminate information about the mediation conference procedure.

Sec. 16. K.S.A. 1995 Supp. 44-5,125 is hereby amended to read as follows: 44-5,125. (a) (1) Any person who obtains or attempts to obtain any payment of compensation under the workers compensation act for such person or who denies or attempts to deny the obligation to make any payment of workers compensation benefits; who obtains or attempts to obtain a more favorable workers compensation benefit rate or insur-

ance premium rate than that to which such person is otherwise entitled; who prevents, reduces, avoids or attempts to prevent, reduce or avoid the payment of any compensation under the workers compensation act; or who fails to communicate a settlement offer or similar information to a claimant under the workers compensation act, by, in any such case, knowingly or intentionally: (A) Making a false or misleading statement, (B) misrepresenting or concealing a material fact, or (C) fabricating, altering, concealing or destroying a document; and (2) any person who conspires with another person to commit any act described by clause (1) of this subsection (a), shall be guilty of:

(A) A class G A nonperson misdemeanor, if the amount received as a benefit or other payment under the workers compensation act as a result of such act or the amount that the person otherwise benefited monetarily as a result of a violation of this subsection (a) is \$500 or less; or

(B) a severity level 9, nonperson felony, if such amount is more than \$500.

(b) Any person who has received any amount of money as a benefit or other payment under the workers compensation act as a result of a violation of subsection (a) and any person who has otherwise benefited monetarily as a result of a violation of subsection (a) shall be liable to repay an amount equal to the amount so received by such person or the amount by which such person has benefited monetarily, with interest thereon. Any such amount, plus any accrued interest thereon, shall bear interest at the current rate of interest prescribed by law for judgments under subsection (e)(1) of K.S.A. 16-204 and amendments thereto per month or fraction of a month until repayment of such amount, plus any accrued interest thereon. The interest shall accrue from the date of overpayment or erroneous payment of any such amount or the date such person benefited monetarily.

(c) Any person aggrieved by a violation of subsection (a) shall have a cause of action against any other person to recover any amounts of money erroneously paid as benefits or any other amounts of money paid under the workers compensation act, and to seek relief for other monetary damages, for which liability has accrued under this section against such other person.

(d) Nothing in this section shall prohibit an employer from exercising a right to reimbursement under K.S.A. 44-534a, 44-556 or 44-569a and amendments thereto.

Sec. 17. K.S.A. 44-501, 44-510, 44-510d, 44-510e, 44-525, 44-531, 44-532, 44-534a, 44-543, 44-566a, 44-5,110, 44-5,111, 44-5,112, 44-5,113, 44-5,114, 44-5,115 and 44-5,116 and K.S.A. 1995 Supp. 44-508, 44-551 and 44-5,125 are hereby repealed.

Sec. 18. This act shall take effect and be in force from and after its publication in the Kansas register.

(Published in the Kansas Register April 4, 1996.)

#### SENATE BILL No. 684

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, 65-1522 and 74-1501 and repealing the existing sections.

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

Section 1. K.S.A. 65-1501 is hereby amended to read as follows: 65-1501. (a) The practice of optometry means:

(1) The examination of the human eye and its adnexae and the employment of objective or subjective means or methods (including the administering, *prescribing* or dispensing, of topical pharmaceutical drugs) for the purpose of diagnosing the refractive, muscular, or pathological condition thereof;

(2) the prescribing or adapting of lenses (including any ophthalmic lenses which are classified as drugs by any law of the United States or of this state), prisms, orthoptic exercises and visual training therapy for the relief of any insufficiencies or abnormal conditions of the human eye and its adnexae; and

(3) except as otherwise limited by this section, the prescribing, administering or dispensing of topical pharmaceutical drugs for the treatment of any insufficiencies or abnormal conditions of the human eye and its adnexae.

(b) The practice of optometry shall not include: (1) The management and treatment of glaucoma, *except as provided in subsection (d)*; (2) the performance of surgery, *including the use of lasers for surgical purposes*, except that therapeutic licensees may remove superficial foreign bodies from the cornea and the conjunctiva; and (3) the use of topical pharma-

(continued)

ceutical drugs for diagnostic or therapeutic purposes by a person licensed to practice optometry unless such person successfully meets and completes the requirements of K.S.A. 65-1505 and amendments thereto.

(c) An optometrist certified to use topical pharmaceutical drugs and an optometrist certified to treat adult open-angle glaucoma as provided herein shall be held to a standard of care in the use of such agents in diagnosis and treatment commensurate to that of a person licensed to practice medicine and surgery, who exercises that degree of skill and proficiency commonly exercised by an ordinary, skillful, careful and prudent person licensed to practice medicine and surgery.

(d) An optometrist may prescribe, administer and dispense topical pharmaceutical drugs for the treatment of adult open-angle glaucoma only following glaucoma licensure as provided in subsection (l) of K.S.A. 65-1501a and amendments thereto. After the initial diagnosis of adult open-angle glaucoma, by an optometrist during the co-management period described in subsection (s) of K.S.A. 65-1501a and amendments thereto, the patient shall be notified that the diagnosis must be confirmed by an ophthalmologist and that any subsequent treatment requires a written co-management plan with an ophthalmologist of the patient's choice.

Sec. 2. K.S.A. 65-1501a is hereby amended to read as follows: 65-1501a. For the purposes of this act the following terms shall have the meanings respectively ascribed to them unless the context requires otherwise:

(a) "Board" means the board of examiners in optometry established under K.S.A. 74-1501 and amendments thereto.

(b) "License" means a license to practice optometry granted under the optometry law.

(c) "Licensee" means a person licensed under the optometry law to practice optometry.

(d) "Adapt" means the determination, selection, fitting or use of lenses, prisms, orthoptic exercises or visual training therapy for the aid of any insufficiencies or abnormal conditions of the eyes after or by examination or testing.

(e) "Lenses" means any type of ophthalmic lenses, which are lenses prescribed or used for the aid of any insufficiencies or abnormal conditions of the eyes.

(f) "Prescription" means a verbal or written order directly from a licensee giving or containing the name and address of the prescriber, the license registration number of the licensee, the name and address of the patient, the specifications and directions for lenses, prisms, orthoptic exercises or visual training therapy to be used for the aid of any insufficiencies or abnormal conditions of the eyes, including instructions necessary for the fabrication or use thereof and the date of issue.

(g) "Prescription for topical pharmaceutical drugs" means a verbal or written order directly from a licensee expressly certified to prescribe drugs under the optometry law and giving or containing the name and address of the prescriber, the license registration number of the licensee, the name and address of the patient, the name and quantity of the drug prescribed, directions for use, the number of refills permitted, the date of issue and expiration date.

(h) "Topical pharmaceutical drugs" means drugs known generally as anesthetics, mydriatics, cycloplegics, anti-infectives and anti-inflammatory agents, which anti-inflammatory agents shall be limited to a fourteen-day supply, administered topically and not by other means for the examination, diagnosis and treatment of the human eye and its adnexae.

(i) "Dispense" means to deliver prescription-only medication or ophthalmic lenses to the ultimate user pursuant to the lawful prescription of a licensee and dispensing of prescription-only medication by a licensee shall be limited to a twenty-four-hour supply or minimal quantity necessary until a prescription can be filled by a licensed pharmacist.

(j) "Diagnostic licensee" means a person licensed under the optometry law and certified by the board to administer or dispense topical pharmaceutical drugs for diagnostic purposes.

(k) "Therapeutic licensee" means a person licensed under the optometry law and certified by the board to prescribe, administer or dispense topical pharmaceutical drugs for therapeutic purposes.

(l) "Glaucoma licensee" means a person described in subsections (j) and (k) of this section who is also licensed under the optometry law to manage and treat adult open-angle glaucoma by nonsurgical means, including the prescribing, administering and dispensing of topical pharmaceutical drugs, but not other pharmaceutical drugs.

(m) "False advertisement" means any advertisement which is false, misleading or deceptive in a material respect. In determining whether any advertisement is misleading, there shall be taken into account not only representations made or suggested by statement, word, design, de-

vice, sound or any combination thereof, but also the extent to which the advertisement fails to reveal facts material in the light of such representations made.

(n) "Advertisement" means all representations disseminated in any manner or by any means, for the purpose of inducing, or which are likely to induce, directly or indirectly, the purchase of professional services or ophthalmic goods.

(o) "Health care provider" shall have the meaning ascribed to that term in subsection (f) of K.S.A. 40-3401 and amendments thereto.

(p) "Medical facility" shall have the meaning ascribed to that term in subsection (c) of K.S.A. 65-411 and amendments thereto.

(q) "Medical care facility" shall have the meaning ascribed to that term in K.S.A. 65-425 and amendments thereto.

(r) "Co-management" means confirmation by an ophthalmologist of a licensee's diagnosis of adult open-angle glaucoma together with a written treatment plan which includes (1) all tests and examinations supporting the diagnosis, (2) a schedule of tests and examinations necessary to treat the patient's condition, (3) a medication plan, (4) a target intraocular pressure, (5) periodic review of the patient's progress and (6) criteria for referral of the patient to an ophthalmologist for additional treatment or surgical intervention, except that any co-management plan may be modified only with the consent of both the ophthalmologist and the optometrist and the modification noted in writing on the patient's record.

(s) "Co-management period" means that period of time during which an optometrist co-manages patients either suspected of having or diagnosed as having adult open-angle glaucoma with an ophthalmologist.

(t) "Ophthalmologist" means a person licensed to practice medicine and surgery by the state board of healing arts who specializes in the diagnosis and medical and surgical treatment of diseases and defects of the human eye and related structures.

Sec. 3. K.S.A. 65-1505 is hereby amended to read as follows: 65-1505. (a) Persons entitled to practice optometry in Kansas shall be those persons licensed in accordance with the provisions of the optometry law. A person shall be qualified to be licensed and to receive a license as an optometrist: (1) Who is of good moral character; and in determining the moral character of any such person, the board may take into consideration any felony conviction of such person, but such conviction shall not automatically operate as a bar to licensure; (2) who has graduated from a school or college of optometry approved by the board; and (3) who successfully meets and completes the requirements set by the board and passes an examination given by the board. All licenses issued on and after the effective date of this act, to persons not licensed in this state or in another state prior to July 1, 1997 1996, shall be diagnostic and therapeutic and glaucoma licenses.

(b) All applicants for licensure or reciprocal licensure and all licensed optometrists at the time this act takes effect, except as provided in subsection (a) and (f), in addition to successfully completing all other requirements for licensure, shall take and successfully pass an examination required by the board before being certified by the board as a diagnostic and therapeutic licensee.

(c) All persons before taking the examination required by the board to be certified as a diagnostic and therapeutic licensee shall submit evidence satisfactory to the board of having successfully completed a course approved by the board in didactic education and clinical training in the examination, diagnosis and treatment of conditions of the human eye and its adnexae, totaling at least 100 hours.

(d) All applicants for glaucoma licensure, in addition to successfully completing all other requirements for licensure, shall submit evidence satisfactory to the board of: (1) Professional liability insurance in an amount acceptable to the board, (2) completion of a course of instruction approved by the board after consultation with the interprofessional advisory committee which includes at least 24 hours of training in the treatment and co-management of adult open-angle glaucoma and (3) co-management for a period of at least 24 months and not less than 20 diagnoses of suspected or confirmed glaucoma, except that the board may eliminate or shorten the co-management period, and eliminate or reduce the number of diagnoses of suspected or confirmed glaucoma for applicants for glaucoma licensure who graduate from approved optometric schools or colleges after July 1, 1998.

(e) Any person applying for examination by the board shall fill out and swear to an application furnished by the board, accompanied by a fee fixed by the board by rules and regulations in an amount of not to exceed \$150, and file the same with the secretary of the board at least 30 days prior to the holding of the examination. At such examinations the board shall examine each applicant in subjects taught in schools or col-

leges of optometry approved by the board, as may be required by the board. If such person complies with the other qualifications for licensing and passes such examination, such person shall receive from the board, upon the payment of a fee fixed by the board by rules and regulations in an amount of not to exceed \$30, a license entitling such person to practice optometry. In the event of the failure on the part of the applicant to pass the first examination, such person may, with the consent of the board, within 18 months, by filing an application accompanied by a fee fixed by the board by rules and regulations in an amount of not to exceed \$75, take a second examination; for the third and each subsequent examination a fee fixed by the board by rules and regulations in an amount of not to exceed \$45. Any examination fee and license fee fixed by the board under this subsection which is in effect on the day preceding the effective date of this act shall continue in effect until the board adopts rules and regulations under this subsection fixing a different fee therefor.

(e) (f) Any applicant for reciprocal licensure may in the board's discretion be licensed and issued a license without examination in the category of licensure under the optometry law for which application is made if the applicant has been in the active practice of optometry in another state and the applicant:

(1) Presents a certified copy of a certificate of registration or license which has been issued to the applicant by another state where the requirements for licensure are deemed by the board to be equivalent to the requirements for licensure in the category of licensure under this act for which application is made, if such state accords a like privilege to holders of a license issued by the board;

(2) submits a sworn statement of the licensing authority of such other state that the applicant's license has never been limited, suspended or revoked and that the applicant has never been censured or had other disciplinary action taken; and

(3) successfully passes an examination of Kansas law administered by the board and such clinical practice examination as the board deems necessary.

Such applicant shall be required to satisfy only the requirements of the category of licensure under the optometry law for which application is made and which existed in this state at the time of the applicant's licensure in such other state; or, if such requirements did not exist in this state at the time of the applicant's licensure in such other state, the applicant shall be required to satisfy only the requirements of the category of licensure under the optometry law for which application is made which originally were required for that category of licensure. The fee for licensing such applicants shall be fixed by the board by rules and regulations in an amount of not to exceed \$150. The reciprocal license fee fixed by the board under this subsection which is in effect on the day preceding the effective date of this act shall continue in effect until the board adopts rules and regulations under this subsection fixing a different fee therefor.

(4) (g) The board shall adopt rules and regulations establishing the criteria which a school or college of optometry shall satisfy in meeting the requirement of approval by the board established under subsection (a). The board may send a questionnaire developed by the board to any school or college of optometry for which the board does not have sufficient information to determine whether the school or college meets the requirements for approval and rules and regulations adopted under this act. The questionnaire providing the necessary information shall be completed and returned to the board in order for the school or college to be considered for approval. The board may contract with investigative agencies, commissions or consultants to assist the board in obtaining information about schools or colleges. In entering such contracts the authority to approve schools or colleges shall remain solely with the board.

Sec. 4. K.S.A. 74-1501 is hereby amended to read as follows: 74-1501. The governor shall appoint a board of examiners in optometry for the state of Kansas, consisting of ~~four~~ five members. ~~Three~~ Four members shall be selected after consideration of a list of four or more names for each appointment, submitted by the Kansas optometric association, or its successor. One member shall be a representative of the general public. No person other than the member representing the general public shall be eligible for appointment as a member of the board unless such person has been engaged in the actual practice of optometry in the state of Kansas continuously for five years and is a resident thereof. All members shall serve for a term of three years, but in no case shall any member be appointed for more than three successive three-year terms. In the case of a vacancy in the membership of the board for any reason, the governor shall appoint a successor of like qualifications to fill the unexpired term, and in making such appointment the governor shall give consideration to the list of persons last submitted. Each member of the board shall hold

office until a successor is duly appointed and qualified. The governor shall have the power to remove from office any member of the board for neglect of duty, incompetency, improper or unprofessional conduct.

New Sec. 5. (a) No later than 30 days following the effective date of this act, the board shall appoint a seven-member committee to be known as the interprofessional advisory committee which, subject to approval of the board, shall have general responsibility for the establishment, review and monitoring of the procedures for co-management by optometrists and ophthalmologists of adult open-angle glaucoma.

(b) The interprofessional advisory committee shall consist of one member of the board appointed by the board who shall serve as a non-voting chair, together with three optometrists licensed to practice optometry in this state chosen by the board from those nominated by the Kansas optometric association and three ophthalmologists licensed to practice in this state chosen by the board from those nominated by the Kansas medical society and the Kansas association of osteopathic medicine. The Kansas optometric association and Kansas medical society shall submit six nominees to the board. The Kansas association of osteopathic medicine shall submit two nominees to the board. Persons appointed to the committee shall serve terms of three years and without compensation. All expenses of the committee shall be paid by the board.

(c) The committee shall submit recommendations to the board on the following:

(1) An ongoing quality assessment program including the monitoring and review of co-management of patients pursuant to subsection (d) of K.S.A. 65-1505 and amendments thereto;

(2) requirements for the education and clinical training necessary for glaucoma licensure, which shall be submitted to the board within 90 days following appointment;

(3) criteria for evaluating the training or experience acquired in other states by applicants for glaucoma licensure;

(4) requirements for annual reporting during a glaucoma licensee's co-management period to the committee and the board which shall be submitted to the board within 90 days following appointment;

(5) the classes and mix of patients either suspected of having or diagnosed as having adult open-angle glaucoma who may be included in the number of co-management cases required by subsection (d) of K.S.A. 65-1505 and amendments thereto, which shall be submitted to the board within 90 days following appointment; and

(6) requirements for annual continuing education by glaucoma licensees.

(d) After considering the recommendations of the committee pursuant to subparagraph (c), the board shall proceed to adopt procedures to confirm that each applicant has completed the requirements for glaucoma licensure.

(e) The interprofessional advisory committee shall also review the educational and clinical prerequisites of optometrists to use oral pharmaceutical drugs and identify those classes of oral pharmaceutical drugs which are effective treatments for ocular diseases and conditions. The interprofessional advisory committee and the board shall prepare a report of the results of co-management pursuant to subsection (r) of K.S.A. 65-1501a and amendments thereto and findings on the subject of the advisability of expanding the scope of practice of optometrists to prescribe, administer and dispense oral pharmaceutical drugs, which report shall be submitted to the legislature not later than January 1, 1999.

(f) The interprofessional advisory committee may continue after January 1, 2001, if authorized by the board.

(g) This section shall be part of and supplemental to the optometry law.

Sec. 6. K.S.A. 65-1522 is hereby amended to read as follows: 65-1522. (a) A licensee may practice optometry under the name of a professional corporation, authorized by K.S.A. 17-2706 and amendments thereto. Such professional corporate name may contain a trade name or assumed name approved by the board.

(b) A licensee may practice as a sole practitioner or may associate with other licensees or health care providers licensed under the laws of the state of Kansas and may practice optometry as a sole practitioner or in such associations under a trade or assumed name approved by the board.

(c) A licensee may practice in a medical facility, medical care facility or a governmental institution or agency.

(d) A licensee shall not derive any economic benefit from nor have or maintain more than three practice locations be limited in the number of locations from which the licensee may engage in the practice of optom-

(continued)

city pursuant to subsections (a), (b) and (c) except when practicing in governmental institutions.

(e) In all office locations a licensee shall:

(1) Provide adequate staff during the hours of its operation and shall provide the necessary optometric equipment to enable a licensee to provide adequate optometric care on the premises; and

(2) provide that there shall be present at the office location a person licensed by optometry law when optometric practice acts requiring a license are performed at the office location.

(f) Nothing herein contained shall be construed to permit the franchised practice of optometry except that a licensee may purchase a franchise to engage in the business of optical dispensing separate and apart from any of the licensee's offices for the practice of optometry so long as the terms of the franchise agreement do not violate the optometry law.

Sec. 7. K.S.A. 65-1501, 65-1501a, 65-1505, 65-1522 and 74-1501 are hereby repealed.

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

(Published in the Kansas Register April 4, 1996.)

#### SENATE BILL No. 408

AN ACT concerning garnishment; payments from inmate trust accounts; amending K.S.A. 60-721; and repealing the existing section.

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

New Section 1. (a) In any garnishment proceeding, no payment shall be made from any inmate trust account for any amount less than \$5.

(b) As used in this section, "inmate trust account" means a trust account established or maintained by any officer or employee of the department of corrections or any correctional institution for an inmate pursuant to K.S.A. 76-172 through 76-175a and amendments thereto and the "inmate" and "correctional institution" have the meanings respectively ascribed thereto by K.S.A. 75-5202 and amendments thereto.

Sec. 2. K.S.A. 60-721 is hereby amended to read as follows: 60-721.

(a) Upon determination of the issues, either by admissions in the answer or reply, or by default, or by findings of the court on controverted issues, judgment shall be entered fixing the rights and liabilities of all the parties in the garnishment proceedings (1) by determining the liability of garnishee upon default, or (2) discharging the garnishee, or (3) making available to the satisfaction of the claim of the plaintiff any indebtedness due from the garnishee to the defendant or any property in the hands of the garnishee belonging to the defendant, including ordering the payment of money by the garnishee into court, or the impoundment, preservation and sale of property as provided for the disposition of attached property, or (4) rendering judgment against the garnishee for the amount of his or her indebtedness to the defendant or for the value of any property of the defendant held by the garnishee, and (5) if the answer of a garnishee is controverted without good cause, the court may award the garnishee judgment against the party controverting such answer damages for his or her expenses, including reasonable attorneys' fees, necessarily incurred in substantiating the same.

(b) When judgment is entered in garnishment proceedings for the purpose of enforcing an order of any court for the support of any person and the court finds that a continuing order of garnishment is necessary to insure payment of a court order of support, the court may issue a continuing order of garnishment to allow any indebtedness that will become due from the garnishee to the defendant because of an employer-employee relationship to be made available to the plaintiff on a periodic and continuing basis for so long as the court issuing the order may determine or until otherwise ordered by such court in a further proceeding. No order may be made pursuant to this subsection (b) unless the court finds that the defendant is in arrearage of a court order for support in an amount equal to or greater than one year of support as ordered and the defendant receives compensation from his or her employer on a regular basis in substantially equal periodic payments. On motion of a defendant who is subject to a garnishment order pursuant to this subsection (b), the court for good cause shown may modify or revoke any such order.

(c) All orders and judgments in any garnishment proceeding shall be subject to the provisions of section 1 of this act and amendments thereto.

Sec. 3. K.S.A. 60-721 is hereby repealed.

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

(Published in the Kansas Register April 4, 1996.)

#### HOUSE BILL No. 2982

AN ACT concerning the secretary of agriculture; relating to the powers and duties thereof; concerning retirement benefits; amending K.S.A. 1995 Supp. 74-4911f and repealing the existing section.

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

New Section 1. In addition to the specific powers and duties conferred upon the secretary of agriculture by the laws of this state, the secretary is hereby authorized to:

(a) Make and enter into contracts and agreements necessary or incidental to the execution of the laws relating to the department of agriculture; and

(b) foster and promote the development and economic welfare of the agricultural industry of the state.

Sec. 2. K.S.A. 1995 Supp. 74-4911f is hereby amended to read as follows: 74-4911f. (a) Subject to procedures or limitations prescribed by the governor, any state officer may elect to not become a member of the system.

(b) (1) Any such state officer described in subsection (a) who is a member of the Kansas public employees retirement system, on or after the effective date of this act, may elect to not be a member by filing an election with the office of the retirement system. Each state officer filing such election may withdraw the state officer's accumulated contributions then on deposit with the system in the same manner as prescribed in K.S.A. 74-4917 and amendments thereto for employees upon termination.

(2) Any state officer who has filed an election and received a refund of contributions shall be entitled to again become a member of the system upon the filing of proper notice in such form as prescribed by the system and upon the making of a single lump-sum payment in an amount equal to all withdrawn contributions, plus interest at a rate specified by the system.

(c) Subject to limitations prescribed by the secretary of administration, the state agency employing any employee who has filed an election as provided under subsection (a) or (b) and who has entered into an employee participation agreement, as provided in K.S.A. 75-5524 and amendments thereto for deferred compensation pursuant to the Kansas public employees deferred compensation plan shall contribute to such plan on such employee's behalf an amount equal to 8% of the employee's salary, as such salary has been approved pursuant to K.S.A. 75-2935b and amendments thereto or as otherwise prescribed by law.

(d) As used in this section and K.S.A. 74-4927k and amendments thereto, "state officer" means the secretary of administration, secretary on aging, secretary of commerce and housing, secretary of corrections, secretary of health and environment, secretary of human resources, secretary of revenue, secretary of social and rehabilitation services, secretary of transportation, secretary of wildlife and parks, superintendent of the Kansas highway patrol, secretary of agriculture, state grain inspector, executive director of the Kansas lottery, executive director of the Kansas racing commission, president of the Kansas development finance authority, state fire marshal, state librarian, securities commissioner, adjutant general, members of the state board of tax appeals, members of the Kansas parole board, members of the state corporation commission, any unclassified employee on the staff of officers of both houses of the legislature and any unclassified employee appointed to the governor's or lieutenant governor's staff.

(e) The provisions of this section shall not apply to any state officer who has elected to remain eligible for assistance by the state board of regents as provided in subsection (a) of K.S.A. 74-4925 and amendments thereto.

Sec. 3. K.S.A. 1995 Supp. 74-4911f is hereby repealed.

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

**INDEX TO ADMINISTRATIVE REGULATIONS**

This index lists in numerical order the new, amended and revoked administrative regulations and the volume and page number of the *Kansas Register* issue in which more information can be found. This cumulative index supplements the index found in the 1995 Supplement to the *Kansas Administrative Regulations*.

**AGENCY 1: DEPARTMENT OF ADMINISTRATION**

Reg. No.	Action	Register
1-2-1	Revoked	V. 14, p. 1441
1-2-4	Amended	V. 14, p. 1441
1-2-5	Revoked	V. 14, p. 1441
1-2-8	New	V. 14, p. 1441
1-2-9	Amended	V. 14, p. 1441
1-2-11	Revoked	V. 14, p. 1441
1-2-14	New	V. 14, p. 1441
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
1-2-51	Amended	V. 14, p. 1442
1-2-54	New	V. 14, p. 1442
1-2-55	Revoked	V. 14, p. 1442
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
1-5-3	Amended	V. 14, p. 1444
1-5-4	Amended	V. 14, p. 1444
1-5-5	Revoked	V. 14, p. 1444
1-5-6		
through		
1-5-16	Amended	V. 14, p. 1444-1447
1-5-18	Revoked	V. 14, p. 1448
1-5-19b	Amended	V. 14, p. 1448
1-5-19c	Amended	V. 14, p. 1448
1-5-20	Amended	V. 14, p. 1448
1-5-21	Amended	V. 14, p. 1448
1-5-22	Amended	V. 14, p. 1448
1-5-23	Revoked	V. 14, p. 1449
1-5-24	Amended	V. 14, p. 1449
1-5-28	Amended	V. 14, p. 1450
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
1-6-7	Amended	V. 14, p. 1452
1-6-8	Amended	V. 14, p. 1452
1-6-9		
through		
1-6-20	Revoked	V. 14, p. 1452
1-6-21	Amended	V. 14, p. 1452
1-6-22	Amended	V. 14, p. 1452
1-6-22a	Amended	V. 14, p. 1453
1-6-23	Amended	V. 14, p. 1453
1-6-24	Amended	V. 14, p. 1453
1-6-25	Amended	V. 14, p. 1453
1-6-26	Revoked	V. 14, p. 1453
1-6-27		
through		
1-6-33	Amended	V. 14, p. 1454-1456
1-7-3	Amended	V. 14, p. 1457
1-7-4	Amended	V. 14, p. 1457
1-7-5	Revoked	V. 14, p. 1458
1-7-6	Amended	V. 14, p. 1458
1-7-10	Amended	V. 14, p. 1458
1-7-11	Amended	V. 14, p. 1458
1-7-12	Amended	V. 14, p. 1459
1-7-13	Revoked	V. 14, p. 1459
1-8-6	Amended	V. 14, p. 1459
1-9-1		
through		
1-9-6	Amended	V. 14, p. 1460-1463
1-9-7a	Amended	V. 14, p. 1464
1-9-7b	Amended	V. 14, p. 1464
1-9-7c	Amended	V. 14, p. 1465
1-9-8	Amended	V. 14, p. 1465
1-9-12	Amended	V. 14, p. 1465
1-9-13	Amended	V. 14, p. 1466
1-9-15	Amended	V. 14, p. 1466
1-9-18	Amended	V. 14, p. 1466
1-9-22	Amended	V. 14, p. 1466
1-9-23	Amended	V. 14, p. 1467
1-9-25	New	V. 14, p. 173, 484
1-9-26	New	V. 14, p. 175, 487
1-10-8	Amended	V. 14, p. 1468
1-10-9	Amended	V. 14, p. 1469
1-13-1a	Amended	V. 14, p. 1469
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
1-16-18a	Amended	V. 15, p. 317
1-18-1a	Amended	V. 14, p. 971, 1018
1-21-1	Amended	V. 14, p. 1472
1-21-2	Amended	V. 14, p. 1472
1-21-4	Amended	V. 14, p. 1472
1-24-1	Amended	V. 14, p. 1472

**AGENCY 7: SECRETARY OF STATE**

Reg. No.	Action	Register
7-19-4	Amended	V. 14, p. 1154
7-36-1		
through		
7-36-6	Amended	V. 14, p. 982, 1102

**AGENCY 10: KANSAS BUREAU OF INVESTIGATION**

Reg. No.	Action	Register
10-21-1		
through		
10-21-6	New	V. 14, p. 1630, 1631

**AGENCY 11: STATE CONSERVATION COMMISSION**

Reg. No.	Action	Register
11-8-1		
through		
11-8-8	New	V. 14, p. 629, 630

**AGENCY 16: ATTORNEY GENERAL**

Reg. No.	Action	Register
16-2-1	Amended	V. 15, p. 375
16-5-1	Amended	V. 15, p. 375
16-5-4	Amended	V. 15, p. 375
16-5-5	Amended	V. 15, p. 376

16-6-1 Amended V. 15, p. 376

**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**

Reg. No.	Action	Register
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**

Reg. No.	Action	Register
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
28-19-202	Amended	V. 15, p. 257
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
28-19-800	New	V. 15, p. 257
28-19-801	New	V. 15, p. 258
28-29-84	Amended	V. 14, p. 992
28-29-85	Amended	V. 14, p. 992
28-29-98	Amended	V. 14, p. 91
28-31-4	Amended	V. 15, p. 297
28-31-10	Amended	V. 15, p. 301
28-34-62a	Amended	V. 14, p. 1659

**AGENCY 30: SOCIAL AND REHABILITATION SERVICES**

Reg. No.	Action	Register
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

(continued)

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
30-23-6	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
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

AGENCY 40: KANSAS INSURANCE DEPARTMENT

Reg. No.	Action	Register
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 51: DEPARTMENT OF HUMAN RESOURCES—DIVISION OF WORKERS COMPENSATION

Reg. No.	Action	Register
51-9-7	Amended	V. 15, p. 345

AGENCY 60: BOARD OF NURSING

Reg. No.	Action	Register
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

Reg. No.	Action	Register
63-1-2	Revoked	V. 14, p. 1439
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
--------	---------	----------------

AGENCY 66: BOARD OF TECHNICAL PROFESSIONS

Reg. No.	Action	Register
66-6-1	Amended	V. 15, p. 184
66-6-6	Amended	V. 15, p. 185
66-7-3	Amended	V. 15, p. 185
66-8-1	Amended	V. 15, p. 185
66-10-1	Amended	V. 15, p. 185
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

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

AGENCY 68: BOARD OF PHARMACY

Reg. No.	Action	Register
68-1-1a	Amended	V. 14, p. 124
68-1-1f	Amended	V. 14, p. 125
68-2-12a	Amended	V. 14, p. 125
68-2-20	Amended	V. 14, p. 125
68-7-12a	Amended	V. 14, p. 125
68-7-14	Amended	V. 14, p. 126
68-14-1	Amended	V. 14, p. 126
68-20-15a	Amended	V. 14, p. 126
68-20-18	Amended	V. 14, p. 127
68-20-19	Amended	V. 14, p. 128

AGENCY 69: BOARD OF COSMETOLOGY

Reg. No.	Action	Register
69-1-1	Amended	V. 15, p. 292
69-1-2	Amended	V. 15, p. 292
69-1-3	Revoked	V. 15, p. 292
69-1-4	Amended	V. 15, p. 292
69-1-7	Revoked	V. 15, p. 293
69-1-8	Amended	V. 15, p. 293
69-2-1	Revoked	V. 15, p. 293
69-3-1	Amended	V. 15, p. 293
69-3-2	Revoked	V. 15, p. 293
69-3-3	Amended	V. 15, p. 293
69-3-4	Amended	V. 15, p. 294
69-3-5	Revoked	V. 15, p. 294
69-3-6	Amended	V. 15, p. 294
69-3-7	Amended	V. 15, p. 294
69-3-9	Amended	V. 15, p. 294
69-3-10	Revoked	V. 15, p. 294
69-3-11	Revoked	V. 15, p. 294
69-3-17	Revoked	V. 15, p. 294
69-3-22	through	
69-3-25	Revoked	V. 15, p. 294
69-3-26	New	V. 15, p. 294
69-3-27	New	V. 15, p. 294
69-3-28	New	V. 15, p. 294
69-4-2	Amended	V. 15, p. 294
69-4-6	Revoked	V. 15, p. 295
69-4-9	Amended	V. 15, p. 295
69-4-11	Revoked	V. 15, p. 295
69-4-12	Amended	V. 15, p. 295
69-5-2	Revoked	V. 15, p. 295
69-5-6	Amended	V. 15, p. 295
69-5-10	Revoked	V. 15, p. 295
69-5-13	Revoked	V. 15, p. 295
69-5-14	New	V. 15, p. 295
69-5-15	New	V. 15, p. 295
69-5-16	New	V. 15, p. 295
69-6-1	Revoked	V. 15, p. 295
69-6-2	Amended	V. 15, p. 295
69-6-5	Amended	V. 15, p. 295
69-6-6	Revoked	V. 15, p. 296
69-6-7	Amended	V. 15, p. 296
69-8-2	Revoked	V. 15, p. 296
69-8-3	Revoked	V. 15, p. 296
69-8-4	Revoked	V. 15, p. 296
69-8-6	Revoked	V. 15, p. 296
69-11-1	Amended	V. 15, p. 296
69-11-2	Amended	V. 15, p. 296
69-13-1	Amended	V. 15, p. 296
69-13-2	Amended	V. 15, p. 296

AGENCY 70: BOARD OF VETERINARY MEDICAL EXAMINERS		
Reg. No.	Action	Register
70-3-1	Amended	V. 14, p. 90
70-3-2	Amended	V. 14, p. 90
70-3-4	Revoked	V. 14, p. 90

AGENCY 71: KANSAS DENTAL BOARD

Reg. No.	Action	Register
71-1-13	Revoked	V. 14, p. 68
71-5-1	through	
71-5-6	New	V. 14, p. 1533, 1534

AGENCY 74: BOARD OF ACCOUNTANCY

Reg. No.	Action	Register
74-1-3	Amended	V. 14, p. 1736
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
74-7-2	Amended*	V. 14, p. 1739
74-8-2	Revoked	V. 14, p. 1739
74-8-5	Revoked	V. 14, p. 1739
74-13-1	Revoked	V. 14, p. 1739
74-13-2	Revoked	V. 14, p. 1739
74-14-1	Revoked	V. 14, p. 1739
74-14-2	Revoked	V. 14, p. 1739

AGENCY 81: OFFICE OF THE SECURITIES COMMISSIONER

Reg. No.	Action	Register
81-2-1	Amended	V. 14, p. 287
81-5-12	New	V. 14, p. 287

AGENCY 82: STATE CORPORATION COMMISSION

Reg. No.	Action	Register
82-3-101	Amended	V. 14, p. 129
82-3-103	Amended	V. 14, p. 132
82-3-106	Amended	V. 14, p. 133
82-3-115	Amended	V. 14, p. 134
82-3-115a	New	V. 14, p. 135
82-3-115b	New	V. 14, p. 135
82-3-116	Amended	V. 14, p. 136
82-3-120	Amended	V. 14, p. 136
82-3-300	Amended	V. 14, p. 137
82-5-13	Amended	V. 14, p. 1047
82-8-100	through	
82-8-108	Revoked	V. 14, p. 1047
82-12-1	through	
82-12-9	New	V. 14, p. 1048, 1049

AGENCY 86: REAL ESTATE COMMISSION

Reg. No.	Action	Register
86-1-10	Amended	V. 14, p. 1495
86-1-11	Amended	V. 14, p. 1660
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

AGENCY 91: DEPARTMENT OF EDUCATION

Reg. No.	Action	Register
91-1-30	Amended	V. 14, p. 1704
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
91-1-145	Amended	V. 14, p. 1709
91-1-146d	Amended	V. 14, p. 1709
91-12-22	Amended	V. 15, p. 226
91-12-23	Amended	V. 14, p. 91
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
91-12-55	Amended	V. 15, p. 230
91-12-56	Amended	V. 14, p. 94
91-12-60	Amended	V. 14, p. 95
91-12-61	Amended	V. 15, p. 230
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
111-2-14	Amended	V. 14, p. 1634

111-2-15	Revoked	V. 10, p. 881
111-2-16	Revoked	V. 10, p. 1210
111-2-17	Revoked	V. 10, p. 1210
111-2-18	Revoked	V. 11, p. 413
111-2-19	Revoked	V. 11, p. 413
111-2-20		
through		
111-2-26	Revoked	V. 13, p. 1401
111-2-27	Revoked	V. 14, p. 972
111-2-28	New	V. 12, p. 1844
111-2-29	Revoked	V. 14, p. 972
111-2-30	Amended	V. 14, p. 403
111-2-31	New	V. 14, p. 170
111-2-32	New	V. 14, p. 311
111-2-33	Amended	V. 14, p. 1741
111-2-34	Amended	V. 14, p. 722
111-2-35	New	V. 14, p. 796
111-2-36	New	V. 14, p. 908
111-2-37	New	V. 14, p. 1094
111-2-38	New	V. 14, p. 1741
111-2-39	New	V. 14, p. 1502
111-2-40	New	V. 14, p. 1502
111-2-41	New	V. 14, p. 1742
111-2-42	New	V. 14, p. 1742
111-2-43	New	V. 15, p. 287
111-2-44	New	V. 15, p. 288
111-2-45	New	V. 15, p. 288
111-3-1	Amended	V. 14, p. 908
111-3-6	Amended	V. 12, p. 677
111-3-9	Revoked	V. 11, p. 1793
111-3-10		
through		
111-3-31	New	V. 7, p. 201-206
111-3-11	Amended	V. 13, p. 35
111-3-12	Amended	V. 13, p. 1826
111-3-13	Amended	V. 11, p. 1148
111-3-14	Amended	V. 13, p. 1826
111-3-16	Amended	V. 9, p. 1566
111-3-19		
through		
111-3-22	Amended	V. 9, p. 30
111-3-19	Revoked	V. 13, p. 1827
111-3-20	Amended	V. 11, p. 1148
111-3-21	Amended	V. 11, p. 1148
111-3-22	Amended	V. 11, p. 1148
111-3-23	Revoked	V. 10, p. 883
111-3-25	Amended	V. 13, p. 1827
111-3-26	Amended	V. 11, p. 1149
111-3-27	Amended	V. 11, p. 1149
111-3-29	Revoked	V. 11, p. 1149
111-3-31	Amended	V. 8, p. 209
111-3-32	Amended	V. 10, p. 883
111-3-33	New	V. 7, p. 1434
111-3-34	New	V. 13, p. 149
111-3-35	Amended	V. 14, p. 909
111-3-36	New	V. 13, p. 877
111-3-37	New	V. 13, p. 877
111-4-1		
through		
111-4-5	Revoked	V. 12, p. 113
111-4-5a	Revoked	V. 12, p. 113
111-4-6		
through		
111-4-15	Revoked	V. 12, p. 113
111-4-66		
through		
111-4-77	New	V. 7, p. 207-209
111-4-96		
through		
111-4-114	New	V. 7, p. 1606-1610
111-4-100	Amended	V. 14, p. 972
111-4-101	Amended	V. 14, p. 972
111-4-102	Amended	V. 12, p. 1114
111-4-103	Amended	V. 10, p. 1211
111-4-104	Amended	V. 14, p. 972
111-4-105	Amended	V. 14, p. 972
111-4-106	Amended	V. 14, p. 973
111-4-106a	Amended	V. 14, p. 974
111-4-107	Amended	V. 11, p. 978
111-4-108	Amended	V. 14, p. 974
111-4-110	Amended	V. 11, p. 978
111-4-111	Amended	V. 9, p. 1366
111-4-112	Amended	V. 14, p. 974
111-4-113	Amended	V. 9, p. 1366
111-4-114	Amended	V. 9, p. 1366

111-4-153		
through		
111-4-160	Revoked	V. 9, p. 1676, 1677
111-4-177		
through		
111-4-212	Revoked	V. 9, p. 1677, 1678
111-4-213		
through		
111-4-220	Revoked	V. 10, p. 1213
111-4-217	Amended	V. 9, p. 986
111-4-221		
through		
111-4-224	Revoked	V. 10, p. 1585
111-4-225		
through		
111-4-228	Revoked	V. 10, p. 1585
111-4-229		
through		
111-4-236	Revoked	V. 10, p. 1585, 1586
111-4-237		
through		
111-4-240	Revoked	V. 11, p. 413
111-4-241		
through		
111-4-244	Revoked	V. 12, p. 1371
111-4-245		
through		
111-4-248	Revoked	V. 12, p. 1371
111-4-249		
through		
111-4-256	Revoked	V. 12, p. 113, 114
111-4-257		
through		
111-4-286	Revoked	V. 11, p. 413, 414
111-4-287		
through		
111-4-300	New	V. 10, p. 883-886
111-4-287		
through		
111-4-290	Revoked	V. 12, p. 1371
111-4-291		
through		
111-4-300	Revoked	V. 12, p. 114
111-4-301		
through		
111-4-307	Revoked	V. 13, p. 1402
111-4-301	Amended	V. 12, p. 1115
111-4-303	Amended	V. 12, p. 1115
111-4-304	Amended	V. 12, p. 1115
111-4-306	Amended	V. 12, p. 1115
111-4-308		
through		
111-4-320	New	V. 10, p. 1214, 1215
111-4-308	Amended	V. 12, p. 1261
111-4-311	Amended	V. 12, p. 1262
111-4-312	Amended	V. 12, p. 1262
111-4-313	Amended	V. 12, p. 1262
111-4-318		
through		
111-4-321	Revoked	V. 12, p. 114
111-4-322		
through		
111-4-331	New	V. 10, p. 1411-1413
111-4-322		
through		
111-4-327	Revoked	V. 12, p. 1371
111-4-328		
through		
111-4-335	Revoked	V. 12, p. 114
111-4-336		
through		
111-4-345	New	V. 10, p. 1526-1528
111-4-336		
through		
111-4-340	Amended	V. 12, p. 1371, 1372
111-4-341	Revoked	V. 11, p. 1473
111-4-341a	Revoked	V. 12, p. 1372
111-4-341b	Amended	V. 12, p. 1372
111-4-341c	New	V. 12, p. 1664
111-4-344	Amended	V. 12, p. 1373
111-4-346		
through		
111-4-361	New	V. 10, p. 1586-1589

(continued)

111-4-356 through			111-4-466 through			111-4-750 through		
111-4-361	Revoked	V. 14, p. 7	111-4-469	Revoked	V. 12, p. 1665	111-4-757	New	V. 14, p. 1408, 1409
111-4-366 through			111-4-470	Amended	V. 12, p. 522	111-4-758 through		
111-4-349	Revoked	V. 12, p. 114	111-4-474 through			111-4-761	New	V. 14, p. 1502, 1503
111-4-362 through			111-4-488	New	V. 12, p. 522-524	111-4-762 through		
111-4-365	Revoked	V. 12, p. 114, 115	111-4-478 through			111-4-778	New	V. 14, p. 1410-1414
111-4-362	Amended	V. 11, p. 13	111-4-492	Revoked	V. 14, p. 974, 975	111-4-769	Amended	V. 14, p. 1503
111-4-366 through			111-4-493 through			111-4-779 through		
111-4-379	New	V. 11, p. 136-139	111-4-496	New	V. 12, p. 525	111-4-791	New	V. 14, p. 1504-1507
111-4-366 through			111-4-497 through			111-4-792 through		
111-4-369	Revoked	V. 12, p. 1373	111-4-512	Revoked	V. 14, p. 975	111-4-803	New	V. 14, p. 1635-1638
111-4-370 through			111-4-513 through			111-4-804 through		
111-4-379	Revoked	V. 14, p. 7, 8	111-4-521	New	V. 12, p. 1374, 1375	111-4-816	New	V. 15, p. 116-119
111-4-380 through			111-4-519	Amended	V. 14, p. 1095	111-4-817 through		
111-4-383	Revoked	V. 12, p. 1664	111-4-522 through			111-4-824	New	V. 15, p. 289, 290
111-4-384 through			111-4-571	Revoked	V. 14, p. 975-977	111-5-1 through		
111-4-387	Revoked	V. 12, p. 1373	111-4-572 through			111-5-23	New	V. 7, p. 209-213
111-4-388 through			111-4-585	New	V. 13, p. 878-880	111-5-9 through		
111-4-400	New	V. 11, p. 478-481	111-4-572	Amended	V. 14, p. 723	111-5-19	Revoked	V. 15, p. 291
111-4-388 through			111-4-574	Amended	V. 14, p. 724	111-5-21 through		
111-4-391	Revoked	V. 12, p. 1373	111-4-575	Amended	V. 14, p. 724	111-5-33	New	V. 11, p. 415-418
111-4-392	Amended	V. 12, p. 520	111-4-576	Amended	V. 14, p. 724	111-5-31	Revoked	V. 15, p. 291
111-4-394 through			111-4-577	Amended	V. 14, p. 724	111-5-22	Amended	V. 13, p. 1438
111-4-400	Amended	V. 12, p. 521, 522	111-4-579	Amended	V. 14, p. 724	111-5-23	Amended	V. 11, p. 481
111-4-401 through			111-4-581	Amended	V. 14, p. 725	111-5-24	Amended	V. 11, p. 983
111-4-404	Revoked	V. 12, p. 1373	111-4-582	Amended	V. 14, p. 725	111-5-25	Amended	V. 11, p. 482
111-4-405 through			111-4-583	Amended	V. 14, p. 725	111-5-27	Amended	V. 11, p. 482
111-4-413	New	V. 11, p. 756, 757	111-4-584	Amended	V. 14, p. 725	111-5-28	Amended	V. 12, p. 317
111-4-405	Amended	V. 14, p. 723	111-4-586 through			111-5-34	New	V. 12, p. 318
111-4-407	Amended	V. 13, p. 877	111-4-606	Revoked	V. 14, p. 977, 978	111-5-34a	Amended	V. 14, p. 1098
111-4-408	Amended	V. 14, p. 723	111-4-607 through			111-5-35 through		
111-4-409	Amended	V. 14, p. 723	111-4-619	New	V. 13, p. 1436-1438	111-5-38	Revoked	V. 13, p. 1439
111-4-411	Amended	V. 14, p. 1094	111-4-607	Amended	V. 14, p. 1407	111-6-1 through		
111-4-412	Amended	V. 11, p. 1475	111-4-609	Amended	V. 14, p. 1407	111-6-15	New	V. 7, p. 213-217
111-4-413	Amended	V. 11, p. 1475	111-4-610	Amended	V. 14, p. 1407	111-6-1	Amended	V. 13, p. 339
111-4-414 through			111-4-611	Amended	V. 14, p. 1407	111-6-3	Amended	V. 14, p. 313
111-4-428	Revoked	V. 14, p. 8	111-4-613	Amended	V. 14, p. 1408	111-6-4	Amended	V. 10, p. 1413
111-4-414	Amended	V. 11, p. 1150	111-4-616 through			111-6-5	Amended	V. 13, p. 1405
111-4-429 through			111-4-623	Revoked	V. 14, p. 978	111-6-6	Amended	V. 11, p. 1973
111-4-432	Revoked	V. 12, p. 1373	111-4-624 through			111-6-7	Amended	V. 11, p. 1477
111-4-433 through			111-4-652	New	V. 13, p. 1828-1835	111-6-7a	New	V. 12, p. 1118
111-4-436	Revoked	V. 12, p. 1374	111-4-640	Amended	V. 13, p. 1922	111-6-8	Revoked	V. 12, p. 1263
111-4-437 through			111-4-652	Amended	V. 13, p. 1922	111-6-9	Revoked	V. 14, p. 313
111-4-444	New	V. 11, p. 1475-1477	111-4-653 through			111-6-11	Revoked	V. 12, p. 1376
111-4-437 through			111-4-664	New	V. 13, p. 1923-1925	111-6-12	Amended	V. 8, p. 212
111-4-440	Revoked	V. 12, p. 1374	111-4-665 through			111-6-13	Amended	V. 8, p. 299
111-4-441 through			111-4-669	New	V. 14, p. 8, 9	111-6-15	Amended	V. 12, p. 677
111-4-443	Revoked	V. 14, p. 8	111-4-670 through			111-6-17	Revoked	V. 10, p. 1475
111-4-445 through			111-4-673	New	V. 14, p. 170	111-6-18	New	V. 13, p. 150
111-4-453	New	V. 11, p. 1794-1796	111-4-674 through			111-6-19	New	V. 13, p. 340
111-4-445 through			111-4-677	New	V. 14, p. 312, 313	111-6-20	New	V. 13, p. 340
111-4-448	Revoked	V. 12, p. 1374	111-4-678 through			111-6-21	New	V. 13, p. 881
111-4-449 through			111-4-682	New	V. 14, p. 438, 439	111-6-22	New	V. 13, p. 881
111-4-453	Revoked	V. 14, p. 8	111-4-683 through			111-6-23	New	V. 13, p. 881
111-4-454 through			111-4-694	New	V. 14, p. 404-406	111-7-1 through		
111-4-465	Revoked	V. 12, p. 1664, 1665	111-4-695 through			111-7-10	New	V. 7, p. 1192, 1193
111-4-466 through			111-4-702	New	V. 14, p. 725-727	111-7-1	Amended	V. 8, p. 212
111-4-473	New	V. 12, p. 316, 317	111-4-703 through			111-7-3	Amended	V. 11, p. 1796
111-4-466 through			111-4-723	New	V. 14, p. 909-914	111-7-3a	Revoked	V. 13, p. 340
111-4-473	New	V. 12, p. 316, 317	111-4-724 through			111-7-4	Amended	V. 9, p. 1367
111-4-473	New	V. 12, p. 316, 317	111-4-736	New	V. 14, p. 978-981	111-7-5	Amended	V. 9, p. 986
			111-4-737 through			111-7-6	Amended	V. 9, p. 987
			111-4-749	New	V. 14, p. 1095-1098	111-7-9	Amended	V. 12, p. 1263
						111-7-11	Amended	V. 10, p. 1475
						111-7-12 through		
						111-7-32	New	V. 7, p. 1194-1196
						111-7-33 through		
						111-7-43	New	V. 7, p. 1197, 1198
						111-7-33a	New	V. 8, p. 300



111-7-44 through		
111-7-54	Revoked	V. 13, p. 340
111-7-46	Amended	V. 11, p. 1152
111-7-54	Amended	V. 11, p. 1511
111-7-55 through		
111-7-63	Revoked	V. 10, p. 1217
111-7-60	Amended	V. 10, p. 262
111-7-64 through		
111-7-75	New	V. 11, p. 13, 14
111-7-66	Amended	V. 14, p. 1742
111-7-66a	Revoked	V. 13, p. 340
111-7-76 through		
111-7-78	New	V. 11, p. 1478-1480
111-7-79	Revoked	V. 13, p. 340
111-7-80 through		
111-7-83	New	V. 11, p. 1478-1480
111-7-81	Amended	V. 14, p. 1743
111-7-84 through		
111-7-93	Revoked	V. 15, p. 291
111-7-94	Revoked	V. 13, p. 340
111-7-95 through		
111-7-118	Revoked	V. 15, p. 291, 292
111-8-1	New	V. 7, p. 1633
111-8-2	New	V. 7, p. 1633
111-8-3	Amended	V. 10, p. 886
111-8-4	New	V. 7, p. 1714
111-8-4a	Revoked	V. 13, p. 1406
111-8-5 through		
111-8-13	New	V. 7, p. 1634
111-8-14	New	V. 13, p. 881
111-8-15	New	V. 13, p. 881
111-9-1 through		
111-9-12	New	V. 7, p. 1714-1716

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

**AGENCY 112: KANSAS RACING COMMISSION**

Reg. No.	Action	Register
112-3-16	Amended	V. 14, p. 751
112-3-17	Amended	V. 15, p. 182
112-3-19	Amended	V. 15, p. 222
112-4-1	Amended	V. 15, p. 223
112-4-4a	New	V. 15, p. 182
112-5-2	Amended	V. 15, p. 224
112-6-2	Amended	V. 15, p. 224
112-9-1	Amended	V. 14, p. 751
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
115-2-5	New	V. 15, p. 232
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	New	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

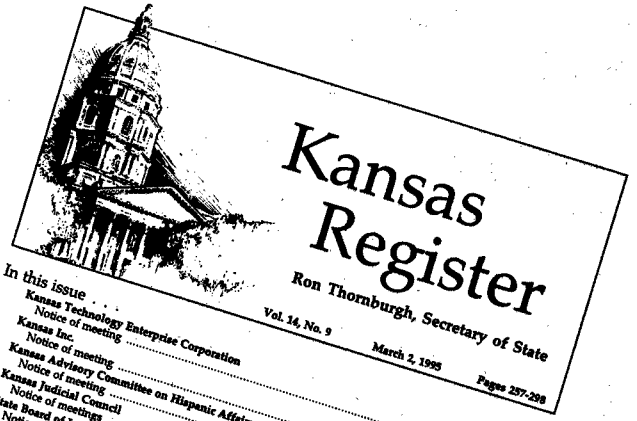
**AGENCY 121: DEPARTMENT OF CREDIT UNIONS**

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

# Order a custom-made loose-leaf binder for the Kansas Register!



Custom-made Kansas Register binders are now available. These binders will attractively hold up to a year's worth of your copies of the Kansas Register for permanent use. They are high quality, durable casebound Swing Hinge® binders made by McBee Loose Leaf Binder Products. (A Swing Hinge® binder has more capacity and allows for easier interfiling than standard ring binders.) The three-inch binders feature dark blue supported vinyl covering and gold imprinting.

**In this issue**

Kansas Technology Enterprise Corporation	Page 259
Notice of meeting	259
Kansas Inc.	259
Notice of meeting	259
Kansas Advisory Committee on Hispanic Affairs	259
Notice of meeting	259
Kansas Judicial Council	259
Notice of meetings	259
State Board of Indigents' Defense Services	260
Notice of meeting	260
Real Estate Appraisal Board	261
Notice of hearing on proposed administrative regulations	261
State Emergency Response Commission	261
Notice of meeting	261
Kansas Law Enforcement Training Commission	261
Legislative bills introduced February 14-22	261
Notice of meeting	261
Social and Rehabilitation Services	261
Notice of meeting	261
Request for proposals	261

**\$12 each, includes shipping and handling.**

(Kansas residents must include an additional \$.74 state and local sales tax.)

-----  
Clip and mail

Please send \_\_\_\_\_

**Kansas Register Binders @ \$12 each**

(Note: Kansas residents must include an additional \$.74 state and local sales tax.)

Total enclosed \_\_\_\_\_

**Ship to:**

Shipping is by  
U.P.S. Delivery Service -  
Street address is necessary.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

-----  
Mail this form, with payment, to: Kansas Register, Kansas Secretary of State, 2nd Floor,  
State Capitol, 300 S.W. 10th Ave., Topeka, KS 66612-1594

**Kansas Register  
Secretary of State  
2nd Floor, State Capitol  
300 S.W. 10th Ave.  
Topeka, KS 66612-1594**

---

**Use this form or a copy of it to enter a subscription:**

\_\_\_\_\_ **One-year subscriptions @ \$60 ea.**  
**(Kansas residents must include**  
**\$3.69 state and local sales tax.)**

**Total Enclosed** \_\_\_\_\_  
**(Make checks payable to the Kansas Register)**

**Send to:**

(Please, no  
more than  
4 address  
lines.)

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Zip code must be included

Rec. No. _____	This space for Register office use only.
Exp. _____	
Code _____	

---

**Use this form or a copy of it to enter a name or address change:**

**Remove your mailing label (above) and affix it here:**

**Indicate change of name or address here:**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

---

**Mail either form to: Kansas Register, Secretary of State, 2nd Floor,  
State Capitol, 300 S.W. 10th Ave., Topeka, KS 66612-1594**