

Kansas Register

Ron Thornburgh, Secretary of State

Vol. 17, No. 15 April 9, 1998 Pages 447-492

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 300 S.W. 10th Ave.
 Topeka, KS 66612-1594
 (785) 296-4564



Register Office:
 Room 233-N, State Capitol
 (785) 296-3489
 Fax (785) 291-3051

State of Kansas

Statewide Independent Living Council

Notice of Meeting

The Statewide Independent Living Council of Kansas, Inc. will meet at 10 a.m. Friday, April 24, at 501 S.W. Jackson, third floor conference room, Topeka. For further information, contact Terri Beard or Shannon Jones, at (785) 234-6990 or 1-800-217-4525.

Shannon Jones
Executive Director

Doc. No. 022223

State of Kansas

Governor's Blue Ribbon Commission for the Public Health Improvement Plan

Notice of Meeting

The Governor's Blue Ribbon Commission for the Public Health Improvement Plan will meet from 9:30 a.m. to 3 p.m. Friday, April 24, in the Lt. Governor's conference room, second floor, State Capitol, 300 S.W. 10th Ave., Topeka. For more information, contact James Redmon, Kansas Department of Health and Environment, Room 620, Landon State Office Building, 900 S.W. Jackson, Topeka, 66612-1290, (785) 296-8114.

Any individual with a disability may request accommodation in order to participate in the public meeting. Requests for accommodation should be made at least five working days in advance of the meeting by contacting James Redmon or the Kansas Relay Center, 1-800-766-3777 (TTY).

Gary R. Mitchell
Secretary of Health and Environment

Doc. No. 022256

State of Kansas

Kansas Water Authority

Notice of Meeting

The Kansas Water Authority will conduct its quarterly meeting Thursday, April 16 and Friday, April 17 at the Kansas Department of Wildlife and Parks Operations Headquarters, 512 S.E. 25th Ave., Pratt. The Conservation and Marketing Committee and the Quality Committee will meet concurrently at 12:30 p.m. April 16, followed by concurrent meetings of the Planning and Management Committee and the Education Committee at 2:30 p.m. On the 17th, the full Authority will receive the Kansas Water Office director's report and reports from the committee meetings of the previous day.

An agenda and other details of the meeting are available from the Kansas Water Office, 109 S.W. 9th, Topeka, 66612-1249, (785) 296-3185 or toll free at 1-888-KAN-WATER. If accommodations are needed for persons with disabilities, please notify the Kansas Water Office at the above address at least two days prior to the meeting.

Ken Lamb
Chairman

Doc. No. 022254

State of Kansas

Department of Wildlife and Parks

Public Notice

The marina concession contract at Clinton State Park is currently open for bid. Interested individuals or parties should contact Allen Stoops, Purchasing Agent, Operations Office, Kansas Department of Wildlife and Parks, 512 S.E. 25th Ave., Pratt, 67124, (316) 672-5911, to obtain a bid packet. Questions about the concession should be directed to Jerry Schecher, Clinton State Park Manager. Final bids are due by 2 p.m. Monday, May 11.

Steven A. Williams
Secretary of Wildlife and Parks

Doc. No. 022244

State of Kansas

Kansas Judicial Council

Notice of Meetings

The Kansas Judicial Council and its advisory committees will meet according to the following schedule in Room 259, Kansas Judicial Center, 301 S.W. 10th Ave., Topeka:

Date	Committee	Time
April 9	Chapter 61	9:30 a.m.
April 17	Probate Law	9:30 a.m.
April 24	Family Law	9:30 a.m.
May 7	Chapter 61	9:30 a.m.
May 8	Judicial Council	9:00 a.m.
May 15	Probate Law	9:30 a.m.
May 22	Family Law	9:30 a.m.

Hon. Tyler C. Lockett
Chair

Doc. No. 022224

(Published in the Kansas Register April 9, 1998.)

Jefferson County, Kansas

Notice to Bidders

The Jefferson County Road Department is accepting bids for the construction of a material storage bunker. The project consists of constructing a 50' x 60' bunker with 12' walls and footings. Approximate quantities are 188 yards of Class A (AE) concrete and 10,200 lbs. of epoxy coated rebar.

Companies interested in submitting a bid may pick up plans and specifications from the Road Department at 14991 94th St., Oskaloosa.

Bids must be received by 4 p.m. May 15. Bids will be opened by the Jefferson County Commissioners in their chambers at 2 p.m. May 18.

Questions may be directed to Ron Karn at the Jefferson County Road Department, (785) 863-2211. Jefferson County is an EOE/ADA employer.

Ron Karn
Jefferson County Road Department

Doc. No. 022228

State of Kansas

State Records Board

Notice of Meeting

The Kansas State Records Board will meet at 10 a.m. Thursday, April 16, at the Kansas History Center, 6425 S.W. 6th Ave., Topeka. The board will consider requests from state agencies submitting proposals for retention and disposition of noncurrent government records. In addition, general administrative matters and other business will be discussed.

Patricia A. Michaelis
State Archivist

Doc. No. 022231

State of Kansas

Social and Rehabilitation Services

Notice of Available Grant Funding

Grant funds are available for development of Early Head Start Programs in Kansas. This state initiative will mirror the federal program requirements of providing continuous, intensive and comprehensive child development and family support services on a year-round basis to low-income families with children under age three and/or pregnant women. The purpose of the Kansas Early Head Start program is to enhance children's physical, social, emotional and intellectual development; to support parents' efforts to fulfill their parental roles; and to help parents move toward self-sufficiency. The goals of Early Head Start are to:

- Promote the physical, cognitive, social and emotional growth of infants and toddlers and prepare them for future growth and development.
- Support parents—mothers, fathers and guardians—in their role as the primary caregivers and educators of their children, and in meeting family goals and achieving self-sufficiency across a wide variety of domains.
- Strengthen community supports for families with young children.
- Develop highly trained, caring and adequately compensated program staff, because the quality of staff and their relationships with children and parents are critical to achieving all the other goals.

Applications can be obtained by contacting the Head Start Collaboration Office, Income Maintenance/Preparation Services, Room 681-W, Docking State Office Building, 915 S.W. Harrison, Topeka, 66612, (785) 291-3314. The closing time and date for receipt of applications is 5 p.m. June 5. Applications received after that time will not be accepted. Applications transmitted to SRS in any electronic form will not be accepted regardless of date or time of submission. All applications must be in hard copy form to be considered acceptable.

Rochelle Chronister
Secretary of Social and
Rehabilitation Services

Doc. No. 022260

State of Kansas

Pooled Money Investment Board

Notice of Investment Rates

The following rates are published in accordance with K.S.A. 75-4210. These rates and their uses are defined in K.S.A. 1997 Supp. 12-1675(b)(c)(d), and K.S.A. 75-4201(l) and 75-4209(a)(1)(B).

Effective 4-6-98 through 4-12-98

Term	Rate
1-89 days	5.58%
3 months	5.10%
6 months	5.37%
9 months	5.35%
12 months	5.36%
18 months	5.43%
24 months	5.42%

William E. Lewis
Chairman

Doc. No. 022221

State of Kansas

Performance Review Board

Notice of Hearing on Preliminary Recommendation

The Kansas Performance Review Board reviewed information provided by its staff on the administration, maintenance and operations of the Central Motor Pool. In addition, the staff provided information on sedans, vans and light pickup trucks owned by the Department of Transportation, Department of Wildlife and Parks and the Regents universities.

Based on the preliminary data and initial staff findings, the board concludes that the Central Motor Pool *should not be eliminated*. The board believes that the state may realize significant cost savings by enforcing K.S.A. 75-4601 *et seq.*, which provides for the administration of sedans, vans and light pickup trucks (except Highway Patrol vehicles) under the Central Motor Pool.

Further, the board believes that there would be an advantage for the state to improve its cost accounting system to comply with generally accepted accounting principles (as stipulated in K.S.A. 75-4607) in order to better understand the economics of its investment in vehicles.

The centralization of sedans, vans and light pickup trucks under one management system and one measurement system may provide for other opportunities for cost savings or improved service in the future.

The Kansas Performance Review Board invites public comment on this preliminary recommendation from 9 to 10 a.m. Tuesday, June 9, in Room 313-South, State Capitol, 300 S.W. 10th Ave., Topeka.

Questions or comments prior to the public hearing may be directed to Robert L. Stockwell, Executive Director, Kansas Performance Review Board, 800 S.W. Jackson, Suite 817, Topeka, 66612, (785) 296-4401, fax (785) 296-4360.

Robert L. Stockwell
Executive Director

Doc. No. 022257

State of Kansas

Board of Veterinary Medical Examiners

Notice of Meeting

The Kansas Board of Veterinary Medical Examiners will meet at 8:30 a.m. Friday, May 1, in the conference room of the board office, 1003 Lincoln St., Wamego. An agenda may be obtained by contacting Dirk Hanson at P.O. Box 242, Wamego, 66547, (785) 456-8781.

Dirk Hanson, D.V.M.
Executive Director

Doc. No. 022255

State of Kansas

Juvenile Justice Authority

Notice of Kansas Advisory Group Meeting

The Kansas Advisory Group will meet at 9 a.m. Thursday, April 16, in the Senate Room of the Jayhawk Tower, 700 S.W. Jackson, Topeka. Future meetings have been scheduled for May 8, June 12, July 10, August 14 and September 11. For further information, contact the Juvenile Justice Authority at (785) 296-4213.

Albert R. Murray
Commissioner of Juvenile Justice

Doc. No. 022259

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, Landon State Office Building, 900 S.W. Jackson, Room 102, Topeka, until 2 p.m. on the date indicated and then will be publicly opened. Interested bidders may call (785) 296-2377 for additional information:

Monday, April 20, 1998

33046

University of Kansas—High voltage electrical maintenance

33049

Emporia State University—Asphalt pavement sealant, resurfacer and rental equipment

33050

Kansas State University—Sand and ready mix concrete

7406

Department of Transportation—Metal lathe

7412

Kansas State University—Rough terrain forklift

Tuesday, April 21, 1998

32815-Rebid

Statewide—Fine paper

33010-Rebid

Department of Social and Rehabilitation Services—Janitorial services, South Hutchinson

7407

Department of Transportation—Wheel balancer, Chanute

7410

Kansas State University—SCBA

7411

Kansas Correctional Industries—Liquid totes

Wednesday, April 22, 1998

7405

Kansas Highway Patrol—Emergency response kits, Salina

7408

Emporia State University—Vinyl bleacher covers and materials

7409

Department of Transportation—Vehicle equipment, various locations

7413

Department of Transportation—Laser and color printer

7414

Kansas State University—Truck mounted aviation refueler, Salina

7415

Wichita State University—Furnish and set up exercise equipment

7416

Department of Transportation—Furnish and install A/V equipment

Wednesday, April 29, 1998

A-8231

Kansas State University—Life safety and classroom improvements, Eisenhower Hall

Thursday, April 30, 1998

A-8466

Pittsburg State University—Quick print remodel, Whitesitt Hall

33045

Kansas Highway Patrol—Aircraft insurance

Friday, May 1, 1998

A-8364

Department of Transportation—Renovate area shop, Great Bend

A-8525

Kansas State University—Roof replacement, President's residence

Wednesday, May 6, 1998

A-8182(b)

University of Kansas Medical Center—New Nursing Education Facility

Request for Proposals

Wednesday, April 22, 1998

7403

Furnish and install chiller-convert chiller to turbine drive for Kansas State University

John T. Houlihan
Director of Purchases

Doc. No. 022252

State of Kansas

Office of the Governor

Executive Order No. 98-2

**Delegating Certain Rule Making Authority
Granted the Governor by the Code of Military
Justice to the Kansas Adjutant General**

WHEREAS, K.S.A. 48-2301(a) allows the governor to prescribe regulations governing commanding officers' imposition of disciplinary punishments upon members of the state military forces for minor offenses without the intervention of a court-martial; and

WHEREAS, K.S.A. 48-2301(b) allows the governor to prescribe regulations placing limitations on the powers granted by *this section* with respect to the kind and amount of punishment authorized and the categories of commanding officers authorized to exercise those powers; and

WHEREAS, K.S.A. 48-2506 allows the governor to prescribe regulations requiring the detailing or employing qualified court reporters and interpreters; and

WHEREAS, K.S.A. 48-2701 allows the governor to prescribe regulations regarding the procedure in cases before military courts and other military tribunals; and

WHEREAS, K.S.A. 48-2707(a) requires the governor to prescribe regulations dictating the form and manner of the oaths of office of military judges, members of general and special courts-martial, trial counsel, assistant trial counsel, defense counsel, assistant defense counsel, reporters and interpreters before such persons perform their respective duties; and

WHEREAS, K.S.A. 48-2719(c)(2) and (d) allow the governor to prescribe regulations regarding the contents of the record of court-martial cases and regulations about the purchase of general court-martial records of trial; and

WHEREAS, K.S.A. 48-2803(b) allows the governor to prescribe regulations providing the sentences of confinement may not be executed until approved by designated officers; and

WHEREAS, K.S.A. 48-2916(c)(1) allows the governor to prescribe regulations governing who may act in place of the convening authority; and

WHEREAS, K.S.A. 48-2922(f) directs the governor to prescribe uniform rules of procedure for courts of military review, and to periodically formulate policies and procedure in regard to review of court-martial cases in the office of the judge advocate general and by courts of military review; and

WHEREAS, K.S.A. 48-2932 allows the governor to prescribe regulations governing if and when an accused who has been sentenced by a court-martial may be required to take leave pending completion of action if the sentence includes an unsuspected dismissal or an unsuspected dishonorable or bad-conduct discharge; and

NOW, THEREFORE, pursuant to K.S.A. 48-3111 and the authority vested in me as Governor of the State of Kansas, I hereby delegate to the Adjutant General of the State of Kansas all authority vested in me by virtue of the specific provisions of the Kansas Code of Military as enumerated above.

This document shall be filed with the Secretary of State as Executive Order No. 98-2 and shall be effective immediately.

Dated April 1, 1998.

Bill Graves
Governor

Attest: Ron Thornburgh
Secretary of State

Doc. No. 022253

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. A complete listing of Kansas state agencies, boards and commissions are included in the Kansas Directory, published by the Secretary of State. The following appointments, which are effective immediately unless otherwise specified, were recently filed with the Secretary of State:

Board of Emergency Medical Services

Rep. Margaret Long, 1801 N. 126th, Kansas City, KS 66109. Term expires May 31, 1999. Succeeds Rep. James W. Long, deceased. Appointed by the House Minority Leader.

Governor's Committee on Interstate Cooperation

Natalie Haag, Chief Legal Counsel, Office of the Governor, 2nd Floor, State Capitol, 300 S.W. 10th Ave., Topeka, 66612. Serves at the pleasure of the Governor. Succeeds Mary Holladay.

John R. Wine, Chair, State Corporation Commission, 1500 S.W. Arrowhead Road, Topeka, 66604. Serves at the pleasure of the Governor. Succeeds Bill McCormick.

**Kansas Rural Development Council
Executive Committee**

Patricia A. Clark, Department of Commerce and Housing, 700 S.W. Harrison, Suite 1300, Topeka, 66603. Serves at the pleasure of the Governor. Succeeds Curtis Chrystal.

Mary Jane Stattelman, Department of Agriculture, 901 S. Kansas Ave., 1st Floor, Topeka, 66612. Serves at the pleasure of the Governor. Succeeds Galen Swenson.

Unmarked Burial Sites Preservation Board

Ginger A. Barr, 9421 S.W. Hoch Road, Auburn, 66402. Term expires July 15, 1999. Reappointed.

Michael Finnegan, 204 Waters Hall, Kansas State University, Manhattan, 66506. Term expires July 15, 2000. Reappointed.

Ron T. McCoy, 1724 E. Wilman Court, Emporia, 66801. Term expires July 15, 1998. Succeeds Rita Napier.

Harold W. Reed, 3825 E. Stimmel Road, Salina, 67401. Term expires July 15, 1998. Reappointed.

Ron Thornburgh
Secretary of State

Doc. No. 022236

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 16, at Kansas, Inc., 632 S.W. Van Buren, Suite 100, Topeka. The meeting is open to the public.

Leroy Gattin
Chairman

Doc. No. 022235

State of Kansas

Board of Examiners in Optometry

Notice of Hearing on Proposed
Administrative Regulations

A public hearing will be conducted at 10 a.m. Friday, July 24, in the conference room in Suite 303, 555 S. Kansas Ave., Topeka, to consider the adoption of proposed changes in an existing rule and regulation of the Kansas Board of Examiners in Optometry.

This 60-day notice of the public hearing shall constitute a public comment period for the purpose of receiving written public comments on the proposed regulation. All parties may submit written comments prior to the hearing to the secretary-treasurer of the Kansas State Board of Examiners in Optometry, 1001 S.W. Mulvane, Topeka, 66604-1419. All interested parties will be given a reasonable opportunity to present their views orally on the adoption of the proposed regulation during the hearing. In order to give all parties an opportunity to present their views, it may be necessary to request each participant to limit any oral presentation to five minutes.

A summary of the regulation and its economic impact follows. This regulation is not mandated by federal law as a requirement for participating in or implementing a federally subsidized or assisted program. Copies of the regulation and the economic impact statement may be obtained by contacting Frieden, Haynes & Forbes, P.O. Box 639, Topeka, KS 66601-0639, (785) 232-7266.

Any individual with a disability may request accommodation in order to participate in the public hearing and may request the proposed regulation and economic impact statement in an accessible format. Requests for accommodation should be made at least five working days in advance of the hearing by contacting Frieden, Haynes & Forbes.

K.A.R. 65-4-3. Fees. The amendment to this regulation makes several changes. First, it increases the fee to annually renew a license. Second, a minor grammatical change is corrected. The meaning does not change, just the language ("prior to" expiration becomes "before" expiration).

The economic impact will affect only Kansas optometrists who are seeking annual renewal of their license and who have not failed to renew. This is not an environmental regulation.

Larry D. Stoppel
President

Doc. No. 022249

State of Kansas

Department of Health
and EnvironmentNotice of Hearing on Proposed
Administrative Regulations

A public hearing will be conducted at 1:30 p.m. Tuesday, June 16, in the MTAA conference room in the Air Terminal at Forbes Field, 6700 S. Topeka Blvd., Topeka, to consider the adoption of proposed amendments to an existing regulation of the Division of Environment. The amended regulation is proposed for adoption on a permanent basis. A summary of the proposed regulation and its environmental and economic impact follows.

K.A.R. 28-29-98. Financial assurance criteria for municipal solid waste landfills. The requirement for municipal solid waste landfills (MSWLFs) to meet financial assurance requirements guarantees that adequate funds will be available to cover closure, post-closure and corrective action cost associated with the landfills. The most recent federal regulations concerning financial assurance provide more flexibility to owners and operators of MSWLFs than the 1995 version of the federal financial assurance regulations currently adopted under K.A.R. 28-29-98. Two additional financial assurance mechanisms are allowed under the newer federal regulations. The proposed amendment would change the date of the federal regulations cited in K.A.R. 28-19-98(a) from March 31, 1995 to July 29, 1997.

The proposed amendment will have no impact on human health or the environment and will allow a local government to use its financial strength to avoid incurring the expenses associated with the use of a third-party financial instrument.

The time period between publication of this notice and the scheduled hearing serves as the required public comment period of at least 60 days for the purpose of receiving written public comments on the proposed regulation. All interested parties may submit written comments prior to the hearing to Christine Mennicke, Department of Health and Environment, Bureau of Waste Management, Forbes Field, Building 740, Topeka, 66620. All interested parties will be given a reasonable opportunity to present their views orally on the adoption of the proposed regulation during the hearing. In order to give all parties an opportunity to present their views, it may be necessary to request that each participant limit any oral presentation to five minutes.

Any individual with a disability may request accommodation in order to participate in the public hearing and may request the proposed regulation and regulatory impact statement in an accessible format. Requests for accommodation should be made at least five working days in advance of the hearing by contacting Christine Mennicke at (785) 296-0724, fax (785) 296-8909.

Complete copies of the regulation and the corresponding regulatory impact statement may be obtained by contacting the Bureau of Waste Management.

Gary R. Mitchell
Secretary of Health
and Environment

Doc. No. 022229

State of Kansas

Department of Administration

Public Notice

Under requirements of K.S.A. 65-34,117(c), as amended, records of the Division of Accounts and Reports show the unobligated balances are \$4,055,974.00 in the underground petroleum storage tank release trust fund and \$852,831.30 in the aboveground petroleum storage tank release trust fund at March 31, 1998.

Daniel R. Stanley
Secretary of Administration

Doc. No. 022243

State of Kansas

Department of Health
and Environment

Request for Comments

The Kansas Department of Health and Environment is soliciting comments regarding a proposed air quality operating permit. Wheeled Coach, Inc. has applied for a Class II operating permit in accordance with the provisions of K.A.R. 28-19-540. Emissions of hazardous air pollutants (HAPs) were evaluated during the permit review process. The purpose of a Class II permit is to limit the potential-to-emit for these pollutants to below major source thresholds.

Wheeled Coach, Inc. owns and operates an ambulance body production facility located at 1619 E. Essex Road, Hutchinson.

A copy of the proposed permit, permit application, all supporting documentation and all information relied upon during the permit application review process is available for public review during normal business hours at the KDHE, Bureau of Air and Radiation, Building 283, Forbes Field, Topeka, and at the KDHE south central district office, 130 S. Market, sixth floor, Wichita. To obtain or review the proposed permit and supporting documentation, contact Donald J. Law, (785) 291-3271, at the KDHE central office, or David Butler, (316) 337-6020, at the KDHE south central district office. The standard departmental cost will be assessed for any copies requested.

Direct written comments or questions regarding the proposed permit to Donald J. Law, KDHE, Bureau of Air and Radiation, Building 283, Forbes Field, Topeka, 66620. In order to be considered in formulating a final permit decision, written comments must be received by the close of business May 11.

A person may request a public hearing be conducted on the proposed permit. The request for a public hearing shall be in writing and set forth the basis for the request. The written request must be submitted to Connie Carreno, Bureau of Air and Radiation, not later than the close of business May 11 in order for the Secretary of Health and Environment to consider the request.

Gary R. Mitchell
Secretary of Health
and Environment

Doc. No. 022239

State of Kansas

Commission on Veterans' Affairs

Notice of Meeting

The Kansas Commission on Veterans' Affairs will meet at 1 p.m. Friday, April 17, in the Timbercreek Building on the grounds of the Kansas Veterans' Home, 1320 N. McCabe, Winfield. The public is invited to attend.

Don A. Myer
Executive Director

Doc. No. 022225

State of Kansas

Department of Health
and Environment

Request for Comments

The Kansas Department of Health and Environment is soliciting comments regarding a proposed air quality construction permit. CertainTeed Corporation has applied for an air quality construction permit in accordance with the provisions of K.A.R. 28-19-300. Emissions of particulate matter, sulfur dioxide, nitrogen oxides, carbon monoxide, volatile organic compounds, hazardous air pollutants and lead were evaluated during the permit review process.

CertainTeed Corporation, Blue Bell, Pennsylvania, owns and operates the stationary source located at 103 Funston Road, Kansas City, Kansas.

A copy of the proposed permit, permit application, all supporting nonconfidential documentation and all information relied upon during the permit review process is available for public review during normal business hours at the KDHE, Bureau of Air and Radiation, Building 283, Forbes Field, Topeka, and at the Unified Government of Wyandotte County-Kansas City, Kansas Health Department, Department of Air Quality, 619 Ann Ave., Kansas City. To obtain or review the proposed permit and supporting documentation, contact Michael E. Lewis, (913) 573-6700, at the Unified Governmental Health Department, or Connie Carreno, (785) 296-6422, at the KDHE. The standard departmental cost will be assessed for any copies requested.

Direct written comments or questions regarding the proposed permit to Michael E. Lewis, Unified Government of Wyandotte County-Kansas City, Kansas Health Department, Department of Air Quality, 619 Ann Ave., Kansas City, KS 66101. Written comments must be received by the close of business May 11 in order to be considered in formulating a final permit decision.

A person may request a public hearing be conducted on the proposed permit. The request for a public hearing shall be in writing and set forth the basis for the request. The written request must be submitted to Connie Carreno, Bureau of Air and Radiation, Building 283, Forbes Field, Topeka, 66620, not later than the close of business May 11 in order for the Secretary of Health and Environment to consider the request.

Gary R. Mitchell
Secretary of Health
and Environment

Doc. No. 022242

State of Kansas

Department of Health
and Environment

Request for Comments

The Kansas Department of Health and Environment has received and reviewed an application from Western Resources, Inc. to expand its existing landfill used for the disposal of fly ash, bottom ash and scrubber effluent resulting from the operation of its coal-fired electric generating facility. The landfill is located at the Lawrence Energy Center, 1250 N. 1800 Road, Lawrence, and is owned and operated by Western Resources, Inc. The landfill, which is in the Northwest ¼ of Section 14, Township 12 South, Range 19 East, was originally permitted in 1992 with an initial capacity of 1,300,000 cubic yards of ash. The proposed amendment to the permit would increase the capacity of the landfill by an additional 470,000 cubic yards by developing a new nine-acre disposal cell that is contiguous to the existing landfill. As a condition for granting the amendment to the permit, KDHE will require Western Resources to install additional groundwater monitoring wells in proximity to the new cell. Also, a special condition to the proposed amended permit will require Western Resources to apply soil, water or a KDHE-approved dust suppressant to the ash, if necessary, to control windblown dust emissions from the landfill. KDHE is providing public notice of its intent to issue the amended permit to Western Resources, Inc. to allow the expansion of the existing landfill.

A copy of the administrative record, which includes the draft permit and all information regarding this permit action, is available for public review through Tuesday, May 12, during normal business hours, 8 a.m. to 5 p.m. Monday through Friday, at the following locations:

Kansas Department of Health and Environment
Bureau of Waste Management
Forbes Field, Building 740
Topeka, 66620
Contact: Phil Rosewicz
(785) 296-1594

Kansas Department of Health and Environment
Northeast District Office
800 W. 24th
Lawrence, 66046
Contact: Curtis Lesslie
(785) 842-4600

Anyone wishing to comment on the draft permit or application information should submit written statements postmarked not later than May 12 to Phil Rosewicz at the KDHE Forbes Field address. After consideration of all comments received during the public comment period, the director of the Division of Environment will make a final permit decision. Notice of the decision will be given to the applicant, to all persons who submitted written comments, and to those who requested notice of the final permit decision.

Gary R. Mitchell
Secretary of Health
and Environment

Doc. No. 022248

State of Kansas

Department of Transportation

Request for Comments

The Kansas Department of Transportation requests comments on the amendment of the Statewide Transportation Improvement Program (STIP) FY 98-00 by adding the following project:

Project K-7159-01, bridge replacement, Mulberry Creek Drainage Bridge #30, 8.11 km north of junction US-24 in Mitchell County

The STIP amendment requires a 30-day public comment period. To receive more information on any of these projects or to make comments on the STIP amendment, contact the Kansas Department of Transportation, Office of Engineering Support, 7th Floor, Docking State Office Building, 915 S.W. Harrison, Topeka, 66612-1568, (785) 296-7916, fax (785) 296-0723.

This information is available in alternative accessible formats. To obtain an alternative format, contact the KDOT Office of Public Information, (785) 296-3585 (Voice/TTY).

The comment period regarding the STIP amendment will conclude May 8.

E. Dean Carlson
Secretary of Transportation

Doc. No. 022245

State of Kansas

Department of Health
and Environment

Request for Comments

Section 303(d) of the Clean Water Act requires that each state identify those surface waters for which existing required pollution controls are not stringent enough to implement state water quality standards. For those waters, states are required to establish total maximum daily loads (TMDLs). The 1998 Kansas Water Quality-Limited Stream Segments List (303(d) list) is now available, and KDHE is seeking public comment.

The 303(d) list includes pollutants causing impairment and the priority ranking for targeting TMDL development. The 1998 303(d) list also includes a listing of stream segments, by pollutant, that were listed on the 1996 303(d) list but which do not appear on the 1998 303(d) list and the justification for their removal. The final list will be submitted to the EPA for approval.

Copies of the list can be obtained by contacting Ricquelle Landis, Kansas Department of Health and Environment, Bureau of Environmental Field Services, Building 283, Forbes Field, Topeka, 66620, (785) 296-6603. Comments must be submitted to the Bureau of Environmental Field Services by May 11.

Gary R. Mitchell
Secretary of Health
and Environment

Doc. No. 022241

State of Kansas

Department of Health
and EnvironmentNotice of Hearing on Proposed
Administrative Regulations

The Kansas Department of Health and Environment, Division of Environment, Bureau of Environmental Remediation, will conduct a public hearing at 1:30 p.m. Wednesday, June 10, in the conference room of the Surface Mining Section, 4033 Parkview Drive, Frontenac, to consider the adoption of proposed amendments to existing coal mining and abandoned mined-land laws. The amendments to the regulations will have no economic or environmental impact beyond those that already exist with these regulations. A summary of the proposed amended regulations follows.

K.A.R. 47-2-53 and 47-2-75. There will be two minor changes in Article 2 that deal with definitions. One of the changes clears up a redundancy and the other more clearly defines the term "director."

K.A.R. 47-3-42. There will be minor changes in Article 3 that deal with permitting of coal mines. The term "act" will be deleted from K.A.R. 47-3-42(a)(2), and the adoption by reference of 30 CFR 773.24 will have several subsections clarified.

K.A.R. 47-5-5a. There will be minor changes in Article 5 that clarify the term "department" and "summary disposition."

K.A.R. 47-6-4, 47-6-6 and 47-6-8. There will be minor changes in Article 6 that clarify the term "state act" and correct reference citations.

K.A.R. 47-7-2. There will be minor changes in Article 7 that correct a typographical error and improve a reference citation.

K.A.R. 47-8-9. There will be minor changes in Article 8 that correct a citation and delete a form of bonding the state doesn't have statutorily.

K.A.R. 47-9-1. There will be minor changes in Article 9 that correct a reference and citation. K.A.R. 47-9-1(c)(17) and (d)(17) will have their references to subchapters clarified, and changes to K.A.R. 47-9-1(c)(35) will bring the backfilling and grading time and distance requirements into line with federal regulations.

K.A.R. 47-16-6, 47-16-9, 47-16-10 and 47-16-11. There will be minor changes to Article 16 that clarify contractor responsibility being cleared through the Applicant Violators System for abandoned mined-land projects, and the state's responsibility in reporting to OSM.

The time period between the publication of this notice and the scheduled hearing constitutes a public comment period for the purpose of receiving written comments on the proposed regulatory action. All interested parties may submit written comments prior to the hearing to Murray J. Balk, Surface Mining Section, 4033 Parkview Drive, Frontenac, 66763. All interested parties will be given a reasonable opportunity to present their views orally on the proposed regulatory action during the hearing. In order to give all parties an opportunity to present their views, it may be necessary to require each participant to limit any oral presentation to five minutes.

Copies of the proposed amendments and the economic and environmental benefit statements may be obtained from the Kansas Department of Health and Environment, Surface Mining Section, by calling (316) 231-8540. Questions pertaining to these proposed amendments should be directed to Murray J. Balk.

Any individual with a disability may request accommodation in order to participate in the public hearing and may request the proposed amendments and the economic and environmental benefit statements in an accessible format. Requests for accommodation should be made at least five working days in advance of the hearing by contacting Murray J. Balk.

Gary R. Mitchell
Secretary of Health
and Environment

Doc. No. 022222

State of Kansas

Department of Transportation

Notice to Consulting Engineers

The Kansas Department of Transportation is seeking qualified consulting engineering firms to perform plan preparation for safety projects on an as-needed basis according to guidelines provided by KDOT's Bureau of Traffic Engineering. Two or three firms will be selected. Responses must be received by 5 p.m. April 30 for the consulting engineering firm to be considered. Seven signed copies of the response should be mailed to Neil Rusch, P.E., Assistant to the Director, Division of Engineering and Design, KDOT, Room 1084-West, Docking State Office Building, 915 S.W. Harrison, Topeka, 66612-1568. Responses shall be limited to four pages.

From the firms expressing interest, the Consultant Selection Committee will select a list of the most highly qualified and invite them to attend an individual interview conference. At this time, the consulting firms can more thoroughly discuss their experience related to the type of project at hand and will be expected to discuss, in some detail, their approach to this project and the personnel to be assigned to the project. Firms not selected to be short listed will be notified by letter.

The Consultant Negotiating Committee, appointed by the Secretary of Transportation, will conduct discussions with the firms invited to the individual interview conferences. The committee will select the firm to perform the professional services required for completing the advertised project. After the selection of this firm, the remaining firms will be notified by letter of the outcome.

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

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

E. Dean Carlson
Secretary of Transportation

Doc. No. 022232

State of Kansas

Legislature

Legislative Bills and Resolutions Introduced

The following numbers and titles of bills and resolutions were recently introduced by the 1998 Legislature. Copies of bills and resolutions are available free of charge from the Legislative Document Room, 145-N, State Capitol, 300 S.W. 10th Ave., Topeka, 66612, (785) 296-4096.

Bills/Resolutions introduced March 26-April 1:

House Bills

HB 3022, An act concerning delinquent payments for sale of cable television services, by Committee on Taxation.

HB 3023, An act relating to income taxation; concerning periods of limitation for assessments and refunds; amending K.S.A. 79-3230 and repealing the existing section, by Committee on Taxation.

HB 3024, An act relating to the pooled money investment board; concerning audits and comparative investment reviews; amending K.S.A. 46-1106, 75-4222 and 75-4234 and repealing the existing sections; also repealing K.S.A. 75-627.

HB 3025, An act concerning retirement and pensions; relating to the Kansas public employees retirement system; regents institutions; final average salary; amending K.S.A. 1997 Supp. 74-4902 and 74-4920 and repealing the existing sections.

House Concurrent Resolutions

HCR 5054, A concurrent resolution urging the United States Congress to support modernization of US-59 highway by designating it as a demonstration project.

HCR 5055, A proposition to amend section 2 of article 13 of the constitution of the state of Kansas, relating to banks.

House Resolutions

HR 6019, A resolution in memory of Wallace Benjamin (Ben) Foster.

HR 6020, A resolution in memory of Donald D. Smith.

Senate Bills

SB 693, An act concerning the secretary of health and environment; reporting of information concerning HIV and AIDS; contact tracing; amending K.S.A. 65-6003 and K.S.A. 1997 Supp. 65-6002 and repealing the existing sections.

Senate Concurrent Resolutions

SCR 1621, A concurrent resolution relating to the 1998 regular session of the legislature; extending such session beyond 90 calendar days; and providing for adjournment thereof.

Senate Resolutions

SR 1836, A resolution congratulating and commending the Wyandotte High School boys' basketball team and Coach Wayne Van Dine for winning the 1998 Class 5A State Basketball Championship in Kansas.

SR 1837, A resolution congratulating and commending the Sumner Academy High School boys' basketball team and Coach Randy Springs for winning the 1998 Class 4A State Basketball Championship.

SR 1838, A resolution proclaiming April 26-May 2, 1998, as Mathematics Awareness Week in conjunction with National Mathematics Awareness Week.

SR 1839, A resolution congratulating and commending Arden Booth.

SR 1840, A resolution congratulating and commending E. Robert Sinner, Ph.D.

SR 1841, A resolution congratulating and commending the Santa Fe Trail High School girls' basketball team and Coach Brady Anshutz for winning the 1998 Class 4A State Basketball Championship.

SR 1842, A resolution congratulating and commending Central Kansas state basketball champions and coaches.

SR 1843, A resolution congratulating and commending the Prairie Dunes Golf Course.

SR 1844, A resolution congratulating and commending Delta Sigma Theta Sorority.

SR 1845, A resolution congratulating and commending the Bridging the Gap: Girls' Time Out program of the Kansas City, Kansas, YWCA.

SR 1846, A resolution congratulating and commending the Bethel Neighborhood Center's Children and Youth Program.

SR 1847, A resolution congratulating and commending the Duchesne Clinic.

SR 1848, A resolution congratulating and commending Patricia A. Dysart.

SR 1849, A resolution congratulating and commending the 1997 Kansas State University football team.

SR 1850, A resolution congratulating and commending the Emporia State University women's basketball team and Coach Cindy Stein for its fantastic season and second place finish in the 1998 NCAA Division II national basketball tournament.

Doc. No. 022220

State of Kansas

Department of Transportation

Notice to Consulting Engineers

The Kansas Department of Transportation is seeking qualified consulting engineering firms for the project listed below. Responses must be received by 5 p.m. April 30 for the consulting engineering firm to be considered. Seven signed copies of the response should be mailed to Neil Rusch, P.E., Assistant to the Director, Division of Engineering and Design, KDOT, Room 1084-West, Docking State Office Building, 915 S.W. Harrison, Topeka, 66612-1568. Responses shall be limited to four pages.

From the firms expressing interest, the Consultant Selection Committee will select a list of the most highly qualified (not less than three, not more than five) and invite them to attend an individual interview conference. At this time, the consulting firms can more thoroughly discuss their experience related to the type of project at hand and will be expected to discuss, in some detail, their approach to this project and the personnel to be assigned to the project. Firms not selected to be short listed will be notified by letter.

The Consultant Negotiating Committee, appointed by the Secretary of Transportation, will conduct discussions with the firms invited to the individual interview conferences. The committee will select the firm to perform the professional services required for completing the advertised project. After the selection of this firm, the remaining firms will be notified by letter of the outcome.

Project No. 54-60 K-6561-01

Meade County

The scope of services is to provide for pavement replacement in Meade from Center Street to State Street and milling and inlay from State Street to the end of the four-lane at the junction of US-160. The road and bridge contact persons are Richard Adams and Terry Fleck. The estimated construction cost is \$1,600,000.

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

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

E. Dean Carlson
Secretary of Transportation

Doc. No. 022233

(Published in the Kansas Register April 9, 1998.)

Summary Notice of Sale
City of Olathe, Kansas
\$22,565,000*
General Obligation Temporary Notes
Series 1998 A
and \$8,190,000*
General Obligation Bonds, Series 191
(General obligations payable from
unlimited ad valorem taxes)

Sealed Bids

Subject to the notice of sale and preliminary official statement, sealed bids will be received by the city clerk of the City of Olathe, Kansas, on behalf of the governing body at City Hall, 100 W. Santa Fe, Olathe, KS 66061, on Tuesday, April 21, 1998, for the purchase of \$22,565,000* General Obligation Temporary Notes, Series 1998-A, and \$8,190,000* principal amount of General Obligation Bonds, Series 191. Bids for the notes will be opened at 11 a.m. on that day. Bids for the bonds will be opened at noon on that day. No bid will be considered of (a) less than 99.50 percent of the principal amount of the notes and accrued interest to the date of delivery, and (b) less than 99 percent of the principal amount of the bonds and accrued interest to the date of delivery.

Note Details

The notes will consist of fully registered notes in the denomination of \$5,000 or any integral multiple thereof. Notes shall initially be registered in the name of Cede & Co., as nominee of the Depository Trust Company, New York, New York, to which payments of principal of and interest on the notes will be made. Individual purchases of notes will be made in book-entry form only. Purchasers will not receive certificates representing their interest in notes purchased. The notes will be dated May 1, 1998, and will become due on June 1, 1999. The notes will bear interest from the dated date at rates to be determined when the notes are sold, and interest will be payable semiannually on June 1 and December 1, beginning December 1, 1998. The city treasurer will be the paying agent and note registrar for the notes.

Bond Details

The bonds will consist of fully registered certificated bonds in the denomination of \$5,000 or any integral multiple thereof. Bonds shall initially be registered in the name of Cede & Co., as nominee of the Depository Trust Company, New York, New York, to which payments of principal of and interest on the bonds will be made. Individual purchases of bonds will be made in book-entry form only. Purchasers will not receive certificates representing their interest in bonds purchased. The bonds will be dated May 1, 1998, and will become due annually on April 1, beginning April 1, 1999, in the years as follows:

Year	Principal Amount*
04/01/99	\$820,000
04/01/00	820,000
04/01/01	820,000
04/01/02	820,000
04/01/03	820,000

04/01/04	820,000
04/01/05	820,000
04/01/06	820,000
04/01/07	815,000
04/01/08	815,000

The bonds will bear interest from the date thereof at rates to be determined when the bonds are sold, and interest will be payable semiannually on April 1 and October 1 in each year, beginning October 1, 1998. The Kansas State Treasurer, Topeka, Kansas, will be the paying agent and bond registrar for the bonds.

Good Faith Deposit

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

Delivery

The city will pay for preparing the notes and the bonds. The city will deliver the notes and bonds in book-entry form only through the facilities of Depository Trust Company, New York, New York, on or before May 21, 1998.

Assessed Valuation and Indebtedness

The equalized assessed tangible valuation for computation of bonded debt limitations for the year 1998 is \$597,037,615. The total general obligation indebtedness of the city as of the date of the bonds, including the notes and bonds being sold but excluding the temporary notes to be retired with the proceeds of the bonds and notes being sold, is \$87,115,000, and the total general obligation indebtedness of the city as of December 31, 1997, for debt limitation purposes was \$32,196,106.

Approval of Bonds

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

Additional Information

Additional information regarding the bonds may be obtained from Kevin Hammeke, the city's director of financial services, (913) 782-2600; or the city's financial advisor, Piper Jaffray, Inc., Kansas City, Missouri, Attention: Dennis Mitchell, (816) 360-3072.

Dated April 7, 1998.

City of Olathe, Kansas
 Debra S. Gragg
 Olathe City Clerk
 Olathe City Hall
 100 W. Santa Fe
 Olathe, KS 66061

*Preliminary, subject to change.

Doc. No. 022251

(Published in the Kansas Register April 9, 1998.)

Summary Notice of Bond Sale

\$496,000

City of Maize, Kansas

General Obligation Bonds

(General obligation bonds payable from unlimited ad valorem taxes)

25,000	2000
25,000	2001
25,000	2002
30,000	2003
30,000	2004
30,000	2005
35,000	2006
35,000	2007
35,000	2008
40,000	2009
40,000	2010
40,000	2011
45,000	2012
45,000	2013

Details of the Sale

Subject to the terms and conditions of the complete official notice of bond sale dated as of March 30, 1998, of the City of Maize, Kansas, in connection with the city's General Obligation Bonds, Series A, 1998, hereinafter described, sealed, written bids shall be received at the office of the city clerk at City Hall, 123 Khedive, Maize, Kansas, until 6:45 p.m. Monday, April 20, 1998, for the purchase of the bonds. All bids shall be publicly opened, read aloud and tabulated on said date and at said time and shall thereafter be immediately considered and acted upon by the city.

No oral or auction bids for the bonds shall be considered, and no bids for less than the entire amount of the bonds shall be considered.

Bids shall be accepted only on the official bid form that has been prepared for the public bidding on these bonds, which may be obtained from the city clerk or from the city's financial advisor. Bids may be submitted by mail or may be delivered in person, and must be received at the place and not later than the date and time hereinbefore specified. Each bid shall be accompanied by a good faith deposit in the form of a certified or cashier's check drawn on a bank located within the United States and made payable to the order of the city, or in the form of a financial surety bond payable to the order of the city and meeting requirements therefor as set forth in the official notice of bond sale, and shall be in an amount equal to 2 percent of the principal amount of the bonds.

Details of the Bonds

The bonds to be sold are in the aggregate principal amount of \$496,000, and shall bear a dated date of April 1, 1998. The bonds shall be issued as fully registered bonds in the denomination of \$5,000, or any integral multiple thereof not exceeding the principal amount of the bonds maturing in any year, except that one bond maturing in the year 1999 shall be issued in a denomination that represents the odd amount of the bonds. The bonds shall bear interest, payable as hereinafter set forth, at the rates specified by the successful bidder for the bonds. Certain of the bonds are subject to redemption prior to their respective maturities as set forth in the official notice of bond sale.

Interest on the bonds shall be payable semiannually on March 1 and September 1 of each year, commencing March 1, 1999, and the bonds shall mature serially on September 1 in each of the years and principal amounts as follows:

Maturity Schedule

Principal Amount	Maturity Date
\$16,000	1999

Redemption of Bonds

Certain of the bonds are subject to optional redemption prior to their maturities as set forth in the official notice of bond sale. Additionally, a bidder may elect to have all or a portion of the bonds shown in the above maturity schedule issued as term bonds, which would be subject to mandatory redemption requirements. (Reference is made to the official notice of bond sale for complete details regarding redemption of the bonds.)

Payment of Principal and Interest

The Kansas State Treasurer shall serve as the bond registrar and paying agent for the bonds, and the principal of the bonds shall be paid upon surrender at the paying agent's principal offices in the City of Topeka, Kansas. Interest shall be paid by the mailing of a check or draft of the paying agent to the registered owners of the bonds.

Security for the Bonds

The bonds and the interest thereon constitute general obligations of the city, and the full faith, credit and resources of the city will be pledged to the payment thereof. The city is obligated to levy ad valorem taxes without limitation as to rate or amount upon all of the taxable tangible property within the territorial limits of the city for the purpose of paying the bonds and the interest thereon.

Delivery of the Bonds

The bonds, duly printed, executed and registered, shall be furnished and delivered at the expense of the city to the successful bidder, or at its direction, on or before Wednesday, April 29, 1998, at such bank or trust company or other qualified depository in the State of Kansas or Kansas City, Missouri, as may be specified by the successful bidder. Delivery elsewhere shall be made at the expense of the successful bidder.

Legal Opinion

The bonds will be sold subject to the legal opinion of Hinkle, Eberhart & Elkouri, L.L.C., Wichita, Kansas, bond counsel, whose fees will be paid by the city. Bond counsel's approving legal opinion as to the validity of the bonds will be printed on the bonds and will be delivered to the successful bidder upon delivery of the bonds. (Reference is made to the official notice of bond sale for a discussion of tax exemption and other legal matters.)

Financial Matters

The city's current equalized assessed tangible valuation is as follows:

(continued)

(Published in the Kansas Register April 9, 1998.)

Assessed valuation of taxable tangible property	\$6,495,300
Assessed tangible valuation for computation of bonded debt limitations	\$6,495,300

K.S.A. 10-308 provides that the authorized and outstanding bonded indebtedness of any city shall not exceed 30 percent of the assessed valuation of the city. The city's outstanding general obligation bonded indebtedness at April 1, 1998, including the bonds described herein, will be \$1,471,000.

Official Statement

The city has prepared a preliminary official statement relating to the bonds, copies of which may be obtained from the city or the city's financial advisor. The preliminary official statement is in a form "deemed final" by the city for the purpose of Securities and Exchange Commission Rule 15c2-12(b)(1), but is subject to revision, amendment and completion in the final official statement. Upon the sale of the bonds, the city shall furnish the successful bidder with a reasonable number of copies of the final official statement, without additional cost, upon request. Copies of the final official statement in excess of a reasonable number may be ordered by the successful bidder at its expense.

Continuing Disclosure

Securities and Exchange Commission Rule 15c2-12, as amended effective July 3, 1995, provides that brokers, dealers and municipal securities dealers must comply with certain requirements before acting as an underwriter in a primary offering of municipal securities with an aggregate principal amount of \$1,000,000 or more.

The bonds described herein will be offered in a primary offering with an aggregate principal amount of less than \$1,000,000. Accordingly, in the opinion of bond counsel, the offering and sale of the bonds described herein does not constitute an offering as defined by the rule, and the requirements of the rule do not apply to brokers, dealers and municipal securities dealers acting as underwriters in connection with the bonds described herein.

Additional Information

For additional information regarding the city, the bonds and the public sale, interested parties are invited to request copies of the complete official notice of bond sale, the official bid form and the city's preliminary official statement for the bonds, all of which may be obtained from the city clerk at the address and telephone number shown below, or from the city's financial advisor, Cooper Malone McClain, Inc., 7701 E. Kellogg, Suite 700, Wichita, KS 67207, (316) 685-5777.

City of Maize, Kansas
By Angela W. Hermann
City Clerk
City Hall, 123 Khedive
Maize, KS 67101
(316) 722-7561

Doc. No. 022258

Notice of Redemption Industrial Development Revenue Bonds (Golden Plains Convalescent Center, Inc.)

Series D, 1979

Dated November 1, 1979

of the

City of Hutchinson, Kansas

Notice is hereby given that pursuant to Section 5 of Ordinance No. 6761 of the City of Hutchinson, Kansas, the following outstanding Industrial Development Revenue Bonds, Series D, 1979 (Golden Plains Convalescent Center, Inc.), of the City of Hutchinson, Kansas, maturing on and after May 1, 1999, have been selected by lot by the trustee for redemption and prepayment on May 1, 1998 (the redemption date), prior to their maturity subject to the provisions and limitations set forth herein.

Bond Numbers	Maturity Date	Interest Rate
90	May 1, 1999	9.5%
91	May 1, 1999	9.5%
94	May 1, 1999	9.5%
96	May 1, 1999	9.5%
103	May 1, 1999	9.5%
104	May 1, 1999	9.5%
107	May 1, 1999	9.5%
120	May 1, 1999	9.5%
122	May 1, 1999	9.5%
126	May 1, 1999	9.5%
132	May 1, 1999	9.5%
136	May 1, 1999	9.5%
138	May 1, 1999	9.5%
139	May 1, 1999	9.5%
140	May 1, 1999	9.5%
141	May 1, 1999	9.5%
144	May 1, 1999	9.5%
150	May 1, 1999	9.5%
159	May 1, 1999	9.5%
163	May 1, 1999	9.5%
164	May 1, 1999	9.5%
169	May 1, 1999	9.5%
172	May 1, 1999	9.5%
184	May 1, 1999	9.5%
186	May 1, 1999	9.5%
188	May 1, 1999	9.5%
192	May 1, 1999	9.5%

The principal amount of the above described 1979 Bonds shall become due and payable on May 1, 1998, at a redemption price equal to the principal amount thereof, plus accrued interest thereon to said redemption date, without premium.

On May 1, 1998, provided that funds are on hand to pay the specified redemption price, the selected 1979 Bonds will be due and payable at the principal office of the First National Bank of Hutchinson, Hutchinson, Kansas, and from and after May 1, 1998, all interest on the selected 1979 Bonds will cease to accrue. All coupons maturing subsequent to May 1, 1998, must be attached to and surrendered with said selected 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 the 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 March 24, 1998.

First National Bank of Hutchinson
One N. Main, P.O. Box 913
Hutchinson, KS 67504-0913
As Trustee

Doc. No. 022234

State of Kansas

**Department of Health
and Environment**

**Permanent Administrative
Regulations**

Article 1.—DISEASES

28-1-13. Rabies control; isolation of mammals causing exposure to rabies for observation and examination; quarantine of mammals exposed to rabies. (a) In conjunction with investigation of the exposure to rabies of a human or other mammal by another nonhuman mammal, the isolation of the mammal causing exposure to rabies shall be as follows.

(1) An owned or wanted dog, cat, or ferret shall be isolated for 10 days as determined by the local health officer or the local health officer's designee at one of the following locations:

- (A) The residence of the owner of the dog, cat, or ferret;
- (B) in a veterinary hospital; or
- (C) at a facility holding a current state pound and shelter license. During this time the local health officer or the local health officer's designee shall determine whether or not the dog, cat, or ferret is suffering from rabies, and if not, the local health officer or the local health officer's designee shall authorize the release of the dog, cat, or ferret upon payment by the owner of the boarding fee.

(2) Stray, unclaimed, or unwanted dogs, cats, or ferrets shall be sacrificed immediately and the head submitted for laboratory examination for evidence of rabies infection.

(3) The management of horses, cattle, and sheep shall be determined by the local health officer or the local health officer's designee.

(4) Mammals, other than dogs, cats, ferrets, horses, cattle, or sheep, including the offspring of wild species crossbred with domestic dogs and cats, skunks, foxes, raccoons, coyotes, bats, and other species known to be involved in the transmission of rabies, whether owned or unowned, shall be sacrificed immediately and the head submitted for laboratory examination for evidence of rabies infection. Any mammal that has been vaccinated may be sacrificed and tested if the period of virus shedding is unknown for that species.

(5) Mammals, including rabbits, hares, gerbils, guinea pigs, hamsters, mice, rats, squirrels, chipmunks, and other species not known to be involved in the transmission of rabies, need not be sacrificed and submitted for laboratory examination for evidence of rabies infection, unless the circumstances of the potential exposure to ra-

bies incident, in the judgment of the local health officer or the local health officer's designee, indicate otherwise.

(6) The disposition of mammals that are not known to be involved in the transmission of rabies and that are maintained in zoological parks, shall be in accordance with the judgment of the local health officer or the local health officer's designee.

(b) Quarantine of mammals exposed to rabies by a known or suspected rabid mammal shall be as follows.

(1) Stray, unclaimed, or unwanted dogs, cats, or ferrets shall be sacrificed immediately.

(2) Dogs, cats, or ferrets that have an owner, are wanted by that owner, and are not immunized against rabies shall be quarantined for six months at one of the following locations, as determined by the local health officer or the local health officer's designee:

- (A) The residence of the owner of the dog, cat, or ferret;
- (B) in a veterinary hospital; or
- (C) at a facility holding a current state pound and shelter license. These dogs, cats, or ferrets shall be immunized against rabies one month before release from quarantine. The local health officer or the local health officer's designee shall authorize the release of the dog, cat, or ferret upon payment of the boarding fee.

(3) Dogs, cats, ferrets, horses, cattle, and sheep that have an owner and are wanted by that owner, and for which the owner produces rabies vaccination certificates that contain the following information shall be immediately revaccinated and kept under the owner's control and observed for 45 days:

- (A) the expiration date of the rabies vaccination; and
- (B) positive identification for each of these mammals showing that the mammals are currently vaccinated by a licensed veterinarian with an approved vaccine for that species.

(4) Horses, cattle, and sheep not vaccinated with an approved vaccine for that species shall be sacrificed immediately or quarantined for six months under conditions satisfactory to the local health officer or the local health officer's designee. The local health officer or the local health officer's designee shall authorize the release of the horse, cow, or sheep upon payment of any boarding fees.

(5) Other mammals shall be sacrificed immediately, except for those mammals currently vaccinated with an approved vaccine for that species. Mammals that have been appropriately vaccinated may be immediately revaccinated and quarantined for at least 90 days under conditions satisfactory to the local health officer or the local health officer's designee. (Authorized by K.S.A. 65-128, K.S.A. 65-101; implementing K.S.A. 65-101; effective May 1, 1982; amended May 1, 1986; amended July 5, 1996; amended April 24, 1998.)

Gary R. Mitchell
Secretary of Health
and Environment

Doc. No. 022230

State of Kansas

State Employees Health Care Commission

Permanent Administrative Regulations

Article 1.—ELIGIBILITY REQUIREMENTS

108-1-2. Student health care benefits plan. (a) Each student shall be eligible to participate in the student health care benefits component of the state health care benefits program. Eligibility and participation shall be subject to terms, conditions, limitations, exclusions, and other provisions established by the commission. Participation in the student health care benefit component shall be voluntary.

(b)(1) "Commission" means the Kansas state employees health care commission.

(2) "Student" means any individual who is enrolled in one of the regents institutions, who is not eligible for coverage under K.A.R. 108-1-1, and who meets any criteria established by the commission regarding the minimum number of hours of course work in which the individual must be enrolled or similar reasonable provisions related to the individual's status as a student.

(3) "Regents institution" means a state educational institution as defined in K.S.A. 76-711, as amended.

(c) Each student participating in the student health benefits component shall pay the costs of the coverage on a direct bill basis, except that if the student is employed by the regents institution in which the student is enrolled, the student may be authorized or required by the commission to make these payments through periodic payroll deduction.

(d) Any student enrolled in the student health care benefits component of the state health care benefits program may enroll a spouse and eligible dependent children, subject to the same conditions and limitations that apply to the person enrolled in accordance with this regulation.

(e) Each student who is a state employee and is enrolled in the student health care benefits component of the state health care benefits program shall be eligible for an employer contribution toward the cost of this coverage if the student is in at least a half-time graduate teaching or graduate research position or combination thereof, which requires a minimum of 750 hours over two consecutive semesters and is equivalent to 1,000 hours for an entire one-year period. The employer contribution shall be in an amount determined by the commission after the plan has been established.

(f) This regulation shall take effect July 1, 1998, and shall be applicable to the student health care benefits component established by the Kansas state employees health care commission on or after this date. (Authorized by and implementing K.S.A. 75-6501 and 75-6510; effective July 1, 1998.)

Daniel R. Stanley
Secretary of Administration

Doc. No. 022238

State of Kansas

Department of Wildlife and Parks

Permanent Administrative Regulations

Article 2.—FEES, REGISTRATIONS AND OTHER CHARGES

115-2-3. Camping and utility fees. (a) The following fees and charges shall be in effect for state parks and for other designated areas for which camping and utility fees are required:

Table listing fees for camping and utilities. Includes categories like Camping—per camping unit, Utilities—electricity, water, and sewer hook-up, and Camping reservation charge.

(b) Each overnight camping permit and youth group camping permit shall be valid only for the state park or other area for which it is purchased.

(c) Each annual camping permit and 14-day camping permit shall expire on December 31 of the year for which it is issued.

(d) Each 30-day camping permit shall expire on the date specified in the permit.

(e) Each overnight camping permit, youth group camping permit, and cabin camping permit shall expire at noon on the day following its effective date; however, an overnight camping permit, youth group camping permit, or cabin camping permit shall expire at 2:00 p.m. on Sundays and on Memorial Day, Independence Day, and Labor Day when the Sunday or the listed holiday is the day following its effective date.

(f) Camping and utility fees shall be due at the time of camp site occupancy and by noon of any subsequent days of camp site occupancy.

(g) This regulation shall take effect on and after January 1, 1999. (Authorized by and implementing K.S.A. 32-807 and K.S.A. 1997 Supp. 32-988; effective Jan. 22, 1990; amended Jan. 28, 1991; amended June 8, 1992; amended Oct. 12, 1992; amended Aug. 21, 1995; amended Sept. 19, 1997; amended Jan. 1, 1999.)

115-2-6. Other fees and charges. (a) The following fees and charges shall be in effect for state parks and for other designated areas for which fees and charges are required.

Table listing other fees and charges. Includes Annual private boat dock fee and Private cabin, club, and organization site assignment transfer fee.

(3) Private cabin, club, and organization site annual fee.

(A) The annual fee for private cabin, club, and organization sites shall be adjusted when the lease agreement for a site is newly assigned, transferred, or renewed, unless the existing lease agreement specifies a fee applicable for the renewal term.

(B) The annual fee for fees adjusted before January 1, 2003 shall be \$200.00.

(C) The annual fee shall be recalculated on January 1, 2003; January 1, 2008; and January 1, 2013, based on the equation in subsection (b).

(b) The annual fee for private cabin, club, and organization sites shall be calculated as follows, using terms as defined in the remainder of this subsection.

$$\text{Annual Fee} = \frac{\text{Previous Annual Fee}}{\text{Previous CPI}} \times \frac{\text{(New CPI)}}{\text{(Previous CPI)}}$$

(1) "CPI" means the "consumer price index for all urban consumers" (CPI-U) for the midwest region average for all items, 1993-1995 = 100, as published in the "CPI detailed report" by the bureau of labor statistics of the U.S. department of labor.

(2) "Previous Annual Fee" means \$200 for the recalculation of the annual fee on January 1, 2003, and for each recalculation thereafter means the annual fee calculated five years previous to the new calculation, using the equation in subsection (b).

(3) "New CPI" means the CPI on July 1 immediately preceding the January 1 date for a newly calculated annual fee.

(4) "Previous CPI" means the CPI on July 1, 1998 for the recalculation of the annual fee on January 1, 2003, the CPI on July 1, 2002 for the recalculation of the annual fee on January 1, 2008, and the CPI on July 1, 2007 for the recalculation of the annual fee on January 1, 2013.

(c) Each private cabin, club, and organization site lease and each private boat dock permit shall expire on the date specified in the respective lease or permit.

(d) This regulation shall take effect on and after January 1, 1999. (Authorized by and implementing K.S.A. 32-807 and K.S.A. 1997 Supp. 32-988; effective Jan. 1, 1999.)

Article 4.—BIG GAME

115-4-1. Turkey; legal equipment, taking methods, reports, tags, and general provisions. (a) Hunting equipment for the taking of turkey during an archery turkey season shall consist of following.

(1) Bows and arrows.

(A) No bow shall be less than 45 pounds draw weight.

(B) Each bow shall be hand drawn.

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

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

(E) No bow shall have any electronic or chemical device attached to the bow or arrow, with the exception of lighted pin, dot, or holographic sights that may be attached to the front of the bow.

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

(G) Each arrow used for hunting shall be at least 20 inches in length.

(H) Optical scopes or sights that project no visible light toward the target and do not electronically amplify visible or infrared light may be used.

(I) Range-finding devices may be used or attached to the bow, as long as the system does not project visible light toward the target.

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

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

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

(2) shotgun and muzzleloading shotgun using only size two shot through size nine shot and that are not less than 20 gauge;

(3) optical scopes or sights that project no visible light toward the target and do not electronically amplify visible or infrared light; and

(4) range-finding devices, as long as the system does not project visible light toward the target.

(c) Nonelectric calls, lures, and decoys, except live decoys, shall be legal.

(d) Each individual may use blinds and stands while hunting turkey.

(e) Each individual hunting turkey shall shoot or attempt to shoot a turkey only while the turkey is on the ground or in flight.

(f) General provisions.

(1) Removal of the game tag from the permit shall invalidate the permit for hunting. Each permittee shall sign and date the game tag and attach the tag to the carcass immediately following the kill and before moving the carcass from the site of the kill. The carcass tag shall remain attached to the carcass until the turkey is processed for consumption. The permittee shall retain the carcass tag until the turkey is consumed, given to another, or otherwise disposed of.

(2) Any legally acquired turkey meat may be given to and possessed by another, if a dated written notice that includes the donor's printed name, signature, address, and permit number accompanies the meat. The person receiving the meat shall retain the notice until the meat is consumed, given to another, or otherwise disposed of.

(3) Unless otherwise authorized by rules and regulations, an individual shall not submit more than one application for a permit and one application for a second turkey game tag for a turkey season.

(4) Unless otherwise authorized by rules and regulations, an individual shall not obtain more than one permit and one game tag for a second turkey for a turkey season.

(5) Any applicant unsuccessful in obtaining a permit through a drawing may apply for any leftover permit remaining after the drawing, and may apply for any permit that is not limited.

(6) Only turkey permit holders shall be eligible to apply for turkey game tags.

(7) A permit or turkey game tag shall be nontransferable.

(8) In addition to other penalties prescribed by law, each permit or turkey game tag shall be invalid from the date of issuance if obtained by an individual under any of these conditions:

(A) through false representation;

(B) through misrepresentation; or

(C) in excess of the number of permits or turkey game tags authorized by rules and regulations.

(continued)

(9) In awarding turkey permits, the first priority shall be given to those individuals who did not receive a permit in the previous year. All other applicants shall be given equal priority.

(10) Landowner-tenants who received a permit to hunt turkey on their own land during the previous year shall not be considered as having a turkey permit during that year for purposes of the permit priority system. (Authorized by K.S.A. 32-807 and K.S.A. 1997 Supp. 32-937; implementing K.S.A. 32-807, K.S.A. 1997 Supp. 32-937, K.S.A. 32-1001 and K.S.A. 32-1002; effective Jan. 22, 1990; amended May 27, 1991; amended June 1, 1993; amended May 10, 1996; amended June 6, 1997; amended April 24, 1998.)

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

(1) Bows and arrows.

(A) No bow shall be less than 50 pounds draw weight.

(B) Each bow shall be handdrawn.

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

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

(E) No bow shall have any electronic or chemical device attached to the bow or arrow with the exception of lighted pin, dot, or holographic sights which may be attached to the front of the bow.

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

(G) Each arrow used for hunting shall be at least 20 inches in length.

(H) Optical scopes or sights that project no visible light toward the target and do not electronically amplify visible or infrared light may be used.

(I) Range-finding devices may be used or attached to the bow, as long as the system does not project visible light toward the target.

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

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

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

(2) centerfire rifles using only soft point, hollow point, or other expanding bullets, and that fire a bullet larger than .25 inches in diameter, use a cartridge greater than 2.5 inches in length, and that are not fully automatic;

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

(4) optical scopes or sights that project no visible light toward the target and do not electronically amplify visible or infrared light; and

(5) range-finding devices, as long as the system does not project visible light towards the target.

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

(d) Nonelectric calls, lures, and decoys, except live decoys, shall be legal.

(e) Each individual may use blinds and stands while hunting elk.

(f) General provisions.

(1) Removal of the game tag from the permit shall invalidate the permit for hunting. Each permittee shall sign and date the game tag and attach the tag to the carcass immediately following the kill and before moving the carcass from the site of the kill. Except for an elk taken under an "any elk" permit, the head shall accompany the carcass while in transit from the site of the kill to the permittee's residence or to a place of processing or preservation. The carcass tag shall remain attached to the carcass until the elk is processed for consumption. The permittee shall retain the carcass tag until the elk is consumed, given to another, or otherwise disposed of.

(2) Any legally acquired elk meat may be given to and possessed by another, if a dated written notice that includes the donor's printed name, signature, address, and permit number accompanies the meat. The person receiving the meat shall retain the notice until the meat is consumed, given to another, or otherwise disposed of.

(3) Archery-only elk permittees shall not possess a firearm while hunting elk.

(4) Muzzleloader-only elk permittees shall not possess a rimfire or centerfire firearm while hunting elk.

(5) A permit shall not be transferable.

(6) In addition to other penalties prescribed by law, each permit shall be invalid from the date of issuance if obtained by an individual under any of these conditions:

(A) through false representation;

(B) through misrepresentation; or

(C) in excess of the number of permits authorized by rules and regulations.

(7) Each applicant may apply for or obtain either an archery elk permit or a firearm elk permit, but not both, in the same calendar year.

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

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

(B) Any individual receiving an antlerless-only elk hunting permit shall not be eligible to apply for or receive an antlerless-only elk hunting permit for a five-year period thereafter. However, such an individual may apply for and shall be eligible to receive an any elk or bull-only elk hunting permit without a waiting period. (Authorized by K.S.A. 32-807 and K.S.A. 1997 Supp. 32-937; implementing K.S.A. 32-807, K.S.A. 1997 Supp. 32-937, K.S.A. 32-1001 and K.S.A. 32-1002; effective April 30, 1990; amended May 27, 1991; amended June 8, 1992; amended June 1, 1993; amended June 13, 1994; amended May 30, 1995; amended May 10, 1996; amended June 6, 1997; amended April 24, 1998.)

Steven A. Williams
Secretary of Wildlife
and Parks

Doc. No. 022246

State of Kansas

Real Estate Appraisal Board

Permanent Administrative
Regulations

Article 5.—PROVISIONAL CLASSIFICATION

117-5-1. Provisional classification; education and examination requirements. In order to be eligible for the provisional classification, each applicant shall complete the education and testing requirements listed in K.A.R. 117-2-1 and 117-2-3, K.A.R. 117-4-1 and 117-4-3, or K.A.R. 117-3-1 and 117-3-3. (Authorized by and implementing K.S.A. 58-4109; effective Aug. 15, 1994; amended April 24, 1998.)

117-5-2. Provisional classification; supervised experience requirements. (a) The provisional licensed appraiser's work in developing, preparing, or communicating an appraisal report shall be directly supervised by a supervising appraiser, who shall be either a state licensed or certified appraiser in good standing.

(b) Good standing shall mean the following:

(1) That a certified or licensed appraiser is not currently subject to a board-approved consent agreement and order;

(2) that a certified or licensed appraiser has not been censured within the previous two-year period; and

(3) that the certificate or license is not suspended, revoked, or otherwise disciplined by final action by the board.

(c) Each appraisal report shall be signed by the provisional licensed appraiser or by the preparer of the report who supervised the provisional licensed appraiser, certifying that the report is in compliance with the uniform standards of professional appraisal practice of the appraisal foundation in effect at the time of the appraisal.

(d) If the provisional appraiser does not sign the appraisal report, the preparer shall describe, in the certification section or in the dated and signed addendum to the certification page of the appraisal report, the extent to which the provisional licensed appraiser provided assistance in developing, preparing, or communicating the appraisal through generally accepted appraisal methods and techniques.

(e) The supervising appraiser shall be responsible for the supervision of the provisional appraiser by performing the following:

(1) Reviewing, before the signing of the certification section or addendum, each appraisal report that the provisional licensed appraiser prepared or provided assistance in developing, preparing, or communicating; and

(2) personally inspecting each appraised property with the provisional licensed appraiser until the supervising appraiser determines that the provisional licensed appraiser is competent, in accordance with the competency provision of the uniform standards of professional appraisal practice (USPAP), as specified in K.A.R. 117-8-1, for the property type.

(f) The provisional licensed appraiser shall be permitted to have more than one supervising appraiser.

(g) An appraisal log shall be maintained by the provisional licensed appraiser and shall, at a minimum, include the following for each appraisal report:

- (1) the type of property;
- (2) the client's name and address;
- (3) the address of the appraised property;
- (4) a description of work performed;
- (5) the number of work hours; and
- (6) the state license or certification number and the signature of the supervising appraiser, which shall serve as verification of the accuracy of the above information.

(h) Each provisional licensee shall maintain a log of appraisals completed with each separate supervising appraiser.

(i) After one year in this classification, the provisional licensed appraiser shall be required to meet continuing education guidelines for licensed or certified appraisers, as set forth in K.A.R. 117-6-1. In order to be licensed as a real property appraiser, certified as a general real property appraiser, or certified as a residential real property appraiser, the provisional licensed appraiser shall complete the experience requirements listed in K.A.R. 117-2-2, K.A.R. 117-3-2, or K.A.R. 117-4-2, within five years of being issued the provisional license. (Authorized by and implementing K.S.A. 58-4109; effective April 24, 1998.)

117-5-3. Provisional classification; scope of practice. The provisional licensed classification shall apply to the appraisal of the properties that the supervising appraiser is permitted to appraise. (Authorized by and implementing K.S.A. 58-4109; effective April 24, 1998.)

Michael K. Haynes
Director

Doc. No. 022247

State of Kansas

Department of Health
and EnvironmentNotice Concerning Kansas
Water Pollution Control Permits

In accordance with state regulations 28-16-57 through 63, 28-18-1 through 4, 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-98-55/57

Name and Address of Applicant	Legal Description	Receiving Water
Circle M Jerseys c/o Duane Mueting Route 1, Box 127A Baileyville, KS 66404	SW/4 of Sec. 22, T3S, R11E, Nemaha County	Kansas River Basin

Kansas Permit No. A-KSNM-M010

(continued)

This is a new facility for 40 dairy cows, 12 head of swine over 55 lbs. and 120 head of swine under 55 lbs. (72.8 animal units).

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: Existing controls meet KDHE requirements.

Name and Address of Applicant	Legal Description	Receiving Water
Dekalb Swine Breeders, Inc. Farms 13 Finishing and 14 Finishing 23179 #5 Road Plains, KS 67869	S/2 of Sec. 13, T32S, R32W, Seward County	Cimarron River Basin

Kansas Permit No. A-CISW-H004 Federal Permit No. KS-0089915
This is an expansion facility for 13,960 head (5,584 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: As part of the waste management plan, soil in the wastewater application area is to be sampled and analyzed annually in October for nitrate-nitrogen, ammonia-nitrogen, Kjeldah-nitrogen, phosphorous and potassium. A minimum of ten probes per center pivot shall be collected, taken uniformly spaced across the application area to a depth of two feet. The resulting soil cores from each center pivot shall be thoroughly mixed to make one composite soil sample per center pivot. They shall be analyzed by a certified testing laboratory. The results of the soil test shall be submitted by November 10 of each year to the KDHE southwest district office in Dodge City. The soil test results also shall be maintained on-site at the facility for inspection. Based on the test results, modifications to the waste disposal plan may be made.

Name and Address of Applicant	Legal Description	Receiving Water
Ponca Cattle Company P.O. Box 668 Cimarron, KS 67835	W/2 of Sec. 12, T26S, R30E, Gray County	Upper Arkansas River Basin

Kansas Permit No. A-UAGY-B001

This is a new facility for 800 head (400 animal units) dairy calves.

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.

After construction of the lagoon, a permeability test must be conducted. Any holes resulting from core samples shall be filled with bentonite. Copies of the permeability test shall be provided to KDHE at 302 W. McArtor, Dodge City, KS 67801. Should the structure not meet permeability requirements, additional sealing will be necessary.

Public Notice No. KS-98-027/030

Name and Address of Applicant	Waterway	Type of Discharge
Kansas Dept. of Transportation % Richard Ross— Landscaping Docking State Office Bldg. Room 814 Topeka, KS 66612-1568	South branch of Little Walnut River via unnamed tributary	Treated domestic wastewater

Kansas Permit No. M-WA23-0002 Federal Permit No. KS 0092444

Legal: NE¼, S34, T27S, R8E, Greenwood County
Name: Greenwood County Rest Area (K-96 Highway)

Facility Description: The proposed action is to issue a new permit for operation of a new three-cell wastewater treatment lagoon system treating primarily domestic wastewater. The permit requirements are pursuant to Kansas surface water quality standards, K.A.R. 28-16-28(b-f), and federal surface water criteria, and are technology based.

Name and Address of Applicant	Waterway	Type of Discharge
Fina Oil & Chemical Co. P.O. Box 2159 Dallas, TX 75221	Republican River via storm sewer	Treated groundwater

Kansas Permit No. I-LR15-PO03 Federal Permit No. KS0085898
Legal: SE¼, S3, T11S, R5E, Geary County

Facility Description: The proposed action is to reissue an existing permit for operation of an existing wastewater treatment system. This facility is engaged in a groundwater remediation project. An air stripper is utilized to treat hydrocarbon-contaminated groundwater prior to discharge. Daily discharge is about 40,320 gallons. The permit requirements 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.

Name and Address of Applicant	Waterway	Type of Discharge
Harcros Chemicals, Inc. P.O. Box 2930 Kansas City, KS 66110	Kansas River	Treated wastewater

Kansas Permit No. I-KS27-PO37 Federal Permit No. KS0001627
Legal: 5200 Speaker Road, Kansas City, Kansas

Facility Description: The proposed action is to reissue an existing permit for operation of an existing wastewater treatment system. This facility manufactures surface active agents such as industrial emulsifiers, wetting and anti-foam agents. Other operations include acid packaging, liquid blending and packaging, and the manufacture of vitamin concentrate for animal feed use. Two on-site wells supply one-pass noncontact cooling water for multiple production vessels and heat exchangers in two separate production processes. The cooling water is discharged through two outfalls to the Kansas River. Cooling water discharge rates are 0.134 mgd (Outfall 001) and 0.246 mgd (Outfall 002). Stormwater discharge from the site travels via roadside ditches to the Kansas City separate stormwater sewer system and discharges to the Kansas River. The permit requirements 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.

Name and Address of Applicant	Waterway	Type of Discharge
National Cold Storage, Inc. P.O. Box 356 Bonner Springs, KS 66012	Kansas River via drainage ditch	Treated wastewater

Kansas Permit No. I-KS06-PO02 Federal Permit No. KS0003085
Legal: 14801 Loring Drive, Bonner Springs, Kansas

Facility Description: The proposed action is to reissue an existing permit for operation of an existing wastewater treatment system. This is an underground storage facility located in an old quarry providing refrigerated storage for food products. About 8,640 gpd of well water, used for evaporative condenser cooling, is discharged to the Kansas River without any treatment. About 11,360 gpd of domestic sewage is treated in a two-stage aeration sewage treatment plant, chlorinated and dechlorinated prior to discharge from outfall 002. The permit requirements 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-98-010/011

<p>Name and Address of Applicant Jefferson County SD #8 Jefferson County Health Department P.O. Box 324 Oskaloosa, KS 66066</p>	<p>Legal Location SE¼, S24, T10S, R17E, Jefferson County</p>	<p>Type of Discharge Nonoverflowing</p>
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Kansas Permit No. M-KS56-NO08

Facility Name: Wind-n-Wave Estates, Ozawkie, Kansas
 Facility Description: The proposed action is to reissue an existing permit for operation of an existing two-cell wastewater treatment lagoon system. The proposed permit contains a schedule of compliance requiring the permittee to obtain the services of a KDHE-certified operator.

<p>Name and Address of Applicant City of Moscow P.O. Box 7 Moscow, KS 67952</p>	<p>Legal Location SW¼, S23, T31S, R36W, Stevens County</p>	<p>Type of Discharge Nonoverflowing</p>
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Kansas Permit No. M-CI15-NO01

Facility Description: The proposed action is to reissue an existing permit for operation of an existing Imhoff tank followed by an existing three-cell wastewater treatment lagoon system. The proposed permit contains a schedule of compliance requiring the permittee to obtain the services of a KDHE-certified operator.

Written comments on the draft permits must be submitted to the attention of Dorothy Geisler 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 post-marked or received on or before May 9 will be considered in the formulation of final determinations regarding this public notice. Please refer to the appropriate public notice number (KS-AG-98-55/57, KS-98-027/030, KS-ND-98-010/011) 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 hearings 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 5 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.

Gary R. Mitchell
 Secretary of Health and Environment

Doc. No. 022240

State of Kansas

Kansas Lottery

Temporary Administrative Regulations

Article 2.—LOTTERY RETAILERS

111-2-66. Pull-tab retailer sales incentive. In addition to the compensation specified in K.A.R. 111-2-4 and K.A.R. 111-2-6, for the period from May 4, 1998, through June 19, 1998, all Kansas lottery retailers certified to sell Kansas lottery pull-tabs who purchase and have delivered a quarter carton of any four current pull-tab games shall receive a quarter carton of a similar quantity of pull-tab game selected by the lottery at no additional charge. (Authorized by and implementing K.S.A. Supp. 74-8710; effective, T-111-12-2-97, Nov. 21, 1997; amended, T-111-3-27-98, March 20, 1998.)

111-2-73. "Cash 4 Life" postcard retailer incentive. (a) During the period starting March 23, 1998, and ending 5:00 p.m., April 17, 1998, in addition to compensation provided for in K.A.R. 111-2-4, the Kansas lottery shall also offer all retailers who correctly answer questions on a postcard provided by the lottery an opportunity to participate in this "Cash 4 Life" retailer incentive promotion.

(b) Attached to each sell-in sheet is an entry card with four questions which may be correctly answered by reading the sell-in sheet. Every lottery retailer location shall receive a sell-in sheet and an entry card bearing the questions which must be correctly answered to be eligible to win any of the prizes offered. Entry cards must be mailed to: "Cash 4 Life" incentive, Kansas lottery, 128 North Kansas Avenue, Topeka, Kansas 66603-3638, and received by 5:00 p.m. on Tuesday, April 21, 1998, to be entered into the drawing.

(c) The drawing will be held at 2:00 p.m. on Tuesday, April 28, 1998, at lottery headquarters. The first eligible card drawn from all cards entered will entitle the retailer named thereon to win the first prize, a trip from either Kansas City or Wichita to Las Vegas, for two, for three days and two nights, with a value not to exceed \$800, which includes air fare and hotel accommodations. Trip must be taken between July 6, 1998, and August 31, 1998. The first prize will also include \$300 cash. Ten additional cards will be drawn and the retailer identified on each will be awarded \$100. (Authorized by K.S.A. 1997 Supp. 74-8710; implementing K.S.A. 74-8708 and K.S.A. 1997 Supp. 74-8710; effective, T-111-3-27-98, March 20, 1998.)

Article 4.—INSTANT GAMES

RULES FOR INSTANT GAME NO. 51
 "I'M INTO \$20'S"

111-4-1197. Name of game. The Kansas lottery shall conduct an instant winner lottery game entitled "I'm Into \$20's" commencing on or after March 23, 1998. The specific rules for the "I'm Into \$20's" game are contained in K.A.R. 111-3-1 *et seq.* and 111-4-1197 through 111-4-1200. (Authorized by and implementing K.S.A. 1997 Supp. 74-8710; effective, T-111-3-27-98, March 20, 1998.)

(continued)

111-4-1198. Definitions. The following definitions shall apply to the "I'm Into \$20's" instant lottery game:

(a) "Game symbols" are the numbers, letters, symbols, or pictures printed in the play area of each instant game ticket and which determine if the ticket bearer is entitled to a prize. In this instant game, the game symbols are printed in black ink with matching captions. A game symbol appears in each of six play spots within the play area. Each game symbol for this instant game is one of the following: FREE TICKET - \$2⁰⁰ - \$5⁰⁰ - \$10⁰⁰ - \$15⁰⁰ - \$20⁰⁰ - \$500 - \$\$.

(b) "Game symbol captions" are the words or portions of words, letters or numbers printed beneath each game symbol in the play area and are used to repeat or explain the game symbol. The game symbol caption associated with each game symbol is as follows:

Game Symbol	Game Symbol Caption
FREE	TICKET
\$2 ⁰⁰	TWO\$
\$5 ⁰⁰	FIVE\$
\$10 ⁰⁰	TEN\$
\$15 ⁰⁰	FIFTEEN
\$20 ⁰⁰	TWENTY
\$500	FIVE-HUN
\$\$	DOLLARS

(c) "Ticket validation number" means a unique number appearing on each ticket which is used to validate winning tickets. For this instant game, the ticket validation number is an 11-digit number which appears on the front of each instant ticket and will be covered by latex.

(d) "Book-ticket number" means the unique number appearing on each ticket which includes the number of the book from which it was removed and the serially assigned number of the ticket within that book. For this instant game, the book-ticket number is an 8-digit book number followed by a dash and then a 3-digit ticket number. The ticket numbers in each book start with 000 and end with 299. The book-ticket number is printed in black ink on the back of each instant game ticket both above the information form and below the bar code.

(e) "Retailer validation code" means the small letters found under removable covering in the play area of each instant game ticket. The retailer uses this code to verify and validate winners which are to be paid by the retailer. In this instant game, the retailer validation code is a three-letter code printed and appearing in three of nine varying locations among the game symbols. The codes and their meanings are as follows: FRE = Free Ticket; TWO = \$2.00; FIV = \$5.00; TEN = \$10.00; FTN = \$15.00; TWY = \$20.00; FHN = \$500.00.

(f) "Bar code" means the 16-digit bar-coded number appearing on the back of each ticket. (Authorized by and implementing K.S.A. 1997 Supp. 74-8710; effective, T-111-3-27-98, March 20, 1998.)

111-4-1199. Determination of instant prize winners. An instant prize winner is determined for this instant game when the player removes or "scratches off" the removable layer of material covering the play area to reveal the six game symbols and captions. This is a match three of six game or a match two plus the \$\$ symbol. If

three of the six concealed prize amounts match, the player wins the amount shown. If two of the six concealed prize amounts match and a \$\$ symbol is found, the player wins the prize amount. No ticket will be eligible to win more than one prize. (Authorized by K.S.A. 1997 Supp. 74-8710(b), (c) and (i); implementing K.S.A. 1997 Supp. 74-8710(b), (c) and (i), and K.S.A. 74-8720(b) and (d); effective, T-111-3-27-98, March 20, 1998.)

111-4-1200. Number and value of instant prizes. (a) There will be approximately 1,800,000 tickets ordered initially for this instant game. The expected number and value of the instant prizes are as follows:

Match	Prizes	Expected Number of Prizes in Game	Expected Value in Game
3-FREE	FREE TICKET	202,640	\$ 0
3-\$2	\$2	113,040	226,080
3-\$5	\$5	40,528	202,640
2-\$10 + \$\$	\$10	10,672	106,720
3-\$15	\$15	4,264	63,960
2-\$15 + \$\$	\$15	2,136	32,040
2-\$20 + \$\$	\$20	6,400	128,000
3-\$20	\$20	8,536	170,720
3-\$500	\$500	50	25,000
		<u>388,266</u>	<u>\$955,160</u>

(b) The executive director may terminate the sale of tickets prior to the complete sale of all tickets. In this event, the number and value of prizes will be approximately proportional to the number of tickets actually sold. The odds of winning a prize in this game are one in 4.95.

(c) All prizes are subject to deductions provided by law.

(d) Additional ticket orders shall have the same prize structure, the same number of prizes per prize pool of 240,000 tickets and the same odds as were contained in the initial ticket order. (Authorized by K.S.A. 1997 Supp. 74-8710(b), (c) and (f); implementing K.S.A. 1997 Supp. 74-8710(b), (c) and (f), and K.S.A. 74-8720; effective, T-111-3-27-98, March 20, 1998.)

RULES FOR INSTANT GAME NO. 53 "COUCH POTATO"

111-4-1201. Name of game. The Kansas lottery shall conduct an instant winner lottery game entitled "Couch Potato" commencing on or after March 23, 1998. The specific rules for the "Couch Potato" game are contained in K.A.R. 111-3-1 *et seq.* and 111-4-1201 through 111-4-1204. (Authorized by and implementing K.S.A. 1997 Supp. 74-8710; effective, T-111-3-27-98, March 20, 1998.)

111-4-1202. Definitions. The following definitions shall apply to the "Couch Potato" instant lottery game:

(a) "Game symbols" are the numbers, letters, symbols, or pictures printed in the play area of each instant game ticket and which determine if the ticket bearer is entitled to a prize. In this instant game, the game symbols are printed in black ink with matching captions. A game symbol appears in each of eight play spots within the play area. Each game symbol for this instant game is one of the following: \$1⁰⁰ - \$3⁰⁰ - \$10⁰⁰ - \$20⁰⁰ - \$250 - FREE ticket - symbol of a bowl of popcorn - symbol of a soda - symbol of a TV remote - symbol of a TV - symbol of a chair - symbol of a sandwich - symbol of a pizza - symbol of a potato.

(b) "Game symbol captions" are the words or portions of words, letters or numbers printed beneath each game symbol in the play area and are used to repeat or explain the game symbol. The game symbol caption associated with each game symbol is as follows:

Game Symbol	Game Symbol Caption
\$1 ⁰⁰	ONE\$
\$3 ⁰⁰	THR\$
\$10 ⁰⁰	TEN\$
\$20 ⁰⁰	TWENTY
\$250	TFTYDOL
FREE	TICKET
Symbol of a bowl of popcorn	PCORN
Symbol of a soda	SODA
Symbol of a TV remote	REMOTE
Symbol of a TV	TV
Symbol of a chair	CHAIR
Symbol of a sandwich	SWICH
Symbol of a pizza	PIZZA
Symbol of a potato	POTATO

(c) "Ticket validation number" means a unique number appearing on each ticket which is used to validate winning tickets. For this instant game, the ticket validation number is an 11-digit number which appears on the front of each instant ticket and will be covered by latex.

(d) "Book-ticket number" means the unique number appearing on each ticket which includes the number of the book from which it was removed and the serially assigned number of the ticket within that book. For this instant game, the book-ticket number is an 8-digit book number followed by a dash and then a 3-digit ticket number. The ticket numbers in each book start with 000 and end with 299. The book-ticket number is printed in black ink on the back of each instant game ticket both above the information form and below the bar code.

(e) "Retailer validation code" means the small letters found under removable covering in the play area of each instant game ticket. The retailer uses this code to verify and validate winners which are to be paid by the retailer. In this instant game, the retailer validation code is a three-letter code printed and appearing in three of six varying locations among the game symbols. The codes and their meanings are as follows: FRE = Free ticket; TFR = 2 Free tickets; ONE = \$1.00; TWO = \$2.00; THR = \$3.00; SIX = \$6.00; TEN = \$10.00; TWY = \$20.00; THY = \$250.00; FHN = \$500.00.

(f) "Bar code" means the 16-digit bar-coded number appearing on the back of each ticket. (Authorized by and implementing K.S.A. 1997 Supp. 74-8710; effective, T-111-3-27-98, March 20, 1998.)

111-4-1203. Determination of instant prize winners. An instant prize winner is determined for this instant game when the player removes or "scratches off" the removable layer of material covering the play area to reveal the eight game symbols and captions. This is a match three of six game which includes a doubler. If three of the six concealed game symbols match, the player wins the amount shown in the "PRIZE" box. If a "symbol of a potato" is under the "DOUBLER" spot, the player wins double the prize amount. No ticket will be eligible to win

more than one prize. (Authorized by K.S.A. 1997 Supp. 74-8710(b), (c) and (i); implementing K.S.A. 1997 Supp. 74-8710(b), (c) and (i), and K.S.A. 74-8720(b) and (d); effective, T-111-3-27-98, March 20, 1998.)

111-4-1204. Number and value of instant prizes. (a) There will be approximately 1,800,000 tickets ordered initially for this instant game. The expected number and value of the instant prizes are as follows:

Match	Prizes	Expected Number of Prizes in Game	Expected Value in Game
FREE	FREE TICKET	140,800	\$ 0
FREE + DBL	2 FREE TICKETS	32,000	0
\$1	\$1	108,800	108,000
\$1 + DBL	\$2	83,200	166,400
\$3	\$3	76,800	230,400
\$3 + DBL	\$6	25,600	153,600
\$10	\$10	12,800	128,000
\$10 + DBL	\$20	4,272	85,440
\$20	\$20	2,128	42,560
\$250	\$250	160	40,000
\$250 + DBL	\$500	64	32,000
		<u>486,624</u>	<u>\$987,200</u>

(b) The executive director may terminate the sale of tickets prior to the complete sale of all tickets. In this event, the number and value of prizes will be approximately proportional to the number of tickets actually sold. The odds of winning a prize in this game are one in 3.95.

(c) All prizes are subject to deductions provided by law.

(d) Additional ticket orders shall have the same prize structure, the same number of prizes per prize pool of 240,000 tickets and the same odds as were contained in the initial ticket order. (Authorized by K.S.A. 1997 Supp. 74-8710(b), (c) and (f); implementing K.S.A. 1997 Supp. 74-8710(b), (c) and (f), and K.S.A. 74-8720; effective, T-111-3-27-98, March 20, 1998.)

RULES FOR INSTANT GAME NO. 54 "HOT SPOT"

111-4-1205. Name of game. The Kansas lottery shall conduct an instant winner lottery game entitled "Hot Spot" commencing on or after March 23, 1998. The specific rules for the "Hot Spot" game are contained in K.A.R. 111-3-1 *et seq.* and 111-4-1205 through 111-4-1208. (Authorized by and implementing K.S.A. 1997 Supp. 74-8710; effective, T-111-3-27-98, March 20, 1998.)

111-4-1206. Definitions. The following definitions shall apply to the "Hot Spot" instant lottery game:

(a) "Game symbols" are the numbers, letters, symbols, or pictures printed in the play area of each instant game ticket and which determine if the ticket bearer is entitled to a prize. In this instant game, the game symbols are printed in black ink with matching captions. A game symbol appears in each of seven play spots within the play area. Each game symbol for this instant game is one of the following: \$1⁰⁰ - \$2⁰⁰ - \$3⁰⁰ - \$4⁰⁰ - \$5⁰⁰ - \$6⁰⁰ - \$7⁰⁰ - \$10⁰⁰ - \$35⁰⁰ - \$50⁰⁰ - \$100 - \$500 - \$1000 - "WIN ALL AMOUNTS" - "TRY AGAIN."

(b) "Game symbol captions" are the words or portions of words, letters or numbers printed beneath each game symbol in the play area and are used to repeat or explain

(continued)

the game symbol. The game symbol caption associated with each game symbol is as follows:

Game Symbol	Game Symbol Caption
WIN ALL AMOUNTS	
TRY AGAIN	
\$1 ⁰⁰	ONES
\$2 ⁰⁰	TWO\$
\$3 ⁰⁰	THR\$
\$4 ⁰⁰	FOR\$
\$5 ⁰⁰	FIVE\$
\$6 ⁰⁰	SIX\$
\$7 ⁰⁰	SVN\$
\$10 ⁰⁰	TEN\$
\$35 ⁰⁰	THTYFIV
\$50 ⁰⁰	FIFTY
\$100	ONE HUND
\$500	FIV HUND
\$1000	ONE THOU

(c) "Ticket validation number" means a unique number appearing on each ticket which is used to validate winning tickets. For this instant game, the ticket validation number is an 11-digit number which appears on the front of each instant ticket and will be covered by latex.

(d) "Book-ticket number" means the unique number appearing on each ticket which includes the number of the book from which it was removed and the serially assigned number of the ticket within that book. For this instant game, the book-ticket number is an 8-digit book number followed by a dash and then a 3-digit ticket number. The ticket numbers in each book start with 000 and end with 299. The book-ticket number is printed in black ink on the back of each instant game ticket both above the information form and below the bar code.

(e) "Retailer validation code" means the small letters found under removable covering in the play area of each instant game ticket. The retailer uses this code to verify and validate winners which are to be paid by the retailer. In this instant game, the retailer validation code is a three-letter code printed and appearing in three of six varying locations among the game symbols. The codes and their meanings are as follows: ONE = \$1.00; TWO = \$2.00; THR = \$3.00; FOR = \$4.00; FIV = \$5.00; SIX = \$6.00; SEV = \$7.00; TEN = \$10.00; THF = \$35.00; FTY = \$50.00; HUN = \$100.00; FHN = \$500.00.

(f) "Bar code" means the 16-digit bar-coded number appearing on the back of each ticket. (Authorized by and implementing K.S.A. 1997 Supp. 74-8710; effective, T-111-3-27-98, March 20, 1998.)

111-4-1207. Determination of instant prize winners. An instant prize winner is determined for this instant game when the player removes or "scratches off" the removable layer of material covering the play area to reveal the seven game symbols and captions. This is a match three of six game with a bonus spot. If three of the six concealed dollar amounts in the "WIN UP TO \$1,000" play area are matched, the player wins that amount. If a prize amount is revealed in the "HOT SPOT" play area, the player wins that prize automatically and may also win again by matching three like dollar amounts in the "WIN UP TO \$1,000" play area. If "WIN ALL AMOUNTS" is

revealed under the "HOT SPOT," the player wins all prizes in the "WIN UP TO \$1,000" play area automatically. If "TRY AGAIN" is revealed in the "HOT SPOT" play area, the "HOT SPOT" play area is a non-winner; however, a player may still win by matching three line dollar amounts in the "WIN UP TO \$1,000" play area. A player can win up to six prizes on this ticket. (Authorized by K.S.A. 1997 Supp. 74-8710(b), (c) and (i); implementing K.S.A. 1997 Supp. 74-8710(b), (c) and (i), and K.S.A. 74-8720(b) and (d); effective, T-111-3-27-98, March 20, 1998.)

111-4-1208. Number and value of instant prizes. (a) There will be approximately 1,800,000 tickets ordered initially for this instant game. The expected number and value of the instant prizes are as follows:

Match	Prizes	Expected Number of Prizes in Game	Expected Value in Game
3 - \$1.00's	\$1	124,800	\$ 124,800
\$1.00 HOT SPOT	\$1	124,800	124,800
3 - \$2.00's	\$2	32,000	64,000
\$2.00 HOT SPOT	\$2	32,000	64,000
3 - \$3.00's	\$3	6,400	19,200
3 - \$1.00's + \$2.00 HOT SPOT	\$3	6,400	19,200
3 - \$4.00's	\$4	6,400	25,600
3 - \$2.00's + \$2.00 HOT SPOT	\$4	4,800	19,200
3 - \$5.00's	\$5	6,400	32,000
\$5.00 HOT SPOT	\$5	9,600	48,000
3 - \$6.00's	\$6	6,400	38,400
\$6.00 HOT SPOT	\$6	6,400	38,400
3 - \$7.00's	\$7	6,400	44,800
3 - \$5.00's + \$2.00 HOT SPOT	\$7	6,400	44,800
3 - \$10.00's	\$10	1,600	16,000
\$2,\$3,\$1,\$2,\$1,\$1 + WIN ALL AMOUNTS	\$10	3,200	32,000
3 - \$35.00's	\$35	2,400	84,000
\$5,\$10,\$7,\$1,\$10,\$2 + WIN ALL AMOUNTS	\$35	2,400	84,000
3 - \$50.00's	\$50	1,000	50,000
4-\$10,\$5,\$5 + WIN ALL AMOUNTS	\$50	1,000	50,000
3 - \$100.00's	\$100	400	40,000
3 - \$500.00's	\$500	40	20,000
3 - \$1,000.00's	\$1000	8	8,000
		<u>391,248</u>	<u>\$1,091,200</u>

(b) The executive director may terminate the sale of tickets prior to the complete sale of all tickets. In this event, the number and value of prizes will be approximately proportional to the number of tickets actually sold. The odds of winning a prize in this game are one in 4.91.

(c) All prizes are subject to deductions provided by law.

(d) Additional ticket orders shall have the same prize structure, the same number of prizes per prize pool of 240,000 tickets and the same odds as were contained in the initial ticket order. (Authorized by K.S.A. 1997 Supp. 74-8710(b), (c) and (f); implementing K.S.A. 1997 Supp. 74-8710(b), (c) and (f), and K.S.A. 74-8720; effective, T-111-3-27-98, March 20, 1998.)

**RULES FOR INSTANT GAME NO. 59
"TORNADOUGH"**

111-4-1209. Name of game. The Kansas lottery shall conduct an instant winner lottery game entitled "Tornadoough" commencing on or after March 23, 1998. The specific rules for the "Tornadoough" game are contained in K.A.R. 111-3-1 *et seq.* and 111-4-1209 through 111-4-1212. (Authorized by and implementing K.S.A. 1997 Supp. 74-8710; effective, T-111-3-27-98, March 20, 1998.)

111-4-1210. Definitions. The following definitions shall apply to the "Tornadoough" instant lottery game:

(a) "Game symbols" are the numbers, letters, symbols, or pictures printed in the play area of each instant game ticket and which determine if the ticket bearer is entitled to a prize. In this instant game, the game symbols are printed in black ink with matching captions. A game symbol appears in each of seven play spots within the play area. Each game symbol for this instant game is one of the following: \$1⁰⁰ - \$5⁰⁰ - \$10⁰⁰ - \$20⁰⁰ - \$40⁰⁰ - \$80⁰⁰ - \$500 - \$1000 - SINGLE PRIZE - DOUBLE PRIZE - DOUBLE DOUBLER.

(b) "Game symbol captions" are the words or portions of words, letters or numbers printed beneath each game symbol in the play area and are used to repeat or explain the game symbol. The game symbol caption associated with each game symbol is as follows:

Game Symbol	Game Symbol Caption
\$1 ⁰⁰	ONE\$
\$5 ⁰⁰	FIVE\$
\$10 ⁰⁰	TEN\$
\$20 ⁰⁰	TWENTY
\$40 ⁰⁰	FORTY
\$80 ⁰⁰	EIGHTY
\$500	FIV HUND
\$1000	ONE THOU
SINGLE PRIZE	1 × PRIZE
DOUBLE PRIZE	2 × PRIZE
DOUBLE DOUBLER	4 × PRIZE

(c) "Ticket validation number" means a unique number appearing on each ticket which is used to validate winning tickets. For this instant game, the ticket validation number is an 11-digit number which appears on the front of each instant ticket and will be covered by latex.

(d) "Book-ticket number" means the unique number appearing on each ticket which includes the number of the book from which it was removed and the serially assigned number of the ticket within that book. For this instant game, the book-ticket number is an 8-digit book number followed by a dash and then a 3-digit ticket number. The ticket numbers in each book start with 000 and end with 299. The book-ticket number is printed in black ink on the back of each instant game ticket both above the information form and below the bar code.

(e) "Retailer validation code" means the small letters found under removable covering in the play area of each instant game ticket. The retailer uses this code to verify and validate winners which are to be paid by the retailer. In this instant game, the retailer validation code is a three-letter code printed and appearing in three of nine varying locations among the game symbols. The codes and their meanings are as follows: ONE = \$1.00; TWO = \$2.00; FOR = \$4.00; TEN = \$10.00; TWY = \$20.00; FRY = \$40.00; ETY = \$80.00; FHN = \$500.00.

(f) "Bar code" means the 16-digit bar-coded number appearing on the back of each ticket. (Authorized by and implementing K.S.A. 1997 Supp. 74-8710; effective, T-111-3-27-98, March 20, 1998.)

111-4-1211. Determination of instant prize winners. An instant prize winner is determined for this instant game when the player removes or "scratches off" the removable layer of material covering the play area to

reveal the seven game symbols and captions. This is a match three of six game which includes a double doubler. If three of the six concealed prize amounts match, the player wins the amount shown. The player has a chance to win double or four times the amount by revealing a "DOUBLE PRIZE" symbol or a "DOUBLE DOUBLER" symbol in the "PRIZE BONUS BOX." No ticket will be eligible to win more than one prize. (Authorized by K.S.A. 1997 Supp. 74-8710(b), (c) and (i); implementing K.S.A. 1997 Supp. 74-8710(b), (c) and (i), and K.S.A. 74-8720(b) and (d); effective, T-111-3-27-98, March 20, 1998.)

111-4-1212. Number and value of instant prizes. (a) There will be approximately 1,800,000 tickets ordered initially for this instant game. The expected number and value of the instant prizes are as follows:

Match	Prizes	Expected Number of Prizes in Game	Expected Value in Game
\$1	\$1	240,000	\$ 240,000
\$1 + DBL	\$2	91,200	182,400
\$1 + DBL/DBLR	\$4	36,800	147,200
\$10	\$10	12,800	128,000
\$5 + DBL/DBLR	\$20	8,000	160,000
\$10 + DBL	\$20	8,000	160,000
\$10 + DBL/DBLR	\$40	560	22,400
\$80	\$80	152	12,160
\$40 + DBL	\$80	152	12,160
\$20 + DBL/DBLR	\$80	152	12,160
\$500	\$500	24	12,000
\$1,000 + DBL	\$2,000	8	6,000
		<u>397,848</u>	<u>\$1,104,480</u>

(b) The executive director may terminate the sale of tickets prior to the complete sale of all tickets. In this event, the number and value of prizes will be approximately proportional to the number of tickets actually sold. The odds of winning a prize in this game are one in 4.83.

(c) All prizes are subject to deductions provided by law.

(d) Additional ticket orders shall have the same prize structure, the same number of prizes per prize pool of 240,000 tickets and the same odds as were contained in the initial ticket order. (Authorized by K.S.A. 1997 Supp. 74-8710(b), (c) and (f); implementing K.S.A. 1997 Supp. 74-8710(b), (c) and (f), and K.S.A. 74-8720; effective, T-111-3-27-98, March 20, 1998.)

RULES FOR INSTANT GAME NO. 61 "LUCKY 7'S BINGO"

111-4-1213. Name of game. The Kansas lottery shall conduct an instant winner lottery game entitled "Lucky 7's Bingo" commencing on or after March 23, 1998. The specific rules for the "Lucky 7's Bingo" game are contained in K.A.R. 111-3-1 *et seq.* and 111-4-1213 through 111-4-1217. (Authorized by and implementing K.S.A. 1997 Supp. 74-8710; effective, T-111-3-27-98, March 20, 1998.)

111-4-1214. Definitions. The following definitions shall apply to the "Lucky 7's Bingo" instant lottery game:

(a) "Game symbols" are the numbers, letters, symbols, or pictures printed in the play area of each instant game ticket and which determine if the ticket bearer is entitled to a prize. In this instant game, the game symbols are

(continued)

printed in black ink in WGI symbol font 10. A 10-point game symbol appears in each of the 120 play spots within the "GAME CARD" play areas. Each 10-point game symbol for this instant game is one of the following:

"PLAYER'S CARDS"

01	02	03	04	05	06	07	08	09	10
11	12	13	14	15	16	17	18	19	20
21	22	23	24	25	26	27	28	29	30
31	32	33	34	35	36	37	38	39	40
41	42	43	44	45	46	47	48	49	50
51	52	53	54	55	56	57	58	59	60
61	62	63	64	65	66	67	68	69	70
71	72	73	74	75	FREE		BINGO		

"CALLER'S CARD" and "BONUS NUMBERS" are printed in black ink in WGI symbol font 10. A game symbol appears in each of the 30 play spots within the "CALLER'S CARD" and "BONUS NUMBERS" play areas. Each game symbol for this instant game is one of the following:

"CALLER'S CARD" or "BONUS NUMBERS"

B01	B02	B03	B04	B05	B06	B07	B08	B09	B10
B11	B12	B13	B14	B15	B16	B17	B18	B19	B20
I21	I22	I23	I24	I25	I26	I27	I28	I29	I30
N31	N32	N33	N34	N35	N36	N37	N38	N39	N40
N41	N42	N43	N44	N45	G46	G47	G48	G49	G50
G51	G52	G53	G54	G55	G56	G57	G58	G59	G60
O61	O62	O63	O64	O65	O66	O67	O68	O69	O70
O71	O72	O73	O74	O75					

(b) "Ticket validation number" means a unique number appearing on each ticket which is used to validate winning tickets. For this instant game, the ticket validation number is an 11-digit number which appears below the game symbols under the removable covering in the play area on the front of each instant ticket.

(c) "Book-ticket number" means the unique number appearing on each ticket which includes the number of the book from which it was removed and the serially assigned number of the ticket within that book. For this instant game, the book-ticket number is an 8-digit number followed by a dash and then a 3-digit ticket number. The ticket numbers in each book start with 000 and end with 149. The book-ticket number is printed in black ink on the back of each instant game ticket both above the information form and below the bar code.

(d) "Retailer validation code" means the small letters found under removable covering in the play area of each instant game ticket. The retailer uses this code to verify and validate winners which are to be paid by the retailer. In this instant game, the retailer validation code is a three-letter code printed and appearing in three of six locations at either end of the game symbols on the "CALLER'S CARD." The codes and their meanings are as follows: TWO = \$2.00; FOR = \$4.00; FIV = \$5.00; SEV = \$7.00; TEN = \$10.00; STN = \$17.00; TWY = \$20.00; FTY = \$50.00; STY = \$70.00; HUN = \$100.00; HFY = \$150.00; FHN = \$500.00.

(e) "Bar code" means the 16-digit bar-coded number appearing on the back of each ticket. (Authorized by and implementing K.S.A. 1997 Supp. 74-8710; effective, T-111-3-27-98, March 20, 1998.)

111-4-1215. Cost of ticket. The price of "Lucky 7's Bingo" instant tickets sold by a retailer shall be \$2.00 each.

(Authorized by and implementing K.S.A. 1997 Supp. 74-8710; effective, T-111-3-27-98, March 20, 1998.)

111-4-1216. Determination of instant prize winners. This game is played similarly to the traditional "BINGO" game. The player removes the scratch-off material on the areas of the ticket indicated as the "CALLER'S CARD" and "BONUS NUMBERS" to reveal 30 "Bingo" letter/number combinations, respectively. The player then checks to see if any of the letter/number combinations on the "CALLER'S CARD" match the letter/number combinations on any of the four "PLAYER'S CARDS." The player may then mark matching combinations by scratching or marking the matched spot on the "PLAYER'S CARDS." If the player gets a "BINGO" by matching the letter/number combinations on one of the four "PLAYER'S CARDS" in any horizontal, vertical, or diagonal line, or in an "X" pattern consisting of eight numbers plus "FREE" center block, or all four corners on a single "CARD," or a "7" pattern, the player wins the prize amount indicated on the appropriate winning "PLAYER'S CARD." Players can win up to four times on this ticket, but can win only one way on any of the four "PLAYER'S CARDS" on each ticket; that is, there will only be one winning pattern per "PLAYER'S CARD." (Authorized by K.S.A. 1997 Supp. 74-8710(b), (c) and (i); implementing K.S.A. 1997 Supp. 74-8710(b), (c) and (i), and K.S.A. 74-8720(b) and (d); effective, T-111-3-27-98, March 20, 1998.)

111-4-1217. Number and value of instant prizes. (a) There will be approximately 1,800,000 tickets ordered initially for this instant game. The expected number and value of the instant prizes are as follows:

Get	Win	Expected Number of Prizes in Game	Expected Value in Game
\$2(Card 1)	\$2	120,000	\$ 240,000
\$2(Card 2)	\$2	87,000	174,000
\$2(Card 1)+\$2(Card 2)	\$4	96,000	384,000
\$5(Card 3)	\$5	60,000	300,000
\$7 - 7 Pattern(Card 1)	\$7	42,600	298,200
\$10(Card 4)	\$10	9,600	96,000
\$17 - 7 Pattern(Card 2)	\$17	13,800	234,600
\$20(Card 1)	\$20	5,400	108,000
\$50 (Card 2)	\$50	1,200	60,000
\$70 - 7 Pattern(Card 3)	\$70	390	27,300
\$100(Card 1)	\$100	240	24,000
\$100(Card 3)	\$100	240	24,000
\$100(Card 4)	\$100	240	24,000
\$50(Card 2)+\$100(Card 4)	\$150	42	6,300
\$20(Card 1)+\$50(Card 2)+\$70 (Card 3)+\$100(Card 4)	\$150	42	6,300
\$500(Card 2)	\$500	18	9,000
\$1000(Card 3)	\$1,000	12	12,000
\$10,000(Card 4)	\$10,000	8	80,000
\$7,777 - 7 Pattern(Card 4)	\$7,777	8	62,216
TOTAL		346,840	\$2,169,916

(b) The executive director may terminate the sale of tickets prior to the complete sale of all tickets. In this event, the number and value of prizes will be approximately proportional to the number of tickets actually sold. The odds of winning a prize in this game are one in 4.12.

(c) All prizes are subject to deductions provided by law.

(d) Additional ticket orders shall have the same prize structure, the same number of prizes per prize pool of 300,000 tickets and the same odds as were contained in the initial ticket order. (Authorized by K.S.A. 1997 Supp.

74-8710(b), (c) and (f); implementing K.S.A. 1997 Supp. 74-8710(b), (c) and (f), and K.S.A. 74-8720; effective, T-111-3-27-98, March 20, 1998.)

**RULES FOR INSTANT GAME NO. 62
"WINNING COMBINATION"**

111-4-1218. Name of game. The Kansas lottery shall conduct an instant winner lottery game entitled "Winning Combination" commencing on or after March 23, 1998. The specific rules for the "Winning Combination" game are contained in K.A.R. 111-3-1 *et seq.* and 111-4-1218 through 111-4-1222. (Authorized by and implementing K.S.A. 1997 Supp. 74-8710; effective, T-111-3-27-98, March 20, 1998.)

111-4-1219. Definitions. The following definitions shall apply to the "Winning Combination" instant lottery game:

(a) "Game symbols" are the numbers, letters, symbols, or pictures printed in each of the five play areas of each instant game ticket and which determine if the ticket bearer is entitled to a prize. In this instant game, the game symbols are printed in black ink in 15 point WGI font with matching captions in 10 point WGI font. A game symbol appears in each of the 44 play spots within the five play areas.

(b) "Game symbol captions" are the words or portions of words, letters or numbers printed beneath each game symbol in the play area and are used to repeat or explain the game symbol. The game symbols for the "SECRET NUMBERS" and for "LOCKS" 1, 2, 3, and 4 are as follows:

01 02 03 04 05 06 07 08 09 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24
25 26 27 28 29 30 31 32 33 34 35 36 37 38 39 40 41 42 43 44 45 46 47 48
49 50 51 52 53 54 55 56 57 58 59

Prize Symbols	Prize Symbol Captions
\$1.	ONE\$
\$2.	TWO\$
\$3.	THR\$
\$4.	FOUR\$
\$5.	FIVE\$
12.	TWLV
25.	TWEN-FIV
50.	FIFTY
\$250\$	TWOFIFTY
\$500\$	FIVE-HUN
\$1000	ONETHOU
10000	TENTHOU

The captions will appear below the "SECRET NUMBERS," and will be the same numbers but of a smaller type size.

(c) "Ticket validation number" means a unique number appearing on each ticket which is used to validate winning tickets. For this instant game, the ticket validation number is an 11-digit number which appears below the game symbols under the latex covering in the play area on the front of each instant ticket.

(d) "Book-ticket number" means the unique number appearing on each ticket which includes the number of the book from which it was removed and the serially assigned number of the ticket within that book. For this instant game, the book-ticket number is an 8-digit book

number followed by a dash and then a 3-digit ticket number. The ticket numbers in each book start with 000 and end with 149. The book-ticket number is printed in black ink on the back of each instant game ticket both below the information form and below the bar code.

(e) "Retailer validation code" means the small letters found under removable covering in the play area of each instant game ticket. The retailer uses this code to verify and validate winners which are to be paid by the retailer. In this instant game, the retailer validation code is a three-letter code printed and appearing in three of six varying locations among the game symbols in the "SECRET NUMBERS" play area. The codes and their meanings are as follows: TWO = \$2.00; THR = \$3.00; FOR = \$4.00; FIV = \$5.00; EGT = \$8.00; TWL = \$12.00; FTY = \$50.00; FHN = \$500.00.

(f) "Bar code" means the 16-digit bar coded number appearing on the back of each ticket. (Authorized by and implementing K.S.A. 1997 Supp. 74-8710; effective, T-111-3-27-98, March 20, 1998.)

111-4-1220. Cost of ticket. The price of "Winning Combination" instant tickets sold by a retailer shall be \$2.00 each. (Authorized by and implementing K.S.A. 1997 Supp. 74-8710; effective, T-111-3-27-98, March 20, 1998.)

111-4-1221. Determination of instant prize winners. This ticket will feature five play areas, a "SECRET NUMBERS" play area, and four "LOCKS" play areas. An instant prize winner is determined for this instant game when the player removes or "scratches off" the removable latex covering to reveal 20 "SECRET NUMBERS." The player then scratches the numbers on "LOCKS" 1, 2, 3, and 4 that match the "SECRET NUMBERS" revealed. If a player reveals all five numbers on any one "LOCK," the player wins the corresponding prize in the "PRIZE BOX." The "SECRET NUMBERS" are covered by latex. The "LOCK NUMBERS" are visible through translucent latex. A player can win up to four times on a single ticket. (Authorized by K.S.A. 1997 Supp. 74-8710(b), (c) and (i); implementing K.S.A. 1997 Supp. 74-8710(b), (c) and (i), and K.S.A. 74-8720(b) and (d); effective, T-111-3-27-98, March 20, 1998.)

111-4-1222. Number and value of instant prizes. (a) There will be approximately 1,200,000 tickets ordered initially for this instant game. The expected number and value of the instant prizes are as follows:

Match	Prizes	Expected Number of Prizes in Game	Expected Value in Game
\$1 + \$1	\$2	84,000	\$ 168,000
\$2	\$2	60,000	120,000
\$1 + \$1 + \$1	\$3	29,200	87,600
\$3	\$3	23,600	70,800
\$2 + \$2	\$4	19,200	76,800
\$4	\$4	17,200	68,800
\$1 + \$2 + \$2	\$5	16,400	82,000
\$5	\$5	13,600	68,000
\$2 + \$3 + \$3	\$8	11,600	92,800
\$1 + \$2 + \$2 + \$3	\$8	9,600	76,800
\$2 + \$2 + \$3 + \$5	\$12	7,200	86,400
\$12	\$12	5,600	67,200
\$25 + \$25	\$50	2,000	100,000
\$50	\$50	1,600	80,000
\$250 + \$250	\$500	100	50,000

(continued)

\$500	\$500	40	20,000
\$1,000	\$1,000	56	56,000
\$10,000	\$10,000	8	80,000
TOTAL		<u>301,004</u>	<u>\$1,451,200</u>

(b) The executive director may terminate the sale of tickets prior to the complete sale of all tickets. In this event, the number and value of prizes will be approximately proportional to the number of tickets actually sold. The odds of winning a prize in this game are one in 3.99.

(c) All prizes are subject to deductions provided by law.

(d) Additional ticket orders shall have the same prize structure, the same number of prizes per prize pool of 300,000 tickets and the same odds as were contained in the initial ticket order. (Authorized by K.S.A. 1997 Supp. 74-8710(b), (c) and (f); implementing K.S.A. 1997 Supp. 74-8710(b), (c) and (f), and K.S.A. 74-8720; effective, T-111-3-27-98, March 20, 1998.)

Article 5.—ON-LINE GAMES

111-5-69. Prize payments. (a) Subject to the limitations of subsection (c) of K.A.R. 111-5-67, the lifetime grand prize of \$1,000 per week, or the share of such prize as determined in subsection (c) of K.A.R. 111-5-67, shall be paid to the owner of a ticket which matches all four winning numbers in the single set of four numbers at the top of the ticket and identified as the "\$1,000 a week for life" prize group. If an individual winner's share of the lifetime grand prize is less than \$100 per week, the lottery may elect to pay such winner, in lieu of the weekly payments, the winner's share of the cash held in the prize pool held to fund the weekly payments.

(1) The lifetime grand prize shall commence on the first Wednesday following the date of the win and shall be paid every Wednesday thereafter for a minimum of 10 years and for no more than the lifetime of the natural person who claims the prize and is validated as the winner of the prize. To continue receiving the weekly payment after the minimum 10 years, the winner of the prize must complete and execute an annual winner information form provided by the lottery which shall include a certification that the winner is alive. If the form is not received by the lottery within 30 days after the anniversary date of the win, the lottery, or its surviving authority, shall have the option to terminate payments or to suspend payments pending a determination of the winner's status.

(2) In the event of the death of a lottery winner during the minimum 10-year payment period, payment will continue to be made to the winner's estate or designated beneficiary until the minimum 10-year payment period is completed. Upon the petition of the estate of the lottery winner to the Kansas lottery, subject to federal, state, or district applicable laws, payment may be accelerated to make the payments for the minimum 10-year payment period to the estate. If such a determination is made, the remaining securities and/or cash held to fund the minimum 10-year payment period for the deceased lottery winner's annuitized prize may be distributed to the estate. The identification of the securities to fund the annuitized prize shall be at the sole discretion of the lottery or its designee.

(b) Except for the lifetime grand prize, all prizes shall be paid in a single cash payment.

(c) All prizes shall be rounded down so that prizes can be paid in multiples of whole dollars. Breakage resulting from rounding these prizes shall be carried forward to the prize pool for the next drawing.

(d) Changes in the allocation of prize money shall be designed to retain approximately the same prize allocation percentages, over a year's time, set out in these rules. Minimum guaranteed prizes may be waived if the alternate funding mechanism set out in subsection (c) of K.A.R. 111-5-67 becomes necessary.

(e) The holder of a winning ticket may win only one prize per set of numbers in connection with the winning numbers drawn, and shall be entitled only to the prize won by those numbers in the highest matching prize category per set of numbers. There are 15 sets of numbers per ticket.

(f) Prize claims shall be submitted for payment within 365 days of the drawing in which the prize was won. (Authorized by and implementing K.S.A. 1997 Supp. 74-8710; effective, T-111-3-13-98, Feb. 20, 1998; amended, T-111-3-27-98, March 20, 1998.)

Gregory P. Ziemak
Executive Director

Doc. No. 022219

State of Kansas

Secretary of State

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

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

Ron Thornburgh
Secretary of State

(Published in the Kansas Register April 9, 1998.)

HOUSE BILL No. 2718

AN ACT relating to securities; definitions; amending K.S.A. 1997 Supp. 17-1252, 17-1261 and 17-1262 and repealing the existing sections.

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

Section 1. K.S.A. 1997 Supp. 17-1252 is hereby amended to read as follows: 17-1252. When used in this act, unless the context otherwise requires:

(a) "Commissioner" means the securities commissioner of Kansas, appointed as provided in K.S.A. 17-1270, and amendments thereto.

(b) "Agent" means any individual other than a broker-dealer who represents a broker-dealer or issuer in effecting or attempting to effect purchases or sales of securities. "Agent" does not include an individual who represents an issuer only in transactions in securities exempted by subsections (a), (b), (c), (e), (f), (g), (i), (j), (k), (l) or (p) of K.S.A. 17-1261, and amendments thereto, other than subsection (h) of K.S.A. 17-1261, and amendments thereto, or who represents a broker-dealer in effecting transactions in this state limited to those transactions described in section 15(h)(2) of the securities and exchange act of 1934. A partner, officer or director of a broker-dealer or issuer, or a person occupying a similar status or performing similar functions, is an agent only if such person otherwise comes within this definition.

(c) "Broker-dealer" means any person engaged in the business of purchasing, offering for sale or selling securities for the account of others or for such person's own account; but the term does not include an agent, issuer, bank, savings institution, insurance company, or a person who ef-

fects transactions in this state exclusively with the issuer of the securities involved in the transactions or with any person to whom a sale is exempt under subsection (f) of K.S.A. 17-1262, and amendments thereto.

(d) "Guaranteed" means guaranteed as to payment of principal, interest or dividends.

(e) "Issuer" means any person who issues or proposes to issue any security, except that with respect to certificates of deposit, voting-trust certificates or collateral-trust certificates, or with respect to certificates of interest or shares in an unincorporated investment trust not having a board of directors (or persons performing similar functions) or of the fixed, restricted management or unit type; the term "issuer" also means the person or persons performing the acts and assuming the duties of depositor or manager pursuant to the provisions of the trust or other agreement or instrument under which the security is issued. The issuer of a certificate of interest in an oil and gas royalty, lease or mineral deed is the owner of the interest in the oil and gas royalty, lease or mineral deed who creates the certificate of interest for purpose of sale.

(f) "Nonissuer" means not directly or indirectly for the benefit of the issuer.

(g) "Person" means an individual, a corporation, a partnership, an association, a joint-stock company, a trust where the interests of the beneficiaries are evidenced by a security, an unincorporated organization, a government or a political subdivision of a government.

(h) (1) "Sale" or "sell" includes every contract of sale of, contract to sell, or disposition of, a security or interest in a security for value.

(2) "Offer" or "offer to sell" includes every attempt or offer to dispose of, or solicitation of an offer to buy, a security or interest in a security for value.

(3) Any security given or delivered with, or as a bonus on account of, any purchase of securities or any other thing is considered to constitute part of the subject of the purchase and to have been offered and sold for value.

(4) Every sale or offer of a warrant or right to purchase or subscribe to another security of the same or another issuer, and every sale or offer of a security which gives the holder a present or future right or privilege to convert into another security of the same or another issuer, is considered to include an offer of the other security.

(5) A purported gift of assessable stock is considered to involve an offer and sale of such stock.

(i) "Securities act of 1933," "securities exchange act of 1934," "public utility holding company act of 1935," and "investment company act of 1940" mean the federal statutes of those names.

(j) "Security" means any note; stock; treasury stock; bond; debenture; evidence of indebtedness; certificate of interest or participation in any profit-sharing agreement; collateral-trust certificate; preorganization certificate or subscription; transferable share; investment contract; voting-trust certificates; thrift certificates or investment certificates, or thrift notes issued by investment companies; certificate of deposit for a security; certificate of interest in oil and gas royalties, leases or mineral deeds; or, in general, any interest or instrument commonly known as a "security," or any certificate of interest or participation in, temporary or interim certificate for, guarantee of, or warrant or right to subscribe to or purchase, any of the foregoing. "Security" does not include any insurance or endowment policy or annuity contract under which an insurance company promises to pay money either in a lump sum or periodically for life or some other specified period.

(k) "State" means any state, territory, or possession of the United States, as well as the District of Columbia and Puerto Rico.

(l) "Investment adviser" means any person who, for compensation, engages in the business of advising others, either directly or through publications or writings, as to the value of securities or as to the advisability of investing in, purchasing, or selling securities, or who, for compensation and as a part of a regular business, issues or promulgates analyses or reports concerning securities. The term does not include:

- (1) An investment adviser representative;
- (2) a bank, savings institution, or trust company;
- (3) a lawyer, accountant, engineer or teacher whose performance of these services is solely incidental to the practice of the individual's profession;
- (4) a broker-dealer or its agent whose performance of these services is solely incidental to the conduct of its business as a broker-dealer and who receives no special compensation for them;
- (5) a publisher of any bona fide newspaper, news column, news mag-

azine, newsletter, or business or financial publication or service, whether communicated in hard copy form or by electronic means, or otherwise that does not consist of the rendering of advice on the basis of the specific investment situation of each client;

(6) any person that is a federal covered adviser; or

(7) such other persons not within the intent of this definition as the commissioner designates by order or by rules and regulations.

(m) (1) "Investment adviser representative" means any partner, officer, director of or a person occupying a similar status or performing similar functions or other individual except clerical or ministerial personnel, who is employed by or associated with:

(A) An investment adviser that is registered or required to be registered under this act; or who has a place of business located in this state and is employed by or associated with a federal covered adviser; and who does any of the following:

(1) (i) Makes any recommendations or otherwise renders advice regarding securities;

(2) (ii) manages accounts or portfolios of clients;

(3) (iii) determines which recommendation or advice regarding securities should be given;

(4) (iv) solicits, offers or negotiates for the sale of or sells investment advisory services; or

(5) (v) supervises employees who perform any of the foregoing; or

(B) a federal covered adviser; subject to the limitations of section 203A of the investment advisers act of 1940, as the commissioner may designate by rule or order.

(2) "Investment adviser representative" does not include such other persons employed by or associated with either an investment adviser or federal covered adviser not within the intent of this subsection as the commissioner may designate by rule or order.

(n) "Federal covered security" means any security that is a covered security under section 18(b) of the securities act of 1933 or rules or regulations promulgated thereunder.

(o) "Federal covered adviser" means a person who is registered under section 203 of the investment advisers act of 1940 or excluded from the definition of "investment adviser" under section 202(a)(11) of the investment advisers act of 1940.

Sec. 2. K.S.A. 1997 Supp. 17-1261 is hereby amended to read as follows: 17-1261. *The following securities shall be exempt from the registration requirements of K.S.A. 17-1255 through 17-1260, and amendments thereto; shall not apply to any of the following securities:*

(a) Any security issued or guaranteed by the United States or by any state, territory or insular possession thereof, or by any political subdivision of any such state, territory or insular possession, or by the District of Columbia, or by any public agency or instrumentality of one or more of any of the foregoing.

(b) Any security issued or guaranteed by Canada, any Canadian province, any political subdivision of any such province, any agency or corporate or other instrumentality of one or more of the foregoing or any other foreign government or governmental combination or entity with which the United States maintains diplomatic relations, if the security is recognized as a valid obligation by the issuer, insurer or guarantor.

(c) Any security issued by and representing an interest in or a debt of, or guaranteed by, any bank organized under the laws of the United States, or any bank, savings institution, credit union or trust company organized and supervised under the laws of this state except that the issuer of such security is subject to the supervision of the banking department, savings and loan department or credit union administrator of this state.

(d) Any security issued by and representing an interest in or a debt of, or guaranteed by, any federal savings and loan association, or any savings and loan association organized under the laws of this state and authorized to do business in this state.

(e) Any security issued by and representing an interest in or a debt of, or guaranteed by, any insurance company organized under the laws of any state and authorized to do business in this state when such securities are sold by the issuer.

(f) Any security issued or guaranteed by any railroad, or public utility which is:

(1) a registered holding company under the public utility holding company act of 1935 or a subsidiary of such a company within the meaning of that act; or

(continued)

(2) regulated by a governmental authority of the United States or any state in respect to the issuance or guarantee of the security.

(g) Any security as to which the commissioner by rule and regulation finds that registration is not necessary or appropriate for the protection of investors.

(h) Any security issued by any person organized and operated not for private profit but exclusively for religious, educational, benevolent, charitable, fraternal, social, athletic, fire protection, fire fighting or reformatory purposes, or as a chamber of commerce or trade or professional association if no part of the net earnings of such person inures to the benefit of any private stockholder and provided that the issuer has filed with the commissioner at least 10 days prior to any sale a notice setting forth the material terms of the proposed sale, copies of any sales and advertising literature to be used, and such other information required by the commissioner, and the commissioner does not by order disallow the exemption within 10 days after filing.

(i) Any commercial paper which arises out of a current transaction or the proceeds of which have been or are to be used for current transactions, and which evidences an obligation to pay cash within nine months of the date of issuance, exclusive of days of grace, or any renewal of such paper which is likewise limited, or any guarantee of such paper or of any such renewal.

(j) Any securities issued in connection with an employee's stock purchase, savings, pension, profit-sharing or similar benefit plan, or a self-employed person's retirement plan.

(k) Any security evidencing membership in, or issued as a patronage dividend by, a cooperative association organized under the laws of this state exclusively for the purpose of conducting an agricultural, dairy, livestock or produce business, or selling, processing, storing, marketing or otherwise handling any agricultural, dairy, livestock or produce, and any activities incidental to these purposes.

(l) Any security issued by and representing an interest in or debt of, or evidencing membership in, or issued as a patronage dividend to residents or landowners of not to exceed five contiguous counties in Kansas by a cooperative association organized under the laws of this state exclusively for the purpose of conducting an agricultural, dairy, livestock or produce business, or selling, processing, storing, marketing, retailing, or otherwise handling any agricultural, dairy, livestock or produce, or farm supplies, and any activities incidental to these purposes.

(m) Securities constituting part of an issue, which, in whole or in part has been lawfully sold and distributed to the public in this or any other state, when offered for resale in good faith and not directly or indirectly for the benefit of the issuer or for the direct or indirect purpose of promoting any scheme or enterprise having the effect of violating or evading any provisions of this act, except that this exemption shall not apply (1) where the authority to sell such securities has been prohibited or denied under the provisions of this act, or (2) where the sale of such securities in this state has been enjoined as provided in this act or (3) until there shall have been filed with the securities commissioner of Kansas by any registered broker-dealer a prospectus in such form as may be prescribed by the commissioner containing: (A) Latest available financial statement of the issuer; (B) management personnel; and (C) such other available information as the commissioner may require. The filing of the prospectus and its approval by the commissioner shall constitute the exemption herein provided. Any prospectus may be disapproved at any time, if after a reasonable notice and a hearing, the commissioner shall find that the further exemption of the securities would be fraudulent or tend to work imposition or fraud upon the purchaser thereof.

(n) Any annuity, gift annuity, charitable remainder unitrust, charitable remainder annuity trust, endowment contract, life income contract, or investment contract issued by the governing body of any four-year liberal arts college situated in the state of Kansas, and the provisions of K.S.A. 17-1254, and amendments thereto, shall not apply to any person in the issuance of such securities governed by this subsection.

(o) Any annuity, gift annuity, charitable remainder unitrust, charitable remainder annuity trust, endowment contract, life income contract or investment contract issued by the governing body of any nonprofit corporation or foundation organized under the laws of this state, for religious, charitable or educational purposes, or for the treatment and rehabilitation of children and adolescents, and which corporation or foundation is licensed by the secretary of social and rehabilitation services or secretary of health and environment, if such corporation or foundation has been in existence for more than five years and has fund balances in its endowment fund and unrestricted funds totaling together \$1,000,000 or more, and

the provisions of K.S.A. 17-1254, and amendments thereto, shall not apply to any person in the issuance of securities governed by this subsection.

(p) Any security issued by a bank holding company wholly or partially in exchange for the capital stock of a bank that is, or will become upon consummation of such exchange, a subsidiary of such bank holding company; or any security issued by a savings and loan holding company wholly or partially in exchange for the capital stock of an insured institution that is, or will become upon consummation of such exchange, a subsidiary of such savings and loan holding company. As used in this subsection, "bank," "bank holding company" and "subsidiary" shall have the same meanings as are set forth in the federal bank holding company act of 1956, as amended and "savings and loan holding company" and "insured institution" shall have the same meanings as are set forth in section 408 of the national housing act, as amended.

Sec. 3. K.S.A. 1997 Supp. 17-1262 is hereby amended to read as follows: 17-1262. Except as expressly provided in this section, *the following transactions shall be exempt from the registration requirements of K.S.A. 17-1254, 17-1255, 17-1257, 17-1258, 17-1259 and 17-1260, and amendments thereto, shall not apply to any of the following transactions:*

(a) Any isolated transaction, whether effected through a broker-dealer or not.

(b) Any nonissuer distribution by or through a registered broker-dealer of outstanding securities at a price reasonably related to the current market price of such securities, if Moody's manual, Standard & Poor's manual, or any recognized securities manual approved by the commissioner, contains the names of the issuer's officers and directors; a balance sheet of the issuer as of a date within 18 months, and a profit and loss statement for either the fiscal year preceding that date or the most recent year of operations. If the commissioner finds that the sale of certain securities in this state under this exemption would work or tend to work a fraud on purchasers thereof, the commissioner may revoke the exemption provided by this subsection with respect to such securities by issuing an order to that effect and sending copies of such order to all registered broker-dealers.

(c) Any nonissuer transaction by a registered broker-dealer pursuant to an unsolicited order or offer to buy. The commissioner may require, by rules and regulations, that: (1) The customer acknowledge upon a specified form that the sale was unsolicited; and (2) a signed copy of each such form be preserved by the broker-dealer for a specified period.

(d) Any transactions in a bond or other evidence of indebtedness secured by a real or chattel mortgage or deed of trust, or by an agreement for the sale of real estate or chattels, if the entire mortgage, deed of trust or agreement, together with all the bonds or other evidences of indebtedness secured thereby, is offered and sold as a unit.

(e) Any transaction by an executor, administrator, sheriff, marshal, receiver, trustee in bankruptcy, guardian or conservator; any transaction executed by a bona fide pledgee without any purpose of evading this act or any transaction incident to a judicially approved reorganization in which a security is issued in exchange for one or more outstanding securities, claims or property interests.

(f) Any offer or sale to a bank, savings institution, trust company, insurance company, investment company as defined in the investment company act of 1940, pension or profit-sharing trust or other financial institution or institutional buyer or to a broker-dealer or underwriter.

(g) Any offer or sale of a preorganization certificate or subscription if: (1) No commission or other remuneration is paid or given directly or indirectly for soliciting any prospective subscriber and no advertising has been published in connection with any such sale; (2) no payment is made by any subscriber; and (3) such certificate or subscription is expressly voidable by the subscriber until such subscriber has been notified of final acceptance or completion of the organization and until the securities subscribed for have been registered. The commissioner may require, by rules and regulations or by order, reports of sales under this exemption.

(h) Any transaction pursuant to an offer to existing security holders of the issuer, including persons who at the time of the transaction are holders of convertible securities, nontransferable warrants or transferable warrants exercisable within 90 days of their issuance, if: (1) No commission or other remuneration (other than a standby commission) is paid or given directly or indirectly for soliciting any security holder in this state; or (2) the issuer first files a notice specifying the terms of the offer and the commissioner does not by order disallow the exemption within the next five full business days.

(i) Any offer (but not a sale) of a security if: (1) Registration state-

ments for such security have been filed under both this act and the securities act of 1933 if no stop order or refusal order is in effect and no public proceeding or examination looking toward such an order is pending under either act; or (2) a registration statement for such security has been filed under K.S.A. 17-1256 or 17-1258, and amendments thereto, no stop order or emergency order issued pursuant to K.S.A. 17-1260, and amendments thereto, is in effect and the offer is made on behalf of the issuer by a registered broker-dealer.

(j) The issuance of any stock dividend, whether the corporation distributing the dividend is the issuer of the stock or not, if nothing of value is given by stockholders for the distribution other than the surrender of a right to a cash dividend where the stockholder can elect to take a dividend in cash or stock.

(k) A transaction involving the distribution of the securities of an issuer to the security holders of another person in connection with a merger, consolidation, exchange of securities, sale of assets or other reorganizations to which the issuer, or its parent or subsidiary, and the other person, or its parent or subsidiary, are parties, if:

(1) The securities to be distributed are registered under the securities act of 1933 before the consummation of the transaction; or

(2) the securities to be distributed are not required to be registered under the securities act of 1933, written notice of the transaction and a copy of the materials, if any, by which approval of the transaction will be solicited is given to the commissioner at least 10 days before the consummation of the transaction and the commissioner does not disallow, by order, the exemption within the next 10 days.

(l) The offer or sale of securities by an issuer that is a corporation, limited partnership or limited liability company formed under the laws of the state of Kansas, if: (1) The aggregate number of sales by the issuer in the twelve-month period ending on the date of the sale does not exceed 20 sales; (2) the seller believes that the purchaser is purchasing for investment; (3) no commission nor other remuneration is paid or given, directly or indirectly, for soliciting the purchaser; and (4) neither the issuer nor any person acting on its behalf shall offer or sell the securities by any form of general solicitation or general advertising, including, but not limited to, the following: (A) Any advertisement, article, notice or other communication published in any newspaper, magazine or similar media or broadcast over television or radio or (B) any seminar or meeting whose attendees have been invited by any general solicitation or general advertising.

In calculating the number of sales in a twelve-month period, sales made in violation of K.S.A. 17-1255, and amendments thereto, and sales exempt from registration under subsection (a) or (l) shall be taken into account. For purposes of the exemption in this subsection, a husband and wife shall be considered as one purchaser. A corporation, partnership, association, joint-stock company, trust or other unincorporated organization shall be considered as one purchaser unless it was organized for the purpose of acquiring the purchased securities. In such case each beneficial owner of equity interest or equity securities in the entity shall be considered a separate purchaser. The commissioner may withdraw this exemption or impose conditions upon its use.

(m) Any transaction pursuant to rules and regulations adopted by the commissioner for limited offerings which was adopted for the purpose of furthering the objectives of compatibility with federal exemptions and uniformity among the states.

(n) Any transaction pursuant to rules and regulations adopted by the commissioner concerning the offer or sale of an oil, gas or mining lease, fee or title if the commissioner finds that registration is not necessary or appropriate for the protection of investors.

(o) Any offer or sale by an investment company, as defined by K.S.A. 16-630, and amendments thereto, of its investment certificates.

(p) The offer or sale of a security, issued by Kansas Venture Capital, Inc., or its successors.

Sec. 4. K.S.A. 1997 Supp. 17-1252, 17-1261 and 17-1262 are hereby repealed.

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

(Published in the Kansas Register April 9, 1998.)

HOUSE BILL No. 2970

AN ACT concerning the governor's department; transferring title to certain personal property accepted on behalf of the state of Kansas.

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

Section 1. The title to the personalized shotgun that was presented by O. P. Mossberg and Sons, a gun manufacturer, to Governor Joan Finney to use at the Governor's One Shot Turkey Hunt in 1992 and that was accepted on behalf of Kansas by Governor Joan Finney, is hereby transferred and conveyed to former governor Joan Finney on the effective date of this act.

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

(Published in the Kansas Register April 9, 1998.)

HOUSE BILL No. 2025

AN ACT concerning crimes and punishments and criminal procedure; relating to the crime of inflicting harm, disability or death to certain dogs; relating to counsel and other defense services to indigent defendants; relating to time limitations on prosecutions for certain crimes; concerning bail forfeiture; amending K.S.A. 20-350, 21-4318 and 22-4507 and K.S.A. 1997 Supp. 21-3106 and repealing the existing sections.

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

Section 1. K.S.A. 21-4318 is hereby amended to read as follows: 21-4318. (a) Inflicting harm, disability or death to a police or arson dog is knowingly and intentionally, and without lawful cause or justification poisoning, inflicting great bodily harm, permanent disability or death, upon a police or arson dog.

(b) As used in this section, the term:

(1) "Arson dog" means any dog which is owned, or the service of which is employed, by the state fire marshal or a fire department for the principal purpose of aiding in the detection of liquid accelerants in the investigation of fires.

(2) "Fire department" means a public fire department under the control of the governing body of a city, township, county, fire district or benefit district or a private fire department operated by a nonprofit corporation providing fire protection services for a city, township, county, fire district or benefit district under contract with the governing body of the city, township, county or district.

(3) "Police dog" means any dog which is owned, or the service of which is employed, by a law enforcement agency for the principal purpose of aiding in the detection of criminal activity, enforcement of laws or apprehension of offenders.

(c) Inflicting harm, disability or death to a police or arson dog is a class A nonperson misdemeanor.

(d) This section shall be part of and supplemental to the Kansas criminal code.

Sec. 2. K.S.A. 1997 Supp. 21-3106 is hereby amended to read as follows: 21-3106. (1) A prosecution for murder may be commenced at any time.

(2) Except as provided by subsection (7) (8), a prosecution for any of the following crimes must be commenced within five years after its commission if the victim is less than 16 years of age: (a) Indecent liberties with a child as defined in K.S.A. 21-3503 and amendments thereto; (b) aggravated indecent liberties with a child as defined in K.S.A. 21-3504 and amendments thereto; (c) enticement of a child as defined in K.S.A. 21-3509 and amendments thereto; (d) indecent solicitation of a child as defined in K.S.A. 21-3510 and amendments thereto; (e) aggravated indecent solicitation of a child as defined in K.S.A. 21-3511 and amendments thereto; (f) sexual exploitation of a child as defined in K.S.A. 21-3516 and amendments thereto; or (g) aggravated incest as defined in K.S.A. 21-3603 and amendments thereto.

(3) Except as provided in subsection (7) (8), a prosecution for any crime must be commenced within 10 years after its commission if the victim is the Kansas public employees retirement system.

(4) Except as provided by subsection (7) (8), a prosecution for rape, as defined in K.S.A. 21-3502 and amendments thereto, or aggravated criminal sodomy, as defined in K.S.A. 21-3506 and amendments thereto, must be commenced within five years after its commission.

(continued)

(5) Except as provided in subsection (7) (8), a prosecution for any crime found in the Kansas medicaid fraud control act must be commenced within five years after its commission.

(6) Except as provided by subsection (8), a prosecution for the crime of arson, as defined in K.S.A. 21-3718 and amendments thereto, or aggravated arson, as defined in K.S.A. 21-3719 and amendments thereto, must be commenced within five years after its commission.

(7) Except as provided by subsection (7) (8), a prosecution for any crime not governed by subsections (1), (2), (3), (4) and (5) and (6) must be commenced within two years after it is committed.

(7) The period within which a prosecution must be commenced shall not include any period in which:

- (a) The accused is absent from the state;
- (b) the accused is concealed within the state so that process cannot be served upon the accused;
- (c) the fact of the crime is concealed;
- (d) a prosecution is pending against the defendant for the same conduct, even if the indictment or information which commences the prosecution is quashed or the proceedings thereon are set aside, or are reversed on appeal;

(e) an administrative agency is restrained by court order from investigating or otherwise proceeding on a matter before it as to any criminal conduct defined as a violation of any of the provisions of article 41 of chapter 25 and article 2 of chapter 46 of the Kansas Statutes Annotated which may be discovered as a result thereof regardless of who obtains the order of restraint; or

(f) whether or not the fact of the crime is concealed by the active act or conduct of the accused, there is substantially competent evidence to believe two or more of the following factors are present: (i) The victim was a child under 15 years of age at the time of the crime; (ii) the victim was of such age or intelligence that the victim was unable to determine that the acts constituted a crime; (iii) the victim was prevented by a parent or other legal authority from making known to law enforcement authorities the fact of the crime whether or not the parent or other legal authority is the accused; and (iv) there is substantially competent expert testimony indicating the victim psychologically repressed such witness' memory of the fact of the crime, and in the expert's professional opinion the recall of such memory is accurate and free of undue manipulation, and substantial corroborating evidence can be produced in support of the allegations contained in the complaint or information but in no event may a prosecution be commenced as provided in this section later than the date the victim turns 28 years of age. Corroborating evidence may include, but is not limited to, evidence the defendant committed similar acts against other persons or evidence of contemporaneous physical manifestations of the crime. "Parent or other legal authority" shall include but not be limited to natural and stepparents, grandparents, aunts, uncles or siblings.

(8) An offense is committed either when every element occurs, or, if a legislative purpose to prohibit a continuing offense plainly appears, at the time when the course of conduct or the defendant's complicity therein is terminated. Time starts to run on the day after the offense is committed.

(9) A prosecution is commenced when a complaint or information is filed, or an indictment returned, and a warrant thereon is delivered to the sheriff or other officer for execution. No such prosecution shall be deemed to have been commenced if the warrant so issued is not executed without unreasonable delay.

New Sec. 3. The clerk of the district court shall remit at least monthly to the county treasurer of each county in the judicial district, and the county treasurer shall deposit the same to the credit of the county general fund, the amount equal to 40% of the total amount of bail forfeitures received in such county during the preceding calendar month.

Sec. 4. K.S.A. 20-350 is hereby amended to read as follows: 20-350. (a) Except for fines and penalties authorized to be paid to counties pursuant to K.S.A. 19-101e and amendments thereto, and subsection (b), and amendments thereto, all moneys received by the clerk of the district court from the payment of fines, penalties and forfeitures shall be remitted to the state treasurer, in the manner provided by K.S.A. 20-2801 and amendments thereto, and the state treasurer shall deposit the same in the state treasury to the credit of the state general fund, except as provided in K.S.A. 74-7336, and amendments thereto.

(b) Except as provided by section 3, all moneys received by the clerk of the district court from the payment of bail forfeitures shall be remitted to the state treasurer at least monthly. The state treasurer shall deposit

the same in the state treasury and shall credit equal portions of such remittance to the indigents' defense services fund and the state general fund.

(b) (c) The administrative judge may invest any moneys on deposit in the district court account if the moneys are not immediately required for the purposes for which they were collected or received. Such moneys may be invested in: (1) Time deposits, open account or certificates of deposit, for periods not to exceed six months, or savings deposits, in commercial banks located in the county, except that amounts invested which are not insured by the United States government shall be secured in the manner and amounts provided by K.S.A. 9-1402 and amendments thereto; (2) United States treasury bills or notes with maturities not to exceed six months; or (3) savings and loan associations located in the county. No investment of more than the amount insured by the federal deposit insurance corporation shall be made in any one savings and loan association. Interest received from the investment of moneys pursuant to this subsection shall be paid to the state treasurer in the manner provided by K.S.A. 20-2801 and amendments thereto, and the state treasurer shall deposit the same in the state treasury to the credit of the state general fund.

(e) (d) Upon application of a party to an action in which such party claims ownership of moneys held by the district court, the administrative judge may invest such moneys in the same manner as provided by subsection (b) (c). Interest received from the investment of moneys pursuant to this subsection shall become the property of the person found to be the owner of the moneys.

Sec. 5. K.S.A. 22-4507 is hereby amended to read as follows: 22-4507. (a) An attorney, other than a public defender or assistant public defender or contract counsel, who performs services for an indigent person, as provided by this act, shall at the conclusion of such service or any part thereof be entitled to compensation for such services and to be reimbursed for expenses reasonably incurred by such person in performing such services. Compensation for services shall be paid in accordance with standards and guidelines contained in rules and regulations adopted by the state board of indigents' defense services under this section.

(b) Claims for compensation and reimbursement shall be certified by the claimant and shall be presented to the court at sentencing. A supplemental claim may be filed at such later time as the court may in the interest of justice determine if good cause is shown why the claim was not presented at sentencing. In accordance with standards and guidelines adopted by the state board of indigents' defense services under this section, all such claims shall be reviewed and approved by one or more judges of the district court before whom the service was performed, or, in the case of proceedings in the court of appeals, by the chief judge of the court of appeals and in the case of proceedings in the supreme court, by the departmental justice for the department in which the appeal originated. Each claim shall be supported by a written statement, specifying in detail the time expended, the services rendered, the expenses incurred in connection with the case and any other compensation or reimbursement received. When properly certified and reviewed and approved, each claim for compensation and reimbursement shall be filed in the office of the state board of indigents' defense services. If the claims meet the standards established by the board, the board shall authorize payment of the claim.

(c) If the state board of indigents' defense services determines that the appropriations for indigents' defense services or the moneys allocated by the board for a county or judicial district will be insufficient in any fiscal year to pay in full claims filed and reasonably anticipated to be filed in such year under this section, the board may adopt a formula for prorating the payment of pending and anticipated claims under this section.

(d) The state board of indigents' defense services may make expenditures for payment of claims filed under this section from appropriations for the current fiscal year regardless of when the services were rendered.

(e) The state board of indigents' defense services shall adopt rules and regulations prescribing standards and guidelines governing the filing, processing and payment of claims under this section.

Sec. 6. K.S.A. 20-350, 21-4318 and 22-4507 and K.S.A. 1997 Supp. 21-3106 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 9, 1998.)

HOUSE BILL No. 2783

AN ACT concerning certain wetlands; approving the department of wildlife and parks' entering into certain agreements and assuming certain costs related to such wetlands; designating an area of such wetlands as the Steve Lloyd Wetlands.

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

Section 1. (a) Pursuant to K.S.A. 32-845 and amendments thereto, the legislature hereby approves the department of wildlife and parks' entering into a project cooperative agreement and related lease with the U.S. department of the army to modify and restore approximately 2,550 acres of permanent and seasonal wetland habitat located on the Republican River floodplain within the flood control pool of Milford Lake subject to the following:

(1) The proposed project shall be developed in the following three stages and moneys to pay the nonfederal share of project costs for each stage shall be secured before commencement of such stage: (A) Stage 1, in the areas of Lower Refuge, Cane Creek, Mall Creek and Smith Bottoms, totaling approximately 1,030 acres; (B) stage 2, in the areas of Quimby Creek, Smith Bottoms addition, Beichter Bottoms, East Broughton 1 and 3 and West Broughton 1 and 2, totaling approximately 895 acres; and (C) stage 3, in the areas of West Broughton 3 and 4, Martin, East Broughton 2 and 4 and Sugar Bowl, totaling approximately 415 acres.

(2) Not more than \$361,512 of total project costs shall be paid from the state general fund. The remainder of the nonfederal share of project costs shall be paid from nonstate moneys.

(b) The department of wildlife and parks is hereby authorized to assume costs associated with the operation, maintenance, repair, replacement and rehabilitation of the area in each stage of the Milford Lake wetlands wildlife habitat restoration project after completion of such stage by the U.S. department of the army. Such costs shall be paid from wildlife-related fee funds of the department and from any nonstate moneys available for that purpose.

Sec. 2. The Cane Creek area within stage 1 of the Milford Lake wetlands wildlife habitat restoration project, in Clay county, near the city of Wakefield, is hereby designated as the Steve Lloyd Wetlands. The secretary of wildlife and parks shall cause placement of suitable signs and an observation deck to indicate the area is the Steve Lloyd Wetlands. The secretary may accept and administer gifts and donations for the purpose of obtaining and installing such signs and observation deck.

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

(Published in the Kansas Register April 9, 1998.)

SENATE BILL No. 428

AN ACT relating to certain communications by employees of state agencies; prohibiting certain acts and providing remedies; amending K.S.A. 75-2973 and repealing the existing section.

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

Section 1. K.S.A. 75-2973 is hereby amended to read as follows: 75-2973. (a) This section shall be known and may be cited as the Kansas whistleblower act.

(b) As used in this section:

(1) "Auditing agency" means the (A) legislative post auditor, (B) any employee of the division of post audit, (C) any firm performing audit services pursuant to a contract with the post auditor, or (D) any state agency or federal agency or authority performing auditing or other oversight activities under authority of any provision of law authorizing such activities.

(2) "Disciplinary action" means any dismissal, demotion, transfer, reassignment, suspension, reprimand, warning of possible dismissal or withholding of work.

(3) "State agency" and "firm" have the meanings provided by K.S.A. 46-1112 and amendments thereto.

(c) No supervisor or appointing authority of any state agency shall prohibit any employee of the state agency from discussing the operations of the state agency or other matters of public concern, including matters relating to the public health, safety and welfare either specifically or generally, with any member of the legislature or any auditing agency.

(b)(d) No supervisor or appointing authority of any state agency shall:

(1) Prohibit any employee of the state agency from reporting any

violation of state or federal law or rules and regulations to any person, agency or organization; or

(2) require any such employee to give notice to the supervisor or appointing authority prior to making any such report.

(e) (e) This section shall not be construed as:

(1) Prohibiting a supervisor or appointing authority from requiring that an employee inform the supervisor or appointing authority as to legislative or auditing agency requests for information to the state agency or the substance of testimony made, or to be made, by the employee to legislators or the auditing agency, as the case may be, on behalf of the state agency;

(2) permitting an employee to leave the employee's assigned work areas during normal work hours without following applicable rules and regulations and policies pertaining to leaves, unless the employee is requested by a legislator or legislative committee to appear before a legislative committee or by an auditing agency to appear at a meeting with officials of the auditing agency;

(3) authorizing an employee to represent the employee's personal opinions as the opinions of a state agency; or

(4) prohibiting disciplinary action of an employee who discloses information which: (A) The employee knows to be false or which the employee discloses with reckless disregard for its truth or falsity, (B) the employee knows to be exempt from required disclosure under the open records act or (C) is confidential or privileged under any other provision of law statute or court rule.

(d) (f) Any officer or employee of a state agency who is in the classified service and has permanent status under the Kansas civil service act may appeal to the state civil service board whenever the officer or employee alleges that disciplinary action was taken against the officer or employee in violation of this act or in any court of law or administrative hearing. The appeal shall be filed within 30 days of 90 days after the alleged disciplinary action. Procedures governing the appeal shall be in accordance with subsections (f) and (g) of K.S.A. 75-2949 and amendments thereto and K.S.A. 75-2929d through 75-2929g and amendments thereto. If the board finds that disciplinary action taken was unreasonable, the board shall modify or reverse the agency's action and order such relief for the employee as the board considers appropriate. If the board finds a violation of this act, it may require as a penalty that the violator be suspended on leave without pay for not more than 30 days or, in cases of willful or repeated violations, may require that the violator forfeit the violator's position as a state officer or employee and disqualify the violator for appointment to or employment as a state officer or employee for a period of not more than two years. The board may award the prevailing party all or a portion of the costs of the proceedings before the board, including reasonable attorney fees and witness fees. The decision of the board in such cases pursuant to this subsection may be appealed by any party pursuant to law. On appeal, the court may award the prevailing party all or a portion of the costs of the appeal, including reasonable attorney fees and witness fees.

(e) (g) Each state agency shall prominently post a copy of this act in locations where it can reasonably be expected to come to the attention of all employees of the state agency.

(f) As used in this section "disciplinary action" means any dismissal, demotion, transfer, reassignment, suspension, reprimand, warning of possible dismissal or withholding of work.

(g) (h) Any officer or employee who is in the unclassified service under the Kansas civil service act who alleges that disciplinary action has been taken against such officer or employee in violation of this section may bring a civil action for appropriate injunctive relief, or actual damages, or both pursuant to the act for judicial review and civil enforcement of agency actions within 90 days after the occurrence of the alleged violation. A court, in rendering a judgment in an action brought pursuant to this act, shall order, as the court considers appropriate, reinstatement of the officer or employee, the payment of back wages, full reinstatement of fringe benefits and seniority rights, actual damages, or any combination of these remedies. A The court may also award such officer or employee award the prevailing party in the action all or a portion of the costs of litigation the action, including reasonable attorney fees and witness fees.

(i) Nothing in this section shall be construed to authorize disclosure of any information or communication that is confidential or privileged under statute or court rule.

Sec. 2. K.S.A. 75-2973 is hereby repealed.

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

(Published in the Kansas Register April 9, 1998.)

HOUSE BILL No. 2687

AN ACT concerning vehicles; relating to terminal rent adjustment clauses.

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

Section 1. (a) Notwithstanding any other provision of law, an agreement involving the leasing of a motor vehicle or trailer does not create a sale or security interest solely because the agreement provides for an increase or decrease adjustment in the rental price of the motor vehicle or trailer based upon the amount realized upon sale or other disposition of the motor vehicle or trailer following the termination of the lease.

(b) This section clarifies existing law and shall be given effect in all court cases brought on or after the effective date of this act.

(c) This section shall be part of and supplemental to the uniform commercial code-leases.

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

(Published in the Kansas Register April 9, 1998.)

SENATE BILL No. 423

AN ACT concerning the health care provider insurance availability act; relating to certain employees of the health care stabilization fund; amending K.S.A. 1997 Supp. 40-3403 and repealing the existing section.

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

Section 1. K.S.A. 1997 Supp. 40-3403 is hereby amended to read as follows: 40-3403. (a) For the purpose of paying damages for personal injury or death arising out of the rendering of or the failure to render professional services by a health care provider, self-insurer or inactive health care provider subsequent to the time that such health care provider or self-insurer has qualified for coverage under the provisions of this act, there is hereby established the health care stabilization fund. The fund shall be held in trust in the state treasury and accounted for separately from other state funds. The board of governors shall administer the fund or contract for the administration of the fund with an insurance company authorized to do business in this state.

(b) (1) There is hereby created a board of governors which shall be composed of such members and shall have such powers, duties and functions as are prescribed by this act. The board of governors shall:

(A) Administer the fund and exercise and perform other powers, duties and functions required of the board under the health care provider insurance availability act;

(B) provide advice, information and testimony to the appropriate licensing or disciplinary authority regarding the qualifications of a health care provider;

(C) prepare and publish, on or before October 1 of each year, a summary of the fund's activity during the preceding fiscal year, including but not limited to the amount collected from surcharges, the highest and lowest surcharges assessed, the amount paid from the fund, the number of judgments paid from the fund, the number of settlements paid from the fund and the amount in the fund at the end of the fiscal year; and

(D) have the authority to grant exemptions from the provisions of subsection (m) of this section when a health care provider temporarily leaves the state for the purpose of obtaining additional education or training or to participate in religious, humanitarian or government service programs. Whenever a health care provider has previously left the state and recommences practice, the board of governors may refund any amount paid by the health care provider pursuant to subsection (m) of this section if no claims have been filed against such health care provider during the provider's temporary absence from the state.

(2) The board shall consist of 10 persons appointed by the commissioner of insurance, as provided by this subsection (b) and as follows:

(A) Three members who are licensed to practice medicine and surgery in Kansas who are doctors of medicine and who are on a list of nominees submitted to the commissioner by the Kansas medical society;

(B) three members who are representatives of Kansas hospitals and who are on a list of nominees submitted to the commissioner by the Kansas hospital association;

(C) two members who are licensed to practice medicine and surgery in Kansas who are doctors of osteopathic medicine and who are on a list of nominees submitted to the commissioner by the Kansas association of osteopathic medicine;

(D) one member who is licensed to practice chiropractic in Kansas and who is on a list of nominees submitted to the commissioner by the Kansas chiropractic association;

(E) one member who is a licensed professional nurse authorized to practice as a registered nurse anesthetist who is on a list of nominees submitted to the commissioner by the Kansas association of nurse anesthetists.

(3) When a vacancy occurs in the membership of the board of governors created by this act, the commissioner shall appoint a successor of like qualifications from a list of three nominees submitted to the commissioner by the professional society or association prescribed by this section for the category of health care provider required for the vacant position on the board of governors. All appointments made shall be for a term of office of four years, but no member shall be appointed for more than two successive four-year terms. Each member shall serve until a successor is appointed and qualified. Whenever a vacancy occurs in the membership of the board of governors created by this act for any reason other than the expiration of a member's term of office, the commissioner shall appoint a successor of like qualifications to fill the unexpired term. In each case of a vacancy occurring in the membership of the board of governors, the commissioner shall notify the professional society or association which represents the category of health care provider required for the vacant position and request a list of three nominations of health care providers from which to make the appointment.

(4) The board of governors shall organize on July 1 of each year and shall elect a chairperson and vice-chairperson from among its membership. Meetings shall be called by the chairperson or by a written notice signed by three members of the board.

(5) The board of governors, in addition to other duties imposed by this act, shall study and evaluate the operation of the fund and make such recommendations to the legislature as may be appropriate to ensure the viability of the fund.

(6) (A) The board shall appoint an executive director who shall be in the unclassified service under the Kansas civil service act and may appoint such attorneys, legal assistants, claims managers and compliance auditors who shall also be in the unclassified service under the Kansas civil service act. Such executive director, attorneys, legal assistants, claims managers and compliance auditors shall receive compensation fixed by the board, in accordance with appropriation acts of the legislature, not subject to approval of the governor.

(B) The board may appoint such additional employees, and provide all office space, services, equipment, materials and supplies, and all budgeting, personnel, purchasing and related management functions required by the board in the exercise of the powers, duties and functions imposed or authorized by the health care provider insurance availability act or may enter into a contract with the commissioner of insurance for the provision, by the commissioner, of all or any part thereof.

(7) The commissioner shall:

(A) Provide technical and administrative assistance to the board of governors with respect to administration of the fund upon request of the board;

(B) provide such expertise as the board may reasonably request with respect to evaluation of claims or potential claims.

(c) Subject to subsections (d), (e), (f), (i), (k), (m), (n), (o), (p) and (q), the fund shall be liable to pay: (1) Any amount due from a judgment or settlement which is in excess of the basic coverage liability of all liable resident health care providers or resident self-insurers for any personal injury or death arising out of the rendering of or the failure to render professional services within or without this state;

(2) subject to the provisions of subsection (m), any amount due from a judgment or settlement which is in excess of the basic coverage liability of all liable nonresident health care providers or nonresident self-insurers for any such injury or death arising out of the rendering or the failure to render professional services within this state but in no event shall the fund be obligated for claims against nonresident health care providers or nonresident self-insurers who have not complied with this act or for claims against nonresident health care providers or nonresident self-insurers that arose outside of this state;

(3) subject to the provisions of subsection (m), any amount due from a judgment or settlement against a resident inactive health care provider, an optometrist or pharmacist who purchased coverage pursuant to subsection (n) or a physical therapist who purchased coverage pursuant to subsection (o), for any such injury or death arising out of the rendering of or failure to render professional services;

(4) subject to the provisions of subsection (m), any amount due from a judgment or settlement against a nonresident inactive health care provider, an optometrist or pharmacist who purchased coverage pursuant to subsection (n) or a physical therapist who purchased coverage pursuant to subsection (o), for any injury or death arising out of the rendering or failure to render professional services within this state, but in no event shall the fund be obligated for claims against: (A) Nonresident inactive health care providers who have not complied with this act; or (B) nonresident inactive health care providers for claims that arose outside of this state, unless such health care provider was a resident health care provider or resident self-insurer at the time such act occurred;

(5) subject to subsection (b) of K.S.A. 40-3411, and amendments thereto, reasonable and necessary expenses for attorney fees incurred in defending the fund against claims;

(6) any amounts expended for reinsurance obtained to protect the best interests of the fund purchased by the board of governors, which purchase shall be subject to the provisions of K.S.A. 75-3738 through 75-3744, and amendments thereto, but shall not be subject to the provisions of K.S.A. 75-4101 and amendments thereto;

(7) reasonable and necessary actuarial expenses incurred in administering the act, including expenses for any actuarial studies contracted for by the legislative coordinating council, which expenditures shall not be subject to the provisions of K.S.A. 75-3738 through 75-3744, and amendments thereto;

(8) periodically to the plan or plans, any amount due pursuant to subsection (a)(3) of K.S.A. 40-3413 and amendments thereto;

(9) reasonable and necessary expenses incurred by the board of governors in the administration of the fund or in the performance of other powers, duties or functions of the board under the health care provider insurance availability act;

(10) return of any unearned surcharge;

(11) subject to subsection (b) of K.S.A. 40-3411, and amendments thereto, reasonable and necessary expenses for attorney fees and other costs incurred in defending a person engaged or who was engaged in residency training or the private practice corporations or foundations and their full-time physician faculty employed by the university of Kansas medical center from claims for personal injury or death arising out of the rendering of or the failure to render professional services by such health care provider;

(12) notwithstanding the provisions of subsection (m), any amount due from a judgment or settlement for an injury or death arising out of the rendering of or failure to render professional services by a person engaged or who was engaged in residency training or the private practice corporations or foundations and their full-time physician faculty employed by the university of Kansas medical center;

(13) subject to the provisions of K.S.A. 65-429 and amendments thereto, reasonable and necessary expenses for the development and promotion of risk management education programs and for the medical care facility licensure and risk management survey functions carried out under K.S.A. 65-429 and amendments thereto;

(14) notwithstanding the provisions of subsection (m), any amount, but not less than the required basic coverage limits, owed pursuant to a judgment or settlement for any injury or death arising out of the rendering of or failure to render professional services by a person, other than a person described in clause (12) of this subsection (c), who was engaged in a postgraduate program of residency training approved by the state board of healing arts but who, at the time the claim was made, was no longer engaged in such residency program;

(15) subject to subsection (b) of K.S.A. 40-3411, and amendments thereto, reasonable and necessary expenses for attorney fees and other costs incurred in defending a person described in clause (14) of this subsection (c);

(16) expenses incurred by the commissioner in the performance of duties and functions imposed upon the commissioner by the health care provider insurance availability act, and expenses incurred by the commissioner in the performance of duties and functions under contracts entered into between the board and the commissioner as authorized by this section; and

(17) periodically to the state general fund reimbursements of amounts paid to members of the health care stabilization fund oversight committee for compensation, travel expenses and subsistence expenses pursuant to subsection (e) of K.S.A. 40-3403b, and amendments thereto.

(d) All amounts for which the fund is liable pursuant to subsection (c) shall be paid promptly and in full except that, if the amount for which the fund is liable is \$300,000 or more, it shall be paid, by installment payments of \$300,000 or 10% of the amount of the judgment including interest thereon, whichever is greater, per fiscal year, the first installment to be paid within 60 days after the fund becomes liable and each subsequent installment to be paid annually on the same date of the year the first installment was paid, until the claim has been paid in full. Any attorney fees payable from such installment shall be similarly prorated.

(e) In no event shall the fund be liable to pay in excess of \$3,000,000 pursuant to any one judgment or settlement against any one health care provider relating to any injury or death arising out of the rendering of or the failure to render professional services on and after July 1, 1984, and before July 1, 1989, subject to an aggregate limitation for all judgments or settlements arising from all claims made in any one fiscal year in the amount of \$6,000,000 for each health care provider.

(f) The fund shall not be liable to pay in excess of the amounts specified in the option selected by the health care provider pursuant to subsection (l) for judgments or settlements relating to injury or death arising out of the rendering of or failure to render professional services by such health care provider on or after July 1, 1989.

(g) A health care provider shall be deemed to have qualified for coverage under the fund:

(1) On and after July 1, 1976, if basic coverage is then in effect;

(2) subsequent to July 1, 1976, at such time as basic coverage becomes effective; or

(3) upon qualifying as a self-insurer pursuant to K.S.A. 40-3414 and amendments thereto.

(h) A health care provider who is qualified for coverage under the fund shall have no vicarious liability or responsibility for any injury or death arising out of the rendering of or the failure to render professional services inside or outside this state by any other health care provider who is also qualified for coverage under the fund. The provisions of this subsection shall apply to all claims filed on or after July 1, 1986.

(i) Notwithstanding the provisions of K.S.A. 40-3402 and amendments thereto, if the board of governors determines due to the number of claims filed against a health care provider or the outcome of those claims that an individual health care provider presents a material risk of significant future liability to the fund, the board of governors is authorized by a vote of a majority of the members thereof, after notice and an opportunity for hearing in accordance with the provisions of the Kansas administrative procedure act, to terminate the liability of the fund for all claims against the health care provider for damages for death or personal injury arising out of the rendering of or the failure to render professional services after the date of termination. The date of termination shall be 30 days after the date of the determination by the board of governors. The board of governors, upon termination of the liability of the fund under this subsection, shall notify the licensing or other disciplinary board having jurisdiction over the health care provider involved of the name of the health care provider and the reasons for the termination.

(j) (1) Upon the payment of moneys from the health care stabilization fund pursuant to subsection (c)(11), the board of governors shall certify to the director of accounts and reports the amount of such payment, and the director of accounts and reports shall transfer an amount equal to the amount certified, reduced by any amount transferred pursuant to paragraph (3) of this subsection (j), from the state general fund to the health care stabilization fund.

(2) Upon the payment of moneys from the health care stabilization fund pursuant to subsection (c)(12), the board of governors shall certify to the director of accounts and reports the amount of such payment which is equal to the basic coverage liability of self-insurers, and the director of accounts and reports shall transfer an amount equal to the amount certified, reduced by any amount transferred pursuant to paragraph (3) of this subsection (j), from the state general fund to the health care stabilization fund.

(3) The university of Kansas medical center private practice foundation reserve fund is hereby established in the state treasury. If the balance in such reserve fund is less than \$500,000 on July 1 of any year,

(continued)

the private practice corporations or foundations referred to in subsection (c) of K.S.A. 40-3402, and amendments thereto, shall remit the amount necessary to increase such balance to \$500,000 to the state treasurer for credit to such reserve fund as soon after such July 1 date as is practicable. Upon receipt of each such remittance, the state treasurer shall credit the same to such reserve fund. When compliance with the foregoing provisions of this paragraph have been achieved on or after July 1 of any year in which the same are applicable, the state treasurer shall certify to the board of governors that such reserve fund has been funded for the year in the manner required by law. Moneys in such reserve fund may be invested or reinvested in accordance with the provisions of K.S.A. 40-3406, and amendments thereto, and any income or interest earned by such investments shall be credited to such reserve fund. Upon payment of moneys from the health care stabilization fund pursuant to subsection (c)(11) or (c)(12) with respect to any private practice corporation or foundation or any of its full-time physician faculty employed by the university of Kansas, the director of accounts and reports shall transfer an amount equal to the amount paid from the university of Kansas medical center private practice foundation reserve fund to the health care stabilization fund or, if the balance in such reserve fund is less than the amount so paid, an amount equal to the balance in such reserve fund.

(4) Upon payment of moneys from the health care stabilization fund pursuant to subsection (c)(14) or (c)(15), the board of governors shall certify to the director of accounts and reports the amount of such payment, and the director of accounts and reports shall transfer an amount equal to the amount certified from the state general fund to the health care stabilization fund.

(k) Notwithstanding any other provision of the health care provider insurance availability act, no psychiatric hospital licensed under K.S.A. 75-3307b and amendments thereto shall be assessed a premium surcharge or be entitled to coverage under the fund if such hospital has not paid any premium surcharge pursuant to K.S.A. 40-3404 and amendments thereto prior to January 1, 1988.

(l) On or after July 1, 1989, every health care provider shall make an election to be covered by one of the following options provided in this subsection (l) which shall limit the liability of the fund with respect to judgments or settlements relating to injury or death arising out of the rendering of or failure to render professional services on or after July 1, 1989. Such election shall be made at the time the health care provider renews the basic coverage in effect on July 1, 1989, or, if basic coverage is not in effect, such election shall be made at the time such coverage is acquired pursuant to K.S.A. 40-3402, and amendments thereto. Notice of the election shall be provided by the insurer providing the basic coverage in the manner and form prescribed by the board of governors and shall continue to be effective from year to year unless modified by a subsequent election made prior to the anniversary date of the policy. The health care provider may at any subsequent election reduce the dollar amount of the coverage for the next and subsequent fiscal years, but may not increase the same, unless specifically authorized by the board of governors. Any election of fund coverage limits, whenever made, shall be with respect to judgments or settlements relating to injury or death arising out of the rendering of or failure to render professional services on or after the effective date of such election of fund coverage limits. Such election shall be made for persons engaged in residency training and persons engaged in other postgraduate training programs approved by the state board of healing arts at medical care facilities or mental health centers in this state by the agency or institution paying the surcharge levied under K.S.A. 40-3404, and amendments thereto, for such persons. Such options shall be as follows:

(1) **OPTION 1.** The fund shall not be liable to pay in excess of \$100,000 pursuant to any one judgment or settlement for any party against such health care provider, subject to an aggregate limitation for all judgments or settlements arising from all claims made in the fiscal year in an amount of \$300,000 for such provider.

(2) **OPTION 2.** The fund shall not be liable to pay in excess of \$300,000 pursuant to any one judgment or settlement for any party against such health care provider, subject to an aggregate limitation for all judgments or settlements arising from all claims made in the fiscal year in an amount of \$900,000 for such provider.

(3) **OPTION 3.** The fund shall not be liable to pay in excess of \$800,000 pursuant to any one judgment or settlement for any party against such health care provider, subject to an aggregate limitation for

all judgments or settlements arising from all claims made in the fiscal year in an amount of \$2,400,000 for such health care provider.

(m) The fund shall not be liable for any amounts due from a judgment or settlement against resident or nonresident inactive health care providers who first qualify as an inactive health care provider on or after July 1, 1989, unless such health care provider has been in compliance with K.S.A. 40-3402, and amendments thereto, for a period of not less than five years. If a health care provider has not been in compliance for five years, such health care provider may make application and payment for the coverage for the period while they are nonresident health care providers, nonresident self-insurers or resident or nonresident inactive health care providers to the fund. Such payment shall be made within 30 days after the health care provider ceases being an active health care provider and shall be made in an amount determined by the board of governors to be sufficient to fund anticipated claims based upon reasonably prudent actuarial principles. The provisions of this subsection shall not be applicable to any health care provider which becomes inactive through death or retirement, or through disability or circumstances beyond such health care provider's control, if such health care provider notifies the board of governors and receives approval for an exemption from the provisions of this subsection. Any period spent in a postgraduate program of residency training approved by the state board of healing arts shall not be included in computation of time spent in compliance with the provisions of K.S.A. 40-3402, and amendments thereto.

(n) Notwithstanding the provisions of subsection (m) or any other provision in article 34 of chapter 40 of the Kansas Statutes Annotated to the contrary, the fund shall not be liable for any claim made on or after July 1, 1991, against a licensed optometrist or pharmacist relating to any injury or death arising out of the rendering of or failure to render professional services by such optometrist or pharmacist prior to July 1, 1991, unless such optometrist or pharmacist qualified as an inactive health care provider prior to July 1, 1991.

(o) Notwithstanding the provisions of subsection (m) or any other provision in article 34 of chapter 40 of the Kansas Statutes Annotated to the contrary, the fund shall not be liable for any claim made on or after July 1, 1995, against a physical therapist registered by the state board of healing arts relating to any injury or death arising out of the rendering of or failure to render professional services by such physical therapist prior to July 1, 1995, unless such physical therapist qualified as an inactive health care provider prior to July 1, 1995.

(p) Notwithstanding the provisions of subsection (m) or any other provision in article 34 of chapter 40 of the Kansas Statutes Annotated to the contrary, the fund shall not be liable for any claim made on or after July 1, 1997, against a health maintenance organization relating to any injury or death arising out of the rendering of or failure to render professional services by such health maintenance organization prior to July 1, 1997, unless such health maintenance organization qualified as an inactive health care provider prior to July 1, 1997, and obtained coverage pursuant to subsection (m). Health maintenance organizations not qualified as inactive health care providers prior to July 1, 1997, may purchase coverage from the fund for periods of prior compliance by making application prior to August 1, 1997, and payment within 30 days from notice of the calculated amount as determined by the board of governors to be sufficient to fund anticipated claims based on reasonably prudent actuarial principles.

(q) Notwithstanding anything in article 34 of chapter 40 of the Kansas Statutes Annotated to the contrary, the fund shall in no event be liable for any claims against any health care provider based upon or relating to the health care provider's sexual acts or activity, but in such cases the fund may pay reasonable and necessary expenses for attorney fees incurred in defending the fund against such claim. The fund may recover all or a portion of such expenses for attorney fees if an adverse judgment is returned against the health care provider for damages resulting from the health care provider's sexual acts or activity.

Sec. 2. K.S.A. 1997 Supp. 40-3403 is hereby repealed.

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

(Published in the Kansas Register April 9, 1998.)

SENATE BILL No. 211

AN ACT concerning disease reporting; amending K.S.A. 65-118 and repealing the existing section.

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

Section 1. K.S.A. 65-118 is hereby amended to read as follows: 65-118. (a) Whenever any person licensed to practice the healing arts or engaged in a postgraduate training program approved by the state board of healing arts, licensed dentist, physician's assistant whose name has been entered on the register of physicians' assistants by the state board of healing arts, *licensed professional nurse, licensed practical nurse, administrator of a hospital, licensed adult care home administrator*, licensed social worker, teacher or school administrator knows or has information indicating that a person is suffering from or has died from *an a reportable* infectious or contagious disease as defined in rules and regulations, such knowledge or information shall be reported immediately to the county or joint board of health or the local health officer, together with the name and address of the person who has or is suspected of having the infectious or contagious disease, or the name and former address of the deceased individual who had or was suspected of having such a disease. *In the case of a licensed hospital or adult care home, the administrator may designate an individual to receive and make such reports. The secretary of health and environment shall, through rules and regulations, make provision for the consolidation of reports required to be made under this section when the person required to make the report is working in a licensed hospital or adult care home. Laboratories certified under the federal clinical laboratories improvement act pursuant to 42 code of federal regulations, 493 shall report the results of microbiologic cultures, examinations, immunologic essays for the presence of antigens and antibodies and any other laboratory tests which are indicative of the presence of a reportable in-*

fectious or contagious disease to the department of health and environment. The director of the division of health may use information from death certificates for disease investigation purposes.

(b) Any person who is an individual member of a class of persons designated under subsection (a) of this section and who reports the information required to be reported under such subsection in good faith and without malice to a county or joint board of health or, a local health officer or the department of health and environment shall have immunity from any liability, civil or criminal, that might otherwise be incurred or imposed in an action resulting from such report. Any such person shall have the same immunity with respect to participation in any judicial proceeding resulting from such report.

(c) Information required to be reported under subsection (a) of this section shall be confidential and shall not be disclosed or made public, upon subpoena or otherwise, beyond the requirements of subsection (a) of this section or subsection (a) of K.S.A. 65-119, except such information may be disclosed: (1) If no person can be identified in the information to be disclosed and the disclosure is for statistical purposes;

(2) if all persons who are identifiable in the information to be disclosed consent in writing to its disclosure;

(3) if the disclosure is necessary, and only to the extent necessary, to protect the public health;

(4) if a medical emergency exists and the disclosure is to medical personnel qualified to treat infectious or contagious diseases. Any information disclosed pursuant to this paragraph shall be disclosed only to the extent necessary to protect the health or life of a named party; or

(5) if the information to be disclosed is required in a court proceeding involving child abuse and the information is disclosed *in camera*.

Sec. 2. K.S.A. 65-118 is hereby repealed.

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

INDEX TO ADMINISTRATIVE REGULATIONS

This index lists in numerical order the new, amended and revoked administrative regulations and the volume and page number of the *Kansas Register* issue in which more information can be found. This cumulative index supplements the index to the 1997 Volumes of the *Kansas Administrative Regulations*.

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1-2-14	Amended	V. 16, p. 1178
1-2-35	Amended	V. 16, p. 1178
1-2-68	Revoked	V. 16, p. 1178
1-5-7	Amended	V. 16, p. 1665
1-5-8	Amended	V. 16, p. 1665
1-5-12	Revoked	V. 16, p. 1666
1-5-13	Amended	V. 16, p. 1666
1-5-19c	Amended	V. 16, p. 1666
1-6-2	Amended	V. 16, p. 1178
1-6-8	Amended	V. 16, p. 1179
1-6-21	Amended	V. 16, p. 1179
1-6-22	Revoked	V. 16, p. 1179
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1-6-29	Amended	V. 16, p. 1666
1-6-33	Amended	V. 16, p. 973
1-7-11	Amended	V. 16, p. 1667
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1-9-17	Revoked	V. 16, p. 975
1-9-26	Amended	V. 16, p. 975
1-9-27	Amended	V. 16, p. 976
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1-16-2e	Amended	V. 16, p. 1211
1-16-18	Amended	V. 16, p. 1211
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4-7-213a	New	V. 17, p. 171
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AGENCY 117: REAL ESTATE APPRAISAL BOARD

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117-2-2	Amended	V. 16, p. 302
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117-6-1	Amended	V. 16, p. 2066
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117-8-1	Amended	V. 17, p. 366

AGENCY 121: DEPARTMENT OF CREDIT UNIONS

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121-6-1	New	V. 16, p. 1773

121-6-2	New	V. 16, p. 1773
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AGENCY 122: POOLED MONEY INVESTMENT BOARD

Reg. No.	Action	Register
122-2-2	Amended	V. 17, p. 10

AGENCY 123: JUVENILE JUSTICE AUTHORITY

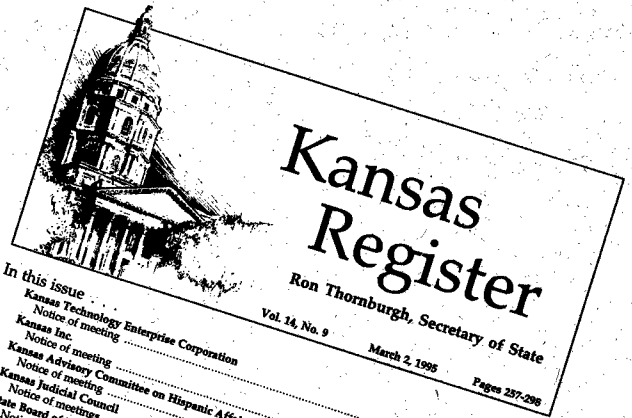
Reg. No.	Action	Register
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