



# Kansas Register

Ron Thornburgh, Secretary of State

Vol. 17, No. 16    April 16, 1998    Pages 493-532

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The Kansas Register (ISSN No. 0662-190) is an official publication of the State of Kansas, published by authority of K.S.A. 75-430. The Kansas Register is published weekly by the Kansas Secretary of State, State Capitol, Topeka, KS 66612-1594. One-year subscriptions are \$70 (Kansas residents must include \$4.31 state and local sales tax). Single copies may be purchased, if available, for \$2 each. Periodicals postage paid at Topeka, KS.

*Postmaster:* Send change of address form to Kansas Register, Secretary of State, State Capitol, 300 S.W. 10th Ave., Topeka, KS 66612-1594.

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## State of Kansas

## Department of Wildlife and Parks

## Request for Proposals

The Kansas Department of Wildlife and Parks is currently opening for bid proposals for family oriented lodging entities within Kansas state parks. 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 facilities should be directed to Jerry Hover, Parks Director, at (316) 672-5911. Final bids are due by 2 p.m. Tuesday, May 12.

Steven A. Williams  
Secretary of Wildlife  
and Parks

Doc. No. 022277

## 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

## Continuing Legal Education Commission

## Notice of Meeting

The Kansas Continuing Legal Education Commission will meet at noon Monday, April 20, at 400 S. Kansas Ave., Suite 202, Topeka.

Martha E. Crow  
Chair

Doc. No. 022295

## 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

## 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(1) and 75-4209(a)(1)(B).

## Effective 4-13-98 through 4-19-98

Term	Rate
1-89 days	5.46%
3 months	5.26%
6 months	5.52%
9 months	5.47%
12 months	5.46%
18 months	5.52%
24 months	5.49%

William E. Lewis  
Chairman

Doc. No. 022267

## State of Kansas

## Board of Regents

Notice of Hearing on Proposed  
Administrative Regulations

The Kansas State Board of Regents will conduct a public hearing at 10 a.m. Tuesday, June 16, in Suite 1410, Security Benefit Building, 700 S.W. Harrison, Topeka, on proposed revisions to K.A.R. 88-2-1, 88-3-1, 88-3-2, 88-3-11 and 88-3-13, and the revocation of 88-3-5. The regulations are proposed for adoption on a permanent basis.

This 60-day notice of the public hearing constitutes a public comment period for the purpose of receiving written public comments on the proposed regulations. Written comments may be sent to Judith Penrod Siminoe, Associate General Counsel, State Board of Regents, 700 S.W. Harrison, Suite 1410, Topeka, 66603.

Any individual with a disability may request accommodation in order to participate in the hearing and may request the proposed regulations and the economic impact statement in an accessible format. Requests for accommodation should be made at least 10 working days in advance of the hearing by contacting Judith Penrod Siminoe at (785) 296-3689.

Copies of the regulations and the economic impact statement may be obtained by contacting Judith Penrod Siminoe. A summary of the regulations and the economic impact follows.

These changes are an exercise of the authority granted the Board of Regents through K.S.A. 76-730 to adopt rules and regulations prescribing criteria or guidelines for determination of residence of persons enrolling at the state educational institutions. Pursuant to K.S.A. 76-729, the Board of Regents authorizes persons or classes of persons to pay an amount equal to resident fees even though such persons are not residents as defined in the regulations that have been adopted pursuant to K.S.A. 76-730.

**88-2-1. Residence classification.** The proposed revision is to remove unnecessary language to increase clarity.

**88-3-1. Student information.** The proposed revision is required if proposed regulation 88-3-13 is adopted. Punctuation changes also are being made, which do not change the effect of the regulation.

**88-3-2. Definition of "residence" for fee purposes.** This change reflects the current interpretation that brief and temporary physical absence from the state will not terminate domiciliary residence or the waiting period.

**88-3-5. Six-months extension.** Revocation of this regulation is proposed. The students who would qualify for the resident fee privilege under this provision will continue to qualify under 88-3-13(b).

**88-3-11. Recruited or transferred employees.** A few technical changes are proposed. The substantive changes in subsection (f) will permit an extension of the resident tuition privilege beyond 12 months, during the pendency of the labor certification process or during the pendency of a petition for adjustment of status with the Immigration and Naturalization Service.

**88-3-13. Persons with special domestic relations circumstances.** Proposed subsection (a) will permit dependent students of divorced parents to pay resident tuition so long as either parent is a Kansas resident pursuant to Chapter 88, Articles 2 and 3. Currently, dependent students have to be in the custody of, or financially dependent upon, a Kansas resident to qualify for resident fees. Subsection (b) clarifies that a dependent student who enrolls and maintains continuous fall and spring enrollment and domiciliary residence in Kansas shall maintain the resident fee privilege.

There will be no economic impact resulting from the proposed revisions to 88-2-1 and 88-3-1, which are technical in nature.

The revocation of 88-3-5 will have limited impact. Persons who qualify for resident fees under the existing regulation will be among those who will qualify under 88-3-13(b).

The change to K.A.R. 88-3-11 will potentially enlarge the number of recruited or transferred employees and their dependents who will benefit from the resident fee privilege. Foreign nationals, and their dependents, though nonresidents, currently may qualify to pay resident fees for a 12-month period if the foreign national has been recruited or transferred to full-time employment in Kansas. If proposed changes to 88-3-11 are adopted, such persons will be eligible to pay resident fees for a longer period, but only until they obtain or are denied permanent resident status and work authorization.

The proposed addition of subsection (a) of 88-3-13 will authorize a new class of individuals for the resident fee privilege. Dependent students whose parents are divorced will be eligible for the resident fee privilege if one parent is a Kansas resident regardless of custody or support arrangements. Subsection (b) will authorize the resident fee privilege for dependent students who maintain continuous fall and spring enrollment and Kansas domiciliary residence.

Judith Penrod Siminoe  
Associate General Counsel

Doc. No. 022294

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 27, 1998

7432

University of Kansas—Update/retrofit for Instron material testing instrument

7434

Kansas State University—Critical care analyzer

7435

Department of Transportation—Ignition ovens

7441

University of Kansas—Rotor assembly for centrifuge

7442

University of Kansas Medical Center—DNA sequencer

7443

University of Kansas—Cargo van

7444

Kansas State University—Beechcraft aircraft windshield, Salina

Tuesday, April 28, 1998

A-8373(a)

Pittsburg State University—Asbestos abatement, Willard and Mitchell Halls

A-8373(b)

Pittsburg State University—Asbestos abatement, Willard and Mitchell Halls

33048

Statewide—Anti-microbial hand cleansers

7446

Emporia State University—Multimedia A/V equipment

Wednesday, April 29, 1998

33052

University of Kansas—Small animal feed

Thursday, April 30, 1998

A-8493

University of Kansas—Parking Lot 108, raze existing garage and construct new on-grade parking

33051

Statewide—Home dialysis supplies

Friday, May 1, 1998

33055

Kansas State University—Seed treatment (materials only)

7436

Kansas State University—Furnish all labor and materials to repair boiler

7437

Pittsburg State University—Granular insecticide

7438

University of Kansas—Drywall materials

7439

Norton Correctional Facility—Vinyl floor tile, cove base and adhesive

7440

University of Kansas—Furnish and install wood flooring

7445

Kansas State University—Agricultural tractor, Garden City

Tuesday, May 5, 1998

A-8250(a)

University of Kansas—Remodel classroom, Summerfield Hall

Wednesday, May 6, 1998

A-8199

Kansas State University—D5 parking lot renovations, south of Marlatt Hall and west of Kramer Food Center

A-8521

Fort Hays State University—Window replacement, Picken Hall

Thursday, May 7, 1998

A-8321 Rebid

Kansas State University—Parking lot improvements and joint seal

A-8395

University of Kansas—Partial reroof, Haworth Hall

A-8421

Pittsburg State University—Classroom remodel, Hughes Hall

A-8480(a)

Wichita State University—Chiller replacement, Rhatigan Student Center

Friday, May 8, 1998

A-8392 Rebid

Kansas State University—Dog Research Facility

A-8420(a)

Department of Commerce and Housing—I-70 Information Center renovation, Kansas City

\*\*\*\*\*

Request for Proposals

Thursday, May 7, 1998

7433

IBM S/390 2003-124 software and services for the University of Kansas

Monday, May 18, 1998

33024

Space lease for Great Bend Area SRS Office for the Department of Social and Rehabilitation Services

John T. Houlihan  
Director of Purchases

Doc. No. 022292

## State of Kansas

**Workforce Investment Partnership Council****Notice of Meeting**

The Kansas Workforce Investment Partnership Council will meet at 9:30 a.m. Friday, April 24, at the Ramada Inn Downtown, Regency Ballroom, 420 S.E. 6th, Topeka. The meeting is open to the public.

Jack Strukel  
Chair

Doc. No. 022289

## State of Kansas

**Workforce Investment Partnership Council****Notice of One-Stop Planning Committee Meeting**

The Kansas Workforce Investment Partnership One-Stop Planning Committee will meet at 12:30 p.m. Tuesday, April 21, at 1430 S.W. Topeka Blvd., second floor conference room, Topeka. The meeting is open to the public.

Jack Strukel  
Chair

Doc. No. 022290

## State of Kansas

**Department of Health  
and Environment****Notice Concerning Hazardous Waste Storage Permit**

The Kansas Department of Health and Environment and the U.S. Environmental Protection Agency, Region VII, have received a Resource Conservation and Recovery Act (RCRA) hazardous waste Part B permit application from the Defense Reutilization and Marketing Organization, the operator, and the Department of the Army, Headquarters, Fort Riley, the owner, of a facility located on the Fort Riley Military Reservation in Fort Riley, Kansas. The KDHE and the EPA are providing notice of their intent to issue a joint hazardous waste storage permit to the operator and owner of the facility.

The facility obtained interim status as a hazardous waste treatment and storage facility in November 1980 and was assigned an EPA identification number KS6214020756.

In October 1985, the State of Kansas received final authorization from the EPA to implement its own hazardous waste management program in lieu of the federal program except for the portions covered by the Hazardous and Solid Waste Amendments of 1984 (HSWA). The KDHE portion of the permit (Part I) will be issued under the authority of K.S.A. 65-3431(i) and 65-3431(s), and the EPA portion of the permit (Part II) will be issued under the authority of sections 3002(b), 3004(u) and (v), and 3005 of the RCRA.

Part I of the permit will allow the operator and/or owner to store hazardous waste in containers from on-site sources. The facility will store 11,265 gallons of hazardous waste in three container management units lo-

cated in or near two existing buildings. The materials managed at the facility will include ignitable, corrosive, reactive, toxic, and listed liquid or solid hazardous waste destined for off-site management. The container management units have secondary containment and comply with 40 CFR 264 Subpart I. The EPA portion (Part II) of the permit will address the requirements of HSWA.

A copy of the administrative record, which includes the draft permit, fact sheet, Part B permit application and all information pertaining to this permit action, is available for public review April 20-June 5, Monday through Friday during normal business hours, at the following locations:

Directorate of Environment and Safety  
Administrative Records, Room 105  
407 Pershing Court  
Fort Riley, 66442  
Contact: John Shimp  
(785) 239-8436

Kansas Department of Health and Environment  
Hazardous Waste Section  
Building 740, Forbes Field  
Topeka, 66620-0001  
Contact: Mostafa Kamal  
(785) 296-1600

U.S. Environmental Protection Agency  
Region VII—RCRA Branch  
726 Minnesota Ave.  
Kansas City, KS 66101  
Contact: Wes Bartley  
(913) 551-7632

Anyone wishing to comment on the draft permit should submit written comments postmarked not later than June 5 to Mostafa Kamal (KDHE) or Wes Bartley (EPA) at the above addresses.

A public hearing has not been scheduled; however, if written requests are received that indicate a significant degree of public interest in the draft permit, a public hearing will be scheduled. After consideration of all comments received, the KDHE secretary and EPA regional administrator will make a final permit decision. Notice will be given to the applicant, to all persons who submitted written comments (including those who commented at the public hearing), and to those who requested notice of the final permit decision. If none of the comments received during the public comment period result in revision(s) to the draft permit, the permit will become effective immediately upon its issuance. If comments received during the public comment period result in revisions, the permit will become effective 30 days after service of notice of the final decision or at a later date, if a review is requested under 40 CFR 124.19.

Gary Mitchell  
Secretary of Health  
and Environment

Doc. No. 022288

## State of Kansas

## State Fair Board

## Notice of Meeting

The Kansas State Fair Board will meet at 10 a.m. Thursday, April 23, in the board room of the Administration Office on the fairgrounds in Hutchinson. For further information, contact Deana Novak at (316) 669-3612.

Brad Rayl  
President

Doc. No. 022271

## 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. The Department of Veteran Affairs has applied for a Class II operating permit in accordance with the provisions of K.A.R. 28-19-540. Emissions of sulfur oxides (SOx) 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.

The Department of Veteran Affairs owns and operates a series of boilers, generators and a medical waste incinerator located at 5500 E. Kellogg, Wichita.

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, at the Wichita-Sedgwick County Department of Community Health, 1900 E. 9th, Wichita. To obtain or review the proposed permit and supporting documentation, contact Cheryl Evans, (785) 296-6438, at the KDHE central office, or Randy Owen, (316) 268-8449, at the Wichita-Sedgwick County Department of Community Health. The standard departmental cost will be assessed for any copies requested.

Direct written comments or questions regarding the proposed permit to Cheryl Evans, 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 18.

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 18 in order for the Secretary of Health and Environment to consider the request.

Gary R. Mitchell  
Secretary of Health  
and Environment

Doc. No. 022278

## State of Kansas

## Social and Rehabilitation Services

## Notice of Meetings

The Kansas Department of Social and Rehabilitation Services announces that two request for information (RFI) meetings will be conducted to obtain information regarding the implementation of the State Children's Health Insurance Program under Title XXI, which was added to the Social Security Act as a part of the Balanced Budget Act of 1997. Information obtained from these RFIs will be considered in formulating competitive bid specifications for a request for proposal to provide health insurance coverage for Kansas children under the Title XXI and Title XIX programs.

The state is soliciting concise, detailed and understandable information regarding interest and ability of entities to provide capitated managed health care insurance plans for this population. The first RFI public meeting will be specific to the provision of mental health services as part of a capitated managed health care insurance plan. The second RFI public meeting solicits information not specific to mental health services, but relevant in the development of a request for proposal to provide capitated health insurance coverage.

A public meeting specific to the issue of mental health services as a part of a request for proposal to provide this health insurance coverage will be conducted from 2:30 to 5 p.m. Thursday, April 23, at SRS Staff Development, Room C, Topeka State Hospital grounds, Topeka. A public meeting on the broader issue of the provision of capitated health insurance for specified populations will be conducted from 2:30 to 5 p.m. Friday, April 24, at SRS Staff Development, Room B & C, Topeka State Hospital grounds, Topeka.

At both meetings, respondents should be prepared to provide information relevant to the interest and ability of entities to provide capitated health insurance coverage to this specific population of Kansas children, the feasibility or desirability of including additional Title XIX populations in the plan, the ability to provide such a plan statewide, and other issues as may be identified at the meetings. Ten copies of any written information should be submitted at the meetings.

Written responses to the RFI also may be submitted to Laura Howard, Department of Social and Rehabilitation Services, 6th Floor, Docking State Office Building, 915 S.W. Harrison, Topeka, 66612-1500, fax (785) 296-4685. Written responses to the RFI must be submitted by 5 p.m. Friday, April 24.

Requests regarding special accommodations for either meeting should be directed to Hope Burns at (785) 296-3969 at least three days before the meeting.

Rochelle Christer  
Secretary of Social and  
Rehabilitation Services

Doc. No. 022291

## 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 April 2-8:

## House Concurrent Resolutions

HCR 5056, A proposition to amend the constitution of the state of Kansas, by revising article 2 thereof, relating to the legislative branch of state government.

## Senate Resolutions

SR 1851, A resolution relating to the rules of the Senate 1997-2000; adding a new rule 80.

SR 1852, A resolution congratulating and commending Lori C. Swallow.

SR 1853, A resolution congratulating and commending the Claflin High School boys' football team and Coach Gregg Webb for winning the 1997 Class 2-1A State Football Championship.

Doc. No. 022268

## 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. The Dwight D. Eisenhower Veterans Affairs Medical Center has applied for a Class II operating permit in accordance with the provisions of K.A.R. 28-19-540. Emissions of sulfur oxides (SOx) 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.

The Dwight D. Eisenhower Veterans Affairs Medical Center owns and operates a series of boilers, generators and a medical waste incinerator located at 4101 S. 4th, Trafficway, Leavenworth.

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 northeast district office, 800 W. 24th, Lawrence. To obtain or review the proposed permit and supporting documentation, contact Cheryl Evans, (785) 296-6438, at the KDHE central office, or Pat Simpson, (785) 842-4600, at the KDHE northeast district office. The standard departmental cost will be assessed for any copies requested.

Direct written comments or questions regarding the proposed permit to Cheryl Evans, 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 18.

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 18 in order for the Secretary of Health and Environment to consider the request.

Gary R. Mitchell  
Secretary of Health  
and Environment

Doc. No. 022279

## 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. Boeing Commercial Airplane Group has applied for an air quality construction permit in accordance with the provisions of K.A.R. 28-19-300 to install two new milling machines. Emissions of particulate matter and particulate matter less than 10 microns were evaluated during the permit review process.

Boeing Commercial Airplane Group owns and operates the stationary source located at 3801 S. Oliver, Wichita, at which the milling machines are to be installed.

A copy of the proposed permit, permit application, all supporting documentation and all information relied upon during review of the permit application is available for public inspection during normal business hours at the KDHE, Bureau of Air and Radiation, Building 283, Forbes Field, Topeka, at the Wichita-Sedgwick County Department of Community Health, 1900 E. 9th, Wichita. To obtain or review the proposed permit and supporting documentation, contact Shawn A. Howell, (785) 296-1993, at the KDHE central office, or Randy Owens, (316) 268-8449, at the Wichita-Sedgwick County Department of Community Health. The standard departmental cost will be assessed for any copies requested.

Direct written comments or questions regarding the proposed permit to Shawn A. Howell, 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 18.

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 18 in order for the Secretary of Health and Environment to consider the request.

Gary R. Mitchell  
Secretary of Health  
and Environment

Doc. No. 022280



State of Kansas

State Banking Board

Notice of Meeting

The State Banking Board will meet at 9 a.m. Monday, May 18, in the conference room of the Office of the State Bank Commissioner, Suite 300, Jayhawk Tower, 700 S.W. Jackson, Topeka. The board reviews matters relating to its supervisory authority as set forth in K.S.A. 9-1801 *et seq.*

W. Newton Male  
State Bank Commissioner

Doc. No. 022272

State of Kansas

Advisory Committee on Children and Families

Notice of Meeting

The Governor's Advisory Committee on Children and Families will meet at 10 a.m. Tuesday, April 21, in the Juvenile Justice Authority office, 714 S.W. Jackson, Suite 300, Topeka. For more information, contact Hope Burns at (785) 296-3969.

John Zutavern  
Chair

Doc. No. 022293

State of Kansas

Kansas State University

Notice to Bidders

Sealed bids for the item listed below will be received by the Kansas State University Purchasing Office, Manhattan, until 2 p.m. local time on the date indicated and then will be publicly opened. Interested bidders may call (785) 532-6214 or fax (785) 532-5577 for additional information.

Monday, April 27, 1998  
80308

Turbomolecular pump package

William H. Sesler  
Director of Purchasing

Doc. No. 022270

State of Kansas

University of Kansas Medical Center

Notice to Bidders

Sealed bids for the item listed below will be received by the University of Kansas Medical Center, Purchasing Department, 3901 Rainbow Blvd., Kansas City, KS 66160-7162, until 4 p.m. on the date indicated and then will be publicly opened. Interested bidders may call Peggy Davis at (913) 588-1115 for additional information.

Thursday, April 30, 1998  
728120

Suction or air feed table folder

Barbara Lockhart  
Purchasing Director

Doc. No. 022275

State of Kansas

Office of Judicial Administration  
Court of Appeals Docket

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

Kansas Court of Appeals  
Finney County Courthouse  
Main Courtroom  
425 N. 8th  
Garden City, Kansas

Before Rulon, P.J.; Pierron, J.; and Robert W. Fairchild, D.J., assigned.

Tuesday, April 28, 1998  
9:00 a.m.

Case No.	Case Name	Attorneys	County
77,734	Mildred Hunter, Appellee, v. Robert H. Daily, Appellant.	Glenn I. Kerbs David H. Snapp	Clark
77,559	Mary Johnson, Appellant, v. Wheat Lands Motel & Restaurant, d/b/a Grain Bin Supper Club, Appellee.	Robert A. Levy James B. Peplinski Brian C. Wright	Finney
77,537	State of Kansas, Appellee, v. Teresa Grijalba-Ramirez, Appellant.	Attorney General Clinton B. Peterson, C.A. Jessica R. Kunen, Chief A.D. Craig Durham, Asst. A.D.	Seward

(continued)

1:30 p.m.

77,595	State of Kansas, Appellee, v. Martin Smith, Appellant.	Attorney General E. Leigh Hood, C.A. Jessica R. Kunen, Chief A.D. James Brent Getty, Asst. A.D.	Ford
76,738	State of Kansas, Appellee, v. Antonio Flores, Jr., Appellant.	Attorney General Tamara S. Hicks, Asst. C.A. Jessica R. Kunen, Chief A.D. Debra J. Wilson, Asst. A.D.	Finney
76,617	State of Kansas, Appellee, v. Darin D. Mitchell, Appellant.	Attorney General Dennis C. Jones Jessica R. Kunen, Chief A.D. James Brent Getty, Asst. A.D.	Finney

Wednesday, April 29, 1998

9:00 a.m.

Case No.	Case Name	Attorneys	County
78,221	Edward Bezona, Appellant, v. M. Moran Tomson, Appellee.	Ray E. Simmons Wayne R. Tate	Stanton
79,350	In the Interest of E.W. and A.G., Children in Need of Care.	John C. Herman Jerry G. Larson Heidi L. Beeson, Asst. C.A.	Pawnee
77,999	Amoco Production Company, a Delaware Corporation, Appellee, v. Charles B. Wilson, Jr., Inc., a Texas Corporation; UMC Petroleum Corp., a Delaware Corp.; Charles B. Wilson, Jr.; Billy R. Powell; and Barbara F. Powell, Appellants.	Terry J. Barker James G. Flaherty Steven D. Gough Wayne R. Tate Eric L. Witcher William J. Graybill	Stanton

## Summary Calendar—No Oral Argument

78,381	State of Kansas, Appellee, v. Callie Jane Thomas, Appellant.	Attorney General County Attorney Jessica R. Kunen, Chief A.D.	Bourbon
79,902	In the Matter of M.L.P., a Juvenile.	Melissa G. Johnson, Asst. C.A. Kevin D. Weakley	Seward
77,953	State of Kansas, Appellee, v. Heath B. Stevens, Appellant.	Attorney General Kerwin L. Spencer, Special Prosecutor Jessica R. Kunen, Chief A.D.	Sumner
78,710	State of Kansas, Appellee, v. John S.L. Nelson, Appellant.	Attorney General R. Douglas Sebelius, C.A. Allen Shelton	Norton
78,364	State of Kansas, Appellee, v. Larry E. Webb, Appellant.	Attorney General Clinton B. Peterson, Asst. C.A. Jessica R. Kunen, Chief A.D.	Seward
78,696	State of Kansas, Appellee, v. Nabor Martinez, Sr., Appellant.	Attorney General Clinton B. Peterson, Asst. C.A. Jessica R. Kunen, Chief A.D.	Seward

Kansas Court of Appeals  
233 General Education Building  
Johnson County Community College  
12345 College Blvd., College and Quivera  
Overland Park, Kansas

Before Elliott, P.J.; Marquardt, J.; and Wahl, S.J., assigned.

Tuesday, April 28, 1998

9:00 a.m.

Case No.	Case Name	Attorneys	County
77,099	State of Kansas, Appellee, v. Javon L. Turner, Appellant.	Attorney General Jerome A. Gorman, Asst. D.A. Jessica R. Kunen, Chief A.D. Stephen B. Chapman, Asst. A.D.	Wyandotte
76,925	State of Kansas, Appellee, v. Artemus Gray, Appellant.	Kyle G. Smith, Asst. Attorney General District Attorney Jessica R. Kunen, Chief A.D. Thomas Jacquinet, Asst. A.D.	Wyandotte
78,233	James A. Stevenson, Appellee, v. Deffenbaugh Disposal Service, and Hartford Accident & Indemnity, Appellants.	Gerald C. Golden Michael J. Haight Steven C. Alberg	Work Comp
1:30 p.m.			
80,164	In the Interest of A.P., a Child Under the Age of 18 Years, to-wit: 07/02/95.	David P. Zabel, Asst. D.A. Peggy Kittel Craig A. Stancliffe	Douglas
78,216	James Ray Biggs, Appellant, v. Richard D. Groshong, and Amy E. King, Appellees.	L. Dean Wilson Thomas A. Krueger	Coffey
77,919	Dorothy J. Harriford, Appellant, v. Herbert A. Daniels, M.D., Appellee.	F.A. White, Jr. John H. Norton Robert V. Wells Frank Saunders, Jr. John R. Weist	Wyandotte

Summary Calendar—No Oral Argument

75,525	State of Kansas, Appellee, v. Shawn T. Grant, Appellant.	Attorney General County Attorney Jessica R. Kunen, Chief A.D.	Bourbon
77,247	State of Kansas, Appellee, v. Randy E. Glessner, Appellant.	Attorney General County Attorney Randy E. Glessner, pro se	Bourbon
77,476	State of Kansas, Appellee, v. David A. Burns, Appellant.	Attorney General District Attorney Thomas E. Foster	Johnson
78,088	Sherman L. Galloway, Appellant, v. David McKune, et al., Appellees.	Jessica R. Kunen, Chief A.D. Attorney General District Attorney	Douglas

(continued)

78,106	State of Kansas, Appellee, v. Linda S. Poore, Appellant.	Attorney General District Attorney Jessica R. Kunen, Chief A.D.	Johnson
78,211	State of Kansas, Appellee, v. Dennis Lammert, Appellant.	Attorney General District Attorney Joseph L. Dioszeghy	Johnson
78,324	State of Kansas, Appellee, v. Reginald A. Thurman, Appellant.	Attorney General District Attorney Jessica R. Kunen, Chief A.D.	Johnson
78,746	Glen Pearl, Appellant, v. State of Kansas, Appellee.	Jessica R. Kunen, Chief A.D. Attorney General District Attorney	Wyandotte
80,139	In the Interest of M.B., dob: 03/12/92.	Philip J. Bernhart Robert L. Eastman County Attorney	Montgomery

## No Oral Argument

78,470	State of Kansas, Appellee, v. Robert D. Greve, Appellant.	Attorney General County Attorney Jessica R. Kunen, Chief A.D.	Crawford
78,684	State of Kansas, Appellee, v. Rex Orlan Young, Sr., Appellant.	Attorney General County Attorney Jessica R. Kunen, Chief A.D.	Saline
78,691	State of Kansas, Appellee, v. Dennis T. Boyd, Appellant.	Attorney General County Attorney Jessica R. Kunen, Chief A.D.	Butler

**Kansas Court of Appeals  
Old Sedgwick County Courthouse  
510 N. Main, 3rd Floor  
Wichita, Kansas**

**Before Knudson, P.J., Royse, J.; and Paddock, S.J., assigned.**

**Tuesday, April 28, 1998**

**9:00 a.m.**

Case No.	Case Name	Attorneys	County
75,512	State of Kansas, Appellee, v. Schina T. Gantt, Appellant.	Attorney General Debra S. Peterson, Asst. D.A. Charles R. Reimer, Asst. D.A. Jessica R. Kunen, Chief A.D.	Sedgwick
77,518	State of Kansas, Appellee, v. Anthony D. Lawson, Appellant.	Attorney General Debra S. Peterson, Asst. D.A. Charles R. Reimer, Asst. D.A. Jessica R. Kunen, Chief A.D. Alice A. Craig, Asst. A.D.	Sedgwick
76,952	State of Kansas, Appellee, v. Joseph Scott Stuber, a/k/a Jason S. Stuber, Appellant.	Attorney General Debra S. Peterson, Asst. D.A. Doyle Baker, Asst. D.A. Jessica R. Kunen, Chief A.D. Steven R. Zinn, Asst. A.D.	Sedgwick

**1:30 p.m.**

77,825	In the Matter of the Estate of Sidney Paxton, Deceased.	Charles H. Herd Larry E. Schneider	Kiowa
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78,508	Jacob Montoya, Appellant, v. Monfort, Inc., and City Insurance Co., Appellees.	Stanley R. Ausemus Alisa A. Nickel	Work Comp
78,877	In the Matter of the Marriage of Dixie Elaine Schrimp, Appellee, and George F. Schrimp, Appellant.	Thomas V. Black David E. (Rick) Roberts	Pratt

## Summary Calendar—No Oral Argument

78,198	Ryan D. McDougle, Appellant, v. State of Kansas, Appellee.	Jessica R. Kunen, Chief A.D. Attorney General Debra S. Peterson, Asst. D.A.	Sedgwick
78,332	State of Kansas, Appellee, v. Paul L. Greiner, Appellant.	Attorney General Timothy J. Chambers, C.A. Jessica R. Kunen, Chief A.D.	Reno
80,018	In the Interest of J.S., dob: 07/02/95; A.W., dob: 07/18/89; K.W., dob: 11/11/82; Children in Need of Care.	Trish Rose Linda L. Blackburn, Asst. C.A. R. J. Kleinherenbrink	Reno
77,715	State of Kansas, Appellee, v. Dwight D. Littlejohn, Appellant.	Attorney General Debra S. Peterson, Asst. D.A. Jessica R. Kunen, Chief A.D.	Sedgwick
78,417	State of Kansas, Appellee, v. Adrian M. Board, Appellant.	Attorney General County Attorney Henry O. Boatman	Geary
79,451	Richard Scott Price, Appellant, v. Department of Social and Rehabilitation Services, and Laurita Burbach, Appellees.	Allen B. Angst Kenneth R. Smith	Trego
77,571	State of Kansas, Appellee, v. Charles L. Searce, Appellant.	Attorney General Linus A. Thuston, C.A. Jessica R. Kunen, Chief A.D.	Neosho
78,195	Herbert A. Griffin, Appellant, v. State of Kansas, Appellee.	Jessica R. Kunen, Chief A.D. Attorney General Debra S. Peterson, Asst. D.A.	Sedgwick
78,438	State of Kansas, Appellee, v. Bernard Rose, Appellant.	Attorney General Robert A. Walsh, C.A. Jessica R. Kunen, Chief A.D.	Cloud

## No Oral Argument

78,466	Anceo M. Carter, Appellant, v. State of Kansas, Appellee.	Jessica R. Kunen, Chief A.D. Attorney General County Attorney	Geary
78,978	Cory E. Jones, Appellant, v. State of Kansas, Appellee.	Jessica R. Kunen, Chief A.D. Attorney General Debra S. Peterson, Asst. D.A.	Sedgwick

(continued)

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

Before Brazil, C.J.; Gernon, J.; and Ernest Johnson, D.J., assigned.

Tuesday, April 28, 1998

9:00 a.m.

Case No.	Case Name	Attorneys	County
79,997	State of Kansas, Appellant, v. Ernest B. Evans, Appellee.	Attorney General Jennifer L. Clark, Asst. C.A. James L. Sweet	Saline
77,763	Lester Martin, Appellant, v. Monfort, Inc., and City Insurance Company, Appellees.	Beth Regier Foerster Bradley C. Ralph	Work Comp
79,983	In the Interest of C.W.B., dob: 11/11/88; B.L.P., dob: 12/14/91; Children in Need of Care.	James D. Harty Wendy A. Axton, Asst. C.A. Edward D. Embers	McPherson
1:30 p.m.			
77,428	State of Kansas, Appellee, v. Andrew Reed, Appellant.	Attorney General Debra S. Peterson, Asst. D.A. Elizabeth Rogers, Asst. D.A. Jessica R. Kunen, Chief A.D. Rebecca E. Woodman	Sedgwick
77,674	State of Kansas, Appellee, v. Michael D. Smith, Appellant.	Attorney General Debra S. Peterson, Asst. D.A. Thomas J. Schultz, Asst. D.A. Jessica R. Kunen, Chief A.D. Chris Durham, Asst. A.D.	Sedgwick
77,511	State of Kansas, Appellee, v. Keith D. Mathis, Appellant.	Attorney General Debra S. Peterson, Asst. D.A. Charles R. Reimer, Asst. D.A. Kevin Loeffler	Sedgwick

Summary Calendar—No Oral Argument

77,649	State of Kansas, Appellee, v. Bradley H. Shafer, Appellant.	Attorney General Timothy J. Chambers, C.A. Jessica R. Kunen, Chief A.D.	Reno
78,435	Lewis Jones, Appellant, v. State of Kansas, Appellee.	Jessica R. Kunen, Chief A.D. Attorney General Debra S. Peterson, Asst. D.A.	Sedgwick
78,561	City of Wichita, Kansas, a Municipal Corporation, Appellee, v. Lawrence T. Casanova, Appellant.	Sharon L. Dickgrafe Alan R. Welch	Sedgwick
77,732	Radella Landrum, Appellant, v. Harold Stroud, Appellee.	Russell B. Cranmer Alan R. Pfaff	Sedgwick
78,037	State of Kansas, Appellee, v. Melvin Washington, Appellant.	Attorney General Timothy J. Chambers, C.A. Jessica R. Kunen, Chief A.D.	Reno

79,855	In the Interest of V.A.T.	Timothy H. Henderson Shawn Elliott William R. Griffith Becky C. Hurtig Debra S. Peterson, Asst. D.A.	Sedgwick
78,447	State of Kansas, Appellee, v. Roy A. Lumley, Appellant.	Attorney General Debra S. Peterson, Asst. D.A. Jessica R. Kunen, Chief A.D.	Sedgwick
78,873	Leslie Norman Walker, Appellant, v. State of Kansas, Appellee.	Leslie N. Walker, pro se Attorney General Timothy J. Chambers, C.A.	Reno
79,421	In the Interest of R.E.W., R.W.W., and M.L.W.	Michael C. Brown Shawn Elliott Barbara L. James Debra S. Peterson, Asst. D.A.	Sedgwick
<b>No Oral Argument</b>			
78,612	Jessie James Jones, Appellant, v. State of Kansas, Appellee.	Jessica R. Kunen, Chief A.D. Attorney General County Attorney	Finney
78,667	State of Kansas, Appellee, v.	Attorney General County Attorney	Reno
78,668	Elmo Gipson, Jr., a/k/a	Jessica R. Kunen, Chief A.D.	
78,669	Elmo Gipson, a/k/a Elmer Gipson, Appellant.		

**Kansas Court of Appeals  
Kansas Judicial Center  
Court of Appeals Courtroom, 2nd Floor  
301 W. 10th Ave.  
Topeka, Kansas**

**Before Lewis, P.J.; Green, J.; and John White, D.J., assigned.  
Tuesday, April 28, 1998  
9:00 a.m.**

Case No.	Case Name	Attorneys	County
78,219	State Farm Mutual Automobile Company and State Farm Fire Insurance Company, Appellants, v. Valorie Lane, Louie F. Lawyer, Edward Crumby, T.J. Crumby, Carol Joann Stevenson, and John Stevenson, Appellees.	Douglas M. Greenwald Donald W. Vasos	Wyandotte
77,017	State of Kansas, Appellee, v. Ricky Lee Moss, Appellant.	Attorney General Craig J. Spomer, C.A. William K. Rork	Wabaunsee
78,227	Imperial Investors, Inc., d/b/a Best Western Surf Motel, Appellant, v. The Clark Enersen Partners, Inc.; Concord Enterprises, Inc.; and Dean Lukeroth, d/b/a Lukeroth Masonry, Appellees.	J. Nick Badgerow Darold D. Bolton Donn J. Everett	Marshall

(continued)

1:30 p.m.

78,495	Kay Glenn, Appellant, v. Kinko's Copies, and CNA Insurance Company, and Kansas Workers Compensation Fund, Appellees.	John David Jurcyk Patrick R. Nichols Jerry R. Shelor	Work Comp
78,145	State of Kansas, Appellee, v. Everett Manning, Appellant.	Attorney General Sherri L. Price, Asst. D.A. Michael G. Highland	Wyandotte
77,402	State of Kansas, Appellee, v. Clarence B. Hauk II, Appellant.	Attorney General Patrick E. Henderson, Asst. C.A. Michael A. Ireland	Atchison
<b>Summary Calendar—No Oral Argument</b>			
78,133	State of Kansas, Appellee, v. Michelle M. Tinocco, Appellant.	Attorney General Athena E. Andaya, Asst. D.A. Jessica R. Kunen, Chief A.D.	Shawnee
78,464	State of Kansas, Appellee, v. Tony L. Brasfield, Appellant.	Attorney General Timothy J. Chambers, C.A. Jessica R. Kunen, Chief A.D.	Reno
78,845	In the Matter of the Marriage of Kimberly D. Brockelman, Appellee, and Franklin Lee Brockelman, Appellant.	Leonard W. Kinzie Ardith R. Smith-Woertz	Shawnee
77,802	Jason L. Turner, Appellant, v. State of Kansas, Appellee.	Jessica R. Kunen, Chief A.D. Attorney General Chris Biggs, C.A.	Geary
78,387	State of Kansas, Appellee, v. Robert R. West, Jr., Appellant.	Attorney General Cynthia J. Long, Asst. D.A. Jessica R. Kunen, Chief A.D.	Shawnee
78,911	State of Kansas, Appellee, v. John Harris, Appellant.	Attorney General A.J. Stecklein, Asst. D.A. Jessica R. Kunen, Chief A.D.	Wyandotte
78,305 78,306	State of Kansas, Appellee, v. Dale E. Winters, Appellant.	Attorney General County Attorney Jessica R. Kunen, Chief A.D.	Linn
78,954	Martin Zimmer, Appellant, v. David R. McKune, <i>et al.</i> , Appellees.	Martin Zimmer, pro se Jeffrey L. Cowger	Leavenworth
79,029	Kenneth Jackson, Appellant, v. Prison Health Services, Appellee.	Kenneth Jackson, pro se John D. Tongier	Leavenworth

**No Oral Argument**

78,838	State of Kansas, Appellee, v. George P. Peterson, Appellant.	Attorney General Debra S. Peterson, Asst. D.A. Jessica R. Kunen, Chief A.D.	Sedgwick
78,912	State of Kansas, Appellee, v. David D. Hicks, Appellant.	Attorney General District Attorney Jessica R. Kunen, Chief A.D.	Johnson

Carol G. Green  
Clerk of the Appellate Courts



## State of Kansas

## State Corporation Commission

## Notice of Motor Carrier Hearings

The following motor carriers have filed various applications and are scheduled for hearing at 9:30 a.m. May 5 before the commission at its offices, 1500 S.W. Arrowhead Road, Topeka, as indicated below. All applications listed herein are for statewide authority, unless otherwise stated. This list does not include cases which have been continued from earlier assigned hearing dates for which parties of record have received notice.

Requests to inspect and copy the notices provided to the parties and questions in regard to these hearings should be addressed to the State Corporation Commission, Transportation Division, 1500 S.W. Arrowhead Road, Topeka, 66604-4027, (785) 271-3225 or 271-3151. The presiding officer for these matters is Paula Lentz, Assistant General Counsel, (785) 271-3279. Anyone needing special accommodations should give notice to the commission 10 days prior to the scheduled hearing date.

Attention should be directed to Kansas Administrative Regulation 82-1-228, "Rules of Practice and Procedure Before the Commission."

**Application for Certificate of Public Service:**

**Glenn and Sherry Greve, dba Greve Farms**, 14375 240th Road, Erie, KS 66733; MC ID No. 156162; General commodities (except household goods and hazardous materials).

**Don Heberling, dba Eagle Transfer Limited**, 220 Maple, Overbrook, KS 66524; MC ID No. 156163; General commodities (except household goods and hazardous materials).

**Hurst Sandblasting & Painting, Inc.**, 1607 E. 16 Road, Aurora, NE 68818; MC ID No. 223468; General commodities (except household goods and hazardous materials).

**Jasa Transit, Inc.**, 8823 N. 52nd Ave., Omaha, NE 68452; MC ID No. 224007; Joseph Weiler, Attorney; General commodities (except Classes A and B explosives, household goods and hazardous materials).

**Don Norton, dba Norton's Tractor Service**, 700 S. Section Line, Plainville, KS 67663; MC ID No. 156158; General commodities (except household goods and hazardous materials).

**Richard's Leasing Corp., dba Richard's Leasing and Service, Inc.**, 910 Sak Drive, Crest Hill, IL 60435; MC ID No. 156159; Joseph Rebman, Attorney; General commodities (except household goods, salt water and hazardous materials).

**Dale Swindler, dba Swindler Trucking**, 4441 Wasserman Way, Salina, KS 67401; MC ID No. 156157; Clyde Christey, Attorney; General commodities (except household goods and hazardous materials).

**Alex West, dba Alex's Radio and Repair**, 328½ W. Hwy. 24, Goodland, KS 67735; MC ID No. 156160; Wrecked, disabled, repossessed and replacement vehicles.

**Application for Name Change of Certificate of Public Service:**

**Bullseye Roustabout Service, Inc.**, 324 Simpson, Pratt, KS 67124; MC ID No. 125496, to: Bullseye Oilfield Service, Inc., 324 Simpson, Pratt, KS 67124; Kathleen Rein, Attorney; Crude oil, used in and for production, processing, treating, salvage, construction and lease road purposes, in bulk; fresh water and salt water; oilfield equipment, materials, supplies and machinery; and equipment, materials, supplies and machinery utilized in oil refining and pipe stringing.

**Lance James, dba J Bar 3 Trucking**, 42616 Hwy. 160, Walsh CO 81090, MC ID No. 152647, to: Lance D. James, dba J Bar 3

Trucking, 42616 Hwy. 160, Walsh, CO 81090; MC ID No. 152647; Grain.

**Pony Express Courier Corporation**, 6165 Barfield Road, Atlanta, GA 30338-4309, MC ID No. 120069, to: Pony Express Delivery Services, Inc., 6165 Barfield Road, Atlanta, GA 30328-4309; Jerry Hess, Attorney; General commodities (except household goods).

**Application for Transfer of Certificate of Public Service:**

**Robert D. McDonald, dba Bob's Roustabout Service**, 512 S. Oak, Medicine Lodge, KS 67104, MC ID No. 151647, to: Bob's Roustabout Service, Inc., 512 S. Oak, Medicine Lodge, KS 67104; Alan Goering, Attorney; Oil field equipment, materials and supplies.

**Application for Abandonment of Certificate of Public Service:**

**Eugene George, dba Eugene George Trucking Service**, 102 Vermont St., Oswego, KS 67356; MC ID No. 102353.

**William A. Raup, dba Burry Truck Line**, 822 N. Bellefontaine, Kansas City, MO 64120; MC ID No. 137186.

**Ted Worl**, 2435 21st Road, Geneseo, KS 67444; MC ID No. 153798.

**Application for Abandonment of Contract Carrier Permit:**

**Alvis Boyle and Frank Boyle, dba Boyle Truck Lines**, 815 Birdie Drive, Independence, KS 67301-1501; MC ID No. 112766.

**William F. Nigg**, 5111 N. Hoover, Wichita, KS 67205; MC ID No. 152673.

**John R. Shultz, dba Shultz Iron & Metal**, P.O. Box 515, Coldwater, KS 67029-0515; MC ID No. 101083.

Don Carlile  
Administrator  
Transportation Division

Doc. No. 022287

## State of Kansas

## Board of Healing Arts

## Permanent Administrative Regulations

## Article 11.—FEES

**100-11-1. Amount.** The following fees shall be collected by the board:

(a) Application for license .....	\$250.00
(b) (1) Annual renewal of active and federally active license .....	\$180.00
(2) Annual renewal of inactive license .....	\$90.00
(3) Annual renewal of exempt license .....	\$90.00
(c) (1) Conversion from inactive to active license .....	\$90.00
(2) Conversion from exempt to active license .....	\$90.00
(d) (1) Late renewal of active license .....	\$210.00
(2) Late renewal of inactive license .....	\$120.00
(3) Late renewal of exempt license .....	\$120.00
(e) Institutional license .....	\$150.00
(f) Biennial renewal of institutional license .....	\$150.00
(g) Visiting clinical professor license .....	\$150.00
(h) Annual renewal of visiting clinical professor license .....	\$115.00
(i) Limited permit .....	\$30.00
(j) Annual renewal of limited permit .....	\$15.00
(k) Reinstatement of limited permit .....	\$30.00
(l) Visiting professor license .....	\$25.00
(m) Postgraduate training permit .....	\$40.00

(continued)

- (n) Reinstatement of cancelled license ..... \$250.00
- (o) Reinstatement of revoked license ..... \$1000.00
- (p) Temporary permit ..... \$40.00
- (q) Special permit ..... \$30.00
- (r) Certified statement of license ..... \$15.00
- (s) Duplicate license ..... \$15.00

(Authorized by K.S.A. 65-2865; implementing K.S.A. 1996 Supp. 65-2809 and K.S.A. 65-2852, as amended by L. 1997, Ch. 94, Sec. 2; effective Jan. 1, 1966; amended Jan. 1, 1970; amended Feb. 15, 1977; amended May 1, 1979; amended May 1, 1980; amended May 1, 1981; amended, T-83-33, Nov. 10, 1982; amended May 1, 1983; amended, T-85-50, Dec. 19, 1984; amended May 1, 1985; amended May 1, 1986; amended, T-87-42, Dec. 19, 1986; amended May 1, 1987; amended, T-88-11, May 18, 1987; amended May 1, 1988; amended, T-100-4-24-89, April 24, 1989; amended Aug. 21, 1989; amended June 24, 1991; amended, T-100-7-1-92, July 1, 1992; amended Aug. 10, 1992; amended Dec. 27, 1993; amended May 1, 1998.)

**Article 29.—PHYSICAL THERAPY**

**100-29-7. Amount.** The following fees shall be collected by the board:

- (a) Application based upon certificate of prior examination ..... \$60.00
- (b) Application based on examination ..... \$80.00
- (c) (1) Annual renewal ..... \$40.00
- (2) Late renewal ..... \$50.00
- (3) Reinstatement ..... \$60.00
- (d) Certified copy ..... \$15.00
- (e) Duplicate certificate ..... \$15.00
- (f) Temporary permit ..... \$25.00

(Authorized by K.S.A. 65-2911; implementing K.S.A. 65-2910; effective March 21, 1997; amended May 1, 1998.)

**Article 49.—PODIATRY**

**100-49-4. Fees.** The following fees shall be collected by the board:

- (a) Application for license ..... \$250.00
- (b) Examination ..... \$450.00
- (c) (1) Annual renewal of license ..... \$180.00
- (2) Annual renewal of exempt license ..... \$90.00
- (d) Conversion from exempt to active license ..... \$90.00
- (e) (1) Late renewal of active license ..... \$210.00
- (2) Late renewal of exempt license ..... \$120.00
- (f) Temporary license ..... \$40.00
- (g) Duplicate license ..... \$15.00
- (h) Reinstatement of license ..... \$250.00
- (i) Temporary permit ..... \$40.00
- (j) Certified statement of license ..... \$15.00

(Authorized by K.S.A. 65-2013; implementing K.S.A. 65-2012, as amended by L. 1997, Ch. 94, Sec. 1; effective May 1, 1980; amended May 1, 1981; amended May 1, 1983; amended May 1, 1984; amended May 1, 1987; amended April 24, 1989; amended Aug. 21, 1989; amended, T-100-12-28-89, Dec. 28, 1989; amended April 9, 1990; amended Dec. 27, 1993; amended May 1, 1998.)

**Article 54.—OCCUPATIONAL THERAPY**

**100-54-4. Fees.** The following fees shall be collected by the board:

- (a) Application for registration ..... \$60.00
- (b) (1) Registration renewal ..... \$40.00
- (2) Registration late renewal ..... \$50.00
- (3) Registration reinstatement ..... \$60.00

- (c) Certified copy of registration ..... \$15.00
- (d) Temporary registration ..... \$25.00

(Authorized by K.S.A. 65-5405; implementing K.S.A. 65-5409, as amended by L. 1997, Ch. 94, Sec. 4; effective, T-88-17, July 1, 1987; effective May 1, 1988; amended, T-100-10-17-89, Oct. 17, 1989; amended Feb. 5, 1990; amended May 1, 1998.)

**Article 55.—RESPIRATORY THERAPY**

**100-55-4. Fees.** The following fees shall be collected by the board:

- (a) Application for registration ..... \$60.00
- (b) (1) Registration renewal ..... \$40.00
- (2) Registration late renewal ..... \$50.00
- (3) Registration reinstatement ..... \$60.00
- (c) Certified copy of registration ..... \$15.00
- (d) Special permit ..... \$15.00
- (e) Temporary registration ..... \$25.00

(Authorized by K.S.A. 65-5505; implementing K.S.A. 65-5509, as amended by L. 1997, Ch. 94, Sec. 5; effective, T-88-17, July 1, 1987; effective May 1, 1988; amended, T-100-10-17-89, Oct. 17, 1989; amended Feb. 5, 1990; amended Jan. 3, 1997; amended May 1, 1998.)

**100-55-10.** (Authorized by K.S.A. 65-5505; implementing K.S.A. 65-5508; effective Jan. 3, 1997; revoked May 1, 1998.)

**Article 60.—PHYSICIANS' ASSISTANTS**

**100-60-1. Fees.** The following fees shall be collected by the board:

- (a) Initial registration ..... \$100.00
- (b) Temporary registration ..... \$25.00
- (c) Renewal of registration ..... \$70.00
- (d) Late renewal of registration ..... \$85.00
- (e) Reinstatement of registration ..... \$100.00
- (f) Certified statement of registration ..... \$15.00
- (g) Copy of registration certificate ..... \$15.00

(Authorized by and implementing K.S.A. 65-2896, as amended by L. 1997, Ch. 94, Sec. 3; effective, E-79-35, Dec. 20, 1978; effective May 1, 1979; amended, T-100-10-17-89, Oct. 17, 1989; amended Feb. 5, 1990; amended May 1, 1998.)

**Article 69.—ATHLETIC TRAINING**

**100-69-5. Fees.** The following fees shall be collected by the board:

- (a) Application for registration ..... \$60.00
- (b) Temporary registration ..... \$25.00
- (c) (1) Renewal ..... \$40.00
- (2) Late renewal ..... \$50.00
- (3) Reinstatement ..... \$60.00
- (d) Certified copy of registration ..... \$15.00

(Authorized by and implementing K.S.A. 1996 Supp. 65-6910, as amended by L. 1997, Ch. 94, Sec. 6; effective July 19, 1996; amended May 1, 1998.)

Lawrence T. Buening, Jr.  
Executive Director

Doc. No. 022265

## State of Kansas

## Racing and Gaming Commission

Permanent Administrative  
RegulationsArticle 4.—OCCUPATION AND  
CONCESSIONAIRE LICENSES

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

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

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

(c) Each applicant for an occupation license acting as an employer required to carry workers compensation insurance pursuant to the workers compensation act of the state of Kansas, K.S.A. 44-501, *et seq.*, shall submit proof of this insurance to the commission within 10 working days of the applicant's filing an application for an occupation license.

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

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

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

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

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

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

(2) secure a duplicate license; and

(3) pay the required fee.

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

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

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

(j) A computer check of license records from other racing jurisdictions shall be run annually on all licensees by the commission. A computer check shall also be run at the time of validation of each three-year license.

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

(l) Each applicant for an occupation license must be at least 16 years of age. This provision shall not preclude dependent children under the age of 16 from working for a parent or guardian when the parent or guardian is licensed as a kennel owner, trainer, or assistant trainer and

(continued)

the parent or guardian has obtained approval from the organization licensee. Each licensed trainer at a horse or greyhound racetrack facility or assistant trainer at a horse racetrack facility shall be at least 18 years of age. Each racing official, security employee, and mutuel employee shall be at least 18 years of age.

(m) Each employer at a racetrack facility shall ensure that each employee is properly licensed and shall immediately notify the commission office at the racetrack facility and the organization licensee when a licensee's employment status changes or when an employee is terminated. Each employer shall make an effort to secure the employee's occupation license and, if the license is secured, shall deliver the license to the commission office at the racetrack facility. (Authorized by K.S.A. 1996 Supp. 74-8804; implementing K.S.A. 1996 Supp. 74-8804 and K.S.A. 74-8816; effective, T-112-1-19-89, Jan. 19, 1989; effective April 10, 1989; amended, T-112-8-22-89, Aug. 22, 1989; amended Oct. 9, 1989; amended, T-112-12-30-91, Dec. 30, 1991; amended Feb. 24, 1992; amended, T-112-8-13-92, Aug. 13, 1992; amended, T-112-12-10-92, Dec. 10, 1992; amended Feb. 15, 1993; amended, T-112-7-22-93, July 22, 1993; amended Oct. 25, 1993; amended April 3, 1995; amended March 8, 1996; amended July 25, 1997; amended May 1, 1998.)

**112-4-22. Licensing required.** (a) Each person shall complete all license procedures required by the commission before that person assumes any duties at a racetrack facility except as follows.

(b)(1) Any trainer or assistant trainer may apply for a 30-day license on behalf of an absentee horse owner and pay the required application fees. Each horse owned by an absentee horse owner shall be permitted only one start during the 30-day period. Each absentee horse owner shall complete the licensing procedure before the 30-day license expires. No organization licensee shall pay purse money to the absentee horse owner until the owner secures a permanent horse owner's license.

(2) If the permanent horse owner's license is not secured within 30 days, the trainer, assistant trainer, or absentee owner may be penalized by the commission. (Authorized by K.S.A. 1996 Supp. 74-8804; implementing K.S.A. 1996 Supp. 74-8816; effective, T-112-1-19-89, Jan. 19, 1989; effective April 10, 1989; amended, T-112-8-22-89, Aug. 22, 1989; amended Oct. 9, 1989; amended, T-112-8-13-92, Aug. 13, 1992; amended, T-112-12-10-92, Dec. 10, 1992; amended Feb. 15, 1993; amended May 1, 1998.)

**112-4-22a. Registrations required.** (a) Any corporation, partnership, syndicate, stable, or other association or entity owning a horse shall register the entity with the commission before racing in a parimutuel race except as follows.

(b)(1) Any trainer or assistant trainer may apply for a 30-day temporary registration on behalf of the absentee legal owner owning a horse at a racetrack facility and pay the required fees. Each horse owned by an entity with a temporary registration shall be permitted only one start during the 30-day period. The managing owner of the entity with this temporary registration shall complete the registration procedure before the 30-day registration expires. No organization licensee shall pay purse money to

any such registered entity or managing owner until a permanent registration is secured.

(2) If the permanent registration is not secured within 30 days, the trainer, assistant trainer, or persons having an interest in the entity with the temporary registration may be penalized by the commission. (Authorized by K.S.A. 1996 Supp. 74-8804; implementing K.S.A. 1996 Supp. 74-8816; effective May 1, 1998.)

#### Article 7.—RULES FOR RACING

**112-7-7. Entries.** (a) Each horse entered for the first time at a race meeting shall be identified by its name, color, sex, age, and the name of its sire or sires and dam as registered. For every other race, each horse shall be identified by its name, color, sex, and age.

(b) Each nomination and entry shall be made in writing and signed by the owner or trainer of the horse, or the owner's licensed authorized agent or the trainer's licensed authorized agent. Each organization licensee shall provide forms upon which entries, scratches, and declarations are to be made for all races.

(1) Only each steward, racing secretary, and secretary's designee shall be authorized to receive entries, scratches, and declarations.

(2) Any entry may be made by telephone, facsimile, or telegraph, but each entry shall be confirmed in writing one hour before post time of the first race on the day of the race for which the horse is entered.

(3) In a stakes race, the closing of nominations, entries, interim payments, and declarations shall be in accordance with the conditions published by the organization licensee sponsoring the race.

(4) Each signed entry blank shall be prima facie evidence that the contents of the entry blank express the desire and intent of the person making the entry.

(c) Each nominator shall be liable for entrance money or stakes. A mistake in the entry of an eligible horse shall not release the subscriber or the subscriber's transfer from liability for stakes or entrance money. Entrance money or stakes shall not be refunded because of the death of a horse or because of its failure to start a race.

(d) No person shall perform any of the following:

(1) enter in the person's name a horse of which the person is not the actual owner;

(2) enter or cause to be entered or start a horse that the person knows or believes to be ineligible or disqualified;

(3) enter a horse in more than one race on any day, except stakes races; or

(4) enter a horse in a race if it is wholly or partly owned by, trained by, or under the management of a person whose license is under suspension or a person who acts in concert with or under the control of a person whose license is under suspension.

(e) Each entry from a person whose license is suspended and each entry of an ineligible horse shall be void, and any money paid for the entry shall be paid to the purse of the race.

(f) Except for decisions regarding disqualification for interference during the running of the race, each dispute, claim, and objection relating to the race and the interpretation of commission regulations shall be decided by the

stewards or, upon review, by the commission. (Authorized by and implementing K.S.A. 1996 Supp. 74-8804; effective, T-112-2-23-89, Feb. 23, 1989; effective June 19, 1989; amended, T-112-8-13-92, Aug. 13, 1992; amended, T-112-12-10-92, Dec. 10, 1992; amended Feb. 15, 1993; amended May 1, 1998.)

Myron P. Scafe  
Executive Director

Doc. No. 022273

## State of Kansas

### Department of Corrections

#### Notice of Hearing on Proposed Administrative Regulations

A public hearing will be conducted at 10 a.m. Wednesday, June 24, in the conference room of the Department of Corrections, fourth floor, Landon State Office Building, 900 S.W. Jackson, Topeka, to consider the adoption of proposed changes in existing rules and regulations of the Department of Corrections on a permanent basis.

This 60-day notice of the public hearing shall constitute a public comment period for the purpose of receiving written public comments on the proposed rules and regulations. All interested parties may submit written comments prior to the hearing to Timothy G. Madden, Chief Legal Counsel, Kansas Department of Corrections, 4th Floor, Landon State Office Building, 900 S.W. Jackson, Topeka, 66612. All interested parties will be given a reasonable opportunity to present their views orally on the adoption of the proposed regulations 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 regulations and economic impact statements in an accessible format. Requests for accommodation should be made at least five working days in advance of the hearing by contacting Timothy G. Madden at (785) 296-4508, fax (785) 296-0014. Handicapped parking is located at the south end of Landon State Office Building, and the north entrance to the building is accessible to individuals with disabilities.

Copies of the regulations and the economic impact statement may be obtained by contacting Timothy G. Madden. A summary of the proposed regulations and their economic impact follows.

**K.A.R. 44-6-108. Application of good time credits.** Amendments to this regulation consolidate rules governing the application of good time credits for various sentences eligible for good time credits. This change does not have an economic impact and does not affect other governmental units, private citizens and consumers.

**K.A.R. 44-6-114c. Parole eligibility computation.** Amendments to this regulation provide direction to department personnel regarding statutory provisions relative to parole eligibility. These amendments organize various statutory provisions but do not interpret statutory provisions and thus do not create any economic impact beyond current statutory law. This proposed regulation

does not impact other governmental units, private citizens and consumers.

**K.A.R. 44-6-114d. Conditional release date.** This proposed regulation incorporates the provisions of K.A.R. 44-6-142, which is proposed to be repealed. This proposed regulation does not alter the current economic impact of existing regulations and does not impact other governmental units, private citizens and consumers.

**K.A.R. 44-6-114e. Guidelines release date.** This proposed regulation provides direction to department personnel regarding statutory provisions relative good time reductions of the prison portion of guidelines sentences. This regulation organizes various statutory provisions but does not interpret statutory provisions, with the exception that partial day awards of good time credits are to be rounded to the next full number. Therefore, this regulation does not create any economic impact beyond current statutory law with the exception that the length of the prison portion of a guidelines sentence will be shortened by a full day for each partial day of good time awarded. This proposed regulation does not impact other governmental units, private citizens and consumers.

**K.A.R. 44-6-115a. Awarding and withholding good time on incarcerated offenders.** This proposed regulation incorporates the provisions of K.A.R. 44-6-124, which is proposed to be repealed. This proposed regulation does not alter the current economic impact of existing regulations and does not impact other governmental units, private citizens and consumers.

**K.A.R. 44-6-115b. Awarding and withholding good time for offenders on supervised release.** This proposed regulation incorporates the provisions of the Guidelines Sentencing Act. This regulation also provides for the mandatory nonaward of good time credits for persons on supervised release for specified behavior. This could result in an unknown number of persons on release supervision remaining under supervision for a longer period of time.

**K.A.R. 44-10-102. Incarceration privileges and incentives.** This proposed regulation designates privilege and incentive levels for the internal management of inmates in correctional facilities. This regulation does not have an economic impact on the state; however, this regulation impacts offenders.

**K.A.R. 44-10-103. Release supervision privileges and incentives.** This proposed regulation designates privilege and incentive levels for the internal management of offenders on release supervision. This regulation does not have an economic impact on the state; however, this regulation impacts offenders on release supervision.

**K.A.R. 44-6-115, Parole eligibility computation, prior to transfer; K.A.R. 44-6-120, Application of good time to record; K.A.R. 44-6-124, Awarding good time; K.A.R. 44-6-142, Conditional release date; and K.A.R. 44-6-146, Presumptive sentence good time credits.** These regulations are being revoked as the provisions of these regulations are incorporated into amended regulations. The repeal of these regulations does not alter the current economic impact of existing regulations and does not impact other governmental units, private citizens and consumers.

Charles E. Simmons  
Secretary of Corrections

Doc. No. 022276

## 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-98-58/63

Name and Address of Applicant	Legal Description	Receiving Water
HRC Feed Yard, Inc. #3 P.O. Box 186 Scott City, KS 67871	W/2 of Sec. 21, and NW/4 of Sec. 28, T18S, R33W, Scott County	Upper Arkansas River Basin

Kansas Permit No. A-UASC-C016 Federal Permit No. KS-0081183  
This is an expansion facility for 12,500 (12,500 animal units) of beef cattle.

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

**Compliance Schedule:** Existing controls meet KDHE requirements.

Name and Address of Applicant	Legal Description	Receiving Water
Rogers Hereford Ranch Route 1, Box 26 Long Island, KS 67647	NE/4 & SE/4 of Sec. 21, T1S, R20W, Phillips County	Upper Republican River

Kansas Permit No. A-URPL-B002  
This is a new facility for 870 head (845 animal units) of cattle.

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

**Compliance Schedule:** The livestock waste management plan for the facility developed by the NRSC of Phillips County and approved by this department shall be adhered to as a condition of this permit. 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.

Name and Address of Applicant	Legal Description	Receiving Water
Glendon L. Ropp 2806 W. Red Rock Road Hutchinson, KS 67501	SE/4 of Sec. 21, T24S, R6W, Renio County	Lower Arkansas River Basin

Kansas Permit No. A-ARRN-M035  
This is a new facility for 70 head (98 animal units) of mature dairy cattle.

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

**Compliance Schedule:** The waste management plan developed by NRCS and approved by the department shall be adhered to as a condition of this permit. The plan calls for nutrient analysis of both liquids and solids with applications to meet crop nutrient needs. If wastes are not analyzed for nutrient content, wastewater shall be applied at not greater than 0.38 inch per acre per year and solids shall be applied at not greater than 21 ton per acre from the dry stack and 10 ton per acre from the lots.

Dewatering equipment shall be obtained with three months after issuance of this permit through purchase, rental or custom application agreement. It shall be capable of pumping at least 67 gallons per minute and dispersing the wastewater over 10.5 acres of land suitable for waste application. Written verification of the acquisition of the equipment shall be submitted to the department.

Name and Address of Applicant	Legal Description	Receiving Water
Southwest Pork, LLC P.O. Box 838 Garden City, KS 67846	N/2 of SW/4 of Sec. 11, T24S, R30W, Gray County	Upper Arkansas River Basin

Kansas Permit No. A-UAGY-H001 Federal Permit No. KS-0093319  
This is a 19,200 head (7,680 animal units) expansion facility for a total of 38,400 head (15,360 animal units) of swine.

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

**Compliance Schedule:** Existing controls meet KDHE requirements.

Name and Address of Applicant	Legal Description	Receiving Water
Darrell V. Thompson 1636 N. Main McPherson, KS 67460	SE/4 of Sec. 36, T18S, R1W, McPherson County	Neosho River

Kansas Permit No. A-NEMP-B001  
This is a new facility for 943 head (471 animal units) of cattle.

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

**Compliance Schedule:** The waste management plan developed by the designer and approved by the department shall be adhered to as a condition of this permit. The plan calls for nutrient analysis of both liquids and solids with applications to meet crop nutrient needs. If wastes are not analyzed for nutrient content, wastewater shall be applied at not greater than 1.0 acre inch per acre per year and solids shall be applied at not greater than 8.0 ton per acre. Written verification of an additional 40 acres of land for waste disposal shall be submitted to the department within 90 days of permit issuance.

Dewatering equipment shall be obtained with three months after issuance of this permit through purchase, rental or custom application agreement. It shall be capable of pumping at least 80 gallons per minute and dispersing the wastewater over 22 acres of land suitable for waste application. Written verification of the acquisition of the equipment shall be submitted to the department.

To ensure groundwater protection, the lagoon compacted clay liner will be required to achieve a permeability rate of 0.125 inches or less per year.

Two monitoring wells are to be constructed down-gradient to the proposed waste containment structure and one monitoring well shall be constructed up-gradient to the structure. Siting and depth of the wells shall be determined by the applicant's consultant in cooperation with the department.

The two down-gradient and one up-gradient monitoring wells shall be sampled annually. Samples shall be analyzed by a laboratory certified by the Kansas Department of Health and Environment for nitrate, ammonia and chloride. Analyses are to be submitted to KDHE on or before June 1 of each year.

Name and Address of Applicant	Legal Description	Receiving Water
Percy L. Toews 1396 Cimarron McPherson, KS 67460	NW/4 of Sec. 31, T20S, R3W, McPherson County	Little Arkansas River

Kansas Permit No. A-LAMP-S032

This is a new facility for 2,00 head (800 animal units) of swine.

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

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

Dewatering equipment shall be obtained with three months after issuance of this permit through purchase, rental or custom application agreement. It shall be capable of pumping at least 34,500 gallons per day and dispersing the wastewater over 144 acres of land suitable for waste application. Written verification of the acquisition of the equipment shall be submitted to the department.

**Public Notice No. KS-98-031/033**

<b>Name and Address of Applicant</b>	<b>Waterway</b>	<b>Type of Discharge</b>
City of Eudora 4 E. 7th P.O. Box 650 Eudora, KS 66025	Wakarusa River	Treated domestic wastewater

Kansas Permit No. M-KS17-0001      Federal Permit No. KS0022713  
 Legal: SW¼, S5, T13S, R21E, Douglas County

**Facility Description:** The proposed action is to reissue an existing permit for operation of a new three-cell aerated wastewater treatment lagoon system treating primarily domestic wastewater. The proposed permit contains a schedule of compliance requiring the permittee to provide a plan and schedule to meet the final limitations in the proposed permit. 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.

<b>Name and Address of Applicant</b>	<b>Waterway</b>	<b>Type of Discharge</b>
City of Madison 217 S. 3rd P.O. Box 347 Madison, KS 66860	Verdigris River	Treated domestic wastewater

Kansas Permit No. M-VE26-0002      Federal Permit No. KS0093858  
 Legal: SE¼, S7, T22S, R12E, Greenwood County

**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 water quality based.

<b>Name and Address of Applicant</b>	<b>Waterway</b>	<b>Type of Discharge</b>
Friends University Energy Center Bldg. 2100 University Wichita, KS 67213	Arkansas River via storm sewer	Noncontact cooling water

Kansas Permit No. I-AR94-CO47      Federal Permit No. KS0088803  
 Legal: NW¼, S30, T27S, R1E, Sedgwick County

**Facility Description:** The proposed action is to reissue an existing permit for operation of an existing wastewater discharge system. This facility discharges noncontact, additive-free cooling water from a 200-ton A/C chiller at Davis Hall and a 300-ton A/C chiller at the library building. Flow is routed to a concrete storm sewer before discharging to the receiving stream. The permit requirements are pursuant to Kansas surface water quality standards, K.A.R. 28-16-28(b-f), and federal surface water criteria.

Written comments on the 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 16 will be considered in the formulation of final determinations regarding this public notice. Please refer to the appropriate public notice number (KS-AG-98-58/63, KS-98-031/033) and the name of applicant as listed when preparing comments.

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

The applications, proposed permits, including proposed effluent limitations and special conditions, fact sheets as appropriate, comments received, and other information are on file and may be inspected at the Kansas Department of Health and Environment offices, Building 283, Forbes Field, Topeka, from 8 a.m. to 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. 022281

**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 16, 1998.)

**SENATE BILL No. 507**

AN ACT concerning the state board of pharmacy; relating to grounds for disciplinary actions; concerning civil fines; licensure; amending K.S.A. 65-1627f, 65-1631, 65-1632 and 65-1645 and K.S.A. 1997 Supp. 65-1627 and 65-1658 and repealing the existing sections.

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

Section 1. K.S.A. 1997 Supp. 65-1627 is hereby amended to read as follows: 65-1627. (a) The board may revoke, suspend, place in a probationary status or deny a renewal of any license of any pharmacist upon a finding that:

- (1) The license was obtained by fraudulent means;
- (2) the licensee has been convicted of a felony and the licensee fails to show that the licensee has been sufficiently rehabilitated to warrant the public trust;
- (3) the licensee is found by the board to be guilty of unprofessional conduct or professional incompetency;

(continued)

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

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

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

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

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

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

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

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

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

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

(b) In determining whether or not the licensee has violated subsection (a)(3), (a)(4), (a)(7) or (a)(13), the board upon reasonable suspicion of such violation has authority to compel a licensee to submit to mental or physical examination or drug screen, or any combination thereof, by such persons as the board may designate. To determine whether reasonable suspicion of such violation exists, the investigative information shall be presented to the board as a whole. Information submitted to the board as a whole and all reports, findings and other records shall be confidential and not subject to discovery by or release to any person or entity. The licensee shall submit to the board a release of information authorizing the board to obtain a report of such examination or drug screen, or both. A person affected by this subsection shall be offered, at reasonable intervals, an opportunity to demonstrate that such person can resume the competent practice of pharmacy with reasonable skill and safety to patients. For the purpose of this subsection, every person licensed to practice pharmacy and who shall accept the privilege to practice pharmacy in this state by so practicing or by the making and filing of an annual renewal application to practice pharmacy in this state shall be deemed to have consented to submit to a mental or physical examination or a drug screen, or any combination thereof, when directed in writing by the board and further to have waived all objections to the admissibility of the testimony, drug screen or examination report of the person conducting such examination or drug screen, or both, at any proceeding or hearing before the board on the ground that such testimony or examination or drug screen report constitutes a privileged communication. In any proceeding by the board pursuant to the provisions of this subsection, the record of such board proceedings involving the mental and physical examination or drug screen, or any combination thereof, shall not be used in any other administrative or judicial proceeding.

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

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

pharmacy has fraudulently claimed money for pharmaceutical services; or (4) the registrant has had a registration revoked, suspended or limited, has been censured or has had other disciplinary action taken, or an application for registration denied, by the proper registering authority of another state, territory, District of Columbia or other country, a certified copy of the record of the action of the other jurisdiction being conclusive evidence thereof.

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

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

Sec. 2. K.S.A. 65-1627f is hereby amended to read as follows: 65-1627f. (a) Depositions may be used by either party. Upon the completion of any hearing held hereunder, the board shall have the power to enter an order of revocation, suspension, probation or denial of the renewal of a license, registration or permit. The license, registrant or permit holder shall not engage in the activity authorized by such license, registration or permit after a license, registration or permit is revoked or the renewal thereof denied or during the time for which it is suspended. If a license, registration or permit is suspended or placed on probation, the suspension or probation shall be for a definite period of time to be fixed by the board, and the license, registration or permit shall be reinstated and any limitations or conditions thereon removed upon the expiration of such period if all annual renewal fees have been paid. If such license, registration or permit is revoked, such revocation shall be for all time, except that at any time after the expiration of one year, application may be made for reinstatement of any license, registrant or permit holder whose license, registration or permit shall have been revoked, and such application shall be addressed to the executive secretary of the board. Such application shall be processed in accordance with the provisions of the Kansas administrative procedure act.

(b) All final orders entered in any proceeding shall be the action of the board with a quorum present at such meeting.

Sec. 3. K.S.A. 65-1631 is hereby amended to read as follows: 65-1631. (a) It shall be unlawful for any person to practice as a pharmacist in this state unless such person is licensed by the board as a pharmacist. Except as otherwise provided in subsection (d), every applicant for licensure as a pharmacist shall be at least 18 years of age, shall be a graduate of a school or college of pharmacy or department of a university recognized and approved by the board, shall file proof satisfactory to the board, substantiated by proper affidavits, of a minimum of one year of pharmaceutical experience, acceptable to the board, under the supervision of a preceptor and shall pass an examination administered by the board. Pharmaceutical experience as required in this section shall be under the supervision of a preceptor and shall be predominantly related to the dispensing of prescription medication, compounding prescriptions, preparing pharmaceutical preparations and keeping records and making reports required under state and federal statutes. A school or college of pharmacy or department of a university recognized and approved by the board under this subsection (a) shall have a standard of education not below that of the university of Kansas school of pharmacy. The board shall adopt rules and regulations establishing the criteria which a school or college of pharmacy or department of a university shall satisfy in meeting the standard of education established under this subsection (a).

(b) All applications for examinations shall be made on a form to be



prescribed and furnished by the board and shall be filed with the board at least 30 days before examinations are to be held. Each application must be accompanied by an examination fee fixed by the board as provided in K.S.A. 65-1645 and amendments thereto *unless the board requires the examination fees be paid directly to an examination service as provided in K.S.A. 65-1645 and amendments thereto*. The examination fee established by this section immediately prior to the effective date of this act shall continue in effect until a different examination fee is fixed by the board by rules and regulations as provided in K.S.A. 65-1645 and amendments thereto.

(c) The board is authorized to adopt rules and regulations relating to the grades which an applicant must receive in order to pass the examination.

(d) Notwithstanding the preceding provisions of this section, the board may in its discretion license as a pharmacist, without examination, any person who is duly registered or licensed by examination in some other state, except that the board may require that such person take the law examination administered by the board. Such person shall file proof satisfactory to the board of having the education and training required of applicants for licensure under the provisions of the pharmacy act of this state. Persons who are registered or licensed as pharmacists by examination in other states shall be required to satisfy only the requirements which existed in this state at the time they become registered or licensed in such other states. The provisions of this subsection shall apply only if the state in which the person is registered or licensed grants, under like conditions, reciprocal registrations or licenses as pharmacists, without examination, to pharmacists duly licensed by examination in this state. Reciprocal licensure shall not be denied to any applicant otherwise qualified for reciprocal licensure under this section who has met the internship requirements of the state from which the applicant is reciprocating or who has at least one year of practice as a licensed pharmacist. A reciprocal licensure may be denied for any of the reasons set forth in subsections (a)(1) through (a)(13) of K.S.A. 65-1627 and amendments thereto.

(e) In the event that an applicant for reciprocal licensure has not been subject to laws requiring continuing education as a condition for renewal of a registration or license, such applicant shall be required to satisfy the board through a competency examination that the applicant has the knowledge and ability to meet Kansas standards for licensure as a pharmacist.

(f) No applicant who has taken the examination for licensure given by the board and has failed to complete it successfully shall be considered for licensure by reciprocity within one year from the date such applicant sat for the examination.

(g) All applicants for reciprocal licensure shall file their applications on a form to be prescribed and furnished by the board and such application shall be accompanied by a reciprocal licensure fee fixed by the board as provided in K.S.A. 65-1645 and amendments thereto. The reciprocal licensure fee established by this section immediately prior to the effective date of this act shall continue in effect until a different reciprocal licensure fee is fixed by the board by rules and regulations as provided in K.S.A. 65-1645 and amendments thereto.

(h) The board shall take into consideration any felony conviction of such person, but such conviction shall not automatically operate as a bar to licensure.

(i) All applicants for licensure who graduate from a school or college of pharmacy outside the United States or who graduate from a school or college of pharmacy not approved by the board shall submit information to the board, as specified by rules and regulations, and this information shall be accompanied by an evaluation fee fixed by the board as provided in K.S.A. 65-1645 and amendments thereto, which evaluation fee shall be in addition to any other fee paid by the applicant under the pharmacy act of the state of Kansas. The evaluation fee fixed by the board under this section immediately prior to the effective date of this act shall continue in effect until a different evaluation fee is fixed by the board by rules and regulations as provided in K.S.A. 65-1645 and amendments thereto. The board may contract with investigative agencies, commissions or consultants to assist the board in obtaining information about such schools or colleges of pharmacy. In entering such contracts the authority to approve schools or colleges of pharmacy shall remain solely with the board.

(j) All applicants for licensure who graduate from a school or college of pharmacy outside the United States or who are not citizens of the United States shall provide proof to the board that the applicant has a reasonable ability to communicate with the general public in English. The

board may require such applicant to take the test of English as a foreign language and to attain the grade for passing such test as established by the board by rules and regulations.

(k) Every registered pharmacist holding a valid registration as a pharmacist in effect on the day preceding the effective date of this act shall be deemed to be a licensed pharmacist under this act, and such person shall not be required to file an original application hereunder for a license.

Sec. 4. K.S.A. 65-1632 is hereby amended to read as follows: 65-1632. (a) Each license of to practice as a pharmacist issued by the board shall expire on June 30 following the date of issuance, shall expire on June 30 of the year specified by the board for the expiration of the license and shall be renewed on a biennial basis in accordance with this section. Each application for renewal of a license as a pharmacist shall be made on a form prescribed and furnished by the board. Except as otherwise provided in this subsection, the application, when accompanied by the renewal fee and received by the executive secretary of the board on or before the date of expiration of the license, shall have the effect of temporarily renewing the applicant's license until actual issuance or denial of the renewal. If at the time of filing a proceeding is pending before the board which may result in the suspension, probation, revocation or denial of the applicant's license, the board may by emergency order declare that the application for renewal shall not have the effect of temporarily renewing such applicant's license. Every licensed pharmacist shall pay to the secretary of the board annually a renewal fee fixed by the board as provided in K.S.A. 65-1645 and amendments thereto. The renewal fee fixed by the board under this section immediately prior to the effective date of the act of which this section is amendatory shall continue in effect until a different renewal fee is fixed by the board by rules and regulations as provided in K.S.A. 65-1645 and amendments thereto.

(b) Commencing with the renewal of licenses which expire on June 30, 1998, each license shall be renewed on a biennial basis. To provide for a system of biennial renewal of licenses, the board may provide by rules and regulations that licenses issued or renewed may expire less than two years from the date of issuance or renewal.

(c) The board may deny renewal of any license of a pharmacist on any ground which would authorize the board to deny an initial application for licensure or on any ground which would authorize the board to suspend, revoke or place on probation a license previously granted. Orders under this section, and proceedings thereon, shall be subject to the provisions of the Kansas administrative procedure act.

(d) The payment of the renewal fee by a person who is a holder of a license as a pharmacist shall entitle the person to renewal of license if no grounds exist for denying the renewal of the license and if the person has furnished satisfactory evidence to the board that the person has successfully complied with the rules and regulations of the board relating to continuing professional education. These educational requirements shall be fixed by the board at not less than 10 20 clock hours nor more than 20 40 clock hours annually biennially of a program of continuing education approved by the board. Continuing education hours may be prorated for licensure periods which are less than biennial in accordance with rules and regulations of the board. The maximum number of continuing education hours required by the board to meet the requirements for cancellation of inactive status licensure and renewal of license under subsection (d) (e) or reinstatement of license because of nonpayment of fees under subsection (e) (f) shall not exceed 30 60.

(d) (e) The payment of the renewal fee by the person who is a holder of a license as a pharmacist but who has not complied with the continuing education requirements fixed by the board, if no grounds exist for denying the renewal of the license other than that the person has not complied with the continuing education requirements fixed by the board, shall entitle the person to inactive status licensure by the board. No person holding an inactive status license from the board shall engage in the practice of pharmacy in this state. Upon furnishing satisfactory evidence to the board of compliance with the continuing education requirements fixed by the board and upon the payment to the board of all applicable fees, a person holding an inactive status license from the board shall be entitled to cancellation of the inactive status license and to renewal of licensure as a pharmacist.

(e) (f) If the renewal fee for any pharmacist's license has not been paid by August 1 of any the renewal year, the license is hereby declared void, and no license shall be reinstated except upon payment of any unpaid renewal fee plus a penalty fee fixed by the board as provided in K.S.A. 65-1645 and amendments thereto and proof satisfactory to the

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board of compliance with the continuing education requirements fixed by the board. The penalty fee established by this section immediately prior to the effective date of the act shall continue in effect until a different penalty fee is fixed by the board by rules and regulations as provided in K.S.A. 65-1645 and amendments thereto. Payment of any unpaid renewal fee plus a penalty fee and the submission of proof satisfactory to the board of compliance with the continuing education requirements fixed by the board shall entitle the license to be reinstated. The nonpayment of renewal fees by a previously licensed pharmacist for a period exceeding three years shall not deprive the previously licensed pharmacist of the right to reinstate the license upon the payment of any unpaid fees and penalties and upon compliance with the continuing education requirements fixed by the board, except that the board may require such previously licensed pharmacist to take and pass an examination approved by the board for reinstatement as a pharmacist and to pay any applicable examination fee.

Sec. 5. K.S.A. 65-1645 is hereby amended to read as follows: 65-1645. (a) Application for registrations or permits under K.S.A. 65-1643 and amendments thereto shall be made on a form prescribed and furnished by the board. Applications for registration to distribute at wholesale any drugs shall contain such information as may be required by the board in accordance with the provisions of K.S.A. 65-1655 and amendments thereto. The application shall be accompanied by the fee prescribed by the board under the provisions of this section. When such application and fees are received by the executive secretary of the board on or before the due date, such application shall have the effect of temporarily renewing the applicant's registration or permit until actual issuance or denial of the renewal. However, if at the time of filing a proceeding is pending before the board which may result in the suspension, probation, revocation or denial of the applicant's registration or permit, the board may declare, by emergency order, that such application for renewal shall not have the effect of temporarily renewing such applicant's registration or permit. Separate applications shall be made and separate registrations or permits issued for each separate place at which is carried on any of the operations for which a registration or permit is required by K.S.A. 65-1643 and amendments thereto except that the board may provide for a single registration for a business entity registered to manufacture any drugs or registered to distribute at wholesale any drugs and operating more than one facility within the state, or for a parent entity with divisions, subsidiaries or affiliate companies, or any combination thereof, within the state when operations are conducted at more than one location and there exists joint ownership and control among all the entities.

(b) The fees required for the issuing of the licenses, registrations or permits required by K.S.A. 65-1643 and amendments thereto under the pharmacy act of the state of Kansas shall be fixed by the board as herein provided, subject to the following:

- (1) Pharmacy, new registration not more than \$150, renewal not more than \$125;
- (2) pharmacist, examination fee not more than \$350;
- (3) pharmacist, examination fee for previously licensed pharmacist not more than \$250;
- (4) pharmacist, biennial renewal fee not more than \$100 \$200;
- (5) pharmacist, evaluation fee not more than \$250;
- (6) pharmacist, reciprocal licensure fee not more than \$250;
- (7) pharmacist, penalty fee, not more than \$250 \$500;
- (8) manufacturer, new registration not more than \$500, renewal not more than \$400;
- (9) wholesaler, new registration not more than \$500, renewal not more than \$400, except that a wholesaler dealing exclusively in nonprescription drugs, the manufacturing, distributing or dispensing of which does not require registration under the uniform controlled substances act, shall be assessed a fee for registration and reregistration not to exceed \$50;
- (10) special auction not more than \$50;
- (11) samples distribution not more than \$50;
- (12) institutional drug room, new registration not more than \$40, renewal not more than \$35;
- (13) retail dealer selling more than 12 different nonprescription drug products, new permit not more than \$12, renewal not more than \$12; or
- (14) certification of grades for each applicant for examination and registration not more than \$25.

(c) For the purpose of fixing fees, the board may establish classes of

retail dealers' permits for retail dealers selling more than 12 different nonprescription drug products, and the board may fix a different fee for each such class of permit.

(d) The board shall determine annually the amount necessary to carry out and enforce the provisions of this act for the next ensuing fiscal year and shall fix by rules and regulations the fees authorized for such year at the sum deemed necessary for such purposes. The fees fixed by the board under this section immediately prior to the effective date of this act shall continue in effect until different fees are fixed by the board by rules and regulations as provided under this section.

(e) The board may deny renewal of any registration or permit required by K.S.A. 65-1643 and amendments thereto on any ground which would authorize the board to suspend, revoke or place on probation a registration or permit previously granted pursuant to the provisions of K.S.A. 65-1643 and amendments thereto. Registrations and permits issued under the provisions of K.S.A. 65-1643 and 65-1644 and amendments thereto shall be conspicuously displayed in the place for which the registration or permit was granted. Such registrations or permits shall not be transferable. All such registrations and permits except retail dealer permits shall expire on June 30 following date of issuance. Retail dealers' permits shall expire on the last day of February. All registrations and permits shall be renewed annually. Application blanks for renewal of registrations and permits shall be mailed by the board to each registrant or permittee at least 30 days prior to expiration of the registration or permit. If application for renewal is not made before 30 days after such expiration, the existing registration or permit shall lapse and become null and void on the date of its expiration, and no new registration or permit shall be granted except upon payment of the required renewal fee plus a penalty equal to the renewal fee. Failure of any registrant or permittee to receive such application blank shall not relieve the registrant or permittee from the penalty hereby imposed if the renewal is not made as prescribed.

(f) In each case in which a license of a pharmacist is issued or renewed for a period of time less than two years, the board shall prorate to the nearest whole month the license or renewal fee established pursuant to K.S.A. 65-1645 and amendments thereto.

(g) The board may require that fees paid for any examination under the pharmacy act of the state of Kansas be paid directly to the examination service by the person taking the examination.

Sec. 6. K.S.A. 1997 Supp. 65-1658 is hereby amended to read as follows: 65-1658. The state board of pharmacy, in addition to any other penalty prescribed under the pharmacy act of the state of Kansas, may assess a civil fine, after notice and an opportunity to be heard in accordance with the Kansas administrative procedure act, against any licensee or registrant under subsections (a), (c), (d) and (e) of K.S.A. 65-1627 and amendments thereto for violation of the pharmacy act of the state of Kansas or rules and regulations of the state board of pharmacy adopted under the pharmacy act of the state of Kansas or for violation of the uniform controlled substances act or rules and regulations of the state board of pharmacy adopted under the uniform controlled substances act, in an amount not to exceed \$500 \$5,000 for each violation. All fines assessed and collected under this section shall be remitted to the state treasurer. Upon receipt thereof, the state treasurer shall deposit the entire amount in the state treasury and credit such amount to the state general fund.

Sec. 7. K.S.A. 65-1627f, 65-1631, 65-1632 and 65-1645 and K.S.A. 1997 Supp. 65-1627 and 65-1658 are hereby repealed.

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

(Published in the Kansas Register April 16, 1998.)

SENATE BILL No. 518

AN ACT concerning the Kansas consumer protection act; relating to the disposal of surplus property; amending K.S.A. 50-627 and 50-639 and repealing the existing sections.

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

Section 1. K.S.A. 50-627 is hereby amended to read as follows: 50-627. (a) No supplier shall engage in any unconscionable act or practice in connection with a consumer transaction. An unconscionable act or practice violates this act whether it occurs before, during or after the transaction.

(b) The unconscionability of an act or practice is a question for the court. In determining whether an act or practice is unconscionable, the court shall consider circumstances of which the supplier knew or had reason to know, such as, but not limited to the following *that*:

(1) ~~that~~ The supplier took advantage of the inability of the consumer reasonably to protect the consumer's interests because of the consumer's physical infirmity, ignorance, illiteracy, inability to understand the language of an agreement or similar factor;

(2) ~~that~~, when the consumer transaction was entered into, the price grossly exceeded the price at which similar property or services were readily obtainable in similar transactions by similar consumers;

(3) ~~that~~ the consumer was unable to receive a material benefit from the subject of the transaction;

(4) ~~that~~, when the consumer transaction was entered into, there was no reasonable probability of payment of the obligation in full by the consumer;

(5) ~~that~~ the transaction the supplier induced the consumer to enter into was excessively one-sided in favor of the supplier;

(6) ~~that~~ the supplier made a misleading statement of opinion on which the consumer was likely to rely to the consumer's detriment; and

(7) ~~that~~ *except as provided by K.S.A. 50-639, and amendments thereto*, the supplier excluded, modified or otherwise attempted to limit either the implied warranties of merchantability and fitness for a particular purpose or any remedy provided by law for a breach of those warranties.

Sec. 2. K.S.A. 50-639 is hereby amended to read as follows: 50-639.

(a) Notwithstanding any other provisions of law, with respect to property which is the subject of or is intended to become the subject of a consumer transaction in this state, no supplier shall:

(1) Exclude, modify or otherwise attempt to limit the implied warranties of merchantability as defined in K.S.A. 84-2-314, and amendments thereto, and fitness for a particular purpose, as defined in K.S.A. 84-2-315, and amendments thereto; or

(2) exclude, modify or attempt to limit any remedy provided by law, including the measure of damages available, for a breach of implied warranty of merchantability and fitness for a particular purpose.

(b) Notwithstanding any provision of law, no action for breach of warranty with respect to property subject to a consumer transaction shall fail because of a lack of privity between the claimant and the party against whom the claim is made. An action against any supplier for breach of warranty with respect to property subject to a consumer transaction shall not, of itself, constitute a bar to the bringing of an action against another person.

(c) A supplier may limit the supplier's implied warranty of merchantability and fitness for a particular purpose with respect to a defect or defects in the property only if the supplier establishes that the consumer had knowledge of the defect or defects, which became the basis of the bargain between the parties. In neither case shall such limitation apply to liability for personal injury or property damage.

(d) Nothing in this section shall be construed to expand the implied warranty of merchantability as defined in K.S.A. 84-2-314, and amendments thereto, to involve obligations in excess of those which are appropriate to the property.

(e) A disclaimer or limitation in violation of this section is void. If a consumer prevails in an action based upon breach of warranty, and the supplier has violated this section, the court may, in addition to any damages recovered, award reasonable attorney fees and a civil penalty under K.S.A. 50-636, and amendments thereto, to be paid by the supplier who gave the improper disclaimer.

(f) The making of a limited express warranty is not in itself a violation of this section.

(g) This section shall not apply to seed for planting.

(h) This section shall not apply to sales of livestock for agricultural purposes, other than sales of livestock for immediate slaughter, except in cases where the supplier knowingly sells livestock which is diseased.

(i) *This section shall not apply to the disposal of surplus property by any governmental entity if the governmental entity has given conspicuous written notice of the warranty limitation, exclusion or disclaimer: In the case of surplus property which is a motor vehicle, a notice of such limitation, exclusion or disclaimer shall be affixed to a side window of the motor vehicle. Such notice shall comply with the buyers guide required by 16 CFR 455.2 and 16 CFR 455.3 (as in effect on the effective date of this act).*

Sec. 3. K.S.A. 50-627 and 50-639 are hereby repealed.

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

(Published in the Kansas Register April 16, 1998.)

Substitute for HOUSE BILL No. 2640

AN ACT concerning cities and counties; regarding the filing of fire liens; amending K.S.A. 40-3902, 40-3904 and 40-3905 and repealing the existing sections.

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

Section 1. K.S.A. 40-3902 is hereby amended to read as follows: 40-3902. The governing body of any city is hereby authorized to create, by ordinance, a lien in favor of any such city in the proceeds of any insurance policy based upon a covered claim payment made for damage or loss to a building or other structure, caused by or arising out of any fire ~~or~~, explosion or windstorms. The lien arises upon any unpaid tax, special ad valorem levy, special assessment or other charge imposed upon real property by or on behalf of the city which is an encumbrance on real property, whether or not evidenced by written instrument, or such tax, levy, assessment, expense or other charge that has remained undischarged for at least one year prior to the filing of a proof of loss.

Sec. 2. K.S.A. 40-3904 is hereby amended to read as follows: 40-3904. The governing body of any county is hereby authorized to create, by resolution, a lien in favor of any such county in the proceeds of any insurance policy based upon a covered claim payment made for damage or loss to a building or other structure, caused by or arising out of any fire ~~or~~, explosion or windstorms. The lien arises upon any unpaid tax, special ad valorem levy, special assessment or other charge imposed upon real property by or on behalf of the county which is an encumbrance on real property, whether or not evidenced by written instrument, or such tax, levy, assessment, expense or other charge that has remained undischarged for at least one year prior to the filing of a proof of loss. This resolution shall not apply to cities which have adopted an ordinance under the provisions of K.S.A. 40-3902 and amendments thereto.

Sec. 3. K.S.A. 40-3905 is hereby amended to read as follows: 40-3905. Every city or county which adopts an ordinance or resolution under the provisions of K.S.A. 40-3901 ~~to through 40-3904, inclusive, and amendments thereto~~ shall notify the commissioner of insurance ~~within 14 days after the adoption of such ordinance. At least once each quarter of each calendar year, the commissioner shall notify prepare and distribute a list of all cities and counties adopting an ordinance or resolution under the provisions of this act during the preceding quarter to all insurance companies which issue policies insuring buildings and other structures against loss by fire or, explosion or windstorms within 14 days after notification from cities or counties adopting an ordinance or resolution under the provisions of K.S.A. 40-3901 to 40-3904, inclusive.~~ Insurance companies shall have 60 days after the commissioner notifies them of the adoption of such ordinance or resolution to establish procedures within such cities or counties to carry out the provisions of this act.

Sec. 4. K.S.A. 40-3902, 40-3904 and 40-3905 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 16, 1998.)

## SENATE BILL No. 484

AN ACT concerning the practice of pharmacy; filling transferred prescriptions; amending K.S.A. 1997 Supp. 65-1656 and repealing the existing section.

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

Section 1. K.S.A. 1997 Supp. 65-1656 is hereby amended to read as follows: 65-1656. (a) Nothing contained in the pharmacy act of the state of Kansas shall prohibit a pharmacist licensed in this state from filling or refilling a valid prescription for prescription drugs not listed in schedule II of the uniform controlled substances act, which is on file in a pharmacy licensed in any state and has been transferred from one pharmacy to another by any means, including by way of electronic data processing equipment, upon the following conditions and exceptions:

(1) Prior to dispensing pursuant to any such prescription, the dispensing pharmacist shall:

(A) Advise the patient that the prescription file at such other pharmacy must be canceled before the dispensing pharmacist will be able to fill the prescription;

(B) determine that the prescription is valid and on file at such other pharmacy and that such prescription may be filled or refilled, as requested, in accordance with the prescriber's intent expressed on such prescription;

(C) notify the pharmacy where the prescription is on file that the prescription must be canceled;

(D) record in writing the prescription order, the name of the pharmacy at which the prescription was on file, the prescription number, the name of the drug and the original amount dispensed, the date of original dispensing and the number of remaining authorized refills; and

(E) obtain the consent of the prescriber to the refilling of the prescription when the prescription, in the professional judgment of the dispensing pharmacist, so requires. Any interference with the professional judgment of the dispensing pharmacist by any other licensed pharmacist, agents of the licensed pharmacist or employees shall be grounds for revocation or suspension of the registration issued to the pharmacy.

(2) Upon receipt of a request for prescription information set forth in subsection (a)(1)(D), if the requested pharmacist is satisfied in the professional judgment of the pharmacist that such request is valid and legal, the requested pharmacist shall:

(A) Provide such information accurately and completely;

(B) record on the prescription the name of the requesting pharmacy and pharmacist and the date of request; and

(C) cancel the prescription on file by writing the word "void" on its face. No further prescription transfer information shall be given or medication dispensed pursuant to such original prescription.

(3) In the event that, after the information set forth in subsection (a)(1)(D) has been provided, a prescription is not dispensed by the requesting pharmacist, then such pharmacist shall provide notice of this fact to the pharmacy from which such information was obtained, such notice shall then cancel the prescription in the same manner as set forth in subsection (a)(2)(C).

(4) When filling or refilling a valid prescription on file in another state, the dispensing pharmacist shall be required to follow all the requirements of Kansas law which apply to the dispensing of prescription drugs. If anything in Kansas law prevents the filling or refilling of the original prescription it shall be unlawful to dispense pursuant to this section.

(5) In addition to any other requirement of this section, the transfer of original prescription information for a controlled substance listed in schedules III, IV and V for the purposes of refill dispensing shall be made in accordance with the requirements of section 1306.25 of chapter 21 of the code of federal regulations.

(b) Two or more pharmacies may establish and use a common electronic file to maintain required dispensing information. Pharmacies using such a common electronic file are not required to physically transfer prescriptions or information for dispensing purposes between or among pharmacies participating in the same common prescription file, except that any such common file must contain complete and adequate records of such prescription and refill dispensed as required by the pharmacy act of the state of Kansas.

(c) The board may formulate such rules and regulations, not inconsistent with law, as may be necessary to carry out the purposes of and to

enforce the provisions of this section except that the board shall not impose greater requirements on either common electronic files or a hard copy record system.

(d) Drugs shall in no event be dispensed more frequently or in larger amounts than the prescriber ordered without direct prescriber authorization by way of a new prescription order.

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

Sec. 2. K.S.A. 1997 Supp. 65-1656 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 16, 1998.)

## HOUSE BILL No. 2792

AN ACT concerning the state fair; transferring moneys and obligations of the non-fair days activities fee fund to the state fair fee fund; abolishing the non-fair days activities fee fund; consolidating local bank accounts; amending K.S.A. 2-205 and 2-223 and repealing the existing sections.

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

Section 1. K.S.A. 2-205 is hereby amended to read as follows: 2-205.

(a) (1) All moneys received by the state fair board through the operation of the state fair and from any and all other sources directly related to the operation of the state fair shall be remitted to the state treasurer at least monthly. Upon receipt of each such remittance the state treasurer shall deposit the entire amount thereof in the state treasury and the same shall be credited by the state treasurer to the credit of the state fair fee fund, which is hereby created.

(2) During the period beginning July 1 and extending to December 31 of each fiscal year, moneys in the state fair fee fund, and appropriations for the operation of the state fair from the state general fund made for the state fair, or the state fair board, may be transferred from the state treasury to a bank in Reno county, Kansas, to the account of the state fair board, upon vouchers of the state fair board, for its use to establish the state fair board local bank account. The moneys in the state fair board local bank account may be used by the state fair board (A) in operating and conducting a state fair, including but not by way of limitation, the payment of labor, salaries of part-time employees, prizes and awards and as provided by this section, and (B) in operating and promoting non-fair days events. The state treasurer and the director of accounts and reports are authorized and directed to honor all such vouchers and orders of the state fair board, and to make such transfers as directed.

(3) (A) During the period beginning July 1 and extending to December 31 of each fiscal year, the state fair board, is authorized to may expend moneys on deposit to its credit in any Reno county, Kansas, the state fair board local bank account, for the operation and promotion of the state fair and non-fair days events, by approved vouchers directed to the treasurer of the state fair board; and by the issuance of checks by the treasurer of the board to the persons entitled thereto as shown upon such vouchers; and. All such expenditures may be made without compliance with any of the provisions of any act contained in article 37 of chapter 75 of the Kansas Statutes Annotated, or acts amendatory of the provisions thereof or supplemental thereto.

(3) (B) During the period beginning July May 1 and extending to December October 31 of each year, the state fair board may employ labor and personnel in conjunction with the current operation of the state fair, without compliance with the provisions of any act contained in article 29 of chapter 75 of the Kansas Statutes Annotated, or acts amendatory of the provisions thereof or supplemental thereto. This authority to employ shall not be construed as authorizing the board to employ its normal classified service employees on a different basis for all or any part of that six-month period.

(4) On or before each June 30, all unencumbered moneys on deposit to the credit of the state fair board in a Reno county, Kansas, bank on December 31 of each year, the state fair board local bank account shall be transferred back to the state treasury to the credit of the state fair fee fund or appropriation from the state general fund according as each may be entitled. All moneys in the state fair fee fund may be used for the payment of checks drawn against the same state fair board local bank account upon vouchers drawn by the state fair board. It shall be the duty

of Upon the close of accounts for each fiscal year, the state fair board to shall submit on or before December 31 of each year a full and complete object classification report for such fiscal year on all moneys collected by and expended by the state fair board to the director of accounts and reports.

(b) (1) All moneys received by the state fair board through the operation and promotion of non-fair days events held on the state fair grounds on those days which have not been designated as official state fair days, herein referred to as non-fair days events, shall be deposited in a separate account established in a bank in Reno county, Kansas, the state fair board local bank account for use for non-fair days events by the state fair board and as provided by this section. All expenses incurred in the operation and promotion of non-fair days events shall be paid from the separate state fair board local bank account established for non-fair days events by issuance of checks by the treasurer of the state fair board or a person designated by such treasurer and the balance of the money in such account after payment of all such expenses shall be remitted to the state treasurer by the state fair board. Upon receipt of such remittance the state treasurer shall deposit the entire amount thereof in the state treasury and the same shall be credited by the state treasurer to the non-fair days activities fee fund. Moneys in the non-fair days activities fee fund may be transferred from the state treasury to a bank in Reno county, Kansas, to a separate account established for non-fair days events, by the state fair board, upon vouchers of the state fair board, for its use in the operation and promotion of events held on the state fair grounds on those days which have not been designated as official state fair days. The state treasurer and the director of accounts and reports are authorized and directed to honor all such vouchers and orders of the state fair board, and to make such transfers as directed. The state fair board is authorized to expend moneys on deposit to its credit in the non-fair days events account in any Reno county, Kansas, bank, by approved vouchers directed to the treasurer of the state fair board, and by the issuance of checks by the treasurer of the board to the persons entitled thereto as shown upon such vouchers, and all such expenditures may be made without compliance with any of the provisions of any act contained in article 37 of chapter 75 of the Kansas Statutes Annotated, or acts amendatory of the provisions thereof or supplemental thereto.

(2) On or before April 1 of each year, the state fair board shall make a full and complete report of all moneys expended from the non-fair days events account in the previous year to the director of accounts and reports.

(c) Each The state fair board local bank account required for use in operating and conducting a promoting the state fair under subsection (a) or non-fair days events under subsection (b) this section shall be awarded to a bank in Reno county, Kansas, by the pooled money investment board under a written agreement in accordance with procedures for state bank accounts under K.S.A. 75-4217 and amendments thereto and shall be secured by pledge of securities in the manner prescribed for state bank accounts under K.S.A. 75-4218 and amendments thereto and in the amount prescribed for fee agency accounts under that statute.

(d) (1) Upon request of the state fair board, the director of accounts and reports shall authorize the state fair board to establish a change fund for the purposes of the state fair for use on those days not designated as official state fair days in an amount of not to exceed \$15,000 to be maintained in the form of cash. For the purposes of establishing such change fund, moneys may be withdrawn from moneys available therefor in a the state fair board local bank account established under subsection (a) for use in operating and conducting a state fair or from moneys available therefor in a bank account established under subsection (b) for use in operating and conducting non-fair days events, or from both such accounts in accordance with the need therefor.

(2) The moneys in a change fund established under this subsection (d) shall be used exclusively for the making of change in receiving amounts for the purposes of the state fair on those days not designated as official state fair days. No advance or expenditure shall be made from such change fund.

(e) (1) Upon request of the state fair board, the director of accounts and reports shall authorize the state fair board to establish a change fund for non-fair days events in an amount of not to exceed \$15,000 to be maintained in the form of cash. For the purposes of establishing a non-fair days events change fund, moneys may be withdrawn from moneys available therefor in a the state fair board local bank account established under subsection (a) for use in operating and conducting a state fair or

from moneys available therefor in a bank account established under subsection (b) for use in operating and conducting non-fair days events, or from both such accounts in accordance with the need therefor.

(2) The moneys in the non-fair days events change fund shall be used exclusively for the making of change in receiving amounts in operating and conducting the non-fair days events during the non-fair days period. No advance or expenditure shall be made from such change fund.

(f) (1) Except as otherwise provided in this section, each change fund established under subsection (d) or (e) shall be administered in the same manner as change funds authorized in accordance with K.S.A. 75-3078 and amendments thereto and shall be subject to the procedures and reimbursement and reporting provisions of that statute or such procedures and reporting requirements as may be prescribed by the director of accounts and reports under that statute. The director of accounts and reports may authorize a reconciling entry in any reconciliation statement for any such change fund in an amount of not to exceed the maximum authorized by K.S.A. 75-3078 and amendments thereto for change funds authorized in accordance with that statute.

(2) All officers and employees of the state fair board having custody of moneys of a change fund established under subsection (d) or (e) shall be covered by a blanket surety contract purchased by the committee on surety bonds and insurance in such amount or amounts and upon such terms and conditions as the committee on surety bonds and insurance deems necessary and proper in accordance with the provisions of K.S.A. 75-4103, 75-4104 and 75-4105, and amendments thereto.

(g) As used in this section:

(1) "Non-fair days event" means an event held on the state fair grounds on those days which have not been designated as official state fair days; and

(2) "state fair board local bank account" means the account established and maintained for the state fair board in a bank located in Reno county, Kansas, as authorized by this section.

(h) On the effective date of this act, the director of accounts and reports shall transfer all moneys in the non-fair days activities fee fund to the state fair fee fund. On the effective date of this act, all obligations of the non-fair days activities fee fund are hereby transferred to and imposed on the state fair fee fund. On the effective date of this act, the non-fair days activities fee fund is hereby abolished.

Sec. 2. K.S.A. 2-223 is hereby amended to read as follows: 2-223. (a) There is hereby established in the state treasury the state fair capital improvements fund. All expenditures of moneys in the state fair capital improvements fund shall be used for the payment of capital improvements and maintenance for the state fairgrounds and the payment of capital improvement obligations that have been financed. Capital improvement projects for the Kansas state fairgrounds are hereby approved for the purposes of subsection (b) of K.S.A. 74-8905 and amendments thereto and the authorization of the issuance of bonds by the Kansas development finance authority in accordance with that statute.

(b) On June 30, 1980, and on each June 30 thereafter, the state fair board shall certify to the director of accounts and reports an amount to be transferred from the state fair fee fund to the state fair capital improvements fund, which amount shall be not less than the amount equal to 5% of the total gross receipts during the current fiscal year from state fair activities and non-fair days activities. Such certification also shall specify what portion of the amount certified is to be transferred from the state fair fee fund and what portion is to be transferred from the non-fair days activities fee fund. Upon receipt of such certification, the director of accounts and reports shall transfer moneys from the state fair fee fund to the state fair capital improvements fund in the amounts and from the funds specified in accordance with such certification.

(c) On July 1, 1980, and on each July 1 thereafter, the director of accounts and reports shall transfer from the state general fund to the state fair capital improvements fund, an amount equal to the amount certified by the state fair board pursuant to subsection (b), except that no transfer from the state general fund under this subsection shall exceed \$300,000 in any fiscal year.

Sec. 3. K.S.A. 2-205 and 2-223 are hereby repealed.

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

(Published in the Kansas Register April 16, 1998.)

## HOUSE BILL No. 2765

AN ACT concerning certified public accountants; relating to certain continuing education requirements; amending K.S.A. 1997 Supp. 1-310 and repealing the existing section.

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

Section 1. K.S.A. 1997 Supp. 1-310 is hereby amended to read as follows: 1-310. (a) Permits to engage in practice as a certified public accountant in this state shall be issued by the board to persons who are holders of Kansas certificates issued under the laws of this state and who have met the requirements under K.S.A. 1-302b, and amendments thereto. All permits to practice issued by the board for the period ending on June 30, 1981, shall be valid until July 1, 1981.

(b) Commencing on July 1, 1981, each holder of a Kansas certificate, which is numbered with an odd number, who is qualified under K.S.A. 1-302b, and amendments thereto, shall have their permit to practice issued or renewed for a period which shall expire on July 1, 1983. Commencing on July 1, 1983, in order to issue or renew permits to practice for such holders on a biennial basis, each such permit shall be issued or renewed for a period ending on the next July 1 which occurs after the date the permit was issued or renewed and which occurs in an odd-numbered year.

(c) Commencing on July 1, 1981, each holder of a Kansas certificate, which is numbered with an even number, who is qualified under K.S.A. 1-302b, and amendments thereto, shall have their permit to practice issued or renewed for a period which shall expire on July 1, 1982. Commencing on July 1, 1982, in order to issue or renew permits to practice for such holders on a biennial basis, each such permit shall be issued or renewed for a period ending on the next July 1 which occurs after the date the permit was issued or renewed and which occurs in an even-numbered year.

(d) Failure to renew a permit before expiration thereof shall not deprive any Kansas certificate holder of the right to renew but in such cases the holder shall pay the renewal fee prescribed by paragraph (6) (7) of subsection (b) of K.S.A. 1-301, and amendments thereto.

(e) As a condition for renewal of a permit to practice, the board may require permit holders to furnish with their renewal application, evidence of participation in a quality review or peer review program prescribed by K.S.A. 1-501, and amendments thereto, and participation in continuing education in accounting, auditing, or related areas of not to exceed a total of 40 of at least 80 hours during each year within the biennial two-year period for renewal. The board may adopt rules and regulations regarding peer review and continuing education including the number of continuing education hours required for each year of the two-year period and the type of continuing education.

(f) The board may exempt from the continuing education requirements an individual who holds a permit from another state if:

(1) The permit holder has a principal place of business located outside the state of Kansas;

(2) the permit holder verifies to the board's satisfaction that such person has met the continuing education requirements of the state in which the principal place of business is located;

(3) the board considers the continuing education requirements of the state in which the principal place of business is located to be substantially equivalent to those of Kansas; and

(4) the state in which the principal place of business is located extends the same exemption to Kansas permit holders who practice in that state. The board may adopt rules and regulations regarding such quality review or peer review and continuing education.

(f)(g) Persons who are holders of permits to practice issued by the board under subsection (b) of K.S.A. 1-302b, prior to its amendment by this act, shall be considered to have satisfied the experience requirement imposed by such subsection and shall have the right to have such permits renewed without meeting the experience requirement.

Sec. 2. K.S.A. 1997 Supp. 1-310 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 16, 1998.)

## HOUSE BILL No. 2899

AN ACT concerning the department of wildlife and parks; relating to the development of lake resorts, funding, negotiations; duties; amending K.S.A. 32-867, 32-869 and 32-873 and K.S.A. 1997 Supp. 41-719 and repealing the existing sections.

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

New Section 1. The feasibility study required under K.S.A. 32-874, and amendments thereto, being completed, the secretary of commerce and housing, the secretary of wildlife and parks and the secretary of transportation will develop an incentive plan outlining the state of Kansas' commitment toward building a lake resort which shall include, but not limited to, infrastructure improvements, utility improvements and tax incentives to be offered for sites at, including, but not limited to the six state parks selected in the feasibility study reported to the 1998 legislature; Cheney, Clinton, El Dorado, Hillsdale, Perry and Milford.

New Sec. 2. Once the state incentive packages are agreed upon, the secretary of wildlife and parks, under K.S.A. 32-807, 32-830 and 32-831, and amendments thereto, and the secretary of commerce and housing under K.S.A. 74-5005, and amendments thereto, will take the incentive package for each lake resort site to communities adjacent to each state park, revealing what the state is willing to commit to the development of a lake resort near each lake resort community and negotiate and determine what each community is willing to offer as an incentive to have the lake resort develop near its community.

New Sec. 3. The secretary of wildlife and parks, if necessary, shall negotiate and contract with the United States corps of engineers, bureau of reclamation, or other federal agency under K.S.A. 32-824, 32-825, 32-826 and 32-845, and amendments thereto, regarding a selected site and seek the necessary legislative approval under K.S.A. 32-843, and amendments thereto.

New Sec. 4. (a) When the incentive packages for each of the lake resorts is determined, the secretary of wildlife and parks and the secretary of commerce and housing shall develop requests for proposals which include the incentive packages for each site. The proposals received from developers under subsection (h)(6) of K.S.A. 32-807, and amendments thereto, shall be sealed.

(b) The department of wildlife and parks and the department of commerce and housing shall advertise for proposal plans with bids for development of sites selected under K.S.A. 32-867, 32-868, 32-871 and 32-872, and amendments thereto. Advertisements for proposals with bids shall be published in the Kansas register and once each week for two consecutive weeks in a newspaper having general circulation in the community at least 60 days before the time for receiving the proposals with bids. The advertisement shall also be posted on readily accessible bulletin boards in all offices of the two departments and on the information network of Kansas. The advertisement shall identify the area to be developed, the purpose of the development and shall state that such further information as is available may be obtained from either departments' office in Topeka.

The two secretaries shall consider all proposals with bids submitted, the financial and legal ability of the private sector developers making such proposals with bids to carry them out and may negotiate with any private sector developer for a proposal with bid. The secretaries may accept such proposal with bid as it seems to be in the public interest and in furtherance of the purposes of this act.

(c) Once proposals are received from developers wishing to contract for building the resort, the secretary of wildlife and parks utilizing powers and authority granted under K.S.A. 32-807, 32-862, 32-863 and 32-867 through 32-872, and amendments thereto, and the secretary of commerce and housing under K.S.A. 74-5005, and amendments thereto, shall select, negotiate and contract for the construction of a lake resort which shall be operated as a private concession and developed with private funding to include, but not limited to, the issuance of revenue bonds under K.S.A. 32-857 through 32-864, and amendments thereto.

(d) The secretary of wildlife and parks and the secretary of commerce and housing may engage a private consultant to assist in the development of a contract for the selected site. Consistent with the powers and authority granted to the secretary of wildlife and parks, the secretary may waive any relevant park fees, obtain revenue from the resort and resort facilities and include penalty provisions in the contract regarding non-performance by the operator and developer of the resort.

(e) The secretary of wildlife and parks and the secretary of commerce and housing shall not seek approval under K.S.A. 32-873, and amendments thereto, until the requirements of subsections (a) through (d) are satisfied.

Sec. 5. K.S.A. 32-867 is hereby amended to read as follows: 32-867. As used in K.S.A. 32-867 through 32-873 and sections 1 through 4, and amendments thereto, unless the context otherwise requires:

(a) "Resort" means the comprehensive collection of land, buildings and facilities authorized to be acquired, constructed and operated for the use of the public for vacation, convention or recreational purposes.

(b) "Facilities" means and includes, but is not limited to, any building, drive, access road, air strip, restaurant, lodge, pavilion, tennis court, golf course, parking lot, beach, bathhouse, dock or other improvement or any equipment necessary, in the opinion of the secretary, for use in connection with the acquisition, construction, operation or management of a resort authorized by K.S.A. 32-867 through 32-873 or sections 1 through 4, and amendments thereto.

(c) "Site" means a geographical location selected by the secretary pursuant to K.S.A. 32-871 section 4, and amendments thereto, for installation of a resort.

Sec. 6. K.S.A. 32-869 is hereby amended to read as follows: 32-869. The secretary *Kansas development finance authority* is hereby authorized to issue, pursuant to K.S.A. 32-857 through 32-864, and amendments thereto, revenue bonds in an amount or amounts not to exceed ~~\$10,000,000~~ \$30,000,000 for any one resort. The proceeds from the sale of such bonds shall be used, together with any other funds available for such purpose, to acquire and hold title to a site for and to construct and equip a resort on state-owned or leased property under the jurisdiction of the department of wildlife and parks. The bonds, and interest thereon, issued pursuant to this section shall be payable solely by the private sector developer from revenues to be derived from to include, but not limited to, resort charges, rentals and fees collected by the secretary for use of the resort or from user fees or motor vehicle fees collected pursuant to K.S.A. 32-901 and fees and charges collected pursuant to subsection (h) of K.S.A. 32-897, such payment to be in lieu of lease payments and shall never be deemed to be obligations an obligation or indebtedness of the state within the meaning of section 6 of article 11 of the constitution of the state of Kansas.

Sec. 7. K.S.A. 32-873 is hereby amended to read as follows: 32-873. Notwithstanding the provisions of K.S.A. 32-867 through 32-872, the selection of any site by the secretary of wildlife and parks and secretary of commerce and housing pursuant to K.S.A. 32-871 section 4, and amendments thereto, shall not become final, nor shall the secretary issue any revenue bonds be issued for the resort development, until the site so selected and the amount of the bonds proposed to be issued have been approved by the legislature or the state finance council acting on this matter which is hereby characterized as a matter of legislative delegation and subject to the guidelines prescribed in subsection (c) of K.S.A. 75-3711c, and amendments thereto.

Sec. 8. K.S.A. 1997 Supp. 41-719 is hereby amended to read as follows: 41-719. (a) No person shall drink or consume alcoholic liquor on the public streets, alleys, roads or highways or inside vehicles while on the public streets, alleys, roads or highways.

(b) No person shall drink or consume alcoholic liquor on private property except:

(1) On premises where the sale of liquor by the individual drink is authorized by the club and drinking establishment act;

(2) upon private property by a person occupying such property as an owner or lessee of an owner and by the guests of such person, if no charge is made for the serving or mixing of any drink or drinks of alcoholic liquor or for any substance mixed with any alcoholic liquor and if no sale of alcoholic liquor in violation of K.S.A. 41-803, and amendments thereto, takes place;

(3) in a lodging room of any hotel, motel or boarding house by the person occupying such room and by the guests of such person, if no charge is made for the serving or mixing of any drink or drinks of alcoholic liquor or for any substance mixed with any alcoholic liquor and if no sale of alcoholic liquor in violation of K.S.A. 41-803, and amendments thereto, takes place;

(4) in a private dining room of a hotel, motel or restaurant, if the dining room is rented or made available on a special occasion to an individual or organization for a private party and if no sale of alcoholic liquor in violation of K.S.A. 41-803, and amendments thereto, takes place; or

(5) on the premises of a microbrewery or farm winery, if authorized by K.S.A. 41-308a or 41-308b, and amendments thereto.

(c) No person shall drink or consume alcoholic liquor on public property except:

(1) On real property leased by a city to others under the provisions of K.S.A. 12-1740 through 12-1749, and amendments thereto, if such real property is actually being used for hotel or motel purposes or purposes incidental thereto.

(2) In any state-owned or operated building or structure, and on the surrounding premises, which is furnished to and occupied by any state officer or employee as a residence.

(3) On premises licensed as a club or drinking establishment and located on property owned or operated by an airport authority created pursuant to chapter 27 of the Kansas Statutes Annotated or established by a city having a population of more than 200,000.

(4) On the state fair grounds on the day of any race held thereon pursuant to the Kansas parimutuel racing act.

(5) On the state fairgrounds, if such liquor is domestic wine or wine imported under subsection (e) of K.S.A. 41-308a, and amendments thereto, and is consumed only for purposes of judging competitions.

(6) In the state historical museum provided for by K.S.A. 76-2036, and amendments thereto, on the surrounding premises and in any other building on such premises, as authorized by rules and regulations of the state historical society.

(7) On the premises of any state-owned historic site under the jurisdiction and supervision of the state historical society, on the surrounding premises and in any other building on such premises, as authorized by rules and regulations of the state historical society.

(8) In a lake resort within the meaning of K.S.A. 32-867, and amendments thereto, on state-owned or leased property.

(8) (9) On property exempted from this subsection (c) pursuant to subsection (d), (e), (f), (g) or (h).

(d) Any city may exempt, by ordinance, from the provisions of subsection (c) specified property the title of which is vested in such city.

(e) The board of county commissioners of any county may exempt, by resolution, from the provisions of subsection (c) specified property the title of which is vested in such county.

(f) The state board of regents may exempt from the provisions of subsection (c) specified property which is under the control of such board and which is not used for classroom instruction, where alcoholic liquor may be consumed in accordance with policies adopted by such board.

(g) The board of regents of Washburn university may exempt from the provisions of subsection (c) the Mulvane art center and the Bradbury Thompson alumni center on the campus of Washburn university, and other specified property the title of which is vested in such board and which is not used for classroom instruction, where alcoholic liquor may be consumed in accordance with policies adopted by such board.

(h) Any city may exempt, by ordinance, from the provisions of subsection (c) any national guard armory in which such city has a leasehold interest, if the Kansas military board consents to the exemption.

(i) Violation of any provision of this section is a misdemeanor punishable by a fine of not less than \$50 or more than \$200 or by imprisonment for not more than six months, or both.

New Sec. 9. The secretary of wildlife and parks and the secretary of commerce and housing shall present a joint report concerning negotiations, site selection, and status of the resort to the legislature, house committee on tourism, senate committee on transportation and tourism and to the governor during the 1999 legislative session.

Sec. 10. K.S.A. 32-867, 32-869 and 32-873 and K.S.A. 1997 Supp. 41-719 are hereby repealed.

Sec. 11. This act shall take effect and be in force from and after its publication in the Kansas register.

(Published in the Kansas Register April 16, 1998.)  
HOUSE BILL No. 2831

AN ACT concerning workers compensation; relating to subcontracting by licensed motor carriers; amending K.S.A. 1997 Supp. 44-503 and repealing the existing section.

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

Section 1. K.S.A. 1997 Supp. 44-503 is hereby amended to read as follows: 44-503. (a) Where any person (in this section referred to as principal) undertakes to execute any work which is a part of the principal's trade or business or which the principal has contracted to perform and contracts with any other person (in this section referred to as the contractor) for the execution by or under the contractor of the whole or any part of the work undertaken by the principal, the principal shall be liable to pay to any worker employed in the execution of the work any compensation under the workers compensation act which the principal would have been liable to pay if that worker had been immediately employed by the principal; and where compensation is claimed from or proceedings are taken against the principal, then in the application of the workers compensation act, references to the principal shall be substituted for references to the employer, except that the amount of compensation shall be calculated with reference to the earnings of the worker under the employer by whom the worker is immediately employed.

(b) Where the principal is liable to pay compensation under this section, the principal shall be entitled to indemnity from any person who would have been liable to pay compensation to the worker independently of this section, and shall have a cause of action under the workers compensation act for indemnification.

(c) Nothing in this section shall be construed as preventing a worker from recovering compensation under the workers compensation act from the contractor instead of the principal.

(d) This section shall not apply to any case where the accident occurred elsewhere than on, in or about the premises on which the principal has undertaken to execute work or which are otherwise under the principal's control or management, or on, in or about the execution of such work under the principal's control or management.

(e) A principal contractor, when sued by a worker of a subcontractor, shall have the right to implead the subcontractor.

(f) The principal contractor who pays compensation to a worker of a subcontractor shall have the right to recover over against the subcontractor in the action under the workers compensation act if the subcontractor has been impleaded.

(g) Notwithstanding any other provision of this section, in any case where the contractor (1) is an employer who employs employees in an employment to which the act is applicable, or has filed a written statement of election with the director to accept the provisions of the workers compensation act pursuant to subsection (b) of K.S.A. 44-505, and amendments thereto, to the extent of such election, and (2) has secured the payment of compensation as required by K.S.A. 44-532, and amendments thereto, for all persons for whom the contractor is required to or elects to secure such compensation, as evidenced by a current certificate of workers compensation insurance, by a certification from the director that the contractor is currently qualified as a self-insurer under that statute, or by a certification from the commissioner of insurance that the contractor is maintaining a membership in a qualified group-funded workers compensation pool, then, the principal shall not be liable for any compensation under this or any other section of the workers compensation act for any person for which the contractor has secured the payment of compensation which the principal would otherwise be liable for under this section and such person shall have no right to file a claim against or otherwise proceed against the principal for compensation under this or any other section of the workers compensation act. In the event that the payment of compensation is not secured or is otherwise unavailable or in effect, then the principal shall be liable for the payment of compensation. No insurance company shall charge a principal a premium for workers compensation insurance for any liability for which the contractor has secured the payment of compensation.

(h) (1) For purposes of this section, any individual who is an owner-operator and the exclusive driver of a motor vehicle that is leased or contracted to a licensed motor carrier shall not be considered to be a contractor within the meaning of this section or an employee of the licensed motor carrier within the meaning of subsection (b) of K.S.A. 44-508, and amendments thereto, and the licensed motor carrier shall not be considered to be a principal within the meaning of this section or an employer of the owner-operator within the meaning of subsection (a) of K.S.A. 44-508, and amendments thereto, if the owner-operator is covered

by an occupational accident insurance policy and is not treated under the terms of the lease agreement or contract with the licensed motor carrier as an employee for purposes of the federal insurance contribution act, 26 U.S.C. § 3101 et seq., the federal social security act, 42 U.S.C. § 301 et seq., the federal unemployment tax act, 26 U.S.C. § 3301 et seq., and the federal statutes prescribing income tax withholding at the source, 26 U.S.C. § 3401 et seq.

(2) As used in this subsection:

(A) "Motor vehicle" means any automobile, truck trailer, semitrailer, tractor, motor bus or any other self-propelled or motor-driven vehicle used upon any of the public highways of Kansas for the purpose of transporting persons or property;

(B) "licensed motor carrier" means any person, firm, corporation or other business entity that holds a certificate of convenience and necessity, a contract carrier permit, or an interstate license as a common, contract or exempt carrier from the state corporation commission or is required to register motor carrier equipment pursuant to 49 U.S.C. § 11506; and

(C) "owner-operator" means an individual who is the owner of a single motor vehicle that is driven exclusively by the owner under a lease agreement or contract with a licensed motor carrier.

New Sec. 2. (a)(1) Any individual who is an owner-operator and the exclusive driver of a motor vehicle that is leased or contracted to a licensed motor carrier shall not be considered to be a contractor or an employee of the licensed motor carrier within the meaning of K.S.A. 44-503, and amendments thereto, or an employee of the licensed motor carrier within the meaning of subsection (b) of K.S.A. 44-508, and amendments thereto, and the licensed motor carrier shall not be considered to be a principal within the meaning of K.S.A. 44-503, and amendments thereto, or an employer of the owner-operator within the meaning of subsection (a) of K.S.A. 44-508, and amendments thereto, if the owner-operator is covered by an occupational accident insurance policy and is not treated under the terms of the lease agreement or contract with the licensed motor carrier as an employee for purposes of the federal insurance contribution act, 26 U.S.C. § 3101 et seq., the federal social security act, 42 U.S.C. § 301 et seq., the federal unemployment tax act, 26 U.S.C. § 3301 et seq., and the federal statutes prescribing income tax withholding at the source, 26 U.S.C. § 3401 et seq.

(2) As used in this subsection:

(A) "Motor vehicle" means any automobile, truck-trailer, semitrailer, tractor, motor bus or any other self-propelled or motor-driven vehicle used upon any of the public highways of Kansas for the purpose of transporting persons or property;

(B) "licensed motor carrier" means any person, firm, corporation or other business entity that holds a certificate of convenience and necessity, a certificate of public service, a contract carrier permit, or an interstate license as a common, contract or exempt carrier from the state corporation commission or is required to register motor carrier equipment pursuant to 49 U.S.C. § 11506; and

(C) "owner-operator" means an individual who is the owner of a single motor vehicle that is driven exclusively by the owner under a lease agreement or contract with a licensed motor carrier.

(b) Notwithstanding any other provision of this act, a licensed motor carrier may by lease agreement or contract secure workers compensation insurance for an owner-operator, otherwise subject to the act by statute or election, and may charge-back to the owner-operator the premium for such workers compensation insurance, and by doing so does not create an employer-employee relationship between the licensed motor carrier and the owner-operator, or subject the licensed motor carrier to liability under subsection (d)(1) of K.S.A. 44-5120 and amendments thereto.

(c) For purposes of subsection (b) of this section only, "owner-operator" means a person, firm, corporation or other business entity that is the owner of one or more motor vehicles that are driven exclusively by the owner or the owner's employees or agents under a lease agreement or contract with a licensed motor carrier; provided that neither the owner-operator nor the owner's employees are treated under the term of the lease agreement or contract with the licensed motor carrier as an employee for purposes of the federal insurance contribution act, 26 U.S.C. § 3101 et seq., the federal social security act, 42 U.S.C. § 301 et seq., the federal unemployment tax act, 26 U.S.C. § 3301 et seq., and the federal statutes prescribing income tax withholding at the source, 26 U.S.C. § 3401 et seq.

Sec. 3. K.S.A. 1997 Supp. 44-503 is hereby repealed.

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



(Published in the Kansas Register April 16, 1998.)

HOUSE BILL No. 2835

AN ACT concerning the pharmacy act of the state of Kansas; dialysates, devices or drugs for chronic kidney failure.

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

Section 1. (a) Except as otherwise provided in this section, the provisions of the pharmacy act of the state of Kansas shall not apply to dialysates, devices or drugs which are designated by the board for the purposes of this section relating to treatment of a person with chronic kidney failure receiving dialysis and which are prescribed or ordered by a physician for administration or delivery to a person with chronic kidney failure if:

(1) The wholesale distributor is registered with the board and lawfully holds the drug or device; and

(2) the wholesale distributor (A) delivers the drug or device to: (i) A person with chronic kidney failure for self-administration at the person's home or specified address; (ii) a physician for administration or delivery to a person with chronic kidney failure; or (iii) a medicare approved renal dialysis facility for administering or delivering to a person with chronic kidney failure; and (B) has sufficient and qualified supervision to adequately protect the public health.

(b) The wholesale distributor pursuant to subsection (a) shall be supervised by a pharmacist consultant pursuant to rules and regulations adopted by the board.

(c) The board shall adopt such rules or regulations as are necessary to effectuate the provisions of this section.

(d) As used in this section, "physician" means a person licensed to practice medicine and surgery.

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

Sec. 2. (a) A medicare approved renal dialysis facility which keeps prescription drugs as a part of the services provided by such facility shall obtain a registration from the board as a renal dialysis facility pharmacy. Application for such registration shall be made in accordance with procedures established by the board. All fees applicable to registration of a pharmacy, and the renewal of such registration, shall apply to the registration of a renal dialysis facility pharmacy.

(b) A registered renal dialysis facility pharmacy shall be supervised by a pharmacist consultant. The pharmacist consultant shall act as the pharmacist in charge. If a pharmacist consultant is not available to a registered renal dialysis facility pharmacy, the board shall provide or make arrangements for a pharmacist to act as a pharmacist consultant for such pharmacy and in the interim shall assist such pharmacy in locating a suitable pharmacist consultant.

(c) A renal dialysis facility pharmacy which is part of a medicare approved renal dialysis facility shall be deemed to be in compliance with rules and regulations of the state board of pharmacy, except that the board may adopt rules and regulations applicable to such pharmacy which establish labeling requirements for prescription medications delivered by such pharmacy.

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

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

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1-2-35	Amended	V. 16, p. 1178
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1-5-8	Amended	V. 16, p. 1665
1-5-12	Revoked	V. 16, p. 1666
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1-6-22	Revoked	V. 16, p. 1179
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40-2-25	New	V. 16, p. 1988
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40-3-5	Amended	V. 16, p. 686
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86-3-25	Revoked	V. 16, p. 1670, 1706
86-3-26	New	V. 16, p. 1670, 1706
86-3-27	New	V. 16, p. 1672, 1707
86-3-28	New	V. 16, p. 1672, 1707

**AGENCY 88: BOARD OF REGENTS**

Reg. No.	Action	Register
88-3-9	Amended	V. 17, p. 208

**AGENCY 91: DEPARTMENT OF EDUCATION**

Reg. No.	Action	Register
91-5-14	Amended	V. 17, p. 35
91-10-2	Amended	V. 16, p. 409

(continued)

AGENCY 93: DEPARTMENT OF REVENUE—DIVISION OF PROPERTY VALUATION

Table with 3 columns: Reg. No., Action, Register. Includes entries for 93-6-1 through 93-6-6.

AGENCY 94: BOARD OF TAX APPEALS

Table with 3 columns: Reg. No., Action, Register. Includes entries for 94-2-1 through 94-3-2.

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

Table with 3 columns: Reg. No., Action, Register. Includes entries for 99-25-1 through 99-40-7.

AGENCY 100: BOARD OF HEALING ARTS

Table with 3 columns: Reg. No., Action, Register. Includes entries for 100-6-2 through 100-69-10.

AGENCY 102: BEHAVIORAL SCIENCES REGULATORY BOARD

Table with 3 columns: Reg. No., Action, Register. Includes entries for 102-1-13 through 102-3-4.

Table with 3 columns: Reg. No., Action, Register. Includes entries for 102-3-4a through 102-5-12.

AGENCY 108: STATE EMPLOYEES HEALTH CARE COMMISSION

Table with 3 columns: Reg. No., Action, Register. Includes entries for 108-1-1 and 108-1-2.

AGENCY 109: BOARD OF EMERGENCY MEDICAL SERVICES

Table with 3 columns: Reg. No., Action, Register. Includes entries for 109-2-15 through 109-8-1.

AGENCY 110: DEPARTMENT OF COMMERCE AND HOUSING

Table with 3 columns: Reg. No., Action, Register. Includes entries for 110-4-1 through 110-4-5.

AGENCY 111: KANSAS LOTTERY

Table with 3 columns: Reg. No., Action, Register. Includes entries for 111-1-2 through 111-2-6.

Table with 3 columns: Reg. No., Action, Register. Includes entries for 111-2-7 through 111-4-11A.

111-4-100	Amended	V. 14, p. 972	111-4-370			111-4-613	Amended	V. 14, p. 1408
111-4-101			through			111-4-616		
through			111-4-379	Revoked	V. 14, p. 7, 8	through		
111-4-106	Revoked	V. 16, p. 450	111-4-380			111-4-623	Revoked	V. 14, p. 978
111-4-106a	Revoked	V. 16, p. 450	through			111-4-624		
111-4-107			111-4-383	Revoked	V. 12, p. 1664	through		
through			111-4-384			111-4-702	Revoked	V. 16, p. 453-455
111-4-114	Revoked	V. 16, p. 450, 451	through			111-4-703		
111-4-153			111-4-387	Revoked	V. 12, p. 1373	through		
through			111-4-388			111-4-723	New	V. 14, p. 909-914
111-4-160	Revoked	V. 9, p. 1676, 1677	through			111-4-724		
111-4-177			111-4-391	Revoked	V. 12, p. 1373	through		
through			111-4-392			111-4-736	New	V. 14, p. 978-981
111-4-212	Revoked	V. 9, p. 1677, 1678	through			111-4-737		
111-4-213			111-4-400	Revoked	V. 16, p. 252	through		
through			111-4-401			111-4-749	New	V. 14, p. 1095-1098
111-4-220	Revoked	V. 10, p. 1213	through			111-4-750		
111-4-221			111-4-404	Revoked	V. 12, p. 1373	through		
through			111-4-405			111-4-757	New	V. 14, p. 1408, 1409
111-4-224	Revoked	V. 10, p. 1585	through			111-4-758		
111-4-225			111-4-413	Revoked	V. 16, p. 452	through		
through			111-4-414			111-4-761	New	V. 14, p. 1502, 1503
111-4-228	Revoked	V. 10, p. 1585	through			111-4-762		
111-4-229			111-4-428	Revoked	V. 14, p. 8	through		
through			111-4-429			111-4-778	New	V. 14, p. 1410-1414
111-4-236	Revoked	V. 10, p. 1585, 1586	through			111-4-769	Amended	V. 14, p. 1503
111-4-237			111-4-432	Revoked	V. 12, p. 1373	through		
through			111-4-433			111-4-779		
111-4-240	Revoked	V. 11, p. 413	through			111-4-791	New	V. 14, p. 1504-1507
111-4-241			111-4-436	Revoked	V. 12, p. 1374	111-4-792		
through			111-4-437			through		
111-4-244	Revoked	V. 12, p. 1371	through			111-4-803	New	V. 14, p. 1635-1638
111-4-245			111-4-440	Revoked	V. 12, p. 1374	111-4-804		
through			111-4-441			through		
111-4-248	Revoked	V. 12, p. 1371	through			111-4-816	New	V. 15, p. 116-119
111-4-249			111-4-444	Revoked	V. 14, p. 8	111-4-817		
through			111-4-445			through		
111-4-256	Revoked	V. 12, p. 113, 114	through			111-4-824	New	V. 15, p. 289, 290
111-4-257			111-4-448	Revoked	V. 12, p. 1374	111-4-825		
through			111-4-449			through		
111-4-286	Revoked	V. 11, p. 413, 414	through			111-4-838	New	V. 15, p. 449-452
111-4-287			111-4-453	Revoked	V. 14, p. 8	111-4-839		
through			111-4-454			through		
111-4-290	Revoked	V. 12, p. 1371	through			111-4-854	New	V. 15, p. 624-627
111-4-291			111-4-465	Revoked	V. 12, p. 1664, 1665	111-4-855		
through			111-4-466			through		
111-4-300	Revoked	V. 12, p. 114	through			111-4-859	New	V. 15, p. 884, 885
111-4-301			111-4-469	Revoked	V. 12, p. 1665	111-4-855	Amended	V. 15, p. 1181
through			111-4-470			111-4-860		
111-4-307	Revoked	V. 13, p. 1402	through			through		
111-4-308			111-4-477	Revoked	V. 16, p. 452, 453	111-4-872	New	V. 15, p. 1056-1059
through			111-4-478			111-4-871	Amended	V. 15, p. 1181
111-4-317	Revoked	V. 16, p. 451	through			111-4-873		
111-4-318			111-4-492	Revoked	V. 14, p. 974, 975	through		
through			111-4-493			111-4-892	New	V. 15, p. 1181-1186
111-4-321	Revoked	V. 12, p. 114	through			111-4-881	Amended	V. 16, p. 1505
111-4-322			111-4-496	Revoked	V. 16, p. 453	111-4-893		
through			111-4-497			through		
111-4-327	Revoked	V. 12, p. 1371	through			111-4-910	New	V. 15, p. 1441-1445
111-4-328			111-4-512	Revoked	V. 14, p. 975	111-4-911		
through			111-4-513			through		
111-4-335	Revoked	V. 12, p. 114	through			111-4-918	New	V. 15, p. 1475, 1476
111-4-336			111-4-521	Revoked	V. 16, p. 453	111-4-915	Amended	V. 15, p. 1954
through			111-4-522			111-4-918	Amended	V. 15, p. 1954
111-4-340	Revoked	V. 16, p. 451	through			111-4-919		
111-4-341	Revoked	V. 11, p. 1473	111-4-571	Revoked	V. 14, p. 975-977	through		
111-4-341a	Revoked	V. 12, p. 1372	111-4-572			111-4-941	New	V. 15, p. 1710-1716
111-4-341b	Revoked	V. 16, p. 451	through			111-4-942		
111-4-341c	Revoked	V. 16, p. 451	111-4-585	New	V. 13, p. 878-880	through		
111-4-342			111-4-572	Amended	V. 16, p. 1044	111-4-965	New	V. 15, p. 1921-1926
through			111-4-574	Amended	V. 16, p. 1044	111-4-946	Amended	V. 15, p. 1954
111-4-345	Revoked	V. 16, p. 451	111-4-575	Amended	V. 16, p. 1044	111-4-962	Amended	V. 16, p. 341
111-4-346			111-4-576	Amended	V. 16, p. 1044	111-4-963	Amended	V. 16, p. 341
through			111-4-577	Amended	V. 16, p. 1044	111-4-966		
111-4-349	Revoked	V. 12, p. 114	111-4-579	Amended	V. 16, p. 1045	through		
111-4-350			111-4-581	Amended	V. 16, p. 1045	111-4-970	New	V. 15, p. 1954, 1955
through			111-4-582	Amended	V. 16, p. 1045	111-4-971		
111-4-355	Revoked	V. 16, p. 452	111-4-583	Amended	V. 15, p. 883	through		
111-4-356			111-4-584	Amended	V. 16, p. 1045	111-4-982	New	V. 16, p. 341-344
through			111-4-586			111-4-983		
111-4-361	Revoked	V. 14, p. 7	through			111-4-991	New	V. 16, p. 456, 457
111-4-362			111-4-606	Revoked	V. 14, p. 977, 978	111-4-992		
through			111-4-607			through		
111-4-365	Revoked	V. 12, p. 114, 115	111-4-619	New	V. 13, p. 1436-1438	111-4-1012	New	V. 16, p. 689-694
111-4-366			111-4-607			111-4-995	Amended	V. 16, p. 2016
through			through			111-4-996a	New	V. 16, p. 1080
111-4-369	Revoked	V. 12, p. 1373	111-4-610	Amended	V. 16, p. 1504			
			111-4-611	Amended	V. 14, p. 1407			

(continued)

111-4-1013 through		
111-4-1016	New	V. 16, p. 1045, 1046
111-4-1017 through		
111-4-1037	New	V. 16, p. 1081-1085
111-4-1031	Amended	V. 16, p. 1473
111-4-1038 through		
111-4-1041	New	V. 16, p. 1209, 1210
111-4-1041	Amended	V. 16, p. 1473
111-4-1042 through		
111-4-1059	New	V. 16, p. 1474-1478
111-4-1048	Amended	V. 16, p. 1505
111-4-1055	Amended	V. 17, p. 430
111-4-1060 through		
111-4-1083	New	V. 16, p. 1506-1511
111-4-1065	Amended	V. 16, p. 1849
111-4-1084 through		
111-4-1108	New	V. 16, p. 1809-1814
111-4-1091	Amended	V. 17, p. 430
111-4-1092	Amended	V. 17, p. 431
111-4-1109 through		
111-4-1117	New	V. 16, p. 1849-1851
111-4-1118 through		
111-4-1141	New	V. 16, p. 1883-1888
111-4-1141	Amended	V. 17, p. 431
111-4-1142 through		
111-4-1171	New	V. 16, p. 2016-2023
111-4-1172 through		
111-4-1180	New	V. 16, p. 2070-2072
111-4-1181 through		
111-4-1184	New	V. 17, p. 392, 393
111-4-1185 through		
111-4-1196	New	V. 17, p. 431-434
111-4-1197 through		
111-4-1222	New	V. 17, p. 467-473
111-5-1 through		
111-5-23	New	V. 7, p. 209-213
111-5-9 through		
111-5-19	Revoked	V. 15, p. 291
111-5-21 through		
111-5-33	New	V. 11, p. 415-418
111-5-21	Revoked	V. 15, p. 291
111-5-22	Amended	V. 13, p. 1438
111-5-23	Amended	V. 16, p. 1814
111-5-24	Amended	V. 16, p. 1815
111-5-25	Amended	V. 16, p. 1815
111-5-26	Amended	V. 16, p. 1815
111-5-27	Amended	V. 16, p. 1816
111-5-28	Amended	V. 16, p. 1816
111-5-29	Amended	V. 15, p. 1060
111-5-30	Amended	V. 16, p. 1817
111-5-31	Amended	V. 16, p. 1817
111-5-33	Amended	V. 16, p. 1817
111-5-34	New	V. 12, p. 318
111-5-34a	Amended	V. 14, p. 1098
111-5-35 through		
111-5-38	Revoked	V. 13, p. 1439
111-5-39 through		
111-5-44	New	V. 15, p. 1022, 1023
111-5-45 through		
111-5-50	New	V. 15, p. 1060-1062
111-5-46	Amended	V. 15, p. 1186
111-5-51	New	V. 15, p. 1477
111-5-52 through		
111-5-57	New	V. 16, p. 458, 459
111-5-58 through		
111-5-63	New	V. 16, p. 1085-1087
111-5-60a	New	V. 16, p. 1818
111-5-62	Amended	V. 16, p. 1511

111-5-64 through		
111-5-72	New	V. 17, p. 434-437
111-5-69	Amended	V. 17, p. 474
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111-6-15	New	V. 7, p. 213-217
111-6-1	Amended	V. 17, p. 393
111-6-3	Amended	V. 14, p. 313
111-6-4	Amended	V. 10, p. 1413
111-6-5	Amended	V. 16, p. 1818
111-6-6	Amended	V. 11, p. 1973
111-6-7	Amended	V. 16, p. 2023
111-6-7a	Amended	V. 15, p. 1188
111-6-8	Revoked	V. 12, p. 1263
111-6-9	Revoked	V. 14, p. 313
111-6-11	Revoked	V. 12, p. 1376
111-6-12	Amended	V. 8, p. 212
111-6-13	Amended	V. 8, p. 299
111-6-15	Amended	V. 12, p. 677
111-6-17	Revoked	V. 10, p. 1475
111-6-18	New	V. 13, p. 150
111-6-19	New	V. 13, p. 340
111-6-20	Amended	V. 15, p. 1716
111-6-21	New	V. 13, p. 881
111-6-22	New	V. 13, p. 881
111-6-23	New	V. 13, p. 881
111-7-1 through		
111-7-10	New	V. 7, p. 1192, 1193
111-7-1	Amended	V. 8, p. 212
111-7-3	Amended	V. 11, p. 1796
111-7-3a	Revoked	V. 13, p. 340
111-7-4	Amended	V. 9, p. 1367
111-7-5	Amended	V. 9, p. 986
111-7-6	Amended	V. 9, p. 987
111-7-9	Amended	V. 12, p. 1263
111-7-11	Amended	V. 15, p. 1188
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111-7-32	New	V. 7, p. 1194-1196
111-7-33 through		
111-7-43	New	V. 7, p. 1197, 1198
111-7-33a	New	V. 8, p. 300
111-7-44 through		
111-7-54	Revoked	V. 13, p. 340
111-7-46	Amended	V. 11, p. 1152
111-7-54	Amended	V. 11, p. 1511
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111-7-63	Revoked	V. 10, p. 1217
111-7-60	Amended	V. 10, p. 262
111-7-64 through		
111-7-75	New	V. 11, p. 13, 14
111-7-66	Amended	V. 15, p. 1304
111-7-66a	Revoked	V. 13, p. 340
111-7-75	Amended	V. 15, p. 1188
111-7-75	Amended	V. 16, p. 1479
111-7-78	Amended	V. 16, p. 1479
111-7-79	Revoked	V. 13, p. 340
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111-7-83	New	V. 11, p. 1478-1480
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111-7-93	Revoked	V. 15, p. 291
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111-7-118	Revoked	V. 15, p. 291, 292
111-7-119 through		
111-7-127	New	V. 15, p. 1189-1191
111-7-122	Amended	V. 15, p. 1477
111-7-123	Amended	V. 15, p. 1477
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111-7-126	Amended	V. 15, p. 1304
111-7-127	Amended	V. 16, p. 1479
111-7-128	New	V. 15, p. 1446
111-8-1	New	V. 7, p. 1633
111-8-2	New	V. 7, p. 1633
111-8-3	Amended	V. 10, p. 886

111-8-4	New	V. 7, p. 1714
111-8-4a	Revoked	V. 13, p. 1406
111-8-5 through		
111-8-13	New	V. 7, p. 1634
111-8-14	New	V. 13, p. 881
111-8-15	New	V. 13, p. 881
111-9-1 through		
111-9-12	New	V. 7, p. 1714-1716
111-9-1 through		
111-9-6	Revoked	V. 9, p. 1680
111-9-13 through		
111-9-18	Revoked	V. 9, p. 1680
111-9-25 through		
111-9-30	New	V. 9, p. 699, 700
111-9-31 through		
111-9-36	New	V. 10, p. 262
111-9-37 through		
111-9-48	New	V. 10, p. 1439, 1440
111-9-49 through		
111-9-54	New	V. 12, p. 318, 319
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111-9-60	New	V. 12, p. 1263, 1264
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111-9-78	New	V. 16, p. 1087-1089
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111-9-90	New	V. 17, p. 394, 395
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111-10-9	New	V. 8, p. 136-138
111-10-7	Amended	V. 8, p. 301

AGENCY 112: KANSAS RACING AND GAMING COMMISSION

Reg. No.	Action	Register
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112-4-1	Amended	V. 16, p. 1151
112-4-26	New	V. 16, p. 1152
112-10-5	Amended	V. 16, p. 1664
112-10-6	Amended	V. 16, p. 379
112-12-1	Amended	V. 16, p. 1889
112-12-2	Amended	V. 16, p. 1889
112-12-4	Amended	V. 16, p. 1889
112-12-5	Amended	V. 16, p. 1890
112-12-6	Amended	V. 16, p. 1890
112-12-7	Amended	V. 16, p. 1890
112-12-8	Amended	V. 16, p. 1890
112-12-9	Amended	V. 17, p. 213
112-12-10	Amended	V. 16, p. 1891
112-12-13	Amended	V. 16, p. 1891
112-12-14	Amended	V. 16, p. 1891
112-16-6	Amended	V. 16, p. 1469
112-16-14	Amended	V. 16, p. 380
112-18-3	Amended	V. 16, p. 1152
112-18-21	Amended	V. 17, p. 60

AGENCY 115: DEPARTMENT OF WILDLIFE AND PARKS

Reg. No.	Action	Register
115-1-1	Amended	V. 16, p. 1469
115-2-1	Amended	V. 16, p. 248
115-2-3	Amended	V. 17, p. 462
115-2-6	New	V. 17, p. 462
115-3-2	Amended	V. 16, p. 1471
115-4-1	Amended	V. 17, p. 463
115-4-3	Amended	V. 16, p. 824
115-4-5	Amended	V. 16, p. 825
115-4-6	Amended	V. 16, p. 826
115-4-7	Amended	V. 17, p. 464
115-4-13	Amended	V. 16, p. 829
115-9-5	Amended	V. 16, p. 1472
115-9-8	New	V. 16, p. 1989
115-14-3	Amended	V. 16, p. 1175
115-14-9	Amended	V. 16, p. 1175
115-15-3	Amended	V. 16, p. 1989
115-15-4	New	V. 16, p. 1990
115-18-7	Amended	V. 16, p. 1991
115-18-13	Amended	V. 16, p. 1472
115-18-14	Amended	V. 16, p. 1991

115-18-15 New V. 16, p. 1991  
 115-30-3 Amended V. 16, p. 249  
 115-30-6 Amended V. 16, p. 249

117-5-3 New V. 17, p. 465  
 117-6-1 Amended V. 16, p. 2066  
 117-6-3 Amended V. 16, p. 2067  
 117-8-1 Amended V. 17, p. 366

**AGENCY 122: POOLED MONEY INVESTMENT BOARD**  
 Reg. No. Action Register  
 122-2-2 Amended V. 17, p. 10

**AGENCY 117: REAL ESTATE APPRAISAL BOARD**

Reg. No.	Action	Register
117-2-1	Amended	V. 16, p. 2063
117-2-2	Amended	V. 16, p. 302
117-3-1	Amended	V. 16, p. 2064
117-3-2	Amended	V. 16, p. 2064
117-4-1	Amended	V. 16, p. 2065
117-4-2	Amended	V. 16, p. 2066
117-5-1	Amended	V. 17, p. 465
117-5-2	New	V. 17, p. 465

**AGENCY 121: DEPARTMENT OF CREDIT UNIONS**

Reg. No.	Action	Register
121-4-1 through 121-4-11	New	V. 16, p. 72-77
121-5-1	New	V. 16, p. 1048
121-5-2	New	V. 16, p. 1048
121-6-1	New	V. 16, p. 1773
121-6-2	New	V. 16, p. 1773

**AGENCY 123: JUVENILE JUSTICE AUTHORITY**

Reg. No.	Action	Register
123-2-1	New	V. 17, p. 36

**AGENCY 124: CHILD DEATH REVIEW BOARD**

Reg. No.	Action	Register
124-1-1 through 124-1-4	New	V. 16, p. 1819

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