



Kansas Register

Ron Thornburgh, Secretary of State

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In this issue . . .	Page
Kansas Department of Commerce	
Notice to private activity bond applicants.....	2
Legislative interim committee schedule.....	3
Kansas Department of Transportation	
Notices of available grant funding.....	3
Requests for comments on the Statewide Transportation Improvement Program	4, 5
Kansas Judicial Council	
Notice of meetings.....	4
University of Kansas	
Notice to bidders.....	5
Department of Administration—Division of Purchases	
Notice to bidders for state purchases	5
Secretary of State	
Code mortgage rate for January	6
Usury rate for January	6
Department of Health and Environment	
Requests for comments on proposed air quality permits.....	6, 7, 8, 9
Pooled Money Investment Board	
Notice of investment rates.....	8
State Banking Board	
Notice of 2008 meeting schedule	8
City of Overland Park	
Notice to bidders.....	9
Kansas Water Authority	
Notice of meeting	10
Department of Administration—Division of Facilities Management	
Notice of commencement of negotiations for architectural and engineering services	10
Attorney General	
2007 update to guidelines for takings of private property	11
Notice of Bond Sale	
U.S.D. 203, Wyandotte County (Piper).....	13
City of Syracuse	14
Permanent Administrative Regulations	
Kansas Insurance Department.....	15
Department of Agriculture.....	16
Real Estate Appraisal Board.....	16
Racing and Gaming Commission.....	19
Index to administrative regulations.....	26

State of Kansas

Department of Commerce

Notice to Private Activity Bond Applicants

Applications for allocation of 2008 Private Activity Bond (PAB) authority are now being accepted for qualified uses, as defined by the Internal Revenue Code of 1986, and amendments thereto.

The state of Kansas is projected to receive \$262,095,000 of federal authority for the issuance of PABs in calendar year 2008. Historically, the primary uses of this federal authority have included "qualified small issue bonds" used for construction and equipping of manufacturing facilities and beginning farmer programs; "exempt facility bonds" used by for-profit entities providing a public benefit, i.e., certain waste treatment facilities, qualified residential rental facilities, etc.; and "qualified mortgage bonds" issued to benefit first-time homebuyers. Allocations awarded by the Secretary of Commerce are subject to the provisions of K.S.A. 74-5060 et seq. and the limitations of the state volume cap.

Fees associated with PAB application and issuance are as follows:

(1) Application fee—A nonrefundable fee must accompany the application before the request can be processed. The application fee is determined as follows:

- \$250 for allocation requests up to \$5,000,000
- \$500 for allocation requests from \$5,000,001 to \$10,000,000

- \$1,000 for allocation requests from \$10,000,001 and above

(2) Issuance fee—An issuance fee for allocation amounts utilized, other than "Qualified Mortgage bonds" issued, shall be due and payable to the Kansas Department of Commerce at bond closing. Issuance fees shall be determined as follows:

Allocation Used	Fee
To \$2,000,000	5 basis points (.05%)
\$2,000,001 and above	10 basis points (.10%)

"Qualified Mortgage Bond" programs will be assessed a fee, upon issuance of each mortgage loan assisted through the program, equal to .5% of the PAB allocation used.

Issuance fees shall be remitted within 30 days of bond closing. Checks for both the application and issuance fees for nonhousing issues should be made payable to the Kansas Department of Commerce Bond Fee Fund. Checks for the issuance fees for housing activities should be made out to the State Housing Trust Fund.

For more information or to obtain application materials, contact Ed Serrano or Steve Kelly, Kansas Department of Commerce, 1000 S.W. Jackson, Suite 100, Topeka, 66612-1354, (785) 296-5298 or TTY (785) 296-3487.

David D. Kerr
Secretary of Commerce

Doc. No. 035257

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State of Kansas
Department of Transportation
Notice of Available Grant Funding

The Coordinated Transit District (CTD) #1 member organizations provide transportation to older adults and persons with disabilities. CTD #1 is requesting applications for transportation projects to be funded through two Federal Transit Administration programs: Job Access/Reverse Commute (JARC) and New Freedom.

Eligible applicants include private nonprofit organizations, state or local government entities and public or private operators of public transportation in the Lawrence urbanized area that includes some cities surrounding Lawrence. New Freedom provides grants for operating expenses that support new public transportation services beyond the Americans with Disabilities Act. JARC provides grants for operating expenses of projects that transport low-income individuals to and from jobs and employment-related activities.

For more information, contact Cheryl Fisher at (785) 368-7091 or cherylfi@ksdot.org. The deadline for applications is 5 p.m. Friday, January 25.

Deb Miller
 Secretary of Transportation

Doc. No. 035264

State of Kansas
Department of Transportation
Notice of Available Grant Funding

The Coordinated Transit District (CTD) #2 member organizations provide transportation to older adults and persons with disabilities. CTD #2 is requesting applications for transportation projects to be funded through two Federal Transit Administration programs: Job Access/Reverse Commute (JARC) and New Freedom.

Eligible applicants include private nonprofit organizations, state or local government entities and public or private operators of public transportation in the Topeka urbanized area that includes some cities surrounding Topeka. New Freedom provides grants for operating expenses that support new public transportation services beyond the Americans with Disabilities Act. JARC provides grants for operating expenses of projects that transport low-income individuals to and from jobs and employment-related activities.

For more information, contact Stacey Cowan at (785) 296-5284 or staceyc@ksdot.org. The deadline for applications is 5 p.m. Friday, January 25.

Deb Miller
 Secretary of Transportation

Doc. No. 035259

State of Kansas

Legislature

Interim Committee Schedule

The following committee meetings have been scheduled during the period of January 7-14. Requests for accommodation to participate in committee meetings should be made at least two working days in advance of the meeting by contacting Legislative Administrative Services at (785) 296-2391 or TTY (785) 296-8430. When available, agendas can be found at <http://kslegislature.org/klrd>.

Date	Room	Time	Committee	Agenda
Jan. 7	123-S	9:00 a.m.	Special Committee on State Employee Pay Plan	Overview of state employee salary increases; overview of Hay Group Pay Plan Study; recommendations of the State Employee Compensation Oversight Commission; committee discussion and possible recommendations.
Jan. 9	313-S	9:30 a.m.	Kansas Autism Task Force	Review autism waiver and discuss plans for coming year's work.
Jan. 9	519-S	9:30 a.m.	Kansas Criminal Code Recodification Committee	Agenda not available.
Jan. 9	123-S	9:00 a.m.	Math and Science Education Advisory Committee	Develop final recommendations.
Jan. 14	519-S	9:00 a.m.	Joint Committee on Administrative Rules and Regulations	Review of the rules and regulations proposed for adoption by: Board of Technical Professions; Board of Healing Arts; State Bank Commissioner; KDHE; Insurance Dept.; and Kansas Pharmacy Board.

Jeffrey M. Russell
 Director of Legislative
 Administrative Services

Doc. No. 035253

State of Kansas

Department of Transportation

Request for Comments

The Kansas Department of Transportation requests comments on the amendment of the Statewide Transportation Improvement Program (STIP) FY 08-11 by adding the following projects:

Project C-3832-01, Surfacing, 8 miles north and 6 miles west of Sublette, Haskell County

Project U-2109-01, Intersection Improvement, Hageman and Broadway in the city of Salina, Saline County

Project X-2373-01, Road Closure, Union Pacific Railroad Crossing and Vine Street in the city of Wamego, Pottawatomie County

Project X-2470-01, Railway-Highway Crossing Signals, Flashing Light Cantilever Type with Gates, Cimarron Valley Railroad Crossing and US-83 west of Sublette, Haskell County

Project X-2593-01, Led Lens Upgrade, South Kansas and Oklahoma Railroad Crossing, Statewide

Project X-2675-01, Railway-Highway Crossing Signals Flashing Light, Cantilever Type with Gates, Union Pacific Railroad Crossing and 85th Avenue near Medora, Reno County

Project X-2676-01, Railway-Highway Crossing Signals Flashing Light, Straight Post Type with Gates, Union Pacific Railroad Crossing and Arapaho Road, McPherson County

Project X-2677-01, Railway-Highway Crossing Signals Flashing Light, Straight Post Type with Gates, Union Pacific Railroad Crossing and Buckskin Road south of Inman, McPherson County

Project X-2678-01, Railway-Highway Crossing Signals Flashing Light, Straight Post Type with Gates, Union Pacific Railroad Crossing and Chisholm Road northeast of Inman, McPherson County

Project X-2679-01, Railway-Highway Crossing Signals Flashing Light, Straight Post Type with Gates, Union Pacific Railroad Crossing and Comanche Road northeast of Inman, McPherson County

Project X-2680-01, Railway-Highway Crossing Signals Flashing Light, Straight Post Type with Gates, Union Pacific Railroad Crossing and Eisenhower Road southwest of McPherson, McPherson County

Project X-2681-01, Railway-Highway Crossing Signals Flashing Light, Straight Post Type with Gates, Union Pacific Railroad Crossing and Frontier Road southwest of McPherson, McPherson County

Project X-2682-01, Railway-Highway Crossing Signals Flashing Light, Straight Post Type with Gates, Burlington Northern Santa Fe Railroad Crossing and 391st Street southeast of Fontana, Miami County

Project X-2686-01, Railway-Highway Crossing Signals Flashing Light, Straight Post Type with Gates, V&S Railroad Crossing and US-160 in Medicine Lodge, Barber County

Project X-2687-01, Railway-Highway Crossing Signals Flashing Light, Cantilever Type with Gates, V&S Railroad Crossing and US-281 in Medicine Lodge, Barber County

Project X-2688-01, Railway-Highway Crossing Signals Flashing Light, Straight Post Type with Gates, Burlington

Northern Santa Fe Railroad Crossing and Quaker Road northeast of Baxter Springs, Cherokee County

Project X-2690-01, Railway-Highway Crossing Signals Flashing Light, Straight Post Type with Gates, Kansas City Southern Railroad Crossing and 515th Avenue south of Pittsburg, Crawford County

The amendment of the STIP requires a 30-day public comment period. To receive more information on any of these projects or to make comments on the STIP amendment, contact the Kansas Department of Transportation, Bureau of Program and Project Management, 2nd Floor Tower, Eisenhower State Office Building, 700 S.W. Harrison, Topeka, 66603-3754, (785) 296-3526, fax (785) 368-6664.

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

The comment period regarding the STIP amendment will conclude February 4.

Deb Miller
Secretary of Transportation

Doc. No. 035251

State of Kansas

Kansas Judicial Council

Notice of Meetings

The Kansas Judicial Council, its Advisory Committees, the Commission on Judicial Performance and the Kansas Criminal Code Recodification Commission will meet according to the following schedule at the Kansas Judicial Center, 301 S.W. 10th Ave., Topeka, unless otherwise designated:

Date	Committee	Time	Location
Jan. 9	Recodification Commission	9:30 a.m.	State Capitol, Room 519-S
Jan. 11	Commission on Judicial Performance	9:30 a.m.	Judicial Center, Suite 140
Jan. 18	Administrative Procedure	9:30 a.m.	Judicial Center, Suite 140
Jan. 18	PIK-Civil	9:30 a.m.	Judicial Center, Room 269
Jan. 25	Juvenile Offender/Child in Need of Care	9:30 a.m.	Judicial Center, Suite 140
Jan. 30	Recodification Commission	9:30 a.m.	To Be Announced
Feb. 1	Civil Code	9:30 a.m.	Judicial Center, Room 269
Feb. 1	Family Law	9:30 a.m.	Judicial Center, Suite 140
Feb. 8	Commission on Judicial Performance	9:30 a.m.	Judicial Center, Suite 140
Feb. 15	Probate Law	9:30 a.m.	Judicial Center, Suite 140
Feb. 15	Administrative Procedure	9:30 a.m.	Judicial Center, Suite 140
Feb. 15	PIK-Civil	9:30 a.m.	Judicial Center, Room 269

Hon. Robert E. Davis
Chairman

Doc. No. 035246

State of Kansas

University of Kansas

Notice to Bidders

The University of Kansas encourages interested vendors to visit the University of Kansas Purchasing Services Web site at <http://www.purchasing.ku.edu/> for a complete listing of all transactions for which KU Purchasing Services, or one of the consortia commonly utilized by KU, are seeking competitive bids. Paper postings of KU Purchasing Services bid transactions may be viewed at the Purchasing Services office located at 1246 W. Campus Road, Room 7, Lawrence, 66045, or persons may contact Purchasing Services at (785) 864-3790, by fax at (785) 864-3454 or by e-mail at purchasing@ku.edu to request a copy of a current bid.

Barry K. Swanson
Associate Comptroller/
Director of Purchasing Services

Doc. No. 035242

State of Kansas

Department of Transportation

Request for Comments

The Kansas Department of Transportation requests comments on the amendment of the Statewide Transportation Improvement Program (STIP) FY 08-11 by adding the following projects:

**Kansas Department of Wildlife and Parks (KDWP)
Recreational Trails Funding Projects for FY 2008:**

- (1) Skyline Public Schools — Walking Path
- (2) City of Topeka — Overbrook Lake Trail Phase II
- (3) Horse Thief Reservoir Benefit District — Equine Campground and Trail System
- (4) Clinton State Park — Mountain Bike Skills Course Expansion
- (5) Clinton State Park — HA Restroom for Accessible Trail
- (6) Elk City State Park — Prairie Meadow Walking Trail
- (7) Kanopolis State Park — Kids Pond ADA Trail
- (8) City of Derby — Stone Creek Park Trail
- (9) City of Hutchinson — NE Loop Trail
- (10) City of Ottawa — PSRT Trail Overlay and Drainage
- (11) City of Ottawa — Kanza Park Trail Overlay
- (12) City of Ottawa — Heritage Park Trail Overlay
- (13) University of Kansas Center for Research — Restroom Drinking Water, Skid Steer and Kiosk
- (14) El Dorado State Park — Upgrade Existing Trail
- (15) Hillside State Park — Saddle Ridge Toilet
- (16) KDWP — Greene Property Initial Development
- (17) Sand Hills State Park — Phase III of Campground
- (18) Hillside State Park — Trail Signs
- (19) City of Wichita — Off-Road Park

The amendment of the STIP requires a 30-day public comment period. To receive more information on any of

these projects or to make comments on the STIP amendment, contact the Kansas Department of Transportation, Bureau of Program and Project Management, 2nd Floor Tower, Eisenhower State Office Building, 700 S.W. Harrison, Topeka, 66603-3754, (785) 296-3526, fax (785) 368-6664.

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

The comment period regarding the STIP amendment will conclude February 4.

Deb Miller
Secretary of Transportation

Doc. No. 035250

State of Kansas

Department of Administration
Division of Purchases

Notice to Bidders

Sealed bids for items listed will be received by the Director of Purchases until 2 p.m. on the date indicated. For more information, call (785) 296-2376:

01/10/2008	10981	Glass Beads for Traffic Line Paint
01/14/2008	10985	Contingent Lease of Farmland at Lansing
01/15/2008	10982	Furnish and Install Correctional Door Control Panels
01/15/2008	10983	Furnish and Install Lateral Move Sprinkler Irrigation System
01/17/2008	10992	Furnish and Install HVAC Units
01/23/2008	10962	Human Immunodeficiency (HIV) Test Kits
01/23/2008	10989	Janitorial Services
01/23/2008	10990	Janitorial Services
01/29/2008	10984	Linn City Waterline Relocation
02/04/2008	10940	Armored Car Services
02/05/2008	10993	Mailing Machine Products, Accessories and Service

The above-referenced bid documents can be downloaded at the following Web site:

<http://www.da.ks.gov/purch/>

Additional files may be located at the following Web site (please monitor this Web site on a regular basis for any changes/addenda):

<http://da.state.ks.us/purch/adds/default.htm>

Contractors wishing to bid on the projects listed below must be prequalified. Information regarding prequalification, projects and bid documents can be obtained by calling (785) 296-8899 or by visiting www.da.ks.gov/fp/.

01/17/2008	A-010501	Barn Renovation — Konza Prairie Biological Station, Kansas State University, Manhattan
01/24/2008	A-010585	Renovation — Nickell Memorial Armory, Adjutant General's Department, Topeka

Chris Howe
Director of Purchases

Doc. No. 035258

State of Kansas

Secretary of State**Code Mortgage Rate for January**

Pursuant to the provisions of K.S.A. 16a-1-301, Section 11, the code mortgage rate during the period of January 1, 2008 through January 31, 2008, is 12 percent.

Ron Thornburgh
Secretary of State

Doc. No. 035245

State of Kansas

Secretary of State**Usury Rate for January**

Pursuant to the provisions of K.S.A. 16-207, the maximum effective rate of interest per annum for notes secured by all real estate mortgages and contracts for deed for real estate (except where the note or contract for deed permits adjustment of the interest rate, the term of the loan or the amortization schedule) executed during the period of January 1, 2008 through January 31, 2008, is 7.41 percent.

Ron Thornburgh
Secretary of State

Doc. No. 035244

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. Western Plains Regional Landfill has applied for a Class I operating permit renewal in accordance with the provisions of K.A.R. 28-19-510 et seq. The purpose of a Class I permit is to identify the sources and types of regulated air pollutants emitted from the facility; the emission limitations, standards and requirements applicable to each source; and the monitoring, record keeping and reporting requirements applicable to each source as of the effective date of permit issuance.

Western Plains Regional Landfill, owns and operates a solid waste landfill located at 1250 S. Raceway, Garden City.

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 a 30-day public review during normal business hours at the KDHE, Bureau of Air and Radiation, 1000 S.W. Jackson, Suite 310, Topeka; and a copy of the proposed permit can be reviewed at the KDHE Southwest District Office, 302 W. McArtor Road, Dodge City. To obtain or review the proposed permit and supporting documentation, contact Sergio Guerra, (785) 296-0365, at the KDHE central office; and to review the proposed permit only, contact Josh Weil, (620) 225-0596, at the KDHE Southwest District Office. The standard departmental cost will be assessed for any copies requested.

Direct written comments or questions regarding the proposed permit to Sergio Guerra, KDHE, Bureau of Air and Radiation, 1000 S.W. Jackson, Suite 310, Topeka, 66612-1366. In order to be considered in formulating a final permit decision, written comments must be received before the close of business February 4.

A person may request a public hearing be held on the proposed permit. The request for a public hearing shall be in writing and set forth the basis for the request. The written request must be submitted to Sherry Walker, Bureau of Air and Radiation, not later than the close of business February 4 in order for the Secretary of Health and Environment to consider the request.

The U.S. Environmental Protection Agency has a 45-day review period, which will start concurrently with the 30-day public comment period, within which to object to the proposed permit. If the EPA has not objected in writing to the issuance of the permit within the 45-day review period, any person may petition the administrator of the EPA to review the permit. The 60-day public petition period will directly follow the EPA's 45-day review period. Interested parties may contact KDHE to determine if the EPA's 45-day review period has been waived.

Any such petition shall be based only on objections to the permit that were raised with reasonable specificity during the public comment period provided for in this notice, unless the petitioner demonstrates that it was impracticable to raise such objections within such period, or unless the grounds for such objection arose after such period. Contact Jon Knodel, U.S. EPA, Region VII, Air Permitting and Compliance Branch, 901 N. 5th St., Kansas City, KS 66101, (913) 551-7622, to determine when the 45-day EPA review period ends and the 60-day petition period commences.

Roderick L. Bremby
Secretary of Health
and Environment

Doc. No. 035260

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. Butler County Landfill has applied for a Class I operating permit renewal in accordance with the provisions of K.A.R. 28-19-510 et seq. The purpose of a Class I permit is to identify the sources and types of regulated air pollutants emitted from the facility; the emission limitations, standards and requirements applicable to each source; and the monitoring, record keeping and reporting requirements applicable to each source as of the effective date of permit issuance.

Butler County Landfill, 121 S. Gordy, Suite 200, El Dorado, owns and operates a solid waste landfill located at 2963 S.W. 40th St., El Dorado.

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 a 30-day public review during normal business hours at the KDHE, Bureau of Air and Radiation, 1000 S.W. Jackson, Suite 310, Topeka; and a copy of the proposed permit can be reviewed at the KDHE South Central District Office, 130 S. Market, Suite 6050, Wichita. To obtain or review the proposed permit and supporting documentation, contact Sergio Guerra, (785) 296-0365, at the KDHE central office; and to review the proposed permit only, contact David Butler, (316) 337-6042, at the KDHE South Central District Office. The standard departmental cost will be assessed for any copies requested.

Direct written comments or questions regarding the proposed permit to Sergio Guerra, KDHE, Bureau of Air and Radiation, 1000 S.W. Jackson, Suite 310, Topeka, 66612-1366. In order to be considered in formulating a final permit decision, written comments must be received before the close of business February 4.

A person may request a public hearing be held on the proposed permit. The request for a public hearing shall be in writing and set forth the basis for the request. The written request must be submitted to Sherry Walker, Bureau of Air and Radiation, not later than the close of business February 4 in order for the Secretary of Health and Environment to consider the request.

The U.S. Environmental Protection Agency has a 45-day review period, which will start concurrently with the 30-day public comment period, within which to object to the proposed permit. If the EPA has not objected in writing to the issuance of the permit within the 45-day review period, any person may petition the administrator of the EPA to review the permit. The 60-day public petition period will directly follow the EPA's 45-day review period. Interested parties may contact KDHE to determine if the EPA's 45-day review period has been waived.

Any such petition shall be based only on objections to the permit that were raised with reasonable specificity during the public comment period provided for in this notice, unless the petitioner demonstrates that it was impracticable to raise such objections within such period, or unless the grounds for such objection arose after such period. Contact Jon Knodel, U.S. EPA, Region VII, Air Permitting and Compliance Branch, 901 N. 5th St., Kansas City, KS 66101, (913) 551-7622, to determine when the 45-day EPA review period ends and the 60-day petition period commences.

Roderick L. Bremby
Secretary of Health
and Environment

Doc. No. 035261

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. Reno County Municipal Solid Waste Landfill has applied for a Class I operating permit renewal in accordance with the provisions of K.A.R. 28-19-510 et seq. The purpose of a Class I permit is to identify

the sources and types of regulated air pollutants emitted from the facility; the emission limitations, standards and requirements applicable to each source; and the monitoring, record keeping and reporting requirements applicable to each source as of the effective date of permit issuance.

Reno County Municipal Solid Waste Landfill owns and operates a solid waste landfill located at 703 S. Mohawk Road, Hutchinson.

A copy of the proposed permit, permit application, all supporting documentation and all information relied upon during the permit application review process is available for a 30-day public review during normal business hours at the KDHE, Bureau of Air and Radiation, 1000 S.W. Jackson, Suite 310, Topeka; and a copy of the proposed permit can be reviewed at the KDHE South Central District Office, 130 S. Market, Suite 6050, Wichita. To obtain or review the proposed permit and supporting documentation, contact Sergio Guerra, (785) 296-0365, at the KDHE central office; and to review the proposed permit only, contact David Butler, (316) 337-6042, at the KDHE South Central District Office. The standard departmental cost will be assessed for any copies requested.

Direct written comments or questions regarding the proposed permit to Sergio Guerra, KDHE, Bureau of Air and Radiation, 1000 S.W. Jackson, Suite 310, Topeka, 66612-1366. In order to be considered in formulating a final permit decision, written comments must be received before the close of business February 4.

A person may request a public hearing be held on the proposed permit. The request for a public hearing shall be in writing and set forth the basis for the request. The written request must be submitted to Sherry Walker, Bureau of Air and Radiation, not later than the close of business February 4 in order for the Secretary of Health and Environment to consider the request.

The U.S. Environmental Protection Agency has a 45-day review period, which will start concurrently with the 30-day public comment period, within which to object to the proposed permit. If the EPA has not objected in writing to the issuance of the permit within the 45-day review period, any person may petition the administrator of the EPA to review the permit. The 60-day public petition period will directly follow the EPA's 45-day review period. Interested parties may contact KDHE to determine if the EPA's 45-day review period has been waived.

Any such petition shall be based only on objections to the permit that were raised with reasonable specificity during the public comment period provided for in this notice, unless the petitioner demonstrates that it was impracticable to raise such objections within such period, or unless the grounds for such objection arose after such period. Contact Jon Knodel, U.S. EPA, Region VII, Air Permitting and Compliance Branch, 901 N. 5th St., Kansas City, KS 66101, (913) 551-7622, to determine when the 45-day EPA review period ends and the 60-day petition period commences.

Roderick L. Bremby
Secretary of Health
and Environment

Doc. No. 035262

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. 12-1675(b)(c)(d), 75-4201(l) and 75-4209(a)(1)(B).

Effective 12-31-07 through 1-6-08

Term	Rate
1-89 days	4.06%
3 months	3.12%
6 months	3.34%
1 year	3.26%
18 months	3.10%
2 years	3.10%

Daniel J. Nackley
Director of Investments

Doc. No. 035243

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. Salina Municipal Solid Waste Landfill has applied for a Class I operating permit renewal in accordance with the provisions of K.A.R. 28-19-510 et seq. The purpose of a Class I permit is to identify the sources and types of regulated air pollutants emitted from the facility; the emission limitations, standards and requirements applicable to each source; and the monitoring, record keeping and reporting requirements applicable to each source as of the effective date of permit issuance.

Salina Municipal Solid Waste Landfill, 412 E. Ash St., Salina, owns and operates a solid waste landfill located at 4292 S. Burma Road, Salina.

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 a 30-day public review during normal business hours at the KDHE, Bureau of Air and Radiation, 1000 S.W. Jackson, Suite 310, Topeka; and a copy of the proposed permit can be reviewed at the KDHE North Central District Office, 2501 Market Place, Suite D, Salina. To obtain or review the proposed permit and supporting documentation, contact Sergio Guerra, (785) 296-0365, at the KDHE central office; and to review the proposed permit only, contact Jennifer Nichols, (785) 827-9639, at the KDHE North Central District Office. The standard departmental cost will be assessed for any copies requested.

Direct written comments or questions regarding the proposed permit to Sergio Guerra, KDHE, Bureau of Air and Radiation, 1000 S.W. Jackson, Suite 310, Topeka, 66612-1366. In order to be considered in formulating a final permit decision, written comments must be received before the close of business February 4.

A person may request a public hearing be held on the proposed permit. The request for a public hearing shall

be in writing and set forth the basis for the request. The written request must be submitted to Sherry Walker, Bureau of Air and Radiation, not later than the close of business February 4 in order for the Secretary of Health and Environment to consider the request.

The U.S. Environmental Protection Agency has a 45-day review period, which will start concurrently with the 30-day public comment period, within which to object to the proposed permit. If the EPA has not objected in writing to the issuance of the permit within the 45-day review period, any person may petition the administrator of the EPA to review the permit. The 60-day public petition period will directly follow the EPA's 45-day review period. Interested parties may contact KDHE to determine if the EPA's 45-day review period has been waived.

Any such petition shall be based only on objections to the permit that were raised with reasonable specificity during the public comment period provided for in this notice, unless the petitioner demonstrates that it was impracticable to raise such objections within such period, or unless the grounds for such objection arose after such period. Contact Jon Knodel, U.S. EPA, Region VII, Air Permitting and Compliance Branch, 901 N. 5th St., Kansas City, KS 66101, (913) 551-7622, to determine when the 45-day EPA review period ends and the 60-day petition period commences.

Roderick L. Bremby
Secretary of Health
and Environment

Doc. No. 035263

State of Kansas

State Banking Board**Notice of 2008 Meeting Schedule**

To comply with the notice required by K.S.A. 75-4318, the following is a list of tentative dates of State Banking Board meetings for 2008:

January 28	July 21
February 25	August 18
March 17	September 15
April 21	October 20
May 19	November 17
June 16	December 15

The Banking Board meets at 9 a.m. 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., and amendments thereto, and carries out its function of serving in an advisory capacity to the Office of the State Bank Commissioner, pursuant to K.S.A. 74-3006, and amendments thereto. All interested individuals and organizations are invited to attend. For questions or concerns regarding the meetings, contact the Office of the State Bank Commissioner at (785) 296-2266.

J. Thomas Thull
State Bank Commissioner

Doc. No. 035248

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. Hess Services, Inc. has applied for a Class I operating permit in accordance with the provisions of K.A.R. 28-19-510 et seq. The purpose of a Class I permit is to identify the sources and types of regulated air pollutants emitted from the facility; the emission limitations, standards and requirements applicable to each source; and the monitoring, record keeping and reporting requirements applicable to each source as of the effective date of permit issuance.

Hess Services, Inc., Hays, owns and operates a fiberglass tank manufacturing and metal tank painting located at 2670 E. 9th, Hays.

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 a 30-day public review during normal business hours at the KDHE, Bureau of Air and Radiation, 1000 S.W. Jackson, Suite 310, Topeka; and a copy of the proposed permit can be reviewed at the KDHE Northwest District Office, 2301 E. 13th, Hays. To obtain or review the proposed permit and supporting documentation, contact Justin Cunningham, (785) 296-0776, at the KDHE central office; and to review the proposed permit only, contact Richard Robinson, (785) 625-5663, at the KDHE Northwest District Office. The standard departmental cost will be assessed for any copies requested.

Direct written comments or questions regarding the proposed permit to Justin Cunningham, KDHE, Bureau of Air and Radiation, 1000 S.W. Jackson, Suite 310, Topeka, 66612-1366. In order to be considered in formulating a final permit decision, written comments must be received before the close of business February 4.

A person may request a public hearing be held on the proposed permit. The request for a public hearing shall be in writing and set forth the basis for the request. The written request must be submitted to Sherry Walker, Bureau of Air and Radiation, not later than the close of business February 4 in order for the Secretary of Health and Environment to consider the request.

The U.S. Environmental Protection Agency has a 45-day review period, which will start concurrently with the 30-day public comment period, within which to object to the proposed permit. If the EPA has not objected in writing to the issuance of the permit within the 45-day review period, any person may petition the administrator of the EPA to review the permit. The 60-day public petition period will directly follow the EPA's 45-day review period. Interested parties may contact KDHE to determine if the EPA's 45-day review period has been waived.

Any such petition shall be based only on objections to the permit that were raised with reasonable specificity during the public comment period provided for in this notice, unless the petitioner demonstrates that it was impracticable to raise such objections within such period, or

unless the grounds for such objection arose after such period. Contact Jon Knodel, U.S. EPA, Region VII, Air Permitting and Compliance Branch, 901 N. 5th St., Kansas City, KS 66101, (913) 551-7622, to determine when the 45-day EPA review period ends and the 60-day petition period commences.

Roderick L. Bremby
Secretary of Health
and Environment

Doc. No. 035255

(Published in the Kansas Register January 3, 2008.)

City of Overland Park, Kansas

Notice to Bidders

Sealed bids for **119th Street Widening (U.S. 69 to Riley), KDOT Project No. 46 N-0366-01, O.P. Project No. TH-0734**, will be received by the city of Overland Park, Kansas, at the office of the City Clerk, City Hall, 8500 Santa Fe Drive, Overland Park, KS 66212, until 2 p.m. local time February 5, 2008. At that time all sealed bids will be transferred to the city council Chamber, City Hall, where they will be publicly opened and read aloud. Any bid received after the designated closing time will be returned unopened.

All bids shall be submitted in sealed envelopes addressed to the city clerk of Overland Park, Kansas, and marked "Bid For: 119th Street Widening (U.S. 69 to Riley)." Copies of plans, specifications, bid documents and other contract documents are on file at the office of HNTB located at 7450 W. 130th St., Suite 400, Overland Park, KS 66213, (913) 491-9333. Contractors desiring the contract documents for use in preparing bids may obtain a set of such documents from HNTB upon payment of the following amounts, which are not refundable:

Half-Size Plan Drawings (11" × 17") and
Contract Documents: \$100
Full-Size Plan Drawings (22" × 34") and
Contract Documents: \$400

Contractors should read and be fully familiar with all contract documents before submitting a bid. In submitting a bid, the bidder warrants that it has read the contract documents and is fully familiar therewith and that it has visited the site of the work to fully inform itself as to all existing conditions and limitations, and shall include in its bid a sum to cover the cost of all items of the work.

Should a bidder find "defects" as defined in paragraph GC3 of the General Conditions, it shall follow the procedures outlined in paragraph GC3 to bring same to the attention of the city. Changes necessitated thereby shall be in the form of addenda issued by the consulting engineer.

All bidders shall verify that they have considered all written addenda. Neither the city nor the consulting engineer shall be responsible for oral instructions.

Any written addenda issued during the time of bidding shall be covered and included in the bid. There will be no clarifications or exceptions allowed on the bid. Bids are for a total bid package, total contract price.

(continued)

Bids shall be made upon the form provided in ink or typewritten. Numbers shall be stated both in writing and in figures, the signature shall be long hand, and the complete form shall be without alteration or erasure. On alternate items for which a bid is not submitted, a written indication of "no bid" on the bid form is required.

No oral, telegraphic, facsimile or telephonic bids or alterations will be considered.

The following items must be included in the sealed envelope with the bid:

- a. Bid.
- b. 5% bid securitybid bond, cashier's check or certified check (see below).
- c. Signed documents (KDOT Certifications)
 - * Certification — Noncollusion & History of Debarment
 - * Certification — Federal Funds for Lobbying
 - * Required Contract Provision — Certification — Contractual Services with Current Legislator or Legislator's Firm
 - * Required Contract Provision — DBE Goals

Each bidder shall file with its bid a bid bond, a cashier's check or a certified check drawn on any acceptable bank, made payable to the city of Overland Park, Kansas, in an amount of not less than 5 percent of the total bid, which shall be retained by the city of Overland Park until a contract for the project has been executed. Bid bonds will be returned to the unsuccessful bidders, with the exception of the second qualifying bidder, at such time as their bids are rejected. The bid deposit of the successful bidder and the second qualifying bidder will be returned when satisfactory bonds in an amount equal to 100 percent of the contract amount, required insurance certificates and other required documents shall have been furnished and the contract documents have been executed.

In the event the successful bidder is unable to execute the contract, for whatever reason, the city may exercise its legal prerogatives, including, but not limited to, enforcement of its rights as to the bid security.

The city reserves the right to accept or reject any and all bids and to waive any technicalities or irregularities therein. Bids may be modified or withdrawn by written request of the bidder received in the office of the city clerk prior to the time and date for bid opening; provided, however, that no bidder may withdraw its bid for a period of 30 days from the date set for the opening thereof. All bidders agree that rejection shall create no liability on the part of the city because of such rejection. It is understood by all bidders that an unsuccessful bidder has no cause of action against the city for bid preparation costs. The filing of any bid in response to this invitation shall constitute an agreement of the bidders to these conditions.

A pre-bid conference will be held at 10 a.m. January 29 in the first floor conference room of the Overland Park City Hall, 8500 Santa Fe Drive, Overland Park.

Mary Lou McCann
Contract Specialist
Public Works Department
City of Overland Park, Kansas

State of Kansas

Kansas Water Authority

Notice of Meeting

The Kansas Water Authority will meet at 9:30 a.m. Wednesday, January 16, at the Ramada Hotel and Convention Center, 420 S.E. 6th Ave., Topeka. Meeting information, including a site map, agenda and other materials, will be posted on the Kansas Water Office Web page at www.kwo.org not later than January 8. Interested parties without Web access may call the Kansas Water Office at (785) 296-3185 or toll free at (888) KAN-WATER (526-9283) to request meeting materials. Anyone needing special accommodations at the meeting site is asked to contact the Kansas Water Office before the meeting.

Steve Irsik
Chairman

Doc. No. 035256

State of Kansas

Department of Administration Division of Facilities Management

Notice of Commencement of Negotiations for Architectural or Engineering Services

Notice is hereby given of the commencement of negotiations for architectural or engineering services for the design and replacement of two existing elevators in the Curtis State Office Building Parking Garage in Topeka. Consulting services shall include, but not be limited to, a replacement of the existing elevators and elevator equipment, design of a new elevator equipment room, and modifications to the elevator shaft and adjacent spaces. A new HVAC system for the equipment/controls room will be required. Existing life safety systems will need to be modified and maintained during the installation of the new elevators and equipment. One of the existing elevators shall remain in operation during construction. The project architect or engineer must demonstrate a minimum five years' experience relevant to the design and specification of elevator system installations. The project estimate is \$500,000.

For more information regarding the scope of services, contact George J. Werth, Building Systems Engineer, Division of Facilities Management, (785) 296-0159 or (785) 633-0509.

To be considered, five (5) bound proposals and one (1) PDF file on a CD of the following should be provided: a letter of interest, an SF330 Part I, information regarding similar projects, and an SF330 Part II for each firm and consultant. Proposals should be concise and follow the 2007 State Building Advisory Commission guidelines, available to firms at <http://da.ks.gov/fp/>. If copies of the guidelines are needed, contact Phyllis Fast, Division of Facilities Management, Suite 102, Landon State Office Building, 900 S.W. Jackson, Topeka, 66612, (785) 296-5796, Phyllis.Fast@da.ks.gov. Submittals should be received by Phyllis Fast before noon January 18.

Marilyn Jacobson, Director
Division of Facilities Management

Doc. No. 035240

Doc. No. 035254

State of Kansas

Attorney General

2007 Update to Guidelines for
Takings of Private Property

The information below sets forth issues that were examined in decisions decided by the United States Supreme Court, Tenth Circuit, and the Kansas Supreme Court relating to government takings of privately owned real property. Pursuant to K.S.A. 77-704 of the Private Property Protection Act, the following summary of decisions constitutes the 2007 update to the Attorney General's Guidelines.

The original guidelines may be found in Vol. 14, No. 51, of the Kansas Register, published December 15, 1995. Annual updates may be found in the Kansas Register at Vol. 16, No. 1, published January 2, 1997; Vol. 16, No. 52, published December 25, 1997; Vol. 17, No. 53, published December 31, 1998; Vol. 18, No. 52, published December 30, 1999; Vol. 20, No. 1, published January 4, 2001; Vol. 21, No. 1, published January 3, 2002; Vol. 21, No. 52, published December 26, 2002; Vol. 23, No. 1, published January 1, 2004; Vol. 24, No. 1, published January 6, 2005; Vol. 24, No. 47, published November 24, 2005; and Vol. 25, No. 52, published December 28, 2006.

The guidelines and annual updates also may be found on the Attorney General's Web site at <http://www.ksag.org/content/page/id/66>.

***Robbins v. Wilkie*, 127 S.Ct. 2588, 168 L.Ed. 2d 389 (2007).**

Plaintiff brought action against employees of the Bureau of Land Management (BLM), claiming that they attempted to extort a right-of-way across his property in violation of the Racketeer Influenced and Corrupt Organizations Act (RICO) and retaliated against him for exercising his Fifth Amendment right to exclude others from his property.

The district court denied defendants' motion for summary judgment on grounds of qualified immunity. The Tenth Circuit Court of Appeals affirmed. The United States Supreme Court reversed and remanded the Tenth Circuit's decision.

The United States Supreme Court held: (1) the landowner did not have a private action against employees with the Bureau of Land Development for damages of the sort recognized under *Bivens*; (2) alleged violations of the Hobbs Act by employees of the BLM in their efforts to obtain an easement over landowner's property for the exclusive benefit of the Government did not qualify as a predicate offense for a RICO action; and (3) alleged violations of Wyoming's blackmail statute did not qualify as a predicate offense for a RICO action.

The unfavorable agency actions at issue involved a 1995 cancellation of the right-of-way given to Robbins's predecessor in return for the Government's unrecorded easement, a 1995 decision to reduce the Special Recreation Use Permit (SRUP) from five years to one, and in 1999, the SRUP's termination and a grazing permit's revocation. Administrative review was available for each claim, subject to ultimate judicial review under the Administrative Procedure Act. Robbins did not appeal the 1995 decisions, stopped after an Interior Board of Land Appeals

(IBLA) appeal of the SRUP denial, and obtained an IBLA stay of the grazing permit revocation.

Robbins conceded that any single action might have been brushed aside as a small imposition, but contended that the cumulative effect of the campaign against him amounted to coercion to gain the easement and should be redressed collectively.

The Court reasoned that most of the offending actions by the Government were legitimate tactics designed to improve the Government's negotiating position. Although the Government is no ordinary landowner, in many ways it deals with its neighbors as one owner among the rest. So long as the defendants had authority to withhold or withdraw Robbins's permission to use Government land and to enforce the trespass and land-use rules, they were within their rights to make it plain that Robbins's willingness to give an easement would determine how complaisant they would be about his trespasses on public land.

The Court declined to entertain Robbins's more abstract *Bivens* claim. Robbins asserted he was being retaliated against for resisting Government impositions on his property rights. The Court concluded that to hear this claim would invite claims in every sphere of legitimate governmental action affecting property interests, from negotiating tax claim settlements to enforcing Occupational Safety and Health Administration regulations.

Finally, the Court opined that RICO did not give Robbins a claim against defendants in their individual capacities. The claim failed because the Hobbs Act does not apply when the National Government is the intended beneficiary of allegedly extortionate acts. The Court explained that it is not reasonable to assume that the Hobbs Act (let alone RICO) was intended to expose all federal employees to extortion charges whenever they try to enforce Government property claims. Because defendants' conduct did not fit the traditional definition of extortion, it also did not qualify as a RICO predicate offense.

***Mount St. Scholastica, Inc. v. City of Atchison, Kansas*, 482 F.Supp.2d 1281 (D. Kan. 2007).**

The Tenth Circuit concluded that the plaintiff failed to show that it suffered a regulatory taking. Without a taking, plaintiff's constitutional rights under the Fifth and Fourteenth Amendments were not violated. Plaintiff's 42 U.S.C. § 1983 claim based on those rights also failed. Defendant's request for judgment was granted; plaintiff's request for judgment was denied.

A monastic community owned a dormant property within city. The community brought state court action against city, alleging that, by unreasonably denying a demolition permit under a state historical preservation act, the city violated the community's state and federal constitutional rights. City obtained removal to federal court. City moved for judgment on the pleadings and community brought cross motion for summary judgment. The Court found that the defendant's actions violated the plaintiff's First Amendment rights and granted the plaintiff's motion for summary judgment in part.

The Court agreed that a forced sale was not a feasible alternative, but concluded that there were other alterna-

(continued)

tives. Defendant's denial was supported by the evidence and not fraudulent, arbitrary, or capricious. Further, the record indicated that defendant took the required hard look at relevant factors, and made its decision on the evidence. Evidence established that several of the city commissioners considered "mothballing" to be a feasible and prudent alternative and there was sufficient evidence to support this conclusion. Plaintiff did not meet its burden of showing that there were no feasible and prudent alternatives.

The Court also decided that the city met the individualized exemption exception. Under this exception a city has the ability to grant or deny the requested construction based on subjective criteria. In this case, because the decision was made on a case-by-case basis with individualized scrutiny, the individualized exemption exception was satisfied. By meeting this exception, the City's decision was subject to strict scrutiny, meaning "the burden on religious conduct violates the Free Exercise Clause unless it is narrowly tailored to advance a compelling government interest." The Court concluded that no court has found historic preservation to be a compelling government interest.

Plaintiff further asserted that by denying the demolition permit, defendant restricted its use of the property without just compensation. Defendant countered that plaintiff's claim was not ripe for adjudication, and even if it were, defendant's actions were not a regulatory taking.

The Court explained that Kansas has procedures for providing compensation for takings claims. First, Kansas courts recognize inverse condemnation actions for compensation when a government entity takes private property. To establish a claim for inverse condemnation, a party must establish an interest in the real property and a taking. When evaluating an inverse condemnation action, whether there has been a taking is a question of law. The Tenth Circuit noted that it is unclear under Kansas law whether the facts at hand could be characterized as a taking to establish an inverse condemnation action, but the Court ultimately decided that because Kansas courts likely would not recognize a taking in this context, plaintiff would not have an inverse condemnation action in Kansas or in this case.

Instead, the Court reasoned that because plaintiff did not allege that it physically occupied the parcel, plaintiff's claim was one of regulatory taking. The Tenth Circuit decides whether a governmental action is a "total regulatory taking" by applying the "economically beneficial use test" and determines whether all economically beneficial use is prohibited for the entire parcel.

The Court concluded that in this case, the plaintiff maintained some economically beneficial use in the parcel as a whole. The Court further stated that just because plaintiff incorrectly assumed that it had the property right to demolish the building for the last sixteen years, such an assumption does not in and of itself create a taking.

***City of Mission Hills v. Sexton*, 284 Kan. 414, 160 P.3d 812 (2007).**

City brought action to condemn two temporary easements as part of sewer rehabilitation project. The District

Court entered judgment on jury verdict as to compensation and landowners appealed.

Under K.S.A. 26-513(a), "[p]rivate property shall not be taken or damaged for public use without just compensation." In cases of a partial taking where "only a part of a tract of land or interest is taken," such as the City's taking of two temporary easements in this case, the statute provides that "the compensation and measure of damages is the difference between the fair market value of the entire property or interest immediately before the taking, and the value of that portion of the tract or interest remaining immediately after the taking." K.S.A. 26-513(c).

The Kansas Supreme Court opined that, in order to calculate the fair market value, the use of the rental value methodology was acceptable. Further, the trial court was correct. There was no basis for granting a new trial because of Shaner's expert testimony or because the jury accepted that testimony as the basis for its verdict.

Next, the Court explained that the property rights taken by a condemnor are to be determined by the language in the petition for eminent domain and the appraisers' report. A condemnor bears the burden of drafting its petition to show the limitations in its taking. "[O]nce the nature of the interest to be taken is identified in the [petition and] appraisers' report, parol evidence will not be admitted for the purpose of establishing a lesser interest based on the condemnor's intended use. The rights acquired, not the intended use of those rights, are the basis for assessing landowners' damages. [Citation omitted.]" 254 Kan. at 703, 869 P.2d 587.

The Court stated that the rationale for such a principle is apparent because "[i]f the landowners are not compensated in full for the full use, as set out in the [appraisers'] report, the condemnor can take the full use in the future without further compensation to the landowners." [Citation omitted.]" 254 Kan. at 703, 869 P.2d 587; see *Hudson*, 246 Kan. 395, Syl. ¶ 2, 790 P.2d 933. Property rights taken by the condemnor are determined by the language in the condemnation petition and appraisers' report; condemnor bears the burden of drafting the petition to show the limitations in its taking. The Court further noted that K.S.A. 26-513(d), lists nonexclusive factors to consider in ascertaining the amount of compensation and damages and "convenience" is listed as a factor. K.S.A. 26-513(d)(4). Finally, compensating a party for loss of access is appropriate only when access has been completely denied or the access provided is unreasonable. The landowners' opportunity to use or access the property subject to the temporary easements can be considered a convenience. Thus, the Court reasoned that it could not conclude the trial court abused its discretion by allowing testimony pertaining to portions of the amended petition.

***Korytkowski v. City of Ottawa*, 283 Kan. 122, 152 P.3d 53 (2007).**

Property owners operating a motel and tow shop brought action against city and the secretary of the Kansas Department of Transportation (KDOT). Property owners alleged that a highway construction project created unreasonable access to the state highway system and restricted access to their properties so as to constitute a taking without just compensation.

The Kansas Supreme Court held that (1) the city and KDOT did not block or take away property owners' "right of access," as would have resulted in a compensable taking and (2) the construction project was not an unreasonable exercise of government's police power and did not unreasonably restrict access to landowners' business properties.

The Court explained that in order to establish a claim for inverse condemnation, a party must establish an interest in the real property and a taking. The question of whether there has been a compensable taking is one of law.

Interference with a "right of access" and unreasonably "restricted access" are legally distinct under Kansas law. When the government actually blocks or takes away existing access to and from property, the landowner is generally entitled to compensation. However, an abutting landowner has no automatic right to the continuation of a flow of traffic from nearby highways.

When an abutting landowner's right of access to an abutting roadway has been taken, there has been an exercise of eminent domain which may require just compensation. When there has been an exercise of the government's police power, that use of power must have been reasonable. When the government reasonably uses its police power, there is no taking. Thus, an inverse condemnation action will not stand.

Although reasonableness is the standard by which a court determines whether a government's exercise of police power is valid, reasonableness is not the appropriate standard to determine whether a government action affecting real property in private hands constitutes a taking. Instead, the court considers: (1) whether an abutting property owner has no right to the continuation of a flow of traffic to and from nearby highways; (2) if the regulation of traffic flow does not involve a taking, whether the government exercised its police power to promote the safety, peace, health, morals or general welfare of the people; (3) whether the State action resulted in a mere diminution of property value, meaning there is no taking; and (4) the increased driving distance between a landowner's property and nearby roadways.

In *Korytkowski*, the Court affirmed the lower court, concluding that there was no taking in this case. Specifically, the Court reasoned that the landowners' property was not physically taken. Access to the abutting roadway was not disturbed and the new necessity of a more indirect route to and from the landowners' property did not constitute a taking under Kansas law based on either "right of access" or "restricted access."

Young Partners, LLC v. Board of Educ., Unified School Dist. No. 214, 284 Kan. 397, 160 P.3d 830 (2007).

School district acquired property in 1947 subject to a reversionary interest. The school district used and maintained the property for over 50 years. During those years the school district constructed substantial improvements on the property. The Court ruled that under such circumstances, the legislature has deemed that it is in the public interest for the school district to protect its public investment against a reversionary interest by authorizing condemnation of the reversionary interest. Thus, in this case, the requirement that a taking be made for a "public purpose" was fulfilled by the two conditions set forth in K.S.A. 72-8212a(b).

Simply stated, the Court concluded that the provisions of K.S.A. 72-8212a are not unconstitutional, and that in this case, a valid public purpose existed to support the

condemnation action filed by the school district. Accordingly, the Court reversed the decision of the district court enjoining the school district's original eminent domain action.

Paul Morrison
Attorney General

Doc. No. 035241

(Published in the Kansas Register January 3, 2008.)

**Summary Notice of Bond Sale
Unified School District No. 203
Wyandotte County, Kansas (Piper)
\$14,980,000*
General Obligation Bonds, Series 2008-A
(General obligation bonds payable from
unlimited ad valorem taxes)**

Bids

Subject to the notice of bond sale dated December 10, 2007, written and electronic bids will be received on behalf of the clerk of Unified School District No. 203, Wyandotte County, Kansas (Piper) (the issuer), in the case of written bids, at the address set forth below, and in the case of electronic bids, through PARITY, until 11 a.m. January 14, 2008, for the purchase of the above-referenced bonds No bid of less than 100 percent of the principal amount of the bonds and accrued interest thereon to the date of delivery will be considered.

Bond Details

The bonds will consist of fully registered bonds in the denomination of \$5,000 or any integral multiple thereof. The bonds will be dated February 1, 2008, and will become due on September 1 in the years as follows:

Year	Principal Amount*
2011	\$75,000
2012	250,000
2013	365,000
2014	455,000
2015	550,000
2016	655,000
2017	775,000
2018	855,000
2019	895,000
2020	935,000
2021	985,000
2022	1,025,000
2023	1,070,000
2024	1,115,000
2025	1,165,000
2026	1,215,000
2027	1,270,000
2028	1,325,000

The bonds will bear interest from the date thereof at rates to be determined when the bonds are sold as hereinafter provided, which interest will be payable semiannually on March 1 and September 1 in each year, beginning March 1, 2009.

(continued)

Book-Entry-Only System

The bonds shall be registered under a book-entry-only system administered through DTC.

Paying Agent and Bond Registrar

Kansas State Treasurer, Topeka, Kansas.

Good Faith Deposit

Each bid shall be accompanied by a good faith deposit in the form of a cashier's or certified check drawn on a bank located in the United States or a qualified financial surety bond in the amount of 2 percent of the principal amount of the bonds.

Delivery

The issuer will pay for printing the bonds and will deliver the same properly prepared, executed and registered without cost to the successful bidder on or about February 5, 2008, to DTC for the account of the successful bidder.

Assessed Valuation and Indebtedness

The equalized assessed tangible valuation for computation of bonded debt limitations for the year 2007 is \$175,878,969. The total general obligation indebtedness of the issuer as of the date of delivery of the bonds, including the bonds being sold, is \$17,410,000.

Approval of Bonds

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

Additional Information

Additional information regarding the bonds may be obtained from the undersigned or from the financial advisor at the addresses set forth below.

Written and Facsimile Bid and Good Faith**Deposit Delivery Address:**

Dr. Dixie Harrison, Clerk
12036 Leavenworth Road
Kansas City, KS 66109
(913) 721-2088
Fax (913) 721-3573

Financial Advisor - Good Faith Deposit**Delivery Address:**

George K. Baum & Company, Financial Advisor
4801 Main St., Suite 500
Kansas City, MO 64112
Attn: Dave Arteberry
(816) 474-1100
Fax (816) 283-5326
E-mail: arteberry@gkbaum.com

Dated December 10, 2007.

Unified School District No. 203
Wyandotte County, Kansas (Piper)

* Preliminary; subject to change.

Doc. No. 035249

(Published in the Kansas Register January 3, 2008.)

Summary Notice of Bond Sale

City of Syracuse, Kansas

\$160,000

General Obligation Bonds, Series 2008

(General obligation bonds payable from
unlimited ad valorem taxes)

Bids

Subject to the notice of bond sale dated December 10, 2007, written bids will be received on behalf of the clerk of the city of Syracuse, Kansas (the issuer), at the address set forth below until 5 p.m. Mountain Standard Time January 14, 2008, for the purchase of the above-referenced bonds. No bid of less than 100 percent of the principal amount of the bonds and accrued interest thereon to the date of delivery will be considered.

Bond Details

The bonds will consist of fully registered bonds in the denomination of \$5,000 or any integral multiple thereof. The bonds will be dated February 1, 2008, and will become due on February 1 in the years as follows:

Year	Principal Amount
2009	\$16,000
2010	16,000
2011	16,000
2012	16,000
2013	16,000
2014	16,000
2015	16,000
2016	16,000
2017	16,000
2018	16,000

The bonds will bear interest from the date thereof at rates to be determined when the bonds are sold as hereinafter provided, which interest will be payable annually on February 1 in each year, beginning February 1, 2009.

Anticipated Zero Interest Bid

Notice should be taken that the issuer has received a commitment from Wheatland Electric Cooperative, Inc., to bid for and purchase the bonds at no interest pursuant to a Rural Economic Development Grant to establish a Revolving Loan Fund.

Paying Agent and Bond Registrar

Kansas State Treasurer, Topeka, Kansas.

Good Faith Deposit

Each bid shall be accompanied by a good faith deposit in the form of a cashier's or certified check drawn on a bank located in the United States or a qualified financial surety bond in the amount of \$3,200 (2 percent of the principal amount of the bonds).

Delivery

The issuer will pay for printing the bonds and will deliver the same properly prepared, executed and registered without cost to the successful bidder on or about February 1, 2008, to such bank or trust company in the contiguous United States as may be specified by the suc-

successful bidder, or elsewhere at the expense of the successful bidder.

Assessed Valuation and Indebtedness

The equalized assessed tangible valuation for computation of bonded debt limitations for the year 2007 is \$6,859,723. The total general obligation indebtedness of the issuer as of the date of delivery of the bonds, including the bonds being sold, is \$160,000.

Approval of Bonds

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

Additional Information

Additional information regarding the bonds may be obtained from the undersigned at the address set forth below.

Written and Facsimile Bid and Good Faith Deposit

Delivery Address:

Risa DeVaney, Clerk
City Hall
109 N. Main St.
P.O. Box 148
Syracuse, KS 67878
(620) 384-7818
Fax (620) 384-6612
E-mail: risa13@pld.com

Dated December 10, 2007.

City of Syracuse, Kansas

Doc. No. 035252

State of Kansas

Kansas Insurance Department

Permanent Administrative Regulations

Article 2.—LIFE INSURANCE

40-2-29. Life insurance; valuation of credit life insurance policies. The Kansas insurance department's "policy and procedure regarding determining reserve liabilities for credit life insurance," dated August 23, 2007, including the appendix, is hereby adopted by reference. (Authorized by K.S.A. 40-103 and K.S.A. 2006 Supp. 40-409(f); implementing K.S.A. 2006 Supp. 40-409(d); effective Jan. 18, 2008.)

Article 3.—FIRE AND CASUALTY INSURANCE

40-3-25. Same; writing of risks rated differently from normal market; requirements. (a) As used in this regulation, "normal market" shall mean insurance companies that sell policies to preferred or standard risks. Preferred or standard risks are applicants or policyholders who qualify for coverage at favorable premiums due to their underwriting characteristics.

(b) Each company issuing a fire and casualty insurance policy in this state with a premium rate that results

from the insured's inability to obtain coverage in the normal market shall include a statement on the application or policy form, signed by the applicant or named insured, that contains the following statements, as applicable, or statements with similar wording:

(1) "I am unable to obtain _____ (state kind) insurance at normal rates and hereby request the issuance of this policy at rates in excess of normal rates."

(2) "I have been unable to procure similar insurance at normal rates although my risk has been submitted to at least three other insurance companies authorized to transact insurance business in Kansas."

(3) For automobile liability insurance, the statements in the following paragraphs shall be included:

(A) "(1) I have been unable to procure similar insurance at normal rates, or (2) I have been unable to procure similar insurance at normal rates because my previous insurance company nonrenewed or canceled my insurance."

(B) "I understand that liability limits sufficient to meet the financial responsibility requirements of the state may be available through the Kansas automobile insurance plan." The preceding statement shall not apply if the policy is issued through the Kansas automobile insurance plan.

(4) For workers compensation and employers liability insurance, the following statement shall be included: "I understand that I may obtain workers compensation and employers liability insurance through the Kansas workers compensation insurance plan." The preceding statement shall not apply if the policy is issued through the Kansas workers compensation insurance plan.

(5) For fire and extended coverage insurance, the following statement shall be included: "I understand that I may be able to obtain adequate fire and extended coverage insurance through the Kansas all-industry placement facility." The preceding statement shall not apply if the policy is issued through the Kansas all-industry placement facility.

(6) For a health care provider required to comply with K.S.A. 40-3402 and amendments thereto, the following statement shall be included: "I understand that I may be able to obtain adequate basic professional liability coverage through the Kansas health care provider insurance availability plan." The preceding statement shall not apply if the policy is issued through the Kansas health care provider insurance availability plan. (Authorized by K.S.A. 40-103, 40-961(d), 40-2116, and 40-3417; implementing K.S.A. 40-954(d), 40-2,124, 40-2102, 40-2109, and 40-3413; effective Jan. 1, 1967; amended Jan. 1, 1970; amended May 1, 1986; amended Jan. 18, 2008.)

Sandy Praeger
Kansas Insurance Commissioner

Doc. No. 035239

State of Kansas

Department of Agriculture

Permanent Administrative
Regulations

Article 2.—AGRICULTURAL SEED

4-2-8. Methods of analyses. (a) Subject to the provisions of subsection (c) of this regulation, the methods of analysis shall be those published by the association of official seed analysts in the following sections of "rules for testing seeds," excluding the appendices, dated October 1, 2006 and adopted by reference:

- (1) Section 2, analysis of the seed;
- (2) section 3, examinations;
- (3) section 4, germination tests; and
- (4) section 5, tolerances.

Copies of the material adopted by reference may be obtained from the office of the agricultural commodity assurance program, inspections division, of the Kansas department of agriculture.

(b) For the purpose of this regulation, the term "noxious-weed seed" used in the material adopted by reference in subsection (a) of this regulation shall mean "restricted weed seed" as defined in K.S.A. 2-1415(k) and amendments thereto.

(c) The following restrictions shall apply in addition to tolerances for the testing of seed found in section 5 of the material adopted by reference in subsection (a) of this regulation:

(1) Restricted weed seed tolerances shall not exceed the limitations set forth in K.S.A. 2-1415(k) and amendments thereto.

(2) No tolerance shall be applied to any seed component that is guaranteed as "none" on the label. (Authorized by K.S.A. 2006 Supp. 2-1427; implementing K.S.A. 2-1423; effective Jan. 1, 1966; amended May 1, 1983; amended Jan. 1, 1989; amended Dec. 12, 1994; amended Jan. 18, 2008.)

4-2-20. Adoption by reference. The following sections of 7 C.F.R. part 201, as revised on January 1, 2007, are hereby adopted by reference:

- (a) 201.39;
- (b) 201.40;
- (c) 201.41;
- (d) 201.42; and
- (e) 201.43.

(Authorized by K.S.A. 2006 Supp. 2-1427; implementing K.S.A. 2-1423; effective Dec. 12, 1994; amended Jan. 18, 2008.)

Article 3.—COMMERCIAL FEEDING STUFFS

4-3-47. Adoption by reference. The text titled "official feed terms" on pages 237 through 250 and "official names and definitions of feed ingredients as established by the association of American feed control officials" on pages 254 through 359 in the "2007 official publication," copyrighted in 2007 by the association of American feed control officials incorporated, is adopted by reference and shall apply to commercial feeding stuffs in this state.

Copies of these definitions and terms may be obtained from the office of the agricultural commodity assurance program, Kansas department of agriculture, Topeka, Kansas. (Authorized by K.S.A. 2-1013; implementing K.S.A. 2-1002 and K.S.A. 2006 Supp. 2-1013; effective May 1, 1981; amended May 1, 1982; amended May 1, 1984; amended May 1, 1988; amended Oct. 21, 1991; amended Dec. 12, 1994; amended June 15, 2001; amended Jan. 18, 2008.)

4-3-49. Good manufacturing practices; adoption by reference. Parts 225 and 226 of title 21 of the code of federal regulations, revised on April 1, 2006, are hereby adopted by reference and shall apply to good manufacturing practices for the production of commercial feeding stuffs in Kansas.

Copies of the regulations, or pertinent portions of the regulations, shall be available from the office of the agricultural commodity assurance program, Kansas department of agriculture, Topeka, Kansas. (Authorized by and implementing K.S.A. 2006 Supp. 2-1013; effective, T-88-46, Nov. 10, 1987; effective May 1, 1988; amended Oct. 21, 1991; amended Dec. 12, 1994; amended, T-4-2-13-01, Feb. 13, 2001; amended June 15, 2001; amended Jan. 18, 2008.)

4-3-51. Prohibited feeding stuffs; adoption by reference. Part 589 of title 21 of the code of federal regulations, revised on April 1, 2006, is hereby adopted by reference and shall apply to the production of all commercial feeding stuffs and custom-mixed feed in Kansas. Copies of the regulations, or pertinent portions of the regulations, shall be available from the office of the agricultural commodity assurance program, Kansas department of agriculture, Topeka, Kansas. (Authorized by and implementing K.S.A. 2006 Supp. 2-1013; effective, T-4-2-13-01, Feb. 13, 2001; effective June 15, 2001; amended Jan. 18, 2008.)

Adrian J. Polansky
Secretary of Agriculture

Doc. No. 035247

State of Kansas

Real Estate Appraisal Board

Permanent Administrative
RegulationsArticle 2.—QUALIFICATIONS CRITERIA—
RESIDENTIAL REAL ESTATE APPRAISER
CLASSIFICATION

117-2-2a. Licensed classification; experience supervision requirements. (a) In order for an applicant's experience to be approved by the board when the applicant is applying for the licensed classification, the experience shall have been supervised by an appraiser according to all of the following conditions:

- (1) The supervising appraiser was a certified appraiser in good standing during the period of supervision.
- (2) The supervising appraiser was licensed or certified as an appraiser for a minimum of two years immediately preceding the date on which the supervision began.

(3) The supervising appraiser did not supervise more than three applicants or provisional licensed appraisers, or any combination of these, at the same time.

(4) The supervising appraiser maintained responsibility for supervision of the applicant by meeting both of the following requirements:

(A) Before signing the certification section or addendum, the supervisor reviewed each appraisal report that the applicant prepared or provided assistance in developing, preparing, or communicating.

(B) The supervisor met the following requirements:

(i) Ensured that, at a minimum, the first 25 properties for which the applicant provided assistance in developing, preparing, or communicating an appraisal report were personally inspected by a supervisor; and

(ii) continued to personally inspect each property for which the applicant provided assistance in developing, preparing, or communicating an appraisal report until the supervisor was satisfied that the applicant was competent to appraise the property type, in accordance with the competency provision of the uniform standards of professional appraisal practice (USPAP), as adopted in K.A.R. 117-8-1.

(b) For the purpose of this regulation, "good standing" shall mean that both of the following conditions are met:

(1) During the period of supervision, the supervising appraiser was not subject to a board-approved consent agreement and order, summary order, or final order that included a term prohibiting supervision.

(2) During the period of supervision, the supervising appraiser's certification was not suspended or revoked.

(c) Each applicant shall be permitted to have more than one supervising appraiser.

(d) The supervising appraiser shall supervise the work of an applicant on appraisal reports performed on properties only if both of the following conditions are met:

(1) The supervising appraiser is permitted by the supervising appraiser's current credential to appraise the properties.

(2) The supervising appraiser is competent to appraise the properties. (Authorized by and implementing K.S.A. 58-4109; effective July 1, 2007; amended Jan. 18, 2008.)

Article 3.—QUALIFICATIONS CRITERIA— GENERAL REAL ESTATE APPRAISER CLASSIFICATION

117-3-2a. General classification; experience supervision requirements. (a) In order for an applicant's experience to be approved by the board when the applicant is applying for the general classification, all experience attained by an unlicensed or uncertified individual, or by a licensed or certified appraiser that is outside that appraiser's scope of practice, shall have been supervised by an appraiser according to the following terms and conditions:

(1) The supervising appraiser was a certified appraiser in good standing during the period of supervision.

(2) The supervising appraiser was licensed or certified as an appraiser for a minimum of two years immediately preceding the date on which the supervision began.

(3) The supervising appraiser did not supervise more than three applicants or provisional licensed appraisers, or any combination of these, at the same time.

(4) The supervising appraiser maintained responsibility for supervision of the applicant by meeting both of the following requirements:

(A) Before signing the certification section or addendum, the supervisor reviewed each appraisal report that the applicant prepared or provided assistance in developing, preparing, or communicating.

(B) The supervisor met the following requirements:

(i) Ensured that, at a minimum, the first 25 properties for which the applicant provided assistance in developing, preparing, or communicating an appraisal report were personally inspected by a supervisor; and

(ii) continued to personally inspect each property for which the applicant provided assistance in developing, preparing, or communicating an appraisal report until the supervisor was satisfied that the applicant was competent to appraise the property type, in accordance with the competency provision of the uniform standards of professional appraisal practice (USPAP), as adopted in K.A.R. 117-8-1.

(b) For the purpose of this regulation, "good standing" shall mean that both of the following conditions are met:

(1) During the period of supervision, the supervising appraiser was not subject to a board-approved consent agreement and order, summary order, or final order that included a term prohibiting supervision.

(2) During the period of supervision, the supervising appraiser's certification was not suspended or revoked.

(c) Each applicant shall be permitted to have more than one supervising appraiser.

(d) The supervising appraiser shall supervise the work of an applicant on appraisal reports performed on properties only if both of the following conditions are met:

(1) The supervising appraiser is permitted by the supervising appraiser's current credential to appraise the properties.

(2) The supervising appraiser is competent to appraise the properties. (Authorized by and implementing K.S.A. 58-4109; effective July 1, 2007; amended July 1, 2007; amended Jan. 18, 2008.)

Article 4.—QUALIFICATIONS CRITERIA— CERTIFIED RESIDENTIAL REAL PROPERTY APPRAISER CLASSIFICATION

117-4-2a. Residential classification; experience supervision requirements. (a) In order for an applicant's experience to be approved by the board when the applicant is applying for the residential classification, the experience shall have been supervised by an appraiser according to all of the following conditions:

(1) The supervising appraiser was a certified appraiser in good standing during the period of supervision.

(2) The supervising appraiser was licensed or certified as an appraiser for a minimum of two years immediately preceding the date on which the supervision began.

(3) The supervising appraiser did not supervise more than three applicants or provisional licensed appraisers, or any combination of these, at the same time.

(4) The supervising appraiser maintained responsibility for supervision of the applicant by meeting both of the following requirements:

(continued)

(A) Before signing the certification section or addendum, the supervisor reviewed each appraisal report that the applicant prepared or provided assistance in developing, preparing, or communicating.

(B) The supervisor met the following requirements:

(i) Ensured that, at a minimum, the first 25 properties for which the applicant provided assistance in developing, preparing, or communicating an appraisal report were personally inspected by a supervisor; and

(ii) continued to personally inspect each property for which the applicant provided assistance in developing, preparing, or communicating an appraisal report until the supervisor was satisfied that the applicant was competent to appraise the property type, in accordance with the competency provision of the uniform standards of professional appraisal practice (USPAP), as adopted in K.A.R. 117-8-1.

(b) For the purpose of this regulation, "good standing" shall mean that both of the following conditions are met:

(1) During the period of supervision, the supervising appraiser was not subject to a board-approved consent agreement and order, summary order, or final order that included a term prohibiting supervision.

(2) During the period of supervision, the supervising appraiser's certification was not suspended or revoked.

(c) Each applicant shall be permitted to have more than one supervising appraiser.

(d) The supervising appraiser shall supervise the work of an applicant on appraisal reports performed on properties only if both of the following conditions are met:

(1) The supervising appraiser is permitted by the supervising appraiser's current credential to appraise the properties.

(2) The supervising appraiser is competent to appraise the properties. (Authorized by and implementing K.S.A. 58-4109; effective July 1, 2007; amended July 1, 2007; amended Jan. 18, 2008.)

Article 5.—PROVISIONAL CLASSIFICATION

117-5-2a. Provisional classification; supervised experience requirements. (a) In order for a provisional licensed appraiser's experience to be approved by the board, that individual's experience shall have been supervised by an appraiser according to all of the following conditions:

(1) The supervising appraiser was a certified appraiser in good standing during the period of supervision.

(2) The supervising appraiser was licensed or certified as an appraiser for a minimum of two years immediately preceding the date on which the supervision began.

(3) The supervising appraiser did not supervise more than three provisional licensed appraisers or applicants, or any combination of these, at the same time.

(4) The supervising appraiser maintained responsibility for supervision of the provisional licensed appraiser by meeting both of the following requirements:

(A) Before signing the certification section or addendum, the supervisor reviewed each appraisal report that the applicant prepared or provided assistance in developing, preparing, or communicating.

(B) The supervisor met the following requirements:

(i) Ensured that at least the first 25 properties for which the applicant provided assistance in developing, preparing, or communicating an appraisal report were personally inspected by a supervisor; and

(ii) continued to personally inspect each property for which the applicant provided assistance in developing, preparing, or communicating an appraisal report until the supervisor was satisfied that the applicant was competent to appraise the property type, in accordance with the competency provision of the uniform standards of professional appraisal practice (USPAP), as adopted in K.A.R. 117-8-1.

(b) For the purpose of this regulation, "good standing" shall mean that both of the following conditions are met:

(1) During the period of supervision, the supervising appraiser was not subject to a board-approved consent agreement and order, summary order, or final order that included a term prohibiting supervision.

(2) During the period of supervision, the supervising appraiser's certification was not suspended or revoked.

(c) The supervising appraiser shall supervise the work of a provisional licensed appraiser on appraisal reports performed on properties only if both of the following conditions are met:

(1) The supervising appraiser is permitted by the supervising appraiser's current credential to appraise the properties.

(2) The supervising appraiser is competent to appraise the properties. (Authorized by and implementing K.S.A. 58-4109; effective July 1, 2007; amended Jan. 18, 2008.)

Article 7.—FEES

117-7-1. Fees. The following fees shall be submitted to the board. (a) For application for certification or licensure, the fee shall be \$50.

(b) For original certification or licensure, the fee shall be \$250.

(c) For renewal of a certificate or license, the fee shall be \$250.

(d) For late renewal of a certificate or license, the fee shall be the amount specified in subsection (c) and an additional \$50.

(e) Except as provided in subsection (h), for approval of a course of instruction to meet any portion of the education requirements of K.A.R. 117-2-1, 117-3-1, or 117-4-1, the fee shall be \$100.

(f) Except as provided in subsection (h), for approval of a course of instruction to meet the continuing education requirements of K.A.R. 117-6-1, the fee shall be \$50.

(g) Except as provided in subsection (h), for renewal of any course of instruction, the fee shall be \$25.

(h) For approval or renewal of any course of instruction that is endorsed by the appraiser qualifications board, the fee shall be \$10. (Authorized by and implementing K.S.A. 58-4107, as amended by L. 2007, ch. 96, sec. 3; effective Jan. 21, 1991; amended, T-117-6-10-91, June 10, 1991; amended Aug. 5, 1991; amended, T-117-4-22-92, April 22, 1992; amended June 22, 1992; amended Feb. 6, 1995; amended Jan. 28, 2000; amended June 15, 2001; amended Feb. 4, 2005; amended Jan. 18, 2008.)

**Article 8.—UNIFORM STANDARDS
OF PROFESSIONAL APPRAISAL PRACTICE**

117-8-1. Uniform standards of professional appraisal practice. The 2008-2009 edition of the “uniform standards of professional appraisal practice,” as promulgated by the appraisal standards board of the appraisal foundation, effective January 1, 2008, is hereby adopted by reference, with the exception of standards 6, 7, 8, 9, and 10. (Authorized by K.S.A. 58-4105, as amended by L. 2007, ch. 96, sec. 2; implementing K.S.A. 58-4105, as amended by L. 2007, ch. 96, sec. 2, and K.S.A. 58-4121; effective, T-117-6-10-91, June 10, 1991; effective Aug. 5, 1991; amended May 24, 1993; amended Feb. 6, 1995; amended May 3, 1996; amended Jan. 9, 1998; amended, T-117-3-6-98, March 6, 1998; amended Aug. 14, 1998; amended July 16, 1999; amended April 21, 2000; amended July 6, 2001; amended May 17, 2002; amended May 23, 2003; amended April 2, 2004; amended Feb. 4, 2005; amended July 7, 2006; amended Jan. 18, 2008.)

Sally L. Pritchett
Executive Director

Doc. No. 035238

**State of Kansas
Racing and Gaming Commission
Permanent Administrative
Regulations**

**Article 4.—OCCUPATIONAL AND
CONCESSIONAIRE LICENSES**

112-4-9a. Financial responsibility of licensee. Each commission licensee who purchases food, shelter, medications, transportation, veterinary services, supplies, or any other item or service, for use in the licensee’s racing operation and who fails to pay for the services or goods or writes a worthless check at a licensed racing facility shall be guilty of conduct detrimental to the best interests of racing and may be subject to license suspension or revocation. The burden to prove that debts are owed shall be on the person bringing the charges. This regulation shall not obligate the commission to collect debts owed by licensees. (Authorized by K.S.A. 74-8804; implementing K.S.A. 74-8816 and 74-8825; effective, T-112-8-13-92, Aug. 13, 1992; effective, T-112-12-10-92, Dec. 10, 1992; effective Feb. 15, 1993; amended Jan. 18, 2008.)

112-4-14a. Trainer responsibility. (a) Each trainer of record shall be responsible for the following regarding each horse in that trainer’s care, with regard to commission orders, regulations, and statutes:

- (1) Eligibility;
 - (2) weight or other allowances claimed;
 - (3) physical fitness to perform credibly at the distance entered;
 - (4) absence of prohibited substances;
 - (5) proper shoeing, bandaging, and equipment;
 - (6) timely arrival in the paddock; and
 - (7) proper handling of the horse in the test barn.
- (b) Each trainer shall be responsible for each positive test revealing any substance foreign to a horse in that

trainer’s care, unless the trainer can show by a preponderance of the evidence that neither the trainer nor any employee or agent of the trainer was responsible for or had knowledge of the administration of the substance causing the positive test.

(c) Each trainer shall be responsible for each puncture mark on a horse in that trainer’s care, unless the trainer can show by a preponderance of the evidence that neither the trainer nor any employee or agent of the trainer was responsible for or had knowledge of an injection.

(d) Each trainer shall be responsible for the arrival of the horses in that trainer’s care to the racetrack facility at least one hour before the first post time of the day on which the horse is entered to race. (Authorized by K.S.A. 74-8804; implementing K.S.A. 74-8825; effective, T-112-8-22-89, Aug. 22, 1989; effective Oct. 2, 1989; amended Jan. 18, 2008.)

Article 5.—RACE TRACK OFFICIALS

112-5-1. Horse racetrack officials and backup officials; prohibited interests; responsibility; accountability; identification and approval; unavailability. (a) Unless otherwise ordered by the commission, the racetrack officials at each race meet for horses shall be the following:

- (1) The starter;
- (2) the paddock judge;
- (3) the patrol judges;
- (4) the placing judges;
- (5) the clerk of scales;
- (6) the racing secretary;
- (7) the mutuel manager;
- (8) the horsemen’s bookkeeper;
- (9) the identifier;
- (10) the general manager; and
- (11) any backup to any of these positions.

(b) An individual, and any member of the individual’s family as defined in K.S.A. 74-8810(c) and amendments thereto, who owns a horse or has a financial interest in a horse entered at a race meet, shall not serve as a racetrack official at the meet. A lessee or lessor of a horse shall be deemed to have a financial interest in the horse.

(c) Each racetrack official shall be strictly responsible to the commission for the performance of that official’s duties and shall promptly report to the commission or the stewards any violation of the regulations of which the official has knowledge. Each racetrack official who fails to perform the official’s duties shall be discharged by the stewards.

(d) Each employee of the racing and mutuel departments at a racetrack facility shall be an employee of the organization licensee and shall be accountable to the board of directors of the organization licensee. An organization licensee or facility manager licensee shall not, either by contract or agreement, diminish the organization licensee’s ultimate responsibility to conduct the races and the parimutuel system of wagering. However, any organization licensee may execute a contract or agreement with a facility manager licensee that permits the delegation of day-to-day management over the conduct of races and the parimutuel system of wagering.

(continued)

(e) Each racetrack official and each backup racetrack official shall be approved by the stewards and the commission before the official assumes any race meet duties. Each organization licensee shall submit a list identifying each racetrack official and each backup racetrack official to the commission at least 30 days before the first day of the race meet for which the racetrack officials are to serve.

(f) Notwithstanding the provisions of K.A.R. 112-3-19(c), if a racetrack official is unavailable or unable to serve at a particular performance, and no backup racetrack official is available to serve, the organization licensee shall appoint a substitute, subject to the approval of the stewards, to serve for that performance only. (Authorized by K.S.A. 74-8804; implementing K.S.A. 74-8813 and K.S.A. 74-8818; effective, T-112-1-19-89, Jan. 19, 1989; effective April 10, 1989; amended March 19, 1990; amended Aug. 9, 1996; amended Jan. 18, 2008.)

Article 6.—RACE TRACK OFFICIALS

112-6-1. Greyhound racetrack officials and backup officials; prohibited interests; responsibility; accountability; identification and approval; unavailability. (a) Unless otherwise ordered by the commission, racetrack officials at a race meet for greyhounds shall be as follows:

- (1) The director of racing;
- (2) the mutuel manager;
- (3) the paddock judge;
- (4) the kennel master;
- (5) the clerk of scales;
- (6) the starter;
- (7) the lure operator;
- (8) the chartwriter;
- (9) the racing secretary;
- (10) the general manager; and
- (11) any backup to any of these positions.

(b) An individual or a member of an individual's family, as defined in K.S.A. 74-8810(c) and amendments thereto, who owns a greyhound or has a financial interest in a greyhound entered at a race meet, shall not serve as a racetrack official at the meet. A lessee or lessor of a greyhound shall be deemed to have a financial interest in the greyhound.

(c) Each racetrack official shall be strictly responsible to the commission for the performance of that official's duties and shall promptly report to the commission or the racing judges any violation of the regulations of which the official has knowledge. Each racetrack official who fails to perform the official's duties shall be discharged by the racing judges.

(d) Each employee of the racing and mutuel departments at a racetrack facility shall be an employee of the organization licensee and shall be accountable to the board of directors of the organization licensee. An organization licensee or facility manager licensee shall not, either by contract or agreement, diminish the organization licensee's ultimate responsibility to conduct the races and the parimutuel system of wagering. However, any organization licensee may execute a contract or agreement with a facility manager licensee that permits the delegation of

day-to-day management of the conduct of races and the parimutuel system of wagering.

(e) Each racetrack official and each backup racetrack official shall be approved by the racing judges and the commission before the official assumes any race meet duties. Each organization licensee shall submit a list identifying each racetrack official and each backup racetrack official to the commission 30 days before the first day of the race meet for which the racetrack officials are to serve.

(f) Notwithstanding the provisions of K.A.R. 112-3-19(c), if a racetrack official is unavailable or unable to serve at a particular performance, and no backup racetrack official is available to serve, the organization licensee shall appoint a substitute, subject to the approval of the racing judges, to serve for that performance only. (Authorized by K.S.A. 74-8804; implementing K.S.A. 74-8813 and K.S.A. 74-8818; effective, T-112-1-19-89, Jan. 19, 1989; effective April 10, 1989; amended March 25, 1991; amended Sept. 6, 1994; amended Aug. 9, 1996; amended Jan. 18, 2008.)

Article 7.—RULES FOR RACING

112-7-6. Registration and eligibility. (a) No person shall enter or start a horse in a race unless all of the following conditions are met:

- (1) The horse is duly registered with and approved by the registry offices of one of the following:
 - (A) The jockey club, if a thoroughbred;
 - (B) the American quarter horse association, if a quarter horse;
 - (C) the Appaloosa horse club, if an Appaloosa;
 - (D) the Arabian horse club registry of America, if an Arabian;
 - (E) the American paint horse association, if a paint;
 - (F) the pinto horse association of America, inc., if a pinto;
 - (G) the American trotter's association, if a standard-bred; or
 - (H) any successors to any of the registries named in paragraphs (a)(1)(A) through (G) or any other registry recognized by the commission.

(2) The horse's registration certificate, showing the tattoo number of the horse, is filed with the racing secretary by entry time for the race. In stakes races, the registration certificate shall be filed not less than two hours before the scheduled post time for the race, except as provided in paragraph (b) (10).

(3) The horse is in the care of a licensed trainer and owned by an owner licensed by scratch time, except that for the first 10 days of a race meeting or for stakes races, an owner shall be licensed by one hour before first post on the day of the race.

(4) At the time of entry, the horse is eligible under the conditions of the race as specified by the racing secretary and remains eligible until the race.

(5) If the horse's name is changed, its new name is registered with the appropriate registry listed in paragraphs (a) (1) (A) through (H). Both the horse's previous name and new name shall be stated in every entry list until the horse has run three races. Both names shall be printed in the official programs for those three races.

(b) No person shall enter or start a horse in a race if any of the following conditions is met:

- (1) The horse is suspended.
 - (2) The horse is on the steward's list, starter's list, or veterinarian's list.
 - (3) The certificate reflecting a negative Coggins test, performed upon the horse within the previous 12 months, has not been submitted to the racing secretary.
 - (4) The identification markings of the horse do not agree with the identification as specified on the registration certificate to the extent that a correction is required from the appropriate breed registry, unless the permission of the stewards and the identifier is given.
 - (5) The horse has not been lip-tattooed by a commission-approved tattooer.
 - (6) The entry of the horse is not in the name of the true owner.
 - (7) The horse has drawn into a field or started in a race on the same day.
 - (8) The horse's age, as determined by an examination of its teeth by the official veterinarian, does not correspond to the age shown on its registration certificate.
 - (9) The horse's certificate of registration reflects an unknown sire or dam.
 - (10) An ownership transfer for a horse is being forwarded to a breed registry.
- (c) No person shall start a horse in any race unless it has been properly entered in the race. A horse that is improperly entered shall not be entitled to any part of the purse. However, once the "official" sign is posted, this regulation shall not affect the wagering on the race.
- (d) Each trainer shall be responsible for the eligibility of the horses entered by the trainer or an authorized agent of the trainer.
- (e) Any nomination or entry of a horse or the transfer of any nomination or entry may be refused by the organization licensee for reasonable cause. (Authorized by K.S.A. 74-8804; implementing K.S.A. 74-8825; effective, T-112-2-23-89, Feb. 23, 1989; effective June 19, 1989; amended March 25, 1991; amended, T-112-8-13-92, Aug. 13, 1992; amended, T-112-12-10-92, Dec. 10, 1992; amended Feb. 15, 1993; amended Jan. 18, 2008.)

112-7-8. Coupled entries. (a) Not more than two horses of the same licensed ownership or interest shall be entered and started in a race, except in stakes races and races that are conditioned for horses eligible for specified stakes.

(b) No owner or trainer shall enter more than two horses in an overnight event. Two horses shall not start to the exclusion of a single horse.

Two or more horses entered to run in a stakes race that are owned or trained, or both, by the same person, persons, or interests shall run as an uncoupled entry.

(c) Horses trained by a public stable trainer shall not be coupled with horses trained by another public stable trainer unless the horses are owned by the same person or are coupled as a field for wagering purposes.

(d) All horses owned wholly or in part or trained by the same person or the person's spouse and entered and started in a race except as noted in subsection (a) shall be coupled and run as an entry. (Authorized by K.S.A. 74-

8804; implementing K.S.A. 74-8825; 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 Jan. 18, 2008.)

112-7-15a. Claiming. (a) Except as otherwise provided by these racing regulations, in a claiming race, each horse shall be subject to a claim for its entered price by one of the following:

(1) A licensed owner who has a horse registered to race at the current race meeting or the owner's authorized agent; or

(2) a person licensed as an owner by open claim.

(b) No owner shall make a claim directly or indirectly for the owner's own horse.

(c) The filing of claims shall be supervised by a steward or the steward's designee.

(d) Each claim shall be submitted in writing on a form and in an envelope that are provided by the organization licensee and approved by the commission. Each form and envelope shall be fully executed, and the information appearing on them shall be true and correct. Each horse's name shall be written as it appears on the official program.

(e) Each person making a claim shall be responsible for determining the age and sex of the horse.

(f) Each claim shall be deposited in a locked box provided by the racing secretary not later than 10 minutes before post time of the race in which the horse being claimed is to start. No person shall place money or any other consideration in the claim box.

(g) Before the deadline for filing claims, no person shall open the box in which the claims are deposited or reveal any information regarding any claim.

(h) After the deadline for filing claims, a steward or a designee of the stewards shall open the box, examine the claims and notify the stewards of any successful claim. The racing secretary and horsemen's bookkeeper then shall be notified of the claim to determine whether the appropriate amount is on deposit with the horsemen's bookkeeper and to debit the claimant's account for the amount of the claim and applicable fees.

(i) If more than one claim is filed for the same horse, the successful claimant shall be determined by lot under the supervision of the steward or steward's designee.

(j) Each title to a horse that is claimed shall be vested in the successful claimant when the stall door of the starting gate opens in front of the horse. This requirement shall apply regardless of any subsequent injury to the horse during or after the race.

(k) On the day a claim is made, each claimed horse shall run in the interest of and for the account of the owner from whom the horse was claimed.

(l) Except as otherwise provided by this regulation, each claim that is filed in accordance with these provisions shall be irrevocable.

(m) If the stewards excuse a horse before it is a starter, each claim for the horse shall be invalid.

(n) If the stewards declare a claiming race a "no race," each claim filed for that race shall be invalid.

(o) To file a valid claim, each person shall deposit with the horsemen's bookkeeper cash, a money order, a

(continued)

certified check, or a cashier's check in an amount equal to the sum of the claim, all transfer fees, and any applicable taxes. With the prior written approval of the organization licensee, a person may deposit a personal check with the horsemen's bookkeeper to satisfy the claim and transfer fees. Each organization licensee shall guarantee and be liable for any insufficient funds related to a personal check that the licensee has approved for this purpose.

(p) A person who files a claim shall not exhaust the person's account with the horsemen's bookkeeper during the two-hour period after the claim was filed.

(q) After the claiming race, each horse that has been claimed shall be taken to the area designated by the organization licensee for delivery to the claimant, unless the horse is designated for testing.

(r) No person shall refuse to deliver a claimed horse.

(s) Each engagement of a claimed horse automatically shall transfer to the new owner. Each claimed horse shall be ineligible to enter a future race unless the entry is made on behalf of the new owner.

(t) Without written authorization from a steward or the steward's designee, no claimed horse shall be delivered to a successful claimant.

(u) Each claimed horse that has been designated for post-race testing shall remain the responsibility of its trainer until after the collection of the test specimen. After the required test procedures are completed, the trainer shall deliver the claimed horse to the successful claimant.

(v) During the 30-day period after a person claims a horse or until the end of the meet, the claimant shall not sell or transfer any ownership interest in the claimed horse by any method except a claiming race.

(w) If a horse is claimed at a recognized race meeting governed by the rules of another racing jurisdiction, the claiming rules of the jurisdiction where the horse was claimed shall be recognized in Kansas. However, while the horse races in Kansas, this regulation shall apply. (Authorized by K.S.A. 74-8804; implementing K.S.A. 74-8825; effective, T-112-8-13-92, Aug. 13, 1992; effective, T-112-12-10-92, Dec. 10, 1992; effective Feb. 15, 1993; amended Jan. 18, 2008.)

112-7-16. Invalid or void claims and prohibitions on claims. (a) Each claim shall be invalid if any of the following conditions is met:

(1) The name of the horse to be claimed is erroneously spelled or is not specified in the space provided on the claim form.

(2) The claimant does not have at least the amount of the claim and any applicable state sales tax on deposit or credited with the horsemen's bookkeeper.

(3) The claim form does not specify the designated price as printed in the official program, is not signed, does not fully indicate the name of the party making the claim, or is otherwise incorrectly completed.

(4) The claim envelope is inaccurate.

(b) If a claim is voided by the stewards, the horse claimed shall be returned to the original owner who, in turn, shall refund all of the claim money to the unsuccessful claimant.

(c) No person or racing interest shall take any of the following actions:

(1) Claiming more than one horse from any one race;

(2) claiming that person's or racing interest's own horse or cause causing the horse to be claimed, directly or indirectly, for that person's or racing interest's own account;

(3) refusing to deliver a claimed horse to the successful claimant;

(4) removing any horse that has been entered in a claiming race from the racetrack facility where it has been entered to race, or failing or refusing to comply with any commission order, regulation, or statute of the Kansas racing and gaming commission or any condition of the race meeting for the purpose of avoiding or preventing a claim for the horse;

(5) offering or entering into an agreement to claim or not to claim or attempting to prevent another person from claiming any horse in a claiming race;

(6) attempting to intimidate or prevent anyone from running a horse in any claiming race;

(7) claiming horses owned or trained by the claimant's trainer's spouse, child, sibling, parent, mother-in-law, father-in-law, son-in-law, daughter-in-law, brother-in-law, or sister-in-law;

(8) claiming a horse from an owner whose horse is trained by the claimant's trainer;

(9) if a trainer, claiming a horse from an owner for whom the trainer trains;

(10) entering or allowing to be entered any horse against which any claim is held, either by mortgage or lien of any kind, without having filed the written consent of the holder of the mortgage or lien with the racing secretary and horsemen's bookkeeper before the entry; or

(11) leaving a horse that is claimed in the care or custody of the owner from whom the horse was claimed.

(d) If the stewards have reasonable doubt about the validity of a claim, the claimant shall be required by the stewards to execute an affidavit stating that the claimant is claiming the horse for the claimant's own account or as an authorized agent, and not for any other person.

(e) Each claimant shall be solely responsible for determining the true age and sex of a claimed horse, and mistakes in that regard printed in the official program or elsewhere shall not be considered a basis for invalidating the claim.

(f) Not later than 30 minutes after the race is run, written protest of a claim may be submitted to the stewards, who shall investigate the matter as quickly as possible. (Authorized by K.S.A. 74-8804; implementing K.S.A. 74-8825; 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 Jan. 18, 2008.)

112-7-18a. Jockey agent. (a) Any jockey agent may represent a jockey if the jockey agent is registered with the stewards and licensed by the commission as a jockey agent. No jockey agent shall represent more than three jockeys and one apprentice jockey at the same time.

(b) No jockey agent shall give to anyone, directly or indirectly, any information or advice on races, commonly known as "touting," for personal gain.

(c) Each jockey agent shall maintain a record of all engagements made for the jockeys that the agent repre-

sents. The record shall specify first and second calls in each race. The officials may require that the jockey agent file the first and second calls with the racing secretary and display the agent's record of engagements.

(d) Any trainer or owner may demand from a jockey or jockey agent written confirmation of an engagement. Each jockey shall be bound by agreements made on the jockey's behalf by the jockey's agent.

(e) Each conflicting claim for the services of a jockey shall be decided by the stewards.

(f) Each jockey agent shall notify the stewards in writing within 24 hours if the jockey agent no longer represents a jockey. (Authorized by K.S.A. 74-8804; implementing K.S.A. 74-8825; effective, T-112-8-13-92, Aug. 13, 1992; effective, T-112-12-10-92, Dec. 10, 1992; effective Feb. 15, 1993; amended Jan. 18, 2008.)

112-7-20. Safety helmets required; physical examination required. Each person who is mounted on any horse within the racetrack facility or riding in a race shall wear a properly fastened safety helmet. Each person who is mounted on a race horse within the racetrack facility shall have on file at the racetrack commission office a record of that person's physical examination, including vision and hearing tests, conducted by a person licensed to practice medicine and surgery within the year immediately preceding. (Authorized by K.S.A. 74-8804; implementing K.S.A. 74-8825; 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 Jan. 18, 2008.)

Article 8.—RULES OF RACING

112-8-9. Before and between the races. (a) One assistant animal health officer, one racing judge, and one representative of the organization licensee shall walk the racing strip before the commencement of the first race of each performance and between races, if necessary, to determine whether the racing strip is safe for racing.

(b) If the assistant animal health officer, the racing judge, and the representative of the organization licensee at any time before or between any races determine that formful and safe racing cannot be conducted, then the assistant animal health officer and the racing judge or management shall may cancel the remainder of the race program.

(c) One representative of the kennel operators and trainers may accompany the assistant animal health officer, the representative of the organization licensee, and the racing judge during each walk around the racing strip. The number of individuals walking the racing strip before the first race of each performance shall not exceed four. (Authorized by K.S.A. 74-8804; implementing K.S.A. 74-8825; effective, T-112-3-31-89, March 31, 1989; effective April 10, 1989; amended June 26, 1989; amended Jan. 18, 2008.)

Article 10.—ANIMAL HEALTH

112-10-12. Postmortem examination. (a) Each racing horse that dies or suffers a breakdown while training or racing at a racetrack facility and is destroyed shall un-

dergo a postmortem examination. Each postmortem examination shall be sufficiently comprehensive to identify the injury or medical condition causing the death and shall be conducted at a time and place approved by the assistant animal health officer.

(b) The assistant animal health officer may require any other horse that dies at a racetrack facility to undergo a postmortem examination.

(c) Each postmortem examination shall be conducted by a licensed veterinarian approved by the animal health officer.

(d) The assistant animal health officer may attend the postmortem examination.

(e) The assistant animal health officer may secure test samples, including tissue and other specimens during the postmortem examination, and, if secured, shall send them to the official test laboratory or a diagnostic laboratory for testing and consultation. When practical, the assistant animal health officer shall secure the test samples for the detection of prohibited substances before the horse is destroyed.

(f) Each owner shall pay the expenses of the practicing veterinarian approved by the animal health officer to conduct the postmortem examination.

(g) Each practicing veterinarian shall file a report detailing each postmortem examination on a form approved by the animal health officer with the assistant animal health officer within 72 hours of the horse's death. Each owner of a horse upon which a postmortem examination is conducted shall receive a copy of the report upon request.

(h) Each owner and trainer shall comply with each provision for postmortem examination contained in these racing regulations as a condition of the owner's and trainer's occupation license. (Authorized by K.S.A. 74-8804; implementing K.S.A. 74-8806 and 74-8825; effective, T-112-3-31-89, March 31, 1989; effective June 26, 1989; amended, T-112-8-13-92, Aug. 13, 1992; amended, T-112-12-10-92, Dec. 10, 1992; amended Feb. 15, 1993; amended Jan. 18, 2008.)

112-10-32. Assistant animal health officer, greyhound. (a) Each assistant animal health officer employed by the commission shall be licensed to practice veterinary medicine in the state of Kansas.

(b) No assistant animal health officer shall treat or prescribe medication for any greyhound located at a racetrack facility or registered to race at a racetrack facility except in an emergency. Each assistant animal health officer who treats or prescribes medication for a greyhound in an emergency shall promptly file a complete report of the circumstances and veterinary procedure with the racing judges and the animal health officer.

(c) No kennel owner or trainer shall employ or pay any compensation to an assistant animal health officer, directly or indirectly, while the assistant animal health officer is functioning in that capacity at the racetrack as an employee of the commission.

(d) An assistant animal health officer shall meet the following requirements:

(1) Supervise practicing veterinarians at the racetrack facility and recommend to the racing judges or the com-

(continued)

mission the discipline to be imposed upon each practicing veterinarian who violates commission regulations;

(2) place any greyhound on the veterinarian's list where it shall remain a minimum of three calendar days when in an assistant animal health officer's discretion the placement is proper;

(3) remove any greyhound from the veterinarian's list when in an assistant animal health officer's discretion the removal is proper. No greyhound shall be entered in a race before its name is removed from the veterinarian's list unless otherwise approved by the animal health officer or assistant animal health officer;

(4) establish a procedure for, supervise the collection of and maintain identification records for urine, blood or other specimens from greyhounds, as designated by an assistant animal health officer, the racing judges or the commission;

(5) supervise the procedure for witnessing, sealing, and delivering each test specimen to the official test laboratory;

(6) report immediately to the animal health officer the name, tattoo number, and reason for death of each greyhound that dies or is euthanized at a racetrack facility;

(7) with the permission of the racing judge, scratch each greyhound determined not sound to race at any time before the greyhound enters the starting box;

(8) treat or euthanize any greyhound that is so seriously injured that an assistant animal health officer believes the action is necessary. Each kennel owner or trainer at a racetrack facility shall execute and deliver a written waiver and consent to an assistant animal health officer before the greyhound is treated or euthanized; and

(9) perform other duties prescribed by the animal health officer, the racing judges or the commission. (Authorized by K.S.A. 74-8804; implementing K.S.A. 74-8806, 74-8810, 74-8825; effective, T-112-8-22-89, Aug. 22, 1989; effective 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 Jan. 18, 2008.)

Article 11.—SECURITY AND SAFETY

112-11-10. Identification and credentials. (a) A person shall not be admitted to a restricted area without a license issued by the commission or a visitor's pass. Visitors' passes may be issued by the organization licensee in accordance with procedures outlined in the written security and safety procedures manual. Each license or visitor's pass shall be prominently attached to an outer garment. A jockey shall not be required to display a license when riding in a race.

(b) Each license or visitor's pass shall be used only by the individual to whom the license or pass was issued. Licenses and visitors' passes shall not be loaned to any other person.

(c) This regulation shall not prevent a law enforcement officer or other public safety official when on duty or an individual authorized by the commission from entering a restricted area.

(d) The restricted areas at a racetrack facility shall be as follows:

(1) Administrative offices, if labeled a restricted area;

(2) the backside, if the racetrack facility is being used for racing or anytime during a race meet;

(3) behind the mutuels line;

(4) commission offices;

(5) the concessions work area, if the racetrack facility is being used for racing or anytime during a race meet;

(6) the delivery areas, if the racetrack facility is being used for racing or anytime during a race meet;

(7) the detention barn, if the racetrack facility is being used for racing or anytime during a race meet;

(8) the infield, if the racetrack facility is being used for racing or anytime during a race meet;

(9) the jockeys' room, if the racetrack facility is being used for racing or anytime during a race meet;

(10) the judges' stand and photo finish;

(11) the kennel compound, if the racetrack facility is being used for racing or anytime during a race meet;

(12) the lockout kennel, if the racetrack facility is being used for racing or anytime during a race meet;

(13) the owners' and trainers' lounge, if the racetrack facility is being used for racing or anytime during a race meet;

(14) the lure operator's office;

(15) the money room;

(16) the mutuels room;

(17) the paddock, if the racetrack facility is being used for racing or anytime during a race meet;

(18) the press box, if the racetrack facility is being used for racing or anytime during a race meet;

(19) the printing office, if the racetrack facility is being used for racing or anytime during a race meet;

(20) the security office and detention room;

(21) stables, if the racetrack facility is being used for racing or anytime during a race meet;

(22) the starting gate and boxes, if the racetrack facility is being used for racing or anytime during a race meet;

(23) the stewards' stand;

(24) the test areas;

(25) the totalisator;

(26) the track, if the racetrack facility is being used for racing or anytime during a race meet;

(27) the vault;

(28) veterinarian offices; and

(29) the video patrol.

(e) Each security and safety procedures manual shall describe the procedure for issuing a license or visitor's pass. (Authorized by K.S.A. 74-8804; implementing K.S.A. 74-8825; effective, T-112-2-23-89, Feb. 23, 1989; effective June 19, 1989; amended March 19, 1990; amended Jan. 18, 2008.)

112-11-20. Greyhound racetrack facility safety standards; specifications; prohibition of chemical use on track surface. (a) Each greyhound racetrack shall have the following:

(1) A minimum width of 20 feet with inside and outside fixed curbs at a specified slope in the outside curb;

(2) a first turn radius of 128 feet, with a second turn radius of 118 feet, and straightaways of 279.6 feet;

(3) a graduated minimum bank of 1½ inches to each 12 inches on each turn;

(4) the 5/16 mile starting box set back in a chute;

(5) a water pumping system providing adequate volume and pressure to uniformly hand water the entire racing surface, as needed. Automatic sprinkling systems may be used to complement, but shall not replace, the hand watering system;

(6) automatic openers with a manual backup for each starting box;

(7) one curtain placed at least 50 feet before the escape and one curtain placed 25 feet beyond the escape and placed so as not to distract greyhounds while they are racing;

(8) an inside lure with an extendible arm;

(9) a commission-approved track base that is non-abrasive to a greyhound's feet and that has adequate track drainage and proper resiliency;

(10) unless otherwise approved by the commission in open meeting and upon the commission's determination that this approval would be in the best interest of racing, a closed-fluid winterization system extending from the starting boxes to the entire width and length of the track; and

(11) a video monitoring system with a monitor in the judges' room and trainers' lounge that permits the racing judges and trainers to view the activities in the lockout kennel, the movement of the lead outs and greyhounds from the lockout kennel to the starting boxes, and the activities at the starting boxes.

(b) Unless otherwise approved in advance by the commission in open meeting and upon the commission's determination that this approval would be in the best interest of racing, chemicals shall not be applied to the racing surface of a greyhound racetrack.

(c) Each lockout kennel shall have the following:

(1) Soundproofing, including masonry construction, that prevents the greyhounds from being disturbed by outside noises;

(2) crates located at floor level, unless otherwise approved by the commission;

(3) crates of molded fiberglass or metal with the following:

(A) Removable wooden floors;

(B) minimum inside dimensions of 36 inches wide, 42 inches deep, and 36 inches high;

(C) closed crate doors that leave one inch of clearance at top, bottom, and latching sides that protect the greyhound's tail and feet from injury; and

(D) drop latches or comparable latches that prevent hazard to the greyhounds;

(4) a sufficient number of crates to house the greyhounds required to schedule 13 races. A second weigh-in shall be held as soon as crates are available during performances with more than 13 races;

(5) a climate control system that can maintain a temperature between 68 and 75 degrees Fahrenheit; and

(6) an area equipped with heating and air-conditioning where greyhounds and trainers may wait to weigh in.

(d) Each organization licensee shall provide a cool-out area that shall have a minimum of four water faucets with hoses and a dipping vat through which greyhounds may be walked to quickly cool them after racing. Each organization licensee shall change the water in the vat at

least daily and prevent muddy residue from accumulating around the vat.

(e) Each organization licensee shall provide the following:

(1) A covered walkway from the parking area to the lockout kennel; and

(2) a covered walkway from the cool-out area to the parking area.

(f) Each kennel compound area shall have the following:

(1) Separate kennel buildings of masonry construction for each contract kennel;

(2) a location far enough away from the grandstand and racing areas that kenneled dogs are not disturbed by racetrack noises; and

(3) 24-hour security for the compound enclosure provided by the organization licensee during the official racing season.

(g) Each kennel building shall have the following:

(1) A partitioned kitchen area and crate area;

(2) minimum dimensions of 20 feet by 62 feet;

(3) at least two adjoining turnout pens meeting the following specifications for each kennel building:

(A) Is free of obstructions;

(B) measures at least 30 feet by 30 feet each;

(C) is equipped with interconnecting gates;

(D) is equipped with drainage and a water faucet in each;

(E) is lighted by at least two halogen lights of at least 300 watts each in each turnout pen, one at each end; and

(F) is surrounded by a chain-link fence that is at least six feet high;

(4) a 20-foot overhang that extends the length of the building;

(5) at least 12 inches of sand in turnout pens, which shall be removed and replaced by the organization licensee with new sand at least once every 12 months of racing;

(6) a gate in each turnout pen through which a vehicle may be driven to remove the sand and deposit new sand;

(7) a fenced safety pen eight feet wide, located between the parking area and turnout pens and equipped with gates, to facilitate the moving of greyhounds directly between the parking area and the turnout pens;

(8) a maximum of 60 crates or, with the prior approval of the animal health officer, a maximum of 72 crates;

(9) metal crates with compartments that are at least 36 inches wide, 42 inches deep, and 36 inches high and equipped with drop latches and casters;

(10) not more than 72 greyhounds housed in each kennel building with not more than one greyhound in each crate, unless the racing judges have approved a specific request otherwise;

(11) a kitchen area equipped with a hot water heater with a minimum capacity of 20 gallons, a deep sink of durable construction with a drain board, adequate shelving and cabinet space, and a shower and commode in an enclosed area;

(12) one floor drain in each crate area and one floor drain in each kitchen area;

(continued)

(13) a climate control system that is capable of maintaining a temperature between 68 and 75 degrees Fahrenheit;

(14) smoke and temperature alarms in each kennel area connected to the compound security office and capable of alerting security of emergency conditions;

(15) emergency backup power adequate to provide continuous ventilation that will protect the greyhounds if a power failure occurs at any time during a racing season scheduled in the months of May through September;

(16) a fresh air ventilation system or at least four windows of approximately four square feet each that are equipped with screens and can be opened;

(17) lighting to adequately illuminate all areas inside the kennel;

(18) adequate space within the kennel building for each contract kennel to place a dog-walking machine and adequate floor space within the crate area for a hydrotherapy vat; and

(19) an on-line hookup for a telephone and a video monitoring system that permits the trainers to watch the races.

(h) Unless otherwise approved by the commission in open meeting and upon the commission's determination that this approval would be in the best interest of racing, each organization licensee shall provide sprint paths as follows:

(1) One sprint path measuring at least 16 feet by 350 feet, equipped with a common center fence, and heated by a closed-fluid winterization system extending the length and width of the sprint path;

(2) two open sprint paths measuring at least 20 feet by 500 feet;

(3) one all-weather surface road sufficient to operate a vehicle adjacent to each sprint path; and

(4) a sprint path surface, to which chemicals shall not be applied.

(i) Each sprint path shall be located so that sprint activity does not disturb the greyhounds in the kennel compound area. Each sprint path shall be available for use at all times, except during racing hours, and shall be equipped with side gates through which greyhounds can enter the path and a gate through which a kennel vehicle can be driven. (Authorized by K.S.A. 74-8804; implementing K.S.A. 74-8825; effective July 23, 1989; amended March 19, 1990; amended Aug. 9, 1996; amended June 22, 2001; amended March 14, 2003; amended Jan. 6, 2006; amended Jan. 18, 2008.)

Article 18.—SIMULCASTING LICENSES

112-18-11. Procedures for lost video signal. (a) A simulcasting licensee shall not merge wagers on a simulcast race until the simulcasting licensee is receiving the video signal from the sending racetrack. If the signal is not received, the simulcasting licensee shall establish a telephone linkup with the sending racetrack's stewards, racing judges, or simulcast official and shall announce to the patrons all pertinent information.

(b) If the simulcasting licensee loses the video signal from the sending racetrack, the simulcasting licensee shall immediately notify the sending racetrack of the lost signal.

(c) If the video signal is lost after wagering has commenced, wagering shall be suspended while it is determined if the signal can be reestablished. An announcement shall be made to the patrons advising them that wagering has been temporarily suspended due to video problems. The results and prices of each race that goes post while the signal is lost shall be received through the tote linkup. An announcement of the results shall be made to the patrons.

(d) If the video signal cannot be reestablished, the simulcast licensee shall cease accepting wagers. The licensee may order a refund of all monies wagered on future races, or at the determination of the mutuel manager, the outstanding wagers on future races may remain in the system. If the decision is made to keep outstanding wagers in the system, a ticket list shall be run showing all outstanding wagers on the remainder of the performance. The mutuel manager shall verify the prices and results of all races in which there are outstanding wagers, and the results of these races shall be announced to the patrons.

(e) If the licensee loses the video signal as described above in subsection (c) or (d), the licensee shall file a written report with the inspector of parimutuels.

(f) Wagers that encompass more than one race shall be unaffected by signal problems encountered in any race of the sequence other than the first. (Authorized by K.S.A. 74-8804; implementing K.S.A. 74-8836; effective, T-112-4-27-92, April 27, 1992; effective, T-112-9-10-92, Sept. 10, 1992; effective Nov. 23, 1992; amended Sept. 6, 1994; amended Jan. 11, 2002; amended Oct. 17, 2003; amended Jan. 18, 2008.)

Stephen L. Martino
Executive Director

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INDEX TO ADMINISTRATIVE REGULATIONS

This index lists in numerical order the new, amended and revoked administrative regulations and the volume and page number of the *Kansas Register* issue in which more information can be found. Temporary regulations are designated with a (T) in the Action column. This cumulative index supplements the 2006 Volumes of the *Kansas Administrative Regulations*.

AGENCY 1: DEPARTMENT OF ADMINISTRATION

Reg. No.	Action	Register
1-2-46	Amended	V. 25, p. 1831
1-2-77	Revoked	V. 25, p. 1832
1-3-5	New	V. 25, p. 1832
1-3-6	New	V. 25, p. 1832
1-5-8	Amended	V. 25, p. 1305
1-6-2	Amended	V. 25, p. 1306
1-6-22a	Amended	V. 25, p. 1306
1-9-7b	Amended	V. 25, p. 1307
1-9-18	Revoked	V. 25, p. 1832
1-9-25	Amended	V. 25, p. 1832
1-9-26	Amended	V. 25, p. 1833
1-64-1	New	V. 26, p. 1393

AGENCY 3: KANSAS STATE TREASURER

Reg. No.	Action	Register
3-4-1	Amended	V. 26, p. 1045
3-4-2	Amended	V. 26, p. 1045
3-4-3	New	V. 25, p. 1447
3-4-4	Amended	V. 26, p. 1045
3-4-5	Amended	V. 26, p. 1045
3-4-6	Amended	V. 26, p. 1045
3-4-7	New	V. 25, p. 1447

AGENCY 4: DEPARTMENT OF AGRICULTURE

Reg. No.	Action	Register
4-7-213	Amended	V. 25, p. 1142
4-7-216	Revoked	V. 25, p. 1142

4-7-510	Amended	V. 25, p. 1142
4-7-530	Amended	V. 25, p. 1142
4-7-716	Amended	V. 25, p. 1142
4-7-717	Amended	V. 25, p. 1142
4-8-14a	Amended	V. 26, p. 489
4-8-27	Amended	V. 26, p. 489
4-8-28	Amended	V. 26, p. 489
4-8-29	Amended	V. 26, p. 489
4-8-30	Amended	V. 26, p. 489
4-8-31	Amended	V. 26, p. 489
4-8-33	Amended	V. 26, p. 489
4-8-34	Amended	V. 26, p. 489
4-8-35	Amended	V. 26, p. 489
4-8-39	Amended	V. 26, p. 490
4-8-42	Amended	V. 26, p. 490
4-11-2	Amended	V. 26, p. 100
4-11-3	Amended	V. 26, p. 100
4-11-5	New	V. 26, p. 101
4-11-15	New (T)	V. 25, p. 1632
4-15-9	Amended	V. 26, p. 81
4-16-1a	Amended	V. 25, p. 1143
4-16-1c	Amended	V. 25, p. 1143
4-16-3a	Amended	V. 25, p. 1143
4-16-250	Revoked	V. 25, p. 1145
4-16-251	Revoked	V. 25, p. 1145
4-16-252	Revoked	V. 25, p. 1145
4-16-260	Revoked	V. 25, p. 1145
4-17-1a	Amended	V. 25, p. 1145
4-17-1c	Amended	V. 25, p. 1145
4-17-5a	Revoked	V. 25, p. 1145
4-19-1	Amended	V. 26, p. 173

AGENCY 5: DEPARTMENT OF AGRICULTURE—DIVISION OF WATER RESOURCES

Reg. No.	Action	Register
5-24-10	Amended	V. 25, p. 1692
5-40-1	Amended	V. 26, p. 642
5-40-2	Amended	V. 26, p. 644
5-40-2a	New	V. 26, p. 646
5-40-2b	New	V. 26, p. 647
5-40-3	Amended	V. 26, p. 647
5-40-4	Amended	V. 26, p. 647
5-40-5	Amended	V. 26, p. 648
5-40-5a	New	V. 26, p. 648
5-40-8	Amended	V. 26, p. 648
5-40-9	Revoked	V. 26, p. 648
5-40-10	Revoked	V. 26, p. 648
5-40-11	Revoked	V. 26, p. 648
5-40-12	Amended	V. 26, p. 648
5-40-13	Revoked	V. 26, p. 649
5-40-20	New	V. 26, p. 649
5-40-21	New	V. 26, p. 649
5-40-22	New	V. 26, p. 649
5-40-23	New	V. 26, p. 650
5-40-24	New	V. 26, p. 650
5-40-26	New	V. 26, p. 651
5-40-30	New	V. 26, p. 651
5-40-31	New	V. 26, p. 652
5-40-32	New	V. 26, p. 653
5-40-33	New	V. 26, p. 653
5-40-40	New	V. 26, p. 653
5-40-41	New	V. 26, p. 654
5-40-42	New	V. 26, p. 654
5-40-43	New	V. 26, p. 655
5-40-44	New	V. 26, p. 655
5-40-45	New	V. 26, p. 655
5-40-46	New	V. 26, p. 655
5-40-50	New	V. 26, p. 656
5-40-51	New	V. 26, p. 656
5-40-52	New	V. 26, p. 657
5-40-53	New	V. 26, p. 657
5-40-54	New	V. 26, p. 657
5-40-55	New	V. 26, p. 658
5-40-56	New	V. 26, p. 658
5-40-57	New	V. 26, p. 658
5-40-70	New	V. 26, p. 659
5-40-71	New	V. 26, p. 659
5-40-72	New	V. 26, p. 659
5-40-73	New	V. 26, p. 659
5-40-73a	New	V. 26, p. 660
5-40-74	New	V. 26, p. 661
5-40-75	New	V. 26, p. 661
5-40-76	New	V. 26, p. 662

5-40-77	New	V. 26, p. 662
5-40-90	New	V. 26, p. 662
5-40-91	New	V. 26, p. 663
5-40-92	New	V. 26, p. 663
5-40-93	New	V. 26, p. 663
5-40-94	New	V. 26, p. 663
5-40-100	New	V. 26, p. 663
5-40-101	New	V. 26, p. 663
5-40-102	New	V. 26, p. 664
5-40-103	New	V. 26, p. 664
5-40-104	New	V. 26, p. 664
5-40-105	New	V. 26, p. 664
5-40-106	New	V. 26, p. 664
5-42-1	Amended	V. 26, p. 664
5-42-5	New	V. 26, p. 665
5-44-7	New	V. 26, p. 666

AGENCY 7: SECRETARY OF STATE

Reg. No.	Action	Register
7-17-22	Amended	V. 26, p. 325
7-44-1	through	
7-44-7	New (T)	V. 26, p. 15
7-44-1	through	
7-44-7	New	V. 26, p. 505, 506

AGENCY 9: ANIMAL HEALTH DEPARTMENT

Reg. No.	Action	Register
9-32-1	through	
9-32-8	New (T)	V. 25, p. 46-48
9-32-1	through	
9-32-8	New	V. 25, p. 375-378

AGENCY 10: KANSAS BUREAU OF INVESTIGATION

Reg. No.	Action	Register
10-20-1	Amended	V. 26, p. 507
10-20-2	Amended	V. 26, p. 507
10-20-2a	Amended	V. 26, p. 507
10-20-14	Amended	V. 26, p. 507

AGENCY 11: STATE CONSERVATION COMMISSION

Reg. No.	Action	Register
11-3-1	through	
11-3-10	Amended	V. 25, p. 250, 251
11-3-11	New	V. 25, p. 252
11-3-12	New	V. 25, p. 252
11-4-1	through	
11-4-4	Amended	V. 25, p. 1268, 1269
11-4-6	through	
11-4-14	Amended	V. 25, p. 1269, 1270
11-4-15	New	V. 25, p. 1270
11-4-16	New	V. 25, p. 1270
11-8-3	Amended	V. 26, p. 1543
11-8-4	Amended	V. 26, p. 1543
11-12-1	through	
11-12-7	New	V. 26, p. 1184-1187

AGENCY 14: DEPARTMENT OF REVENUE—DIVISION OF ALCOHOLIC BEVERAGE CONTROL

Reg. No.	Action	Register
14-8-2	Amended	V. 26, p. 1906
14-8-3	Amended	V. 26, p. 1906
14-16-23	Revoked	V. 26, p. 1906
14-16-24	Revoked	V. 26, p. 1906
14-24-1	through	
14-24-6	New	V. 26, p. 1907

AGENCY 16: ATTORNEY GENERAL

Reg. No.	Action	Register
16-11-1	through	
16-11-6	New (T)	V. 25, p. 980-982, 1019
16-11-1	through	
16-11-7	New	V. 25, p. 1598-1600

16-11-8	New	V. 25, p. 1772
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AGENCY 22: STATE FIRE MARSHAL

Reg. No.	Action	Register
22-8-2	Amended	V. 25, p. 274
22-8-3	Amended	V. 25, p. 275
22-8-5	Amended	V. 25, p. 275
22-8-8	through	
22-8-14	New	V. 25, p. 276, 277
22-8-17	New	V. 25, p. 277

AGENCY 28: DEPARTMENT OF HEALTH AND ENVIRONMENT

Reg. No.	Action	Register
28-1-2	Amended	V. 25, p. 413
28-1-5	Amended	V. 26, p. 1115
28-1-6	Amended	V. 26, p. 1115
28-1-26	Amended	V. 25, p. 866
28-4-501	Amended (T)	V. 25, p. 985, 1019
28-4-501	Amended	V. 25, p. 1402
28-4-510	Amended (T)	V. 25, p. 986, 1019
28-4-510	Amended	V. 25, p. 1403
28-4-514	New (T)	V. 25, p. 987, 1019
28-4-514	New	V. 25, p. 1403
28-15-35	Amended	V. 26, p. 825
28-15-36a	Amended	V. 26, p. 829
28-16-28g	Amended	V. 26, p. 691
28-16-56c	Amended	V. 26, p. 283
28-16-56d	Amended	V. 26, p. 284
28-18-1	Amended	V. 26, p. 284
28-18-2	Amended	V. 26, p. 288
28-18-4	Amended	V. 26, p. 289
28-18-8	Amended	V. 26, p. 289
28-18-9	Amended	V. 26, p. 290
28-18-11	Amended	V. 26, p. 1929
28-18-12	Amended	V. 26, p. 290
28-18-13	Amended	V. 26, p. 291
28-18-14	Amended	V. 26, p. 292
28-18-16	New	V. 26, p. 292
28-18-17	New	V. 26, p. 293
28-18a-1	Amended	V. 26, p. 294
28-18a-2	Amended	V. 26, p. 298
28-18a-4	Amended	V. 26, p. 299
28-18a-8	Amended	V. 26, p. 299
28-18a-9	Amended	V. 26, p. 300
28-18a-11	Amended	V. 26, p. 1929
28-18a-12	Amended	V. 26, p. 300
28-18a-19	Amended	V. 26, p. 301
28-18a-21	Amended	V. 26, p. 302
28-18a-22	Amended	V. 26, p. 302
28-18a-26	Amended	V. 26, p. 303
28-18a-32	Revoked	V. 26, p. 303
28-18a-33	New	V. 26, p. 303
28-19-350	Amended	V. 25, p. 845
28-19-720	Amended	V. 26, p. 951
28-19-728	New	V. 26, p. 951
28-19-728a	through	
28-19-728f	New	V. 26, p. 951, 952
28-19-735	Amended	V. 26, p. 953
28-19-750	Amended	V. 26, p. 953
28-24-1	through	
28-24-14	Amended	V. 26, p. 1510-1514
28-24-15	Revoked	V. 26, p. 1514
28-24-16	Revoked	V. 26, p. 1514
28-24a-1	New	V. 26, p. 1514
28-24a-2	New	V. 26, p. 1514
28-24a-3	New	V. 26, p. 1515
28-29-28	Amended	V. 26, p. 1610
28-29-29	Amended	V. 26, p. 1611
28-29-29a	Amended	V. 26, p. 1611
28-29-29b	New	V. 26, p. 1612
28-29-30	Amended	V. 26, p. 1612
28-29-31	Amended	V. 26, p. 1613
28-29-31a	New	V. 26, p. 1614
28-29-32	Amended	V. 26, p. 1614
28-29-33	Amended	V. 26, p. 1615
28-29-2011	New	V. 26, p. 1615
28-29-2101	Amended	V. 26, p. 1615
28-35-135a	Amended	V. 26, p. 1142
28-35-135d	Amended	V. 26, p. 1144

(continued)

28-35-135n	Amended	V. 26, p. 1145	40-2-20	Amended	V. 26, p. 101	44-15-102	Amended	V. 26, p. 821
28-35-135p	Amended	V. 26, p. 1145	40-2-30	New (T)	V. 26, p. 1257	44-15-104	Amended	V. 26, p. 822
28-35-135r	Amended	V. 26, p. 1147	40-2-30	New	V. 26, p. 1545	44-16-104a	New	V. 26, p. 822
28-35-177a	Amended	V. 26, p. 1148	40-3-5	Amended	V. 25, p. 182	AGENCY 47: DEPARTMENT OF HEALTH AND ENVIRONMENT — MINED-LAND CONSERVATION AND RECLAMATION		
28-35-178a	Amended	V. 26, p. 1149	40-3-12	Amended	V. 25, p. 182	Reg. No.	Action	Register
28-35-178b	Amended	V. 26, p. 1150	40-3-22	Amended	V. 25, p. 210	47-2-75	Amended	V. 25, p. 1639
28-35-180a	Amended	V. 26, p. 1151	40-3-34	Revoked	V. 26, p. 1423	47-3-2	Amended	V. 25, p. 1640
28-35-180d	Amended	V. 26, p. 1152	40-3-40	Amended	V. 25, p. 212	47-3-42	Amended	V. 25, p. 1641
28-35-181m	Amended	V. 26, p. 1153	40-3-43	Amended	V. 25, p. 183	47-4-14a	Amended	V. 25, p. 1644
28-35-181n	Amended	V. 26, p. 1154	40-3-44	Amended	V. 25, p. 212	47-5-5a	Amended	V. 25, p. 1649
28-35-181o	Amended	V. 26, p. 1155	40-3-46	Revoked	V. 25, p. 183	47-6-1	Amended	V. 25, p. 1652
28-35-182c	Amended	V. 26, p. 1155	40-3-47	Amended	V. 25, p. 183	47-6-2	Amended	V. 25, p. 1653
28-35-184a	Amended	V. 26, p. 1156	40-3-48	Amended	V. 25, p. 212	47-6-3	Amended	V. 25, p. 1653
28-35-201	Amended	V. 26, p. 1156	40-4-25	Amended	V. 25, p. 278	47-6-4	Amended	V. 25, p. 1653
28-35-202	Revoked	V. 26, p. 1158	40-4-29a	New	V. 25, p. 1835	47-6-6	Amended	V. 25, p. 1654
28-35-203	Amended	V. 26, p. 1158	40-4-41	Amended	V. 25, p. 1835	47-6-8	Amended	V. 25, p. 1654
28-35-216a	Amended	V. 26, p. 1159	40-4-41b	Amended	V. 25, p. 1838	47-6-9	Amended	V. 25, p. 1654
28-35-230g	New	V. 26, p. 1159	40-4-41c	Amended	V. 25, p. 1839	47-6-10	Amended	V. 25, p. 1654
28-35-289	Amended	V. 26, p. 1160	40-4-41d	Amended	V. 25, p. 1841	47-6-11	Amended	V. 25, p. 1655
28-35-292	Amended	V. 26, p. 1162	40-4-41e	Amended	V. 25, p. 1842	47-7-2	Amended	V. 25, p. 1655
28-35-308	Amended	V. 26, p. 1162	40-4-41f	Amended	V. 25, p. 1843	47-7-9	Amended	V. 25, p. 1655
28-35-349	Amended	V. 26, p. 1162	40-4-41i	Amended	V. 25, p. 1844	47-8-9	Amended	V. 25, p. 1656
28-35-450	Amended	V. 26, p. 1162	40-4-41j	Amended	V. 25, p. 1844	47-9-4	Amended	V. 25, p. 1661
28-36-33			40-7-1	Revoked	V. 25, p. 1844	47-10-1	Amended	V. 25, p. 1662
through			40-7-5	Amended	V. 25, p. 844	47-11-8	Amended	V. 25, p. 1663
28-36-49	Revoked (T)	V. 26, p. 1682	40-7-19	Amended	V. 26, p. 881	47-12-4	Amended	V. 25, p. 1664
28-36-70			40-7-20a	Amended	V. 26, p. 103	47-13-4	Amended	V. 25, p. 1665
through			40-7-24	Amended	V. 25, p. 1844	47-14-7	Amended	V. 25, p. 1665
28-36-89	New (T)	V. 26, p. 1682-1696	40-7-25	Amended	V. 26, p. 488	47-15-1a	Amended	V. 25, p. 1666
28-36-101			AGENCY 44: DEPARTMENT OF CORRECTIONS			47-16-9	Amended	V. 25, p. 1667
through			Reg. No.	Action	Register	47-16-10	Amended	V. 25, p. 1667
28-36-108	Amended	V. 26, p. 1776-1779	44-6-101	Amended	V. 26, p. 817	47-16-12	Amended	V. 25, p. 1667
28-36-109	New	V. 26, p. 1780	44-6-125	Amended	V. 26, p. 818	AGENCY 49: DEPARTMENT OF LABOR		
28-46-2	Revoked	V. 26, p. 214	44-6-136	Amended	V. 26, p. 819	Reg. No.	Action	Register
28-46-2a	New	V. 26, p. 215	44-11-111	Amended	V. 26, p. 819	49-45-1	Amended	V. 25, p. 1494
28-46-25	Amended	V. 26, p. 215	44-11-113	Amended	V. 26, p. 820	49-45-2	Amended	V. 25, p. 1494
28-46-26	Revoked	V. 26, p. 215	44-11-123	Amended	V. 26, p. 820	49-45-3	Amended	V. 25, p. 1494
28-46-26a	New	V. 26, p. 215	44-12-103	Amended	V. 26, p. 1074	49-45-4	Amended	V. 25, p. 1494
28-46-34a	New	V. 26, p. 215	44-12-105	Amended	V. 26, p. 1075	49-45-4a	Amended	V. 25, p. 1494
28-46-38	Amended	V. 26, p. 216	44-12-106	Amended	V. 26, p. 1075	49-45-4b	New	V. 25, p. 1494
28-51-100	Amended	V. 25, p. 1448	44-12-107	Amended	V. 26, p. 1075	49-45-5	Amended	V. 25, p. 1494
28-51-112			44-12-107	Amended	V. 26, p. 1075	49-45-6	Amended	V. 25, p. 1494
through			44-12-108	Amended	V. 26, p. 1075	49-45-7	Amended	V. 25, p. 1494
28-51-116	Amended	V. 25, p. 1449, 1450	44-12-201	New	V. 26, p. 1075	49-45-8	Amended	V. 25, p. 1494
28-54-1			44-12-211	New	V. 26, p. 1075	49-45-9	Amended	V. 25, p. 1495
through			44-12-212	New	V. 26, p. 1075	49-45-20	Amended	V. 25, p. 1495
28-54-7	New	V. 26, p. 1640-1642	44-12-304	Amended	V. 26, p. 1075	49-45-21		
28-73-1			44-12-306	Amended	V. 26, p. 1076	through		
through			44-12-308	Amended	V. 26, p. 1076	49-45-26	Revoked	V. 25, p. 1495
28-73-7	New	V. 25, p. 307-311	44-12-312	Amended	V. 26, p. 1076	49-45-28	Amended	V. 25, p. 1495
AGENCY 30: SOCIAL AND REHABILITATION SERVICES			44-12-315	Amended	V. 26, p. 1076	49-45-29	Amended	V. 25, p. 1495
Reg. No.	Action	Register	44-12-320a	New	V. 26, p. 1076	49-45-30	Revoked	V. 25, p. 1495
30-4-64	Amended	V. 25, p. 1636	44-12-325	Amended	V. 26, p. 1076	49-45-31	Amended	V. 25, p. 1495
30-4-90	Amended	V. 25, p. 786	44-12-601	Amended	V. 26, p. 1077	49-45-32	Amended	V. 25, p. 1495
30-4-98	Amended	V. 26, p. 1905	44-12-901	Amended	V. 26, p. 1079	49-45-34	Amended	V. 25, p. 1495
30-5-65	Revoked	V. 26, p. 1091	44-12-902	Amended	V. 26, p. 1079	49-45-35	New	V. 25, p. 1495
30-5-88	Revoked	V. 25, p. 1830	44-12-903	New	V. 26, p. 1079	49-45-36	New	V. 26, p. 1647
30-5-108	Revoked	V. 25, p. 1569	44-12-1101	Amended	V. 26, p. 1080	49-45-37	New	V. 25, p. 1495
30-5-118	Revoked	V. 25, p. 663	44-12-1201	Amended	V. 26, p. 1080	49-45-38	New	V. 25, p. 1495
30-5-118b	Revoked	V. 25, p. 663	44-12-1301	Amended	V. 26, p. 1080	49-45a-1	Amended	V. 25, p. 1495
30-6-38	Revoked	V. 25, p. 1028	44-12-1302	Amended	V. 26, p. 1081	49-47-2	Amended	V. 25, p. 1496
30-6-77	Revoked	V. 25, p. 847	44-12-1303	Amended	V. 26, p. 1081	49-49-1	Amended	V. 25, p. 25
30-14-22	Revoked	V. 25, p. 1028	44-12-1306	Amended	V. 26, p. 1081	49-49-1a	Amended	V. 25, p. 25
30-14-27	Revoked	V. 25, p. 847	44-12-1308	Amended	V. 26, p. 1081	49-50-3	Amended	V. 25, p. 1496
30-31-1	Amended	V. 25, p. 1800	44-13-101a	Amended	V. 26, p. 1082	49-50-6	Amended	V. 26, p. 1647
30-31-2	Revoked	V. 25, p. 1800	44-13-106	Amended	V. 26, p. 1082	49-50-7	Amended	V. 25, p. 1497
30-31-3	Revoked	V. 25, p. 1800	44-13-201	Amended	V. 26, p. 1082	49-50-9	Amended	V. 25, p. 1497
30-31-4	Revoked	V. 25, p. 1800	44-13-201a	New	V. 26, p. 1083	49-50-10	Amended	V. 25, p. 1498
30-31-6	Revoked	V. 25, p. 1800	44-13-201b	Amended	V. 26, p. 1084	49-50-13	Amended	V. 25, p. 1498
30-31-7	Revoked	V. 25, p. 1800	44-13-202	Amended	V. 26, p. 1084	49-50-17	Amended	V. 25, p. 1498
30-31-10	Revoked	V. 25, p. 1800	44-13-307	Amended	V. 26, p. 1085	49-50-19	Amended	V. 25, p. 1498
30-31-11	Revoked	V. 25, p. 1800	44-13-402	Amended	V. 26, p. 1085	49-50-20	Amended	V. 26, p. 1647
30-31-12	Revoked	V. 25, p. 1800	44-13-403	Amended	V. 26, p. 1085	49-50-22	Amended	V. 25, p. 1499
30-63-20	Amended	V. 25, p. 1693	44-13-404	Amended	V. 26, p. 1087	49-50-23	New	V. 25, p. 1499
30-63-22	Amended	V. 25, p. 1693	44-13-405a	Amended	V. 26, p. 1088	49-50-24	New	V. 25, p. 1499
30-64-24	Amended	V. 25, p. 1693	44-13-406	Amended	V. 26, p. 1089	49-51-3a	Amended	V. 25, p. 1499
AGENCY 40: KANSAS INSURANCE DEPARTMENT			44-13-408	Amended	V. 26, p. 1089	49-51-6	Amended	V. 25, p. 1499
Reg. No.	Action	Register	44-13-603	Amended	V. 26, p. 1089	49-51-11	Amended	V. 25, p. 1500
40-1-37	Amended	V. 26, p. 1393	44-13-610	Amended	V. 26, p. 1089	49-51-12	Amended	V. 25, p. 1501
40-1-51	Revoked	V. 26, p. 1364	44-13-701	Amended	V. 26, p. 1090	49-52-6	Amended	V. 25, p. 1501
			44-13-703	Amended	V. 26, p. 1090			
			44-13-704	Amended	V. 26, p. 1090			
			44-15-101a	Amended	V. 26, p. 820			

88-28-1 through 88-28-6	New	V. 25, p. 1404-1410
88-28-7	New	V. 25, p. 1451
88-28-8	New	V. 25, p. 1411
88-29-1 through 88-29-19	New	V. 26, p. 216-229
88-30-1	New (T)	V. 26, p. 1074
88-30-2	New (T)	V. 26, p. 1074
88-30-3	New (T)	V. 26, p. 1074
88-30-1	New	V. 26, p. 1544
88-30-2	New	V. 26, p. 1544
88-30-3	New	V. 26, p. 1544

AGENCY 91: DEPARTMENT OF EDUCATION

Reg. No.	Action	Register
91-1-201	Amended	V. 26, p. 1217
91-1-202	Amended	V. 26, p. 1218
91-1-203	Amended	V. 26, p. 1220
91-1-204	Amended	V. 26, p. 1224
91-1-205	Amended	V. 25, p. 1101
91-1-209	Amended	V. 26, p. 1226
91-1-234	New	V. 26, p. 1226

AGENCY 92: DEPARTMENT OF REVENUE

Reg. No.	Action	Register
92-12-4	Revoked	V. 25, p. 252
92-12-4a	New	V. 25, p. 252
92-12-5	Revoked	V. 25, p. 254
92-12-120	New	V. 25, p. 254
92-12-121	New	V. 25, p. 254
92-12-130	New	V. 25, p. 254
92-13-9	Amended	V. 25, p. 1568
92-19-16a	Amended	V. 26, p. 408
92-19-16b	New	V. 26, p. 409
92-19-22a	Amended	V. 25, p. 254
92-19-55a	Revoked	V. 26, p. 409
92-19-81	Amended	V. 26, p. 409
92-21-7	Revoked	V. 26, p. 409
92-21-8	Revoked	V. 26, p. 409
92-21-10	Revoked	V. 26, p. 409
92-21-14	Amended	V. 26, p. 409
92-21-16	Revoked	V. 26, p. 409
92-21-17	Revoked	V. 26, p. 409
92-27-1 through 92-27-5	New	V. 26, p. 1648, 1649
92-51-41	Amended	V. 25, p. 255
92-51-41a	New	V. 25, p. 255

AGENCY 93: DEPARTMENT OF REVENUE—DIVISION OF PROPERTY VALUATION

Reg. No.	Action	Register
93-7-1	New	V. 26, p. 14
93-7-2	New	V. 26, p. 14
93-7-3	New	V. 26, p. 14
93-8-1	New	V. 26, p. 14
93-8-2	New	V. 26, p. 14
93-8-3	New	V. 26, p. 14

AGENCY 97: KANSAS COMMISSION ON VETERANS' AFFAIRS

Reg. No.	Action	Register
97-4-1 through 97-4-8	New	V. 25, p. 1596, 1597
97-6-1	New	V. 26, p. 484
97-6-2	New	V. 26, p. 485
97-6-4 through 97-6-11	New	V. 26, p. 485-488

AGENCY 100: BOARD OF HEALING ARTS

Reg. No.	Action	Register
100-11-1	Amended	V. 26, p. 1258
100-15-5	Amended	V. 26, p. 384
100-15-6	Amended	V. 26, p. 385
100-22-6	New	V. 26, p. 1642
100-22-7	New	V. 26, p. 1043
100-22-8	New	V. 26, p. 1367
100-22-8	Revoked (T)	V. 26, p. 1929
100-22-8a	New (T)	V. 26, p. 1929

100-25-1 through 100-25-5	New	V. 25, p. 213-216
100-26-1	Amended	V. 25, p. 217
100-26-2	New	V. 25, p. 217
100-26-3	New	V. 25, p. 217
100-27-1	Amended	V. 25, p. 1206
100-28a-1	Amended	V. 26, p. 1753
100-29-1	Amended	V. 25, p. 639
100-29-2	Amended	V. 25, p. 890
100-29-3	Amended	V. 25, p. 640
100-29-4	Amended	V. 25, p. 890
100-29-5	Revoked	V. 25, p. 640
100-29-6	Amended	V. 25, p. 640
100-29-8	Amended	V. 25, p. 640
100-29-9	Amended	V. 25, p. 640
100-29-10	Amended	V. 25, p. 641
100-29-11	Revoked	V. 25, p. 1601
100-29-12	Amended	V. 25, p. 642
100-29-13	Amended	V. 25, p. 643
100-29-14	Revoked	V. 25, p. 890
100-29-15	New	V. 25, p. 643
100-29-16	New	V. 25, p. 890
100-49-1	Amended	V. 26, p. 1258
100-49-10	New	V. 26, p. 1367
100-54-7	Amended	V. 26, p. 1043
100-54-8	Amended	V. 26, p. 1044
100-73-1	Amended	V. 26, p. 1258
100-73-7	New	V. 25, p. 1601
100-73-8	New	V. 25, p. 1602
100-73-9	New	V. 26, p. 1044

AGENCY 102: BEHAVIORAL SCIENCES REGULATORY BOARD

Reg. No.	Action	Register
102-1-5a	Amended	V. 25, p. 183
102-1-7	Revoked	V. 26, p. 881
102-1-12	Amended	V. 25, p. 184
102-1-12	Amended (T)	V. 26, p. 629
102-1-13	Amended (T)	V. 26, p. 1139
102-1-13	Amended	V. 26, p. 1774
102-2-2a	Amended (T)	V. 25, p. 987, 1019
102-2-2a	Amended	V. 25, p. 1452
102-2-3	Amended (T)	V. 26, p. 1139
102-2-3	Amended	V. 26, p. 1775
102-2-6	Amended	V. 25, p. 1453
102-2-10	Revoked	V. 26, p. 881
102-3-2	Amended (T)	V. 26, p. 1140
102-3-2	Amended	V. 26, p. 1775
102-3-3a	Amended	V. 25, p. 1454
102-3-4a	Amended (T)	V. 25, p. 988, 1019
102-3-4a	Amended	V. 25, p. 1456
102-3-8a	Revoked	V. 26, p. 881
102-4-1a	Amended	V. 25, p. 1458
102-4-2	Amended (T)	V. 26, p. 1140
102-4-2	Amended	V. 26, p. 1775
102-4-3a	Amended	V. 25, p. 1460
102-4-4a	Amended (T)	V. 25, p. 990, 1019
102-4-4a	Amended	V. 25, p. 1463
102-4-8a	Revoked	V. 26, p. 881
102-5-2	Amended (T)	V. 26, p. 1140
102-5-2	Amended	V. 26, p. 1776
102-5-3	Amended	V. 25, p. 1464
102-5-4a	Amended (T)	V. 25, p. 992, 1019
102-5-4a	Amended	V. 25, p. 1466
102-5-5	Amended	V. 25, p. 187
102-5-8	Revoked	V. 26, p. 881
102-6-8	Amended	V. 26, p. 881

AGENCY 105: BOARD OF INDIGENTS' DEFENSE SERVICES

Reg. No.	Action	Register
105-4-1	Amended	V. 25, p. 101
105-5-2	Amended (T)	V. 25, p. 982, 1019
105-5-2	Amended	V. 25, p. 1530
105-5-3	Amended (T)	V. 25, p. 982, 1019
105-5-3	Amended	V. 25, p. 1530
105-5-6	Amended (T)	V. 25, p. 982, 1019
105-5-6	Amended	V. 25, p. 1530
105-5-7	Amended (T)	V. 25, p. 983, 1019
105-5-7	Amended	V. 25, p. 1531
105-5-8	Amended (T)	V. 25, p. 983, 1019
105-5-8	Amended	V. 25, p. 1531
105-11-1	Amended (T)	V. 26, p. 1257

105-11-1	Amended	V. 26, p. 1752
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AGENCY 108: STATE EMPLOYEES HEALTH CARE COMMISSION

Reg. No.	Action	Register
108-1-4	Amended	V. 25, p. 180

AGENCY 109: BOARD OF EMERGENCY MEDICAL SERVICES

Reg. No.	Action	Register
109-8-1	Amended (T)	V. 26, p. 12

AGENCY 110: DEPARTMENT OF COMMERCE

Reg. No.	Action	Register
110-9-1 through 110-9-8	New	V. 25, p. 373-375
110-13-4	Amended	V. 25, p. 447
110-13-10	Amended	V. 26, p. 1752
110-14-1	New	V. 25, p. 1771
110-14-2	New	V. 25, p. 1771
110-15-1 through 110-15-4	New (T)	V. 26, p. 1649, 1650
110-15-1 through 110-15-4	New	V. 26, p. 1864
110-16-1 through 110-16-4	New (T)	V. 26, p. 1650, 1651
110-16-1 through 110-16-4	New	V. 26, p. 1865, 1866
110-17-1 through 110-17-4	New (T)	V. 26, p. 1652
110-17-1 through 110-17-4	New	V. 26, p. 1866, 1867
110-18-1 through 110-18-4	New (T)	V. 26, p. 1653, 1654
110-18-1 through 110-18-4	New	V. 26, p. 1867, 1868

AGENCY 111: KANSAS LOTTERY

A complete index listing all regulations filed by the Kansas Lottery from 1988 through 2000 can be found in the Vol. 19, No. 52, December 28, 2000 Kansas Register. A list of regulations filed by the Kansas Lottery from 2001 through 2003 can be found in the Vol. 22, No. 52, December 25, 2003 Kansas Register. A list of regulations filed by the Kansas Lottery from 2004 through 2005 can be found in the Vol. 24, No. 52, December 29, 2005 Kansas Register. A list of regulations filed by the Kansas Lottery from 2006 through 2007 can be found in the Vol. 26, No. 52, December 27, 2007 Kansas Register.

AGENCY 115: DEPARTMENT OF WILDLIFE AND PARKS

Reg. No.	Action	Register
115-2-1	Amended	V. 26, p. 1722
115-2-2	Amended	V. 25, p. 1603
115-2-3a	Amended	V. 26, p. 1723
115-2-4	Amended	V. 25, p. 336
115-4-4	Amended	V. 26, p. 410
115-4-4a	Amended	V. 26, p. 411
115-4-6	Amended	V. 25, p. 336
115-4-13	Amended	V. 26, p. 1111
115-7-1	Amended	V. 26, p. 1725
115-7-4	Amended	V. 25, p. 1606
115-7-8	Amended	V. 26, p. 1726
115-7-9	New	V. 26, p. 1727
115-8-7	Amended	V. 26, p. 1364
115-9-9	Amended	V. 26, p. 641
115-16-5	Amended	V. 25, p. 1607
115-18-10	Amended	V. 26, p. 1727
115-18-12	Amended	V. 26, p. 1728
115-18-18	New	V. 25, p. 1608
115-18-19	New	V. 25, p. 1608
115-18-20	Amended	V. 26, p. 1728
115-20-5	Amended	V. 26, p. 1728

115-20-6	New	V. 25, p. 1611
115-30-1	Amended	V. 26, p. 1364
115-30-5	Amended	V. 26, p. 1365
115-30-7	Amended	V. 26, p. 1365
115-30-8	Amended	V. 26, p. 1365
115-30-10	Amended	V. 26, p. 1366
115-30-12	New	V. 26, p. 1366

AGENCY 117: REAL ESTATE APPRAISAL BOARD

Reg. No.	Action	Register
117-1-1	Amended	V. 26, p. 1259
117-2-1	Amended	V. 26, p. 1259
117-2-2	Amended	V. 26, p. 1260
117-2-3	Amended	V. 26, p. 1261
117-2-4	Amended	V. 26, p. 1261
117-3-1	Amended	V. 26, p. 1262
117-3-2	Amended	V. 26, p. 1265
117-3-2a	Amended	V. 26, p. 564
117-3-4	Amended	V. 26, p. 1264
117-4-1	Amended	V. 26, p. 1264
117-4-2	Amended	V. 26, p. 1265
117-4-2a	Amended	V. 26, p. 564
117-4-3	Amended	V. 26, p. 1266
117-4-4	Amended	V. 26, p. 1266
117-5-1	Amended	V. 25, p. 1148

117-6-1	Amended	V. 26, p. 1266
117-6-2	Amended	V. 26, p. 1267
117-8-1	Amended	V. 25, p. 866

AGENCY 118: STATE HISTORICAL SOCIETY

Reg. No.	Action	Register
118-4-4	Amended	V. 26, p. 46

AGENCY 121: DEPARTMENT OF CREDIT UNIONS

Reg. No.	Action	Register
121-2-1	Amended	V. 26, p. 1908
121-3-1	Amended	V. 26, p. 1908
121-5-1	Amended (T)	V. 25, p. 1304
121-5-1	Amended	V. 25, p. 1727
121-5-2	Revoked (T)	V. 25, p. 1304
121-5-2	Revoked	V. 25, p. 1727
121-5-3	New (T)	V. 25, p. 1304
121-5-3	New	V. 25, p. 1727
121-5-4	New	V. 26, p. 1909
121-7-1	New	V. 25, p. 1728
121-8-1	New (T)	V. 25, p. 1304
121-8-1	New	V. 25, p. 1728
121-9-1	New	V. 26, p. 1910

AGENCY 123: JUVENILE JUSTICE AUTHORITY

Reg. No.	Action	Register
123-6-101 through 123-6-106	New	V. 25, p. 1634, 1635

AGENCY 129: KANSAS HEALTH POLICY AUTHORITY

Reg. No.	Action	Register
129-5-1	Amended	V. 26, p. 1579
129-5-65	New	V. 26, p. 1091
129-5-88	New	V. 25, p. 1830
129-5-108	New	V. 25, p. 1571
129-5-118	New	V. 25, p. 665
129-5-118b	New	V. 25, p. 665
129-6-38	New	V. 25, p. 1030
129-6-77	New	V. 25, p. 847
129-6-151	New	V. 25, p. 848
129-6-152	New	V. 25, p. 848
129-7-65	New	V. 25, p. 848
129-14-22	New	V. 25, p. 1030
129-14-27	New	V. 25, p. 849
129-14-51	New	V. 25, p. 849
129-14-52	New	V. 25, p. 849

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