

KANSAS REGISTER



State of Kansas

JACK H. BRIER
Secretary of State

Vol. 2, No. 8

February 24, 1983

Pages 121-158

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State of Kansas**DEPARTMENT OF HUMAN RESOURCES****NOTICE REGARDING THE DESIGNATION OF SERVICE DELIVERY AREAS PURSUANT TO THE JOB TRAINING PARTNERSHIP ACT**

You are hereby notified of Governor Carlin's proposal on the designation of Service Delivery Areas pursuant to the Job Training Partnership Act (JTPA). Service Delivery Areas (SDA) are regions within the state where job training programs authorized by JTPA will be implemented, and local area employment and training planning will be accomplished. A Private Industry Council (PIC), with a majority representation from the private sector, will be established in each SDA and will share policy and oversight responsibilities with locally elected officials.

The Governor makes this proposal on SDA designation after having received a recommendation from the Kansas Council on Employment and Training. This proposal, and the Council's recommendations, were based on five major considerations as follows:

1. SDA boundaries should minimize the division of natural labor market areas, particularly around the state's larger cities. A labor market area is an economically integrated geographic area within which individuals can reside and find employment within a reasonable distance or can readily change employment without changing their place of residence.
2. The SDA should be of a sufficient size to warrant an allocation large enough under the JTPA funding formula to support a viable program and administration.
3. An SDA should, to the maximum extent feasible, be consistent with areas defined by related state and local agencies. These related agencies include: Job Service, Economic Development, Regional Planning Commissions, Social and Rehabilitation Services, and educational institutions.

4. An SDA may include several contiguous counties, but should not divide any county.
5. The size (population and geographic area) of an SDA should be such that it maximizes local input from private and public sector leaders to insure program relevance and responsiveness to local area needs.

The Governor proposes that Kansas establish five Service Delivery Areas as outlined on the map below. The table below indicates the population of the proposed area and the estimated budget share each proposed area will receive under the federally prescribed funding formula. This formula is based on the relative number of unemployed in areas of substantial unemployment, excess unemployed and economically disadvantaged.

Any interested party may submit in writing comments on and/or suggested revisions of the proposed designation of Service Delivery Areas presented herein. Formal requests for designation as a Service Delivery Area may be made by units of general local government or combinations thereof. The term "unit of local government" means any general purpose political subdivision of a state which has the power to levy taxes and spend funds, as well as general corporate and police powers. Formal requests must include the following:

1. the geographic area for which SDA designation is being requested;
2. the reasons this area should be granted designation; and
3. signatures of the local elected officials that have jurisdiction over the entire area for which designation is being requested.

Such comments on the Governor's proposal and formal requests for SDA designation must be received no later than 5:00 p.m. on March 3, 1983, by: Larry E. Wolgast, Assistant Secretary, Department of Human Resources, 401 Topeka Avenue, Topeka, Kansas 66603.

(continued)

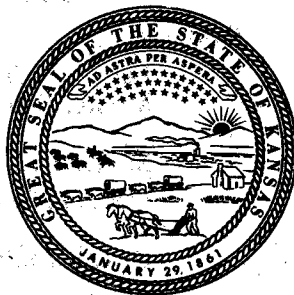
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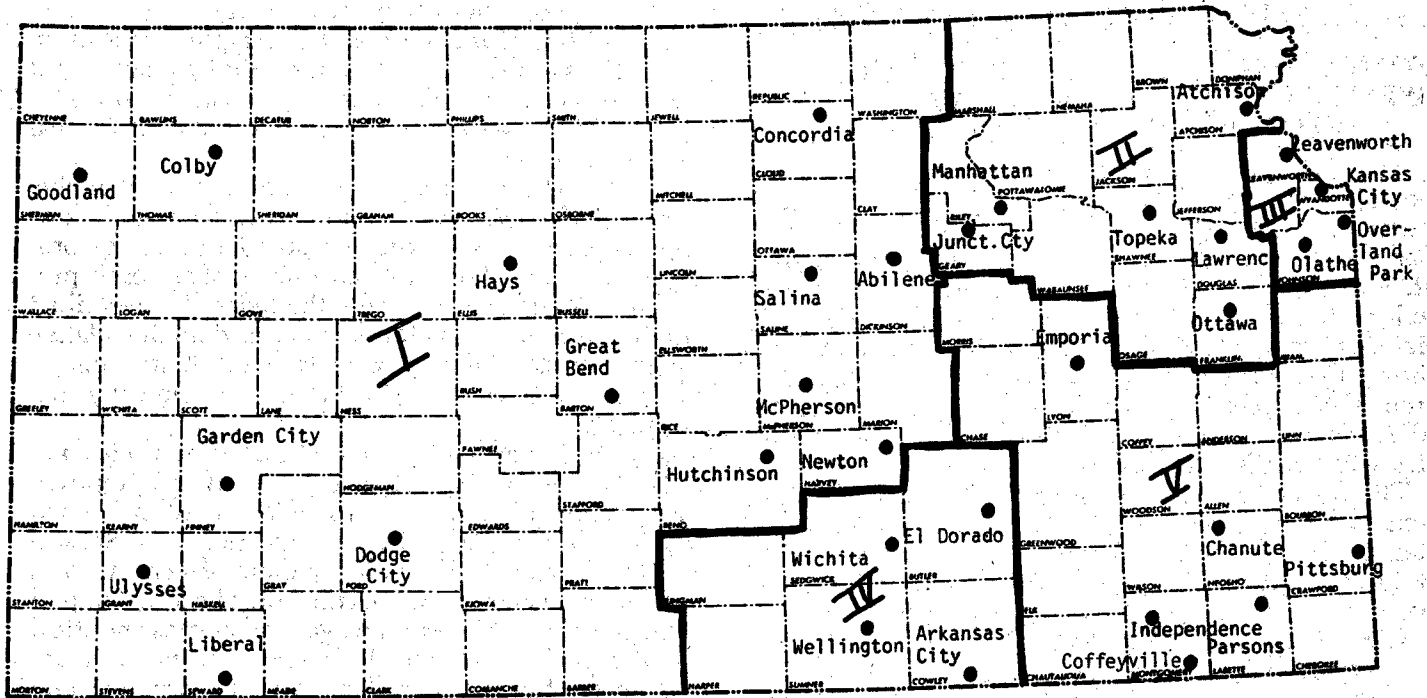
PUBLISHED BY
JACK H. BRIER
Secretary of State
State Capitol
Topeka, Kansas 66612



PHONE: 913/296-2236

Carol A. Bell
Publications Director

PROPOSED SERVICE DELIVERY AREAS



AREA	GEOGRAPHIC LOCATION	POPULATION	ESTIMATED BUDGET SHARE
I	Western	604,890	10.6%
II	Northeast	465,096	19.2%
III	Kansas City Area	497,413	22.5%
IV	Wichita Area	489,803	33.7%
V	Southeast	306,006	14.0%

LARRY E. WOLGAST, Ed.D.
Assistant Secretary

Doc. No. 000948

State of Kansas

OFFICE OF JUDICIAL ADMINISTRATION
COURT OF APPEALS DOCKET
 (NOTE: Dates and times of arguments are subject to change.)
KANSAS COURT OF APPEALS
JOHNSON COUNTY COURTHOUSE, DIV. #6, COURTROOM 300
OLATHE, KANSAS
Before SWINEHART, P.J., ABBOTT and MEYER, JJ.
Monday, March 7, 1983

Case No.	Case Name	Attorneys	County
		9:00 a.m.	
54,540	State of Kansas, Appellee,	Larry McClain, Asst. D.A.; Dennis Moore, D.A.; Atty. Gen.	Johnson
	v.		
	Charles H. Hall, Appellant.	Michael L. Smith.	
54,826	State of Kansas, Appellee,	Dennis Moore, D.A.; Atty. Gen.	Johnson
	v.		
	Charles Eidson, Appellant.	Joseph Anderson.	

(continued)

- | | | | |
|---|--|--|-----------|
| 53,926 | State of Kansas, Appellee,
v.
Markas Dean Foster, Appellant. | Larry McClain, Asst. D.A.; Dennis Moore, D.A.; Atty. Gen. | Johnson |
| 53,324 | State of Kansas, Appellee,
v.
Michell E. Heck, Appellant. | Jay H. Vader.
Michael Buser, Asst. D.A.; Dennis Moore, D.A.; Atty. Gen.
James T. Wigglesworth. | Johnson |
| 54,500 | Thompson-Hayward, Appellant,
v.
Cyprus Mines Corp. and Cyprus Ind. Minerals Corp., Appellees. | Gregory A. Dean.
John J. Bukaty, Sr.
William Lynch.
Ernest N. Yarnevich
Joseph Kelly. | Wyandotte |
| <i>1:30 p.m.</i> | | | |
| 54,660 | Eugene P. Asay, Appellee,
v.
American Drywall, Respondent and Trucking Ins. Exchange, Insurance Carrier, Appellants. | Michael A. Preston.
John T. Flannagan.
Barry W. McCormick.
David K. Martin. | Johnson |
| 54,610
S.C. | Donald A. Hellesen, Appellant,
v.
Yellow Freight Systems, Inc., Appellee. | George E. Mallon.
Margaret W. Fabian.
Niles Corson. | Kiowa |
| 55,009 | Charles W. Brown, Appellee,
v.
Southwestern Bell Telephone Co., Appellant. | J. William Stapleton.
Michael C. Cavell. | Lyon |
| 53,692 | Grant Barcus, Larry G. Barcus, et al., Appellants,
v.
City of Kansas City, Kansas, Appellee. | George Maier, Jr.
Daniel B. Denk. | Wyandotte |
| <i>Tuesday, March 8, 1983</i>
<i>9:00 a.m.</i> | | | |
| 54,574 | State of Kansas, Appellee,
v.
Darrell Perry, Appellant. | Scott Logan, Asst. D.A.; Nick Tomasic, D.A.; Atty. Gen.
Kevin E. Koch.
Jay Vader. | Wyandotte |
| 54,215 | State of Kansas, Appellee,
v.
Wesley L. Jones, Appellant. | Michael Grosko, Asst. D.A.; Nick Tomasic, D.A.; Atty. Gen.
Ruben Jorge Krisztal. | Wyandotte |
| 54,339 | Commerce Bank of Kansas City, Appellant,
v.
Roger Jones, Chrysler Plymouth, Inc., Defendant, and Roger Jones, et al, Appellee. | Richard L. Reid.
Fred J. Logan, Jr. | Johnson |
| 54,136 | First National Bank of Kansas City, Missouri, Appellee,
v.
David J. Mumma, Appellant. | Richard L. Reid.
Kris A. Arnold. | Johnson |
| 54,282 | Feld Chevrolet Co., Inc., Appellee,
v.
Rita H. Hussey, Appellant. | Richard L. Reid.
Luis Mata. | Wyandotte |

(continued)

1:30 p.m.

54,409	State of Kansas, Appellee, v. Marvin William Rowe, Appellant.	Gunnar A. Sundby, Co. Atty.; Atty. Gen. Thomas F. Werring.	Atchison
54,387	Dean R. DiBassie, Appellee, v. American Standard Ins. Co. of Wisconsin, Appellant.	Henry W. Green. John C. Tillotson. Kevin J. Sullivan.	Leavenworth
54,288	Madeline Storer, Appellee, v. William E. Tyler, Appellant.	Philip R. Carson. John Ivan.	Wyandotte
54,455	David Webb, Sr., Appellee, v. City of Leavenworth, Kansas, Appellant.	Arthur W. Solis. Robert Beall.	Leavenworth

Wednesday, March 9, 1983

9:00 a.m.

54,371	Daniel J. Bedora, Appellant, v. R. Thomas Colgan and Iva Lee Colgan, Appellees.	Ernest C. Ballweg. Pro Se.	Johnson
54,513	The Board of County Commissioners of Johnson County, Kansas, Appellee, v. Bertha V. Russell, James K. Kearney, et al., Appellants.	Lawrence L. Ferree III. Roy S. Bennett, Jr. Barry D. Martin.	Johnson
53,585	A. L. Lemmon, et ux, Appellee, v. Donald R. Mather Construction Co., Appellant.	Joseph L. Cox. Frederick K. Cross.	Johnson
54,149	City of Kansas City, Kansas, Appellee, v. Gaylord Pearson, Appellant.	Robert Jenkins. John Bukaty, Jr. J. R. Russell.	Wyandotte
54,416	Gwendolyn V. Falkenberg, now Gwendolyn V. Mitchell, Appellant, v. Robert L. Falkenberg, Jr., Appellee.	Marvin E. Rainey. John L. Richeson. James E. Gier. R. Michael Latimer.	Franklin

KANSAS COURT OF APPEALS

COURT OF APPEALS COURTROOM, 3rd FLOOR, OLD SEDGWICK COUNTY COURTHOUSE
541 NORTH MAIN, WICHITA, KANSAS

Before REES, P.J., SPENCER and PARKS, JJ.

Thursday, March 10, 1983

9:00 a.m.

54,759	Michael M. Roby, Appellant, v. State of Kansas, Appellee.	David Rapp. Carl Wagner, Asst. D.A.; Clark V. Owens, D.A.; Atty. Gen.	Sedgwick
54,434	Aeronautical District Lodge No. 70 of the International Asso. of Machinists and Aerospace Workers, Appellant, v. Beech Aircraft Corporation, Appellee.	Paul L. Thomas. John C. Frank. Marvin Martin.	Sedgwick

(continued)

54,372	Alvin C. Baird, Appellant, v. MBPXL Corp.; William I. Nicholson, Robert Fleming, John Bailey, Eldred L. Failing and Professional Engineering Consultants, P.A., Appellees.	John W. Johnson. Larry Withers Frederick Haag. Vincent L. Bogart.	Sedgwick
54,234	Getty Refining & Marketing Co., Appellant, v. United Insulation Co., Appellee.	Robert C. Foulston. James C. Wright. Hal D. Meltzer.	Sedgwick
54,506	Clark Jewelers, Appellant, v. Don Satterthwaite, et al., Appellees.	Jack Focht. James A. Walker.	Sedgwick
<i>1:30 p.m.</i>			
54,328	Noble LeRoy Johnson, Appellant, v. State of Kansas, Appellee.	Tim Connell. William P. Ronan, Co. Atty.; Atty. Gen.	Butler
54,236	Hand Realty Co., Appellee, v. Terry F. Meyers and Betty L. Meyers, Appellants.	James L. Hargrove. Tom Berscheidt.	Butler
54,310	State of Kansas, Appellee, v. James E. Gipson, Appellant.	James W. Modrall, Co. Atty.; Atty. Gen. Craig D. Cox.	Harvey
54,229	Glenda Carlson, Appellant, v. Harold Lee Carlson, Appellee.	Robert L. Taylor. Jay Bremyer.	McPherson
<i>Friday, March 11, 1983</i>			
<i>9:00 a.m.</i>			
54,464	Leonardo Q. Hernandez, Appellant, v. State of Kansas, Appellee.	Harold E. Flaigle. Carl Wagner, Asst. D.A.; Clark Owens, D.A.; Atty. Gen.	Sedgwick
54,402	Edith M. Stapleton, Appellee, v. Henry M. Stapleton, Appellant.	Glenn I. Kerbs. Donald E. Shultz.	Ford
54,237	Georgina Cox Thompson, Appellee, v. Michael W. Cox, Appellant.	C. Douglas Wright. Mark Krusor.	Cowley
54,305	Sam E. Rudd, Elenore Rudd, et al, Appellees, v. Best Supply Co. Inc., Paul E. Suhr, Phil L. Suhr, Joe T. Suhr, and Helen M. Suhr, Appellants.	Richard A. Loyd. Stuart W. Gribble; Patrick L. Connolly.	Sedgwick
54,298	Stephen R. Hurst and Stephanie L. Hurst, Appellees v. Charlotte Marshall, Appellant,	David C. Burns. George E. Grist.	Sedgwick
<i>1:30 p.m.</i>			
54,354	State of Kansas, Appellee, v. Don Ellis, Appellant.	William H. Pringle, Co. Atty.; Atty. Gen. Raymond L. Dahlberg.	Barton

(continued)

- | | | | |
|--------|--|---|--------|
| 54,349 | Dennis O. Tomlinson, Appellant,
v.
Mitchell Newell, Dolores Newell, Leon
Werth, et al, Appellees. | Turner & Boisseau.
Dennis J. Keenan.
M. John Carpenter. | Barton |
| 54,474 | In the Matter of the Estate of Christina
Rude, Deceased. | Michael S. Holland.
Gary Lee Kaufman.
Don C. Foss.
Tom Berscheidt.
Jane M. Isern. | Barton |
| 54,433 | Raymond Moore and Veta Moore,
Appellees,
v.
State Farm Mutual Auto Ins. Co.,
Tri-State Insurance Co.; Doctor and
Farmer Trucking, Inc., and Saul Diaz
Gonzales, Jr., Appellants. | Shelley Graybill.
Kerry McQueen.

Deborah Carney.
Steven C. Day. | Morton |

KANSAS COURT OF APPEALS

COURT OF APPEALS COURTROOM, 2nd FLOOR, KANSAS JUDICIAL CENTER
301 W. 10th Street, TOPEKA, KANSAS

Before FOTH, C.J., SPENCER and PARKS, JJ.

Monday, March 14, 1983

9:00 a.m.

- | | | | |
|--------|---|--|---------|
| 53,836 | State of Kansas, Appellee,
v.
Randall Chase, Appellant. | Frank Yeoman, Asst. D.A.; Gene
Olander, D.A.; Atty. Gen. | Shawnee |
| 54,763 | State of Kansas, Appellee,
v.
Joe F. James, Appellant. | Ira Dennis Hawver.
Gene Olander, D.A.; Atty. Gen. | Shawnee |
| 54,894 | State of Kansas, Appellee,
v.
Sylvester Jackson, Appellant. | James S. Willard.
Steven L. Opat, Co. Atty.; Atty.
Gen. | Geary |
| 54,306 | State of Kansas, Appellee,
v.
Dwight Perry, Appellant. | Ralph J. DeZago.
David R. Platt, Asst. Co. Atty.;
Steven L. Opat, Co. Atty.; Atty.
Gen. | Geary |
| 54,382 | Robert L. Lawrence, Appellant,
v.
Wanda J. Becker, Appellee. | Kenneth M. Carpenter.
Gene E. Schroer.
Paul H. Hulsey. | Shawnee |
| 54,493 | Russell D. Jenkins and Jean M. Jenkins,
Appellants,
v.
Bobby L. Logan, Norma A. Logan,
Appellees. | Beau Williams.
Neil Roach. | Lyon |
| 54,034 | Eldon Kee, Jr., Appellant,
v.
Jack L. Campbell, Appellee. | Thomas A. Krueger.

John R. Toland.

Carl L. Buck. | Allen |

1:00 p.m.

- | | | | |
|--------|---|--|--------|
| 54,527 | In the Interest of Tina and Shane Riggs,
Children Under 18 Years of Age. | Robert G. German.
Attorney General.
William Winkley.
Patrick Thompson.
Mickey W. Mosier, Asst. Co. Atty. | Saline |
|--------|---|--|--------|

(continued)

54,258	Arden Booth, Appellee, v. Dorothy Foust Booth, Appellant.	Peter J. Immel.	Douglas
54,377	Transit Casualty Co., Appellant, v. Topeka Transportation Co., Inc., Appellee.	James L. Postma. Frederick K. Starrett.	Shawnee
54,560 S.C.	Ruth M. Medlin, Appellee, v. Walter J. Medlin, Appellant.	Robert D. Hecht. Orville J. Cole. John Anderson, Jr.	Anderson

**KANSAS COURT OF APPEALS
COURT OF APPEALS COURTROOM, 2nd FLOOR, KANSAS JUDICIAL CENTER
301 W. 10th Street, TOPEKA, KANSAS.**

Before FOTH, C.J., ABBOTT and MEYER, JJ.

Tuesday, March 15, 1983

9:00 a.m.

54,390	Clarence Scroggins, Appellant, v. Kansas Department of Human Resources, Appellee.	Kenneth F. Crockett. Ronald Baxter.	Shawnee
54,405	Lloyd O. Serl, Appellant, v. Fred E. Bowser, Appellee.	Steven M. Dickson.	Shawnee
54,462	Charles A. McKinsey, Appellant, v. Washington National Life Ins. Co., Appellee.	Michael J. Schenk. Kenneth F. Crockett.	Shawnee
54,719	State of Kansas, Appellee, v. Dale V. Smith, Appellant.	J. Craig Anderson. Edward L. Bailey. Keith Hoffman, Co. Atty.; Atty. Gen.	Dickinson
55,023	State of Kansas, Appellant, v. Lucinda D. Hayes, Appellee.	William L. Winkley. John McNish, Asst. Co. Atty.; Keith Hoffman, Co. Atty.; Atty. Gen.	Dickinson
54,392	In the Matter of the Estate of Eva A. Czapanskiy aka Eva Czapanskiy.	Bruce Wingerd. Paul D. Post. Aubrey G. Linville. Thomas M. Tuggle. Larry S. Vernon.	Cloud

1:00 p.m.

54,386 S.C.	Miller Aviation, Inc., Appellee, v. John E. Hill, Appellant.	John McClymont.	Norton
54,475 S.C.	The Estate of Herman A. Werning, Deceased, Appellee, v. Union National Bank & Trust Co. of Manhattan, Wilma Brooks and Adra Gay Parker, Appellants.	Robert J. Lewis, Jr. Paul E. Miller.	Riley
54,398	Long Oil Co. Inc., Appellee, v. American Tire & Auto Service, Inc., Appellant.	Charles S. Arthur. Dan H. Myers. Daryl Gross; Robert M. Adrian; David D. Moshier; William L. Winkley; Daniel L. Hebert. Walter P. Robertson.	Saline

(continued)

54,744 State of Kansas, Appellee,
 v.
 Gilbert A. Burnett, Appellant.
 54,509 Juanita F. Herschell, Appellee,
 v.
 Elvin C. Herschell, Appellant; Bank of
 Perry, Garnishee.

John K. Bork, Co. Atty.; Atty Gen. Jefferson
 Lawrence P. Ireland.
 Stephen B. Rhudy. Douglas
 William J. Madden.

LEWIS C. CARTER
 Clerk of the Appellate Courts

Doc. No. 000936

State of Kansas
SENATE WAYS AND MEANS COMMITTEE

PUBLIC HEARING NOTICE

Notice is hereby given to all interested parties that the Senate Ways and Means Committee will hold a Public Hearing on March 4, 1983, at 11:00 a.m., in the Senate Hearing Room, 123-S, State Capitol, Topeka, Kansas. The scheduled agenda for the hearing is as follows:

1. The Social Services Block Grant.
2. Home Energy Assistance Block Grant.
3. Alcohol Abuse, Drug Abuse, and Mental Health Block Grant.
4. Community Services Block Grant.

SENATOR PAUL HESS
 Chairman

Doc. No. 000949

State of Kansas
STATE BOARD OF AGRICULTURE

PUBLIC NOTICE
REQUEST FOR ENGINEERING SERVICES

In accordance with K.S.A. 75-5801 *et seq.*, it is the policy of the Division of Water Resources, Kansas State Board of Agriculture, to negotiate contracts for engineering services on the basis of demonstrated competence and qualifications for the type of professional services required at fair and reasonable fees. Selection criteria will consist of the following:

1. Size and professional qualifications of the firm.
 2. Experience and training of the firm's staff in the measurements of rate and quantity of water pumped or removed from wells, lakes and/or streams, and collection of data in conjunction with the use of water for irrigation, industrial, or municipal purposes with principal emphasis on irrigation use. Experience and training in hydrology and hydraulics, water flow measurements (primarily in closed conduits), and knowledge of energy and consumption metering will be a consideration.
 3. Workload of the firm.
 4. The firm's performance record.
 5. Compliance with Kansas statutes. All firms must comply with the requirements of the Professional Engineers License Act, K.S.A. Chapter 26a.
- Engineering firms engaged in lawful practice of

providing engineering services and interested in providing services for collecting water use data, to determine the extent that a water right is perfected (developed), are encouraged to submit a statement of qualifications and experience to: Division of Water Resources; Kansas State Board of Agriculture; 109 S.W. 9th Street; Topeka, Kansas 66612-1283.

GUY E. GIBSON, P.E.
 Chief Engineer-Director
 Division of Water Resources

Doc. No. 000938

State of Kansas
SOCIAL AND REHABILITATION SERVICES
DIVISION OF MEDICAL PROGRAMS

NOTICE OF CHANGE IN REIMBURSEMENT

Effective April 1, 1983, the maximum reimbursement rates for podiatry services covered by the Kansas Medicaid (Medical Assistance) program will be reduced by 10%.

The estimated fiscal impact on an annual basis will be a reduction in cost of \$21,036.

The Kansas Medicaid (Medical Assistance) program is making this reduction in reimbursement rates due to budget constraints.

Copies of these changes are available for public review at the local SRS office. Written comments may be sent to the Division of Medical Programs, 6th Floor, State Office Building, Topeka, Kansas 66612.

L. KATHRYN KLASSEN, RN, MS
 Director
 Division of Medical Programs

Doc. No. 000942

(Published in the KANSAS REGISTER, February 24, 1983.)

NOTICE OF CALL FOR REDEMPTION
OF BONDS

CITY OF GREENSBURG
KIOWA COUNTY, KANSAS
ELECTRIC UTILITY SYSTEM REVENUE BONDS
SERIES 1972

In accordance with Section 2 of Ordinance No. 623, the City of Greensburg, Kiowa County, Kansas, has called for redemption on April 1, 1983 and will redeem and pay on that date the Electric Utility System Reve-

(continued)

nue Bonds; Series 1972 dated January 1, 1972, numbered 56-75, inclusive, at the redemption price of one hundred percent (100%) of the face value thereof plus accrued interest to the date of redemption together with a premium of \$150 for each \$5,000 Bond so called for redemption and payment. The Bonds so called for redemption with the coupons attached should be presented for payment and redemption at the Peoples National Bank, Liberal, Kansas, and will cease to bear interest after April 1, 1983, whether or not so presented.

DATED this 14th day of February, 1983.

CLAY SMITH, City Clerk of
Greensburg, Kansas

Doc. No. 000940

(Published in the KANSAS REGISTER, February 24, 1983.)

NOTICE OF BOND SALE
\$380,000.00
GENERAL OBLIGATION OVERPASS BONDS
Series "A", 1983
of the
CITY OF OSAWATOMIE
Miami County, State of Kansas
(10 Year Maturity)

Written sealed bids only will be received by the City of Osawatomie, Miami County, Kansas, at the Council Meeting Room, Fifth and Main, Osawatomie, Kansas, until 7:00 o'clock P.M., on Thursday, March 10th, 1983, for \$380,000.00 par value General Obligation Overpass Bonds of said City of Osawatomie, at which time and place said bids will be publicly opened. No oral or auction bids will be considered.

All of said bonds will be negotiable coupon bonds in the denominations of \$5,000.00 each, with the exception that bonds numbered 1, 9, 17, 25, 33, 41, 49, 57, 65 and 73 shall be in the denominations of \$3,000.00. All bonds will be dated April 1, 1983, and will mature serially in accordance with the following schedule:

<i>Maturity</i>	<i>Amount</i>
April 1, 1984	\$38,000.00
April 1, 1985	38,000.00
April 1, 1986	38,000.00
April 1, 1987	38,000.00
April 1, 1988	38,000.00
April 1, 1989	38,000.00
April 1, 1990	38,000.00
April 1, 1991	38,000.00
April 1, 1992	38,000.00
April 1, 1993	38,000.00

Interest on said bonds will be payable beginning on April 1, 1984, and semi-annually thereafter on October 1 and April 1 in each year. Both principal and interest on said bonds will be payable at the office of the State Treasurer in the City of Topeka, Kansas.

Proposals will be received on bonds bearing such rate or rates of interest not exceeding five different interest rates, as may be specified by the bidder. The repetition of a rate will not constitute one of said maximum number of rates. The same rate shall apply to all bonds of the same maturity. Each interest rate specified shall be in an even multiple of one-eighth or one-twentieth of one per cent. Bids involving the use of extra or supplemental coupons will not be considered.

Bids shall be submitted and addressed to "Edith E. Kester, City Clerk, Fifth and Main, Osawatomie, Kansas 66064," and plainly marked "Bond Bid." All bids must state the total interest cost of the bid, the premium paid, if any, the net interest cost of the bid, and the average annual interest rate, all certified by the bidder to be correct, and the City will be entitled to rely on the certification of correctness of the bidder. Each bid must be accompanied by a certified check equal to two per cent (2%) of the total amount of such bid, payable to "Treasurer, City of Osawatomie, Miami County, State of Kansas." In the event a bidder whose bid is accepted shall fail to carry out his contract of purchase, said deposit shall be retained by the City as liquidated damages. The checks of unsuccessful bidders will be promptly returned.

Said bonds, duly printed, executed and registered, will be furnished and paid for by the City, and said bonds will be sold, subject to the unqualified approving legal opinion of William P. Timmerman, Municipal Bond Counsel, 400 North Woodlawn, Wichita, Kansas 67208, which opinion will be paid for by the City. The purchaser will be furnished with a complete transcript of proceedings evidencing the authorization and issuance of said bonds and the usual closing proofs, which will include a certificate that there is no litigation pending or threatened at the time of delivery of the bonds affecting their validity. Delivery of said bonds will be made to the successful bidder on or about April 15, 1983, at any bank in Wichita, Kansas City, or Topeka, Kansas, or Kansas City, Missouri, at the expense of the City. Delivery elsewhere will be made at the expense of the purchaser.

All of said bonds will constitute general obligations of said City, payable both as to principal and interest from ad valorem taxes which may be levied upon all the taxable tangible property within the territorial limits of said City.

Such sealed bids shall be opened publicly and only at the time and place specified in this notice and the bonds will be sold to the highest bidder. The bonds will be awarded to the bidder whose proposal results in the lowest net interest cost to the issuer and the net interest cost will be determined by deducting the amount of any premiums paid from the aggregate amount of interest upon all of the bonds from their date until their respective maturities. The City reserves the right to reject any or all bids and to waive any and all irregularities.

The assessed valuation of the City of Osawatomie, Miami County, State of Kansas, is \$8,306,640.00.

As of March 10th, 1983, the City will have outstanding \$1,046,000.00 in General Obligation Bonds, which includes the bonds being submitted for bid; \$300,000.00 in Special Assessment Bonds; and \$520,000.00 in Water and Electric Revenue Bonds. The City has no Temporary Notes outstanding.

DATED this 10th day of February, 1983.

EDITH E. KESTER
City Clerk
City of Osawatomie
Miami County, State of Kansas

Doc. No. 000937

State of Kansas

**DEPARTMENT OF ADMINISTRATION
DIVISION OF PURCHASES****NOTICE TO BIDDERS**

Sealed bids for items hereinafter listed will be received by the Director of Purchases, State Office Building, Topeka, Kansas, until 2:00 p.m., CST or DST, whichever is in effect on the date indicated, and then will be publicly opened:

MONDAY, MARCH 7, 1983

#25508

Department of Transportation, Topeka—READY MIX CONCRETE (District I)

#51932

Social and Rehabilitation Services, Topeka—VINYL SHEETING, for Kansas Industries for the Blind, Kansas City

#52785

Kansas State Industrial Reformatory, Hutchinson—MEAT PRODUCTS

#52786

Kansas State Industrial Reformatory, Hutchinson—MEAT PRODUCTS

#52787

Department of Administration (Personnel Services), Topeka—MICROFILM EQUIPMENT

#52788

University of Kansas, Lawrence—OFFICE SUPPLIES

#52789

Department of Transportation, Hutchinson—LUMINAIRE POLE SHEAR BASES AND POLES, for Wichita area

#52790

Department of Transportation, Norton—AGGREGATE, MAINTENANCE REPAIR, TYPE Z, MRA-Z, for Hays

#52791

Department of Transportation, Hutchinson—ASPHALT RUBBER SEALING COMPOUND

#52792

University of Kansas, Lawrence—AUDIO BROADCAST CONSOLE

#52794

Social and Rehabilitation Services, Topeka—TAPE DRIVES AND WORKSTATIONS

#52813

Adjutant General's Department, Topeka—LABOR MATERIAL TO INSTALL GUTTERING AND DOWNSPOUT

#52856

University of Kansas Medical Center, Kansas City—CENTRIFUGE ROTOR

#52857

University of Kansas, Lawrence—SEDAN

#52884

Kansas State University, Manhattan—VEHICLES

TUESDAY, MARCH 8, 1983

#25505

Kansas State University, Manhattan—FERTILIZER, for Fort Hays Experiment Station

#25507

Statewide—APRIL (1983) MEAT PRODUCTS

#52793

University of Kansas, Lawrence—MICROCOMPUTER SYSTEM

#52804

Kansas State University, Manhattan—FENCE WIRE

#52805

Kansas State University, Manhattan—POSTS, CLIPS AND ELECTRICAL ACCESSORIES

#52806

Kansas State University, Manhattan—UTILITY POLES

#52858

Kansas State University, Manhattan—TRACTOR, for Southeast Kansas Experiment Station, Mound Valley, Kansas

#52859

Kansas State University, Manhattan—VEHICLE

#52860

Larned State Hospital, Larned—SOAP AND DETERGENT

#52869

Kansas Fish and Game Commission, Pratt—TRUCK

#52870

Department of Transportation, Hutchinson—LUBRICATING OIL

#52871

Larned State Hospital, Larned—VAN

#A-4567 & #A-4568

Youth Center at Atchison, Atchison—CENTRAL AIR CONDITIONING AND HEATING, in Sycamore Cottage

WEDNESDAY, MARCH 9, 1983

#52808

Kansas Technical Institute, Salina—SALE OF USED JET ENGINES

#52815

Adjutant General's Department, Topeka—LABOR MATERIAL TO INSTALL ADDITIONAL FUME EXHAUST

#52816

Fort Hays State University, Hays—VEHICLES

#52824

Kansas State University, Manhattan—VAN

#52825

Department of Administration (Central Motor Pool), Topeka—VEHICLES

#52826

Kansas State University, Manhattan—FEED

#52827

Kansas State University, Manhattan—FEED

#52828

Kansas State University, Manhattan—FEED

#52829

Wichita State University, Wichita—ELECTRONIC SUPPLIES, for Kansas State University, Manhattan

#52872

Kansas State University, Manhattan—TURF SWEEPER

#52873

University of Kansas, Lawrence—SEDAN

#A-4641(a)

Department of Human Resources, Topeka—AREA LIGHTING, for Administrative Office Building

#A-4319(a)

Kansas State University, Manhattan—INSULATION OF STEAM PIPES IN DESIGNATED TUNNELS

THURSDAY, MARCH 10, 1983

#52835

Wichita State University, Wichita—SMOKE DETECTION EQUIPMENT AND INSTALLATION SUPPLIES

(continued)

#52836
Kansas Correctional Industries, Lansing—CANS AND
CARDBOARD CARTONS

#52837
Kansas State University, Manhattan—TRUCK

#52839
Youth Center at Atchison, Atchison—VAN

#52840
Kansas State University, Manhattan—SEDANS

#52841
University of Kansas, Lawrence—WHITE-25% COT-
TON BOND—UNIVERSITY OF KANSAS SEAL

#52844
Kansas Correctional Industries, Lansing—FORK LIFT

#52845
Kansas Soldiers' Home, Fort Dodge—BUILDING
MATERIALS

#52846
Kansas State University, Manhattan—LABORATORY
FREEZER

#52847
Kansas State Penitentiary, Lansing—ELECTRICAL
SUPPLIES

#52850
University of Kansas Medical Center, Kansas City—
HPLC SAMPLE INJECTOR

#52851
Department of Transportation, Topeka—TRAFFIC
COUNTER

#52852
Kansas State University, Manhattan—PICKUP

#52854
University of Kansas Medical Center, Kansas City—
LIQUID CHROMATOGRAPHY ELECTROCHE-
MISTRY DETECTOR

#52862
Department of Transportation, Chanute—PLANT
MIX, BITUMINOUS MIXTURE COMMERCIAL
GRADE, F.O.B. VENDORS PLANT, Various Locations

#52881
University of Kansas, Lawrence—FREQUENCY
SYNTHESIZER

#A-4577(a)
School for the Deaf, Olathe—REPLACE AND INSU-
LATE WATER, STEAM AND CONDENSATE PIPING,
for Roth Administrative Building

FRIDAY, MARCH 11, 1983

#25496
University of Kansas Medical Center, Kansas City and
Statewide—X-RAY FILM AND SUPPLIES (CLASS 13)

#52875
Winfield State Hospital and Training Center, Win-
field—FEEDING FORMULA

#52877
Winfield State Hospital and Training Center, Win-
field—SOAP AND DETERGENT

#52878
Wichita State University, Wichita—REMOVAL OF
ASBESTOS CEILING AND LABOR-MATERIAL,
SPRAY-ON INSULATION CEILING

#52879
Kansas State Fair, Hutchinson—PLYWOOD STAG-
ING

#52882
Wichita State University, Wichita—CLEANING AND
REPAIRING OF DRAPERIES AND FURNISHING
AND INSTALLING OF DRAPERY RODS

#52883
Pittsburg State University, Pittsburg—LABOR, MA-
TERIALS TO REPAIR PEDESTRIAN ENTRANCE

TUESDAY, MARCH 15, 1983

#52874
Kansas Insurance Department, Topeka—ACTUARIAL
REVIEW

THURSDAY, MARCH 17, 1983

#25502
All Agencies of the State of Kansas—REFRIGERANT

TUESDAY, MARCH 22, 1983

#52814
Kansas Corporation Commission (Conservation Divi-
sion), Wichita—TELECOMMUNICATIONS SYSTEM

NICHOLAS B. ROACH
Director of Purchases

Doc. No. 000943

State of Kansas

SECRETARY OF STATE

NOTICE

Executive appointments made by the Governor, and
in some cases by other state officials, are filed with the
Secretary of State's office.

Complete listings of state agencies, boards and
commissions are included in the *Kansas Directory*,
which is published annually by, and available free of
charge on request to, the Secretary of State's office.

The 1982 Supplement to the *Kansas Directory* is
now available free of charge on request. It updates the
agency listings and should be used in conjunction with
the 1981 *Kansas Directory*.

County officials are listed in the *Directory of County
Officers*, which is also published by the Secretary of
State and available free of charge.

EXECUTIVE APPOINTMENTS
(Appointments filed December 23, 1982
through February 15, 1983.)

[Eff.: effective date; Repl.: replaces; Reapp.: Re-ap-
pointment; Exp.: Appointment expires.]

By the Governor

JUSTICE OF THE SUPREME COURT

● Tyler C. Lockett; 3720 N. Coolidge; Wichita 67204.
Eff. 2-3-83. Repl. Alex M. Fromme, deceased.

AGING, ADVISORY COUNCIL ON

● Ruth Wilkin; 1610 Willow; Topeka 66606. Eff. 1-
11-83. Repl. Irmagene Nevins Holloway, resigned.
Exp. 6-30-85.

BANKING BOARD, STATE

● Robert V. McGrath; 36 St. Cloud; Wichita 67230.
Eff. 1-20-83. (Subject to Senate confirmation.) Repl.
Robert Showalter. Exp. 4-30-85.

COMMUNITY COLLEGES, ADVISORY COUNCIL OF

● Sandra McMullen; 1800 E. 56 Highway; Hutchin-
son 67501. Eff. 2-2-83. Reapp. Exp. 12-31-86.

(continued)

SECRETARY OF CORRECTIONS

● Michael A. Barbara; 1278 S.W. Randolph; Topeka 66604. Eff. 1-18-83. Repl. Patrick McManus, resigned. Serves at the pleasure of the Governor.

DENTAL BOARD, KANSAS

● Norman Giebler, D.D.S.; 3102 Tam O'Shanter Drive; Hays 67601. Eff. 1-11-83. Repl. John F. Riggs, Jr., D.D.S., resigned. Exp. 4-30-84.

ECONOMIC DEVELOPMENT, ADVISORY COMMISSION TO THE DEPARTMENT OF

● Albert D. Campbell; 919 W. 4th; Larned 67550. Eff. 9-29-82. Repl. Joe Fowler. Serves at the pleasure of the Governor.

EMPLOYMENT AND TRAINING, KANSAS COUNCIL ON

(New council mandated by federal law, P.L. 97-300. Replaces the State Employment and Training Council. Staff assistance to be provided by the Kansas Department of Human Resources. All appointments became effective February 2, 1983. All appointees serve at the pleasure of the Governor.)

- Bill Beamgard; 503 North Third; Atwood 67730.
- Bob Clark; 9824 W. 10th St. Court; Wichita 67212.
- Ken Carter; 2722 Willow; Hays 67601.
- Morris Eastland; 30355 West 151st; Gardner 66030.
- Mike Fegan; 727 South Adams; Junction City 66441.
- Steve Goodman; Rural Route 2; Overbrook 66524.
- Kay Groneman; 6900 Parallel; Kansas City 66102.
- Marion Houk; P.O. Box 357; Moran 66755.
- Rob Hodges; 3442 Oakley; Topeka 66614.
- Pat Lehman; 515 Manlo Drive; Wichita 67204.
- Prentice Lewis; 4823 Ethel; Wichita 67220.
- Darold Main; 6647 S.E. Berryton Road; Berryton 66409.
- Carole Muchmore; 4140 West 6th St., #110; Topeka 66606.
- Gwen Nelson; 211 North Third; Arkansas City 67005.
- Allen Smith; Rural Route 1, P.O. Box 64; Hoyt 66440.
- Dennis Tinberg; 1512 Grand; Parsons 67357.
- Ed Whitaker; 2824 Burlingame; Topeka 66611.
- Harry Wiles; 1801 Pembroke Lane; Topeka 66604.
- Margalee Wright; 2312 Columbine; Wichita 67204.
- Sharilyn Young; 1501 Twisted Oak Circle; Wichita 67230.
- Marge Zakoura-Vaughan; 1033 Eastern; Wichita 67207.

SECRETARY OF HEALTH AND ENVIRONMENT

● Barbara J. Sabol; Forbes Field; Topeka 66620. Eff. 1-7-83. (Subject to Senate confirmation.) Repl. Joseph F. Harkins, resigned. Serves at the pleasure of the Governor.

INDIGENTS' DEFENSE SERVICES, STATE BOARD OF

● Lynn Zeller Barclay; Box 683; Perry 66073. Eff.

1-5-83. (Subject to Senate confirmation.) New position. Exp. 7-1-83.

● Maurice J. Ryan; 2208 Washington Boulevard; Kansas City 66102. Eff. 1-5-83. (Subject to Senate confirmation.) Repl. Robert E. Jenkins, resigned. Exp. 7-1-85.

POOLED MONEY INVESTMENT BOARD

● Charles J. Schwartz; Secretary of Economic Development; 503 Kansas Ave.; Topeka 66603. Eff. 1-1-83. (Subject to Senate confirmation.) Repl. Patrick J. Hurley, resigned. Serves at the pleasure of the Governor.

REGENTS, STATE BOARD OF

● Norman W. Brandeberry; 956 East First; Russell 67665. Eff. 2-10-83. (Subject to Senate confirmation.) Repl. Frank A. Lowman, resigned. Exp. 12-31-84.

● Dr. Archie R. Dykes; 2329 S.W. Mayfair; Topeka 66611. Eff. 1-1-83. (Subject to Senate confirmation.) Repl. Glee Smith. Exp. 12-31-86.

● Wendell E. Lady; 8732 Mackey; Overland Park 66212. Eff. 1-10-83. (Subject to Senate confirmation.) Repl. Jimmy Earl Dumas, resigned. Exp. 12-31-85.

TECHNICAL PROFESSIONS, STATE BOARD OF

● Richard S. McAnany; 535 Terrace Trail East; Lake Quivira 66106. Eff. 1-5-83. Repl. Jan Montgomery, resigned. Exp. 6-30-84.

DIRECTOR OF THE KANSAS WATER OFFICE

● Joseph F. Harkins; 1122 Avalon Road; Lawrence 66044. Eff. 12-18-82. (Subject to Senate confirmation.) Repl. Allyn Lockner, resigned. Exp. 6-30-84.

COUNTY OFFICES

(All of the following appointments will expire when a successor is elected and qualifies according to law.)

ELLIS COUNTY ATTORNEY

● Robert Diehl; 209 Highland; Hays 67601. Eff. 1-18-83. Repl. John C. Herman, resigned.

SEWARD COUNTY CLERK

● Dorothy Sanborn; 404 Beech; Liberal 67901. Eff. 1-3-83. Repl. Emma Williams, resigned.

SHAWNEE COUNTY CLERK

● Patsy A. McDonald; 3006 S.W. Quail Creek Drive; Topeka 66614. Eff. 1-20-83. Repl. Winifred L. Kingman, resigned.

FORD COUNTY COMMISSIONER, 2nd DISTRICT

● Robert Sobba; R.F.D.; Fowler 67844. Eff. 1-18-83. Repl. Wilbur Underwood, deceased.

MITCHELL COUNTY TREASURER

● Carol J. Emmot; Route 4; Beloit 67420. Eff. 1-4-83. Repl. Mary Ann Walker, resigned.

*By the President of the Senate***BUILDING CONSTRUCTION, JOINT COMMITTEE ON STATE**

● Sen. Joe Harder; Box 317; Moundridge 67107. Eff. 1-11-83. Reapp. Exp. 1-14-85.

(continued)

PUBLIC DISCLOSURE COMMISSION, KANSAS

● Lowell Abeldt; 900 N.W. Second; Abilene 67410. Eff. 2-1-83. Reapp. Exp. 1-31-85.

By the Speaker of the House

BUILDING CONSTRUCTION, JOINT COMMITTEE ON STATE

● Rep. Phil Kline; 8408 W. 85th St.; Overland Park 66212. Eff. 1-17-83. Repl. Rep. Keith Farrar. Exp. 1-14-85.

CAPITOL AREA PLAZA AUTHORITY

● Rep. Marvin Smith; 123 N.E. 82nd; Topeka 66617. Eff. 2-1-83. Repl. Rep. Sterling Waggener. Exp. 1-14-85.

PUBLIC DISCLOSURE COMMISSION, KANSAS

● John Reimer; Box 841; Parsons 67357. Eff. 2-1-83. Repl. Linda Elrod. Exp. 1-31-85.

TURNPIKE AUTHORITY, KANSAS

● Rep. Rex Crowell; R.F.D.; Longton 67352. Eff. 1-25-83. Reapp. To serve concurrently with his term as state representative.

By the Senate Minority Leader

BUILDING CONSTRUCTION, JOINT COMMITTEE ON STATE

● Sen. James Francisco; 217 E. English; Mulvane 67110. Eff. 1-13-83. Reapp. Exp. 1-14-85.

By the House Minority Leader

BUILDING CONSTRUCTION, JOINT COMMITTEE ON STATE

● Rep. Darrel Webb; 2608 S. Fern; Wichita 67217. Eff. 1-20-83. Reapp. Exp. 1-14-85.

By the Chairperson of the Senate Ways and Means Committee

BUILDING CONSTRUCTION, JOINT COMMITTEE ON STATE

● Sen. August Bogina, Jr.; 13513 West 90th Place; Lenexa 66215. Eff. 1-11-83. Reapp. Exp. 1-14-85.

By the State Board of Education

EDUCATION COMMISSION OF THE STATES

● Robert J. Clemons; 2105 West Laurel; Independence 67301. Eff. 1-12-83. Represents the State Board of Education.

JACK H. BRIER
Secretary of State

State of Kansas**LEGISLATURE**

The following list gives the numbers and titles of bills and resolutions recently introduced in the Legislature.

Copies of bills and resolutions are available free of charge. (Limit: 5 copies of any one item.) Write: Legislative Document Room; State Capitol; Topeka, KS 66612. Or call: (913) 296-7394.

Bills Introduced February 10-16:

SB 260, by Committee on Education: An act concerning schools; relating to minimum competency assessment of basic skills of pupils thereof; amending K.S.A. 1982 Supp. 72-9403 and repealing the existing section.

SB 261, by Committee on Labor, Industry and Tourism: An act amending the workmen's compensation act; providing for the payment of certain permanent partial bodily impairments; amending K.S.A. 44-510d and repealing the existing section.

SB 262, by Committee on Judiciary: An act relating to insurance; concerning attorney fees.

SB 263, by Committee on Judiciary: An act concerning the state board of tax appeals; relating to appeals from certain orders of the board; amending K.S.A. 74-2426 and repealing the existing section.

SB 264, by Committee on Federal and State Affairs: An act amending the real estate brokers' and salespersons' license act; amending K.S.A. 1982 Supp. 58-3035, 58-3037, 58-3041, 58-3045, 58-3049, 58-3052, 58-3059, 58-3061 and 58-3062 and repealing the existing sections.

SB 265, by Committee on Local Government: An act concerning the registration of bonds.

SB 266, by Committee on Ways and Means: An act concerning community colleges; transferring supervision thereof from the state board of education to the state board of regents; amending K.S.A. 71-202, 71-211, 71-306, 71-403, 71-406, 71-609, 71-701, 71-801, 71-802, 71-901, 71-902, 71-1104, 71-1105, 71-1106, 71-1201, 71-1309, 71-1406, 72-4408, 72-4411, 72-4412, 72-4413, 72-4415, 72-4416, 72-4417, 72-4418, 72-4421, 72-4422, 72-4423, 72-4424, 72-4424a, 72-4427, 72-4429, 72-4517, 72-4521, 72-4525, 72-5015, 72-5017, 72-5326, 72-5369, 72-6201, 72-6202, 72-7101, 72-7515, 72-7518a and 72-8301 and K.S.A. 1982 Supp. 71-201, 71-302, 71-602, 71-607, 71-615, 72-9002 and 72-9003, and repealing the existing sections; also repealing K.S.A. 72-1393.

SB 267, by Committee on Assessment and Taxation: An act relating to taxation; imposing a tax upon the privilege of severing oil and gas from the earth or water of the state; providing for the levy and collection of such taxes and the administration and enforcement of the provisions of the act; prescribing penalties for violations thereof and providing for the use and disposition of revenues derived therefrom.

SB 268, by Committee on Energy and Natural Resources: An act relating to civil penalties imposed upon damage to water quality; amending K.S.A. 65-170d and repealing the existing section.

SB 269, by Committee on Energy and Natural Resources: An act concerning water wells; requiring information to be submitted to the department of health and environment relating thereto.

SB 270, by Committee on Energy and Natural Resources: An act relating to intensive groundwater use control areas; amending K.S.A. 1982 Supp. 82a-1036 and repealing the existing section.

SB 271, by Committee on Energy and Natural Resources: An act increasing the balance in the pollutant discharge cleanup fund; amending K.S.A. 65-171w and repealing the existing section.

SB 272, by Committee on Energy and Natural Resources: An act concerning water; amending the state water planning and plan acts; amending K.S.A. 1982 Supp. 82a-903 and 82a-928 and repealing the existing sections.

SB 273, by Committee on Energy and Natural Resources: An act concerning water; relating to minimum streamflows; amending K.S.A. 1982 Supp. 82a-703a and repealing the existing section.

SB 274, by Committee on Assessment and Taxation: An act amending the Kansas retailers' sales tax act; concerning the exemption of services performed in original construction; amending K.S.A. 1982 Supp. 79-3603 and repealing the existing section.

SB 275, by Committee on Assessment and Taxation: An act relating to the taxation of tangible property; mandating a program of statewide reappraisal of real property; providing for the administration of such program and duties of certain state and county officers; prescribing limitations upon the levy of taxes upon tangible property by taxing districts after implementation of valuations determined under such reappraisal program and providing for exemptions therefrom; amending K.S.A. 79-1412a and 79-1602 and K.S.A. 1982 Supp. 79-1460 and repealing the existing sections; also repealing K.S.A. 79-1437b and 79-1440 and K.S.A. 1982 Supp. 79-1452 to 79-1454, inclusive.

SB 276, by Committee on Federal and State Affairs: An act concerning the admissibility of evidence in criminal proceedings.

SB 277, by Committee on Federal and State Affairs: An act relating to law enforcement and law enforcement training; amending K.S.A. 1982 Supp. 74-5604a, 74-5605 and 74-5607 and repealing the existing sections.

SB 278, by Committee on Energy and Natural Resources: An act increasing the penalty for refusal to purchase a state park motor vehicle permit; amending K.S.A. 1982 Supp. 74-4509c and repealing the existing section.

SB 279, by Committee on Energy and Natural Resources: An act establishing a penalty for refusal to purchase a state park camping permit.

SB 280, by Committee on Energy and Natural Resources: An act authorizing the sale of state park camping permits by concessionaires and other persons and the receiving of fees therefor.

SB 281, by Committee on Energy and Natural Resources: An act relating to hazardous wastes; amending K.S.A. 1982 Supp. 65-3430 through 65-3433, 65-3435 through 65-3437, 65-3439, 65-3441 through 65-3444 and 65-3446 and repealing the existing sections; also repealing K.S.A. 1982 Supp. 65-3448.

SB 282, by Committee on Public Health and Welfare: An act concerning scholarships available to medical students; placing limitations on the awarding thereof.

(continued)

SB 283, by Committee on Public Health and Welfare: An act relating to the health care provider insurance availability act; limiting the liability of the fund; amending K.S.A. 40-3403 and repealing the existing section.

SB 284, by Committee on Public Health and Welfare: An act relating to the health care provider insurance availability act; amending K.S.A. 40-3403, 40-3404 and 40-3411 and repealing the existing sections.

SB 285, by Committee on Public Health and Welfare: An act creating a state health care commission; providing powers, duties and functions; providing for funding and expiration of the commission.

SB 286, by Committee on Local Government: An act concerning public improvements; relating to the assessment of the costs thereof; amending K.S.A. 12-1809 and repealing the existing section.

SB 287, by Committee on Transportation and Utilities: An act amending the child passenger safety act; providing for a penalty; amending K.S.A. 8-1344, 8-1345 and 8-1347 and repealing the existing sections.

SB 288, by Committee on Transportation and Utilities: An act concerning inspection of motor vehicles; amending K.S.A. 8-198 and 8-1759 and repealing the existing sections; also repealing K.S.A. 8-1750 to 8-1758, inclusive, 8-1759a and 8-1760.

SB 289, by Committee on Judiciary: An act concerning interest on judgments; providing for prejudgment interest in certain cases.

SB 290, by Committee on Judiciary: An act concerning workers' compensation; relating to compensation for certain disabilities; amending K.S.A. 44-510e and repealing the existing section.

SB 291, by Committee on Judiciary: An act concerning insurance; relating to certain unfair claim settlement practices; amending K.S.A. 40-2404 and repealing the existing section.

SB 292, by Committee on Judiciary: An act concerning civil procedure; enacting the uniform comparative fault act; amending K.S.A. 40-3113a and repealing the existing section; also repealing K.S.A. 60-258a and 60-258b.

SB 293, by Committee on Education: An act concerning taxation; providing certain exemptions from property or ad valorem taxes for property of unified school districts; amending K.S.A. 1982 Supp. 79-201 and repealing the existing section.

SB 294, by Committee on Public Health and Welfare: An act concerning the Kansas healing arts act; relating to advertisements of professional services; amending K.S.A. 65-2836, 65-2837 and 65-2842 and repealing the existing sections.

SB 295, by Committee on Agriculture and Small Business: An act concerning prompt payment of certain amounts owed by state agencies; imposing interest penalties under certain circumstances; prescribing duties for the director of accounts and reports; authorizing rules and regulations.

SB 296, by Committee on Local Government: An act concerning municipal courts; relating to sentencing; amending K.S.A. 12-4509 and repealing the existing section.

SB 297, by Committee on Local Government: An act concerning park districts; repealing K.S.A. 19-2879, 19-2880 and 19-2881.

SB 298, by Committee on Local Government: An act concerning the issuance of bonds; relating to notice of elections thereof; amending K.S.A. 10-120 and K.S.A. 1982 Supp. 25-2018 and repealing the existing sections.

SB 299, by Committee on Federal and State Affairs: An act providing for the submission of petitions for nonbinding advisory referenda on matters of local and statewide public interest.

HB 2434, by Committee on Ways and Means: An act establishing the Kansas office of federal energy grants management; providing for administration thereof; amending K.S.A. 1982 Supp. 58-1313, 58-1314, 58-1315, 75-46a08, 79-32, 170 and 79-45a02, and repealing the existing sections; also repealing K.S.A. 74-6801, 74-6802a, 74-6805, 74-6806, 74-6807, 74-6808, 74-6809, 74-6810, 74-6811, 74-6812 and 74-6813 and K.S.A. 1982 Supp. 74-6802, 74-6803 and 74-6804.

HB 2435, by Committee on Insurance (by request): An act relating to insurance; concerning motor vehicle insurance; providing for approved motor vehicle accident prevention programs.

HB 2436, by Committee on Insurance (by request): An act relating to insurance; concerning allocation of expenses of administration of firemen's relief fund; amending K.S.A. 40-1706 and repealing the existing section.

HB 2437, by Committee on Insurance (by request): An act relating to insurance; concerning automobile liability insurance coverage; amending K.S.A. 40-284, 40-3107, 40-3109 and 40-3117 and repealing the existing sections; also repealing K.S.A. 40-3113a.

HB 2438, by Committee on Local Government: An act concerning publication of certain legal notices; amending K.S.A. 1982 Supp. 79-2302 and repealing the existing section.

HB 2439, by Committee on Pensions, Investments and Benefits: An act relating to public moneys; concerning sale of security for deposit; amending K.S.A. 9-1405 and repealing the existing section.

HB 2440, by Committee on Education (by request): An act authorizing boards of education to employ classroom paraprofessionals and aides to assist in the provision of instructional programs of school districts; amending K.S.A. 1982 Supp. 72-1106 and repealing the existing section.

HB 2441, by Committee on Education (by request): An act relating to the taxation of income; providing a credit therefrom for contributions of computer equipment; amending K.S.A. 1982 Supp. 79-32, 120 and 79-32, 138 and repealing the existing sections.

HB 2442, by Committee on Communication, Computers and Technology: An act establishing the Kansas high technology research partnership program to promote research projects within this state which will enhance employment opportunity, stimulate high technology economic development and encourage private investment.

HB 2443, by Committee on Education: An act authorizing the board of education of unified school district No. 350, Stafford county, to transfer certain parcels of land.

HB 2444, by Committee on Education (by request): An act concerning vocational education; relating to state capital outlay aid for schools providing programs therein; amending K.S.A. 72-4440, 72-4442 and 72-4443, and repealing the existing sections.

HB 2445, by Committee on Ways and Means: An act relating to energy emergency preparedness planning; prescribing authorities and duties for the governor and the state corporation commission relating thereto.

HB 2446, by Committee on Insurance (by request): An act relating to insurance; concerning unfair methods of competition and unfair or deceptive acts or practices in the business of title insurance; amending K.S.A. 40-2404 and repealing the existing section.

HB 2447, by Committee on Insurance (by request): An act relating to insurance; concerning search and examination of title to property and determination of insurability and risk; amending K.S.A. 40-235 and repealing the existing section.

HB 2448, by Committee on Local Government: An act concerning sewer districts; relating to the financing of improvements therein; amending K.S.A. 19-2709 and repealing the existing section.

HB 2449, by Committee on Local Government: An act concerning water districts; relating to the financing of improvements therein; amending K.S.A. 19-3841 and repealing the existing section.

HB 2450, by Committee on Federal and State Affairs: An act amending the real estate brokers' and salespersons' license act; amending K.S.A. 1982 Supp. 58-3041, 58-3045, 58-3049, 58-3052, 58-3059, 58-3061 and 58-3062 and repealing the existing sections.

HB 2451, by Committee on Federal and State Affairs: An act concerning population figures; amending K.S.A. 11-201 and repealing the existing section.

HB 2452, by Committee on Energy and Natural Resources: An act concerning fish and game; relating to the disposition of certain fines; amending K.S.A. 20-2801 and repealing the existing section.

HB 2453, by Committee on Education (by request): An act concerning the Kansas fish and game commission; relating to the regulation of falconry.

HB 2454, by Committee on Education (by request): An act concerning community colleges; relating to capital outlay levies thereof; amending K.S.A. 71-501 and repealing the existing section.

HB 2455, by Committee on Public Health and Welfare: An act concerning the state board of embalming; providing for examination of a funeral director from another state; amending K.S.A. 1982 Supp. 65-1721 and repealing the existing section.

HB 2456, by Committee on Local Government: An act concerning sewer districts; relating to the financing of costs of improvements therein; amending K.S.A. 1982 Supp. 19-27, 170 and repealing the existing section.

HB 2457, by Committee on Education (by request): An act concerning teachers; relating to termination or nonrenewal of contracts thereof; amending K.S.A. 72-5412a, 72-5436, 72-5437, 72-5438, 72-5439, 72-5440, 72-5441, 72-5442, 72-5443, 72-5445 and 72-5446, and repealing the existing sections.

HB 2458, by Committee on Energy and Natural Resources: An act concerning the income and interest from investments of moneys in the forestry, fish and game commission fee fund.

HB 2459, by Committee on Energy and Natural Resources: An act concerning fur-bearing animals; relating to the illegal trapping or taking of such animals; prescribing penalties for violations thereof; amending K.S.A. 32-158 and repealing the existing section.

HB 2460, by Committee on Insurance (by request): An act relating to insurance; concerning individual accident and sickness insurance; amending K.S.A. 40-2203 and repealing the existing section.

HB 2461, by Committee on Labor and Industry: An act concerning workers' compensation; relating to liability of workers' compensation fund; compensation for special local administrative law judges; amending K.S.A. 44-551 and K.S.A. 1982 Supp. 44-532a and repealing the existing sections.

HB 2462, by Committee on Labor and Industry: An act concerning the workers' compensation fund; relating to financing the expenses of administration; amending K.S.A. 1982 Supp. 44-566a and repealing the existing section.

HB 2463, by Committee on Transportation: An act concerning the Kansas highway patrol; amending K.S.A. 74-2114 and repealing the existing section.

HB 2464, by Committee on Energy and Natural Resources: An act concerning fish and game; relating to hunting licenses; amending K.S.A. 32-401 and repealing the existing section.

HB 2465, by Committee on Education (by request): An act concerning school district finance; affecting the computation of state transportation aid; amending K.S.A. 72-7047 and repealing the existing section.

SCR 1620, by Senator Gordon: A concurrent resolution congratulating Highland Community College on its 125th anniversary.

HCR 5023, by Representatives Dyck, Braden, Bussman, Crowell, Crumbacker, Dean, Douville, Farrar, Fox, Friedeman, L. Fry, B. Fuller, Goossen, Guldner, Hamm, Harper, Hayden, Hoy, Laird, Long, Louis, Lowther, Matlack, D. Miller, Moore, Niles, B. Ott, Polson, Sallee, Shelor, Smith, Sughrue, Vancrum and Wilbert: A concurrent resolution relating to the health and safety problems of alcohol consumption.

HCR 5024, by Representatives Helgeson, Cribbs, Dean, Dillon, Francisco, Jarchow and Teagarden: A concurrent resolution memorializing the President of the United States and the United States Congress to repeal paragraphs 611 to 616, inclusive, of the Tax Equity and Fiscal Responsibility Act of 1982 (Internal Revenue Code Sections 3451 to 3456, inclusive) that requires the withholding of 10% of interest, dividends or patronage dividends.

HCR 5025, by Representative Niles: A concurrent resolution providing for a special committee to make a legislative study concerning fines and penalties for violations of law.

HCR 5026, by Representative Matlack: A concurrent resolution directing the Kansas Judicial Council to conduct a study of the plea or verdict of guilty but mentally ill.

SR 1812, by Senator Reilly: A resolution in memory of Dr. C. Ralph Combs.

SR 1813, by Senators Pomeroy and Hein: A resolution congratulating the Washburn Rural High School debate squad for winning the Class 5A State Debate Tournament.

HR 6015, by Representative R. D. Miller: A resolution congratulating Amos Morris on his induction into the Kansas State High School Activities Association Hall of Fame.

State of Kansas

DEPARTMENT OF EDUCATION

TEMPORARY ADMINISTRATIVE REGULATIONS

(Approved by the State Rules and Regulations Board February 10, 1983. Will expire May 1, 1984.)

Article 5.—DRIVER AND TRAFFIC SAFETY EDUCATION COURSES

91-5-1. Definitions. (a) An "hour" means a class period of not less than 50 minutes.

(b) "State board" means the state board of education.

(c) "Driver education I" means a course designed to teach novice drivers the components of basic automobile operation.

(d) "Driver education II" means a course designed to provide drivers with the advanced skills needed to operate an automobile, truck, bus or motorcycle. (Authorized by K.S.A. 72-7514, implementing L. 1982, ch. 42, sec. 3; effective May 1, 1980; amended T-84-2, Feb. 10, 1983.)

91-5-14. Driver Education II. Effective December 30, 1982, all motorcycle and advanced driving skills programs shall be approved by the state board.

(a) (1) Motorcycle instruction shall be offered only to students who are 15 years of age or older who have completed an approved course in driver education or who hold a valid motor vehicle operator's license. Each course shall include a minimum of 24 hours of instruction which shall include not less than eight hours of classroom instruction and an average of not less than six hours of on-street, behind-the-bar instruction per student. On-street driving instruction shall not exceed one hour per day except that one instructional period in each program may be extended to a maximum of two hours.

(2) Instructors of an approved motorcycle course shall complete a 60 hour instructor's course, approved by the department of education.

(3) Instructors shall maintain instructional proficiency by teaching at least one course in every two calendar years.

(4) Instruction proficiency renewal may be obtained by completing a 20 hour refresher course approved by the department of education.

(5) Students shall successfully complete all phases of an approved motorcycle education course to be eligible for the division of vehicles D.E. 48 certification of completion.

(6) No program shall have more than 12 students per instructor for off-street instruction nor more than six students for on-street instruction.

(7) During on-street instruction, each student shall wear a bright orange or yellow riding vest inscribed with the words "student driver."

(8) All programs meeting the requirements for an approved course shall be eligible for reimbursement through the motorcycle safety fund.

(b) Advanced driving skill programs shall be offered only to students who are 16 years of age or older

who hold a valid operator's license, or who have completed an approved basic driver education program or both. Each course shall include a minimum of 24 hours of instruction which shall include not less than eight hours of classroom instruction and an average of not less than six hours of behind-the-wheel instruction per student. (Authorized by K.S.A. 72-7513 and 72-7514; implementing L. 1982, ch. 42, § 3; effective May 1, 1976; amended May 1, 1978; amended May 1, 1979; amended May 1, 1980; amended May 1, 1982; amended T-84-2, Feb. 10, 1983.)

DR. MERLE R. BOLTON
Commissioner of Education

Doc. No. 000945

State of Kansas

SECRETARY OF STATE

TEMPORARY ADMINISTRATIVE REGULATIONS

(Approved by the State Rules and Regulations Board February 10, 1983. Will expire May 1, 1984.)

Article 29.—BALLOTS

7-29-1. 1983 official ballot printing rates. The secretary of state authorizes the following maximum prices for the printing of ballots: (a) For the first 100 ballots for the primary and general elections, the maximum price shall be \$75 for the national and state offices, \$75 for the county and township offices on the ballot, and \$2.25 for each additional 100 ballots. In addition, there shall be allowed, for each ballot, \$3.50 per change for the first 10 changes, then \$1.75 for every change thereafter.

(b) For the first 100 ballots for the city and school primary and general elections, the maximum price shall be \$37.50 and \$1.25 for each additional 100 ballots. In addition, there shall be allowed for each ballot, \$3.50 per change for the first 10 changes, then \$1.75 for every change thereafter.

(c) For the first 100 judicial ballots for the general election, the maximum price shall be \$30.00 and \$1.00 for each additional 100 ballots. In addition, there shall be allowed, for each ballot, \$3.50 per change for the first 10 changes, then \$1.75 for every change thereafter.

(d) For the first 100 ballots regarding any special elections, constitutional amendments, or for question submitted elections, the maximum price shall be \$18.50 for each separate question or issue and \$1.60 for each additional 100 ballots. In addition there shall be allowed, for each ballot, \$3.50 per change for the first 10 changes, then \$1.75 for every change thereafter. (Authorized by and implementing K.S.A. 1982 Supp. 25-604; effective T-84-4, Feb. 10, 1983.)

JACK H. BRIER
Secretary of State

Doc. No. 000944

State of Kansas

STATE BOARD OF PHARMACY**TEMPORARY ADMINISTRATIVE REGULATIONS**

(Approved by the State Rules and Regulations Board February 10, 1983. Will expire May 1, 1984.)

Article 7.—MISCELLANEOUS PROVISIONS

68-7-18. Health Departments and private not-for-profit family planning clinics. The scope of pharmaceutical services provided by health departments and private not-for-profit family planning clinics authorized under K.S.A. 65-1648(d)(1) shall conform to the following regulations: (a) Health departments and private not-for-profit family planning clinics may store and distribute prescription-only drugs and devices that are recommended by the secretary of health & environment and approved by the Kansas state board of pharmacy for those public health programs that have been approved by the secretary of health & environment.

(b) The prescription-only drugs and devices which may be stored and distributed for approved programs shall be limited to the list of drugs approved by the Board for each type of treatment program. The Board shall publish and provide a list of approved drugs at least annually to the secretary of health & environment for dissemination to health departments and private not-for-profit family planning clinics. As new drugs are developed that may be useful in the treatment of the conditions or diseases covered by the public health program and upon recommendation of the secretary of health & environment, the board may add new drugs to the approved list and notice of drugs added to the approved list shall be distributed to each health department and family planning clinic.

(c) The pharmacist in charge of pharmaceutical services for each health department and family planning clinic shall be responsible for:

(1) Developing programs and supervising all personnel in the distribution and control of prescription-only drugs and all pharmaceutical services provided;

(2) Developing a policy and procedures manual governing the storage, control and distribution of prescription medication within the facility;

(3) Developing procedures for the control and distribution of drugs within health department facilities and family planning clinics when a pharmacist is not on the premises;

(4) Maintaining documentation of at least quarterly checks of drug records, drug storage conditions and drugs stored in all locations within the facility;

(5) Establishing a drug recall procedure that can be effectively implemented;

(6) Developing written procedures for maintaining records of administration, dispensing, distribution and prepackaging of drugs. Prepackaged medications shall include the name of the drug, the strength, quantity, lot number and expiration date, if applicable; and

(7) Maintaining a drug information reference library.

(d) The procedures developed by the pharmacist in

charge for the control and distribution of drugs within health department facilities and family planning clinics shall be consistent with the following requirements.

(1) A supply of prescription-only medications shall be supplied to a patient by designated registered nurse or nurses pursuant to a prescription when a pharmacist is not on the premises. The supply shall conform with the following labeling requirements:

(A) Name, address and telephone number of the health department or family planning clinic from which the drug is supplied;

(B) patient's name;

(C) adequate directions;

(D) practitioner's name;

(E) date and identifying number;

(F) name, quantity and strength of medication; and

(G) auxiliary labels, if needed.

(2) Designated registered nurse or nurses may enter the pharmacy area and remove properly labeled pharmacy stock containers, commercially labeled packages, or properly labeled prepackaging of prescription medication for distribution pursuant to a prescription order.

(3) Adequate records of the distribution of supplies by designated registered nurse or nurses shall be maintained and shall include the original prescription order or a copy of the original.

(A) If the order was given orally or by telephone, designated registered nurse or nurses shall reduce that order to writing. The written copy of the order shall be signed by the designated registered nurse and the practitioner and maintained in a permanent patient file.

(B) The records shall further include the following: name of patient, age, date, drug, strength, quantity distributed, directions for use, practitioner's name and DEA number, if appropriate.

(e) All pharmaceutical services provided to patients shall be in accordance with the Kansas pharmacy laws, and all rules and regulations governing community pharmacy practice.

(f) The appointment of any pharmacist as pharmacist in charge of a health clinic shall be subject to the provisions of K.A.R. 68-7-13.

(g) Each health department or not-for-profit family planning clinic operating under the provisions of K.S.A. 65-1648(d)(1) shall be registered by the board upon application and payment of an annual fee of \$25.00. (Authorized by and implementing K.S.A. 65-1648; effective T-84-3, Feb. 10, 1983.)

STATE BOARD OF PHARMACY

Doc. No. 000946

State of Kansas

DEPARTMENT OF
HEALTH AND ENVIRONMENT

TEMPORARY ADMINISTRATIVE REGULATIONS

(Approved by the State Rules and Regulations Board February 10, 1983. Will expire May 1, 1984.)

Article 31.—HAZARDOUS WASTE MANAGEMENT STANDARDS AND REGULATIONS

28-31-2. Definitions. (a) Incorporation. 40 CFR Part 260.10, as in effect on February 1, 1983, is adopted by reference.

(b) "Disposal authorization" means approval from the secretary to dispose of hazardous waste in Kansas.

(c) "Hazardous waste disposal application" means the written information which a hazardous waste generator, transporter and disposal facility shall submit to the department in order to obtain disposal authorization.

(d) "Kansas generator" means any person who generates more than 100 kilograms and less than 1,000 kilograms of hazardous waste in a calendar month.

(e) "Radioactive hazardous waste storage or disposal facility" means a facility at which radioactive hazardous waste management is authorized to be performed by a specific license issued by the secretary.

(f) Differences between state and federal definitions. When the same word is defined both in the Kansas statutes and in any federal regulation adopted by reference in these rules and regulations and the definitions are not identical, the definition prescribed in the Kansas statutes shall control. (Authorized by and implementing K.S.A. 1981 Supp. 65-3431; effective May 1, 1982; amended T-84-5, Feb. 10, 1983.)

28-31-3. Identification of characteristics and listing of hazardous waste. (a) Incorporation. 40 CFR Part 261, as in effect on February 1, 1983, is adopted by reference, except for Part 261.5(a) which shall read, "A generator is a small quantity generator if less than 100 kilograms of hazardous waste is generated in a calendar month."

(b) Delisting procedure. Any person seeking to exclude a waste at a particular generating facility from the list maintained by the secretary may petition the secretary in accordance with the provisions of 40 CFR Parts 260.20(b) and 260.22, as in effect on February 1, 1983.

(c) Small quantity exemption for radioactive hazardous wastes. Any person who in one year generates less than the applicable quantities of radioactive hazardous wastes set forth in K.A.R. 28-35-224 and 225 shall be exempt from these rules and regulations, if the wastes are disposed in accordance with K.A.R. 28-35-223(A), 28-35-224, and 28-35-225. (Authorized by and implementing K.S.A. 48-1607 and K.S.A. 1981 Supp. 65-3431; effective May 1, 1982; amended T-84-5, Feb. 10, 1983.)

28-31-4. Standards for generators of hazardous waste. (a) Incorporation. 40 CFR Part 262, as in effect on February 1, 1983, is adopted by reference.

(b) Kansas generator requirements. Kansas generators shall comply with all requirements of subsection (a) except for 40 CFR Part 262.34(a)(4), as in effect on February 1, 1983. The 90 day time period of 40 CFR Part 262.34, as in effect on February 1, 1983, for accumulation of wastes on-site shall begin for a Kansas generator when the accumulated wastes exceed 1000 kilograms. (Authorized by and implementing K.S.A. 1981 Supp. 65-3431; effective May 1, 1982; amended T-84-5, Feb. 10, 1983.)

28-31-6. Standards for transporters of hazardous waste. (a) Incorporation. 40 CFR Part 263, as in effect on February 1, 1983, is adopted by reference.

(b) Registration. In addition to the requirements of subsection (a), any person transporting hazardous waste within, into, out of, or through Kansas shall register with the department. The registration shall be on forms provided by the department. A person shall not transport hazardous waste within, into, out of, or through Kansas without written acknowledgement that registration is complete.

(c) Insurance requirements. All transporters of hazardous waste in Kansas shall secure and maintain liability insurance on all vehicles transporting hazardous waste. The limits of insurance shall not be less than \$100,000.00 per person and \$300,000.00 per occurrence for bodily injury or death and \$100,000.00 for all damages to the property of others. When combined bodily injury or death and property damage coverage are provided, the total limits shall not be less than \$400,000.00. Transporters of hazardous waste who are required to maintain liability insurance as prescribed in 49 CFR Part 387, as in effect on February 1, 1983, shall be exempt from these minimum insurance requirements. Should any of the coverages be reduced or cancelled, the transporter shall notify the department at least 35 days before the effective date of that action. Proof of periodic renewal shall also be furnished before the expiration date of the policy. (Authorized by and implementing K.S.A. 1981 Supp. 65-3431; effective May 1, 1982; amended T-84-5, Feb. 10, 1983.)

28-31-8. Standards for hazardous waste storage, treatment, and disposal facilities. 40 CFR Parts 264, 265, 266 and 267, as in effect on February 1, 1983, are adopted by reference. (Authorized by and implementing K.S.A. 1981 Supp. 65-3431; effective May 1, 1982; amended T-84-5, Feb. 10, 1983.)

28-31-9. Hazardous waste storage, treatment, and disposal facility permits. 40 CFR Part 122 Subparts A, B and Part 124 Subparts A, B, E, and F, as in effect on February 1, 1983, are adopted by reference. (Authorized by and implementing K.S.A. 1981 Supp. 65-3431; effective May 1, 1982; amended T-84-5, Feb. 10, 1983.)

BARBARA J. SABOL
Secretary

Doc. No. 000947

(Published in the KANSAS REGISTER February 24, 1983.)

HOUSE BILL No. 2025

AN ACT concerning counties; relating to civic centers; amending K.S.A. 19-15,139, 19-15,140 and 19-15,141 and repealing the existing sections.

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

Section 1. K.S.A. 19-15,139 is hereby amended to read as follows: 19-15,139. The board of county commissioners of any county having a population of more than one hundred fifty thousand (150,000) and less than one hundred eighty thousand (180,000) is hereby authorized to Seward, Shawnee and Wyandotte counties may acquire by condemnation, gift, bequest, purchase or lease from public or private sources and to may plan, construct, operate and maintain, or to may lease to others for construction, operation and maintenance, a civic center complex for the benefit of the people of such the county; which. The complex shall include all necessary buildings, access roads to connect with existing thoroughfares or interstate highways, parking facilities, concessions and other facilities deemed necessary by the board; and to. The board may do all things incidental or necessary to establish a commercial or private complex, located upon, above or below the ground, for the types of functions and activities deemed suitable therefor by the board.

Sec. 2. K.S.A. 19-15,140 is hereby amended to read as follows: 19-15,140. In order to carry out the authority granted in K.S.A. 19-15,139, and for no other purpose, the board is hereby authorized to of county commissioners of Shawnee and Wyandotte counties may issue general obligation bonds of the county in an amount not to exceed twenty million dollars (\$20,000,000) \$20,000,000. The board of county commissioners of Seward county may issue general obligation bonds in an amount not to exceed \$5,000,000. No such bonds shall be issued until the question of their issuance shall have been submitted to a vote of the qualified electors of such the county at any county general election, school board election or special election called and held for that purpose, and a majority of the qualified electors voting thereon have voted votes in favor thereof. Such The election shall be noticed, called and held; and said the bonds shall be issued, sold, delivered, registered; and retired in the manner provided by the general bond law.

Sec. 3. K.S.A. 19-15,141 is hereby amended to read as follows: 19-15,141. Bonds issued under the authority of this act pursuant to K.S.A. 19-15,140 and amendments thereto by Seward, Shawnee and Wyandotte counties shall not be subject to or within any bonded debt limitation fixed by any other law of this state.

Sec. 4. K.S.A. 19-15,139, 19-15,140 and 19-15,141 are hereby repealed.

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

I hereby certify that the above BILL originated in the HOUSE, and passed that body January 21, 1983.

MIKE HAYDEN
Speaker of the House.
GENEVA SEWARD
Chief Clerk of the House.

Passed the SENATE February 15, 1983.

ROSS O. DOYEN
President of the Senate.
LU KENNEY
Secretary of the Senate.

APPROVED February 22, 1983.

JOHN CARLIN
Governor.

STATE OF KANSAS
Office of Secretary of State

I, JACK H. BRIER, Secretary of State of the State of Kansas, do hereby certify that the above and foregoing is a correct copy of the original enrolled bill now on file in my office.

IN TESTIMONY WHEREOF, I have hereunto subscribed my name and affixed my official seal, this 22nd day of February, 1983.

(SEAL)

JACK H. BRIER
Secretary of State.

(Published in the KANSAS REGISTER February 24, 1983.)

HOUSE BILL No. 2030

AN ACT concerning elections held for the approval of tax levies for improving roads in certain townships and authorizing the township boards to make such levies.

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

Section 1. Any election which was held prior to the effective date of this act for the approval of a tax to be levied by Monmouth township, in Shawnee county, to raise funds for township road improvements in accordance with K.S.A. 1982 Supp. 80-1413 and which had notice thereof first published 17 days prior to the election instead of 21 days prior to the election is hereby validated. The Monmouth township board may levy the tax in the amount and for the purpose approved by the voters at the election.

Sec. 2. Any election which was held prior to the effective date of this act for the approval of a tax to be levied by Rossville township, in Shawnee county, to raise funds for township road improvements in accordance with K.S.A. 1982 Supp. 80-1413 and which had notice thereof first published 17 days prior to the election instead of 21 days prior to the election is hereby validated. The Rossville township board may levy the tax in the amount and for the purpose approved by the voters at the election.

Sec. 3. Any election which was held prior to the effective date of this act for the approval of a tax to be levied by Mission township, in Shawnee county, to raise funds for township road improvements in accordance with K.S.A. 1982 Supp. 80-1413 and which had notice thereof first published 17 days prior to the election instead of 21 days prior to the election is hereby validated. The Mission township board may levy the tax in the amount and for the purpose approved by the voters at the election.

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

I hereby certify that the above BILL originated in the HOUSE, and passed that body January 26, 1983.

MIKE HAYDEN
Speaker of the House.
GENEVA SEWARD
Chief Clerk of the House.

Passed the SENATE February 15, 1983.

ROSS O. DOYEN
President of the Senate.
LU KENNEY
Secretary of the Senate.

APPROVED February 22, 1983.

JOHN CARLIN
Governor.

STATE OF KANSAS
Office of Secretary of State

I, JACK H. BRIER, Secretary of State of the State of Kansas, do hereby certify that the above and foregoing is a correct copy of the original enrolled bill now on file in my office.

IN TESTIMONY WHEREOF, I have hereunto subscribed my name and affixed my official seal, this 22nd day of February, 1983.

(SEAL)

JACK H. BRIER
Secretary of State.

(Published in the KANSAS REGISTER February 24, 1983.)

HOUSE BILL No. 2032

AN ACT relating to vocational education courses and programs; concerning the disposition of donations, gifts, grants and bequests made for purposes related to the conduct thereof; amending K.S.A. 72-4423 and 72-4441, and repealing the existing sections.

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

Section 1. K.S.A. 72-4423 is hereby amended to read as follows: 72-4423. Any board may receive any donation, gift, grant or bequest made for any purpose related to the conduct of any vocational education course courses or program programs heretofore or hereafter approved by the state board. In accordance with any conditions imposed with the taking by the donor, such board may expend any nonfederal or nonstate donation, gift, grant or bequest without complying with the provisions of the budget law, and the same shall not reduce the authority granted to any school district or community junior college district to levy and expend taxes and tax money for any purpose. The state board may receive any donation, gift, grant or bequest made in behalf of any specific area vocational school or area vocational-technical school, or for the state program of area vocational schools and area vocational-technical schools or for any vocational education course or program.

Sec. 2. K.S.A. 72-4441 is hereby amended to read as follows: 72-4441. (a) There is hereby established in every area vocational-technical school a fund which shall be called the "vocational education capital outlay fund," which fund shall consist of all moneys deposited therein or transferred thereto according to law. All moneys received by the an area vocational-technical school from distributions made under this act shall be credited to the vocational education capital outlay fund.

(b) Any moneys received, prior to or after the effective date of this act, by an area vocational-technical school from donations, gifts, grants or bequests, subject to any terms or conditions to the contrary imposed by the donor thereof, may be transferred to or deposited in the vocational education capital outlay fund and may be expended by the area vocational-technical school for any purpose for which vocational education capital outlay aid may lawfully be expended.

Sec. 3. K.S.A. 72-4423 and 72-4441 are hereby repealed.

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

I hereby certify that the above BILL originated in the HOUSE, and passed that body February 2, 1983.

MIKE HAYDEN
Speaker of the House.
GENEVA SEWARD
Chief Clerk of the House.

Passed the SENATE February 17, 1983.

ROSS O. DOYEN
President of the Senate.
LU KENNEY
Secretary of the Senate.

APPROVED February 22, 1983.

JOHN CARLIN
Governor.

STATE OF KANSAS
Office of Secretary of State

I, JACK H. BRIER, Secretary of State of the State of Kansas, do hereby certify that the above and foregoing is a correct copy of the original enrolled bill now on file in my office.

IN TESTIMONY WHEREOF, I have hereunto subscribed my name and affixed my official seal, this 22nd day of February, 1983.

(SEAL)

JACK H. BRIER
Secretary of State.

(Published in the KANSAS REGISTER February 24, 1983.)

SENATE BILL No. 84

AN ACT relating to the issuance of certificates of indebtedness to meet obligations of the state payable from the state general fund; amending K.S.A. 75-3711c and 75-3725a and repealing the existing sections.

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

Section 1. K.S.A. 75-3725a is hereby amended to read as follows: 75-3725a. (a) Whenever it shall appear that the estimated resources for any fiscal year in the state general fund are sufficient to meet in full the estimated expenditures and obligations for that fiscal year, but that the estimated resources in the state general fund in any month or months of such fiscal year are insufficient to meet in full the estimated expenditures and obligations for such month or months as the same become due, the director of the budget shall so inform the secretary of administration. Unless such the secretary finds that the estimates of the director of the budget are grossly incorrect, such the secretary shall inform the governor of the report of the director of the budget, and thereupon the governor shall call a meeting of the state finance council within forty-eight (48) 48 hours after receiving such notice for the sole purpose of implementing provisions of this act. At such meeting the director of the budget shall inform the state finance council of the facts which caused the meeting to be called and together with the director of accounts and reports shall report upon the finances of the state relevant to the call of such meeting, including the availability of cash in state bank accounts moneys on deposit in banks as provided in article 42 of chapter 75 of the Kansas Statutes Annotated, and amendments thereto, to meet all the obligations of the state as the same become due. Thereupon the state finance council may by unanimous the affirmative vote of the governor and of six of the legislator members of the council order the pooled money investment board to issue a written certificate of indebtedness subject to redemption from the state general fund not later than sixty (60) days after the date of issuance thereof or on the June 30 next following the issuance of such certificate of indebtedness; whichever is the sooner. Upon the issuance of any such certificate of indebtedness the state treasurer shall purchase the same for the amount specified therein from state moneys on deposit in banks as provided in article 42 of chapter 75 of Kansas Statutes Annotated. Upon the occurrence of any such purchase the state treasurer and the director of accounts and reports shall make appropriate entries to credit the state general fund in the amount of the state treasurer's purchase. In the event that the state finance council orders the issuance of any certificate of indebtedness under authority of this act, the amount thereof shall be sufficient in the opinion of the state finance council to increase the resources of the state general fund such that such resources will be sufficient to meet the estimated expenditures and obligations from the state general fund in each month for the balance of such fiscal year. No interest shall accrue or be paid on any such certificate of indebtedness. Not later than sixty (60) days after the date of issuance thereof or on the June 30 following the issuance of any such certificate of indebtedness; whichever is the sooner, the pooled money investment board shall redeem any such certificate of indebtedness by issuing an order to the state treasurer to return such certificate of indebtedness with the word "canceled" written across the same by the state treasurer, and thereupon the state treasurer and the director of accounts and reports shall make appropriate entries to reduce the balance of the state general fund by the amount specified in such certificate of indebtedness and restore the same to the state moneys on deposit in banks under authority of article 42 of chapter 75 of Kansas Statutes Annotated.

(b) Whenever it appears that the estimated resources for any fiscal year in the state general fund are sufficient to meet in full the estimated expenditures and obligations from such fund for such fiscal year and in addition to redeem any outstanding certificates of indebtedness issued pursuant to subsection (a) of this section, but that the estimated resources in the state general fund, including the amount of any outstanding certificate of indebtedness, in any month or months of such fiscal year are insufficient to meet in full the estimated expenditures and obli-

(continued)

gations for such month or months as the same become due, the state finance council may direct the pooled money investment board to issue another certificate of indebtedness. The issuance and redemption of any certificate of indebtedness issued under this subsection (b) shall be governed by the provisions of subsection (a) of this section.

(c) The certificate of indebtedness that the state finance council, at the December 17, 1982, meeting, ordered the pooled money investment board to issue shall not be subject to redemption prior to June 30, 1983.

Sec. 2. K.S.A. 75-3711c is hereby amended to read as follows: 75-3711c. (a) The following matters of business before the state finance council are hereby declared to be matters characterized as legislative delegations:

(1) Increase of expenditure limitations on special revenue funds imposed by legislative act.

(2) Grant of approval pursuant to K.S.A. 75-3711a, and amendments thereto.

(3) Exercise of functions specified in K.S.A. 75-3712, 75-3713, 75-3713a or 75-3725a and amendments thereto.

(4) Exercise of the functions specified in K.S.A. 48-938.

(b) All matters of business provided by this act to be performed by the governor in lieu of the state finance council are hereby declared to be executive functions to be exercised by the executive department subject to subsequent enactment by the legislature.

(c) The matters specified in subsection (a) shall be approved, authorized or directed by the governor and a majority vote of the legislative members of the state finance council and. Except for functions specified in K.S.A. 75-3725a, and amendments thereto, such approval, authorization or direction shall be given only when the legislature is not in session, upon findings, in addition to any enhancement or alteration thereof by legislative enactment, that:

(1) Unforeseeable occurrence or unascertainable effects of a foreseeable occurrence characterize the need for the requested action, and delay until the next legislative session on the requested action would be contrary to paragraph (3) of this subsection.

(2) The requested action is not one that was rejected in the next preceding session of the legislature, and is not contrary to known legislative policy.

(3) In cases where the action is requested for a single state agency, the requested action will assist the state agency in attaining an objective or goal which bears a valid relationship to powers and functions of the state agency.

Sec. 3. K.S.A. 75-3711c and 75-3725a are hereby repealed.

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

I hereby certify that the above BILL originated in the SENATE, and passed that body February 3, 1983.

ROSS O. DOYEN
President of the Senate.
LU KENNEY
Secretary of the Senate.

Passed the HOUSE February 22, 1983.

MIKE HAYDEN
Speaker of the House.
GENEVA SEWARD
Chief Clerk of the House.

APPROVED February 22, 1983.

JOHN CARLIN
Governor.

STATE OF KANSAS
Office of Secretary of State

I, JACK H. BRIER, Secretary of State of the State of Kansas, do hereby certify that the above and foregoing is a correct copy of the original enrolled bill now on file in my office.

IN TESTIMONY WHEREOF, I have hereunto subscribed my name and affixed my official seal, this 22nd day of February, 1983.

(SEAL)

JACK H. BRIER
Secretary of State.

(Published in the KANSAS REGISTER February 24, 1983.)

HOUSE BILL No. 2221

AN ACT concerning the employment security law; relating to benefits and contributions; prescribing certain surcharges on employers; amending K.S.A. 44-703, 44-704, 44-711, 44-714 and 44-717 and K.S.A. 1982 Supp. 44-706 and 44-710a and repealing the existing sections.

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

Section 1. K.S.A. 44-703 is hereby amended to read as follows: 44-703. As used in this act, unless the context clearly requires otherwise: (a) (1) "Annual payroll" means the total amount of wages paid or payable by an employer during the calendar year.

(2) "Average annual payroll" means the average of the annual payrolls of any employer for the last three calendar years immediately preceding the computation date as hereinafter defined if the employer has been continuously subject to contributions during those three calendar years and has paid some wages for employment during each of such years. In determining contribution rates for the calendar year, if an employer has not been continuously subject to contribution for the three calendar years immediately preceding the computation date but has paid wages subject to contributions during only the two calendar years immediately preceding the computation date, such employer's "average annual payroll" shall be the average of the payrolls for those two calendar years.

(b) "Base period" means the first four of the last five completed calendar quarters immediately preceding the first day of an individual's benefit year, except that the base period in respect to combined wage claims means the base period as defined in the law of the paying state.

(c) (1) "Benefits" means the money payments payable to an individual, as provided in this act, with respect to such individual's unemployment.

(2) "Regular benefits" means benefits payable to an individual under this act or under any other state law, including benefits payable to federal civilian employees and to exservicemen pursuant to 5 U.S.C. chapter 85, other than extended benefits.

(d) "Benefit year" with respect to any individual, means the period beginning with the first day of the first week for which such individual files a valid claim for benefits; and such benefit year shall continue for one full year. In the case of a combined wage claim, the benefit year shall be the benefit year of the paying state. Following the termination of a benefit year, a subsequent benefit year shall commence on the first day of the first week with respect to which an individual next files a claim for benefits. When such filing occurs with respect to a week which overlaps the preceding benefit year, the subsequent benefit year shall commence on the first day immediately following the expiration date of the preceding benefit year. Any claim for benefits made in accordance with subsection (a) of K.S.A. 44-709, and amendments thereto shall be deemed to be a "valid claim" for the purposes of this subsection if the individual has been paid wages for insured work as required under subsection (e) of K.S.A. 44-705 and amendments thereto. Whenever a week of unemployment overlaps two benefit years, such week shall, for the purpose of granting waiting-period credit or benefit payment with respect thereto, be deemed to be a week of unemployment within that benefit year in which the greater part of such week occurs.

(e) "Commissioner" or "secretary" means the secretary of human resources.

(f) (1) "Contributions" means the money payments to the state employment security fund which are required to be made by employers on account of employment under K.S.A. 44-710 and amendments thereto, and voluntary payments made by employers pursuant to said statute.

(2) Payments in lieu of contributions means the money payments to the state employment security fund from employers which are required to make or which elect to make such payments under subsection (e) of K.S.A. 44-710 and amendments thereto.

(g) "Employing unit" means any individual or type of organization, including any partnership, association, agency or department of the state of Kansas and political subdivisions thereof,

(continued)

trust, estate, joint-stock company, insurance company or corporation, whether domestic or foreign including nonprofit corporations, or the receiver, trustee in bankruptcy, trustee or successor thereof, or the legal representatives of a deceased person, which has in its employ one or more individuals performing services for it within this state. All individuals performing services within this state for any employing unit which maintains two or more separate establishments within this state shall be deemed to be employed by a single employing unit for all the purposes of this act. Each individual employed to perform or to assist in performing the work of any agent or employee of an employing unit shall be deemed to be employed by such employing unit for all the purposes of this act, whether such individual was hired or paid directly by such employing unit or by such agent or employee, provided the employing unit had actual or constructive knowledge of the employment.

(h) "Employer" means:

(1) (A) Any employing unit for which agricultural labor as defined in subsection (w) of this section is performed and which during any calendar quarter in either the current or preceding calendar year paid remuneration in cash of \$20,000 or more to individuals employed in agricultural labor or for some portion of a day in each of 20 different calendar weeks, whether or not such weeks were consecutive, in either the current or the preceding calendar year, employed in agricultural labor 10 or more individuals, regardless of whether they were employed at the same moment of time.

(B) For the purpose of this subsection (h)(1), any individual who is a member of a crew furnished by a crew leader to perform service in agricultural labor for any other person shall be treated as an employee of such crew leader if:

(i) Such crew leader holds a valid certificate of registration under the farm labor contractor registration act of 1963 or substantially all the members of such crew operate or maintain tractors, mechanized harvesting or cropdusting equipment or any other mechanized equipment, which is provided by such crew leader; and

(ii) Such individual is not in the employment of such other person within the meaning of subsection (i) of this section.

(C) For the purpose of this subsection (h)(1), in the case of any individual who is furnished by a crew leader to perform service in agricultural labor for any other person and who is not treated as an employee of such crew leader:

(i) Such other person and not the crew leader shall be treated as the employer of such individual; and

(ii) Such other person shall be treated as having paid cash remuneration to such individual in an amount equal to the amount of cash remuneration paid to such individual by the crew leader, either on the crew leader's own behalf or on behalf of such other person, for the service in agricultural labor performed for such other person.

(D) For the purposes of this subsection (h)(1) "crew leader" means an individual who:

(i) Furnishes individuals to perform service in agricultural labor for any other person;

(ii) Pays, either on such individual's own behalf or on behalf of such other person, the individuals so furnished by such individual's for the service in agricultural labor performed by them; and

(iii) Has not entered into a written agreement with such other person under which such individual is designated as an employee of such other person.

(2) (A) Any employing unit which: (i) In any calendar quarter in either the current or preceding calendar year paid for service in employment wages of \$1,500 or more, or (ii) for some portion of a day in each of 20 different calendar weeks, whether or not such weeks were consecutive, in either the current or preceding calendar year, had in employment at least one individual, whether or not the same individual was in employment in each such day.

(B) Employment of individuals to perform domestic service or agricultural labor and wages paid for such service or labor shall not be considered in determining whether an employing unit meets the criteria of this subsection (h)(2).

(3) Any employing unit for which service in employment as defined in subsection (i)(3)(E) of this section.

(4) Any employing unit, *whether or not it is an employing unit under subsection (g) of this section, which acquired acquires or in any manner succeeds to (A) substantially all of the employing enterprises, organization, trade or business, or (B) substantially all the assets thereof, of another employing unit which at the time of such acquisition was an employer subject to this act.*

(5) Any employing unit which paid cash remuneration of \$1,000 or more in any calendar quarter in the current or preceding calendar year to individuals employed in domestic service as defined in subsection (aa) of this section.

(6) Any employing unit which having become an employer under this subsection (h) has not, under subsection (b) of K.S.A. 44-711 or any and amendments thereto, ceased to be an employer subject to this act.

(7) Any employing unit which has elected to become fully subject to this act in accordance with subsection (c) of K.S.A. 44-711 and amendments thereto.

(8) Any employing unit not an employer by reason of any other paragraph of this subsection (h), for which within either the current or preceding calendar year services in employment are or were performed with respect to which such employing unit is liable for any federal tax against which credit may be taken for contributions required to be paid into a state unemployment compensation fund; or which, as a condition for approval of this act for full tax credit against the tax imposed by the federal unemployment tax act, is required, pursuant to such act, to be an "employer" under this act.

(9) Any employing unit described in section 501(c)(3) of the federal internal revenue code of 1954 which is exempt from income tax under section 501(a) of the code that had four or more individuals in employment for some portion of a day in each of 20 different weeks, whether or not such weeks were consecutive, within either the current or preceding calendar year, regardless of whether they were employed at the same moment of time.

(i) "Employment" means:

(1) Subject to the other provisions of this subsection, service, including service in interstate commerce, performed by

(A) Any active officer of a corporation; or

(B) Any individual who, under the usual common law rules applicable in determining the employer-employee relationship, has the status of an employee; or

(C) Any individual other than an individual who is an employee under subsection (i)(1)(A) or subsection (i)(1)(B) above who performs services for remuneration for any person;

(i) As an agent-driver or commission-driver engaged in distributing meat products, vegetable products, fruit products, bakery products, beverages (other than milk), or laundry or dry-cleaning services, for such individual's principal; or

(ii) as a traveling or city salesman, other than as an agent-driver or commission-driver, engaged upon a full-time basis in the solicitation on behalf of, and the transmission to, a principal (except for side-line sales activities on behalf of some other person) of orders from wholesalers, retailers, contractors, or operators of hotels, restaurants, or other similar establishments for merchandise for resale or supplies for use in their business operations.

For purposes of subsection (i)(1)(C), the term "employment" shall include services described in paragraphs (i) and (ii) above only if:

(a) The contract of service contemplates that substantially all of the services are to be performed personally by such individual;

(b) The individual does not have a substantial investment in facilities used in connection with the performance of the services (other than in facilities for transportation); and

(c) The services are not in the nature of a single transaction that is not part of a continuing relationship with the person for whom the services are performed.

(2) The term "employment" shall include an individual's entire service within the United States, even though performed entirely outside this state if,

(A) The service is not localized in any state, and

(B) The individual is one of a class of employees who are required to travel outside this state in performance of their duties, and

(continued)

(C) The individual's base of operations is in this state, or if there is no base of operations, then the place from which service is directed or controlled is in this state.

(3) The term "employment" shall also include:

(A) Services performed within this state but not covered by the provisions of subsection (i)(1) or subsection (i)(2) shall be deemed to be employment subject to this act if contributions are not required and paid with respect to such services under an unemployment compensation law of any other state or of the federal government.

(B) Services performed entirely without this state, with respect to no part of which contributions are required and paid under an unemployment compensation law of any other state or of the federal government, shall be deemed to be employment subject to this act only if the individual performing such services is a resident of this state and the secretary approved the election of the employing unit for whom such services are performed that the entire service of such individual shall be deemed to be employment subject to this act.

(C) Services covered by an arrangement pursuant to subsection (l) of K.S.A. 44-714 and amendments thereto between the secretary and the agency charged with the administration of any other state or federal unemployment compensation law, pursuant to which all services performed by an individual for an employing unit are deemed to be performed entirely within this state, shall be deemed to be employment if the secretary has approved an election of the employing unit for whom such services are performed, pursuant to which the entire service of such individual during the period covered by such election is deemed to be insured work.

(D) Services performed by an individual for wages or under any contract of hire shall be deemed to be employment subject to this act unless and until it is shown to the satisfaction of the secretary that: (i) Such individual has been and will continue to be free from control or direction over the performance of such services, both under the individual's contract of hire and in fact; and (ii) such service is either outside the usual course of the business for which such service is performed or that such service is performed outside of all the places of business of the enterprise for which such service is performed.

(E) Service performed by an individual in the employ of this state or any instrumentality thereof, any political subdivision of this state or any instrumentality thereof, any instrumentality of more than one of the foregoing or any instrumentality which is jointly owned by this state or a political subdivision thereof and one or more other states or political subdivisions of this or other states, provided that such service is excluded from "employment" as defined in the federal unemployment tax act by reason of section 3306(c)(7) of that act and is not excluded from "employment" under subsection (i)(4)(A) of this section.

(F) Service performed by an individual in the employ of a religious, charitable, educational or other organization which is excluded from the term "employment" as defined in the federal unemployment tax act solely by reason of section 3306(c)(8) of that act, and is not excluded from employment under paragraphs (I) through (M) of subsection (i)(4).

(G) The term "employment" shall include the service of an individual who is a citizen of the United States, performed outside the United States (except in Canada or, prior to and including December 31 of the year in which the U.S. secretary of labor approves an unemployment compensation law submitted by the Virgin Islands), in the employ of an American employer (other than service which is deemed "employment" under the provisions of subsection (i)(2) or subsection (i)(3) or the parallel provisions of another state's law), if:

(i) The employer's principal place of business in the United States is located in this state; or

(ii) The employer has no place of business in the United States, but

(A) The employer is an individual who is a resident of this state; or

(B) The employer is a corporation which is organized under the laws of this state; or

(C) The employer is a partnership or a trust and the number of

the partners or trustees who are residents of this state is greater than the number who are residents of any other state; or

(iii) None of the criteria of paragraphs (i) and (ii) above of this subsection (i)(3)(G) is met but the employer has elected coverage in this state or, the employer having failed to elect coverage in any state, the individual has filed a claim for benefits, based on such service, under the law of this state.

(H) An "American employer," for purposes of subsection (i)(3)(G), means a person who is:

(i) An individual who is a resident of the United States; or

(ii) A partnership if $\frac{2}{3}$ or more of the partners are residents of the United States; or

(iii) A trust, if all of the trustees are residents of the United States; or

(iv) A corporation organized under the laws of the United States or of any state.

(I) Notwithstanding subsection (i)(2) of this section, all service performed by an officer or member of the crew of an American vessel or American aircraft on or in connection with such vessel or aircraft, if the operating office, from which the operations of such vessel or aircraft operating within, or within and without, the United States are ordinarily and regularly supervised, managed, directed and controlled is within this state.

(J) Notwithstanding any other provisions of this subsection (i), service with respect to which a tax is required to be paid under any federal law imposing a tax against which credit may be taken for contributions required to be paid into a state unemployment compensation fund or which as a condition for full tax credit against the tax imposed by the federal unemployment tax act is required to be covered under this act.

(K) Domestic service in a private home, local college club or local chapter of a college fraternity or sorority performed for a person who paid cash remuneration of \$1,000 or more in any calendar quarter in the current calendar year or the preceding calendar year to individuals employed in such domestic service.

(4) The term "employment" shall not include: (A) Service performed in the employ of an employer specified in subsection (h)(3) of this section if such service is performed by an individual in the exercise of duties:

(i) As an elected official;

(ii) as a member of a legislative body, or a member of the judiciary, of a state or political subdivision;

(iii) as a member of the state national guard or air national guard;

(iv) as an employee serving on a temporary basis in case of fire, storm, snow, earthquake, flood or similar emergency;

(v) in a position which, under or pursuant to the laws of this state, is designated as a major nontenured policymaking or advisory position or as a policymaking or advisory position the performance of the duties of which ordinarily does not require more than eight hours per week;

(B) Service with respect to which unemployment compensation is payable under an unemployment compensation system established by an act of congress;

(C) Service performed by an individual in the employ of such individual's son, daughter or spouse, and service performed by a child under the age of 18 years in the employ of such individual's father or mother;

(D) Service performed in the employ of the United States government or an instrumentality of the United States exempt under the constitution of the United States from the contributions imposed by this act, except that to the extent that the congress of the United States shall permit states to require any instrumentality of the United States to make payments into an unemployment fund under a state unemployment compensation law, all of the provisions of this act shall be applicable to such instrumentalities, and to services performed for such instrumentalities, in the same manner, to the same extent and on the same terms as to all other employers, employing units, individuals and services. If this state shall not be certified for any year by the federal security agency under section 3304(c) of the federal internal revenue code, the payments required of such instrumentalities with respect to such year shall be refunded by the secretary from the fund in the

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same manner and within the same period as is provided in subsection (f) of K.S.A. 44-717 and amendments thereto with respect to contributions erroneously collected;

(E) Service covered by an arrangement between the secretary and the agency charged with the administration of any other state or federal unemployment compensation law pursuant to which all services performed by an individual for an employing unit during the period covered by such employing unit's duly approved election, are deemed to be performed entirely within the jurisdiction of such other state or federal agency;

(F) Service performed by an individual under the age of 18 in the delivery or distribution of newspapers or shopping news, not including delivery or distribution to any point for subsequent delivery or distribution;

(G) Service performed by an individual for an employing unit as an insurance agent or as an insurance solicitor, if all such service performed by such individual for such employing unit is performed for remuneration solely by way of commission;

(H) Service performed in any calendar quarter in the employ of any organization exempt from income tax under section 501(a) of the federal internal revenue code (other than an organization described in section 401(a) or under section 521 of such code) if the remuneration for such service is less than \$50. In construing the application of the term "employment," if services performed during 1/2 or more of any pay period by an individual for the person employing such individual constitute employment, all the services of such individual for such period shall be deemed to be employment; but if the services performed during more than 1/2 of any such pay period by an individual for the person employing such individual do not constitute employment, then none of the services of such individual for such period shall be deemed to be employment. As used in this subsection (i)(4)(H) the term "pay period" means a period (of not more than 31 consecutive days) for which a payment of remuneration is ordinarily made to the individual by the person employing such individual. This subsection (i)(4)(H) shall not be applicable with respect to services with respect to which unemployment compensation is payable under an unemployment compensation system established by an act of congress;

(I) Services performed in the employ of a church or convention or association of churches, or an organization which is operated primarily for religious purposes and which is operated, supervised, controlled, or principally supported by a church or convention or association of churches;

(J) Service performed by a duly ordained, commissioned, or licensed minister of a church in the exercise of such individual's ministry or by a member of a religious order in the exercise of duties required by such order;

(K) Service performed in a facility conducted for the purpose of carrying out a program of:

(i) Rehabilitation for individuals whose earning capacity is impaired by age or physical or mental deficiency or injury, or

(ii) Providing remunerative work for individuals who because of their impaired physical or mental capacity cannot be readily absorbed in the competitive labor market, by an individual receiving such rehabilitation or remunerative work;

(L) Service performed as part of an employment work-relief or work-training program assisted or financed in whole or in part by any federal agency or an agency of a state or political subdivision thereof, by an individual receiving such work relief or work training;

(M) Service performed by an inmate of a custodial or correctional institution, unless such service is performed for a private, for-profit employer;

(N) Service performed, in the employ of a school, college, or university, if such service is performed by a student who is enrolled and is regularly attending classes at such school, college or university;

(O) Service performed by an individual under the age of 22 who is enrolled at a nonprofit or public educational institution which normally maintains a regular faculty and curriculum and normally has a regularly organized body of students in attendance at the place where its educational activities are carried on as a student in a full-time program, taken for credit at such institu-

tion, which combines academic instruction with work experience, if such service is an integral part of such program, and such institution has so certified to the employer, except that this subsection (i)(4)(O) shall not apply to service performed in a program established for or on behalf of an employer or group of employers;

(P) Service performed in the employ of a hospital licensed, certified or approved by the secretary of health and environment, if such service is performed by a patient of the hospital.

(j) "Employment office" means any office operated by this state and maintained by the secretary of human resources for the purpose of assisting persons to become employed.

(k) "Fund" means the employment security fund established by this act, to which all contributions and reimbursement payments required and from which all benefits provided under this act shall be paid and including all money received from the federal government as reimbursements pursuant to section 204 of the federal-state extended compensation act of 1970, and amendments thereto.

(l) "State" includes, in addition to the states of the United States of America, any dependency of the United States, the Commonwealth of Puerto Rico, the District of Columbia and the Virgin Islands.

(m) "Unemployment." An individual shall be deemed "unemployed" with respect to any week during which such individual performs no services and with respect to which no wages are payable to such individual, or with respect to any week of less than full-time work if the wages payable to such individual with respect to such week are less than such individual's weekly benefit amount.

(n) "Employment security administration fund" means the fund established by this act, from which administrative expenses under this act shall be paid.

(o) "Wages" means all compensation for services, including commissions and bonuses and the cash value of all remuneration in any medium other than cash. The reasonable cash value of remuneration in any medium other than cash, shall be estimated and determined in accordance with rules and regulations prescribed by the secretary. The term "wages" shall not include:

(1) That part of the remuneration which has been paid in a calendar year to an individual by an employer or such employer's predecessor in excess of \$3,000 for all calendar years prior to 1972, \$4,200 for the calendar years 1972 to 1977, inclusive, and \$6,000 for calendar years 1978 to 1982, inclusive, and \$7,000 with respect to employment during any calendar year following 1977 1982, except that if the definition of the term "wages" as contained in the federal unemployment tax act is amended to include remuneration in excess of ~~\$6,000~~ \$7,000 paid to an individual by an employer under the federal act during any calendar year, wages shall include remuneration paid in a calendar year to an individual by an employer subject to this act or such employer's predecessor with respect to employment during any calendar year up to an amount equal to the dollar limitation specified in the federal unemployment tax act. For the purposes of this subsection (o)(1), the term "employment" shall include service constituting employment under any employment security law of another state or of the federal government;

(2) The amount of any payment to, or on behalf of, an individual in its employ under a plan or system established by an employing unit which makes provisions for individuals in its employ generally or for a class or classes of such individuals (including any amount paid by an employing unit for insurance or annuities, or into a fund, to provide for any such payment) on account of (A) retirement, or (B) sickness or accident disability, or (C) medical and hospitalization expenses in connection with sickness or accident disability or (D) death. If the individual in its employ: (i) Has not the option to receive, instead of provisions for such death benefit any part of such payment or, if such death benefit is insured, any part of the premiums (or contributions to premiums) paid by such individual's employing unit; and (ii) has not the right, under the provisions of the plan or system or policy of insurance providing for such death benefit, to assign such benefit, or to receive cash consideration in lieu of such benefit

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either upon such individual's withdrawal from the plan or system providing for such benefit or upon termination of such plan or system or policy of insurance or of such individual's services with such employment unit;

(3) The payment by an employing unit (without deduction from the remuneration of the employee) of the tax imposed upon an employee under section 3101 of the internal revenue code with respect to remuneration paid to an employee for domestic service in a private home of the employer or for agricultural labor. This paragraph (3) of subsection (o) will apply to all remuneration paid after December 31, 1980, except that this paragraph (3) of subsection (o) shall not apply to any payment made before January 1, 1984, by any governmental unit for positions of a kind for which all or a substantial portion of the social security employee taxes were paid by such governmental unit (without deduction from the remuneration of the employee) under the practices of such governmental unit in effect on October 1, 1980;

(4) Irrespective of Notwithstanding the foregoing provisions of this subsection (o), "total wages" mean the gross amount paid by an employer to such employer's employees with respect to a week, month, year or other period as required by subsection (e)(2) of K.S.A. 44-710, and amendments thereto.

(p) "Week" means such period or periods of seven consecutive calendar days, as the secretary may by rules and regulations prescribe.

(q) "Calendar quarter" means the period of three consecutive calendar months ending March 31, June 30, September 30, or December 31, or the equivalent thereof as the secretary may by rules and regulations prescribe.

(r) "Insured work" means employment for employers.

(s) "Approved training" means any vocational training course or course in basic education skills approved by the secretary or a person or persons designated by the secretary.

(t) "American vessel" or "American aircraft" means any vessel or aircraft documented or numbered or otherwise registered under the laws of the United States; and any vessel or aircraft which is neither documented or numbered or otherwise registered under the laws of the United States nor documented under the laws of any foreign country, if its crew performs service solely for one or more citizens or residents of the United States or corporations organized under the laws of the United States or of any state.

(u) "Institution of higher education," for the purposes of this section, means an educational institution which:

(1) Admits as regular students only individuals having a certificate of graduation from a high school, or the recognized equivalent of such a certificate;

(2) Is legally authorized in this state to provide a program of education beyond high school;

(3) Provides an educational program for which it awards a bachelor's or higher degree, or provides a program which is acceptable for full credit toward such a degree, a program of post-graduate or post-doctoral studies, or a program of training to prepare students for gainful employment in a recognized occupation; and

(4) Is a public or other nonprofit institution;

(5) Notwithstanding any of the foregoing provisions of this subsection (u), all colleges and universities in this state are institutions of higher education for purposes of this section.

(v) "Educational institution" means any institution of higher education, as defined in subsection (u) of this section, or any institution in which participants, trainees or students are offered an organized course of study or training designed to transfer to them knowledge, skills, information, doctrines, attitudes or abilities from, by or under the guidance of an instructor or teacher and which is approved, licensed or issued a permit to operate as a school by the state department of education or other government agency that is authorized within the state to approve, license or issue a permit for the operation of a school. The courses of study or training which an educational institution offers may be academic, technical, trade or preparation for gainful employment in a recognized occupation.

(w) (1) "Agricultural labor" means any remunerated service:

(A) On a farm, in the employ of any person, in connection

with cultivating the soil, or in connection with raising or harvesting any agricultural or horticultural commodity, including the raising, shearing, feeding, caring for, training, and management of livestock, bees, poultry, and fur-bearing animals and wildlife.

(B) In the employ of the owner or tenant or other operator of a farm, in connection with the operating, management, conservation, improvement, or maintenance of such farm and its tools and equipment, or in salvaging timber or clearing land of brush and other debris left by a hurricane, if the major part of such service is performed on a farm.

(C) In connection with the production or harvesting of any commodity defined as an agricultural commodity in section (15)(g) of the agricultural marketing act, as amended (46 Stat. 1500, sec. 3; 12 U.S.C. 1141j) or in connection with the ginning of cotton, or in connection with the operation or maintenance of ditches, canals, reservoirs or waterways, not owned or operated for profit, used exclusively for supplying and storing water for farming purposes.

(D) (i) In the employ of the operator of a farm in handling, planting, drying, packing, packaging, processing, freezing, grading, storing, or delivering to storage or to market or to a carrier for transportation to market, in its unmanufactured state, any agricultural or horticultural commodity; but only if such operator produced more than 1/2 of the commodity with respect to which such service is performed;

(ii) In the employ of a group of operators of farms (or a cooperative organization of which such operators are members) in the performance of service described in paragraph (i) above of this subsection (w)(1)(D), but only if such operators produced more than 1/2 of the commodity with respect to which such service is performed;

(iii) The provisions of paragraphs (i) and (ii) above of this subsection (w)(1)(D) shall not be deemed to be applicable with respect to service performed in connection with commercial canning or commercial freezing or in connection with any agricultural or horticultural commodity after its delivery to a terminal market for distribution for consumption.

(E) On a farm operated for profit if such service is not in the course of the employer's trade or business.

(2) "Agricultural labor" does not include service performed prior to January 1, 1980, by an individual who is an alien admitted to the United States to perform service in agricultural labor pursuant to sections 214(c) and 101(a)(15)(H) of the immigration and nationality act.

(3) As used in this subsection (w), the term "farm" includes stock, dairy, poultry, fruit, fur-bearing animal, and truck farms, plantations, ranches, nurseries, ranges, greenhouses, or other similar structures used primarily for the raising of agricultural or horticultural commodities, and orchards.

(x) "Reimbursing employer" means any employer who makes payments in lieu of contributions to the employment security fund as provided in subsection (e) of K.S.A. 44-710 and amendments thereto.

(y) "Contributing employer" means any employer other than a reimbursing employer or rated governmental employer.

(z) "Wage combining plan" means a uniform national arrangement approved by the United States secretary of labor in consultation with the state unemployment compensation agencies and in which this state shall participate, whereby wages earned in one or more states are transferred to another state, called the "paying state," and combined with wages in the paying state, if any, for the payment of benefits under the laws of the paying state and as provided by an arrangement so approved by the United States secretary of labor.

(aa) "Domestic service" means any service for a person in the operation and maintenance of a private household, local college club or local chapter of a college fraternity or sorority, as distinguished from service as an employee in the pursuit of an employer's trade, occupation, profession, enterprise or vocation.

(bb) "Rated governmental employer" means any governmental entity which elects to make payments as provided by K.S.A. 44-710d and amendments thereto.

(continued)

(cc) "Benefit cost payments" means payments made to the employment security fund by a governmental entity electing to become a rated governmental employer.

(dd) "Successor employer" means any employer, as described in subsection (h) of this section, which acquires or in any manner succeeds to (1) substantially all of the employing enterprises, organization, trade or business of another employer or (2) substantially all the assets of another employer.

(ee) "Predecessor employer" means an employer, as described in subsection (h) of this section, who has previously operated a business or portion of a business with employment to which another employer has succeeded.

Sec. 2. K.S.A. 44-704 is hereby amended to read as follows: 44-704. (a) *Payment of benefits.* All benefits provided herein shall be payable from the fund. All benefits shall be paid through the secretary of human resources, in accordance with such rules and regulations as the secretary may adopt. Benefits based on service in employment defined in subsections (i)(3)(E) and (i)(3)(F) of K.S.A. 44-703 and amendments thereto, shall be payable in the same amount, on the same terms and subject to the same conditions as compensation payable on the basis of other service subject to this act except as provided in subsection (e) of K.S.A. 44-705 and subsection (e)(2) of K.S.A. 44-711, and any amendments to these statutes.

(b) *Determined weekly benefit amount.* An individual's determined weekly benefit amount shall be an amount equal to ~~four and one-quarter percent (4.25%)~~ 4.25% of his or her the individual's total wages for insured work paid during that calendar quarter of his or her the individual's base period in which such total wages were highest, subject to the following limitations:

(1) If an individual's determined weekly benefit amount is less than the minimum weekly benefit amount, it shall be raised to such minimum weekly benefit amount;

(2) if the individual's determined weekly benefit amount is more than the maximum weekly benefit amount, it shall be reduced to the maximum weekly benefit amount; and

(3) if the individual's determined weekly benefit amount is not a multiple of ~~one dollar (\$1)~~ \$1, it shall be raised to the next higher multiple of \$1, except that for all new claims for benefits filed after June 30, 1983, it shall be raised reduced to the next higher lower multiple of ~~one dollar (\$1)~~ \$1.

(c) *Maximum weekly benefit amount.* On July 1 of each year, the secretary shall determine the maximum weekly benefit amount by computing ~~sixty percent (60%)~~ 60% of the average weekly wages paid to employees in insured work during the previous calendar year and shall prior to that date announce the maximum weekly benefit amount so determined, by publication in at least one newspaper of general circulation in this state the Kansas register, except that (1) the maximum weekly benefit amount for the twelve-month period commencing on July 1, 1983, shall not be more than the maximum weekly benefit rate for the twelve-month period commencing on July 1, 1982, and (2) if the surcharge for calendar year 1984 is assessed against employers under subsection (a) of section 4, the maximum weekly benefit amount for the twelve-month period commencing on July 1, 1984, shall not be more than the maximum weekly benefit rate for the twelve-month period commencing on July 1, 1982. Such computation shall be made by dividing the gross wages reported as paid for insured work during the previous calendar year by the product of the average of midmonth employment during such calendar year multiplied by ~~fifty-two (52)~~ 52. The maximum weekly benefit amount so determined and announced for the twelve-month period shall apply only to those claims filed in that period qualifying for maximum payment under the foregoing formula. All claims qualifying for payment at the maximum weekly benefit amount shall be paid at the maximum weekly benefit amount in effect when the benefit year to which the claim relates was first established, notwithstanding a change in said the maximum benefit amount for a subsequent twelve-month period. If the computed maximum weekly benefit amount is not a multiple of ~~one dollar (\$1)~~ \$1, then said the computed maximum weekly benefit amount shall be computed to the nearest multiple of \$1, except that for maximum weekly benefit amounts determined after June 30, 1983, the computed maximum weekly benefit

amount shall be computed reduced to the nearest next lower multiple of ~~one dollar (\$1)~~ \$1.

(d) *Minimum weekly benefit amount.* The minimum weekly benefit amount payable to any individual shall be ~~twenty-five percent (25%)~~ 25% of the maximum weekly benefit calculated in accordance with subsection (c) of this section and shall be announced by the secretary in conjunction with the published announcement of the maximum weekly benefit, also as provided in said subsection (c). The minimum weekly benefit amount so determined and announced for the twelve-month period beginning July 1 of each year shall apply only to those claims which establish a benefit year filed within that twelve-month period and shall apply through the benefit year of such claims notwithstanding a change in said amount in a subsequent twelve-month period. If the minimum weekly benefit amount is not a multiple of ~~one dollar (\$1)~~ \$1 it shall be reduced to the next lower multiple of ~~one dollar (\$1)~~ \$1.

(e) *Weekly benefit payable.* Each eligible individual who is unemployed with respect to any week shall, except as to final payment, be paid with respect to such week a benefit in an amount equal to his or her such individual's determined weekly benefit amount, less that part of the wage, if any, payable to such individual with respect to such week which is in excess of ~~eight dollars (\$8)~~ \$8 and if the resulting amount is not a multiple of ~~one dollar (\$1)~~ \$1, it shall be computed to the next higher multiple of \$1, except that for all weeks payable after June 30, 1983, it shall be computed reduced to the next higher lower multiple of ~~one dollar (\$1)~~ \$1. For the purpose of this section, remuneration received for services performed on a public assistance work project shall not be construed as wages.

(f) *Duration of benefits.* Any otherwise eligible individual shall be entitled during any benefit year to a total amount of benefits equal to whichever is the lesser of (1) ~~twenty-six (26)~~ 26 times his or her such individual's weekly benefit amount, or (2) ~~one-third~~ 1/3 of his or her such individual's wages for insured work paid during his or her such individual's base period. Such total amount of benefits, if not a multiple of ~~one dollar (\$1)~~ \$1, shall be computed at the next higher multiple of \$1, except that for new claims filed after June 30, 1983, such total amount of benefits, if not a multiple of \$1, shall be computed at reduced to the next higher lower multiple of ~~one dollar (\$1)~~ \$1.

(g) For the purposes of this section, wages shall be counted as "wages for insured work" for benefit purposes with respect to any benefit year only if such benefit year begins subsequent to the date on which the employing unit by whom such wages were paid has satisfied the conditions of subsection (h) of K.S.A. 44-703; and amendments thereto; with respect to becoming an employer.

Sec. 3. K.S.A. 1982 Supp. 44-706 is hereby amended to read as follows: 44-706. An individual shall be disqualified for benefits:

(a) Beginning with the week in which the valid initial claim is filed and for the 10 consecutive weeks which immediately follow such week and shall forfeit benefit entitlement equal to 10 times the individual's determined weekly benefit amount, but not less than an amount equal to such individual's determined weekly benefit amount if the individual left the last work voluntarily without good cause. An individual shall have left work voluntarily with good cause for either work related or personal reasons, if:

(1) After pursuing all reasonable alternatives, the circumstances causing the separation were of such urgent, compelling or necessitous nature as to provide the individual with no alternative but to leave the work voluntarily; or

(2) the reasons for the separation were of such nature that a reasonable and prudent individual would separate from the employment under the same circumstances. If an individual leaves work by the individual's own action because of domestic or family responsibilities, not including pregnancy, self-employment or to retire because of disability or old age, or to attend school such individual shall be disqualified for benefits until such individual again becomes employed and has had earnings of at least eight times such individual's weekly benefit amount. No individual shall be denied benefits for leaving work

(continued)

to enter training approved under section 236(a)(1) of the trade act of 1974, provided the work left is not of a substantially equal or higher skill level than the individual's past adversely affected employment (as defined for purposes of the trade act of 1974), and wages for such work are not less than 80% of the individual's average weekly wage as determined for the purposes of the trade act of 1974.

(b) Beginning with the week in which the valid initial claim is filed and for the 10 consecutive weeks which immediately follow such week and shall forfeit benefit entitlement equal to 10 times the individual's determined weekly benefit amount, but not less than an amount equal to such individual's determined weekly benefit amount if the individual has been discharged from the individual's last work for a breach of a duty connected with the individual's work reasonably owed an employer by an employee, except that if an individual is discharged for gross misconduct connected with the individual's work, such individual shall be disqualified for benefits until such individual again becomes employed and has had earnings of at least eight times such individual's weekly benefit amount. The term "gross misconduct" as used in this subsection shall be construed to mean conduct evincing willful and wanton disregard of an employer's interest or a carelessness or negligence of such degree or recurrence as to show an intentional or substantial disregard of the employer's interest.

(c) If the individual has failed, without good cause, to either apply for suitable work when so directed by the employment office of the secretary of human resources, or to accept suitable work when offered to the individual by the employment office, the secretary of human resources, or an employer, such disqualification shall begin with the week in which such failure occurred and for the 10 consecutive weeks which immediately follow such week and shall forfeit benefit entitlement equal to 10 times the individual's determined weekly benefit amount but not less than an amount equal to such individual's determined weekly benefit amount. In determining whether or not any work is suitable for an individual, the secretary of human resources, or a person or persons designated by the secretary, shall consider the degree of risk involved to health, safety, and morals, physical fitness and prior training, experience and prior earnings, length of unemployment and prospects for securing local work in the individual's customary occupation or work for which the individual is reasonably fitted by training or experience, and the distance of the available work from the individual's residence. Notwithstanding any other provisions of this act, an otherwise eligible individual shall not be disqualified for refusing an offer of suitable employment, or failing to apply for suitable employment when notified by an employment office, or for leaving the individual's most recent work accepted during approved training, including training approved under section 236(a)(1) of the trade act of 1974, if the acceptance of or applying for suitable employment or continuing such work would require the individual to terminate approved training and no work shall be deemed suitable and benefits shall not be denied under this act to any otherwise eligible individual for refusing to accept new work under any of the following conditions: (1) If the position offered is vacant due directly to a strike, lockout, or other labor dispute; (2) if the remuneration, hours, or other conditions of the work offered are substantially less favorable to the individual than those prevailing for similar work in the locality; (3) if as a condition of being employed, the individual would be required to join or to resign from or refrain from joining any labor organization.

(d) For any week with respect to which the secretary of human resources, or a person or persons designated by the secretary, finds that the individual's unemployment is due to a stoppage of work which exists because of a labor dispute or there would have been a work stoppage had normal operations not been maintained with other personnel previously and currently employed by the same employer at the factory, establishment, or other premises at which the individual is or was last employed, except that this subsection shall not apply if it is shown to the satisfaction of the secretary of human resources, or a person or persons designated by the secretary, that: (1) The individual is

not participating in or financing or directly interested in the labor dispute which caused the stoppage of work; and (2) the individual does not belong to a grade or class of workers of which, immediately before the commencement of the stoppage, there were members employed at the premises at which the stoppage occurs any of whom are participating in or financing or directly interested in the dispute. If in any case separate branches of work which are commonly conducted as separate businesses in separate premises are conducted in separate departments of the same premises, each such department shall, for the purpose of this subsection, be deemed to be a separate factory, establishment, or other premises. For the purposes of this subsection, failure or refusal to cross a picket line or refusal for any reason during the continuance of such labor dispute to accept the individual's available and customary work at the factory, establishment, or other premises where the individual is or was last employed shall be considered as participation and interest in the labor dispute.

(e) For any week with respect to which or a part of which the individual has received or is seeking unemployment benefits under the unemployment compensation law of any other state or of the United States, except that if the appropriate agency of such other state or the United States finally determines that the individual is not entitled to such unemployment benefits, this disqualification shall not apply.

(f) For any week with respect to which the individual is entitled to receive any unemployment allowance or compensation granted by the United States under an act of congress to ex-service men and women in recognition of former service with the military or naval services of the United States.

(g) For the period of one year beginning with the first day following the last week of unemployment for which the individual received benefits, or for one year from the date the act was committed, whichever is the later, if the individual, or another in such individual's behalf with the knowledge of the individual, has knowingly made a false statement or representation, or has knowingly failed to disclose a material fact to obtain or increase benefits under this act or any other unemployment compensation law administered by the secretary of human resources.

(h) For any week with respect to which the individual is receiving compensation for temporary total disability or permanent total disability under the workmen's compensation law of any state or under a similar law of the United States.

(i) For any week of unemployment on the basis of service in an instructional, research or principal administrative capacity for an educational institution as defined in subsection (v) of K.S.A. 44-703 and amendments thereto, if such week begins during the period between two successive academic years or terms or, when an agreement provides instead for a similar period between two regular but not successive terms during such period or during a period of paid sabbatical leave provided for in the individual's contract, if the individual performs such services in the first of such academic years or terms and there is a contract or a reasonable assurance that such individual will perform services in any such capacity for any educational institution in the second of such academic years or terms.

(j) For any week of unemployment on the basis of service in any capacity other than service in an instructional, research, or administrative capacity in an educational institution other than an institution of higher education, as such terms are defined in subsections (u) and (v) of K.S.A. 44-703 and amendments thereto, if such week begins during the period between two successive academic years or during a similar period between two regular terms, whether or not successive, if the individual has a contract or contracts, or a reasonable assurance thereof, to perform services in any such capacity for any educational institution other than an institution of higher education for both such academic years or both such terms.

(k) For any week of unemployment on the basis of service in an instructional, research or principal administrative capacity for an educational institution as defined in subsection (v) of K.S.A. 44-703 and amendments thereto, or for service in any other capacity in an educational institution other than an institution of higher education as defined in subsection (u) of K.S.A. 44-703

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and amendments thereto, if such week begins during an established and customary vacation period or holiday recess if the individual performs services in the period immediately before such vacation period or holiday recess and there is a reasonable assurance that such individual will perform such services in the period immediately following such vacation period or holiday recess.

(l) For any week of unemployment on the basis of any services, substantially all of which consist of participating in sports or athletic events or training or preparing to so participate, if such week begins during the period between two successive sport seasons or similar period if such individual performed services in the first of such seasons or similar periods and there is a reasonable assurance that such individual will perform such services in the later of such seasons or similar periods.

(m) For any week on the basis of services performed by an alien unless such alien is an individual who was lawfully admitted for permanent residence at the time such services were performed, was lawfully present for purposes of performing such services, or was permanently residing in the United States under color of law at the time such services were performed, including an alien who was lawfully present in the United States as a result of the application of the provisions of section 203(a)(7) or section 212(d)(5) of the federal immigration and nationality act. Any data or information required of individuals applying for benefits to determine whether benefits are not payable to them because of their alien status shall be uniformly required from all applicants for benefits. In the case of an individual whose application for benefits would otherwise be approved, no determination that benefits to such individual are not payable because of such individual's alien status shall be made except upon a preponderance of the evidence.

(n) For any week in which an individual is receiving a governmental or other pension, retirement or retired pay, annuity or other similar periodic payment under a plan maintained by a base period employer and to which the entire contributions were provided by such employer, except that: (1) If the entire contributions to such plan were provided by the base period employer but such individual's weekly benefit amount exceeds such governmental or other pension, retirement or retired pay, annuity or other similar periodic payment attributable to such week, the weekly benefit amount payable to the individual shall be reduced (but not below zero) by an amount equal to the amount of such pension, retirement or retired pay, annuity or other similar periodic payment which is attributable to such week; or (2) if only a portion of contributions to such plan were provided by the base period employer, the weekly benefit amount payable to such individual for such week shall be reduced (but not below zero) by the prorated weekly amount of the pension, retirement or retired pay; annuity or other similar periodic payment after deduction of that portion of the pension, retirement or retired pay, annuity or other similar periodic payment that is directly attributable to the percentage of the contributions made to the plan by such individual; or (3) if the entire contributions to the plan were provided by such individual, or by the individual and an employer (or any person or organization) who is not a base period employer, no reduction in the weekly benefit amount payable to the individual for such week shall be made under this subsection (n); or (4) whatever portion of contributions to such plan were provided by the base period employer, if the services performed for the employer by such individual during the base period, or remuneration received for the services, did not affect the individual's eligibility for, or increased the amount of, such pension, retirement or retired pay, annuity or other similar periodic payment, no reduction in the weekly benefit amount payable to the individual for such week shall be made under this subsection (n). The conditions specified in clause (4) of this subsection (n) shall not apply to payments made under the social security act or the railroad retirement act of 1974, or the corresponding provisions of prior law. Payments made under these acts shall be treated as otherwise provided in this subsection (n). If the reduced weekly benefit amount is not a multiple of \$1, it shall be computed to the next higher multiple of \$1, except that for new claims filed after June 30, 1983, it shall be computed reduced to the next higher lower multiple of \$1.

New Sec. 4. (a) (1) For calendar year 1983: (A) Each contributing employer shall pay a surcharge to the employment security fund, in addition to paying contributions at the rate assigned for calendar year 1983 under K.S.A. 44-710a and amendments thereto, which surcharge is equal to a 20% increase in such contributing employer's assigned rate of contributions rounded to the nearest .01% effective January 1, 1983, and (B) each rated governmental employer shall pay a surcharge to the employment security fund, in addition to paying benefit cost payments at the calendar year rate assigned for calendar year 1983 under K.S.A. 44-710d, which surcharge is equal to a 20% increase in such rated governmental employer's calendar year rate rounded to the nearest .01% effective January 1, 1983.

(2) For calendar year 1984, each contributing employer and each rated governmental employer shall pay a surcharge to the employment security fund as prescribed by this subsection (a)(2) unless the balance of money in the employment security fund which is available to pay benefits on deposit at the end of the business day on April 30, 1984, is equal to or more than \$80,000,000 as determined by the secretary of human resources. If such balance is determined to be equal to or more than \$80,000,000, no surcharge for calendar year 1984 shall be assessed against such employers. If such balance is determined to be less than \$80,000,000, (A) each contributing employer shall pay a surcharge for calendar year 1984, in addition to paying contributions at the rate assigned for calendar year 1984 under K.S.A. 44-710a and amendments thereto, which surcharge is equal to a 20% increase in such contributing employer's assigned rate of contributions rounded to the nearest .01% effective January 1, 1984, and (B) each rated governmental employer shall pay a surcharge for calendar year 1984, in addition to paying benefit cost payments at the calendar year rate assigned for calendar year 1984 under K.S.A. 44-710d, which surcharge is equal to a 20% increase in such rated governmental employer's calendar year rate rounded to the nearest .01% effective January 1, 1984.

(b) (1) At the end of each calendar quarter commencing after the effective date of this act and occurring in calendar year 1983 or 1984, the secretary of human resources shall prepare and adopt an estimate of the financial condition of the employment security fund during the ensuing calendar quarter, based on the best information and evidence available to the secretary at the time. Prior to adoption of such estimate for a calendar quarter, the secretary of human resources shall advise and consult thereon with the state employment security advisory council under subsection (d) of K.S.A. 44-714 and amendments thereto. If the estimate adopted by the secretary for a calendar quarter shows that the balance of money in the employment security fund which is available to pay benefits at the beginning of any month of such calendar quarter will be less than \$35,000,000, the secretary shall assess and collect a surcharge for that calendar quarter under this subsection (b) from each contributing employer and rated governmental employer. The total amount of the surcharge assessed for a calendar quarter under this subsection (b) shall be fixed by the secretary of human resources in an amount equal to the amount which is required to be paid into the employment security fund so that the total of the estimated ending balance in the employment security fund which is available to pay benefits at the end of that calendar quarter plus the total amount of the surcharge assessed for that calendar quarter is equal to \$35,000,000.

(2) (A) The amount of the surcharge assessed against each contributing employer and each rated governmental employer for a calendar quarter under this subsection (b) shall be fixed by the secretary of human resources and shall apply to each contributing employer and rated governmental employer which is under the employment security law on the first day of such calendar quarter. The total amount of the surcharge assessed for a calendar quarter shall be apportioned between contributing employers and rated governmental employers which are subject thereto as provided in paragraphs (B) and (C) of this subsection (b)(2).

(B) The portion of the total amount of the surcharge assessed for a calendar quarter which is to be paid by contributing employers (the "contributing employers' portion") shall be equal to

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the result obtained by dividing (i) the product of such total amount of the surcharge multiplied by the total wages paid by such contributing employers during the first four of the last six completed calendar quarters which immediately precede the calendar quarter for which the surcharge is being assessed, by (ii) the sum of such total wages paid by contributing employers plus the total wages paid by such rated governmental employers during the same period.

(C) The portion of the total amount of the surcharge assessed for a calendar quarter which is to be paid by rated governmental employers (the "rated governmental employers' portion") shall be equal to the result obtained by subtracting (i) the contributing employers' portion as determined under paragraph (B) of this subsection (b)(2), from (ii) such total amount of the surcharge.

(D) The amount of the surcharge assessed for a calendar quarter against each contributing employer subject thereto shall be a proportionate share of the contributing employers' portion of the total amount of the surcharge assessed for such calendar quarter under subsection (b)(1) and shall be equal to the product of (i) the result obtained by dividing the total taxable wages paid by such contributing employer during the first four of the last six completed calendar quarters which immediately precede the calendar quarter for which the surcharge is being assessed, by the total taxable wages paid by all such contributing employers during the same period, multiplied by (ii) the contributing employers' portion of the total amount of the surcharge assessed for the calendar quarter under subsection (b)(1).

(E) The amount of the surcharge assessed for a calendar quarter against each rated governmental employer subject thereto shall be a proportionate share of the rated governmental employers' portion of the total amount of the surcharge assessed for such calendar quarter under subsection (b)(1) and shall be equal to the product of (i) the result obtained by dividing the total wages paid by such rated governmental employer during the first four of the last six completed calendar quarters which immediately precede the calendar quarter for which the surcharge is being assessed, by the total wages paid by all such rated employers during the same period, multiplied by (ii) the rated governmental employers' portion of the total amount of the surcharge assessed for the calendar quarter under subsection (b)(1).

(3) The secretary of human resources shall certify the amount of the surcharge assessed against each contributing employer or rated governmental employer for a calendar quarter under this subsection (b) to such employer and such employer shall pay such amount upon receipt of such certification.

(4) In accordance with this subsection (b), the secretary of human resources may assess a separate surcharge under this subsection (b) for each calendar quarter commencing after the effective date of this act and occurring in calendar year 1983 or 1984.

(c) Each surcharge assessed under this section which is paid by a contributing employer shall be considered to be the payment of contributions and shall be credited to the appropriate experience rating account of the contributing employer. Each surcharge assessed under this section which is paid by a rated governmental employer shall be considered to be a benefit cost payment and shall be credited to the appropriate experience rating account of the rated governmental employer.

(d) This section shall be construed as part of the employment security law. The provisions of this section shall expire on July 1, 1985.

Sec. 5. K.S.A. 1982 Supp. 44-710a is hereby amended to read as follows: 44-710a. (a) *Classification of employers by the secretary.* The term "employer" as used in this section refers to contributing employers. The secretary shall classify employers in accordance with their actual experience in the payment of contributions on their own behalf and with respect to benefits charged against their accounts with a view of fixing such contribution rates as will reflect such experience. If, as of the date such classification of employers is made, the secretary finds that any employing unit has failed to file any report required in connection therewith, or has filed a report which the secretary finds incorrect or insufficient, the secretary shall make an estimate of the information required from such employing unit on

the basis of the best evidence reasonably available to the secretary at the time, and notify the employing unit thereof by mail addressed to its last-known address. Unless such employing unit shall file the report or a corrected or sufficient report as the case may be, within 15 days after the mailing of such notice, the secretary shall compute such employing unit's rate of contributions on the basis of such estimates, and the rate as so determined shall be subject to increase but not to reduction on the basis of subsequently ascertained information. The secretary shall determine the contribution rate of each employer in accordance with the requirements of this section.

(1) *New employers.* For employer accounts established subsequent to June 30, 1963: (A) No employer will be eligible for a rate computation until there have been 24 consecutive calendar months immediately preceding the computation date throughout which benefits could have been charged against such employer's account.

(A) For calendar years 1972 and 1973, each employer who has not been subject to this act for a sufficient period of time to have such employer's rate computed under this subsection and who is determined to be an employer under the revised definition of employer in section 3306 of the internal revenue code, 26 U.S.C.A. 3306, as amended, may pay contributions at a rate, not exceeding 2.7%, but which is the higher of (i) one percent or (ii) the state's benefit cost rate for the five-year period ending the June 30 prior to the calendar year to which the rate applies. For purposes of this paragraph (A), the state's five-year benefit cost rate shall be computed annually and shall be derived by dividing the total dollar amount of benefits paid to claimants under this act during the five consecutive fiscal years immediately preceding the computation date by the total dollar amount of wages subject to contributions under this act during the same period.

(B) (i) Effective January 1, 1974 1983, employers, except employers identified in subsection (a)(1)(A) of this section, which are not eligible for a rate computation shall pay contributions at an assigned rate equal to the sum of 1% plus the greater of the average rate assigned in the preceding calendar year to all employers in such industry division; except that no employer's assigned rate will be less than or the average rate assigned to all covered employers during the preceding calendar year, but except that in no instance shall any such assigned rate be less than 1% 2%. Employers engaged in more than one type of industrial activity shall be classified by principal activity. All rates assigned will remain in effect for a complete calendar year. If the sale or acquisition of a new establishment would require reclassification of the employer to a different industry division, the employer would be promptly notified, and the contribution rate applicable to the new industry division would become effective the following January 1.

(ii) For purposes of this subsection (a), employers shall be classified by industrial activity in accordance with standard procedures as set forth in rules and regulations adopted by the secretary.

For the purpose of this subsection, the rate assigned in 1978 and 1979 shall be calculated on the basis of wages as defined in subsection (e) of K.S.A. 44-703.

(B) (C) "Computation date" means: June 30 of each calendar year with respect to rates of contribution applicable to the calendar year beginning with the following January 1. In arriving at contribution rates for each calendar year, contributions paid on or before July 31 following the computation date for employment occurring on or prior to the computation date shall be considered for each contributing employer who has been subject to this act for a sufficient period of time to have such employer's rate computed under this subsection (a).

(2) *Eligible employers.* (A) A reserve ratio shall be computed for each eligible employer by the following method: Total benefits charged to the employer's account for all past years shall be deducted from all contributions paid by such employer for all such years. The balance, positive or negative, shall be divided by the employer's average annual payroll, and the result shall constitute the employer reserve ratio.

(A) (B) Negative account balance employers as defined in (continued)

subsection (d) shall pay contributions at the following rates: For calendar year 1980, 3.6%; for calendar years 1981 and 1982, 3.8%; rate of 5.4% for calendar year 1983 and all years thereafter 4%. Such rates shall remain in effect in accordance with the provisions of this subsection unless, upon calculation of the yield requirement of the fund for any given year, the secretary of human resources determines that any rate group other than rate groups 10, 20 and 21 must pay contributions at a rate equal to the maximum effective contribution rate in order to achieve the required yield, in which case the secretary shall implement a new maximum effective employer contribution rate, augmented in increments of .1% until it is determined by the secretary that only rate groups 10, 20 and 21 shall be required to contribute at the maximum effective contribution rate to achieve the required yield, except in no instance shall the secretary authorize a maximum effective employer contribution rate greater than 4.3%.

(B) (C) Eligible employers, other than negative account balance employers, who do not meet the average annual payroll requirements as stated in subsection (a)(2) of K.S.A. 44-703 and amendments thereto, will be issued the maximum rate indicated in subsection (a)(3)(B) (a)(3)(C) of this section until an average annual payroll can be obtained. Contribution rates effective for calendar year 1974 and each calendar year thereafter shall be determined as prescribed below.

(D) As of the computation date for calendar year 1974 and as of each computation date thereafter, the total of the taxable wages paid during the twelve-month period prior to the computation date by all employers eligible for rate computation, except negative account balance employers, shall be divided into 21 approximately equal parts designated in column A of schedule I as "rate groups." The lowest numbered of such rate groups shall consist of the employers with the most favorable reserve ratios, as defined in this section, whose combined taxable wages paid equal are less than 4.76% of all taxable wages paid by all eligible employers. Each succeeding higher numbered rate group shall consist of employers with reserve ratios that are less favorable than those of employers in the preceding lower numbered rate groups and whose taxable wages when combined with the taxable wages of employers in all lower numbered rate groups equal the appropriate percentage of total taxable wages designated in column B of schedule I. Each eligible employer, other than a negative account balance employer, shall be assigned an experience factor designated under column C of schedule I in accordance with the rate group to which the employer is assigned on the basis of the employer's reserve ratio and taxable payroll. If an employer's taxable payroll falls into more than one rate group the employer shall be assigned the experience factor of the lower numbered rate group. If one or more employers have reserve ratios identical to that of the last employer included in the next lower numbered rate group, all such employers shall be assigned the experience factor designated to such last employer, notwithstanding the position of their taxable payroll in column B of schedule I.

SCHEDULE I—Eligible Employers

Column A Rate group	Column B Cumulative taxable payroll	Column C Experience factor (Ratio to total wages)
1	Less than 4.76%	.025%
2	4.76% but less than 9.52	.1
3	9.52 but less than 14.28	.2
4	14.28 but less than 19.04	.3
5	19.04 but less than 23.80	.4
6	23.80 but less than 28.56	.5
7	28.56 but less than 33.32	.6
8	33.32 but less than 38.08	.7
9	38.08 but less than 42.84	.8
10	42.84 but less than 47.60	.9
11	47.60 but less than 52.36	1.0
12	52.36 but less than 57.12	1.1
13	57.12 but less than 61.88	1.2
14	61.88 but less than 66.64	1.3
15	66.64 but less than 71.40	1.4
16	71.40 but less than 76.16	1.5
17	76.16 but less than 80.92	1.6
18	80.92 but less than 85.68	1.7
19	85.68 but less than 90.44	1.8
20	90.44 but less than 95.20	1.9
21	95.20 and over	2.0

paying the rates provided for in subsection (a)(2)(A) of this section; pay a surcharge based on the size of the employer's negative reserve ratio, the calculation which is provided for in subsection (a)(2) of this section. The amount of the surcharge shall be determined from Column B of Schedule II of this section. Contribution payments made pursuant to this subsection (a)(2)(C) shall be credited to the appropriate account of such negative account balance employer.

SCHEDULE II—Surcharge on Negative Accounts

Column A Negative Reserve Ratio	Column B Surcharge as a percent of taxable wages
Less than 2.0%	.10%
2.0% but less than 4.0	.20
4.0 but less than 6.0	.30
6.0 but less than 8.0	.40
8.0 but less than 10.0	.50
10.0 but less than 12.0	.60
12.0 but less than 14.0	.70
14.0 but less than 16.0	.80
16.0 but less than 18.0	.90
18.0 and over	1.00

(3) Planned yield. (A) The average required yield shall be determined from schedule III II of this section, and the planned yield on total wages in column B of schedule III II shall be determined by the reserve fund ratio in column A of schedule III II. The reserve fund ratio shall be determined by dividing total assets in the employment security fund provided for in subsection (a) of K.S.A. 44-712, excluding all moneys credited to the account of this state pursuant to section 903 of the social security act, as amended, which have been appropriated by the state legislature, whether or not withdrawn from the trust fund, and excluding contributions not yet paid on July 31 by total payrolls for contributing employers for the preceding fiscal year which ended June 30.

SCHEDULE III II—Fund Control Ratios to Total Wages

Column A Reserve Fund Ratio	Column B Planned Yield
5.00% and over	0.20%
4.5 but less than 5.0%	.50
4.0 but less than 4.5	.70
3.5 but less than 4.0	.80
3.0 but less than 3.5	.90
2.5 but less than 3.0	1.00
2.0 but less than 2.5	1.10
1.5 but less than 2.0	1.20
Less than 1.5	1.50
5.00% and over	0.40%
4.75 but less than 5.00%	.50
4.50 but less than 4.75	.60
4.25 but less than 4.50	.70
4.00 but less than 4.25	.80
3.75 but less than 4.00	.85
3.50 but less than 3.75	.90
3.25 but less than 3.50	.95
3.00 but less than 3.25	1.00
2.75 but less than 3.00	1.05
2.50 but less than 2.75	1.10
2.25 but less than 2.50	1.15
2.00 but less than 2.25	1.20
1.75 but less than 2.00	1.30
1.50 but less than 1.75	1.40
1.25 but less than 1.50	1.50
1.00 but less than 1.25	1.60
Less than 1.00%	1.70

(A) (B) Adjustment to taxable wages. The planned yield as a percent of total wages, as determined in this paragraph (3) subsection (a)(3), shall be adjusted to taxable wages by multiplying by the ratio of total wages to taxable wages for all contributing employers for the preceding fiscal year ending June 30.

(B) (C) Effective rates. Except with regard to rates for negative account balance employers, employer contribution rates to be effective for the ensuing calendar year shall be computed by adjusting proportionately the experience factors from schedule I of this section to the required yield on taxable wages. In computing such rates for calendar year 1978 and 1979, taxable wages shall be determined on the basis of wages as defined in subsection (e) of K.S.A. 44-703. For the purposes of this subsection: (i) (a)(3), all rates computed shall be rounded to the nearest .01%; (ii)

(continued)

(E) Negative account balance employers shall, in addition to

for calendar year 1980, rates computed shall not exceed an effective employer contribution rate of 3.6%; (iii) for calendar years 1981 and 1982, rates computed shall not exceed an effective employer contribution rate of 3.8%; (iv) and for calendar year 1983 and ensuing calendar years, the maximum effective contribution rate shall not exceed 4% 5.4%; (v) such effective rates shall remain in effect in accordance with provisions (ii), (iii) and (iv) unless, upon calculation of the yield requirement of the fund for any given year, the secretary of human resources determines that any rate group other than rate groups 10, 20 and 21 must pay contributions at a rate equal to the maximum effective contribution rate in order to achieve the required yield; in which case the secretary shall implement a new maximum effective employer contribution rate, augmented in increments of .1% until it is determined by the secretary that only rate groups 10, 20 and 21 shall be required to contribute at the maximum effective contribution rate to achieve the required yield; and (vi) in no instance shall the secretary authorize a maximum effective employer contribution rate greater than 4.3%.

(b) *Successor classification.* (1) For the purposes of this subsection whenever any employing unit (whether or not an "employing unit" within the meaning of paragraph (g) of K.S.A. 44-703 and amendments thereto), acquires or in any manner succeeds to substantially all the employing enterprises, organization, trade or business or substantially all the assets of an employer, excepting in any such case any assets retained by such employer incident to the liquidation of such employer's obligations and who intends to continue such organization, trade, or business, shall acquire the experience rating account of the predecessor employer consisting of the predecessor's actual contribution and benefit experience and annual payrolls. If the successor employing unit was an employer subject to this act prior to the date of the acquisition, such employer's rate of contribution for the period from such date to the end of the then current contribution year shall be the same as the rate with respect to the period immediately preceding the date of acquisition. If the successor was not an employer prior to the date of acquisition, the employer's rate shall be the rate applicable to the predecessor employer or employers with respect to the period immediately preceding the date of acquisition provided there was only one predecessor or there were only predecessors with identical rates; in the event that the predecessors' rates are not identical, the successor's rate shall be a newly computed rate based upon the combined experience of the predecessors as of the computation date immediately preceding the date of acquisition.

(2) Whenever any employing unit (whether or not an "employing unit" within the meaning of subsection (g) of K.S.A. 44-703 and amendments thereto), acquires or in any manner succeeds to all of the organization, trade, business or assets of an employer at one or more separate and distinct establishments which are less than all the employer's separate and distinct establishments, and intends to continue the acquired operations of the predecessor as a going business, such acquiring employing unit shall acquire that percentage, consisting of annual payrolls, contributions and benefit experience, of such employer as reflected by the annual payrolls applicable to such establishment or establishments if: (i) the acquiring employing unit is or becomes an employer subject to this act immediately after such acquisition; (ii) the predecessor and the successor employing units submit a joint application for such transfer within 30 days after the date of such acquisition together with evidence sufficient for the secretary to determine which percentage of the experience rating account of the predecessor is applicable to the acquired operations; (iii) the percentage of the experience rating account so transferred including contributions, benefits and payrolls shall not thereafter be used in computing the contribution rate for the predecessor employer; and (iv) the secretary finds that such transfer will not tend to defeat or obstruct the object and purposes of this act. If the acquiring employing unit was an employer subject to the act prior to the date of the acquisition, the employer's rate of contribution for the period from such date to the end of the then current contribution year shall be the same as the employer's rate with respect to the period immediately preceding the date of acquisition. If the successor was not an employer prior

to the date of acquisition, and the secretary finds the successor to be in compliance with the provisions of (i) through (iv), inclusive, above the employer's rate shall be a newly computed rate based upon the identifiable experience of the acquired establishment or establishments as of the computation date immediately preceding the date of acquisition: (1) For the purposes of this subsection (b), whenever an employing unit, whether or not it is an "employing unit" within the meaning of subsection (g) of K.S.A. 44-703 and amendments thereto, becomes an employer pursuant to subsection (h)(4) of K.S.A. 44-703 and amendments thereto or is an employer at the time of acquisition and meets the definition of a "successor employer" as defined by subsection (dd) of K.S.A. 44-703 and amendments thereto and is controlled substantially either directly or indirectly by legally enforceable means or otherwise by the same interest or interests, shall acquire the experience rating factors of the predecessor employer. These factors consist of all contributions paid, benefit experience and annual payrolls of the predecessor employer.

(2) A successor employer as defined by subsection (h)(4) or subsection (dd) of K.S.A. 44-703 and amendments thereto may receive the experience rating factors of the predecessor employer if an application is made to the secretary or the secretary's designee in writing within 120 days of the date of the transfer.

(3) Whenever an employing unit, whether or not it is an "employing unit" within the meaning of subsection (g) of K.S.A. 44-703 and amendments thereto, acquires or in any manner succeeds to a percentage of an employer's annual payroll which is less than 100% and intends to continue the acquired percentage as a going business, may acquire the same percentage of the predecessor's experience factors if: (A) The predecessor employer and successor employing unit make an application in writing on the form prescribed by the secretary, (B) the application is submitted within 120 days of the date of the transfer, (C) the successor employing unit is or becomes an employer subject to this act immediately after the transfer, (D) the percentage of the experience rating factors transferred shall not be thereafter used in computing the contribution rate for the predecessor employer, and (E) the secretary finds that such transfer will not tend to defeat or obstruct the object and purposes of this act.

(4) If the acquiring employing unit was an employer subject to this act prior to the date of the transfer, the rate of contribution for the period from such date to the end of the then current contribution year shall be the same as the contribution rate prior to the date of the transfer. An employing unit which was not subject to this act prior to the date of the transfer shall have a newly computed rate based on the transferred experience rating factors as of the computation date immediately preceding the date of acquisition. These experience rating factors consist of all contributions paid, benefit experience and annual payrolls.

(5) Whenever an employer's account has been terminated as provided in subsections (d) and (e) of K.S.A. 44-711 and amendments thereto and the employer continues with employment to liquidate the business operations, that employer shall continue to be an "employer" subject to the employment security law as provided in subsection (h)(8) of K.S.A. 44-703 and amendments thereto. The rate of contribution from the date of transfer to the end of the then current calendar year shall be the same as the contribution rate prior to the date of the transfer. At the completion of the then current calendar year, the rate of contribution shall be that of a "new employer" as described in subsection (a)(1) of K.S.A. 44-710a and amendments thereto.

(3) (6) No rate computation will be permitted an employing unit succeeding to the experience of another employing unit pursuant to this section for any period subsequent to such succession except in accordance with rules and regulations adopted by the secretary. Any such regulations shall be consistent with federal requirements for additional credit allowance in section 3303 of the internal revenue code, and consistent with the provisions of this act.

(c) *Voluntary contributions.* Notwithstanding any provision of this act or the act of which this act is amendatory, any employer may make voluntary payments for the purpose of reducing or maintaining a reduced rate in addition to the contributions required under this section. Such voluntary payments may be made

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only during the thirty-day period immediately following the date of mailing of experience rating notices for a calendar year. All such voluntary contribution payments shall be paid prior to the expiration of 120 days after the beginning of the year for which such rates are effective. The amount of voluntary contributions shall be credited to the employer's account as of the next preceding computation date and the employer's rate shall be computed accordingly, except that no employer's rate shall be reduced more than one rate group as provided in schedule I of this section as the result of a voluntary payment. An employer not having a negative account balance may have such employer's rate reduced not more than one (1) rate group as provided in schedule I of this section as a result of a voluntary payment. An employer having a negative account balance may have such employer's rate reduced to that prescribed for rate group 21 of schedule I of this section by making a voluntary payment in the amount of such negative account balance. Under no circumstances shall voluntary payments be refunded in whole or in part.

(d) As used in this section, negative account balance employer means an eligible employer whose total benefits charged to such employer's account for all past years have exceeded all contributions paid by such employer for all such years.

Sec. 6. K.S.A. 44-711 is hereby amended to read as follows: 44-711. (a) *Period of liability for contributions.* Any employing unit which is or becomes an employer subject to this act within any calendar year shall be subject for all wages paid during the whole of such calendar year.

(b) *Termination of liability.* Except as otherwise provided in subsection (c) of this section, an employing unit shall cease to be an employer subject to this act only as of the first day of January of any calendar year, if it files with the secretary of human resources, prior to the first day of May of such calendar year, a written application for termination of coverage and the secretary of human resources finds that within the preceding calendar year the employing unit would not have been subject to this act except for paragraph (6) of subsection (h), of K.S.A. 44-703 and amendments thereto, and has been covered by this act throughout the most recently completed calendar year. The secretary of human resources may at any time on ~~his or her~~ *the secretary's* own initiative terminate the status of any employing unit as an employer subject to this law when satisfied that such employer has had no individuals in employment at any time during the three (3) preceding calendar years.

(c) *Election and termination.* (1) An employing unit, not otherwise subject to this act, which files with the secretary of human resources its written election to become an employer subject hereto for not less than two (2) calendar years shall, with approval of such election by the secretary of human resources, become an employer subject hereto to the same extent as all other employers, as of the date stated in such approval, and shall cease to be subject hereto as of January 1 of any calendar year subsequent to such two (2) calendar years only if prior to the first day of May of such year it has filed with the secretary of human resources a written application for termination.

(2) Any employing unit, for which services that do not constitute employment as defined in this act are performed, may file with the secretary of human resources a written election that all such services performed by individuals in its employ in one or more distinct establishments or places of business shall be deemed to constitute employment for all the purposes of this act for not less than two (2) calendar years. Upon approval of such election by the secretary of human resources, such services shall be deemed to constitute employment subject to this act from and after the date stated in such approval. Such services shall cease to be deemed employment subject hereto as of January 1 of any calendar year subsequent to such two (2) calendar years, only if prior to the first day of May of such year such employing unit has filed with the secretary of human resources a written application for termination.

(d) *Termination upon total transfer of experience rating.* Notwithstanding the provisions of subsection (a) ~~herein~~ *of this section*, upon transfer of an experience rating account in accordance with K.S.A. 44-710a(b)(1) ~~subsections (b)(1) or (b)(2) of K.S.A. 44-710a and amendments thereto~~, the predecessor employer shall

automatically cease to be an employer subject to this act as of the date of transfer to the successor.

(e) *Termination of account due to successorship.* Notwithstanding the provisions of subsection (a) of this section, an employer's account shall be terminated when the business is acquired by a successor as provided in subsection (h)(4) of K.S.A. 44-703 and amendments thereto or by a nonemploying unit. The account will be terminated as of the date of the acquisition.

Sec. 7. K.S.A. 44-714 is hereby amended to read as follows: 44-714. (a) *Duties and powers of secretary.* It shall be the duty of the secretary to administer this act; and the secretary shall have power and authority to adopt, amend, or ~~repeal~~ *repeal* such rules and regulations, to employ such persons, make such expenditures, require such reports, make such investigations, and take such other action as ~~he or she~~ *the secretary* deems necessary or suitable to that end. Such rules and regulations may be adopted, amended, or revoked by the secretary only after public hearing or opportunity to be heard thereon. The secretary shall determine ~~his or her own~~ *the* organization and methods of procedure in accordance with the provisions of this act, and shall have an official seal which shall be judicially noticed. The secretary shall make and submit reports for the administration of the employment security law in the manner prescribed by K.S.A. 75-3044 to 75-3046, inclusive, and 75-3048 ~~and amendments thereto~~. Whenever the secretary believes that a change in contribution or benefit rates will become necessary to protect the solvency of the fund, ~~he or she~~ *the secretary* shall promptly so inform the governor and the legislature, and make recommendations with respect thereto.

(b) *Publication.* The secretary shall cause to be printed for distribution to the public the text of this act, the secretary's rules and regulations; ~~his or her biennial reports to the governor~~; and any other material the secretary deems relevant and suitable and shall furnish the same to any person upon application therefor.

(c) *Personnel.* (1) Subject to other provisions of this act, the secretary is authorized to appoint, fix the compensation, and prescribe the duties and powers of such officers, accountants, deputies, attorneys, experts; and other persons as may be necessary in carrying out the provisions of this act. The secretary shall classify all positions and shall establish salary schedules and minimum personnel standards for the positions so classified. The secretary shall provide for the holding of examinations to determine the qualifications of applicants for the positions so classified, and, except to temporary appointments not to exceed six (6) months in duration, shall appoint all personnel on the basis of efficiency and fitness as determined in such examinations. The secretary shall not appoint or employ any person who is an officer or committee member of any political party organization or who holds or is a candidate for an elective public office. The secretary shall ~~establish~~ *adopt* and enforce fair and reasonable rules and regulations for appointment, promotions and demotions, based upon ratings of efficiency and fitness and for terminations for cause. The secretary may delegate to any such person so appointed such power and authority as ~~he or she~~ *the secretary* deems reasonable and proper for the effective administration of this act, and may in ~~his or her~~ *the secretary's* discretion bond any person handling moneys or signing checks ~~hereunder~~ *under the employment security law*.

(2) No employee engaged in the administration of the employment security law shall directly or indirectly solicit or receive or be in any manner concerned with soliciting or receiving any assistance, subscription or contribution for any political party or political purpose; nor shall any employee engaged in the administration of the employment security law participate in any form of political activity, nor shall any employee champion the cause of any political party or the candidacy of any person. Any employee engaged in the administration of the employment security law who violates these provisions shall be immediately discharged. No person shall solicit or receive any contribution for any political purpose from any employee engaged in the administration of the employment security law and any such action shall be a misdemeanor and shall be punishable by a fine of not less than one hundred dollars (~~\$100~~) \$100 or more than one thousand dollars (~~\$1,000~~) \$1,000 or by imprisonment in the

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county jail for not less than ~~thirty (30)~~ 30 days nor more than six ~~(6)~~ months, or both.

(d) *Advisory councils.* The secretary shall appoint a state *employment security* advisory council and may appoint local advisory councils, composed in each case of men and women which shall include an equal number of employer representatives and employee representatives who may fairly be regarded as representative because of their vocation, employment, or affiliations, and of such members representing the general public as the secretary may designate. Such councils shall aid the secretary in formulating policies and discussing problems related to the administration of this act and in securing impartiality and freedom from political influence in the solution of such problems. Members of the state *employment security* advisory council attending meetings of such council, or attending a subcommittee meeting thereof authorized by such council, shall be paid amounts provided in subsection (e) of K.S.A. 75-3223 and amendments thereto. Service on the state *employment security* advisory council shall not in and of itself be sufficient to cause any member of the state *employment security* advisory council to be classified as a state officer or employee.

(e) *Employment stabilization.* The secretary, with the advice and aid of ~~his or her~~ the secretary's advisory councils; and through ~~his or her~~ the appropriate divisions of the department of human resources, shall take all appropriate steps to reduce and prevent unemployment; to encourage and assist in the adoption of practical methods of vocational training, retraining and vocational guidance; to investigate, recommend, advise, and assist in the establishment and operation, by municipalities, counties, school districts; and the state, of reserves for public works to be used in time of business depression and unemployment; to promote the reemployment of unemployed workers throughout the state in every other way that may be feasible; and to these ends to carry on and publish the results of investigations and research studies.

(f) *Records and reports.* Each employing unit shall keep true and accurate work records, containing such information as the secretary may prescribe. Such records shall be open to inspection and subject to being copied by the secretary or ~~his or her~~ the secretary's authorized representatives at any reasonable time and shall be preserved for a period of five ~~(5)~~ years from the due date of the contributions or payments in lieu of contributions for the period to which they relate. Only one ~~(1)~~ audit shall be made of any employer's records for any given period of time. Upon request the employing unit shall be furnished a copy of all findings by the secretary or ~~his or her~~ the secretary's authorized representatives, resulting from such audit. A special inquiry or special examination made for a specific and limited purpose shall not be considered to be an audit for the purpose of this subsection. The secretary may require from any employing unit any sworn or unsworn reports, with respect to persons employed by it, which the secretary deems necessary for the effective administration of this act. Information thus obtained or obtained from any individual pursuant to the administration of this act, shall, except to the extent necessary for the proper presentation of a claim, be held confidential, and shall not be published or be open to public inspection (other than to public employees in the performance of their public duties) in any manner revealing the individual's or employing unit's identity, but any claimant or employing unit or their representatives at a hearing before an appeal tribunal or the secretary shall be supplied with information from such records to the extent necessary for the proper presentation of the claim. If the secretary or any officer or employee of the secretary violates any provisions of this section ~~he or she~~ subsection (f), the secretary or such officer or employee shall be fined not less than ~~twenty dollars (\$20)~~ \$20 nor more than ~~two hundred dollars (\$200)~~ \$200 or imprisoned for not longer than ~~ninety (90)~~ 90 days, or both. Original records of the agency and original paid benefit warrants of the state treasurer may be made available to the *employment security* agency of any other state or the federal government to be used as evidence in prosecution of violations of the *employment security* law of such state or federal government. Photostatic copies of such records shall be made and where possible shall be substituted for original records introduced in evidence and the originals returned to the agency.

(g) *Oaths and witnesses.* In the discharge of the duties imposed by the *employment security* law, the chairperson of an appeal tribunal, an appeals referee, the secretary or any duly authorized representative of the secretary shall have power to administer oaths and affirmations, take depositions, certify to official acts, and issue subpoenas to compel the attendance of witnesses and the production of books, papers, correspondence, memoranda and other records deemed necessary as evidence in connection with a disputed claim or the administration of the *employment security* law.

(h) *Subpoenas, service.* Upon request, service of subpoenas shall be made by the sheriff of a county within ~~his or her~~ that county, by the sheriff's deputy, by any other person who is not a party and is not less than ~~eighteen (18)~~ 18 years of age or by some person specially appointed for that purpose by the secretary of human resources or the secretary's designee. A person not a party as described above or a person specially appointed by the secretary or the secretary's designee to serve subpoenas may make service any place in the state. The subpoena shall be served as follows:

(1) *Individual.* Service upon an individual, other than a minor or incapacitated person, shall be made by delivering a copy of the subpoena to the individual personally or by leaving a copy at such individual's dwelling house or usual place of abode with some person of suitable age and discretion then residing therein, by leaving a copy at the business establishment of the employer with an officer or employee of the establishment, or by delivering a copy to an agent authorized by appointment or by law to receive service of process, but if the agent is one designated by a statute to receive service, such further notice as the statute requires shall be given. If service as prescribed above cannot be made with due diligence, the secretary or the secretary's designee may order service to be made by leaving a copy of the subpoena at the employer's dwelling house, usual place of abode or business establishment.

(2) *Corporations and partnerships.* Service upon a domestic or foreign corporation or upon a partnership or other unincorporated association, when by law it may be sued as such, shall be made by delivering a copy of the subpoena to an officer, partner or resident managing or general agent thereof, or by leaving the copy at any business office of the employer with the person having charge thereof or by delivering a copy to any other agent authorized by appointment or required by law to receive service of process, if the agent is one authorized by law to receive service and, if the law so requires, by also mailing a copy to the employer.

(3) *Refusal to accept service.* In all cases when the person to be served, or an agent authorized by such person to accept service of petitions and summonses shall refuse to receive copies of the subpoena, the offer of the duly authorized process server to deliver copies thereof and such refusal shall be sufficient service of such subpoena.

(4) *Proof of service.* (A) Every officer to whom a subpoena or other process shall be delivered for service within or without the state, shall make return thereof in writing stating the time, place and manner of service of such writ and shall sign ~~his or her~~ such officer's name to such return.

(B) If service of the subpoena is made by a person appointed by the secretary or the secretary's designee to make service, or any other person described in subsection (h) above of this section, such person shall make an affidavit as to the time, place and manner of service thereof in a form prescribed by the secretary or the secretary's designee.

(5) *Time for return.* The officer or other person receiving a subpoena shall make a return of service promptly and shall send such return to the secretary or the secretary's designee in any event within ~~ten (10)~~ 10 days after the service is effected. If the subpoena cannot be served it shall be returned to the secretary or the secretary's designee within ~~thirty (30)~~ 30 days after the date of issue with a statement of the reason for the failure to serve the same.

(i) *Subpoenas, enforcement.* In case of contumacy by or refusal to obey a subpoena issued to any person, any court of this

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state within the jurisdiction of which the inquiry is carried on or within the jurisdiction of which such person guilty of contumacy or refusal to obey is found, resides or transacts business, upon application by the secretary or the secretary's duly authorized representative, shall have jurisdiction to issue to such person an order requiring such person to appear before the secretary, or the secretary's duly authorized representative, to produce evidence, if so ordered, or to give testimony relating to the matter under investigation or in question. Failure to obey such order of the court may be punished by said court as a contempt thereof. Any person who, without just cause, shall fail or refuse to attend and testify or to answer any lawful inquiry or to produce books, papers, correspondence, memoranda or other records in obedience to the subpoena of the secretary or the secretary's duly authorized representative shall be punished by a fine of not less than ~~two hundred dollars (\$200)~~ \$200 or by imprisonment of not longer than ~~sixty (60)~~ 60 days, or both, and each day such violation continued shall be deemed to be a separate offense.

(j) *Protection against self-incrimination.* No person shall be excused from attending and testifying or from producing books, papers, correspondence, memoranda and other records before the secretary or ~~his or her~~ the secretary's duly authorized representative or in obedience to the subpoena of the secretary or any duly authorized representative of the secretary in any cause or proceeding before the secretary, on the ground that the testimony or evidence, documentary or otherwise, required by ~~him or her~~ of such person may tend to incriminate ~~him or her~~ such person or subject ~~him or her~~ such person to a penalty or forfeiture; but no individual shall be prosecuted or subjected to any penalty or forfeiture for or on account of any transaction, matter or thing concerning which ~~he or she~~ such individual is compelled, after having claimed ~~his or her~~ the privilege against self-incrimination, to testify or produce evidence, documentary or otherwise, except that such individual so testifying shall not be exempt from prosecution and punishment for perjury committed in so testifying.

(k) *State-federal cooperation.* In the administration of this act, the secretary shall cooperate to the fullest extent consistent with the provisions of this act, with the federal security agency, shall make such reports, in such form and containing such information as the federal security administrator may from time to time require, and shall comply with such provisions as the federal security administrator may from time to time find necessary to assure the correctness and verification of such reports; and shall comply with the regulations prescribed by the federal security agency governing the expenditures of such sums as may be allotted and paid to this state under title III of the social security act for the purpose of assisting in the administration of this act. Upon request therefor the secretary shall furnish to any agency of the United States charged with the administration of public works or assistance through public employment, the name, address, ordinary occupation, and employment status of each recipient of benefits and such recipient's rights to further benefits under this act.

(l) *Reciprocal arrangements.* The secretary shall participate in making reciprocal arrangements with appropriate and duly authorized agencies of other states or of the federal government, or both, whereby:

(1) Services performed by an individual for a single employing unit for which services are customarily performed in more than one state shall be deemed to be services performed entirely within any one of the states ~~(i)~~ (A) in which any part of such individual's service is performed or ~~(ii)~~ (B) in which such individual has ~~his or her~~ maintains residence, or ~~(iii)~~ (C) in which the employing unit maintains a place of business, provided there is in effect as to such services, an election, approved by the agency charged with the administration of such state's unemployment compensation law, pursuant to which all the services performed by such individual for such employing units are deemed to be performed entirely within such state;

(2) Service performed by not more than three ~~(3)~~ individuals, on any portion of a day but not necessarily simultaneously, for a single employing unit which customarily operates in more than one state shall be deemed to be service performed entirely within

the state in which such employing unit maintains the headquarters of its business; provided that there is in effect, as to such service, an approved election by an employing unit with the affirmative consent of each such individual, pursuant to which service performed by such individual for such employing unit is deemed to be performed entirely within such state;

(3) Potential rights to benefits accumulated under the employment compensation laws of one or more states or under one or more such laws of the federal government, or both, may constitute the basis for the payments of benefits through a single appropriate agency under terms which the secretary finds will be fair and reasonable as to all affected interests and will not result in any substantial loss to the fund;

(4) Wages or services, upon the basis of which an individual may become entitled to benefits under an unemployment compensation law of another state or of the federal government, shall be deemed to be wages for insured work for the purpose of determining ~~his or her~~ such individual's rights to benefits under this act, and wages for insured work, on the basis of which an individual may become entitled to benefits under this act, shall be deemed to be wages or services on the basis of which unemployment compensation under such law of another state or of the federal government is payable, but no such arrangement shall be entered into unless it contains provisions for reimbursements to the fund for such of the benefits paid under this act upon the basis of such wages or services, and provisions for reimbursements from the fund for such of the compensation paid under such other law upon the basis of wages for insured work, as the secretary finds will be fair and reasonable as to all affected interests; and

(5) (A) Contributions due under this act with respect to wages for insured work shall for the purposes of K.S.A. 44-717; and amendments thereto; be deemed to have been paid to the fund as of the date payment was made as contributions therefor under another state or federal unemployment compensation law, but no such arrangement shall be entered into unless it contains provisions for such reimbursements to the fund of such contributions and the actual earnings thereon as the secretary finds will be fair and reasonable as to all affected interests.

(B) Reimbursements paid from the fund pursuant to ~~paragraph 4 of subsection (k)~~ (l)(4) of this section shall be deemed to be benefits for the purpose of K.S.A. 44-704 and 44-712 and amendments thereto. The secretary is authorized to make to other state or federal agencies, and to receive from such other state or federal agencies, reimbursements from or to the fund, in accordance with arrangements entered into pursuant to the provisions of this section or any other section of the employment security law.

(C) The administration of this act and of other state and federal unemployment compensation and public employment service laws will be promoted by cooperation between this state and such other states and the appropriate federal agencies in exchanging services, and making available facilities and information. The secretary is therefore authorized to make such investigations, secure and transmit such information, make available such services and facilities and exercise such of the other powers provided herein with respect to the administration of this act as ~~he or she~~ the secretary deems necessary or appropriate to facilitate the administration of any such unemployment compensation or public employment service law, and in like manner to accept and utilize information, service and facilities made available to this state by the agency charged with the administration of any such other unemployment compensation or public employment service law.

(D) To the extent permissible under the laws and constitution of the United States, the secretary is authorized to enter into or cooperate in arrangements whereby facilities and services provided under this act and facilities and services provided under the unemployment compensation law of any foreign government, may be utilized for the taking of claims and the payment of benefits under the employment security law of this state or under a similar law of such government.

(m) *Records available.* The secretary may furnish the railroad retirement board, at the expense of such board, such copies of the

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records as the railroad retirement board deems necessary for its purposes.

(n) *Destruction of records, reproduction and disposition.* The secretary may provide for the destruction, reproduction, temporary or permanent retention, and disposition of records, reports and claims in his or her the secretary's possession pursuant to the administration of the employment security law provided that prior to any destruction of such records, reports or claims he or she the secretary shall comply with K.S.A. 75-3501 through to 75-3514, inclusive, and amendments thereto.

(o) *Federal cooperation.* The secretary may afford reasonable cooperation with every agency of the United States charged with administration of any unemployment insurance law.

(p) *The secretary is hereby authorized to fix, charge and collect fees for copies made of public documents, as defined by subsection (c) of K.S.A. 45-204 and amendments thereto, by xerographic, thermographic or other photocopying or reproduction process, in order to recover all or part of the actual costs incurred, including any costs incurred in certifying such copies. All moneys received from fees charged for copies of such documents shall be remitted to the state treasurer at least monthly. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount thereof in the state treasury to the credit of the employment security administration fund. No such fees shall be charged or collected for copies of documents that are made pursuant to a statute which requires such copies to be furnished without expense.*

Sec. 8. K.S.A. 44-717 is hereby amended to read as follows: 44-717. (a) *Penalties on past-due reports, interest on past-due contributions and past-due payments in lieu of contributions.* Any employer or any officer or agent of an employer, who shall fail to file any wage report or contribution return when due, as required by the secretary of human resources, or within a five-day grace period, shall be subject to a penalty of \$5 for each such report or return not filed. An additional penalty of \$5 shall be assessed for each thirty-day period or fraction thereof that any such report or return remains not filed. Contributions, payments in lieu of contributions and benefit cost payments unpaid on the date on which they are due and payable, as prescribed by the secretary of human resources, or within a five-day grace period, shall bear interest at the rate of .8% per month or fraction of a month until payment is received by the secretary of human resources except that an employing unit not theretofore, subject to this law, which becomes an employer and does not refuse to make the reports, returns and contributions, payments in lieu of contributions and benefit cost payments required under this law, shall not be liable for such penalty or interest if the wage reports and contribution returns required are filed and the contributions, payments in lieu of contributions or benefit cost payments required are paid within 10 days following notification by the secretary of human resources that a determination has been made fixing its status as an employer subject to this law. Upon written request and good cause shown, the secretary of human resources may abate any penalty or interest or portion thereof provided for herein by this subsection. Interest amounting to less than \$1 shall be waived by the secretary of human resources and shall not be collected. Penalties and interest collected pursuant to this subsection shall be paid into the special employment security fund. *For all purposes under this section, amounts assessed as surcharges under section 4 or under K.S.A. 44-710a and amendments thereto shall be considered to be contributions and shall be subject to penalties and interest imposed under this section and to collection in the manner provided by this section.*

(b) *Collection.* (1) If, after due notice, any employer defaults in payment of any penalty, contributions, payments in lieu of contributions, benefit cost payments, or interest thereon the amount due may be collected by civil action in the name of the secretary of human resources and the employer adjudged in default shall pay the cost of such action. Civil actions brought under this section to collect contributions, payments in lieu of contributions, benefit cost payments, penalties, or interest thereon from an employer shall be heard by the district court at the earliest possible date and shall be entitled to preference upon the calendar of the court over all other civil actions except

petitions for judicial review under this act and cases arising under the workmen's compensation law of this state. *act.* All liability determinations of contributions due, payments in lieu of contributions or benefit cost payments due shall be made within a period of five years from the date such contributions, payments in lieu of contributions or benefit cost payments were due except such determinations may be made for any time when an employer has filed fraudulent reports with intent to evade liability.

(2) Any employing unit which is not a resident of this state and which exercises the privilege of having one or more individuals perform service for it within this state and any resident employing unit which exercises that privilege and thereafter removes from this state, shall be deemed thereby to appoint the secretary of state as its agent and attorney for the acceptance of process in any civil action under this subsection. In instituting such an action against any such employing unit the secretary of human resources shall cause such process or notice to be filed with the secretary of state and such service shall be sufficient service upon such employing unit and shall be of the same force and validity as if served upon it personally within this state. The secretary of human resources shall forthwith send notice immediately of the service of such process or notice, together with a copy thereof, by registered or certified mail, return receipt requested, to such employing unit at its last-known address and such return receipt, the affidavit of compliance of the secretary of human resources with the provisions of this section, and a copy of the notice of service, shall be appended to the original of the process filed in the court in which such civil action is pending.

(3) Any contractor, who is or becomes an employer under the provisions of this act, who contracts with any subcontractor, who also is or becomes an employer under the provisions of this act, shall withhold sufficient moneys on the contract to guarantee that all contributions, penalties and interest are paid upon completion of the contract, or shall require of the subcontractor a good and sufficient bond guaranteeing payment of all contributions, penalties and interest due or to become due with respect to wages paid for employment on the contract. Failure to comply with the provisions of this section shall render the contractor directly liable for such contributions, penalties and interest due from the subcontractor and the secretary of human resources shall have all of the remedies of collection against the contractor under the provisions of this act as though the services in question were performed directly for the contractor. For the purpose of this clause (3) of this subsection (b)(3), the words, "contractor" and "subcontractor" mean and include individuals, partnerships, firms or corporations, or other associations of persons engaged in the business of the construction, alteration, repairing, dismantling or demolition of buildings, roads, bridges, viaducts, sewers, water and gas mains, streets, disposal plants, water filters, tanks and towers, airports, dams, levees and canals, oil and gas wells, water wells, pipelines, and every other type of structure, project, development or improvement coming within the definition of real property.

(4) The district courts of this state shall entertain, in the manner provided in subsections (b)(1), (b)(2) and (b)(3) of this section, actions to collect contributions, payments in lieu of contributions, benefit cost payments and other amounts owed including interest thereon for which liability has accrued under the employment security law of any other state or of the federal government.

(c) *Priorities under legal dissolutions or distributions.* In the event of any distribution of employer's assets pursuant to an order of any court under the laws of this state, including but not limited to any probate proceeding, interpleader, receivership, assignment for benefit of creditors, adjudicated insolvency, composition; or similar proceedings, contributions or payments in lieu of contributions then or thereafter due shall be paid in full from the moneys which shall first come into the estate, prior to all other claims, except claims for wages of not more than \$250 to each claimant, earned within six months of the commencement of the proceedings. In the event of an employer's adjudication in bankruptcy, judicially confirmed extension proposal, or composition, under the federal bankruptcy act of 1898, as amended,

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contributions then or thereafter due shall be entitled to such priority as is provided in that act for taxes due any state of the United States.

(d) *Assessments.* If any employer fails to file a report or return required by the secretary of human resources for the determination of contributions, or payments in lieu of contributions, or benefit cost payments, the secretary of human resources may make such reports or returns or cause the same to be made, on the basis of such information as the secretary may be able to obtain and shall collect the contributions, payments in lieu of contributions or benefit cost payments as determined together with any interest due under this act. The secretary of human resources shall immediately forward to the employer a copy of the assessment by registered or certified mail to the employer's address as it appears on the records of the agency, and such assessment shall be final unless the employer protests such assessment and files a corrected report or return for the period covered by the assessment within 15 days after the mailing of the copy of assessment. Failure to receive such notice shall not invalidate the assessment. Notice in writing shall be presumed to have been given when deposited as certified or registered matter in the United States mail, addressed to the person to be charged with notice at such person's address as it appears on the records of the agency.

(e) *Lien for contributions.* If any employer which is liable to pay contributions, payments in lieu of contributions or benefit cost payments neglects or refuses to pay the same after demand, the amount, including interest, shall be a lien in favor of the state of Kansas, secretary of human resources, upon all property and rights to property, whether real or personal, belonging to such employer. Such lien shall not be valid as against any mortgagee, pledgee, purchaser, or judgment creditor until notice thereof has been filed by the secretary of human resources in the office of register of deeds in any county in the state of Kansas, in which such property is located, and when so filed shall be notice to all persons claiming an interest in the property of the employer against whom filed. The register of deeds shall enter such notices in the financing statement record and shall also record the same in full in miscellaneous record and index the same against the name of the delinquent employer. The register of deeds shall accept, file, and record such notice without prepayment of any fee, but lawful fees shall be added to the amount of such lien and collected when satisfaction is presented for entry. Such lien shall be satisfied of record upon the presentation of a certificate of discharge by the state of Kansas, secretary of human resources. Nothing herein contained in this subsection (e) shall be construed as an invalidation of any lien or notice filed in the name of the unemployment compensation division or the employment security division and such liens shall be and remain in full force and effect until satisfied as herein provided by this subsection (e).

(f) *Warrant.* In addition or as an alternative to any other remedy provided by this section and provided that no appeal or other proceeding for review permitted by this law shall then be pending and the time for taking thereof shall have expired, the secretary of human resources or an authorized representative of the secretary may issue a warrant certifying the amount of contributions, payments in lieu of contributions, benefit cost payments, interest or penalty, and the name of the employer liable for same after giving 15 days prior notice. Upon request, service of final notices shall be made by the sheriff within the sheriff's county, by the sheriff's deputy or some person specially appointed by the secretary for that purpose, or by the secretary's designee. A person specially appointed by the secretary or the secretary's designee to serve final notices may make service any place in the state. Final notices shall be served as follows:

(1) *Individual.* Service upon an individual, other than a minor or incapacitated person, shall be made by delivering a copy of the final notice to the individual personally or by leaving a copy at such individual's dwelling house or usual place of abode with some person of suitable age and discretion then residing therein, by leaving a copy at the business establishment of the employer with an officer or employee of the establishment, or by delivering a copy to an agent authorized by appointment or by law to receive service of process, but if the agent is one designated by a statute to receive service, such further notice as the statute requires shall

be given. If service as prescribed above cannot be made with due diligence, the secretary or the secretary's designee may order service to be made by leaving a copy of the final notice at the employer's dwelling house, usual place of abode or business establishment.

(2) *Corporations and partnerships.* Service upon a domestic or foreign corporation or upon a partnership or other unincorporated association, when by law it may be sued as such, shall be made by delivering a copy of the final notice to an officer, partner or resident managing or general agent thereof by leaving a copy at any business office of the employer with the person having charge thereof or by delivering a copy to any other agent authorized by appointment or required by law to receive service of process, if the agent is one authorized by law to receive service and, if the law so requires, by also mailing a copy to the employer.

(3) *Refusal to accept service.* In all cases when the person to be served, or an agent authorized by such person to accept service of petitions and summonses, shall refuse to receive copies of the final notice, the offer of the duly authorized process server to deliver copies thereof and such refusal shall be sufficient service of such notice.

(4) *Proof of service.* (A) Every officer to whom a final notice or other process shall be delivered for service within or without the state, shall make return thereof in writing stating the time, place and manner of service of such writ, and shall sign such officer's name to such return.

(B) If service of the notice is made by a person appointed by the secretary or the secretary's designee to make service, such person shall make an affidavit as to the time, place and manner of service thereof in a form prescribed by the secretary or the secretary's designee.

(5) *Time for return.* The officer or other person receiving a final notice shall make a return of service promptly and shall send such return to the secretary or the secretary's designee in any event within 10 days after the service is effected. If the final notice cannot be served it shall be returned to the secretary or the secretary's designee within 30 days after the date of issue with a statement of the reason for the failure to serve the same. The original return shall be attached to and filed with any warrant thereafter filed.

(6) *Service by mail.* (A) Upon direction of the secretary or the secretary's designee, service by mail may be effected by forwarding a copy of the notice to the employer by registered or certified mail to the employer's address as it appears on the records of the agency. A copy of the return receipt shall be attached to and filed with any warrant thereafter filed.

(B) The secretary of human resources or an authorized representative of the secretary may file the warrant for record in the office of the clerk of the district court in the county in which the employer owing said such contributions, payments in lieu of contributions, benefit cost payments, interest, or penalty has business property. The warrant shall certify the amount of contributions, payments in lieu of contributions, benefit cost payments, interest and penalty due, and the name of the employer liable for same such amount. It shall be the duty of the clerk of the district court to file such warrant of record and enter the same warrant in the records of the district court for judgment and decrees under the procedure prescribed for filing transcripts of judgment.

(C) The clerk shall enter, on the day on which the same shall be the warrant is filed, the case on the appearance and judgment docket, together with the amount and the time of filing the warrant. From the time of filing such warrant, the amount of the contributions, payments in lieu of contributions, benefit cost payments, interest, and penalty, certified therein, shall have the force and effect of a judgment of the district court until the same is satisfied by the secretary of human resources or an authorized representative or attorney for the secretary. Execution shall be issuable at the request of the secretary of human resources, an authorized representative or attorney for the secretary, as is provided in the case of other judgments.

(D) Post-judgment procedures shall be the same as for judgments according to the code of civil procedure.

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(E) Warrants shall be satisfied of record by payment to the clerk of the district court of the contributions, payments in lieu of contributions, benefit cost payments, penalty, interest to date, and court costs. Warrants may also be satisfied of record by payment to the clerk of the district court of all court costs accrued in the case and by filing a certificate by the secretary of human resources, certifying that the contributions, payments in lieu of contributions, benefit cost payments, interest and penalty, have been paid.

(g) *Remedies cumulative.* The foregoing remedies shall be cumulative and no action taken shall be construed as an election on the part of the state or any of its officers to pursue any remedy or action hereunder under this section to the exclusion of any other remedy or action for which provision is made.

(h) *Refunds.* If any individual, governmental entity or organization makes application for refund or adjustment of any amount paid as contributions, benefit cost payments or interest under this law and the secretary of human resources shall determine that such amount or any portion thereof was erroneously collected, except for amounts less than \$1, the secretary of human resources shall allow such individual or organization to make an adjustment thereof without interest, in connection with subsequent contribution payments, or if such adjustment cannot be made the secretary of human resources shall refund the amount, except for amounts less than \$1, without interest, from the employment security fund, except that all interest erroneously collected which has been paid into the special employment security fund shall be refunded out of the special employment security fund. No adjustment or refund shall be allowed with respect to a payment as contributions, benefit cost payments or interest unless an application therefor shall be made on or before whichever of the following dates is later: (1) One year from the date on which such payment was made; or (2) three years from the last day of the period with respect to which such payment was made. For like cause and within the same period adjustment or refund may be so made on the secretary's own initiative. The secretary of human resources shall not be required to refund any contributions, payments in lieu of contributions or benefit cost payments based upon wages paid which have been used as base-period wages in a determination of a claimant's benefit rights when justifiable and correct payments have been made to the claimant as the result of such determination.

(i) *Refund for reimbursing employer.* Upon termination of an employer's business or termination of any election to make payments in lieu of contributions, a reimbursing employer may file for a refund of any payments made to the fund which are in excess of any regular or extended benefits which have been charged or could become chargeable to the reimbursing employer's account. No refund may be made within a twenty-four-month period following termination of a reimbursing employer's business or election for payments in lieu of contributions.

New Sec. 9. The rates of contributions determined or assigned for contributing employers under the employment security law for calendar year 1983 and in effect prior to the effective date of this act, shall be redetermined or assigned by the secretary of human resources in accordance with the provisions of this act.

Sec. 10. K.S.A. 44-703, 44-704, 44-711, 44-714 and 44-717 and K.S.A. 1982 Supp. 44-706 and 44-710a are hereby repealed.

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

I hereby certify that the above BILL, originated in the HOUSE, and passed that body February 11, 1983.

HOUSE concurred in SENATE amendments February 21, 1983.

MIKE HAYDEN
Speaker of the House.
GENEVA SEWARD
Chief Clerk of the House.

Passed the SENATE as amended February 17, 1983.

ROSS O. DOYEN
President of the Senate.
LU KENNEY
Secretary of the Senate.

APPROVED February 22, 1983.

JOHN CARLIN
Governor.

STATE OF KANSAS
Office of Secretary of State

I, JACK H. BRIER, Secretary of State of the State of Kansas, do hereby certify that the above and foregoing is a correct copy of the original enrolled bill now on file in my office.

IN TESTIMONY WHEREOF, I have hereunto subscribed my name and affixed my official seal, this 22nd day of February, 1983.

(SEAL)

JACK H. BRIER
Secretary of State.

KANSAS REGISTER
Secretary of State
State Capitol
Topeka, Kansas 66612

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