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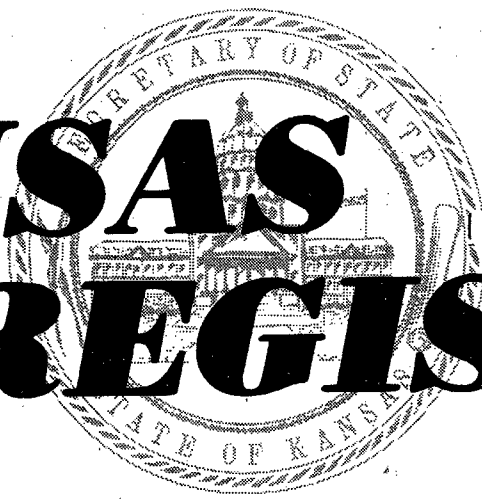
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KANSAS REGISTER



State of Kansas

JACK H. BRIER
Secretary of State

Vol. 3, No. 7

February 16, 1984

Pages 193-240

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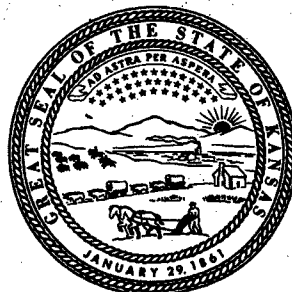
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PUBLISHED BY
 JACK H. BRIER
 Secretary of State
 State Capitol
 Topeka, Kansas 66612



PHONE: 913/296-2236

State of Kansas
ABSTRACTERS' BOARD OF EXAMINERS

NOTICE OF EXAMINATION

An examination of persons desiring to secure registration and become subject to license to engage in the business of making, compiling or completing and selling abstract of title to real estate, in the state of Kansas, will be held at the Marcus Center for Continuing Education, Wichita State University, 4201 East 21st Street, Wichita, Kansas, on Saturday, March 17, 1984, beginning at 8:00 o'clock a.m., by the Abstracters' Board of Examiners.

All persons desiring to take such examination shall file with the Executive Secretary of said Board, at her office, P.O. Box 218, Jetmore, Kansas 67854, on or before March 10, 1984, an application to do so, and at the time of filing of such application shall pay to said Executive Secretary an examination fee of Twenty-five Dollars (\$25.00).

JOANNE CLARKE
 Executive Secretary
 Abstracters' Board of Examiners
 112 East Bramley, Box 218
 Jetmore, Kansas 67854

Doc. No. 001862

State of Kansas
OFFICE OF THE GOVERNOR
EXECUTIVE ORDER NO. 84-70

OFFER OF REWARD

WHEREAS, Ronda Lucille Bell, age 20, of Atchison, Atchison County, Kansas, was brutally and viciously killed on or about November 12, 1983; and

WHEREAS, said killing appears to have been a heinous crime and homicide in violation of the laws of the State of Kansas.

NOW, THEREFORE, by virtue of the authority vested in me by K.S.A. 75,113, I, John Carlin, Governor of the State of Kansas, do hereby offer a reward of five thousand dollars (\$5,000.00) for information leading to the apprehension and conviction of the perpetrators of this crime.

This document shall be filed with the Secretary of State as Executive Order No. 84-70, and shall become effective immediately.

Dated February 9, 1984.

JOHN CARLIN
 Governor

Attest: JACK H. BRIER
 Secretary of State

Doc. No. 001875

State of Kansas
WICHITA STATE UNIVERSITY
INTERCOLLEGIATE ATHLETIC
ASSOCIATION

NOTICE TO BIDDERS

Sealed bids for the construction of a Baseball Field Dugout Drainage System will be received by the Director of Athletics, Wichita State University, Wichita, Kansas 67208, until 2:00 P.M. CST, Wednesday, February 29, 1984, then will be publicly opened.

ARMIN L. BRANDHORST
 Director, Physical Plant

Doc. No. 001879

State of Kansas
LEGISLATIVE DIVISION OF POST AUDIT
INVITATION FOR BIDS

Sealed bid proposals on eleven Legislative Division of Post Audit Invitations for Bids on financial-compliance audit work will be received until 3:00 p.m., Thursday, March 1, 1984. These invitations cover the following audit work:

1. Kansas Public Employees Retirement System (Fiscal Year 1984)
2. Department of Transportation (Fiscal Years 1983-84)
3. Adjutant General's Department (Fiscal Years 1983-84)
4. Department on Aging (Fiscal Years 1983-84)
5. Department of Education and Advisory Council for Vocational Education (Fiscal Years 1983-84)
6. Department of Revenue (Fiscal Year 1984)
7. Fire Marshal (Fiscal Years 1983-84)
8. Water Office (Fiscal Year 1984)
9. Insurance Department (Fiscal Year 1984)
10. Department of Administration (Fiscal Year 1984) and Surplus Property Program (Fiscal Years 1983-84)
11. Central Controls of the Division of Accounts and Reports (Fiscal Year 1984 and Fiscal Year 1985)

Copies of the Invitations for Bids may be obtained from the Legislative Division of Post Audit, 109 W. 9th Street, Suite 301, Topeka, Kansas 66612, (913) 296-3792.

MEREDITH WILLIAMS
 Acting Legislative Post Auditor

Doc. No. 001868

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, FEBRUARY 27, 1984

#56391A

Emporia State University, Emporia—VEHICLES

#56654

Kansas State Historical Society, Topeka—LOUNGE FURNITURE

#56664

Department of Revenue, Topeka—CONTINUOUS PROCESSABLE TAB CARDS—"APPLICATION FOR DRIVERS LICENSE"

#56665

Department of Revenue, Topeka—CARBONLESS BOND—REVERSE COLLATED

#56666

Kansas State University, Manhattan—ELEVATOR REPAIR

#56667

Department of Transportation, Topeka—INERTIAL MODULES

#56670

Kansas Correctional Industries, Lansing—COTTON BATTING

#56671

Kansas Correctional Industries, Lansing—VINYL LAMINATED NYLON FABRIC

#56672

Kansas State University, Manhattan—MICROCOMPUTER SYSTEM

#56677

Kansas Fish and Game Commission, Pratt—FULL COLOR PROMOTIONAL MAGAZINE FLIERS

#56678

Kansas Fish and Game Commission, Pratt—SUBSURFACE EXPLORATION, Scott County

#56679

Kansas State University, Manhattan—ONE TON TRUCK

#56686

Kansas Insurance Department, Topeka—SOFTWARE AND MAINTENANCE

#56722

Wichita State University, Wichita—NURSERY STOCK

#56723

Kansas State University, Manhattan—FERTILIZER, Experiment Fields, Scandia and Powhattan

TUESDAY, FEBRUARY 28, 1984

#A-4063(a)

University of Kansas, Lawrence—FURNISH AND INSTALL COMPUTER POWER CENTER—MOORE HALL

#56680

Wichita State University, Wichita—CARPET AND INSTALLATION

#56681

Kansas State Industrial Reformatory, Hutchinson—MISCELLANEOUS MEATS

#56682

Kansas State Penitentiary, Lansing—BARBER CHAIRS

#56683

University of Kansas Medical Center, Kansas City—CHARACTER PRINTERS

#56684

Department of Human Resources, Topeka—CONTINUOUS MAILERS—K-BEN 78

#56685

Larned State Hospital, Larned—ELECTROSTATIC AIR CLEANERS

#56698

Department of Transportation, Topeka—BM-2 AGGREGATE—FOB Vendors Plant—Not Delivered, U. S. 36 Fairview Junction; AB SPECIAL AGGREGATE, Emporia

#56699

Department of Transportation, various locations—PLANT MIX, BITUMINOUS MIXTURE, COMMERCIAL GRADE—FOB Vendors Plant—Not Delivered

#56706

Department of Transportation, various locations—STEEL GUARD RAIL POSTS AND ACCESSORIES

#56707

Department of Social and Rehabilitation Services, Topeka—BRUSHES, Kansas Industries for the Blind

#56708

Winfield State Hospital and Training Center, Winfield—FEEDWATER PUMPS

#56709

Department of Corrections, Topeka—VEHICLES, various locations

WEDNESDAY, FEBRUARY 29, 1984

#25923

Statewide—CEREALS

#25927

Department of Transportation, Statewide—ASPHALTIC MATERIALS

#56700

Kansas State University, Manhattan—TRACTORS

#56701

Kansas State University, Manhattan—PICKUPS

#56702

Kansas State Penitentiary, Lansing—ELECTRICAL SUPPLIES

#56703

Department of Transportation, Topeka—PLANT MIX, BITUMINOUS MIXTURE, COMMERCIAL GRADE—U. S. 36, Fairview Junction

#56718

Parsons State Hospital and Training Center, Parsons and Larned State Hospital, Larned—LAUNDRY SOAP/URINE COUNTER-ACTANT

#56719

Department of Social and Rehabilitation Services, Topeka—TEXTILE TAPE, Kansas Industries for the Blind

#56724

Department of Social and Rehabilitation Services, Topeka—BROOMS, Kansas Industries for the Blind

#56725

Kansas State University, Manhattan—LAB FURNACES

#56726

University of Kansas Medical Center, Kansas City—MICROSURGICAL ANTERIOR SEGMENT SYSTEM

(continued)

#56727

Department of Administration, Division of Information
Systems and Computing, Topeka—SOFTWARE

#56728

University of Kansas Medical Center, Kansas City—
SUBURBAN

THURSDAY, MARCH 1, 1984

#56710

Department of Transportation, various locations—
TRACTOR MOWERS

#56729

Kansas State University, Manhattan—COMPACT
SEDANS

#56730

Kansas State University, Manhattan—TRACTOR

#56731

Kansas State Penitentiary, Lansing—ROADSTONE,
1½" PLAIN

FRIDAY, MARCH 2, 1984

#25918

Statewide—HAND TOOLS AND MISCELLANEOUS
HARDWARE

TUESDAY, MARCH 6, 1984

#A-4785

Youth Center at Topeka, Topeka—REROOF PAW-
NEE AND SHAWNEE COTTAGES

#A-4795

Larned State Hospital, Larned—REROOF ACTIVITY
BUILDING, Swimming Pool Area

THURSDAY, MARCH 8, 1984

#A-4757

Kansas State Industrial Reformatory, Hutchinson—
ROOF REPAIR AND REPLACEMENT

#A-4817

Department of Transportation, Pratt—REROOF THE
AREA SHOP BUILDING

#25928

Statewide—ACETYLENE, OXYGEN AND LIQUID
NITROGEN

WEDNESDAY, MARCH 14, 1984

#25906

Kansas State Penitentiary, Lansing and Kansas Correc-
tional Institution at Lansing, Lansing—BURIAL SER-
VICES

TUESDAY, MARCH 20, 1984

#56711

Kansas Wheat Commission, Manhattan—TELECOM-
MUNICATIONS SYSTEM

NICHOLAS B. ROACH
Director of Purchases

Doc. No. 001874

(Published in the KANSAS REGISTER, February 16, 1984.)

State of Kansas**DEPARTMENT OF TRANSPORTATION****NOTICE TO CONTRACTORS**

Notice is hereby given that sealed proposals for the construction of road and bridge work in the following Kansas counties will be received at the office of the Chief of Construction and Maintenance, K.D.O.T., Topeka, Kansas, until 10:00 a.m., March 15, 1984 and then publicly opened:

DISTRICT ONE

Atchison—159-3 K 0120-01—0.338 mile Grading and Bridge over Little Stranger Creek, beginning approximately 3.8 miles north of the west junction of US-159 and K-116, then north on US-159 (Federal Funds).

Atchison—159-3 K 0121-01—0.142 mile Grading and Bridge over South Creek Tributary, beginning approximately 1.0 mile east of the east city limits of Muscotah, then east on US-159 (Federal Funds).

Atchison—159-3 K 0122-01—0.416 mile Grading and Bridge over Little Grasshopper Creek, beginning approximately 0.114 mile east of the east city limits of Muscotah, then east on US-159 (Federal Funds).

Atchison—159-3 K 0124-01—0.797 mile Grading, Bituminous Surfacing and Bridge over Grasshopper Creek, beginning approximately 0.14 mile north of the north junction of US-159 and K-9, then north on US-159 (Federal Funds).

Brown—36-7 M 1311-01—Roadside Improvement at the west junction of US-36 and US-75 located approximately 3.519 miles south of Sabetha. Bids on this project will be received only from Small Business Enterprises. (State Funds).

Douglas—23 U 0862-01—Traffic Signal Installation at the intersection of Ninth Street and Tennessee Street and Ninth Street and Kentucky Street in the City of Lawrence (Federal Funds).

Johnson—10-46 U 0860-01—Traffic Signal Installation at the intersection of K-10 and Long Avenue in the City of Shawnee (Federal Funds).

Johnson—46 C 1328-01—1.280 miles Grading, Bituminous Surfacing and Bridge, beginning approximately 0.142 mile east of the intersection of 87th Street and K-7, then east on 87th Street (Federal Funds).

Johnson—56-46 M 1326-01—1.300 miles Concrete Pavement Patching, beginning at the intersection of US-56 and Robinson Street, then east on US-56 to the intersection of US-56 and Chestnut Street in the City of Olathe. Bids on this project will be received only from Small Business Enterprises. (State Funds).

Leavenworth—52 U 0807-01—0.015 mile Grading and Bridge, Bridge replacement on Shawnee Street over South Branch of Three Mile Creek in the City of Leavenworth (Federal Funds).

(continued)

Wyandotte—70-105 K 1318-05—Repair of Intercity Viaduct on I-70 in the City of Kansas City (Federal Funds).

Wyandotte—132-105 K 1922-02—Repair of Bridge #0.29 on K-132 over Riverview Avenue in the City of Kansas City (State Funds).

DISTRICT TWO

Dickinson—21 U 0826-01—0.037 mile Grading and Bridge on Sixth Street over the Tributary to the Solomon River in the City of Solomon (Federal Funds).

Dickinson—21 U 0840-01—0.031 mile Grading and Bridge, beginning approximately at the intersection of North "D" Street and Wyatt Street, then north on North "D" Street (Federal Funds).

Marion—57 C 1561-01—5.911 miles Subgrade Modification and Double Bituminous Surface Treatment, beginning approximately 5.5 miles south of Hillsboro, then south on County Highway FAS-422 (Federal Funds).

Saline—85 U 0295-03—0.733 mile Grading and Bituminous Surfacing, beginning approximately at the intersection of Crawford Street and Marymount Road, then east on Crawford Street to the east city limits of Salina (Federal Funds).

DISTRICT THREE

Cheyenne—36-12 K 1828-01—1.170 miles Grading, Bituminous Surfacing and three Bridges, beginning approximately 1.14 miles west of St. Francis, then east on US-36 (Federal Funds).

Sherman—D70-91 K 0882-02—8.254 miles Bituminous Surfacing, beginning at the junction of US-24 Business and Old US-24 in Goodland; then east on Old US-24 (State Funds).

Smith—36-92 K 1783-01—0.081 mile Grading and Bridge over East Cedar Creek, beginning approximately 3.4 miles east of Kensington, then east on US-36 (Federal Funds).

DISTRICT FOUR

Allen—169-01 K 0106-02—5.000 miles Concrete Pavement and Seeding, beginning approximately at the Allen-Neosho County line, then northeast on US-169 on new alignment (State Funds).

Neosho—169-67 K 0619-02—8.110 miles Concrete Pavement and Seeding, beginning approximately 0.87 mile south of Earlton, then north on US-169 on new alignment (State Funds).

Neosho—169-67 K 0620-02—3.272 miles Concrete Pavement and Seeding, beginning approximately at the north junction of US-169 and K-39, then northeast on US-169 on new alignment (State Funds).

DISTRICT FIVE

Barber—4 C 1196-01—2.999 miles Bituminous Surfacing, beginning approximately 0.25 mile south of Hazelton, then south on county highway FAS-35 (Federal Funds).

Proposals will be issued upon request to all prospective bidders who have been prequalified by the Kansas Department of Transportation on the basis of financial condition, available construction equipment, and experience. Also, a statement of unearned con-

tracts (Form No. 284) must be filed. There will be no discrimination against anyone regardless of race, religion, color, sex, physical handicap, national origin or ancestry in the award of contracts.

Plans and specifications for the project(s) may be examined at the offices of the respective County Clerks or at the Kansas Department of Transportation district offices responsible for the work.

JOHN B. KEMP
Secretary

Doc. No. 001876

State of Kansas

STATE CORPORATION COMMISSION

NOTICE PERTAINING TO MOTOR CARRIER HEARINGS BEFORE THE

STATE CORPORATION COMMISSION

Applications set for hearing are to be heard before the *State Corporation Commission, State Office Building, 4th Floor, Topeka, Kansas, commencing at 10:00 a.m. unless otherwise noticed.*

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

Questions concerning applications for hearing dates should be addressed to the State Corporation Commission, 4th Floor, State Office Building, Topeka, Kansas 66612, telephone (913) 296-3808 or 296-2110.

Your attention is invited to Kansas Administrative Regulations (K.A.R.) 82-1-228, "Rules of Practice and Procedure Before the Commission."

Applications set for March 15, 1984—
TOPEKA, KANSAS

Application for Certificate of Convenience and Necessity:

Howard P. House, dba) Docket No. 140,486 M
House Oil Company)
1055 N. Mosley)
Wichita, KS 67214)

Applicant's Attorney: Eugene G. Coombs, Heritage
Place, 421 E. Third, Box 405, Wichita, KS 67201

Petroleum and related products,
In Sedgwick County, KS.

Application for Extension of Certificate of Convenience and Necessity:

McCorkle Truck Lines,) Docket No. 110,377 M
Inc.)
1547 S.E. 25th)
Oklahoma City, OK) Route No. 12603

Applicant's Attorney: D. S. Hults, P. O. Box 225,
Lawrence National Bank Bldg., Lawrence, KS
66044

(continued)

Coal, coke and related items,

Between all points & places from Butler County & Montgomery County, KS & all points & places in Neosho, Wilson, Montgomery, Wyandotte & Allen Counties, KS.

Application for Certificate of Convenience and Necessity:

Clay Rusk, dba) Docket No. 140,484 M
Silver Bullet Livestock)
Transportation)
Sun City, KS 67143)

Applicant's Attorney: Clyde Christey, 1010 Tyler St., Suite 110-L, Topeka, KS 66612

Livestock,

Between all points & places in KS.
Restricted, however, to transport no loads in excess of 13,500 pounds.

Application for Certificate of Convenience and Necessity:

Stanley Szymczyk, dba) Docket No. 140,485 M
Szymczyk Pulling)
Company)
1225 N. 8th)
Neodesha, KS 66757)

Applicant's Attorney: Clyde Christey, 1010 Tyler St., Suite 110-L, Topeka, KS 66612

Fresh water for drilling and treating purposes, salt water for disposal purposes, crude oil for construction of oil lease roads, production, processing, salvage, in bulk,

Between points & places in Wilson, Montgomery & Greenwood Counties, KS.

**Applications set for March 20, 1984—
TOPEKA, KANSAS**

RENOTICED Application for Extension of Certificate of Convenience and Necessity:

Richard L. Turner) Docket No. 39,748 M
508 N. Poplar)
Solomon, KS 67480) Route No. 3726

Applicant's Attorney: Eugene Hiatt, 627 S. Topeka Ave., Topeka, KS 66603-3294

Cement, (bulk and bag),

Between Chanute, Fredonia, Humboldt, Bonner Springs & Kansas City, KS, on the one hand;

Also,

Between Chanute, Fredonia, Humboldt, Bonner Springs & Kansas City, KS, on the one hand, & Abilene, Canton, El Dorado, Junction City, Lincoln, Manhattan & Salina, KS, on the other hand.

Salt, bulk and bag, and dry fertilizer, bulk and bag,
Between all points in KS on the one hand;

Also,

Between all points in KS on the one hand, & Dickinson, Ottawa & Saline Counties, KS, on the other hand.

Application for Extension of Certificate of Convenience and Necessity:

Topliff Truck Line, Inc.) Docket No. 7,384 M
746 N. Santa Fe)
Salina, KS 67401) Route No. 71

Applicant's Attorney: William Barker, 641 Harrison St., P. O. Box 1979, Topeka, KS 66601

Food and food products; and feed and feed ingredients,

Between Dickinson, Saline, McPherson, Reno, Cowley & Sedgwick Counties, KS, on the one hand, & on the other, all points in KS.

Application for Extension of Certificate of Convenience and Necessity:

Trans State Bus, Inc.) Docket No. 53,225 M
Rt. 1)
Larned, KS 67550) Route No. 4611

Applicant's Attorney: Eugene Hiatt, 627 Topeka Blvd., Topeka, KS 66603

Passengers, baggage of passengers, in the same vehicle with passengers, light express and newspapers,

- 1. Between Dodge City & Minneola, KS, via US Hwy 283;
- 2. Between Minneola, Ashland & Meade, KS, via US Hwys 283 & 160.

**Application set for March 22, 1984—
TOPEKA, KANSAS**

Application for Extension of Certificate of Convenience and Necessity:

Tiona Truck Line, Inc.) Docket No. 91,741 M
102 Ohio)
P. O. Box 312)
Butler, MO 64730) Route No. 8767

Applicant's Attorney: Larry Gregg, 641 Harrison St., P. O. Box 1979, Topeka, KS 66601

Grain and related products, grain products and by-products, flour, and mill feeds,

Between points in KS.

WILLIAM E. GREEN
Administrator
Transportation Division

Doc. No. 001878

(Published in the KANSAS REGISTER, February 16, 1984.)

**COFFEYVILLE COMMUNITY COLLEGE
DISTRICT
BOARD OF TRUSTEES
NOTICE OF INTENT
TO ISSUE REVENUE BONDS**

**TO: ALL PERSONS CONCERNED AND
INTERESTED**

You are hereby notified that the Board of Trustees of the Coffeyville Community College District, Montgomery County, Kansas, did on February 6, 1984, duly adopt a Resolution declaring it necessary to and authorizing the enlarging of the existing Dormitory System of the Coffeyville Community College District by building and equipping an additional dormitory building or buildings to be located on the campus of the Coffeyville Community College, in the City of Coffeyville, Kansas, which will house approximately 24 students, at a total estimated cost of \$250,000 under the authority of K.S.A. 76-6a12 to 76-6a25, inclusive, as amended and supplemented.

You are hereby further notified that said Resolution of the Board of Trustees of the Coffeyville Community College District, Montgomery County, Kansas, declares it necessary to and authorizes the issuance and sale of dormitory system revenue bonds of the Coffeyville Community College District, Montgomery County, Kansas, in an amount not to exceed \$250,000, in order to pay the costs of building and equipping said dormitory building or buildings.

You are hereby further notified that unless an action to contest the legality of the proposed revenue bonds of the Coffeyville Community College District, Montgomery County, Kansas, shall be filed in a court of law within 30 days of the date of publication of this Notice, the right to contest the legality of any revenue bonds issued in compliance with the aforesaid Resolution and other proceedings duly and legally had and taken by said Board of Trustees prior to the date of publication of this Notice, and the right to contest the validity of the provisions of such proceedings, shall cease to exist, and no court shall thereafter have the authority to inquire into such matters; and that after the expiration of said 30 days from the date of publication of this Notice, no one shall have any right to commence an action contesting the validity of such revenue bonds or the provisions of such proceedings of the Board of Trustees and all such revenue bonds shall be conclusively presumed to be legal and no court shall thereafter have the authority to inquire into such matters.

DATED February 6, 1984.

**BOARD OF TRUSTEES
COFFEYVILLE COMMUNITY COLLEGE
DISTRICT, MONTGOMERY COUNTY, KANSAS**
By: MAURICE WEINBERG, Chairman
Attest: RUSSELL GRAHAM, Secretary

(Seal)

Doc. No. 001870

(Published in the KANSAS REGISTER, February 16, 1984.)

**NOTICE OF REDEMPTION
COWLEY COUNTY, KANSAS
SINGLE FAMILY MORTGAGE
REVENUE BONDS
1980 SERIES A**

Notice is hereby given that, pursuant to Section 3.01 of the Trust Indenture dated April 1, 1980, \$555,000 principal amount of the bonds are called for redemption April 1, 1984, at the redemption price of 100% of the principal amount being redeemed plus accrued interest thereon to the redemption date.

The serial numbers of the bearer bonds to be redeemed are as follows:

Due April 1, 1985: 92	Due April 1, 1990: 274
Due April 1, 1986: 124	Due April 1, 1991: 282, 318
Due April 1, 1987: 145	Due April 1, 1992: 351, 368
Due April 1, 1988: 174	Due April 1, 1993: 399, 415
Due April 1, 1989: 204	Due April 1, 1994: 476, 508

Due April 1, 2011

509	1215	1967	2783
517	1224	1996	2806
577	1318	2013	2821
578	1372	2032	2854
619	1425	2053	2871
648	1430	2056	2885
660	1556	2075	2953
724	1557	2153	2958
768	1573	2199	3042
787	1583	2255	3069
792	1586	2270	3075
836	1587	2351	3092
898	1651	2357	3190
901	1662	2360	3302
928	1702	2419	3312
959	1721	2435	3319
988	1748	2528	3475
1009	1756	2550	3509
1045	1780	2582	3512
1063	1796	2601	3530
1070	1820	2618	3535
1145	1880	2637	3606
1164	1881	2730	
1170	1912	2737	
1210	1962	2755	

There are no registered bonds called for redemption at this time.

Payment of the redemption price of the bearer bonds to be redeemed will be made at Security National Bank of Kansas City, One Security Plaza, Kansas City, Kansas 66117, or at the option of the holder, at Marine Midland Bank, New York, New York.

Notice is hereby given that on or after April 1, 1984, interest on the bonds hereby called for redemption shall cease to accrue.

**SECURITY NATIONAL BANK OF KANSAS CITY
KANSAS CITY, KANSAS, TRUSTEE**

By: Brian C. Jordan
Assistant Trust Officer

Doc. No. 001867

(Published in the KANSAS REGISTER, February 16, 1984.)

**NOTICE OF REDEMPTION
RILEY COUNTY, KANSAS
SINGLE FAMILY MORTGAGE
REVENUE BONDS
1980 SERIES A**

Notice is hereby given that, pursuant to Section 3.01 of the Trust Indenture dated April 1, 1980, \$800,000 principal amount of the bonds are called for redemption April 1, 1984, at the redemption price of 100% of the principal amount being redeemed plus accrued interest thereon to the redemption date.

The serial numbers of the bearer bonds to be redeemed are as follows:

Due April 1, 1985: 46	Due April 1, 1990: 157, 160
Due April 1, 1986: 74	Due April 1, 1991: 183, 202
Due April 1, 1987: 93	Due April 1, 1992: 213, 218
Due April 1, 1988: 116	Due April 1, 1993: 240, 251
Due April 1, 1989: 122	Due April 1, 1994: 281, 323

Due April 1, 2011

332	1007	1651	2377
340	1021	1706	2382
373	1022	1713	2388
386	1043	1724	2397
434	1070	1739	2398
444	1076	1740	2404
465	1094	1757	2405
466	1108	1817	2416
483	1117	1826	2421
484	1139	1860	2435
490	1140	1873	2442
536	1226	1901	2443
538	1232	1918	2470
558	1247	1919	2523
564	1263	1930	2536
566	1283	1935	2553
619	1285	1958	2562
639	1292	1975	2587
643	1297	1995	2601
646	1307	2024	2602
651	1308	2053	2609
686	1313	2077	2613
689	1381	2078	2625
693	1384	2092	2633
713	1394	2094	2639
717	1395	2128	2650
768	1418	2190	2669
773	1423	2191	2673
775	1502	2249	2679
832	1522	2251	2681
836	1524	2252	2754
845	1529	2283	2760
917	1533	2313	2811
936	1577	2355	2829
946	1604	2356	2860
952	1640	2367	2881

The serial number of the registered bond to be redeemed in the amount of \$5,000 is as follows:

Due April 1, 2011: R-17.

Payment of the redemption price of the bonds to be

redeemed will be made at Security National Bank of Kansas City, One Security Plaza, Kansas City, Kansas 66117, or at the option of the holder, at Morgan Guaranty Trust Company of New York, New York.

Notice is hereby given that on or after April 1, 1984, interest on the bonds hereby called for redemption shall cease to accrue.

**SECURITY NATIONAL BANK OF KANSAS CITY
KANSAS CITY, KANSAS, TRUSTEE**

By: Brian C. Jordan
Assistant Trust Officer

Doc. No. 001865

(Published in the KANSAS REGISTER, February 16, 1984.)

**NOTICE OF REDEMPTION
GEARY COUNTY, KANSAS
SINGLE FAMILY MORTGAGE
REVENUE BONDS
1980 SERIES A**

Notice is hereby given that, pursuant to Section 3.01 of the Trust Indenture, dated April 1, 1980, \$550,000 principal amount of the bonds are called for redemption April 1, 1984, at the redemption price of 100% of the principal amount being redeemed plus accrued interest thereon to the redemption date.

The serial numbers of the bearer bonds to be redeemed are as follows:

Due April 1, 1985: 27	Due April 1, 1990: 97
Due April 1, 1986: 41	Due April 1, 1991: 121
Due April 1, 1987: 53	Due April 1, 1992: 158
Due April 1, 1988: 63	Due April 1, 1993: 173, 180
Due April 1, 1989: 79	Due April 1, 1994: 205, 217

Due April 1, 2011

232	733	1508
245	745	1510
256	771	1514
263	781	1557
269	824	1585
271	864	1586
280	865	1598
305	886	1611
313	912	1663
340	913	1666
359	945	1667
371	949	1689
381	981	1690
392	982	1713
406	1025	1715
409	1045	1727
410	1057	1737
411	1074	1754
471	1107	1867
493	1124	1869
501	1152	1886
517	1225	1888
522	1233	1896
524	1293	1935
535	1303	1941
545	1353	1944

(continued)

548	1374
550	1378
566	1400
589	1420
593	1422
619	1453
620	1460
644	1495
655	1496

The serial numbers of the registered bonds to be partially redeemed in the principal amount of \$5,000 each are as follows:

Due April 1, 2011: R-23, R-37.

Payment of the redemption price of the bearer bonds to be redeemed will be made at Security National Bank of Kansas City, One Security Plaza, Kansas City, Kansas 66117 or at Morgan Guaranty Trust Company of New York, New York.

Payment of the partial redemption of the registered bonds to be redeemed will be made at Security National Bank of Kansas City, One Security Plaza, Kansas City, Kansas 66117.

Notice is hereby given that on or after April 1, 1984, interest on the bonds hereby called for redemption shall cease to accrue.

**SECURITY NATIONAL BANK OF KANSAS CITY
KANSAS CITY, KANSAS, TRUSTEE**

By: Brian C. Jordan
Assistant Trust Officer

Doc. No. 001866

(Published in the KANSAS REGISTER, February 16, 1984.)

**NOTICE OF BOND SALE
\$204,000.00
WATER BONDS
SERIES "A," 1984
CITY OF LAKIN
KEARNY COUNTY, KANSAS
(General obligations, payable from unlimited
ad valorem taxes)**

Pursuant to K.S.A. 10-106 as amended, written sealed bids will be received by the City Clerk of the City of Lakin, Kearny County, Kansas (the "City") in the Office of the City Clerk, City Hall, 106 East Waterman, Lakin, Kansas 67860, until 7:00 o'clock p.m., local time on

MONDAY, MARCH 5, 1984

at which time and place said bids will be publicly opened and read for the purchase of \$204,000.00 aggregate principal amount of General Obligation Water Bonds (Series "A," 1984) (the "Bonds"). All bids received will be reported to the City Council for determination of the best bid at a meeting of the Council to be held at said time, date and place.

Details of the Bonds

The Bonds will consist of an issue of \$204,000.00 principal amount of General Obligation Water Bonds, Series "A," 1984. The Bonds will consist of fully registered bonds in the denomination of \$5,000 or any

integral multiple thereof, dated March 1, 1984, and becoming due serially on November 1 of each year in the principal amounts as follows:

SERIES "A," 1984—\$204,000.00	
YEAR	PRINCIPAL AMOUNT
1985	\$14,000
1986	\$20,000
1987	\$20,000
1988	\$20,000
1989	\$20,000
1990	\$20,000
1991	\$20,000
1992	\$20,000
1993	\$25,000
1994	\$25,000

The Bonds will bear interest at rates to be determined when the Bonds are sold as hereinafter provided, which interest will be payable semi-annually on November 1 and May 1 of each year, beginning on May 1, 1985.

Both principal and interest on the Bonds will be payable in lawful money of the United States of America at the Office of the Treasurer of the State of Kansas in the City of Topeka, Kansas, (the "Paying Agent" and the "Bond Registrar") to the registered owners thereof whose names are on the registration books of the Bond Registrar as of the 15th day of the month preceding each interest payment date.

The Bonds will be registered in the Office of the Kansas State Treasurer pursuant to a plan of registration approved by the City and the Attorney General of the State of Kansas, registered as either fully registered certificated bonds and/or uncertificated bonds. The successful bidder (the "Purchaser"), may express its preference and consideration will be given to the successful purchaser's preference regarding the plan of registration. The City, however, will make the final decision on the registration plan and the bid may not be conditioned on the plan of registration.

The City will pay for all initial registration costs and for printing of a reasonable supply of registered bond blanks as determined by the Registrar and Paying Agent. Any additional costs, of fees that might be incurred in the secondary market will be the responsibility of the bondholder.

The type and denomination of the Bonds and the names, addresses and social security or taxpayer identification numbers of the registered owners shall be submitted in writing by the successful bidder to the City by March 30, 1984.

Redemption of Bonds

None of said Bonds shall be callable for redemption prior to its stated maturity.

Authority, Purpose and Security for the Bonds

The Bonds are being issued pursuant to and in full compliance with the constitution and laws of the State of Kansas including K.S.A. 1982 Supp. 19-1815e, Article 1 of Chapter 10 and Chapter 49 of the 1983 *Kansas Session Laws*, for the purpose of paying the cost of certain water supply and distribution system improvements.

(continued)

The General Obligation Water Bonds, Series "A," 1984, will be general obligations of the City, payable as to both principal and interest from ad valorem taxes which may be levied without limitation as to rate or amount on all the taxable tangible property within the City.

Conditions of Bids

Bids will be received on the Bonds bearing such rate or rates of interest as may be specified by the bidders, subject to the following conditions: The same rate shall apply to all Bonds maturing in the same year. Each interest rate specified shall be a multiple of 1/8 or 1/20 of 1%. No interest rate shall exceed a rate equal to the "20 Bond Index" of tax exempt municipal bonds published by the *Weekly Bond Buyer*, in New York, New York, on the Monday next preceding the day on which the Bonds are sold, plus 2%, and the difference between the highest and lowest interest rates specified in any bid shall not exceed 2%. No bid of less than the principal amount of the Bonds plus accrued interest thereon to the date of their delivery will be considered. Each bid shall specify the total interest cost to the City on the basis of such bid, and the average annual net interest rate on the basis of such bid.

Basis of Award

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

Delivery of and Payment for the Bonds

The City will pay for printing and registering the Bonds and will deliver the same properly prepared, executed and registered to the successful bidder within 60 days after the date of sale at such bank or trust company located in the contiguous United States of America, as may be specified by the successful bidder without cost to the successful bidder. Payment for the Bonds shall be made in federal reserve funds or other funds which shall be available to the City on the same day the Bonds are delivered to the successful bidder. The successful bidder will be furnished with a certified transcript evidencing the authorization and issuance of the Bonds and the usual closing proofs, which will include a certificate that there is no litigation pending or threatened at the time of the delivery of the Bonds affecting their validity.

Legal Opinion

The Bonds will be sold subject to the legal opinion of Fred W. Rausch, Jr., Bond Counsel, Topeka, Kansas, whose unqualified approving opinion will be furnished and paid for by the City, and will be printed on the Bonds and provided to the successful bidder as and when the Bonds are delivered. Said opinion will

also state that in the opinion of Bond Counsel, under existing laws and regulations, the interest on the Bonds is exempt from Federal income taxation and from Kansas intangible personal property taxes.

CUSIP Numbers

It is anticipated that CUSIP identification numbers will be printed on certificated bonds, or assigned to uncertificated bonds, but neither the failure to print such number on any bond nor any error with respect thereto shall constitute cause for failure or refusal by the purchaser thereof to accept delivery of and pay for the Bonds in accordance with the terms of the successful bid and this Notice of Bond Sale. All expenses in relation to the assignment and printing of CUSIP numbers on the Bonds will be paid for by the City.

Good Faith Deposit

Each bid must be accompanied by a good faith deposit in the form of a cashier's or certified check drawn on a bank located in the United States of America in the amount of \$4,080.00 (2% of the total par value of the Bonds) made payable to the order of the Treasurer of the City of Lakin, Kansas, to secure the City from any loss resulting from the failure of the bidder to comply with the terms of the bid. No interest will be paid on the deposit made by the successful bidder. Said check will be returned to the bidder if the bid is not accepted. If a bid is accepted, said check may be deposited by the City or held by the City until the bidder has complied with all of the terms and conditions of this notice, at which time the check will be deposited and credited to the order of the bidder. If a bid is accepted but the City shall fail to deliver the Bonds to the bidder in accordance with the terms and conditions of this notice, said check or the proceeds thereof will be returned to the bidder. If a bid is accepted but the bidder shall default in the performance of any of the terms and conditions of this notice, the proceeds of such check will be retained by the City as and for liquidated damages.

Bid Forms

All bids shall be subject to the terms and conditions contained in this Notice of Bond Sale and must be made on the bid forms which may be obtained from the City Clerk, or upon equivalent forms. No additions or alterations may be made to such forms and any erasures may cause rejection of any bid. The City reserves the right to waive irregularities and to reject any and all bids.

Submission of Bids

Bids must be submitted in sealed envelopes and addressed to the undersigned, City Clerk, City Hall, 106 East Waterman, Lakin, Kansas 67860, and marked "Bid For the Purchase of Bonds." Bids may be submitted by mail or delivered in person, and must be received by the undersigned prior to 10:00 o'clock, a.m., local time on March 5, 1984.

Assessed Valuation and Indebtedness

The total assessed valuation of the taxable tangible property within the City for the year 1983 is \$3,503,009.00, including motor vehicle valuation and motor vehicle dealers' inventory valuation of

(continued)

\$1,244,489.00. The total general obligation bonded indebtedness of the City as of December 31, 1983, including the Bonds being sold is \$854,000.00.

Bond Ratings

The outstanding general obligation bonds of the City have not been rated and the City has not applied for a rating on the Bonds herein offered for sale.

DATED this 2nd day of February, 1984.

A. JANICE SIVILS
City Clerk
City Hall
106 East Waterman
Lakin, Kansas 67860
(316) 355-6252

Doc. No. 001863

(Published in the KANSAS REGISTER, February 16, 1984.)

NOTICE OF BOND SALE
\$225,000
FIRE FIGHTING EQUIPMENT BONDS
SERIES 1984
OF
FIRE DISTRICT NO. 2
JOHNSON COUNTY, KANSAS
(general obligation bonds payable from
unlimited ad valorem taxes)

Sealed Bids. Sealed bids will be received by the undersigned, Assistant Secretary of Fire District No. 2, Johnson County, Kansas (the "Fire District"), on behalf of the governing body of the Fire District, at the Stanley Fire Station, 15971 Metcalf, Stanley, Johnson County, Kansas 66223 until 10:00 o'clock a.m., Central Standard Time, on

Tuesday, February 21, 1984

for the purchase of \$225,000 principal amount of Fire Fighting Equipment Bonds, Series 1984 (the "Bonds"), of the Fire District hereinafter described. All bids will be publicly opened and read at said time and place and will be acted upon by the governing body immediately thereafter.

Bond Details. The Bonds will consist of fully registered bonds in the denomination of \$5,000 or any integral multiple thereof, dated February 1, 1984, and becoming due serially on February 1 in the years as follows:

YEAR	PRINCIPAL AMOUNT
1985	\$35,000
1986	35,000
1987	35,000
1988	35,000
1989	25,000
1990	25,000
1991	25,000
1992	10,000

The Bonds will bear interest at rates to be determined when the Bonds are sold as hereinafter provided, which interest will be payable semiannually on February 1 and August 1 in each year, beginning on August 1, 1984.

Place of Payment and Bond Registration. The principal of and interest on the Bonds will be payable in

lawful money of the United States of America by check or draft of the Treasurer of the State of Kansas, Topeka, Kansas (the "Paying Agent" and "Bond Registrar"), to the registered owners thereof whose names are on the registration books of the Bond Registrar as of the 15th day of the month preceding each interest payment date. The Bonds will be registered pursuant to a plan of registration approved by the Fire District and the Attorney General of the State of Kansas, and may be registered as fully registered certificated bonds and/or uncertificated bonds.

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

The type and denominations of the Bonds and the names, addresses and social security or taxpayer identification numbers of the registered owners shall be submitted in writing by the successful bidder to the Fire District and the Bond Registrar by March 1, 1984.

Conditions of Bids. Proposals will be received on the Bonds bearing such rate or rates of interest as may be specified by the bidders, subject to the following conditions: The same rate shall apply to all Bonds of the same maturity. Each interest rate specified shall be a multiple of 1/8 or 1/20 of 1%. No interest rate shall exceed a rate equal to the "20 Bond Index" of tax exempt municipal bonds published by *Credit Markets* in New York, New York, on the Monday next preceding the day on which the Bonds are sold, plus 2%. The difference between the highest rate specified and the lowest rate specified shall not exceed 2%. No bid of less than the par value of the Bonds and accrued interest thereon to the date of delivery will be considered and no supplemental interest payments will be authorized. Each bid shall specify the total interest cost to the Fire District during the life of the Bonds on the basis of such bid, the premium, if any, offered by the bidder, and the net interest cost to the Fire District on the basis of such bid. Each bid shall also specify the average annual net interest rate to the Fire District on the basis of such bid.

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

Authority, Purpose and Security. The Bonds are being issued pursuant to K.S.A. 19-3601b, for the purpose of paying the cost of acquiring two fire trucks for use by the Spring Hill and Stanley Volunteer Fire

(continued)

Departments and the cost of fire fighting equipment and supplies. The Bonds and the interest thereon will constitute general obligations of the Fire District payable from ad valorem taxes which may be levied without limitation as to rate or amount upon all the taxable tangible property, real and personal, within the territorial limits of the Fire District.

Legal Opinion. The Bonds will be sold subject to the legal opinion of GAAR & BELL, Overland Park, Kansas, Bond Counsel, whose approving legal opinion as to the validity of the Bonds will be furnished and paid for by the Fire District, printed on the Bonds and delivered to the successful bidder as and when the Bonds are delivered. Said opinion will also state that in the opinion of Bond Counsel, under existing laws and regulations, the interest on the Bonds is exempt from federal income taxation and from Kansas intangible personal property taxes.

Delivery and Payment. The Fire District will pay for printing and registering the Bonds and will deliver the same properly prepared, executed and registered without cost to the successful bidder within 45 days after the date of sale at such bank or trust company in Kansas or Kansas City, Missouri as may be specified by the successful bidder. If the successful bidder designates another place for delivery, the expense will be paid by said bidder. The successful bidder will also be furnished with a certified transcript of the proceedings evidencing the authorization and issuance of the 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. Payment for the Bonds shall be made in federal reserve funds or their equivalent, immediately subject to use by the Fire District.

Good Faith Deposit. Each bid shall be accompanied by a cashier's or certified check drawn on a bank located in the United States of America in the amount of \$4,500 payable to the order of the Fire District to secure the Fire District from any loss resulting from the failure of the successful bidder to comply with the terms of its bid. No interest will be paid on the successful bidder's good faith check. Said check will be returned to the bidder if its bid is not accepted. If a bid is accepted, said check will be held by the Fire District until the bidder shall have complied with all of the terms and conditions of this Notice, at which time the check will be returned to the successful bidder or paid to its order at the option of the Fire District. If a bid is accepted but the Fire District shall fail to deliver the Bonds to the bidder in accordance with the terms and conditions of this Notice, said check will be returned to the bidder. If a bid is accepted but the bidder defaults in the performance of any of the terms and conditions of this Notice, the proceeds of such check will be retained by the Fire District as and for liquidated damages.

CUSIP Numbers. It is anticipated that CUSIP identification numbers will be printed on certificated Bonds or assigned to uncertificated Bonds, but neither the failure to print such number on or assign such number to any Bond nor any error with respect thereto shall constitute cause for failure or refusal by the

purchaser thereof to accept delivery of and pay for the Bonds in accordance with the terms of the purchase contract. All expenses in relation to the assignment and printing of CUSIP numbers on the Bonds will be paid by the Fire District.

Bid Forms. All bids must be made on forms which may be procured from the undersigned Assistant Secretary of the Fire District, Robert C. Londerholm, at the address below. No additions or alterations in such forms shall be made and any erasures may cause rejection of any bid. The Fire District reserves the right to waive irregularities and to reject any or all bids.

Submission of Bids. Bids must be submitted in sealed envelopes addressed to the undersigned Assistant Secretary of Fire District No. 2, Johnson County, Kansas, and marked "Proposal for the Purchase of Fire Fighting Equipment Bonds." Bids may be submitted by mail or delivered in person to the undersigned at the Stanley Fire Station, 15971 Metcalf, Stanley, Johnson County, Kansas 66223 and must be received by the undersigned prior to 10:00 o'clock a.m., Central Standard Time, on Tuesday, February 21, 1984.

Assessed Valuation and Indebtedness. The total assessed valuation of the taxable tangible property within the Fire District for the year 1983 as of November 1, 1983, is \$37,969,381. The total general obligation indebtedness of the Fire District as of the date of the Bonds, including the Bonds being sold, is \$421,000.

Additional information. Additional information regarding the Bonds may be obtained from the undersigned Assistant Secretary, Robert C. Londerholm, at the address below.

DATED this 9th day of February 1984.

FIRE DISTRICT NO. 2
JOHNSON COUNTY, KANSAS

By: Robert C. Londerholm
Assistant Secretary
FIRE DISTRICT NO. 2
201 North Cherry
Olathe, Kansas 66061
(913/764-8000)

Doc. No. 001873

(Published in the KANSAS REGISTER, February 16, 1984.)

NOTICE OF BOND SALE
(One Issue)
\$425,000 General Obligation Bonds
of the
CITY OF SALINA, KANSAS
(General Obligations, payable from unlimited
Ad Valorem Taxes)

Sealed, written bids will be received by the Governing Body of the City of Salina, Kansas at the Office of the City Clerk, Suite 206, City-County Building, 300 West Ash Street, P. O. Box 746, Salina, Kansas 67402-0746, on Monday, February 27, 1984, at or before 2:00 p.m., C.S.T., for the sale of \$425,000 General Obligation Bonds, for cash, at not less than par and accrued interest, at which time the bids will be publicly opened in Room 200 and read aloud. The contract for the sale of the bonds will be awarded by the Board of Commissioners at 4:00 p.m. on said day at the Regular Meeting of the Board of Commissioners.

Security of Bonds

All bonds will constitute general obligations of the City of Salina, Kansas (the "City"), payable from unlimited ad valorem taxes, will not be subject to call for prior payment and will be known as Series F-230.

Details of Bonds

Said series will consist of fully registered certificated bonds, each in the denomination of \$5,000 or integral multiples thereof, not exceeding the principal amount of bonds maturing in each year. Said series will be dated April 1, 1984 and will mature serially as follows:

April 1, 1985	\$25,000
April 1, 1986	35,000
April 1, 1987	35,000
April 1, 1988	40,000
April 1, 1989	45,000
April 1, 1990	45,000
April 1, 1991	50,000
April 1, 1992	50,000
April 1, 1993	50,000
April 1, 1994	50,000

Interest on the bonds will be payable April 1, 1985 and thereafter semiannually on April 1, and October 1, in each year.

Place of Payment

The principal of the bonds shall be payable in lawful money of the United States of America, at the principal office of the Treasurer of the State of Kansas (the "Paying Agent and Bond Registrar"), to the registered owners thereof upon presentation of the bonds for payment and cancellation. Interest on the bonds shall be payable in lawful money of the United States of America by check or draft of the Paying Agent, to the registered owners appearing on the books maintained by the Bond Registrar as of the preceding March 15 or September 15 (the "Record Date"). The fees of the Bond Registrar for registration and transfer of the bonds shall be paid by the City.

Conditions of Bids

Proposals will be received on the bonds bearing such rate or rates of interest as may be specified by the

bidder, and the same rate shall apply to all bonds of the same maturity. Each interest rate shall be a multiple of one-eighth or one-twentieth of one percent. No interest rate shall exceed a rate equal to the "20 Bond Index" of tax exempt municipal bonds published by *The Weekly Bond Buyer*, in New York, New York, on the Monday next preceding the day on which the bonds are sold (February 20, 1984), plus 2%, and the difference between the highest and lowest interest rate specified in any bid shall not exceed 2%. No bid of less than par and accrued interest will be considered. No more than five rates of interest will be considered, (a repeated rate is permitted). Purchasers shall submit their bids in writing, sealed, and marked "Bond Bid."

Basis of Award

All bids must state the average annual interest rate, the total interest cost, the premium, if any, and the net interest cost, all certified by the bidder to be correct, and the City will be entitled to rely on such representations. Unless all bids are rejected, the bonds will be awarded to the bidder whose proposal results in the lowest net interest cost to the City.

Good Faith Deposit

Each bid must be accompanied by a good faith deposit in the form of a cashier's or certified check in the amount of \$8,500.00, made payable to the order of the Treasurer of the City of Salina, Kansas. Such check, or the proceeds thereof, will be held by the Treasurer pending payment for and delivery of the bonds to the successful bidder. In the event the successful bidder shall fail to carry out its contract of purchase, the amount of said deposit shall be retained by the City as liquidated damages. No interest will be paid on the deposit made by the successful bidder.

Delivery of and Payment of the Bonds

The City will pay for printing and registering the bonds, expenses of legal service rendered to the City in connection with the issuance of the bonds, and will deliver the bonds properly executed and registered to the successful bidder within 45 days from the date of sale at such bank or trust company located in Kansas or Missouri, as may be specified by the successful bidder, without cost to the successful bidder, or elsewhere at the expense of the successful bidder. Payment for the bonds shall be made in federal funds or other funds which shall be available to the City on the same day the bonds are delivered to the successful bidder. The successful bidder will be furnished with a certified transcript evidencing the authorization and issuance of the bonds and the usual closing proofs which will include a certificate that there is no litigation pending or threatened at the time of the delivery of the bonds affecting their validity. The number, denomination of bonds, and names of the registered owners to be initially shown on the bonds shall be submitted in writing by the successful bidder to the Bond Registrar not later than March 15, 1984.

Legal Opinion

The bonds will be sold subject to the legal opinion

(continued)

of Stinson, Mag and Fizzell, Kansas City, Missouri, bond counsel, whose unqualified, approving opinion will be furnished and paid for by the City and will be printed on the bonds.

CUSIP Number

CUSIP identification numbers will be printed on said bonds. All expenses in relation to the printing of CUSIP numbers on said bonds and the CUSIP Service Bureau's charge for the assignment of said numbers will be the responsibility of and shall be paid for by the City.

Purpose

Series F-230 is being issued for the purpose of purchasing fire equipment.

Bid Form

All bids shall be subject to the terms and conditions contained in this Notice of Bond Sale and must be made on the forms which may be obtained from the City Clerk. No additions or alterations may be made to such forms and any erasures may cause rejection of any bid. The right is reserved to waive irregularities and reject any and all bids.

Assessed Valuation and Outstanding Bonded Debt

The assessed valuation of all taxable tangible property within the City of Salina, Kansas, as certified by the Saline County Clerk on August 25, 1983, is as follows:

Equalized assessed valuation of tangible property	\$104,100,881
Tangible valuation of motor vehicles	25,447,930
Tangible valuation of motor vehicle dealer's inventory	\$ 1,536,444
<hr/>	
Equalized assessed tangible valuation for computation of bonded indebtedness limitations	\$131,085,255

The outstanding bonded indebtedness of the City of Salina, Kansas, as of April 1, 1984, including this issue of bonds in the amount of \$425,000, will be in the amount of \$10,865,000. The City also has a Temporary Improvement Note outstanding in the principal amount of \$468,280, which is not included in this issue. The City also has outstanding \$4,388,000 Water and Sewerage Advance Refunding Revenue Bonds.

Bond Ratings

The outstanding general obligation bonds of the City are rated "A-1" by Moody's Investors Service, Inc.

Done by order of the Board of Commissioners of the City of Salina, Kansas this 6th day of February, 1984.

D. L. HARRISON
City Clerk

Doc. No. 001869

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 2-8:

SB 634, by Senator Rehorn (by request): An act concerning midwifery; providing for the licensure of midwives; establishing a regulatory council on midwifery; imposing certain duties on the secretary of health and environment; declaring certain acts to be unlawful and classifying the crimes and penalties therefor.

SB 635, by Senators Morris and Vidricksen: An act concerning school districts; fixing the date for commencement of the school term; providing for exemptions; affecting the dates provided for computations and distributions under the school district equalization act; amending K.S.A. 72-7034, 72-7038, 72-7039, 72-7047, 72-7049 and 72-7050 and K.S.A. 1983 Supp. 72-1106, 72-7033, 72-7043 and 72-7053, and repealing the existing sections.

SB 636, by Senators Ehrlich, Gannon, Hayden, Johnston and Karr: An act requiring two-way shortwave radios of certain frequencies in the lead locomotives and cabooses of trains operating in this state; penalties for violations.

SB 637, by Senator Karr (by request): An act relating to termination of farm tenancies; amending K.S.A. 58-2506 and repealing the existing section.

SB 638, by Senators Parrish, Pomeroy and Hein: An act concerning the city of Topeka; relating to the Topeka metropolitan transit authority; amending K.S.A. 12-2802, 12-2816 and 12-2839 and repealing the existing sections.

SB 639, by Senators Parrish, Pomeroy and Hein: An act relating to criminal procedure; concerning the admission of forensic examiner's report at preliminary examinations; amending K.S.A. 1983 Supp. 22-2902a and repealing the existing section.

SB 640, by Senator Feleciano: An act establishing a program for the care of persons suffering from hemophilia.

SB 641, by Committee on Ways and Means: An act relating to deductions from wages; amending K.S.A. 44-319 and repealing the existing section.

SB 642, by Senator Johnston: An act relating to criminal procedure; concerning release prior to trial; amending K.S.A. 22-2802 and repealing the existing section.

SB 643, by Senator Ehrlich: An act concerning disclosure of examinations to test subjects; providing civil penalties for violations.

SB 644, by Senators Parrish and Winter: An act amending the Kansas juvenile offenders code; relating to payment of expenses of care and custody of certain juveniles; amending K.S.A. 1983 Supp. 38-1616 and 38-1624 and repealing the existing sections.

SB 645, by Committee on Agriculture and Small Business: An act concerning agricultural seeds; relating to the sale or exchange thereof; prescribing certain powers, duties and functions for the secretary of the state board of agriculture; declaring certain acts to be misdemeanors and prescribing penalties therefor; authorizing rules and regulations; amending K.S.A. 2-1415, 2-1417, 2-1421, 2-1422, 2-1423, 2-1424, 2-1425, 2-1426 and 2-1426a and repealing the existing sections; also repealing K.S.A. 2-1422a, 2-1424a and 2-1427.

SB 646, by Senator Karr: An act concerning compensation of certain district court personnel; relating to reduced compensation upon termination in certain cases; amending K.S.A. 20-361 and repealing the existing section.

SB 647, by Senator Hein: An act concerning the state corporation commission; relating to the duties thereof with respect to the issuance of securities by public utilities and common carriers; issuance of securities; amending K.S.A. 1983 Supp. 66-125 and repealing the existing section.

SB 648, by Senator Hein: An act concerning crimes and punishments; relating to penalties for the crime of theft; amending K.S.A. 21-3701 and repealing the existing section.

SB 649, by Senator Hein: An act relating to township fire districts; concerning the compensation of certain district officers; amending K.S.A. 80-1544 and repealing the existing section.

SB 650, by Committee on Elections: An act relating to fire districts in certain counties; concerning the verifications of petitions; amending K.S.A. 19-3624, 19-3629 and 19-3631 and repealing the existing sections.

SB 651, by Committee on Elections: An act relating to community building districts; concerning the verification of petitions; amending K.S.A. 15-11b02 and 15-11b11 and repealing the existing sections.

SB 652, by Committee on Elections: An act relating to cemeteries; concerning the verification of petitions; amending K.S.A. 15-1013, 15-1017, 17-1330a, 17-1335i, 17-1343, 17-1345 and 17-1356 and repealing the existing sections.

SB 653, by Committee on Elections: An act relating to hospitals; concerning hospital districts; concerning the verification of petitions; amending K.S.A. 80-2114, 80-2132, 80-2132a, 80-2157, 80-2175, 80-2180, 80-21,103 and 80-21,120 and K.S.A. 1983 Supp. 80-2198 and repealing the existing sections.

SB 654, by Senator Werts: An act concerning the open records act; relating to records not required to be open; amending Section 7 of 1984 House Bill No. 2668 and repealing the existing section.

SB 655, by Senator Vidricksen: An act concerning the taking of fur-bearing animals; amending K.S.A. 32-158 and repealing the existing section.

SB 656, by Committee on Public Health and Welfare: An act relating to adult care homes; concerning recovery of costs of receivership; amending K.S.A. 39-960, 39-961 and 39-963 and repealing the existing sections.

SB 657, by Committee on Public Health and Welfare: An act concerning the Kansas state board of nursing; relating to the appointment of members; amending K.S.A. 74-1106 and repealing the existing section.

SB 658, by Committee on Public Health and Welfare: An act relating to marriage licenses; eliminating the three-day waiting period; establishing an expiration date for marriage licenses; amending K.S.A. 23-106 and repealing the existing section.

SB 659, by Senator Meyers: An act concerning home health agencies; providing for the licensure and regulation thereof; granting powers to and imposing duties upon the

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secretary of health and environment; creating the home health services advisory council; providing penalties for violations; amending K.S.A. 75-5614 and repealing the existing section.

SB 660, by Committee on Public Health and Welfare: An act concerning dentists; improper use of name; suspension or revocation of license; amending K.S.A. 65-1435 and repealing the existing section.

SB 661, by Senator Reilly: An act concerning motor vehicles; conversion or other changes in vehicles; amending K.S.A. 8-2410 and repealing the existing section.

SB 662, by Senator Ehrlich: An act concerning motor vehicles; permits for oversize and overweight; amending K.S.A. 8-1911 and repealing the existing section.

SB 663, by Senator Ehrlich: An act repealing K.S.A. 1983 Supp. 8-1341a; certain motor vehicle speeding violation records.

SB 664, by Senator Morris (by request): An act concerning drivers' training schools; amending K.S.A. 8-276 and 8-278 and repealing the existing sections.

SB 665, by Senator Allen: An act relating to the inhalation of certain toxic vapors or fumes; prohibiting certain acts and providing penalties for violations.

SB 666, by Senators Morris, Burke, Francisco, Hayden, Kerr, Roitz, Thiessen and Vidricksen: An act concerning the employment security law; relating to benefits and contributions; amending K.S.A. 1983 Supp. 44-703, 44-704 and 44-710a and repealing the existing sections.

SB 667, by Senator Steineger: An act concerning the Kansas tort claims act; relating to compromise and settlement of claims thereunder; amending K.S.A. 46-918 and 46-919 and K.S.A. 1983 Supp. 75-6106 and repealing the existing sections.

SB 668, by Senator Pomeroy: An act concerning counties; relating to letterhead stationery; amending K.S.A. 19-212c and repealing the existing section.

SB 669, by Senator Pomeroy (by request): An act amending the Kansas code for care of children; relating to investigation on certain reports; amending K.S.A. 1983 Supp. 38-1523 and repealing the existing section.

SB 670, by Senators Thiessen, Allen, Arasmith, Burke, Doyen, Ehrlich, Francisco, Gordon, Hayden, Hein, Hess, Johnston, Kerr, Meyers, Montgomery, Morris, Norvell, Roitz, Vidricksen, Werts and Winter: An act amending the homestead property tax refund act; indexing the eligibility schedule to cost of living adjustments in federal social security benefits; amending K.S.A. 1983 Supp. 79-4508 and repealing the existing section.

SB 671, by Senator Mulich: An act relating to the Kansas police and firemen's retirement system; concerning post-retirement benefit adjustments for certain retirees and increased employer contribution rate.

SB 672, by Senator Mulich: An act concerning the Kansas public employees retirement system; concerning the normal retirement date for certain employees of the city of Kansas City, Kansas.

SB 673, by Committee on Commercial and Financial Institutions: An act relating to banks and banking; enacting the community credit protection act; amending K.S.A. 17-1252 and repealing the existing section; also repealing K.S.A. 9-504, 9-505, 9-505a, 9-505b and 9-505c.

SB 674, by Senators Arasmith, Angell, Gordon, Harder, Montgomery, Morris and Werts: An act concerning taxation and billing of court costs; amending K.S.A. 60-2001 and 60-2003 and repealing the existing sections.

SB 675, by Senators Steineger, Norvell, Feliciano and Chaney: An act concerning state moneys; relating to security requirements for state bank accounts; amending K.S.A. 75-4218 and repealing the existing section.

SB 676, by Senators Steineger and Reborn: An act establishing a local government investment pool for the investment of idle funds of political and taxing subdivisions; authorizing the state treasurer to administer and the pooled money investment board to invest moneys therein; prescribing the powers and duties; amending K.S.A. 1983 Supp. 12-1675 and repealing the existing section.

SB 677, by Senator Pomeroy (by request): An act concerning juveniles; concerning certain records, fingerprints and photographs; amending K.S.A. 1983 Supp. 38-1608, 38-1611 and 38-1618 and repealing the existing sections.

SB 678, by Committee on Judiciary: An act concerning domestic abuse; increasing the marriage license registration fee and providing for moneys therefrom to be used for grants to certain domestic abuse programs; amending K.S.A. 23-108 and 23-109 and K.S.A. 1983 Supp. 23-110 and repealing the existing sections.

SB 679, by Senator Parrish (by request): An act concerning certain cities and counties; relating to the acquisition of motor vehicles.

SB 680, by Senator Winter: An act amending the Kansas retailers' sales tax act; concerning certain sales of parent-teacher organizations; amending K.S.A. 1983 Supp. 79-3602 and repealing the existing section.

SB 681, by Senator Meyers: An act concerning visitation rights of grandparents; amending K.S.A. 38-130 and K.S.A. 1983 Supp. 38-129 and repealing the existing sections.

SB 682, by Senator Ehrlich: An act concerning the Kansas public employees retirement system; concerning the normal retirement date for certain sheriffs.

SB 683, by Senators Angell and Hess: An act concerning preschools; providing for the regulation thereof; exempting such schools from certain licensure requirements.

SB 684, by Senator Chaney: An act making and concerning appropriations for the fiscal year ending June 30, 1985, for the Kansas public television board; authorizing certain transfers, imposing certain restrictions and limitations, and directing or authorizing certain disbursements and acts incidental to the foregoing.

SB 685, by Senators Steineger and Feliciano: An act concerning certain public utilities; relating to fuel adjustment charges.

SB 686, by Senator Hayden: An act concerning classification of oil and natural gas wells.

SB 687, by Senator McCray: An act concerning the Kansas small business procurement act; extending the expiration date thereof; amending K.S.A. 1983 Supp. 75-6010 and repealing the existing section.

SB 688, by Senator Cannon: An act regulating the transporting of combines upon highways.

SB 689, by Senators Johnston and Reilly: An act concerning judges pro tem of the district court; amending K.S.A. 20-310a and repealing the existing section.

SB 690, by Senator Hein: An act relating to county and district attorneys; providing for abolition of the office of county attorney and establishment of the office of district attorney in certain judicial districts upon approval by the electors in those districts; prescribing the powers, duties and functions of the office; providing for the state to pay certain personnel costs; amending K.S.A. 22a-101, 22a-102 and 22a-104 through 22a-107 and repealing the existing sections; also repealing K.S.A. 22a-108.

SB 691, by Senator Francisco: An act relating to bullion; placing certain requirements on sales thereof.

SB 692, by Senator Francisco: An act concerning criminal procedure; relating to diversion in lieu of further proceedings on a complaint; amending K.S.A. 1983 Supp. 22-2908 and 22-2910 and repealing the existing sections.

SB 693, by Senator Ehrlich: An act concerning Pawnee Rock historical state park;

maintenance of access by secretary of transportation; amending K.S.A. 76-2005a and 76-2005b and repealing the existing sections.

SB 694, by Senator McCray: An act enacting the Kansas highway contractor development act.

SB 695, by Senator Hayden: An act concerning school districts; authorizing adoption by boards of education of supplemental salary plans; relating to waivers of certain rights by teachers; amending K.S.A. 72-5445 and 72-5446, and repealing the existing sections.

SB 696, by Senators Gordon and Doyen: An act relating to purchases and sales of property by state agencies; concerning sales of retired highway patrol and central motor pool vehicles; amending K.S.A. 1983 Supp. 75-3739 and repealing the existing section.

SB 697, by Committee on Commercial and Financial Institutions: An act relating to insurance; concerning nonprofit dental service corporations; amending K.S.A. 40-19a04 and repealing the existing section.

SB 698, by Senator Daniels: An act concerning transportation of radioactive materials; rules and regulations of the secretary of health and environment; enforcement by the department of transportation, adjutant general, state highway patrol and state corporation commission.

SB 699, by Senator Hein (by request): An act concerning the uniform vital statistics act; abolishing the duties and functions of local registrars of vital statistics; amending K.S.A. 65-2406, 65-2409, 65-2411, 65-2412, 65-2414 and 65-2422 and K.S.A. 1983 Supp. 65-2428a and repealing the existing sections; and also repealing K.S.A. 65-2407, 65-2410, 65-2430, 65-2431 and 65-2432.

SB 700, by Senator Hein: An act concerning manufactured homes as defined therein; amending K.S.A. 8-126 and 8-2401 and repealing the existing sections.

SB 701, by Senator Hein (by request): An act relating to children; requiring the reporting by certain persons of suspected cases of children who are chemically dependent persons; providing penalties for failure to report; granting immunity from certain liabilities to persons reporting; providing for the investigation of such reports; granting certain powers and duties to the department of social and rehabilitation services and law enforcement officers.

SB 702, by Senators Hein, Gaar, Gaines, Hess and Morris: An act concerning school districts; authorizing an increase in budgets of operating expenses for certain purposes and specifying conditions; imposing certain duties on the state board of education; amending K.S.A. 1983 Supp. 72-7055 and repealing the existing section.

SB 703, by Senator Meyers: An act concerning records of the division of vehicles of the department of revenue; amending K.S.A. 1983 Supp. 74-2012 and section 11 of 1984 House Bill No. 2668, and repealing the existing sections.

SB 704, by Senator Meyers: An act relating to insurance; concerning continuance and conversion of group sickness and accident insurance; amending K.S.A. 40-1805, 40-1905 and 40-19c06 and 40-2209 and repealing the existing sections.

SB 705, by Senator Chaney: An act concerning distribution of a portion of the proceeds of a state tax levy for higher education; concerning community colleges and municipal universities; relating to the issuance of certain bonds; amending K.S.A. 13-13a23 and 71-502 and K.S.A. 1983 Supp. 76-6b01 and repealing the existing sections.

SB 706, by Senator Chaney: An act concerning the Kansas police and firemen's retirement system; relating to retirement benefits of member's spouses; amending K.S.A. 1983 Supp. 74-4958 and repealing the existing section.

SB 707, by Senator Mulich: An act relating to insurance; concerning property insurance; relating to cancellation and nonrenewal; providing certain limitations.

SB 708, by Senator Mulich: An act amending the automobile injury reparations act concerning recovery of damages for pain and suffering; amending K.S.A. 40-3117 and repealing the existing section.

SB 709, by Senators Mulich and Warren: An act establishing the joint committee on revenue estimates and expenditures.

SB 710, by Senator Mulich: An act concerning counties; relating to the awarding of certain contracts; amending K.S.A. 19-214 and repealing the existing section.

SB 711, by Senator Montgomery: An act relating to hospitals; concerning hospital districts; concerning the verification of petitions; amending K.S.A. 80-2114, 80-2132, 80-2132a, 80-2157, 80-2175, 80-2180, 80-21,103 and 80-21,120 and K.S.A. 1983 Supp. 80-2198 and repealing the existing sections.

SB 712, by Senator Hess (by request): An act relating to compulsory attendance of children at school; providing for certain exemptions; imposing conditions; amending K.S.A. 72-1111 and repealing the existing section.

HB 2828, by Representative Cribbs: An act concerning midwifery; providing for the licensure of midwives; establishing a regulatory council on midwifery; imposing certain duties on the secretary of health and environment; declaring certain acts to be unlawful and classifying the crimes and penalties therefor.

HB 2829, by Committee on Ways and Means: An act relating to a prerelease program for persons sentenced to the custody of the secretary of corrections; concerning operation of prerelease centers; requiring certain reports; amending section 1 of 1984 Senate Bill No. 496 and repealing the existing section.

HB 2830, by Committee on Ways and Means: An act concerning fees charged for marriage licenses; relating to collection and disposition thereof; amending K.S.A. 23-109 and K.S.A. 1983 Supp. 23-110 and 28-171 and repealing the existing sections; also repealing K.S.A. 23-108.

HB 2831, by Representative Buehler: An act relating to meat; prohibiting certain practices in connection with certain sales; providing civil and criminal penalties for violations.

HB 2832, by Representative Reinhardt: An act concerning school districts; providing for the payment of state aid thereto for the operation of certain summer programs.

HB 2833, by Committee on Insurance (by request): An act relating to insurance; concerning the Kansas automobile injury reparations act; providing increased personal injury protection benefits and tort threshold; amending K.S.A. 40-3103 and 40-3117 and repealing the existing sections.

HB 2834, by Representative Kline: An act concerning municipalities; relating to the regulation of trees and shrubbery; amending K.S.A. 12-3201 and 12-3202 and repealing the existing sections.

HB 2835, by Representative W. Fuller (by request): An act relating to crimes and punishments; concerning certain sex offense and offenses relating to family relationships and children; amending K.S.A. 1983 Supp. 21-3503, 21-3504, 21-3602 and 21-3603 and repealing the existing sections.

HB 2836, by Representatives Moomaw, Farrar, Flottman, Goossen, Long and Nichols: An act concerning the crime of driving under the influence of alcohol or drugs; relating to terms of diversion of criminal proceedings on complaint; amending K.S.A. 12-4416 and K.S.A. 1983 Supp. 22-2909 and repealing the existing sections.

HB 2837, by Representatives Smith and Acheson: An act amending the real estate brokers' and salespersons' license act; amending K.S.A. 58-3041, 58-3045, 58-3049, 58-3052, 58-3061 and 58-3062 and repealing the existing sections.

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HB 2838, by Representatives Barkis, Adam, Blumenthal, Brady, Branson, Bussman, Charlton, Cribbs, Dean, Dempsey, Dillon, Ediger, Erne, Francisco, L. Fry, Green, Groewiel, Hamm, Harder, Helgeson, Hensley, Jarchow, M. Johnson, Justice, Laird, Leach, Love, Luzzati, Mainey, Matlack, V. Miller, Murphy, Peterson, Reardon, Rezac, Rogers, Roper, Rosenau, Runnels, Schmidt, Shelor, Shriver, Solbach, Sughrue, Sutter, Teagarden, Turnquist, Wagnon, Darrel Webb, Whiteman and Wisdom: An act relating to school district finance; establishing a temporary special revenue fund and providing for the transfer of moneys thereto; providing for the use and disposition of miscellaneous district revenues; amending K.S.A. 72-7062 and 72-8161 and K.S.A. 1983 Supp. 72-8804 and repealing the existing sections.

HB 2839, by Representative Smith: An act concerning certain excavations of land; placing certain restrictions on depth of excavation; providing penalties for violations.

HB 2840, by Representatives Smith, Acheson, Barr, Campbell, DeBaun, Eckert, Guldner, Hassler, L. Johnson, Laird, Long, D. Miller, Polson, Roe, Roenbaugh, Spaniol, Teagarden, David Webb and Williams: An act concerning certain publicly funded institutions of postsecondary education; relating to entitlements of community colleges and municipal universities to out-district tuition and state aid and credit hour state aid; amending K.S.A. 13-13a29, 13-13a30, 71-601, 71-603, 71-605, 72-6501, 72-6504 and 72-6506 and K.S.A. 1983 Supp. 71-602 and 72-6503, and repealing the existing sections.

HB 2841, by Representative Moore: An act concerning motor vehicles; impairment of vehicle interior; glass requirements; amending K.S.A. 8-1749a and repealing the existing section.

HB 2842, by Representatives M. Johnson, Baker, Barkis, Blumenthal, Crowell, Dillon, Ediger, Flottman, W. Fuller, Green, Harder, Long, Meacham, V. Miller, Moomaw, Peterson, Reardon, Solbach, Sprague, Turnquist, Wagnon, Weaver, David Webb, Whiteman and Wunsch: An act concerning juries; changing the term "jury foreman" to "presiding juror"; amending K.S.A. 22-3003, 22-3004, 22-3008, 22-3011, 22-3014, 22-3201, 22-3421 and 60-248 and repealing the existing sections.

HB 2843, by Representative Harper: An act relating to the levy of special assessments for certain sewer improvements by the city of Ft. Scott, Bourbon county, Kansas; providing for the staying of certain foreclosure proceedings; authorizing the redetermination and recertification of such special assessments and the payment of portions of the cost thereof.

HB 2844, by Representative Williams: An act concerning school districts; authorizing adoption by boards of education of improved performance of measurable objectives pay plans; providing for state aid to school districts under certain conditions.

HB 2845, by Committee on Federal and State Affairs: An act concerning the transient guest tax; imposing certain requirements on certain recipients of moneys collected therefrom.

HB 2846, by Representative Vancrum: An act concerning municipal court procedure; relating to complaints; amending K.S.A. 12-4113, 12-4202 and 12-4205 and repealing the existing sections.

HB 2847, by Representative Eckert: An act concerning planning and zoning; relating to certain cities and counties; amending K.S.A. 12-716 and repealing the existing section.

HB 2848, by Representative Brady: An act concerning the Kansas proprietary school act; affecting exemptions from the provisions thereof; amending K.S.A. 72-4920 and repealing the existing section.

HB 2849, by Representative R. Frey: An act concerning cosmetology; providing for licensure of electrologists; amending K.S.A. 1983 Supp. 65-1901, 65-1902, 65-1903, 65-1904, 65-1904b and 65-1912 and repealing the existing sections; also repealing K.S.A. 1983 Supp. 65-1905a.

HB 2850, by Committee on Assessment and Taxation: An act relating to income taxation; concerning certain reporting requirements; amending K.S.A. 79-3222 and repealing the existing section.

HB 2851, by Committee on Ways and Means: An act concerning the hearing aid act; relating to requirements for licensure; amending K.S.A. 74-5811, 74-5814 and 74-5816 and repealing the existing sections; also repealing K.S.A. 74-5817.

HB 2852, by Representative Duncan (by request): An act concerning the behavioral sciences regulatory board; relating to certain fees charged thereby; amending K.S.A. 74-5319 and 74-5339 and K.S.A. 1983 Supp. 74-5311 and repealing the existing sections.

HB 2853, by Representative Reinhardt: An act concerning townships; relating to fire protection; amending K.S.A. 1983 Supp. 80-1503 and repealing the existing section.

HB 2854, by Representatives Lowther and D. Miller: An act repealing K.S.A. 1983 Supp. 79-34,147 and 79-34,148 relating to transfers from the state general fund to the state highway fund in relation to financing highways.

HB 2855, by Representative L. Fry: An act providing civil immunity to persons who assist in hazardous waste accidents.

HB 2856, by Representative Wunsch: An act concerning law enforcement training; amending K.S.A. 1983 Supp. 74-5606 and 74-5607a and repealing the existing sections.

HB 2857, by Representative V. Miller: An act concerning motor vehicles; drivers' licenses; sight sufficiency; amending K.S.A. 1983 Supp. 8-247 and repealing the existing section.

HB 2858, by Committee on Public Health and Welfare: An act concerning judgments; when dormant; release of records; amending K.S.A. 60-2403 and repealing the existing section.

HB 2859, by Representative Matlack: An act concerning cemeteries; establishing the Kansas cemetery board; providing certain powers and duties thereof.

HB 2860, by Representative Crowell: An act concerning taxation of special fuels; payment of tax when all special fuels purchased are for on-highway use.

HB 2861, by Representatives Turnquist, Aylward, Cribbs, B. Fuller, Hoy, L. Johnson, M. Johnson, Long, Matlack, V. Miller, B. Ott, Reardon, Spaniol and Sutter: An act concerning insurance; relating to required contents of motor vehicle liability insurance policies; amending K.S.A. 40-3107 and repealing the existing section.

HB 2862, by Representative Williams: An act establishing a Kansas state exemplary schools award committee; prescribing duties and functions.

HB 2863, by Representatives L. Johnson, Douville, Hayden, R. H. Miller and Walker: An act concerning litter control; requiring certain beverage containers to be redeemable; providing penalties for violations relating thereto; amending K.S.A. 21-3722 and repealing the existing section.

HB 2864, by Representatives Jarchow, Adam, Apt, Aylward, Blumenthal, Branson, Charlton, Cribbs, Dean, Dillon, M. Johnson, Justice, Kline, Laird, Leach, Love, Luzzati, R. D. Miller, Nichols, Niles, Reardon, Rezac, Rogers, Sughrue, Whiteman and Williams: An act concerning screening, diagnostic and treatment control tests administered to infants to determine whether conditions exist which cause mental retardation; requiring tests for galactosemia; amending K.S.A. 65-180, 65-181 and 65-183 and repealing the existing sections.

HB 2865, by Committee on Federal and State Affairs: An act concerning records of the division of vehicles of the state department of revenue; amending K.S.A. 1983 Supp. 74-2012 and section 11 of 1984 House Bill No. 2668, and repealing the existing sections.

HB 2866, by Representative Charlton: An act concerning municipalities; relating to improvements therein and the payment and assessment of the cost of such improvements; amending K.S.A. 12-6a06, 12-6a07 and 12-6a15 and repealing the existing sections.

HB 2867, by Representative Hensley: An act concerning the employment security law; relating to benefits and contributions; amending K.S.A. 1983 Supp. 44-704 and repealing the existing section; also repealing K.S.A. 1983 Supp. 44-710h.

HB 2868, by Representative Groewiel: An act concerning public utilities; relating to changes of rates or schedules; amending K.S.A. 66-117 and repealing the existing section.

HB 2869, by Representative Hamm: An act concerning school districts; relating to the furnishing and providing of transportation; imposing certain duties on the state board of education; amending K.S.A. 72-8309 and repealing the existing section.

HB 2870, by Representative Ediger: An act concerning workers' compensation; relating to limitations on attorneys' fees; amending K.S.A. 44-536 and repealing the existing section.

HB 2871, by Representative Campbell: An act authorizing the secretary of social and rehabilitation services to sell certain lands owned by the state and located in Mitchell county.

HB 2872, by Committee on Local Government: An act concerning contracts for purchases with nonresident bidders; amending K.S.A. 75-3740a and repealing the existing section.

HB 2873, by Representative Groewiel: An act relating to elections; concerning the voting by persons who have moved from one residence to another within the same precinct prior to any primary or general election.

HB 2874, by Representative Guldner: An act concerning fish and game; relating to fishing and hunting licenses; amending K.S.A. 32-104c and K.S.A. 1983 Supp. 19-328 and 32-104a and repealing the existing sections.

HB 2875, by Representative Guldner: An act concerning the statute of frauds; exempting certain contracts therefrom; amending K.S.A. 33-106 and repealing the existing section.

HB 2876, by Representative Vancrum: An act relating to insurance; concerning coverage of liability for certain punitive or exemplary damages.

HB 2877, by Representative Vancrum: An act concerning real estate brokers and salespersons; relating to certain courses of instruction required for licensure; amending K.S.A. 58-3046a and repealing the existing section.

HB 2878, by Representative Lowther: An act concerning the public employees retirement system; relating to tax sheltered annuity provisions for certain employees of the state board of regents; amending K.S.A. 74-4925 and repealing the existing section.

HB 2879, by Representative Lowther: An act establishing a Kansas commission on incentive to excellence in education; prescribing duties and functions of the commission and the state board of education; providing for payments of state grant moneys to school districts under certain conditions.

HB 2880, by Representative Justice: An act concerning the investment and management of moneys under the control and supervision of state agencies; prohibiting certain investments with regard to the Republic of South Africa; prescribing duties for the pooled money investment board and the board of trustees of the Kansas public employees retirement system; amending K.S.A. 12-3718, 12-3724, 40-2307, 40-3406, 58-3066, 68-2311, 74-2913, 74-4515, 74-4921, 75-2527, 75-4254, 75-4259, 76-818 and 76-2473 and K.S.A. 1983 Supp. 44-712, 65-3431, 65-3439, 75-4205, 75-4208 and 75-4209 and repealing the existing sections.

HB 2881, by Representative Douville: An act concerning wrongful death actions; concerning elements of damage; amending K.S.A. 60-1904 and repealing the existing section.

HB 2882, by Representative Douville: An act concerning criminal procedure; relating to pretrial release; amending K.S.A. 22-2802 and repealing the existing section.

HB 2883, by Representative Douville: An act concerning cities and counties; relating to planning and zoning; amending K.S.A. 12-712, 19-2913 and 19-2926 and repealing the existing sections.

HB 2884, by Representatives Blumenthal and Apt: An act authorizing the provision of adult special education services for certain residents of state institutions under the jurisdiction of the secretary of social and rehabilitation services.

HB 2885, by Representative Spaniol: An act concerning insurance; relating to reimbursement for services of certain health care providers; amending K.S.A. 40-1803, 40-1903 and 40-1904 and repealing the existing sections.

HB 2886, by Representatives Branson, Aylward, Buehler, Hassler, Heinemann, Knopp, Lowther, Luzzati, Mainey, Murphy, Sand, Sughrue, Vancrum, Wagnon, Whiteman, Wilbert and Wisdom: An act concerning programs providing services for care and intervention on behalf of victims of domestic abuse; prescribing powers, duties and functions for the secretary of social and rehabilitation services; authorizing grants-in-aid.

HB 2887, by Representatives Adam, Bussman, Campbell, Dempsey, Fox, Hamm, Justice, Love, Murphy, Peterson, Sutter and Vancrum: An act relating to the development of the Missouri River for barge traffic; enacting an interstate compact for this purpose; concerning the purpose, membership and duties and responsibilities of member states; and providing for withdrawal from membership by member states.

HB 2888, by Representative Adam: An act relating to games of bingo; concerning the value of prizes awarded or offered in a single day; amending K.S.A. 1983 Supp. 79-4706 and repealing the existing section.

HB 2889, by Representatives Lowther, Bunten, Crumbaker, Knopp, Meacham and Sand: An act concerning financing of highways; increasing motor fuels taxes; limiting general fund sales tax transfers to the state highway fund; amending K.S.A. 1983 Supp. 79-34,141 and 79-34,147 and repealing the existing sections; also repealing K.S.A. 1983 Supp. 79-34,148.

HB 2890, by Representatives Barkis, Adam, Blumenthal, Brady, Branson, Charlton, Cribbs, Dean, Dillon, Ediger, Groewiel, Hensley, M. Johnson, Justice, Luzzati, Mainey, Matlack, Murphy, Peterson, Reardon, Rogers, Roper, Schmidt, Darrel Webb and Whiteman: An act concerning motor vehicles; automobile warranties; commonly called the lemon law.

HB 2891, by Representative D. Miller: An act concerning the sale of rabies vaccine; authorizing limitations and restrictions on the sale thereof.

HB 2892, by Representative D. Miller (by request): An act concerning fire districts; relating to property annexed by cities.

HB 2893, by Committee on Public Health and Welfare: An act concerning the Kansas commission for the deaf and hearing impaired; continuing the existence of the commission under the Kansas sunset law and expanding its duties; fees; amending K.S.A. 1983 Supp. 74-7274, 75-5391, 75-5392, 75-5293, 75-5394, 75-5395, 75-5396, 75-5397 and repealing the existing sections.

HB 2894, by Representative Fox: An act establishing conservation easements; providing for the nature and characteristics of such easement.

HB 2895, by Representative Fox: An act concerning mentally ill persons; creating

(continued)

mental health boards; transferring powers of district courts to boards; providing for appeals; amending K.S.A. 59-2902 and repealing the existing section.

HB 2896, by Representative Fox: An act concerning child support; relating to enforcement of orders thereof; providing for setting off certain amounts against moneys held for or owed to the obligor by the state; amending K.S.A. 1983 Supp. 75-6202 and repealing the existing section.

HB 2897, by Representative Fox: An act concerning chronically mentally ill persons; directing the secretary of social and rehabilitation services to develop a statewide plan for services to such persons; directing the secretary to report to the governor and legislature; amending K.S.A. 59-2902 and repealing the existing section.

HB 2898, by Representative Smith: An act relating to property taxation; concerning apportionment of the assessed valuation of electrical generation facilities; amending K.S.A. 79-5a06a and repealing the existing section.

HB 2899, by Representatives Moomaw, Chronister, DeBaun, Farrar, Fox, Friedeman, Guldner, L. Johnson, Nichols, B. Ott, Polson and Roenbaugh: An act concerning crimes and punishments; relating to sentencing for certain felonies; amending K.S.A. 21-4603 and repealing the existing section.

HB 2900, by Representatives Matlack, Baker and K. Ott: An act relating to zoning by cities outside of the corporate boundaries thereof; amending K.S.A. 12-715b, 12-715c and 12-715d and repealing the existing sections.

HB 2901, by Representatives Rogers, Blumenthal, Brady, Dean, Francisco and Whiteman: An act concerning public pools; requiring life-saving personnel and equipment; providing penalties for violation and declaring certain violations to be a public nuisance.

HB 2902, by Representative Cribbs: An act concerning motor vehicles; towing or moving wrecked or disabled vehicles; certain functions of the state corporation commission; amending K.S.A. 8-136 and K.S.A. 1983 Supp. 66-1,109 and repealing the existing sections.

HB 2903, by Representatives Reardon, Dillon, M. Johnson, Justice, Love, Peterson, Ramirez, Rosenau, Sutter and Wisdom: An act relating to retirement and payment of annuities to school employees in certain school districts; amending K.S.A. 72-1761 and repealing the existing section.

HB 2904, by Representative Peterson: An act relating to motor vehicle insurance; concerning limitations on disability and medical benefits; amending K.S.A. 40-3103 and repealing the existing section.

HB 2905, by Representative Peterson: An act repealing K.S.A. 60-1903; concerning amount of damages for wrongful death.

HB 2906, by Representatives Barkis, Adam, Blumenthal, Brady, Branson, Charlton, Cribbs, Dean, Dillon, Francisco, Grotewiel, Harder, Helgerson, Jarchow, M. Johnson, Justice, Leach, Luzzati, Mainey, Matlack, V. Miller, Murphy, Niles, Peterson, Reardon, Rogers, Rosenau, Runnels, Solbach, Sughrue, Wagon, Darrel Webb, Whiteman and Wisdom: An act providing for the establishment of a system for disseminating information and advice to and making referrals of persons seeking to enforce child support orders.

HB 2907, by Representatives Barkis, Brady, Branson, Bussman, Charlton, Cribbs, Dempsey, Ediger, Erne, Francisco, L. Fry, Grotewiel, Hamm, Harder, Hensley, Justice, Leach, Mainey, Matlack, Murphy, Peterson, Reardon, Rezac, Roper, Runnels, Schmidt, Shelor, Sughrue, Teagarden, Turquist, Wagon, P. Weaver, Whiteman and Wisdom: An act concerning the department of economic development; creating the position of agribusiness development specialist within the department; prescribing duties and functions thereof.

HB 2908, by Representatives Barkis, Brady, Branson, Bussman, Charlton, Ediger, Erne, L. Fry, Hamm, Hensley, Justice, Mainey, V. Miller, Murphy, Peterson, Reardon, Rezac, Rogers, Sughrue, Teagarden, Wagon and Weaver: An act concerning prosecutions for felonies; establishing a felony prosecutors division in the office of the attorney general; providing for the position of felony prosecutor in certain judicial districts; amending K.S.A. 19-702, 19-703, 19-717 and 19-723 and repealing the existing sections.

HB 2909, by Representatives Barkis, Adam, Blumenthal, Brady, Branson, Charlton, Dean, Ediger, Erne, Francisco, L. Fry, Hamm, Jarchow, Justice, Murphy, Niles, Reardon, Rogers, Schmidt, Whiteman and Wisdom: An act relating to banks and banking; concerning the general powers of banks; amending K.S.A. 1983 Supp. 9-1101 and repealing the existing section.

HB 2910, by Representatives Barkis, Adam, Blumenthal, Brady, Branson, Bussman, Charlton, Cribbs, Dillon, Ediger, Francisco, Grotewiel, Harder, Hensley, Jarchow, M. Johnson, Justice, Leach, Love, Luzzati, Mainey, V. Miller, Murphy, Peterson, Reardon, Rogers, Roper, Runnels, Schmidt, Sughrue, Teagarden, Turquist, Wagon, P. Weaver, Darrel Webb, Whiteman and Wisdom: An act concerning conservation of electricity and natural gas; requiring conservation rates; relating to weatherization loan costs incurred by utilities; amending K.S.A. 66-107 and 66-110 and repealing the existing sections.

HB 2911, by Representatives Barkis, Brady, Branson, Charlton, Dean, Erne, L. Fry, Grotewiel, Harder, Hensley, Justice, Leach, Luzzati, Mainey, V. Miller, Murphy, Niles, Reardon, Rogers, Rosenau, Schmidt, Sughrue, Darrel Webb, Whiteman and Wisdom: An act amending the homestead property tax refund act; concerning the eligibility for and amount of refunds thereunder; amending K.S.A. 79-4504 and K.S.A. 1983 Supp. 79-4502, 79-4508 and 79-4511 and repealing the existing sections.

HB 2912, by Representatives Barkis, Adam, Blumenthal, Brady, Branson, Bussman, Charlton, Cribbs, Dean, Dillon, Francisco, L. Fry, Grotewiel, Harder, Helgerson, Hensley, Jarchow, Justice, Love, Luzzati, Mainey, Matlack, Peterson, Reardon, Roper, Runnels, Sughrue, Sutter, Turquist, Wagon, Weaver, Darrel Webb, Whiteman and Wisdom: An act concerning utilities; creating the citizen utility board.

HB 2913 by Representative Meacham: An act concerning cities and counties; relating to the governing bodies thereof; amending K.S.A. 1983 Supp. 19-101a and repealing the existing section.

HB 2914, by Representative Acheson: An act concerning municipalities; relating to vacating streets and alleys; amending K.S.A. 12-406, 12-504 and 12-505 and repealing the existing sections.

HB 2915, by Representative Louis: An act relating to crimes and punishments; concerning certain crimes relating to gambling; amending K.S.A. 21-4302 and repealing the existing section.

HB 2916, by Representative Louis: An act concerning civil procedure; relating to admissibility of certain matters disclosed in mediation, conciliation or arbitration.

HB 2917, by Representative Louis: An act concerning public records; amending sections 5, 6, 7 and 11 of 1984 House Bill No. 2668 and repealing the existing sections.

HB 2918 by Representative Heinemann: An act concerning county attorneys; relating to the method of selection thereof; amending K.S.A. 19-701 and 19-715 and repealing the existing sections.

HB 2919, by Representative Wagon: An act relating to registered family day care homes; concerning visits to such homes by the secretary of health and environment; amending K.S.A. 65-520 and repealing the existing section.

HB 2920, by Representatives Laird, Acheson, Barr, Bunten, Hensley, Mainey, V. Miller,

Runnels, Smith and Wagon: An act concerning crimes and punishments; relating to the crime of giving a false alarm; amending K.S.A. 21-4110 and repealing the existing section.

HB 2921, by Representative Farrar: An act relating to the uniform commercial code; concerning certain oil and gas security interests and product liens; amending K.S.A. 84-9-302 and 84-9-312 and repealing the existing sections.

HB 2922, by Representative Heinemann: An act relating to compulsory attendance of children at school; amending K.S.A. 72-1111 and repealing the existing section.

HB 2923, by Representative Douville: An act concerning radar detection devices; providing for the seizure and disposition thereof; providing for unlawful acts relating thereto and prescribing penalties therefor.

HB 2924, by Representatives Jarchow, Cribbs, Dillon, M. Johnson, Sughrue and Wisdom: An act providing a monthly retirement benefit for certain employees of the legislature; providing for administration.

HB 2925, by Representative David Webb: An act concerning property taxation; exempting merchants' inventory therefrom; repealing K.S.A. 79-1001, 79-1001a, 79-1001c, 79-1001d, 79-1004a, 79-1004b and 79-1434 and K.S.A. 1983 Supp. 79-1001b and 79-1003.

HB 2926, by Representative Farrar: An act relating to recreation systems in cities and school districts; concerning tax levies therefor; amending K.S.A. 1983 Supp. 12-1908 and repealing the existing section.

HB 2927, by Representatives Fox, Adam, Aylward, Baker, Barr, Blumenthal, Braden, Branson, Charlton, Cloud, Cribbs, Ediger, Francisco, L. Fry, Goossen, Grotewiel, Helgerson, Hensley, Hoy, L. Johnson, Knopp, Leach, Lowther, Luzzati, R.H. Miller, Murphy, K. Ott, Patrick, Roe, Rogers, Rolfs, Roper, Runnels, Schweiker, Shelor, Smith, Solbach, Spaniol, Sughrue, Turquist, Vancrum, Wagon, Darrel Webb, Whiteman, Wilbert and Wisdom: An act concerning public utilities; relating to the valuation of property for ratemaking purposes; amending K.S.A. 66-128 and repealing the existing section.

HB 2928 by Representative Peterson: An act concerning liability; concerning automobile liability insurance coverage; providing for intrafamily liability under certain circumstances for injury caused by unintentional torts; amending K.S.A. 40-3107 and repealing the existing section.

HB 2929, by Representative Peterson: An act relating to insurance; concerning uninsured motorist coverage; amending K.S.A. 40-284 and repealing the existing section.

HB 2930, by Representative Peterson: An act relating to insurance; concerning underinsured motorist coverage; amending K.S.A. 40-284 and repealing the existing section.

HB 2931, by Representative V. Miller: An act concerning civil procedure; relating to proceedings in aid of execution; amending K.S.A. 60-2419 and repealing the existing section.

HB 2932, by Representatives Vancrum, Baker, Blumenthal, Douville, Fox, Hassler, Knopp, D. Miller, Patrick, Schweiker and Wagon: An act concerning wrongful death actions; amending K.S.A. 60-1903 and 60-1904 and repealing the existing sections.

HB 2933, by Representatives Ediger, Baker, Harder, Matlack, Rolfs and Sughrue: An act relating to awarding public contracts; providing a preference for bidders domiciled in Kansas; amending K.S.A. 75-3740a and K.S.A. 1983 Supp. 75-3740 and repealing the existing sections.

HB 2934, by Representative Fox: An act establishing a Kansas state committee on recognition of outstanding Kansas teachers; prescribing duties and functions of the committee.

HB 2935, by Representative Douville: An act concerning workers' compensation; relating to appeals; jurisdiction to remand for further proceedings; amending K.S.A. 1983 Supp. 44-556 and repealing the existing section.

HB 2936, by Representative Douville: An act concerning workers' compensation; relating to maximum weekly compensation for permanent partial disabilities; amending K.S.A. 44-510d and 44-510e and repealing the existing sections.

HB 2937, by Representative Douville: An act concerning workers' compensation; relating to hearing procedure; amending K.S.A. 44-523 and repealing the existing section.

HB 2938, by Representative Douville: An act concerning the workmen's compensation act; relating to filing of claims therefor; permanent partial general disabilities; amending K.S.A. 44-510e, 44-510g and 44-520a and K.S.A. 1983 Supp. 44-508 and repealing the existing sections.

HB 2939, by Representative Douville: An act concerning workers' compensation; relating to permanent partial general disability; amending K.S.A. 44-510e and repealing the existing section.

HB 2940, by Representative Runnels (by request): An act concerning dental assistants; providing for the performance of certain procedures and other duties and placing limitations thereon; authorizing the registration of certain persons as registered dental assistants and providing fees and provisions for the administration of such registration; amending K.S.A. 65-1423, 65-1441 and 74-1406 and K.S.A. 1983 Supp. 65-1436 and 74-1404 and repealing the existing sections.

HB 2941, by Representative Leach: An act amending the uniform commercial code; relating to filing of certain statements; amending K.S.A. 1983 Supp. 84-9-401 and repealing the existing section; also repealing K.S.A. 1983 Supp. 84-9-410.

HB 2942, by Representatives Leach and Rezac: An act concerning fish and game; relating to the powers and duties of the Kansas fish and game commission.

HB 2943, by Representative Sprague: An act concerning life insurance; providing for the nonforfeiture value of life insurance policies to be subject to certain claims; amending K.S.A. 40-414 and repealing the existing section.

HB 2944, by Representative Laird: An act concerning crimes and punishments; relating to the crime of refusal to yield a telephone party line; amending K.S.A. 21-4211 and repealing the existing section.

HB 2945, by Representative Laird: An act concerning crimes and punishments; relating to the crime of harassment by telephone; amending K.S.A. 21-4113 and repealing the existing section.

HB 2946, by Representative Louis (by request): An act relating to high school activities associations; concerning articles of incorporation, bylaws and rules and regulations thereof; amending K.S.A. 72-130 and repealing the existing section.

HB 2947, by Representative Apt: An act concerning prospective students of the state universities; requiring the establishment of a state university preparatory curriculum; affecting entitlement of persons to admission to state universities; amending K.S.A. 72-116 and repealing the existing section.

HB 2948, by Representatives Apt, Aylward, Baker, Barr, Chronister, Flottman, W. Fuller, Hassler, Nichols and Roenbaugh: An act enacting the Kansas equal credit opportunity act.

HB 2949, by Representatives A., Chronister, L. Johnson, Lowther and Nichols: An act concerning school districts; relating to adoption by boards of education of career incentive salary plans for teachers; authorizing boards of education to increase budgets of operating expenses under certain conditions; amending K.S.A. 1983 Supp. 72-7055 and repealing the existing section.

HB 2950, by Representative Crowell: An act concerning the state board of agriculture;

(continued)

authorizing the acquisition of land or interests therein for the purpose of establishing shelter belts of erosion-preventing plants, trees and grasses.

HB 2951, by Representatives Barkis, Mainey, Reardon, Francisco, Brady and Blumenthal: An act concerning the school district equalization act; relating to taxable income of district residents; amending K.S.A. 72-7041 and repealing the existing section.

HB 2952, by Representative Wisdom: An act concerning drivers' licenses; health care information to be entered upon request; amending K.S.A. 1983 Supp. 8-243 and repealing the existing section.

HB 2953, by Representatives Cribbs, Dean, Francisco, Grotewiel, Helgerson, Jarchow, Luzzati, Matlack and Darrel Webb: An act relating to the election of members of the governing body of the city of Wichita, Kansas; providing for the division of such city into districts.

HB 2954, by Representative Mainey: An act concerning firefighters' relief; imposing a tax on certain insurance premiums and directing the disposition thereof; prescribing certain duties for the commissioner of insurance; creating the state firefighters' relief fund; amending K.S.A. 40-1701 to 40-1707, inclusive, and repealing the existing sections.

HB 2955, by Representatives Arbutnot, Braden, Hayden, Littlejohn and Roe: An act concerning appropriations for the fiscal year ending June 30, 1984, for the department of transportation; amending section 3 of chapter 25 of the 1983 Session Laws of Kansas and repealing the existing section.

HB 2956, by Representatives Hensley, Barkis, Cribbs, Green, Jarchow, M. Johnson, Justice, Love, Luzzati, Mainey, Peterson, Sutter, Darrel Webb, Whiteman and Wisdom: An act concerning the workmen's compensation act; relating to the definition of personal injury; medical and temporary total disability compensation; approval of structured settlements; failure to pay compensation due; amending K.S.A. 44-510, 44-510c, 44-512a and 44-521 and K.S.A. 1983 Supp. 44-508 and 44-534a and repealing the existing sections.

HB 2957, by Representative Smith: An act concerning counties; relating to the issuance of bonds for construction of civic centers; amending K.S.A. 1983 Supp. 19-101a and 19-15,141 and repealing the existing sections.

HB 2958, by Representatives Peterson, Justice, Love, Ramirez, Reardon and Sutter: An act relating to the 29th judicial district of the state of Kansas; concerning the selection of judges therein.

HB 2959, by Representatives Love, Cribbs, Justice, Ramirez and David Webb: An act concerning the Kansas small business procurement act; extending the expiration date thereof; amending K.S.A. 1983 Supp. 75-6010 and repealing the existing section.

HB 2960, by Representatives Love, Cribbs and Justice: An act relating to minority businesses; authorizing a set-aside program for certain state agency purchases and contracts for letting to minority businesses; prescribing powers, duties and functions for the departments of administration, transportation and economic development.

HB 2961, by Representative Barkis: An act enacting the Kansas highway contractor development act.

HB 2962, by Representative Lowther: An act establishing a Kansas loan program for teacher enrichment.

HB 2963, by Representative Lowther: An act concerning motor vehicles; height of head lamps; amending K.S.A. 8-1705 and repealing the existing section.

HB 2964, by Representative Grotewiel: An act concerning public utilities; relating to the valuation of property for rate making purposes; amending K.S.A. 66-128 and repealing the existing section.

HB 2965, by Representative Campbell (by request): An act relating to certain sales of books and periodicals through the mails and providing for the enforcement of the provisions of the act.

HB 2966, by Representative Francisco: An act concerning residency requirements for firemen.

HB 2967, by Representatives Francisco and Louis: An act relating to real estate brokers and salespersons; concerning deactivated licenses; amending K.S.A. 58-3049 and repealing the existing section.

HB 2968, by Representative Brady: An act concerning the listing requirements describing real estate subject to sale for delinquent taxes; amending K.S.A. 1983 Supp. 79-2302 and 79-2804 and repealing the existing sections.

HB 2969, by Representatives M. Johnson, Blumenthal, Charlton, Dean, Dillon, Justice, Love, Peterson, Ramirez, Reardon, Rosenau, Sutter, Darrel Webb, Wisdom and Wunsch: An act concerning corrections; requiring notification of certain persons upon escape of an inmate.

HB 2970, by Representative Erne: An act concerning drivers' licenses and nondrivers' identification cards; amending K.S.A. 1983 Supp. 8-246 and 8-1326 and repealing the existing sections.

HB 2971, by Representative Polson: An act directing Kansas state university to conduct research concerning certain wheat varieties.

HB 2972, by Representative Polson: An act concerning school districts; relating to base salary rates of certain employees thereof.

HB 2973, by Representative Polson (by request): An act relating to city and countywide retailers' sales tax; concerning the situs of cable television services; amending K.S.A. 1983 Supp. 12-191 and repealing the existing section.

HB 2974, by Representative Shelor: An act concerning oil and gas; relating to unitization.

HB 2975, by Representative Guldner: An act concerning fish and game; relating to the issuance of permits and game tags; amending K.S.A. 32-179 and repealing the existing section.

HB 2976, by Representative Cloud: An act concerning motor vehicles; placement and display of certain signs; amending K.S.A. 8-132a and repealing the existing section.

HB 2977, by Representative Heinemann: An act relating to social work; concerning regulation of the practice thereof and licensure of persons to engage therein; transferring powers, duties and functions from the behavioral sciences regulatory board to the secretary of social and rehabilitation services; creating the social work board of examiners; social work licensing fee fund; amending K.S.A. 74-7507 and K.S.A. 1983 Supp. 74-7501, 75-3170a, 75-5347, 75-5348, 75-5351, 75-5352, 75-5354, 75-5355, 75-5356, 75-5357, 75-5358, 75-5359 and 75-5362 and repealing the existing sections.

HB 2978, by Representatives Hensley, Barkis, Blumenthal, Cribbs, Green, Jarchow, M. Johnson, Justice, Love, Luzzati, Mainey, V. Miller, Peterson, Reardon, Sutter, Darrel Webb, Whiteman and Wisdom: An act concerning private employment agencies; relating to licensure and operation thereof; prescribing powers, duties and functions for the secretary of human resources; authorizing rules and regulations; amending K.S.A. 44-401, 44-405, 44-406, 44-407, 44-408 and 44-409 and repealing the existing sections; also repealing K.S.A. 44-402.

HB 2979, by Representative Douville: An act concerning workers' compensation; relating to discovery procedures; amending K.S.A. 44-554 and repealing the existing section.

HB 2980, by Representative Douville: An act concerning workers' compensation; relating to compensation for permanent partial disabilities; schedule of injuries; repetitive use

conditions in opposite extremities; amending K.S.A. 44-510d and repealing the existing section.

HB 2981, by Representative Douville: An act concerning the employment security law; relating to disqualification for benefits; amending K.S.A. 1983 Supp. 44-706 and repealing the existing section.

HB 2982, by Representatives Love, Blumenthal, Cribbs and Justice: An act concerning the commission on civil rights; relating to awards of damages in certain cases; defining physical handicap; amending K.S.A. 44-1002, 44-1005 and 44-1019 and repealing the existing sections.

HB 2983, by Representatives Love, Cribbs and Justice: An act concerning the Kansas public employees retirement system; relating to elections by employees not to participate under certain circumstances; amending K.S.A. 1983 Supp. 74-4911 and repealing the existing section.

SCR 1660, by Senator Reilly: A concurrent resolution requesting the United States Postal Service to issue a postage stamp to commemorate the service of the American Night Fighter Squadrons of World War II.

HCR 5073, by Representative Turnquist: A concurrent resolution requesting the Commissioner of Education to direct driver education teachers to include, as a part of their curriculum, the legal and financial consequences of operating a motor vehicle while under the influence of alcohol or drugs.

HCR 5074, by Representatives Barkis, Brady, Branson, Bussman, Charlton, Cribbs, Dean, Dillon, Ediger, Erne, Francisco, Grotewiel, Hamm, Harder, Hensley, Jarchow, M. Johnson, Justice, Leach, Love, Mainey, Matlack, Murphy, Reardon, Rogers, Roper, Rosenau, Runnels, Schmidt, Shelor, Sughrue, Sutter, Teagarden, Wagnon, Darrel Webb, Whiteman and Wisdom: A concurrent resolution directing the Kansas Department of Economic Development to develop a media campaign promoting an improved public image for the teaching profession.

HCR 5075, by Representatives Hensley, Adam, Barkis, Brady, Branson, Charlton, Cribbs, Dean, Dillon, Francisco, Grotewiel, Hamm, Helgerson, M. Johnson, Justice, Leach, Love, Luzzati, Mainey, Matlack, V. Miller, Murphy, Peterson, Reardon, Rogers, Runnels, Schmidt, Sughrue, Turnquist, Wagnon, P. Weaver and Whiteman: A concurrent resolution providing for a special committee to make a legislative study concerning the establishment of a housing trust fund.

SR 1855, by Senator Feleciano: A resolution congratulating and commending the Travel and Tourism Division of the Kansas Department of Economic Development on receiving highest honors in the 1983 Discover America National Travel Marketing Award competition for state travel offices.

SR 1856, by Senator Thiessen: A resolution congratulating Tim Rice on winning the 1983 National Marlin Essay Contest.

HR 6106, by Representative Littlejohn: A resolution in memory of Marion R. "Krabe" Krehbiel.

HR 6107, by Representative Flottman: A resolution congratulating and commending Steve DeLano for his outstanding athletic achievements in cross country and track.

HR 6108, by Representative Chronister: A resolution congratulating and commending the Fredonia High School football team and its coach, Gene John, on winning the 1983 Class 4A State Football Championship in Kansas.

HR 6109, by Representatives Chronister, Bussman and Patterson: A resolution congratulating Tim Rice on winning the 1983 National Marlin Essay Contest.

HR 6110, by Representative Laird: A resolution congratulating the Shawnee Heights High School debate squad for winning the Class 5A State Debate Tournament in Kansas.

HR 6111, by Representative Sprague: A resolution congratulating and commending the Travel and Tourism Division of the Kansas Department of Economic Development on receiving highest honors in the 1983 Discover America National Travel Marketing Award competition for state travel offices.

HR 6112, by Representatives Branson, Charlton and Solbach: A resolution congratulating Dr. Richard Schiefelbusch for receiving the 1983 National Distinguished Service Award from the Association of Retarded Citizens of the United States and commending him for his outstanding work as director of the University of Kansas Bureau of Child Research.

State of Kansas

ATTORNEY GENERAL

OPINION NO. 84-7

Drainage and Levees—General Provisions—Dissolution of Districts; Elections; Transfer of Funds. Lewis A. Heaven, Jr., Merriam City Attorney, Shawnee, February 3, 1984.

K.S.A. 1983 Supp. 24-139 provides for the dissolution of a drainage district upon the completion of certain specified steps, including the filing of a petition and notice and hearing. In the event that a petition opposing the dissolution is filed, the question shall be presented to the district's electors at the next election held in the district. In that no provisions are made for a special election, this would be at the next election held for the purpose of electing directors or approving the issuance of bonds. Upon dissolution, that portion of district funds which are attributable to territory of the district within a city shall be transferred to that city. Depending on when such dissolution occurs, some funds due the district may not yet

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have been collected by the county treasurer, and so may have to be paid to the city at a later date. Once a district is dissolved, its power to levy a tax under K.S.A. 1983 Supp. 24-407 ends, and may not be transferred to the city in which part or all of its territory lies. Cited herein: K.S.A. 12-2001, 19-2601b, 19-2801, K.S.A. 24-139, 24-407, K.S.A. 24-412, 24-425, L. 1983, Ch. 117. JSS

OPINION NO. 84-8

Kansas Constitution—Legislative—Laws Enacted Only by Bill; All Bills Passed Presented to the Governor.

Statutes—Rules and Regulations—Modification, Rejection or Revocation of Same By Concurrent Resolution. Marvin A. Harder, Secretary of the Department of Administration, Topeka, February 3, 1984.

The provisions of subsections (c) and (d) of K.S.A. 1983 Supp. 77-426, which allow the Legislature to reject, modify or revoke an administrative rule and regulation by means of the adoption of a concurrent resolution, are unconstitutional. Such action by the legislature is an unlawful usurpation of the governor's constitutional power to administer and enforce the laws. Such action violates the constitutional doctrine of separation of powers.

In addition, the legislative oversight mechanism prescribed in subsections (c) and (d) of K.S.A. 1983 Supp. 77-426 is unconstitutional for the reason that it attempts to authorize the Legislature to make law, without following the mandatory procedures of the Kansas Constitution. The Kansas Constitution requires that any law be enacted only by bill [not by resolution or concurrent resolution]; that every bill contain the constitutionally-specified enacting clause; and that all bills passed by the Legislature be presented to the governor for approval or disapproval. The procedure set forth in subsections (c) and (d) of K.S.A. 1983 Supp. 77-426 does not meet these constitutional requirements and is unconstitutional. Cited herein: K.S.A. 1983 Supp. 77-426; Kan. Const., Art. 2, §§ 14, 20. RJB

ROBERT T. STEPHAN
Attorney General

Doc. No. 001871

State of Kansas

PERMANENT ADMINISTRATIVE REGULATIONS

NOTICE

The following are permanent administrative regulations which were adopted by a state agency pursuant to K.S.A. 1983 Supp. 77-415 *et seq.* *These regulations are scheduled to become effective May 1, 1984, but are subject to legislative review and may be modified or revoked by the Kansas Legislature prior to May 1.* Any such legislative action will be reported in the *Kansas Register*. The May 3, 1984 issue of the *Register* will contain a complete index to regulations effective May 1, and any legislative actions on them.

DEPARTMENT OF REVENUE ADMINISTRATIVE REGULATIONS

Article 11.—WITHHOLDING AND ESTIMATED TAX

92-11-4. Determining tax to be withheld. (a) General. The Kansas income tax to be withheld by an employer shall be determined in accordance with one of the following income tax withholding methods:

Method I—Income tax withholding formula.

Method II—The withholding tax table provided by the department.

Method III—A computer formula which results in substantially the same amount of withholding for the payroll period as method I above.

(b) Method I. The formula method in method I shall be as follows:

$$\frac{(W-T-D-E) \times R}{P} = \text{Kansas Withholding}$$

When using the withholding tax formula, the following values shall be used:

- (1) W= Annualized wage = Gross Wage \times P;
- (2) T= Allowable federal tax deduction, as follows:
 - (A) For married individuals:
 - (i) (Federal withholding \times P) \times .90 where annual federal withholding is \$11,111 or less;
 - (ii) \$10,000 where annual federal withholding is between \$11,112 and \$22,222; and
 - (iii) (Federal withholding \times P) \times .45 where annual federal withholding is \$22,223 or more;
 - (B) For single individuals:
 - (i) (Federal withholding \times P) \times .85 where annual federal withholding is \$5,882 or less;
 - (ii) \$5,000 where annual federal withholding is between \$5,883 and \$11,765; and
 - (iii) (Federal withholding \times P) \times .425 where annual federal withholding is \$11,766 or more;
- (3) D= Standard deduction = W \times .16 with a minimum of \$1,700 for a single individual or \$2,100 for a married individual and a maximum of \$2,400 for a single individual or \$2,800 for a married individual;
- (4) E= Exemption deduction = personal exemptions claimed \times \$1,000;
- (5) R= Kansas tax rates pursuant to K.S.A. 1982 Supp. 79-32,110 and amendments thereto; and

(continued)

(6) P= Number of payroll periods in a year, as follows:

- (A) 260 for daily or miscellaneous pay periods;
- (B) 52 for weekly pay periods;
- (C) 26 for bi-weekly pay periods;
- (D) 24 for semi-monthly pay periods;
- (E) 12 for monthly pay periods;
- (F) 2 for semi-annual pay periods; or
- (G) 1 for annual pay periods.

(c) Supplemental wages. The treatment given supplemental wages for federal withholding purposes shall be the treatment given supplemental wages for Kansas withholding purposes. The Kansas withholding on supplemental wages shall be computed pursuant to subsection (a) of this regulation.

(d) Payroll periods. The Kansas tax shall be withheld on the basis of the same payroll period used for federal income tax purposes.

(e) Withholding exemptions. The employer shall allow the number of exemptions claimed by the employee on federal form W-4.

(f) Withholding of additional amounts pursuant to agreement.

(1) Whenever the employer and employee agree that an additional amount shall be withheld from employee's wages for federal purposes, that agreement shall also apply for Kansas income tax purposes.

(2) The amount deducted and withheld pursuant to such an agreement between the employer and employee shall be considered as tax required to be deducted and withheld under this section. All provisions of law and regulations applicable to the tax shall be applicable to any amount deducted and withheld pursuant to the agreement. (Authorized by K.S.A. 79-3236; implementing K.S.A. 79-3297a; effective Jan. 1, 1966; amended, E-67-14, Aug. 9, 1967; amended Jan. 1, 1968; amended, E-77-6, March 19, 1976; amended Feb. 15, 1977; amended, E-78-21, Aug. 10, 1977; amended May 1, 1978; amended, E-80-26, Dec. 12, 1979; amended May 1, 1980; amended, T-83-10, June 9, 1982; amended May 1, 1983; amended, T-84-15, July 1, 1983; amended May 1, 1984.)

Article 19.—KANSAS RETAILERS' SALES TAX

92-19-33. Permanent extensions of time to file sales and use tax returns. (a) The director of taxation may, upon request and a proper showing of the necessity therefor, grant a permanent extension of time, for a period not to exceed 60 days, for filing of sales or compensating use returns and for payment of tax due. As a condition of obtaining the permanent extension, the retailer shall file with the department an approved corporate surety bond, a cash bond, or an escrow bond agreement in an amount equal to the retailer's average tax liability for one month multiplied by the number of months for which the permanent extension of time is requested. For the purpose of this regulation, average tax liability for one month shall be computed by dividing the aggregate tax liability for the most recent 12 months by 12. Retailers who have not been required to file tax returns for 12 months shall submit, in writing, an estimate of their expected tax liability. The retailer may request, or the director may require, subse-

quently, that the amount of bond be modified due to growth or contraction of the retailer's sales volume. Retailers with approved bonds on file prior to requesting a permanent extension shall increase their bond coverage by the amount required by this regulation.

(b) Returns filed under an approved permanent extension of time shall be accompanied by interest at the rate per month prescribed by K.S.A. 1982 Supp. 79-2968(a) for each month the filing period is extended. However, returns filed by retailers who have posted a cash bond with the department under subsection (a) shall not be required to pay interest during the extended filing period. (Authorized by K.S.A. 79-3618, 79-3706; implementing K.S.A. 1983 Supp. 79-3607, 79-3706; effective May 1, 1979; amended May 1, 1984.)

Article 51.—TITLES AND REGISTRATION

92-51-34. License plates; extension of time for new issuance. The current issuance cycle for new license plates, as established under K.S.A. 8-132(b), and amendments thereto, and this regulation before its amendment, shall be extended for an additional one-year period. During calendar years 1985 and 1986, one decal shall be furnished for the license plate issued for each registration of a vehicle, as provided in K.S.A. 8-134 and amendments thereto and one decal shall be furnished for each renewal of registration of a vehicle. New license plates shall be issued during the calendar year of 1987 and during every fifth calendar year thereafter for registration or registration renewal for any type of vehicle. During each of the four years following 1987 and during each of the four years following a year in which new license plates are issued, the division of vehicles shall not issue new license plates, but shall issue one decal for the license plate issued for each registration and one decal for each renewal of registration. (Authorized by and implementing K.S.A. 1983 Supp. 8-132; effective, T-84-15, July 1, 1983; effective May 1, 1984.)

HARLEY T. DUNCAN
Secretary of Revenue

Doc. No. 001750

State of Kansas

PERMANENT ADMINISTRATIVE REGULATIONS**NOTICE**

The following are permanent administrative regulations which were adopted by a state agency pursuant to K.S.A. 1983 Supp. 77-415 *et seq.* *These regulations are scheduled to become effective May 1, 1984, but are subject to legislative review and may be modified or revoked by the Kansas Legislature prior to May 1.* Any such legislative action will be reported in the *Kansas Register*. The May 3, 1984 issue of the *Register* will contain a complete index to regulations effective May 1, and any legislative actions on them.

**DEPARTMENT OF REVENUE—
DIVISION OF
ALCOHOLIC BEVERAGE CONTROL
ADMINISTRATIVE REGULATIONS**

Article 3.—RETAILERS

14-3-13. Records of purchases; invoices or sales tickets to be furnished by distributor; retention; records subject to inspection. Each retail licensee purchasing alcoholic liquor, at the time of delivery of the alcoholic liquor, shall demand and receive from the licensed distributor selling the alcoholic liquor, a serially numbered invoice, purchase order, or sales ticket that accurately indicates the kind, brand, quantity, and price of the alcoholic liquor purchased, the date and place of purchase, and the name and address of the distributor and the retail licensee. At the time of delivery of the alcoholic liquor, the retail licensee or an authorized agent shall sign the invoice, purchase order, or sales ticket. The retail licensee shall keep a copy of each invoice, purchase order, or sales ticket on the licensed premises for three years from the date the alcoholic liquor was delivered. The records shall be open at all times to inspections by the director, the director's deputies or agents, or any other law enforcement officer. (Authorized by K.S.A. 41-210, 41-211; implementing K.S.A. 41-708, K.S.A. 1983 Supp. 41-717; effective Jan. 1, 1966; amended Jan. 1, 1972; amended May 1, 1982; amended May 1, 1983; amended May 1, 1984.)

Article 6.—CONTAINERS AND LABELS

14-6-2a. Capacities of containers. Alcoholic liquors shall be sold or offered for retail sale in this state in original containers of the following capacities: (a) Beer: 6½, 7, 8, 10, 11, 11½, 12, 15, 16, 17, 24, 25.6 or 40 fluid ounces; 1 quart; ½ gallon; 2 liters; 1 gallon; 2½ gallons (tapper); ⅓ barrel (3⅞ gallons); ¼ barrel (7¾ gallons); ½ barrel (15½ gallons); or 1 barrel (31 gallons).

(b) Wines: ⅔ pint or 375 milliliters; 1 pint (imports only); ⅔ quart or 750 milliliters; 1 quart or 1 liter; ½ gallon; ⅔ gallon or 1.5 liters; 1 gallon or 3 liters; or 4 liters through 18 liters. Any brand or type may be

permitted in ½ gallon; ⅔ gallon or 1.5 liters; 1 gallon or 3 liters; or 4 liters through 18 liters, provided they are measured in full liter quantities. Any brand or type may be permitted in one of the following: the ½ gallon, ⅔ gallon or 1.5 liter size; or the 1 gallon or 3 liter size. Apertif wine, including vermouth, may be sold or offered for retail sale in this state in original containers having a capacity of 15/16 quart, if the gallonage tax is paid at the full quart rate per bottle.

(c) Alcoholic liquor other than beer and wine: ½ pint or 200 milliliters; ⅓ gallon or 375 milliliters; 1 pint or 500 milliliters; ⅔ quart or 750 milliliters; 1 quart or 1 liter; ½ gallon or 1.75 liter; or 1 gallon.

(1) Domestic whiskey, including bonded bourbon, bonded rye, straight bourbon, straight rye, all blends of neutral spirits, corn whiskey, alcohol, domestic and imported gin, vodka, tequila, and Canadian imported whiskey shall not be offered for sale in containers of 1/10 gallon.

(2) Domestic brandies, prepared cocktails, rum, American cordials, liqueurs and specialties, flavored gin, flavored vodka, flavored whiskey, and scotch whiskey shall not be offered for sale in containers of 1 pint size, but may be offered in containers of 500 milliliters size.

(3) Any brand or type of merchandise may be permitted in one of the following: the 1/10 gallon, 1 pint, or 500 milliliters size.

(d) For tax approval purposes on containers offered for sale, a variance in content may be permitted within 2 fluid ounces or 59.14 milliliters from the above approved sizes.

(e) Suppliers of spirits authorized to do business in the state of Kansas may post for sale both a 375ML size container and a 500ML size container for a particular product. Once a supplier of spirits ships to Kansas an item in a 375ML container, that supplier is prohibited from shipping a 500ML container of that same item to a licensed Kansas distributor. Licensed Kansas distributors shall, upon receipt of a particular item in the 375ML size containers, first deplete their inventories of 500ML size containers of that particular item. Upon depletion of a distributor's stock of 500ML size containers, the distributor may introduce the 375ML size containers of that particular item into the distributor's franchise territory. Upon the filing of an affidavit by a supplier that the supplier has discontinued the manufacturing and sale of a 375ML container for an item, the supplier may, with authorization of the director and under such conditions as the director deems necessary to maintain an orderly market, repost and ship 500ML containers to licensed Kansas distributors. (Authorized by K.S.A. 41-211; implementing K.S.A. 41-211, effective May 1, 1983; amended May 1, 1984.)

Article 7.—TAX; TAX STAMPS; CROWNS; LIDS

14-7-4. Alcoholic liquor other than beer; payment of tax; penalty; bond required; credit. (a) The tax on alcoholic liquor, other than beer, as levied by the act and payable by a distributor, shall be paid by the

(continued)

distributor on or before the fifteenth day of the calendar month succeeding the month in which the distributor acquires possession of any alcoholic liquors upon which the tax has not been paid. The payment shall be by check and shall be accompanied by a report to the director, upon forms to be furnished by the director, showing separately the exact total amount, in gallons or in fractions of gallons, of the following types of alcoholic beverages received by the distributor during the preceding month:

(1) Wine and other dilute alcoholic beverages containing 14% or less of alcohol by volume;

(2) Wine and other dilute beverages containing more than 14% of alcohol by volume; and

(3) Alcohol and spirits of more than 100 proof.

(b) Any sheriff who possesses alcoholic liquor, except beer, that is to be sold under an order of a court which has jurisdiction, and upon which the tax has not been paid, shall file a report, upon forms to be furnished by the director, that provides the description and the amount of all alcoholic liquors to be sold. The tax that is due and owing upon such liquor shall be paid out of the money received by the sheriff at the sale. The tax shall be remitted with the report, by cash, certified check, bank draft, post office or express money order.

In addition to the bond required by the act, every licensed distributor shall furnish a bond payable to the director for the term of the license of the distributor, in a penal sum fixed and in a form approved by the director, executed by the distributor as principal and by a corporate surety authorized to do business in the state of Kansas as surety and conditioned upon the payment of the tax and penalties imposed, by the act and this section, upon such distributor. Any distributor may furnish, in lieu of this required bond, one or more certificates of deposit, corporate stock certificates, revenue bonds, or similar forms of collateral in the required amount. In fixing the amount of the bond, the director shall require a bond equivalent in amount to the distributor's estimated highest monthly tax as determined by the director in a reasonable manner. However, the total amount of the bond required by the distributor shall in no event be less than \$15,000. The additional bond may be combined with the surety bond required by K.S.A. 41-317.

No licensed distributor shall accept any money from a manufacturer or another distributor to be used for the payment of the tax on alcoholic liquors. No distributor or manufacturer shall advance any money to a licensed distributor for the purpose of paying that tax. (Authorized by K.S.A. 41-210; implementing K.S.A. 1983 Supp. 41-502; effective Jan. 1, 1966; amended Jan. 1, 1968; amended Jan. 1, 1973; amended Jan. 1, 1974; amended May 1, 1984.)

Article 8.—ADVERTISING

14-8-4. Retail licensees; marking price on original packages; use of price or inventory control tags, or both; shelf markings; and price marking on point of sale materials. The retail selling price may be legibly marked on the glass portion of the original container

by means of crayon, grease pencil, or other similar method. Price marking on the container's label, Kansas ID stamp, or federal strip shall be prohibited. Retail licensees may affix to an original container a price or inventory control paper tag, or both. Luminous, fluorescent or similar paper may be used for price or inventory control tags.

Retail licensees having authorized coolers or refrigerators may place on the refrigerator or cooler or on a nearby wall the list of cold items available and the price per item, pack, or case. In addition, retailers may place price information on point of sale materials as authorized and defined in K.A.R. 14-10-1. (Authorized by K.S.A. 41-211; implementing 1983 Supp. K.S.A. 41-714(d); effective Jan. 1, 1966; amended Jan. 1, 1971; amended Feb. 15, 1977; amended, E-80-28, Dec. 12, 1979; amended May 1, 1980; amended May 1, 1982; amended May 1, 1984.)

Article 11.—FARM WINERIES

14-11-2. Intoxicated persons on licensed premises. No licensed farm winery shall allow an intoxicated or incapacitated person to frequent, loiter, or be employed upon the licensed premises. The word "incapacitated," as used here, shall mean any person who is impaired by reason of mental illness, mental deficiency, or any other cause to the extent that the person lacks capacity to make responsible decisions concerning personal matters. (Authorized by K.S.A. 41-210; implementing K.S.A. 41-715; effective May 1, 1984.)

14-11-3. Farm winery licensee shall not be employed by a licensed club. No farm winery licensee, or the spouse of any licensee, shall be employed in the capacity of an officer or manager of a club which is licensed by the director and shall not be employed in connection with the mixing, serving, selling and dispensing of alcoholic liquor in such a club. Employees of farm winery licensees shall not purchase, or receive an order to deliver, any alcoholic liquors for a licensed private club. (Authorized by K.S.A. 41-210; implementing K.S.A. 1983 Supp. 41-311(b)(4); effective May 1, 1984.)

14-11-5. Licensed farm winery's warehouses to be separate. Every licensed farm winery shall provide, at the licensee's own expense, a warehouse area to be situated on and to constitute a part of the farm winery's premises. The warehouse area shall be used solely and exclusively for the purpose of storage of domestic table wine manufactured by that winery. Domestic table wine shall not be stored in any other place, except as provided in K.A.R. 14-5-4. (Authorized by K.S.A. 41-210; implementing K.S.A. 41-401, K.S.A. 1983 Supp. 41-308a; effective May 1, 1984.)

14-11-6. Opened containers of domestic table wine on the licensed premises. A licensed farm winery that sells domestic table wine at retail shall not permit the original package or container of any domestic table wine to be opened in or on that portion of the licensed premises that is used for retail sales. The presence of any unsealed container or original pack-

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age containing domestic table wine on the retail sales area of the licensed premises shall be considered as prima facie evidence of a violation of the act. (Authorized by K.S.A. 41-210; implementing K.S.A. 1983 Supp. 41-308a; effective May 1, 1984.)

14-11-7. Retail sales and deliveries shall be made within licensed premises. Retail sales of domestic table wine by a farm winery shall be made only on and within the licensed premises. Deliveries of domestic table wine sold at retail by a farm winery shall be made only within the licensed premises for off-premise consumption. (Authorized by K.S.A. 41-210; implementing K.S.A. 1983 Supp. 41-308a; effective May 1, 1984.)

14-11-8. Sales to or for minors prohibited. No farm winery that sells wine at retail shall knowingly or unknowingly sell, give or deliver any domestic table wine to any person under the age of 21 years of age. No farm winery shall sell, give, or deliver any domestic table wine to any person if the farm winery knows or has reason to know that the domestic table wine is being obtained for a person under 21 years of age. (Authorized by K.S.A. 41-210; implementing K.S.A. 41-715; effective May 1, 1984.)

14-11-9. Farm winery licensee prohibited from acting as bailee of domestic table wines for retail purchasers for delivery when sales are illegal. No licensed farm winery that sells domestic table wine at retail shall take orders, or otherwise arrange sales of domestic table wine, for retail customers for the purpose of delivering the domestic table wine before the legal opening hour or after the legal closing hour or on any day when sales at retail are prohibited. (Authorized by K.S.A. 41-210; implementing K.S.A. 1983 Supp. 41-717; effective May 1, 1984.)

14-11-10a. Licensed farm wineries; sworn statement. Every farm winery, before selling or offering to sell any domestic table wine to a licensed distributor, shall file with the director a written statement sworn by the licensee, in which it shall agree that:

(1) it will sell any of the brands or kinds of domestic table wine manufactured or distributed by it to any licensed distributor;

(2) all such sales will be made to all licensed distributors in this state at the same current price and without discrimination; and

(3) price lists showing the current prices will be filed by it in the office of the director each month. If the licensee is an individual, that person must execute the agreement. If the licensee is a partnership, any partner may execute the agreement. If the licensee is a corporation, any director, officer, or manager who has authority to contract on behalf of the corporate licensee may execute the agreement. (Authorized by K.S.A. 41-1118; implementing K.S.A. 1983 Supp. 41-1101; effective May 1, 1984.)

14-11-10b. Licensed farm wineries; price listings.

(a) The price listings filed, with the director, by each farm winery under K.A.R. 14-11-10a, shall be the cash price for domestic table wine sold by the case. All

price projections required to be filed by farm wineries with the director shall be based on the farm winery's cash price to distributors. A certified copy of each contract used for the sale of domestic table wine shall be filed with the director by the farm winery making those sales.

(b) Price listings for domestic wine in cases shall show:

(1) the place from which shipments will be made;

(2) the price, per case, for each size of original packages of each particular brand or kind of domestic table wine sold or offered for sale by the farm winery; and

(3) any other information that the director may require.

(c) (1) When the domestic wine is sold in bulk, the price list shall show one or more of the following:

(A) the cash price;

(B) the wholly deferred, or partly deferred, payment price; and

(C) transportation charges from the farm winery's warehouse or the point from which the farm winery will make shipment. The price listings shall not include the gallonage tax imposed by the act.

(2) Price listings for domestic table wines in bulk, posted by the barrel, shall also show:

(A) for each class and type of particular brand or brands, if any, under which the domestic table wines in bulk will be bottled, the age, price per proof gallon and original gauge in bond; and

(B) any other information that the director may require. (Authorized by K.S.A. 41-1118; implementing K.S.A. 41-1112, K.S.A. 1983 Supp. 41-1101; effective May 1, 1984.)

14-11-10c. Farm wineries; discrimination against distributors. A farm winery shall be deemed to have discriminated against licensed distributors if the farm winery, directly or indirectly, or by any agent or employee:

(1) Offers to sell or sells domestic table wine, on credit or in any other manner, to a distributor at a price less than the listed current price which the licensee has filed with the director;

(2) Pays or offers to pay any of the transportation cost of the domestic table wine sold or offered for sale by the farm winery to a licensed distributor;

(3) Enters into any transaction, in any manner whatsoever, with any distributor which would result in, or which has as its purpose, the purchase of any such domestic table wine by a licensed distributor at a price less than the current price which the farm winery has filed with the director, or if the farm winery makes or offers to make any secret rebate on the purchase of such wine. The furnishing and distribution of free samples of domestic table wine shall be deemed a rebate;

(4) Requires a licensed distributor to purchase an amount of domestic table wine sold by the case that is in excess of one case lot of any brand, or kind, or container size;

(5) Refuses to sell any brand or kind of domestic

(continued)

table wine, to a licensed distributor, in any quantity of such wine that is sold to distributors by the case and that is ordered by that distributor in lots of one or more cases;

(6) Refuses to sell such domestic table wine to a licensed distributor, for cash at the listed current price, when that domestic table wine is ordered in a lot of one case or more and when the price is listed to distributors by the case;

(7) Refuses to sell any brand or kind of domestic table wine to a licensed distributor unless the licensed distributor purchases or agrees to purchase domestic table wine of another kind, form, quantity, or brand in addition to, or partially in lieu of, the brand or kind of domestic table wine specifically ordered by the licensed distributor; or

(8) Fails to fill orders of distributors for domestic table wine in the sequence and order in which the purchase orders from distributors are received. This paragraph shall not apply when the manufacturer is operating under a rationing plan approved by the director under the provisions of K.S.A. 41-1101.

(Authorized by K.S.A. 41-1118; implementing K.S.A. 1983 Supp. 41-1101; effective May 1, 1984.)

14-11-10d. Sale of wine prohibited prior to filing price schedule; penalties. No farm winery shall sell, offer for sale or deliver to any licensee any domestic table wine before the farm winery files a schedule of prices for that wine in the office of the director as required by K.A.R. 11-3-10b.

The penalty for any violation of the requirements of this regulation shall be suspension or revocation of the license or the imposition of a fine. (Authorized by K.S.A. 41-1118; implementing K.S.A. 1983 Supp. 41-1101; effective May 1, 1984.)

14-11-11. Domestic table wine rationing; requirements. Each licensed farm winery that sells its wine to distributors in the state of Kansas shall immediately notify the director if that winery does not have a sufficient supply of domestic table wine, of any of the brands or kinds which it manufactures and distributes, to fill and ship all orders of each licensed distributor who possesses a franchise for that farm winery's brands in this state, in the sequence and order in which those purchase orders are received and within 45 calendar days from the date on the order of the licensed distributor. Such a farm winery shall submit, for the approval or rejection of the director, an equitable plan of distribution of all domestic table wine that is in short supply. The failure of such a farm winery to notify the director or to submit a plan of distribution shall be grounds for the suspension or revocation of the license of that farm winery or for the imposition of a monetary fine. (Authorized by K.S.A. 41-1118, implementing K.S.A. 1983 Supp. 41-1101; effective May 1, 1984.)

14-11-12. Inducements from licensed farm wineries to distributors or retailers prohibited. No licensed farm winery, its agents, salespersons or representatives shall, directly or indirectly, offer, give or furnish to any licensed distributor or licensed retailer,

or to any applicant for a retail liquor license who has submitted an application to the director, any gifts, prizes, coupons, premiums, rebates, quantity discounts, entertainments, decorations, services of any employee, including errands and administrative services, or any other inducement or thing of value of any kind. (Authorized by K.S.A. 41-210; implementing K.S.A. 41-702, K.S.A. 1983 Supp. 41-308a; effective May 1, 1984.)

14-11-13. Advertisement defined. The word "advertisement," as used in this article, means any advertisement of domestic table wine through the medium of newspapers, periodicals, circulars, pamphlets, or other publications or any sign or outdoor advertisement or any other printed or graphic matter. (Authorized by K.S.A. 41-211; implementing K.S.A. 1983 Supp. 41-714; effective May 1, 1984.)

14-11-14. Prohibited statements and restrictions in the advertising of domestic table wine. (a) Advertisements of domestic table wine shall not contain:

(1) any statement, design, device, or representation of, or relating to, any guaranty which is false or likely to mislead the consumer;

(2) any statement, design, device, or representation which is obscene, indecent, undignified or in bad taste;

(3) any statement concerning the brand of alcoholic liquor that is inconsistent with any statement on the labeling;

(4) any statement of, or relating to, the price of domestic table wine, except a reference to the authorized discount on case sales, if the advertisement is directed to the public;

(5) any statement, design, or device representing that the use of any domestic table wine has curative or therapeutic effects, if the statement is untrue specifically or tends to create a misleading impression;

(6) any statement, design, device, or representation relating to analysis, standards, or tests, irrespective of falsity, which is likely to mislead the consumer;

(7) any statement that the product is produced, blended, made, bottled, packed, or sold under or in accordance with any authorization, law, or regulation of any municipality, county, state, federal, or foreign government unless this statement is required or specifically authorized by the laws or regulations of that government. If a municipal, county, state or federal permit number is stated, this permit number shall not be accompanied by any additional statement relating to it;

(8) any statement that domestic table wine was manufactured in, or imported from, a place or country other than that of its actual origin, or that it was produced or processed by one who was not in fact the actual producer or processor;

(9) any statement, design, device or pictorial representation of or relating to, or capable of being construed as relating to, the armed forces of the United States, the American flag, any state flag or of any emblem, seal, insignia, or decoration associated with any flag or the armed forces of the United States.

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Advertisements shall not contain any statement, device, design, or pictorial representation of, or concerning, any flag, seal, coat of arms, crest, or other insignia that is likely to falsely lead the consumer to believe that the product has been endorsed, made, used by, produced for or under the supervision of, or in accordance with the specifications of, a government, organization, family, or individual with whom the flag, seal, coat of arms, crest, or insignia is associated;

(10) the words "bond," "bonded," "bottled in bond," "aged in bond," or phrases containing these or synonymous terms, unless these words or phrases appear upon the labels of the domestic table wine advertised and unless they are stated in the advertisement in the manner and form in which they appear upon the label; or

(11) any statement, design, or device that, directly or by implication, concerns age or maturity of any brand or lot of domestic table wine unless a statement of age appears on the label of the advertised product. If a statement, design, or device concerning age or maturity is contained in any advertisement, it shall include, in direct conjunction and with substantially equal conspicuousness, all parts of the statement concerning age and percentages, if any, which appear on the label.

(b) Licensed farm wineries may advertise the farm winery's products by brand name. (Authorized by K.S.A. 41-211; implementing K.S.A. 1983 Supp. 41-714; effective May 1, 1984.)

14-11-15. Public display of domestic table wine regulated. Domestic table wine intended for retail sale for purposes of consumption shall not be placed on public display in any place or at any other location than the licensed premises. Licensed farm wineries may, if approved by the director upon receipt of a written request, display domestic table wines at state or county fairs or other agricultural shows if no free samples are dispensed, no retail sales are made at the fair or show, and no orders are taken for subsequent sales. (Authorized by K.S.A. 41-211; implementing K.S.A. 1983 Supp. 41-714; effective May 1, 1984.)

14-11-16. Farm wineries that sell at retail; marking price on original packages; use of price or inventory control tags, or both; shelf markings; and price marking on point of sale materials. Kansas farm wineries that sell domestic table wine at retail may mark the retail selling price on the glass portion of the original container by means of crayon, grease pencil, or other similar method. Price marking on the container's label, Kansas ID stamps, or federal strip shall be prohibited. Licensees may affix, to an original container, a price or inventory control paper tag or both. Luminous, fluorescent or similar paper may be used for price or inventory control tags.

Farm winery licensees having authorized coolers or refrigerators may place on the refrigerator or cooler or on a nearby wall the list of cold items available and the price per item or case. In addition, licensees may place price information on point of sale materials as authorized and defined by K.A.R. 14-10-1. (Authorized

by K.S.A. 41-211; implementing K.S.A. 1983 Supp. 41-714; effective May 1, 1984.)

14-11-17. Display of "dummy" bottles prohibited. No licensed farm winery that sells domestic table wine at retail shall display "dummy bottles" in or near the retail sales area. For purposes of this regulation, a "dummy bottle" is an original bottle or container which has been emptied and which may or may not contain a substitute for the original content. Inflatable or plastic bottles or raised pictures of bottles shall not be considered "dummy bottles." (Authorized by K.S.A. 41-211; implementing K.S.A. 1983 Supp. 41-714; effective May 1, 1984.)

14-11-18. House-to-house, door-to-door solicitation prohibited. No licensed farm winery shall, directly or indirectly, solicit the purchase or sale of domestic table wine from house-to-house, from door-to-door, personally, by telephone, by mail, or to places of business other than licensed distributors nor permit any such solicitation. Seminars conducted by licensed farm wineries, when authorized by the director, may be conducted to educate other licensees. Licensed farm wineries shall request authorization no less than seven days prior to the event and shall set forth, in the authorization request, the following information:

- (a) The date of the seminar;
- (b) The time of the seminar;
- (c) The exact location where the seminar will occur;
- (d) A statement of the nature and purpose or purposes of the seminar;
- (e) A statement that any domestic farm winery merchandise displayed or used will be purchased from the farm winery's retail outlet; and
- (f) A statement that any domestic table wine samples offered will be consumed in accordance with provision of Kansas law. (Authorized by K.S.A. 41-211; implementing K.S.A. 1983 Supp. 41-714; effective May 1, 1984.)

14-11-19. Advertising referring to certain holidays and special days prohibited. No licensed farm winery shall publish or cause to be published or otherwise circulate in the state of Kansas any advertisement referring to the days popularly known as Easter or Holy Week. Any form of advertising of domestic table wine which makes any use of or reference to any of the days or occasions named in this regulation by the names set forth or by other names or appellations shall be prohibited. (Authorized by K.S.A. 41-211; implementing K.S.A. 1983 Supp. 41-714; effective May 1, 1984.)

14-11-20. Advertising by radio, television, motion pictures, filmstrips, newspapers and magazines authorized. Licensed farm wineries may advertise domestic table wine or the place of business over the radio, the television, by public address system, or by means of motion pictures, film strips, newspapers, or magazines. (Authorized by K.S.A. 41-211; implementing K.S.A. 1983 Supp. 41-714; effective May 1, 1984.)

14-11-21. Advertising by decorated or undecorated boxes, cartons, bags, etc.; prohibitions. No

(continued)

licensed farm winery shall sell, furnish, give, distribute or deliver to any licensed distributor or retailer within this state any boxes, cartons or bags which bear any symbols, designs, pictures, slogans, or descriptive phraseology that may in any manner be construed as having any connotation with regard to Easter or Holy Week. The use of colors or combinations of colors with geometric or artistic designs is not prohibited hereunder providing the designs and colors do not result in a design or symbol prohibited in this regulation.

No licensed farm winery shall sell, furnish, give, distribute or deliver to a licensed distributor or retailer any wrapping paper or other display material of any kind. (Authorized by K.S.A. 41-211; implementing K.S.A. 1983 Supp. 41-714; effective May 1, 1984.)

Article 18.—CLASS A AND B CLUBS

14-18-28. Agreement for reciprocal membership.

(a) Class A clubs shall forward 4 copies of the reciprocal agreement to the director for approval.

(b) Class B clubs shall forward, as a condition precedent to receiving agreement approval, a statement of gross receipts showing the ratio of food sales, as defined by K.S.A. 41-2601(e), to total gross receipts from sales of all types made at the club. This statement shall be submitted on forms provided by the director for this purpose. Upon receiving approval to submit the reciprocal agreement, the class B clubs shall forward 4 copies of the reciprocal agreement to the director for approval. An approved, stamped copy of the agreement shall be returned to the club for retention on the club premises.

(c) In all instances, reciprocal agreements shall be executed by the licensee. If the licensee is an individual, that person shall execute the agreement. If the licensee is a partnership, any partner may execute the agreement. If the licensee is a corporation, any director, officer, or manager who has authority to contract on behalf of the corporate licensee may execute the agreement.

(d) At the time a club severs its agreement or agreements, it shall notify the director in writing within five days of this severance. (Authorized by K.S.A. 41-2634; implementing K.S.A. 1983 Supp. 41-2637; effective May 1, 1982; amended May 1, 1983; amended May 1, 1984.)

THOMAS J. KENNEDY, Director
Division of Alcoholic Beverage Control

Doc. No. 001761

State of Kansas

PERMANENT ADMINISTRATIVE REGULATIONS

NOTICE

The following are permanent administrative regulations which were adopted by a state agency pursuant to K.S.A. 1983 Supp. 77-415 *et seq.* These regulations are scheduled to become effective May 1, 1984, but are subject to legislative review and may be modified or revoked by the Kansas Legislature prior to May 1. Any such legislative action will be reported in the Kansas Register. The May 3, 1984 issue of the Register will contain a complete index to regulations effective May 1, and any legislative actions on them.

DEPARTMENT OF HUMAN RESOURCES ADMINISTRATIVE REGULATIONS

Article 21.—PROCEDURES

49-21-3. Hearings. (a) Authority of the hearing officer.

(1) The hearing officer shall be appointed by the secretary and shall have the power and authority, in conducting hearings in the name of the secretary, as provided in K.S.A. 44-322:

(A) To administer oaths and examine witnesses under oath;

(B) to issue compulsory process to compel the attendance of witnesses or the production of papers, books, accounts, records, payrolls, documents or other exhibits relating to claims for unpaid wages; and

(C) to receive depositions and affidavits in the process of the hearing.

(2) The hearing officer shall conduct the hearing, rule on the admissibility of evidence and the examination of witnesses, and determine the extent to which the rules of evidence will apply.

(3) The hearing officer shall weigh the evidence presented, make findings of fact and conclusions of law, and issue orders based on those findings and conclusions. The hearing officer shall explain the decision in memorandum form and the memorandum shall accompany the order.

(4) The hearing officer may require good and sufficient reason before granting any continuance or postponement of any hearing for which proper service has been made. The hearing officer may refuse any such request when, in the hearing officer's judgment, the request:

(A) Would cause hardship or undue delay on the adverse party; or

(B) would not allow time for reasonable notice to each party and witness.

(b) Notice of hearing.

(1) Each party to the dispute shall be given not less than 10 days written notice of the time and place of the hearing by personal service or by first class mail. The notice shall contain a brief description of the alleged violations to be determined and shall state that each

(continued)

party may be represented by counsel, may call witnesses on its behalf, may cross-examine adverse witnesses, and may introduce evidence in support of its position.

(2) Subpoenas issued to require the attendance of witnesses or the production of evidence shall be served personally. Either party may request the use of a subpoena to require the production of evidence or the appearance of a witness by making the request no later than five days before the hearing date. Each request shall be specific so as to properly identify the evidence or person to be subpoenaed. Failure to obtain service of any such subpoena shall not be cause for a continuance or postponement of any hearing if improper service is made by the parties to the dispute, or if the requesting party has failed to provide accurate or complete information so as to allow such service or if the request does not allow sufficient time to obtain proper service. Final determination of the merits of any such request shall rest with the hearing officer.

(c) Hearing procedures.

(1) The burden of proof that services were performed within an established employment agreement for which payment has not been made shall rest with the claimant. The burden shall be satisfied by testimony or other evidence. Once the claimant has established that an employment agreement existed and that services were performed, the burden of proof to establish payment for those services shall rest with the respondent.

(2) Strict rules of evidence shall not apply and the hearing officer may rule on questions of evidence. All evidence shall be relevant and material to the dispute, and the hearing officer shall determine when a party exceeds the bounds of relevancy. In such a case, the hearing officer may request that the evidence be made relevant to the dispute.

(3) A transcript of the hearing shall be made and maintained by a certified shorthand reporter, or the hearing officer shall make a record by means of a tape recording, until the record is duly transcribed and certified to the court as required. Any party desiring a copy of the transcript may make a request to the agency, and upon payment of a reasonable fee as established by the secretary, a transcript shall be furnished to the party by the department of human resources. Any party to the hearing wishing to make a separate record may do so at the party's own expense, if the party furnishes a copy to the secretary of human resources and to the adverse party as soon as it is available from the person making such a record.

(4) Either party to the dispute may be represented by counsel and may call any witnesses or cross-examine any witness.

(5) The record on appeal shall consist of the complaint, any response thereto by the employer, any reply by the claimant to the employer's response, the transcript of the proceedings before the administrative tribunal, any exhibits introduced at the hearing, and the order entered by the hearing officer.

That portion of the entire record which is to be filed with the clerk of the district court shall be determined and prepared for filing in accordance with these regu-

lations, but the district court may order any or all additional parts of the entire record to be filed.

(6) The cost of reproducing the record for filing with the district court shall be borne by the appellant. Upon ascertaining the cost of the duplication and the payment thereof in advance by the party making the request, the agency shall effect such duplication and transmit the record to the clerk of the district court for filing.

(d) Findings of fact, conclusions of law, and order.

(1) The findings of fact shall set forth all facts:

(A) That are supported by the evidence;

(B) which are relevant to the issues of the claim; and

(C) that are necessary to support conclusions of law.

(2) The order shall be issued by the hearing officer within 45 days of the hearing and shall include, if required by the facts, any damages assessed because of respondent's willful violation. The order shall contain a certificate of service and shall be served upon each party to the dispute either personally or by first class mail. The order shall contain a statement that, unless the order is satisfied, or an appeal is taken to the district court in accordance with K.S.A. 60-2101 within 30 days after entry of the decision, the case will be:

(A) Referred to the secretary of human resources or the secretary's authorized representative for enforcement; or

(B) reassigned to the claimant for enforcement through judicial proceedings.

(Authorized by K.S.A. 44-325; implementing K.S.A. 1983 Supp. 44-322a, K.S.A. 44-324, 44-327; effective, E-73-23, July 7, 1973; effective Jan. 1, 1974; amended E-78-38, Dec. 29, 1977; amended May 1, 1978; amended May 1, 1983; amended May 1, 1984.)

49-21-4. Reciprocal enforcement agreement with other states. The secretary of human resources may enter into agreement with other states to collect wages from out-of-state employers, and to perform reciprocal services in the state of Kansas for those other states, as follows: *

(a) To the extent allowed in K.S.A. 44-322, the secretary may agree to assist other states in the investigation of claims filed in the foreign state claiming unpaid wages from a Kansas employer.

(b) The secretary may request other states that are party to the reciprocal agreement to assist in the investigation of Kansas claims filed by employees performing services in Kansas when the employer is located in a foreign state.

(c) The secretary may agree:

(1) to enforce judgments for wage payment in Kansas for other states when the employer is a Kansas employer; and

(2) to request other states who are party to the agreement to execute Kansas judgments for wages in those foreign states when the services were performed in Kansas and the employer is located in a foreign state.

(d) The secretary may agree to enforce claims of an employee in a foreign state:

(continued)

(1) when the employee is represented by a private attorney; and

(2) when the attorney has made application through the office having jurisdiction in that state over the wage payment laws to certify the claim to the secretary of human resources for enforcement.

(e) Determination of claims shall be made by the state having jurisdiction according to the lawful requirements of that state. (Authorized by K.S.A. 44-325; implementing K.S.A. 44-327; effective May 1, 1984.)

Article 22.—GENERAL PROVISIONS

49-22-1. Definitions. (a) "Act" means the professional negotiations act, as defined in K.S.A. 72-5413 *et seq.* and amendments thereto.

(b) Computation of time. Whenever the time limit in these rules, for any act, is seven days or more, Saturdays, Sundays and legal holidays shall be included in making the computation. Whenever the time limit is less than seven days, Saturdays, Sundays and legal holidays shall be excluded. Whenever the last day of any time period falls on a Saturday, Sunday or legal holiday, that day shall be omitted from the computation. The secretary, for good cause shown, may extend any time limitation prescribed in these rules other than those time limitations fixed by statute. Computation of time shall commence when service to a party is made by the secretary, except as otherwise provided by these rules and regulations.

(c) "Party" means any professional employee, professional employee organization, or board of education named as a party in a petition filed under the act or these rules, or any professional employee, professional employee organization or board of education whose timely motion to intervene in a proceeding has been granted.

(d) "Memorandum of agreement" means an agreement entered into, pursuant to the provisions of K.S.A. 72-5421 (a), between a board of education and a professional employee organization.

(e) "Proof or showing of interest" means, in the case of a representation election pursuant to K.S.A. 72-5418, a signed card or petition form indicating an employee's interest in questions raised in a petition form filed with the secretary. In the case of a professional employee organization filing a petition with the secretary for a representation election pursuant to K.S.A. 72-5416, proof or showing of interest means a membership list.

(f) "Hearing examiner" means the secretary or the person designated by the secretary to conduct a hearing. (Authorized by K.S.A. 72-5432; implementing K.S.A. 72-5413, 72-5416, 72-5418, 72-5421, 72-5426, 72-5427, 72-5428, 72-5430a; effective, E-78-37, Dec. 29, 1977; effective May 1, 1978; amended, E-81-38, Dec. 10, 1980; amended May 1, 1981; amended May 1, 1984.)

Article 31.—MINIMUM WAGE AND MAXIMUM HOURS

49-31-6. Maximum hours before overtime; computations; schedule consecutive working days with

corresponding maximum hours at regular rates; trading time. (a) Employees who are covered by the maximum hours provision of the law and who are engaged in fire protection or law enforcement activities shall be paid overtime compensation at a rate of not less than 1½ times the regular rate at which the employee is employed. Overtime compensation shall be paid for all hours worked which exceed the hours worked shown opposite the number of consecutive days in the pay period, as follows:

Consecutive work period (days)	Maximum hours at regular rates
28	258.00
27	248.75
26	239.50
25	230.50
24	221.25
23	212.00
22	202.75
21	193.50
20	184.25
19	175.00
18	165.75
17	156.75
16	147.50
15	138.25
14	129.00
13	119.75
12	110.50
11	101.25
10	92.25
9	83.00
8	73.75
7	64.50

(b) Calculations of pay rates for the overtime requirements of the act shall be based on an hourly rate regardless of the form of the wage payment. Use of the label "salary" to describe wage payments shall not determine coverage under or exemption from the act. All forms of wage payments shall be converted to an average hourly wage and may be computed as follows:

$$\text{Monthly pay} = \frac{\text{Monthly rate} \times 12}{52 \text{ weeks} \times \text{hours worked during the week}}$$

$$\text{Weekly pay, piece rate, unit bonus, commission or other} = \frac{\text{Total amount paid during work period}}{\text{Total hours worked during period}}$$

(c) Fire protection or law enforcement activities employees may trade time, with the employer's permission, by one employee substituting for another on a regularly scheduled tour of duty, or for some part thereof, to permit an employee to absent himself or herself from work to attend to purely personal pursuits, if:

(1) The trading of time is done voluntarily by the employees participating in the program and not at the behest of the employer;

(2) The reason for trading time is due, not to the employer's business operations, but to the employee's desire or need to attend to personal matters;

(3) A record is maintained by the employer of all time traded by employees; and

(4) The period during which time is traded and paid back does not exceed 12 months. The employer shall

(continued)

assure that traded time is paid back or that proper wage payments are made as required. (Authorized by K.S.A. 44-1207; implementing K.S.A. 44-1203, 44-1204; effective, E-79-26, Oct. 19, 1978; effective May 1, 1979; amended May 1, 1984.)

49-31-9. Employee complaints under the minimum wage and maximum hours law. Employee complaints under the minimum wage and maximum hours law may be in the form of a letter addressed to the secretary of human resources. (Authorized by K.S.A. 44-1207; implementing K.S.A. 44-1206; effective, E-79-26, Oct. 19, 1978; effective May 1, 1979; amended May 1, 1984.)

Article 45.—BOILER SPECIFICATIONS AND INSPECTIONS

49-45-1. Power boilers. Section I of the American society of mechanical engineers (A.S.M.E.) boiler and pressure vessel code, an American national standard, 1983 edition, published July 1, 1983, is hereby adopted by reference. (Authorized by and implementing K.S.A. 1983 Supp. 44-916; effective, E-79-27, Oct. 19, 1978; effective May 1, 1979; amended May 1, 1984.)

49-45-2. Material specifications: part A—ferrous materials; boilers. Section II, part A of the American society of mechanical engineers (A.S.M.E.) boiler and pressure vessel code, an American national standard, 1983 edition, published July 1, 1983, is hereby adopted by reference. (Authorized by and implementing K.S.A. 1983 Supp. 44-916; effective, E-79-27, Oct. 19, 1978; effective May 1, 1979; amended May 1, 1984.)

49-45-3. Material specifications: part B—nonferrous materials; boilers. Section II, part B of the American society of mechanical engineers (A.S.M.E.) boiler and pressure vessel code, an American national standard, 1983 edition, published July 1, 1983, is hereby adopted by reference. (Authorized by and implementing K.S.A. 1983 Supp. 44-916; effective, E-79-27, Oct. 19, 1978; effective May 1, 1979; amended May 1, 1984.)

49-45-4. Material specifications: part C—welding rods, electrodes and filler metals; boilers. Section II, part C of the American society of mechanical engineers (A.S.M.E.) boiler and pressure vessel code, an American national standard, 1983 edition, published July 1, 1983, is hereby adopted by reference. (Authorized by and implementing K.S.A. 1983 Supp. 44-916; effective, E-79-27, Oct. 19, 1978; effective May 1, 1979; amended May 1, 1984.)

49-45-5. Heating boilers. Section IV of the American society of mechanical engineers (A.S.M.E.) boiler and pressure vessel code, an American national standard, 1983 edition, published July 1, 1983, is hereby adopted by reference. (Authorized by and implementing K.S.A. 1983 Supp. 44-916; effective, E-79-27, Oct. 19, 1978; effective May 1, 1979; amended May 1, 1984.)

49-45-6. Nondestructive examination. Section V of the American society of mechanical engineers (A.S.M.E.) boiler and pressure vessel code, an American national standard, 1983 edition, published July 1, 1983, is hereby adopted by reference. (Authorized by and implementing K.S.A. 1983 Supp. 44-916; effective, E-79-27, Oct. 19, 1978; effective May 1, 1979; amended May 1, 1984.)

49-45-7. Rules for care and operation of heating boilers. Section VI of the American society of mechanical engineers (A.S.M.E.) boiler and pressure vessel code, an American national standard, 1983 edition, published July 1, 1983, is hereby adopted by reference. (Authorized by and implementing K.S.A. 1983 Supp. 44-916; effective, E-79-27, Oct. 19, 1978; effective May 1, 1979; amended May 1, 1984.)

49-45-8. Rules for care of power boilers. Section VII of the American society of mechanical engineers (A.S.M.E.) boiler and pressure vessel code, an American national standard, 1983 edition, published July 1, 1983, is hereby adopted by reference. (Authorized by and implementing K.S.A. 1983 Supp. 44-916; effective, E-79-27, Oct. 19, 1978; effective May 1, 1979; amended May 1, 1984.)

49-45-9. Welding and brazing qualifications. Section IX of the American society of mechanical engineers (A.S.M.E.) boiler and pressure vessel code, an American national standard, 1983 edition, published July 1, 1983, is hereby adopted by reference. (Authorized by and implementing K.S.A. 1983 Supp. 44-916; effective, E-79-27, Oct. 19, 1978; effective May 1, 1979; amended May 1, 1984.)

49-45-10. Nuclear power plant components, general requirements. Section III of the American society of mechanical engineers (A.S.M.E.) boiler and pressure vessel code, an American national standard, 1983 edition, published July 1, 1983, is hereby adopted by reference. (Authorized by and implementing K.S.A. 1983 Supp. 44-916; effective, E-79-27, Oct. 19, 1978; effective May 1, 1979; amended May 1, 1984.)

49-45-11. Nuclear power plant, class 1 components. Section III, division I, subsection NB-class 1 components of the American society of mechanical engineers (A.S.M.E.) boiler and pressure vessel code, an American national standard, 1983 edition, published July 1, 1983, is hereby adopted by reference. (Authorized by and implementing K.S.A. 1983 Supp. 44-916; effective, E-79-27, Oct. 19, 1978; effective May 1, 1979; amended May 1, 1984.)

49-45-12. Nuclear power plant, class 2 components. Section III, division I, subsection NC-class 2 components of the American society of mechanical engineers (A.S.M.E.) boiler and pressure vessel code, an American national standard, 1983 edition, published July 1, 1983, is hereby adopted by reference. (Authorized by and implementing K.S.A. 1983 Supp. 44-916; effective, E-79-27, Oct. 19, 1978; effective May 1, 1979; amended May 1, 1984.)

49-45-13. Nuclear power plant, class 3 components
(continued)

nents. Section III, division 1, subsection ND-class 3 components of the American society of mechanical engineers (A.S.M.E.) boiler and pressure vessel code, an American national standard, 1983 edition, published July 1, 1983, is hereby adopted by reference. (Authorized by and implementing K.S.A. 1983 Supp. 44-916; effective, E-79-27, Oct. 19, 1978; effective May 1, 1979; amended May 1, 1984.)

49-45-14. Nuclear power plant, class MC components. Section III, division I, subsection NE-class MC components of the American society of mechanical engineers (A.S.M.E.) boiler and pressure vessel code, an American national standard, 1983 edition, published July 1, 1983, is hereby adopted by reference. (Authorized by and implementing K.S.A. 1983 Supp. 44-916; effective, E-79-27, Oct. 19, 1978; effective May 1, 1979; amended May 1, 1984.)

49-45-15. Nuclear power plant, component supports. Section III, division 1, subsection NF-component supports of the American society of mechanical engineers (A.S.M.E.) boiler and pressure vessel code, an American national standard, 1983 edition, published July 1, 1983, is hereby adopted by reference. (Authorized by and implementing K.S.A. 1983 Supp. 44-916; effective, E-79-27, Oct. 19, 1978; effective May 1, 1979; amended May 1, 1984.)

49-45-16. Nuclear power plant, core support structures. Section III, division 1, subsection NG-core support structures of the American society of mechanical engineers (A.S.M.E.) boiler and pressure vessel code, an American national standard, 1983 edition, published July 1, 1983, is hereby adopted by reference. (Authorized by and implementing K.S.A. 1983 Supp. 44-916; effective, E-79-27, Oct. 19, 1978; effective May 1, 1979; amended May 1, 1984.)

49-45-17. Appendices. Section III, division 1, appendices of the American society of mechanical engineers (A.S.M.E.) boiler and pressure vessel code, an American national standard, 1983 edition; published July 1, 1983, is hereby adopted by reference. (Authorized by and implementing K.S.A. 1983 Supp. 44-916; effective, E-79-27, Oct. 19, 1978; effective May 1, 1979; amended May 1, 1984.)

49-45-18. Nuclear power plant, code for concrete reactor vessels and containments. Section III, division 2, code for concrete reactor vessels and containments of the American society of mechanical engineers (A.S.M.E.) boiler and pressure vessel code, an American national standard, 1983 edition, published July 1, 1983, is hereby adopted by reference. (Authorized by and implementing K.S.A. 1983 Supp. 44-916; effective, E-79-27, Oct. 19, 1978; effective May 1, 1979; amended May 1, 1984.)

49-45-19. Rules for inservice inspection of nuclear power plant components, division 1. Section XI of the American society of mechanical engineers (A.S.M.E.) boiler and pressure vessel code, an American national standard, 1983 edition, published July 1, 1983, is hereby adopted by reference. (Authorized by and implementing K.S.A. 1983 Supp. 44-916; effective, E-

79-27, Oct. 19, 1978; effective May 1, 1979; amended May 1, 1984.)

49-45-20. Inspection code. The national board inspection code, an American national standard, published July, 1983, by the national board of boiler and pressure vessel inspectors. (Authorized by and implementing K.S.A. 1983 Supp. 44-916; effective, E-79-27, Oct. 19, 1978; effective May 1, 1979; amended May 1, 1984.)

49-45-21. Prevention of furnace explosions in fuel-oil and natural gas-fired single burner boiler-furnaces. Section 85-A-1982, volume 7 of the national fire codes, published 1983, by the national fire protection association (N.F.P.A.) are hereby adopted by reference. (Authorized by and implementing K.S.A. 1983 Supp. 44-916; effective May 1, 1984.)

49-45-22. Prevention of furnace explosions in natural gas-fired multiple burner boiler-furnaces. Section 85-B-1978, volume 8 of the national fire codes, published 1983, by the national fire protection association (N.F.P.A.) are hereby adopted by reference. (Authorized by and implementing K.S.A. 1983 Supp. 44-916; effective May 1, 1984.)

49-45-23. Prevention of furnace explosions in fuel oil-fired multiple burner boiler-furnaces. Section 85-D-1978, volume 8 of the national fire codes, published 1983, by the national fire protection association (N.F.P.A.) are hereby adopted by reference. (Authorized by and implementing K.S.A. 1983 Supp. 44-916; effective May 1, 1984.)

49-45-24. Prevention of furnace explosions in pulverized coal-fired multiple burner boiler-furnaces. Section 85-E-1980, volume 8 of the national fire codes, published 1983, by the national fire protection association (N.F.P.A.) are hereby adopted by reference. (Authorized by and implementing K.S.A. 1983 Supp. 44-916; effective May 1, 1984.)

49-45-25. Installation and operation of pulverized fuel systems. Section 85-F-1982, volume 8 of the national fire codes, published 1983, by the national fire protection association (N.F.P.A.) are hereby adopted by reference. (Authorized by and implementing K.S.A. 1983 Supp. 44-916; effective May 1, 1984.)

49-45-26. Prevention of furnace implosions in multiple burner boiler-furnaces. Section 85-G-1982, volume 8 of the national fire codes, published 1983, by the national fire protection association (N.F.P.A.) are hereby adopted by reference. (Authorized by and implementing K.S.A. 1983 Supp. 44-916; effective May 1, 1984.)

Article 49.—FEE SCHEDULE FOR BOILER INSPECTIONS

49-49-1. (a) Inspection fees:

(1) Power boilers and high pressure, high temperature water boilers:	
Mini-boilers	\$20.00
Boilers of 50 sq. ft. of heating surface or less	\$35.00

(continued)

Boilers over 50 sq. ft. of heating surface and less than 4,000 sq. ft. of heating surface	\$40.00
Boilers of 4,000 sq. ft. of heating surface or more and less than 10,000 sq. ft. of heating surface	\$45.00
Boilers of 10,000 sq. ft. of heating surface or more	\$55.00
(2) Heating boilers:	
Heating boilers without a manhole	\$17.00
Heating boilers with a manhole	\$20.00
Hot water supply boilers	\$15.00

(3) External inspections: (Power Boilers)

Boilers of 50 sq. ft. of heating surface or less	\$12.00
Boilers over 50 sq. ft. of heating surface	\$15.00

(4) Hydrostatic tests. When it is necessary to make a special trip to witness the application of a hydrostatic test, an additional fee based on the scale of fees applicable to a certificate inspection of the boiler shall be charged.

(5) Fees of not less than the rate for 1/2 day, plus all expenses, including traveling and hotel, shall be charged for all other inspections, including shop inspections, special inspections and inspections of secondhand or used boilers, when made by the chief or deputy inspector.

(b) Certificate fee. The certificate fee shall be \$10.00. (Authorized by K.S.A. 1983 Supp. 44-916; implementing K.S.A. 1983 Supp. 44-926; effective, T-83-41, Nov. 23, 1982; effective May 1, 1983; amended May 1, 1984.)

JERRY SHELOR
Secretary of Human Resources

Doc. No. 001758

State of Kansas

PERMANENT ADMINISTRATIVE REGULATIONS

NOTICE

The following are permanent administrative regulations which were adopted by a state agency pursuant to K.S.A. 1983 Supp. 77-415 *et seq.* *These regulations are scheduled to become effective May 1, 1984, but are subject to legislative review and may be modified or revoked by the Kansas Legislature prior to May 1.* Any such legislative action will be reported in the *Kansas Register*. The May 3, 1984 issue of the *Register* will contain a complete index to regulations effective May 1, and any legislative actions on them.

DEPARTMENT OF HUMAN RESOURCES— VETERANS' COMMISSION ADMINISTRATIVE REGULATIONS

Article 2.—RULES GOVERNING MEMBERS

97-2-1. Furloughs. Any member who desires to be temporarily absent from the Kansas soldiers' home

shall obtain approval of the superintendent or the superintendent's designee. If the absence is to be for a period of more than 23 hours, the superintendent may grant a furlough. Furloughs may be granted for any period of time, not to exceed three months in any year, and may be extended by the superintendent for not more than 30 days. Each furloughed member shall notify the superintendent at least 10 days in advance if the member desires to return to the home prior to the expiration of the furlough or furlough extension. (Authorized by and implementing K.S.A. 76-1927; effective Jan. 1, 1966; amended May 1, 1980; amended May 1, 1984.)

97-2-5. Pets. Ownership and maintenance of a domestic pet on the premises of the Kansas soldiers' home by a member or an employee shall be approved by the superintendent. Criteria for the approval shall be as follows:

(a) Domestic pets shall include only dogs, cats, birds, and fish.

(b) Only employees and members living in cottages shall be allowed pets. Pets shall not be allowed in the residence halls or the intensive care section.

(c) Pets shall be allowed in cottages only when they are properly maintained, do not become a nuisance or threat to other members and patients, and do not interfere with the normal conduct and operation of the home. (Authorized by and implementing K.S.A. 76-1927; effective Jan. 1, 1966; amended May 1, 1980; amended May 1, 1984.)

97-2-8. Personal conduct. (a) No member of the Kansas soldiers' home, while within the confines of the Fort Dodge reservation, may:

(1) Willfully disobey any lawful order given by a duly authorized officer of the Kansas soldiers' home;

(2) assault, beat or wound another, or carry any pistol or other weapon;

(3) curse, swear, quarrel or use violent, profane, vulgar or threatening language;

(4) willfully damage or destroy any property of another or of the state of Kansas;

(5) commit any act of lewdness or lasciviousness;

(6) be in a state of intoxication or drunkenness or to possess or use any narcotic; or

(7) disturb the peace and quiet of any person, family, or neighborhood. (Authorized by and implementing K.S.A. 76-1927; effective Jan. 1, 1966; amended May 1, 1980; amended May 1, 1984.)

Article 3.—DISCHARGES; TERMINATION OF MEMBERSHIP

97-3-6. Guests. No member of the home shall maintain any person as a guest in the facility provided for that member for more than 24 hours without prior approval of the superintendent. (Authorized by and implementing K.S.A. 76-1927; effective Jan. 1, 1966; amended May 1, 1984.)

KANSAS VETERANS' COMMISSION

Doc. No. 001759

State of Kansas

**PERMANENT ADMINISTRATIVE
REGULATIONS**

NOTICE

The following are permanent administrative regulations which were adopted by a state agency pursuant to K.S.A. 1983 Supp. 77-415 *et seq.* *These regulations are scheduled to become effective May 1, 1984, but are subject to legislative review and may be modified or revoked by the Kansas Legislature prior to May 1.* Any such legislative action will be reported in the *Kansas Register*. The May 3, 1984 issue of the *Register* will contain a complete index to regulations effective May 1, and any legislative actions on them.

**DEPARTMENT OF
HUMAN RESOURCES—
DIVISION OF
WORKERS' COMPENSATION
ADMINISTRATIVE REGULATIONS**

Article 2.—FEES

51-2-5. Special local administrative law judge fees and expenses. (a) Special local administrative law judge fees shall be:

(1) A fee of \$20.00 for a settlement hearing which is heard as part of a regular settlement docket;

(2) A fee of \$25.00 for a settlement hearing heard as an individual setting;

(3) A fee of \$45.00 for a preliminary hearing including a preliminary award or for a full hearing;

(4) A fee of \$35.00 per hour for preparing and rendering a final award not to exceed a total of \$100.00.

(b) If special local administrative law judges incur expenses conducting hearings outside their home community, they shall be assessed as costs proportionately among the cases generating the expenses. (Authorized by K.S.A. 1983 Supp. 44-551, 44-573; implementing K.S.A. 1983 Supp. 44-551; T-84-16, July 26, 1983; effective May 1, 1984.)

**Article 14.—SECURING PAYMENT OF
COMPENSATION BY INSURANCE
AND SELF-INSURANCE**

51-14-4. Self-insurance. An employer operating under the act shall only become qualified as a self-insurer through the process of applying to the division of workers' compensation for a self-insurance permit. An employer making an application shall, upon the request of the director, submit information that the director may require to effectively evaluate the financial status of the employer. An application for a self-insurance permit or a self-insured employer seeking a renewal permit, shall, if the director requests, pay the fees of a consultant approved by the division of workers' compensation to determine if the employer has the financial ability to become self-insured or to have his self-insurance permit renewed.

The applicant for a new permit or an employer

seeking a renewal permit shall furnish to the division of workers' compensation a bond written by a surety company admitted to the state, and authorized by the Kansas insurance department to write surety bonds as required by the division. The bond shall be in an amount to adequately insure that if the employer should become insolvent, payments on all claims will be guaranteed to the injured workers.

The applicant for a new permit or an employer seeking a renewal permit shall furnish a certificate of excess insurance in an amount that may be required by the division of workers' compensation, and the division shall be notified by the self-insured and insurance carrier at least 20 days prior to the cancellation or non-renewal of any excess insurance policy. The excess workers' compensation insurance shall be in conformity with Kansas insurance statutes and regulations of the Kansas insurance commissioner.

An applicant for a new permit or an employer seeking a renewal permit shall set up financial reserves, furnish letters of credit or provide other security in amounts and in a manner directed by the division of workers' compensation to insure the payment of all workers' compensation claims as may be required by the Kansas workers' compensation act.

An employer shall furnish to the division of workers' compensation any other information the division may request which will aid in fairly and adequately evaluating an application for a new or a renewal permit for self-insurance.

The self-insurance permit of any employer shall expire on the anniversary date of the issuance of a self-insurance permit and any anniversary date thereafter, except when it has been renewed by the division prior to that date. The employer shall furnish any information that the division of workers' compensation may require to effectively evaluate an application to renew a self-insurance permit at least 45 days prior to the anniversary date of the original permit.

An employer whose original or renewal application for self-insurance has been denied, or who takes exception to insurance or reserve requirements may request a reconsideration by the division of workers' compensation. The request shall be made within 20 days of the receipt by the employer of the information which the applicant wishes reconsidered. If the employer desires to have a record of the hearing, the reporter's costs shall be assessed to the employer. (Authorized by K.S.A. 44-573; implementing K.S.A. 44-505b, 44-505e, 44-505f, 44-532; effective Feb. 15, 1977; amended May 1, 1978; amended May 1, 1983; amended May 1, 1984.)

**BRYCE B. MOORE, Director
Division of Workers' Compensation**

Doc. No. 001749

State of Kansas

**PERMANENT ADMINISTRATIVE
REGULATIONS****NOTICE**

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**DEPARTMENT OF
HUMAN RESOURCES—
DIVISION OF EMPLOYMENT
ADMINISTRATIVE REGULATIONS**

Article 1.—MEANING OF TERMS

50-1-4. Definitions; unemployment compensation claims and benefit payments. (a) Types of unemployed workers. (1) "Total unemployment" means that, with respect to any one week, worker performs no services and earns no remuneration for services.

(2) "Part-total unemployment" means that, with respect to any one week, a worker performs services in casual or temporary employment for any employing unit other than the worker's regular employer, but works less than a full-work week and earns less than the worker's weekly benefit amount.

(3) "Temporary unemployment" means that, the worker has been laid off due to lack of work by an employing unit for which the worker has worked full time and for which the worker expects to again work full time, and that the worker's employment with the employing unit, although temporarily suspended, has not been terminated. Temporary unemployment may be either total or part-total unemployment and shall not exceed four consecutive weeks.

(4) "Partial unemployment" means that, with respect to any one week, a worker works for the regular employer less than full time because of lack of work and earns less than the worker's weekly benefit amount. Work and earnings from the regular employer shall be considered together with work and earnings from any subsidiary work in determining whether the worker worked less than full time and earned less than the worker's weekly benefit amount during the week.

(b) "Week" means the calendar week of seven consecutive calendar days beginning 12:01 a.m. Sunday, and ending 12:00 midnight the following Saturday. For the purposes of payment of benefits to partially unemployed workers whose wages are paid on a weekly basis, the term "week" means the pay-period week of that worker. However, when it is determined to be in the best interest of an interstate claimant, and when Kansas is the liable state, week may be determined to be the seven-day period defined as a week under the laws of the agent state.

(c) "Initial application or claim" means a new application or an additional application.

(1) "New application or claim" means a notice by a worker, filed as prescribed, that the worker intends to claim unemployment compensation benefits and desires a determination as to the worker's rights to benefits, the validity of the claim and, if valid, the inclusive dates of the worker's benefit year and the amount of benefits for which the worker is qualified on the basis of base period wage credits.

(2) "Additional application or claim" means a notice by any worker with a benefit year currently in effect, filed as prescribed, that the worker intends to resume the worker's claim in the previously established benefit year.

(d) "Continued claim" means a request, filed as prescribed, for waiting period credit or benefits for a week of unemployment.

(e) "Interstate benefit payment plan" means the plan approved by the interstate conference of employment security agencies under which benefits are payable to unemployed individuals absent from the state or states in which benefit credits have been accumulated.

(f) "Interstate claimant" means an individual who claims benefits under the unemployment compensation law of one or more liable states through the facilities of an agent state. The term "interstate claimant" shall not include any individual who customarily commutes from a residence in an agent state to work in a liable state unless the liable state finds that this exclusion would create undue hardship on claimants in specified areas.

(g) "Agent state" means any state in which an individual files a claim for benefits against another state.

(h) "Liable state" means any state against which an individual files, through another state, a claim for benefits.

(i) "Week of unemployment" includes any week of unemployment, as defined in the law of the liable state, from which benefits with respect to that week are claimed.

(j) A "mass layoff" means a layoff of 25 or more workers because of lack of work, by an employer, at or about the same time.

(k) "Covered wages" means wages paid for employment which is subject to the provisions of the Kansas employment security law.

(l) "Student," as used in K.S.A. 44-703 (i)(4)(N), and any amendments thereto, is an individual who performs services in the employ of a school, college, or university and who is enrolled and regularly attending classes at the school, college, or university. If the individual is pursuing a regular course of study in accordance with the requirements of the school the individual attends, the individual meets the requirements of "regularly attending classes."

Any individual who performs services in the employ of a school, college, or university that are incidental to and for the purposes of pursuing a course or courses of study at the school shall be considered to have the status of a student in the performance of that service.

(continued)

An individual who performs services in the employ of a school, college, or university primarily as a means of earning a livelihood may be considered an employee even though the individual takes a course or courses of study at the school. Such an individual shall not be classified as a "student" in the performance of such services.

(m) "Additional benefits" means benefits payable to exhautees by reason of conditions of high unemployment or by reason of other special factors under the provisions of any other state law. (Authorized by K.S.A. 1983 Supp. 44-714; implementing K.S.A. 1983 Supp. 44-703, 44-704, 44-705, 44-709, 44-714; effective Jan. 1, 1966; amended Jan. 1, 1971; amended Jan. 1, 1972; amended Jan. 1, 1974; amended May 1, 1984.)

Article 2.—UNEMPLOYMENT INSURANCE; CONTRIBUTING, REIMBURSING AND RATED GOVERNMENTAL EMPLOYMENT

50-2-6. Cooperation with other states. (a) Only states subscribing to the interstate reciprocal coverage arrangement are governed by this regulation.

(b) Submission and approval of coverage elections under the interstate reciprocal coverage arrangement.

(1) Election to cover multi-state workers under the Kansas employment security law.

(A) Each employer shall complete and file an "employer's election to cover multi-state workers under the Kansas employment security law" with the chief of contributions.

(B) The chief of contributions or the chief's designee shall initially approve or disapprove the election. If approved, a copy of the election shall be forwarded to each interested state specified on the election and under whose employment insurance law the individual or individuals in question might, in absence of that election, be covered.

(C) Each interested state agency shall approve or disapprove the election and shall notify the Kansas agency accordingly. Upon notification, the chief of contributions or the chief's designee shall provide the employer with a copy of the approved or disapproved election.

(2) Elections to cover multi-state workers under other state laws.

The elected state shall forward applications for elections to the chief of contributions or the chief's designee who shall approve or disapprove the election and notify the elected agency accordingly.

(c) Effective Period of Elections.

(1) Commencement. Each election duly approved under this regulation shall become effective at the beginning of the calendar quarter in which the election was submitted unless the election, as approved, specifies the beginning of a different calendar quarter.

(2) Termination. The application of an election to any individual under this regulation shall terminate if the elected state finds that the nature of the services customarily performed by the individual for the electing unit has changed so that they are no longer customarily performed in more than one interested state. The termination shall be effective as of the close of the

calendar quarter in which notice of that finding is mailed to all parties affected.

(3) Whenever an election under this regulation ceases to apply to any individual, the electing unit shall notify the affected individual accordingly. (Authorized by and implementing K.S.A. 1983 Supp. 44-714; effective Jan. 1, 1966; amended May 1, 1980; amended May 1, 1984.)

50-2-12. Reports by reimbursing employers. Each reimbursing employer shall file, with the division, a report on forms furnished or authorized by the division. The report shall indicate each covered worker's:

(A) social security number;

(B) first and middle initial, and last name; and

(C) total amount of wages, before deductions, paid during the quarter.

The first quarter report shall be due on or before April 25th, the second quarter report shall be due on or before July 25th, the third quarter report shall be due on or before October 25th, and the fourth quarter report shall be due on or before January 25th. Each employer shall be subject to the provisions of K.S.A. 44-717, and any amendments thereto. (Authorized by K.S.A. 1983 Supp. 44-714; implementing K.S.A. 1983 Supp. 44-710(e)(2), 44-717; effective Jan. 1, 1972; amended May 1, 1980; amended May 1, 1984.)

50-2-21. Computation of employer contribution rates. (a) The terms "total wages" and "taxable wages," as used in this section, shall refer to all payrolls for contributing employers, reported and received by September 1 following the computation date of June 30, for all employment during the fiscal year ending on the computation date. The director of data processing shall provide the certified payroll information as of September 30 that is required for the computation delineated in this section.

(b) Planned yield. The approximate amount of the planned yield for the ensuing calendar year shall be computed as follows:

(1) The planned yield on total wages in column B of schedule III, of K.S.A. 1982 Supp. 44-710a(a)(3), and any amendments thereto, shall be determined by the reserve fund ratio in column A of the same schedule. The reserve fund ratio shall be computed by dividing the total assets of the employment security fund, as of July 31, following the computation date and as certified by the chief of management, by the total payrolls for the preceding fiscal year ended June 30, as certified by the director of data processing.

(2) The average rate of contributions shall be determined by multiplying the ratio of total to taxable payrolls for the preceding fiscal year ended June 30 by the planned yield computed in paragraph (b)(1) of this section.

(3) The approximate amount of the planned yield for the ensuing calendar year shall be the taxable wages for the previous fiscal year ended June 30, multiplied by the average rate of contributions computed in paragraph (b)(2) of this section, rounded to the nearest \$100,000.00.

(c) Estimated yield from ineligible employer accounts.

(continued)

(1) Estimated contributions for industry-rated employers.

(A) The computation shall be made utilizing a certified tabulation provided by the director of data processing entitled "all accounts except reimbursing—cross classification by rate and industry." The computation procedure shall be identical for the average rate for all industries and for each industry division. The rate of the preceding calendar year for each rate group and the industry division shall be cumulatively multiplied times the taxable wages in each corresponding rate group for that industry division. The cumulative total shall be divided by the total taxable wages in that industry to determine the industry rate. The assigned rate for each industry shall be the sum of 1.0% plus the computed rate or the sum of 1.0% plus the average rate of all employers, whichever is higher. The assigned rate shall not be less than 2.0%.

(B) The average rate for all industries shall be computed by cumulatively multiplying the calculated rate of each industry division times the total taxable wages for that industry division and dividing the cumulative total by the total taxable wages for all industry divisions.

(C) The estimated contributions for each specially rated industry division and all other divisions shall be computed by multiplying the taxable wages for the corresponding industry divisions or all other industry divisions by the appropriate assigned rate.

(2) The total estimated yield for active ineligible accounts shall be the sum of the estimated contributions for industry-rated employers.

(3) Negative balance employers, as defined in K.S.A. 1982 Supp. 44-710a(d), and any amendments thereto, shall pay at the statutory maximum tax rate. In addition, negative balance employers shall be assessed a surcharge based on the size of the employer's negative reserve ratio. The director of data processing shall provide a certified listing of all negative balance employers. The listing shall contain the reserve ratio, number of employers, and taxable wages for the fiscal year ended June 30. All negative balance employers shall then be identified as shown in schedule II of K.S.A. 1982 Supp. 44-710a, and any amendments thereto. The assigned rate shall be the sum of the statutory maximum tax rate plus the applicable surcharge identified in schedule II of K.S.A. 1982 Supp. 44-710a, and any amendments thereto. The estimated contributions of negative balance employers shall be computed by multiplying the taxable wages of all negative balance employers by only the statutory maximum tax rate. The resultant product shall reflect the estimated yield from negative balance employers.

(d) Required yield from eligible employer accounts. The required yield for eligible employer accounts shall be the approximate amount of the average yield, developed in (b)(3) of this section, less the total estimated yield of active ineligible employer accounts computed in (c)(2) of this section and less the total estimated yield of negative balance employers computed in (c)(3) of this section.

(e) Rate adjustment for active eligible employer accounts.

(1) The director of data processing shall provide a certified array of all active eligible employer accounts in accordance with schedule I, K.S.A. 1982 Supp. 44-710a, and any amendments thereto. The tabulation shall include:

(A) The lowest reserve ratio in each rate group;
 (B) the number of employers in each rate group;
 (C) the amount of taxable wages in each rate group;
 (D) the cumulative amount of taxable wages for all accounts from the first through each succeeding rate group; and

(E) the final, total taxable payrolls for the fiscal year ended June 30, for all active eligible employer accounts.

(2) The average rate required shall be the required yield for eligible employer accounts, determined in paragraph (d) of this section, divided by the total taxable payrolls listed in paragraph (e)(1)(E) of this section.

(3) The average rate required shall be divided by the average estimated yield of the array to develop an adjustment factor. The average estimated yield of the array shall be computed by cumulatively multiplying the taxable payrolls in each rate group by the experience factor denoted for each rate group in schedule I, K.S.A. 1982 Supp. 44-710a(2), and any amendments thereto, and dividing by the total taxable payrolls for active accounts. The experience factor for each rate group in schedule I shall then be multiplied by the adjustment factor to determine the adjusted tax rate for each rate group, with the statutory maximum as an upper limit.

(4) The taxable payrolls for each rate group shall be multiplied by the adjusted tax rate computed for each rate group to determine the estimated contributions for each rate group.

(A) Should the adjusted tax rate reach the statutory maximum at a rate group numerically lower than group 21, or if the computed rate for any group is higher than the statutory maximum, the adjusted tax rates shall be adjusted further. The estimated additional contribution incurred because of the statutory maximum limit of the unadjustable groups shall be prorated over rate groups other than those that are unadjustable. The taxable payrolls and estimated contributions of the unadjustable groups shall be subtracted, respectively, from the totals of all groups and the balances used in the readjustment.

(B) The readjustment shall be accomplished by dividing the total estimated contributions of the adjustable groups by the total taxable payrolls of the adjustable rate groups to determine the required rate of yield for those groups. The estimated rate of yield for these rate groups shall be computed by cumulatively multiplying the experience factor by the corresponding taxable payroll in each rate group and dividing the cumulative total by the total taxable wages of these rate groups. The required rate of yield shall be divided by the estimated rate of yield for the adjustable groups to determine the final adjustment factor.

(continued)

(C) The experience factors of all rate groups in schedule I shall be multiplied by the final adjustment factor to determine the final effective contribution rates for all eligible contributing employers, limited to the statutory maximum, and those, if applicable, to the step-down procedure.

(f) A computation and listing of the effective employer contribution rates shall be prepared by the chief, research and analysis, and submitted to the executive director. (Authorized by K.S.A. 1983 Supp. 44-714; implementing K.S.A. 1983 Supp. 44-710a; effective May 1, 1983; amended May 1, 1984.)

50-2-22. Concurrent employment by related corporations with a common paymaster. (a)(1) For the purposes of this regulation, when two or more related corporations concurrently employ the same individual and compensate that individual through a common paymaster, and when the common paymaster is one of the related corporations that employs the individual, each corporation shall be considered to have paid only the remuneration it actually disburses to that individual. If all of the remuneration to the individual from the related corporations is disbursed through the common paymaster, the total amount of contributions imposed, with respect to wages under K.S.A. 44-703(o), and any amendments thereto, is determined as though the individual has only one employer, the common paymaster. The common paymaster shall be responsible for filing the "employer's quarterly wage report and contribution return" with respect to "wages" it is considered to have paid.

(2) The corporation which intends to act as a common paymaster for a group of related corporations shall notify the division of employment in writing at least 30 days prior to the beginning of the quarter in which the common paymaster reporting is to be effective. That corporation shall furnish the name and account number of each of the corporations in the group. The common paymaster for the group shall also notify the division of employment at least 30 days prior to any change in the group of corporations or termination of the arrangement.

(b) Definitions. The definitions contained in this subsection shall be applicable only to this regulation.

(1) Related corporations. Corporations shall be considered "related corporations" for an entire calendar quarter if they satisfy any one of the following tests:

(A) The corporations are members of a "controlled group of corporations." For the purposes of this regulation, the term "controlled group of corporations" means:

(i) two or more corporations connected through stock ownership with a common parent corporation, if the parent corporation owns stock possessing at least 50 percent of the total combined voting power of all classes of stock entitled to vote or at least 50 percent of the total value of shares of all classes of stock of each of the other corporations; or

(ii) two or more corporations, if five or less persons who are individuals, estates, or trusts own stock possessing at least 50 percent of the total combined voting

power of all classes of stock entitled to vote or at least 50 percent of the total value of shares of all classes of stock of each corporation.

(B) in the case of corporations which do not issue stock, at least 50 percent of the members of one corporation's board of directors are members of the board of directors of the other corporations;

(C) at least 50 percent of one corporation's officers are concurrently officers of the other corporations; or

(D) at least 30 percent of one corporation's employees are concurrently employees of the other corporations.

(2) Common paymaster. A "common paymaster" of a group of related corporations is any member of the group that disburses remuneration to employees of two or more of those corporations, including their own, on the behalf of those corporations. The common paymaster shall be responsible for keeping books and records for the payroll with respect to those employees. The provisions of this regulation shall not apply to any remuneration to an employee that is not disbursed through the common paymaster.

(3) Concurrent employment. The term "concurrent employment" means the simultaneous existence of an employment relationship, as described in K.S.A. 44-703(i), and any amendments thereto, between an individual and two or more corporations.

(c) Allocations of contributions.

(1) Subject to the requirements of this regulation, each common paymaster shall have the primary responsibility for remitting contributions with respect to the remuneration it disburses as the common paymaster. The common paymaster shall compute these contributions as though it were the sole employer of the concurrently employed individuals.

(2) If the common paymaster fails to remit these contributions in whole or in part, it shall remain liable for the full amount of the unpaid portion of these contributions. In addition, each of the other related corporations using the common paymaster shall be jointly and severally liable for its appropriate share, plus a proportionate share of the common paymaster's unpaid contributions.

(Authorized by K.S.A. 1983 Supp. 44-714; implementing K.S.A. 1983 Supp. 44-710i; effective May 1, 1984.)

JERRY SHELOR
Secretary of Human Resources

Doc. No. 001760

State of Kansas

**PERMANENT ADMINISTRATIVE
REGULATIONS****NOTICE**

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**DEPARTMENT OF TRANSPORTATION
ADMINISTRATIVE REGULATIONS****Article 2.—VEHICLES CARRYING
EMERGENCY EQUIPMENT**

36-2-11. Same; request for hearing before the secretary. (a) The owner of any designated emergency vehicle which has been cancelled, as provided in K.A.R. 36-2-10, may file a written request for a hearing within 15 days after the mailing of a copy of the order of cancellation. The filing of the request shall suspend the operation of the order of cancellation.

(b) The owner of the vehicle and any person who has made a complaint as to the operation of the vehicle shall be given not less than 10 days written notice by the secretary, or the secretary's designee, of the time and place of hearing. The notice shall be delivered by registered or certified mail, return receipt requested, and shall be addressed to the person at the person's last known address, as shown by the files of the secretary.

(c) The owner of the vehicle, and other interested parties, may appear at the hearing in person and present their reasons for, and in opposition to, the cancellation of the designation. Corporations and municipalities may be represented by an officer or agent, or by an attorney duly authorized to practice law in Kansas.

(d) The secretary or the secretary's designee shall, at the conclusion of the hearing, either affirm or vacate the order cancelling the designation of the emergency vehicle. If the order is vacated, the designation of the vehicle as an emergency vehicle shall be reinstated. However the secretary or the secretary's designee may at the conclusion of the hearing take the matter under advisement and make a final ruling within 10 days. (Authorized by K.S.A. 1982 Supp. 68-404; implementing K.S.A. 8-1404, 8-1502, 8-1506, 8-1720, 8-1738(d), 8-2010; effective Jan. 1, 1972; amended May 1, 1976; amended May 1, 1981; amended May 1, 1983; amended May 1, 1984.)

**Article 12.—CONTROLLED ACCESS
HIGHWAYS**

36-12-1. (Authorized by K.S.A. 1982 Supp. 68-404;

implementing 8-1572, 68-1902; effective Jan. 1, 1966; amended May 1, 1983; revoked May 1, 1984.)

36-12-2. (Authorized by K.S.A. 1982 Supp. 68-404; implementing K.S.A. 68-1902; effective Jan. 1, 1966; amended May 1, 1983; revoked May 1, 1984.)

36-12-3. (Authorized by K.S.A. 68-413(b); effective Jan. 1, 1966; revoked May 1, 1984.)

**Article 13.—SCHOOL BUS
TRANSPORTATION**

36-13-30. School bus chassis and body standards. (a) All school bus chassis and body construction standards promulgated by the U.S. department of transportation found at 49 C.F.R. 571.101 *et seq.*, as of October 1, 1981, are adopted by reference. In the event of a conflict between the requirements of an applicable federal motor vehicle safety standard and further specifications identified in this regulation, the requirements of the federal motor vehicle safety standard shall control.

(b) School buses manufactured on and after July 1, 1983 shall meet the chassis and body construction specifications contained in the 1980 revised edition, Standards for School Buses and Operations. School buses shall be referred to as Type A, Type B, Type C, and Type D vehicles, as defined in the publication.

The following exceptions to the chassis and body construction standards shall apply to all sizes of school buses, unless otherwise indicated: (1) Chassis construction standards.

(A) Color. The school bus hood may be lusterless black. Lettering on the exterior of the school bus shall be black.

(B) Fuel tank. A fuel tank with a minimum capacity of 22 gallons shall be permitted on Type A vehicles only.

(C) Tire and rims. Type B, Type C and Type D vehicles shall be prohibited from using retreaded tires on the front wheels.

(2) Body construction standards.

(A) Emergency doors. With the exception of Type A vehicles, the lower portion of the emergency door shall be equipped with approved safety glass, the exposed area of which shall not be less than 350 square inches.

(B) First aid kit. The kit shall consist of: (i) Sixteen individual ¾ inch x three-inch adhesive bandages; (ii) one two-inch bandage compress; and (iii) one three-inch bandage compress.

(C) Identification. The owner's name shall be displayed on the sides of the school bus body. The designation shall include the contractor's name; unified school district name, or number, or both; non-public school name; governmental agency; or other owner's name.

School bus identification numbers shall be displayed on the rear and on both sides of the school bus body. The identification numbers shall be plainly legible, in black numbers, four inches high with a minimum ½ inch stroke. Identification numbers may be displayed on the front of the school bus. The

(continued)

numbers shall not interfere with lettering requirements on the school bus.

(D) Lamps and signals. The four alternately flashing amber lamps in the school bus signal lamp system may be provided in addition to the required four red signal lamps. A storage location for required road warning devices shall be optional.

(E) Mirrors. An exterior convex mirror with a minimum of 35 square inches shall be provided. The mirror shall be mounted at the extreme left front of the school bus to provide localized vision of the entire length of the left side of the school bus. A convex mirror shall be mounted at the extreme right front of the school bus to provide localized vision of the entire length of the right side of the school bus. Convex mirrors shall not be required on Type A school buses.

(F) Seats and crash barriers. Jump seats shall be prohibited.

(G) Stop signal arm. An octagon shaped, stop signal arm shall be installed on the left side of the school bus body. It shall have a red background with the word STOP on both sides in white letters at least six inches high. It shall have a white border around the edges at least 1/2 inch in width. The stop signal arm shall contain alternately flashing red lamps which are visible to motorists approaching the bus from both the front and the rear. (Authorized by and implementing K.S.A. 8-2009; effective May 1, 1983; amended May 1, 1984.)

36-13-32. School bus driver qualifications and duties. (a) Each person employed as a school bus driver for any school district, or any other party transporting school students, shall possess:

- (1) a valid Kansas class A or B license;
- (2) a chauffeur's license; or
- (3) a restricted class B driver's license. Restricted class B licenses shall be subject to the provisions of K.S.A. 8-238 and shall permit the licensee to drive only on regularly established school bus routes to and from school.

(b) Upon application of any person seeking to become a school bus driver, the prospective employer shall inspect the applicant's driving record through the division of vehicles, Kansas department of revenue, in accordance with K.S.A. 1982 Supp. 74-2012.

Any employer of school bus drivers shall not employ, re-employ or retain any person as a school bus driver if the person's driving record indicates that the person is a habitually reckless or negligent driver of a motor vehicle. A habitually reckless or negligent driver shall be a person who has had a driver's license revoked or suspended by the division of vehicles, Kansas department of revenue, pursuant to K.S.A. 8-254 as amended by L. 1983, Ch. 34, Sec. 2 and K.S.A. 8-255 as amended by L. 1983, Ch. 36, Sec. 1.

(c) Every school bus driver shall:

(1) Be experienced in driving some type of motor vehicle, which may be a private automobile, for not less than one year, including experience throughout each of the four seasons;

(2) have a minimum of two hours behind-the-wheel driving experience in a school bus, which may include driving a school bus route;

(3) complete an American red cross multi-media first aid course, or an equivalent course approved by the secretary or the secretary's representative, as evidenced by a certificate showing satisfactory completion of instruction. The course shall be retaken by each school bus driver within three years from the date of issuance of the driver's last issued certificate.

(4) complete driver training requirements, as follows:

(A) Newly employed drivers shall complete the national safety council defensive driving course, the American automobile association driver improvement program, or an equivalent course approved by the secretary or the secretary's representative. Completion of the course shall be evidenced by a certificate. The certificate shall indicate satisfactory completion of the course, and shall be valid for three years from date of issue.

(B) Experienced drivers needing certification shall complete, every three years, the national safety council defensive driving course, the American automobile association driver improvement program, or an equivalent course as outlined in part (A) or shall attend the Kansas department of transportation school bus driver workshops annually.

(C) Each substitute school bus driver shall complete, within 90 days from the beginning of service, the required courses described in paragraphs (3) and (4) of this section. For purposes of this section, the term "substitute school bus driver" means those persons who have not been employed as a school bus driver during the preceding three years. The term "beginning of service" means the date the person first drove a school bus loaded with passengers;

(5) Attend monthly safety meetings provided by the driver's employer.

(d) All physical examinations required by these regulations shall be performed by a physician licensed by the state of Kansas.

(1) School bus drivers shall be required to pass a physical examination:

(A) Prior to beginning employment as a school bus driver;

(B) At any time at the request of the driver's employer, the transportation supervisor, the secretary or the secretary's representative; and

(C) Within two years of the last completed physical examination.

(2) An in-service or prospective school bus driver shall be deemed to have passed a physical examination if the driver satisfies the qualifications outlined in the medical examination report form, as approved by the secretary or the secretary's representative. The report shall include the following minimum qualifications:

(A) No loss of foot, leg, fingers, hand, arm, or other structural defect, or limitation of movement likely to interfere with safe driving;

(B) No mental, nervous, organic, or functional disease likely to interfere with safe driving;

(C) No use of medication which the examining physician determines is likely to interfere with safe driving;

(continued)

(D) No indication of coronary or heart ailment which the examining physician determines is likely to interfere with safe driving. An electrocardiogram shall be required when other findings indicate desirability in using such a test;

(E) Visual acuity of at least 20/40 (Snellen) in each eye, either without glasses or by correction with glasses, or contact lenses. The driver's form field of vision in the horizontal meridian shall not be less than a total of 140 degrees. The driver shall have ability to distinguish the colors red, green and yellow. If the driver's eyesight requires correction by glasses or contact lenses, the driver shall wear them at all times when driving;

(F) Ability to perceive whispered voice in the better ear at not less than five feet with or without the use of a hearing aid. If tested by use of an audiometric device, the driver shall not have an average hearing loss in the better ear greater than forty decibels at 400 Hz, 1,000 Hz, and 2,000 Hz, with or without a hearing aid, when the audiometric device is calibrated to American national standard (formerly ASA standard) Z24.5-1951;

(G) No addiction to the use of narcotics, illegal drugs, alcohol or liquor;

(3) Each medical examination report shall be kept on file at the office of the school district, the nonpublic school or the employer and shall be retained by that office for a minimum of two years from the date of completion of the physical examination.

(e) No person shall be employed nor continue to be employed as a school bus driver:

(1) If the person is convicted of any violation involving:

(A) Hit-and-run driving, as described in K.S.A. 8-1602;

(B) Driving while intoxicated or under the influence of drugs, as described in K.S.A. 8-1567, as amended by L. 1983, Ch. 37, Sec. 2;

(C) Vehicular homicide, as described in K.S.A. 21-3405; or

(D) Any act which, if committed in the state of Kansas, would be classified as a felony, or class A or class B misdemeanor; or

(2) If the person has practiced or attempted to practice any material deception or fraud in the application for employment as a school bus driver.

For purposes of this article, a conviction means a plea of guilty or *nolo contendere*, or a verdict or finding of guilt by court in trial with or without a jury, or a forfeiture of bail.

The secretary of transportation may, upon request from the school district, nonpublic school or employer (if different from the school district or nonpublic school), waive those requirements in (e)(1) above if it has been determined the applicant would be a satisfactory school bus driver.

(f) No person shall be permitted to drive a school bus when under the influence of any narcotic, illegal drug, cereal malt beverage or liquor, except prescription drugs if the physician prescribing the drug determines that it will not interfere with safe driving. Drivers shall not consume nor have in their possession

any narcotic, illegal drug, cereal malt beverage or liquor while on duty, except a required prescription drug as allowed above.

(g) The following conditions shall be met in the operation of school buses in the state of Kansas.

(1) No person shall drive any school bus for more than 10 consecutive hours or for more than an aggregate of 10 hours spread over a period of 16 consecutive hours.

(2) Each school bus driver shall operate the bus in a safe, prudent, and careful manner with due regard to traffic and the use of the highway by others.

(3) Each school bus driver shall use the provided seat belt at all times while the bus is in motion.

(4) Each school bus driver shall not permit the bus to be operated or driven with any trailer or other vehicle attached. The use of a tractor or any other motor vehicle in combination with a trailer, semi-trailer or pole trailer as a school bus shall be prohibited.

(5) Each school bus driver shall not permit a bus, when traveling, to coast with the transmission in neutral or the clutch disengaged. The doors of the bus shall be closed before the bus is put into motion and shall remain closed when traveling, except that the service door may be opened upon approaching and crossing railroad crossings.

(6) The fuel tank shall not be filled while the engine is running or when students are inside the bus. Fuel shall only be carried or transported in the regularly provided fuel tank of the bus.

(7) No person shall be permitted to stand in any school bus while the bus is in motion. A bus shall not be put in motion until all students are seated. When unloading students, the bus driver shall not allow students to leave their seats until the bus comes to a complete stop.

(8) Each school bus driver shall not allow anyone, other than school personnel and students, to ride the bus unless permission in writing has been issued by the transportation supervisor or the supervisor's representative. This provision shall not apply to law enforcement or emergency personnel who are passengers of a bus in emergency periods as designated by the governing board of a school district, nonpublic school or the secretary.

(9) Each driver shall not require any student to leave the bus before the destination of the student has been reached.

(10) Each school bus driver shall not leave the bus while the engine is running.

(11) Each school bus driver shall not make any repairs, except emergency repairs as may be necessary, while on the road.

(12) Each school bus shall be inspected by the driver daily before use to ascertain that it is in safe condition, equipped as required by all provisions of law, and that all equipment is in good working order. The driver shall test for the proper operation of the parking, service, and emergency braking systems, and shall open and close all emergency exits before using the bus for transporting students. No student shall be

(continued)

transported until any defects which may be discovered have been corrected.

(h) Each substitute school bus driver shall fulfill the requirements of a licensed school bus driver except as otherwise provided in this article.

(i) Any person who holds a valid class A, B or C license may be permitted to operate a school bus in an emergency situation. An emergency school bus driver shall be limited to a maximum of five driving days in a school year and shall be used only when a regular or substitute school bus driver is unavailable. (Authorized by and implementing K.S.A. 8-2009; effective E-78-22, Aug. 10, 1977; effective May 1, 1978; amended May 1, 1983; amended May 1, 1984.)

Article 18.—LIGHTS ON HIGHWAY CONSTRUCTION AND MAINTENANCE VEHICLES

36-18-4. Lights on highway construction and maintenance vehicles. All highway construction and maintenance vehicles shall be equipped with amber lights which meet or exceed the standards approved and practices recommended by the society of automotive engineers standard J99, as of April, 1980, which are hereby adopted by reference. (Authorized by and implementing K.S.A. 1731; effective May 1, 1981; amended May 1, 1983; amended May 1, 1984.)

Article 26.—RAILROAD GRADE CROSSINGS

36-26-1. Railroad grade crossings; stopping required. The driver of the following types of motor vehicles shall cross a railroad track or tracks at grade, as required by K.S.A. 8-1553(a):

(a) Every school or commercial bus transporting passengers;

(b) every motor vehicle transporting any quantity of chlorine;

(c) every motor vehicle which, in accordance with 49 C.F.R. 172, as of October 1, 1981, regarding the transporting of hazardous materials, is required to be marked or placarded with one of the following markings:

- (1) Explosives A;
- (2) Explosives B;
- (3) Poison;
- (4) Flammable;
- (5) Oxidizers;
- (6) Compressed Gas;
- (7) Corrosives;
- (8) Flammable Gas;
- (9) Radioactive; or
- (10) Dangerous.

(d) every cargo tank motor vehicle, whether loaded or empty, used for the transportation of any dangerous article as defined in the regulations of the department, or for the transportation of any liquid having a flash-point below 200° Fahrenheit, as determined by the standard method of test for flash point of the American society for testing and materials, as set forth in ASTM D-56-61, ASTM D-92-57, or ASTM D-93-62, and referenced by the national fire protection association, in pamphlet No. 385, 1964 edition. These documents are hereby adopted by reference;

(e) every cargo tank motor vehicle transporting a commodity which at the time of loading has a temperature above its flashing point as determined by the same standard method of testing as prescribed in subsection (d) of this regulation; and

(f) every cargo tank motor vehicle, whether loaded or empty, transporting any commodity under special permit. (Authorized by and implementing K.S.A. 8-1553; effective May 1, 1976; amended May 1, 1983; amended May 1, 1984.)

Article 30.—CONSTRUCTION BIDDING PROCEDURES

36-30-3. Qualification of bidders. (a) A prequalification committee composed of the director of operations, the bureau chief of construction and maintenance, and the controller shall determine the qualification rating for all prospective bidders, in accordance with the special provisions set forth at K.A.R. 36-30-2.

(b) Any contractor dissatisfied by the qualification rating of the committee may, within 10 days after its receipt, request in writing a reconsideration of the rating. This request shall list reasons for dissatisfaction.

(1) If a supplemental qualification statement will more accurately reflect the contractor's status, a supplemental statement may be filed along with the request for reconsideration.

(2) Upon receipt of the written request or supplemental qualification statement, the committee shall notify the contractor of the date, time and place it will reconsider the rating.

(3) The contractor may be represented at the reconsideration, and shall have the opportunity to be heard.

(4) Final action on the reconsideration shall be taken within 30 days from the date of receipt of the reconsideration request.

(c) Any contractor who is dissatisfied with the final action taken by the committee may, within 10 days after receipt of notification of the final action, appeal to the secretary, in writing, for a final hearing.

(1) Upon receipt of the written request for final hearing, the secretary shall notify the contractor of the date, time and place of the hearing.

(2) The secretary, or the secretary's designee, shall conduct the hearing. The contractor may be represented, and shall have the opportunity to be heard.

(3) Final action shall be taken by the secretary or the secretary's designee within 15 days after the hearing.

(Authorized by K.S.A. 1982 Supp. 68-404, and K.S.A. 68-410; implementing K.S.A. 1982 Supp. 68-404, K.S.A. 68-407, 68-409 and 68-410; effective May 1, 1983; amended May 1, 1984.)

Article 33.—WEIGHT LIMITS FOR TRUCKS

36-33-1. (Authorized by K.S.A. 68-402, K.S.A. 1982 Supp. 68-404; implementing K.S.A. 8-1909a; effective May 1, 1983; revoked May 1, 1984.)

(continued)

Article 34.—CHILD PASSENGER SAFETY

36-34-1. Child passenger safety restraints. For the purposes of complying with K.S.A. 8-1344, child passenger restraining systems shall meet or exceed the standards and specifications contained in 49 C.F.R. 571.213, and in effect on October 1, 1981, which is hereby adopted by reference. (Authorized by and implementing K.S.A. 8-1344; effective May 1, 1983; amended May 1, 1984.)

Article 36.—WIDTHS OF VEHICLES AND LOADS

36-36-1. Vehicle Widths. The total outside width of any vehicle, excluding side mounted rear view mirrors, shall not exceed the limits prescribed by K.S.A. 8-1902, as amended by L. 1983, Ch. 41, Sec. 1. The following devices shall be permitted to extend three inches out on either side of any vehicle, provided that an overall vehicle/load width of 108 inches is not exceeded: (a) Turn signals;

(b) hand holds equipment;

(c) splash and spray suppressant devices; and

(d) load-induced tire bulge. (Authorized by K.S.A. 1983 Supp. 68-404 and K.S.A. 8-1902; implementing K.S.A. 1983 Supp. 8-1902; effective T-84-12, amended May 1, 1984.)

JOHN B. KEMP
Secretary of Transportation

Doc. No. 001751

(Published in the KANSAS REGISTER, February 16, 1984.)

SENATE BILL No. 503

AN ACT relating to the financing of public schools; concerning the distribution of state financial aid; amending K.S.A. 72-7049, 72-7050, 72-7067 and 72-7068 and repealing the existing sections.

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

Section 1. K.S.A. 72-7049 is hereby amended to read as follows: 72-7049. The distribution of general state aid under this act shall be made in accordance with appropriation acts from the state general fund each year as follows:

(a) The amount of general state aid for each district as computed by the state board shall be distributed in payments as follows: ~~On September 20 and on the twentieth day of each month thereafter to and including January 20~~

(1) *In the months of September through January such payments shall be made not earlier than the 20th day and not later than the last day of the month, with each such monthly payment being an amount equal to ten percent (10%) 10% of the preceding school year's general state aid entitlement of the district. On February 20 and on the twentieth day of each month thereafter to and including April 20;*

(2) *in the months of February through April such payments shall be made not earlier than the 20th day and not later than the last day of the month, with each such monthly payment being an amount equal to ten percent (10%) 10% of the current school year's general state aid entitlement. On May 20;*

(3) *in May a payment shall be made not earlier than May 20 and not later than the last day of the month, in an amount equal to 12% of the current school year's general state aid entitlement; and*

(4) *on June 15, payment shall be made of the full amount of the general state aid entitlement determined in the preceding February, less the sum of the monthly payments made from September through April May, inclusive.*

(b) *All payments made in the months of September through May under subsection (a) shall be made as soon as sufficient moneys are available in the state general fund, as determined by*

the director of the division of the budget, to permit such payments without depleting the unencumbered cash balance of that fund.

(b)(c) The state board shall certify to the director of accounts and reports the amount due as general state aid to each district five (5) days before each payment date. If after March 1 the amount remaining from the appropriations for the current school year from the state general fund shall be insufficient to pay in full the amount each district is entitled to receive as general state aid as computed by the state board, then the entire amount remaining shall be prorated among the districts in proportion to the amount each district is entitled to receive not later than the 15th day of the month in the months of September through May and not later than June 10 in the month of June.

Sec. 2. K.S.A. 72-7050 is hereby amended to read as follows: 72-7050. The distribution of transportation aid under this act shall be made in accordance with appropriation acts from the state general fund each year as follows:

The amount of transportation aid for each district as computed by the state board shall be distributed in payments as follows:

(1) On both September 25 and November 25 such payment shall be an amount equal to ~~one-half~~ 25% of the amount paid to the district in the preceding year for transportation aid;

(2) on February 25 such payment shall be an amount equal to 25% of the entire amount the district is entitled to receive in the current school year; and

(3) on April 25 such payment shall be an amount equal to the entire amount which the district is entitled to receive in the current school year, less the amount amounts paid to the district for transportation aid ~~on~~ in the preceding months of September 25, November and February. The state board shall certify to the director of accounts and reports the amount due each district as transportation aid five (5) days before each payment date.

Sec. 3. K.S.A. 72-7067 is hereby amended to read as follows: 72-7067. (a) For the taxable year beginning after December 31, 1974, and the taxable year beginning after December 31, 1975, each district shall be entitled to an amount equal to twenty percent (20%) of the resident individual income tax liability within the district after credits for taxes paid to another state.

(b) For the taxable year beginning after December 31, 1976, each district shall be entitled to an amount equal to twenty percent (20%) of the resident individual income tax liability within the district after credits allowed against such tax, with the exception of credits allowed under K.S.A. 79-32,100 and 79-32,104.

(c) Commencing with For each taxable years beginning after December 31, 1977 year, each district shall be is entitled to an amount equal to ~~twenty percent (20%)~~ 20% of the resident individual income tax liability within the district after credits allowed against such tax, with the exception of credits for taxes paid to another state and credits allowed under K.S.A. 79-32,100 and 79-32,104, and amendments thereto.

(d)(b) The secretary of revenue shall certify to the director of accounts and reports the entitlements of districts, and an amount equal thereto shall be transferred in accordance with the provisions of this subsection by ~~such~~ the director from the state general fund to the school district income tax fund, which is hereby created, prior to the dates prescribed in K.S.A. 72-7068, for distribution thereof to districts. Such certification shall be based on returns filed, with any adjustments or corrections made by the director of taxation. The director of accounts and reports shall transfer moneys attributable to entitlements of districts, as prescribed and certified under the provisions of this section, from the state general fund to the school district income tax fund as follows:

(1) Prior to September 1 of the current school year, an amount equal to 20% of the amount of such moneys which have been credited to the state general fund since May 1 of the preceding school year;

(2) prior to October 1 of the current school year, an amount of such moneys equal to the amount transferred from the state general fund for distribution to districts on September 1;

(3) prior to November 1 of the current school year, an amount of such moneys equal to the amount transferred from the state general fund for distribution to districts on October 1;

(continued)

(4) prior to December 1 of the current school year, an amount of such moneys equal to twice the amount transferred from the state general fund for distribution to districts on November 1;

(5) prior to February 1 of the current school year, any such moneys remaining in the state general fund;

(6) prior to May 1 of the current school year, an amount equal to 50% of the amount of such moneys which have been credited to the state general fund since February 1 of the current school year; and

(7) prior to June 15 of the current school year, the remainder of the amount of such moneys which have been credited to the state general fund since February 1 of the current school year.

Sec. 4. K.S.A. 72-7068 is hereby amended to read as follows: 72-7068. (a) The director of taxation shall make distributions from the school district income tax fund to districts on the following dates as follows: On May 1 and September 1 of each year, commencing in 1974, October 1, November 1, December 1, February 1, May 1 and June 15 of the current school year, moneys transferred to such fund prior to each such date and on February 1 of each year, commencing in 1975, moneys transferred to such fund after August 31 of the preceding year in accordance with the provisions of K.S.A. 72-7067, and amendments thereto.

(b) The director of taxation shall pay to each district the amount of such the district's entitlement as prescribed under the provisions of K.S.A. 72-7067, and amendments thereto, and as indicated by the state income tax returns filed and attributed to each such district, with any adjustments or corrections made by such the director.

(c) The director of accounts and reports shall draw his or her warrants on the state treasurer payable to the district treasurer of each district entitled to payment from the school district income tax fund upon vouchers approved by the director of taxation. Upon receipt of such the warrant, each district treasurer shall credit the amount thereof to the general fund of his or her the district.

Sec. 5. K.S.A. 72-7049, 72-7050, 72-7067 and 72-7068 are hereby repealed.

Sec. 6. 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 January 19, 1984.

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

Passed the HOUSE February 3, 1984.

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

APPROVED February 10, 1984.

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 10th day of February, 1984.

(SEAL)

JACK H. BRIER
Secretary of State.

(Published in the KANSAS REGISTER, February 16, 1984.)

SENATE BILL No. 194

AN ACT concerning cities; relating to the issuance of bonds; amending K.S.A. 10-108d and repealing the existing section.

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

Section 1. K.S.A. 10-108d is hereby amended to read as follows: 10-108d. (a) Notwithstanding any controversy, litigation or other proceeding disputing the legal organization of the city of Bel Aire, Kansas any city incorporated pursuant to K.S.A. 15-115, et seq., and amendments thereto, the governing body of such the city may issue general obligation bonds of the city pursuant to the authority of any appropriate statute without executing a nonlitigation certificate required by K.S.A. 10-108a, and amendments thereto. Any bonds authorized to be issued hereunder shall be a general obligation of the property located within Bel Aire the city as it existed on the date the bonds are delivered to the purchaser, and except as provided by this subsection shall be authorized, issued, registered and sold in the manner provided by the general bond law and shall bear interest at a rate not to exceed the maximum prescribed by K.S.A. 10-1009, and amendments thereto.

(b) If it is finally determined by a court of competent jurisdiction that the city of Bel Aire, Kansas, was not legally organized, the property located within Bel Aire the city on the date any general obligation bonds were delivered to the purchaser shall remain liable for the payment of the interest on and the principal amount of the bonds issued by Bel Aire the city in accordance with their terms and shall continue to be subject to the levy of special assessments, if any, and be taxed, if necessary, for the payment of the bonds and the interest thereon. Any special assessments levied by the city of Bel Aire shall continue to constitute a lien on the property assessed. The county clerk shall annually levy a tax or collect the necessary amount to pay any special assessment levied against the property as required by the statute under which the general obligation bonds were authorized.

(c) The provisions of this section shall expire on June 30, 1983 or on the date of a final determination by a court of competent jurisdiction that the city of Bel Aire was not legally organized, whichever occurs first.

Sec. 2. K.S.A. 10-108d is hereby repealed.

Sec. 3. 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 March 8, 1983.

SENATE concurred in HOUSE amendments February 2, 1984.

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

Passed the HOUSE as amended February 1, 1984.

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

APPROVED February 10, 1984.

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 10th day of February, 1984.

(SEAL)

JACK H. BRIER
Secretary of State.

(Published in the KANSAS REGISTER, February 16, 1984.)

SENATE BILL No. 504

AN ACT relating to the legislative information system; authorizing the providing of information to state agencies and to private individuals, companies and organizations and the making of charges therefor; amending K.S.A. 46-1503 and repealing the existing section.

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

Section 1. K.S.A. 46-1503 is hereby amended to read as follows: 46-1503. (a) The revisor of statutes shall contract in the name of the legislative coordinating council, and with approval of such council, for such computer programs and other computer services as cannot be suitably obtained from state agencies, and in like manner, the revisor shall acquire such computer and communications components as may be needed for said this system. Purchases and other contracts authorized by article 15 of chapter 46 of Kansas Statutes Annotated shall not be subject to K.S.A. 1980 Supp. 75-3739, or amendments thereto, nor shall the same be subject to approval under any statute other than said article 15 of chapter 46. The director of information systems and computing and the director of purchases shall render such assistance in implementation of said this system as is requested by the legislative coordinating council or the revisor of statutes.

(b) When authorized by the legislative coordinating council, the revisor of statutes may provide to or share with any other state agency computer services through the operation of the comprehensive legislative information system. Such services may be provided without charge or, when directed by said the council, shall be provided at cost as the same is determined by said the council. The furnishing of computer services under this subsection (b) for which a charge is made shall be a transaction to be settled in accordance with the provisions of K.S.A. 75-5516 and amendments thereto. All receipts for charges made under this subsection (b) shall be deposited in the computer information system services fund which is hereby created in the state treasury.

(c) When authorized by the legislative coordinating council, the revisor of statutes may provide information regarding legislation to state agencies and to private individuals, companies and organizations through access to the legislative information system. The primary purpose for the legislative information system shall be to provide necessary information and service to the legislature and offices of the legislative branch of government and the revisor of statutes shall impose such conditions and restrictions upon the receipt of information from such system by agencies, persons and organizations not a part of the legislative branch of government as may be necessary to protect such system and services for the purpose for which established. The legislative coordinating council may fix a charge for the receipt of information regarding legislation through access to the legislative information system by state agencies, private individuals, companies and organizations not a part of the legislative branch of government. Such charges shall be collected by the director of legislative administrative services upon certification by the revisor of statutes. All amounts received from charges imposed pursuant to this subsection shall be remitted at least monthly to the state treasurer, and the state treasurer shall credit the same to the state general fund.

Sec. 2. K.S.A. 46-1503 is hereby repealed.

Sec. 3. 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 January 19, 1984.

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

Passed the HOUSE February 3, 1984.

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

APPROVED February 10, 1984.

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 10th day of February, 1984.

JACK H. BRIER
Secretary of State.

(SEAL)

(Published in the KANSAS REGISTER, February 16, 1984.)

HOUSE BILL No. 2664

AN ACT concerning legislative post audit; amending K.S.A. 46-1102, 46-1104, 46-1106, 46-1115, 46-1116, 46-1120, 46-1121, 46-1122, 46-1123, 46-1125, 46-1126 and 46-1127 and K.S.A. 1983 Supp. 46-1101 and repealing the existing sections; and also repealing K.S.A. 46-1124.

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

Section 1. K.S.A. 1983 Supp. 46-1101 is hereby amended to read as follows: 46-1101. There is hereby established the legislative post audit committee which shall consist of five senators and five members of the house of representatives. The five senator members shall be appointed as follows: Three by the president and two by the minority leader. The five representative members shall be appointed as follows: Three by the speaker and two by the minority leader. Each senate member appointed and each representative member appointed shall serve on the legislative post audit committee during such member's current term as a legislator and the officer so appointing shall notify promptly the post auditor and such committee of the appointment. A quorum of the committee shall be six. Except as otherwise specifically provided by law, all actions of the committee may be taken by a majority of those present when there is a quorum. At the commencement of each regular session of the legislature, the legislative post audit committee shall organize by electing a chairperson and a vice-chairperson who are not members of the same house of the legislature. The vice-chairperson shall exercise all of the powers of the chairperson in the absence of the chairperson. The legislative post audit committee may meet at any time, at any place in the state on the call of the chairperson. The committee may introduce such legislation as it deems necessary in performing its duties under the legislative post audit act.

Sec. 2. K.S.A. 46-1102 is hereby amended to read as follows: 46-1102. There is hereby established the office of post auditor. The post auditor shall be appointed by the legislative post audit committee and shall serve for a term of four (4) years, and until a successor is appointed and qualified under its direction. The post auditor may be removed from office by the affirmative vote of not less than seven members of the legislative post audit committee taken at any regular meeting of such committee. The post auditor shall be a person of extensive experience and recognized qualification in the field of governmental fiscal procedures and accounting auditing. The post auditor shall be in the unclassified service and shall receive such compensation as is determined by the legislative coordinating council, except that such compensation may be increased but not diminished during such term service. The legislative post audit committee may recommend to the legislative coordinating council changes in the compensation of the post auditor. The post auditor shall receive travel expenses and subsistence expenses and allowances as provided for members of the legislature in K.S.A. 75-3212 and amendments thereto when attending any authorized meeting or business outside of the city of Topeka.

Sec. 3. K.S.A. 46-1104 is hereby amended to read as follows: 46-1104. Members and alternate members of the legislative post audit committee shall receive compensation, travel expenses and subsistence expenses and allowances as provided in K.S.A. 75-3212 and amendments thereto. All compensation and expenses of members and alternate members of the legislative post audit committee arising out of activities as members of such committee shall be paid from appropriations made for the division of post audit. All compensation and expenses of the post auditor and employees of the division of post audit shall be paid from appropriations made for the division of post audit. All payrolls

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and vouchers for payment of amounts from appropriations made for the division of post audit shall be approved by the post auditor.

Sec. 4. K.S.A. 46-1106 is hereby amended to read as follows: 46-1106. (a) A financial-compliance audit of every state agency shall be performed at least once every three years and more often if specifically provided by law or if so directed by the legislative post audit committee. Such audits shall be conducted according to generally accepted auditing standards. If a financial-compliance audit is performed by the post auditor, the post auditor shall make a full, complete and written report of each audit as may be directed by the legislative post audit committee. Books and accounts of the state treasurer and the director of accounts and reports, including the bond register of the state treasurer, may be examined monthly if such committee so determines, and such examination may include detailed checking of every transaction or test checking. A financial-compliance audit conducted pursuant to this subsection shall fulfill the requirements of subsection (b) of this section and of subsections (a) and (b) of K.S.A. 46-1107 and amendments thereto.

(b) If the financial-compliance audit is performed by the post auditor, the post auditor, under supervision of the legislative post audit committee, or, if the financial-compliance audit is performed by a firm or firms, the firm or firms in accordance with audit specifications shall determine whether all requirements of law with respect to the installation and use of accounting systems, books, records, forms, rules and regulations are being complied with by each state agency.

(c) The post auditor or firm performing a financial-compliance audit shall furnish a copy of the completed financial-compliance audit report of the state agency to the governor, director of accounts and reports, director of the budget, the state agency which is audited, to the legislative post audit committee and to other persons or agencies as may be required by law or by the specifications of the audit. Other written reports of the post auditor shall be furnished only in accordance with the directions of the legislative post audit committee, except as is otherwise provided in this section. Any person receiving tax information under the provisions of this subsection shall be subject to the same duty of confidentiality imposed by law upon the personnel of the department of revenue and shall be subject to any civil or criminal penalties imposed by law for violations of such duty of confidentiality.

(d) The post auditor shall report immediately in writing to the legislative post audit committee, governor and attorney general whenever it shall appear appears in the opinion of the post auditor that there may have occurred any violation of penal statutes or any instances of misfeasance, malfeasance or nonfeasance by a state public officer or employee disclosed by any audit of any state agency conducted under the legislative post audit act. The post auditor shall furnish the attorney general all information in the possession of the post auditor relative to any report referred to the attorney general. The attorney general shall institute and prosecute civil proceedings against any such delinquent officer or employee, or upon such officer or employee's official bond, or both, as may be needed to recover for the state any funds or other assets misappropriated. The attorney general shall also prosecute such ouster and criminal proceedings as the evidence in the case warrants. Any person receiving tax information under the provisions of this subsection shall be subject to the same duty of confidentiality imposed by law upon the personnel of the department of revenue and shall be subject to any civil or criminal penalties imposed by law for violations of such duty of confidentiality.

(e) The post auditor shall immediately report to the committee on surety bonds and insurance when any audit of a state agency conducted under the legislative post audit act discloses a shortage in the accounts of any official state agency, officer or employee of such state agency.

(f) In the discharge of the duties imposed under the legislative post audit act, the post auditor may require state agencies to reserve and make available their accounts, records, documents, vouchers, requisitions, payrolls, cancelled checks or vouchers and coupons, and other evidence of financial transactions.

(g) In the discharge of the duties imposed under the legisla-

tive post audit act, the post auditor or firm performing a financial-compliance audit shall have access to all books, accounts, records, files, documents and correspondence, confidential or otherwise, of any person or state agency subject to the legislative post audit act or in the custody of any such person or state agency. Except as otherwise provided in this subsection, the post auditor or firm performing a financial-compliance audit and all employees and former employees of the division of post audit or firm performing a financial-compliance audit shall be subject to the same duty of confidentiality imposed by law on any such person or state agency with regard to any such books, accounts, records, files, documents and correspondence, and any information contained therein, and shall be subject to any civil or criminal penalties imposed by law for violations of such duty of confidentiality. The duty of confidentiality imposed on the post auditor and on firms performing financial-compliance audits and all employees of the division of post audit and all employees of such firms shall be subject to the provisions of subsection (d) of this section, and the post auditor may furnish all such books, accounts, records, files, documents and correspondence, and any information contained therein to the attorney general pursuant to subsection (d) of this section. Upon receipt thereof, the attorney general and all assistant attorneys general and all other employees and former employees of the office of attorney general shall be subject to the same duty of confidentiality with the exceptions that any such information contained therein may be disclosed in civil proceedings, ouster proceedings and criminal proceedings which may be instituted and prosecuted by the attorney general in accordance with subsection (d) of this section, and any such books, accounts, records, files, documents and correspondence furnished to the attorney general in accordance with subsection (d) of this section may be entered into evidence in any such proceedings. Nothing in this subsection shall be construed to supersede any requirement of federal law.

(h) Any firm or firms which develop information in the course of performing a financial-compliance audit which the post auditor is required to report under subsection (d) or (e) shall immediately report such information to the post auditor. The post auditor shall then make the report required in subsection (d) or (e).

Sec. 5. K.S.A. 46-1115 is hereby amended to read as follows: 46-1115. Whenever any person fails to make any books, accounts, contracts or records, files, documents and correspondence, confidential or otherwise, related to any of the foregoing available to the post auditor or to a firm performing a financial-compliance audit or to any officer or employee of the division of post audit or of such firm within thirty (30) 30 days after a request therefor by the post auditor or by a firm performing a financial-compliance audit or any such officer or employee of the post auditor or of such firm, and such person is entitled under any other statute to receive any state funds, such funds shall be withheld until such person has fully complied with such request. Whenever state funds are to be withheld under this section, the post auditor shall give written notice thereof to the director of accounts and reports, and such director shall issue no warrant for payment of state funds to such person until the post auditor has given such director written notice that such person has acceded to the request of the post auditor. The provisions of this section shall not affect any contract entered into prior to the effective date of this act to the extent that any impairment of such contract occurs.

Sec. 6. K.S.A. 46-1116 is hereby amended to read as follows: 46-1116. Failure to make records available for post audit is the intentional failure to make any books, accounts, contracts or records, files, documents and correspondence, confidential or otherwise, related to any of the foregoing available to the post auditor or to a firm performing a financial-compliance audit or any officer or employee of the division of post audit or of such firm upon request of the post auditor or such firm or any such officer or employee for the purpose of post audit as directed by the legislative post audit committee under authority of this act.

Failure to make records available for post audit is a class A misdemeanor.

Sec. 7. K.S.A. 46-1120 is hereby amended to read as follows: (continued)

46-1120. (a) There is hereby created the federal contract audit committee which shall consist of the following members: (1) The chairperson of the legislative post audit committee or a person designated by the chairperson from among the members of the legislative post audit committee; (2) the vice-chairperson of the legislative post audit committee or a person designated by the vice-chairperson from among the members of the legislative post audit committee; (3) a member of the legislative post audit committee designated by majority vote of the legislative post audit committee; (4) the post auditor or a person designated by the post auditor; and (3) (5) the secretary of administration or a person designated by the secretary of administration. The chairperson of the legislative post audit committee, or the person designated by the chairperson to serve as a member of the federal contract audit committee, shall be the chairperson of the federal contract audit committee. No more than two legislators who are members of the contract audit committee shall be members of the same political party.

(b) The federal contract audit committee shall be within the division of post audit as a part thereof. All budgeting, purchasing and related management functions of the federal contract audit committee shall be administered under the direction and supervision of the post auditor.

(c) The chairperson legislators who are members of the federal contract audit committee attending meetings of such committee, or attending a subcommittee meeting thereof authorized by such committee, shall be paid compensation, subsistence allowances, mileage and other expenses as provided in K.S.A. 75-3223 and amendments thereto upon vouchers approved by the post auditor or a person designated by the post auditor from appropriations made for the division of post audit.

(d) The federal contract audit committee shall meet on the call of the chairperson of such committee. A vote of two three members of the federal contract audit committee shall be required for any action of the federal contract audit committee.

New Sec. 8. (a) The federal audit committee is hereby abolished. All of the powers, duties, functions, records and property of the federal audit committee are hereby transferred to and conferred and imposed upon the contract audit committee created by this act. The contract audit committee shall be the successor in every way to the powers, duties and functions of the federal audit committee in which the same were vested prior to the effective date of this act.

(b) Whenever the federal audit committee, or words of like effect, are referred to or designated by a statute, contract or other document, such reference or designation shall be deemed to apply to the contract audit committee created by this act.

(c) All orders or directives of the federal audit committee in existence on the effective date of this act shall continue to be effective and shall be deemed to be the orders or directives of the contract audit committee created by this act until revised, amended, repealed or nullified pursuant to law.

Sec. 9. K.S.A. 46-1121 is hereby amended to read as follows: 46-1121. Each state agency awarded a federal grant which is subject to a financial-compliance audit as a condition of such grant shall notify the post auditor immediately of the award of such grant. Upon the receipt of such grant, the state agency shall remit to the post auditor that amount of money from such federal grant which is fixed by the federal audit committee in an amount reasonably anticipated to cover the cost of such required audit. Based on the amount and nature of grant funds received by the state agency, the post auditor biennially shall compute the amount of federal money reasonably anticipated to be required to provide audit coverage in accordance with federal requirements. The amounts shall be reviewed and approved by the contract audit committee. Upon such approval the state agency, in accordance with K.S.A. 46-1118 and amendments thereto, shall reimburse the division of post audit for $\frac{1}{2}$ of the amount approved by the contract audit committee in each year of such two-year period. The post auditor shall remit all moneys received under this section to the state treasurer at least monthly. Upon receipt of any such remittance the state treasurer shall deposit the entire amount thereof in the state treasury and the same shall be credited to the federal audit services fund. In addition to expenditures which may be made from the federal

audit services fund under K.S.A. 46-1118 and amendments thereto, expenditures shall be made from such fund, and from other available appropriations, to pay for the cost of financial-compliance audits performed to comply with federal government audit requirements.

Sec. 10. K.S.A. 46-1122 is hereby amended to read as follows: 46-1122. The legislative post audit committee shall specify whether a financial-compliance audit of a state agency is to be performed: (a) By a firm or firms qualified to perform such audit; or (b) by the post auditor. If the legislative post audit committee specifies that a firm or firms is to perform such audit, such firm or firms shall be selected and shall perform such audit as provided in K.S.A. 46-1123 and amendments thereto and K.S.A. 46-1125 to 46-1127, inclusive, and amendments thereto. If the legislative post audit committee specifies that the post auditor is to perform such audit, the post auditor shall perform such audit in accordance with the applicable provisions of the legislative post audit act for the conduct of financial-compliance audits of state agencies and, if the audit is performed to comply with federal government audit requirements, in accordance with specifications for the conduct of such audit established by the federal contract audit committee.

Sec. 11. K.S.A. 46-1123 is hereby amended to read as follows: 46-1123. (a) In the procurement of a firm or firms to perform a financial-compliance audit, the post auditor shall encourage firms engaged in the lawful practice of their profession to annually submit to the post auditor a statement of qualifications and performance data. Such statement shall include the qualifications and performance data of any consultants the firm proposes to use.

(b) When a financial-compliance audit of a state agency is specified by the legislative post audit committee to be performed by a firm or firms qualified to perform such audit, the post auditor shall evaluate the current statements of qualifications and performance data on file, together with those statements that may be submitted by other firms, regarding the proposed audit and other information developed and available to the post auditor, and shall prepare a list of at least three and not more than five firms which are, in the opinion of the post auditor, qualified to perform such audit. Such list shall be submitted to the federal audit committee.

(c) Two or more separate financial-compliance audits may be combined by the federal audit committee for the purpose of procuring audit services for all such audits from a single firm, and in each such case such combined audits shall be construed to be a single audit for all purposes under K.S.A. 46-1123 to 46-1127, inclusive.

(a) In the procurement of a firm or firms to perform a financial-compliance audit, the post auditor shall encourage firms engaged in the lawful practice of their profession to place their names on the list maintained by the post auditor of bidders to receive invitations for bid on post audit contracts.

(b) The post auditor shall establish specifications, with the advice of the head of each state agency to be audited, for the conduct by a firm or firms of the financial-compliance audit. The specifications shall be used in preparing invitations for bid and evaluating the bids received.

(c) For all financial-compliance audits of state agencies to be performed by a firm or firms, the post auditor shall issue an invitation for bid to all firms who have requested to be on the bidders' list and others who request a copy after notice in the Kansas register. The invitation shall request information on the firm's qualifications, the qualifications of staff to be assigned to the job, the firm's technical approach to the audit and the fee. The post auditor shall evaluate the bids received in response to the invitations and for each audit shall prepare a list of at least three and not more than five firms which are, in the opinion of the post auditor, qualified to perform such audit. Such list shall be submitted to the contract audit committee.

(d) Two or more separate financial-compliance audits may be combined by the contract audit committee for the purpose of procuring audit services for all such audits from a single firm and in each such case such combined audits shall be construed to be a single audit for all purposes under K.S.A. 46-1123 and

(continued)

amendments thereto and K.S.A. 46-1125 to 46-1127, inclusive, and amendments thereto.

Sec. 12. K.S.A. 46-1125 is hereby amended to read as follows: 46-1125. (a) When a financial-compliance audit of a state agency is specified by the legislative post audit committee to be performed by a firm or firms qualified to perform such audit, the federal audit committee shall negotiate a contract for each such financial-compliance audit with the selected firm or firms for the required audit. In such negotiations, the federal audit committee shall consider demonstrated competence and qualifications, including satisfactory completion of any previous financial-compliance audit of a state agency by such firm or firms and shall take into account the estimated value of the services to be rendered and the scope, complexity and professional nature of such services.

(b) If the federal audit committee is unable to negotiate a satisfactory contract with the firm considered to be the most qualified, negotiations with that firm shall be terminated. The federal audit committee shall then undertake negotiations with the second most qualified firm. If there is a failing of accord with the second most qualified firm, negotiations with such firm shall be terminated. The federal audit committee shall then undertake negotiations with the third, fourth and fifth most qualified firms in turn.

(c) If the federal audit committee is unable to negotiate a satisfactory contract with any of the selected firms, the federal audit committee shall reevaluate the required audit services and fee requirements and reopen negotiations with any of the firms on the list. If the federal audit committee is still unable to enter into a contract for the required audit services, the federal audit committee shall request the post auditor to provide another list of firms to be negotiated with by the federal audit committee and, upon receipt of such list, the federal audit committee shall proceed in accordance with the provisions of K.S.A. 46-1123 to 46-1125, inclusive. (a) The contract audit committee may conduct discussions with each of the firms submitted by the post auditor and then shall select a firm or firms from such listing to provide the financial-compliance audit in accordance with the legislative post audit act.

(b) The contract audit committee shall consider, in making their selection, qualifications of the firm and staff, the technical proposal and fee.

(c) If the contract audit committee is unable to contract with any of the selected firms, the contract audit committee shall request the post auditor to provide another list of firms to be reviewed by the contract audit committee and, upon receipt of such list, the contract audit committee shall proceed in accordance with the provisions of this section.

Sec. 13. K.S.A. 46-1126 is hereby amended to read as follows: 46-1126. (a) Each contract for a financial-compliance audit of a state agency negotiated entered into under K.S.A. 46-1123 to and 46-1125, inclusive, and amendments to these sections shall be entered into between the post auditor and the firm selected to perform the financial-compliance audit. Each such contract shall require the firm selected to perform the financial-compliance audit to submit evidence which is satisfactory to the federal contract audit committee that the firm has general professional liability insurance or specific professional liability insurance which is adequate for such audit.

(b) In addition to the requirements in subsection (a), each such contract for financial-compliance audit services shall specify the responsibilities undertaken by the firm selected to perform such audit and that such firm shall be responsible for all material errors and omissions in the performance of such contract.

(c) Such contracts shall not be subject to the provisions of K.S.A. 1980 Supp. 75-3739 and amendments thereto.

Sec. 14. K.S.A. 46-1127 is hereby amended to read as follows: 46-1127. (a) The federal contract audit committee shall monitor the performance of the firm or firms conducting a financial-compliance audit pursuant to a contract entered into under S.A. 46-1126 and amendments thereto to insure that such audit performed in accordance with the specifications developed for the conduct of such audit. The firm or firms selected to perform such audit shall submit a written audit report at the conclusion of

the audit to the post auditor who shall distribute the complete audit report to members of the legislative post audit committee, the governor, the director of accounts and reports, the director of the budget, the secretary of administration, the state agency which is audited, the post auditor, each member of the legislative post audit committee and other persons or agencies as may be required by the specifications.

(b) In the performance of such audit, the officers and employees of the firm or firms performing the audit shall be subject to the same duty of confidentiality applicable to the post auditor and officers and employees of the division of post audit under the legislative post audit act and shall have access to all books, accounts, records, files, documents and correspondence, confidential or otherwise, of any person or state agency subject to the financial-compliance audit.

Sec. 15. K.S.A. 46-1102, 46-1104, 46-1106, 46-1115, 46-1116, 46-1120, 46-1121, 46-1122, 46-1123, 46-1124, 46-1125, 46-1126 and 46-1127 and K.S.A. 1983 Supp. 46-1101 are hereby repealed.

Sec. 16. 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 19, 1984.

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

Passed the SENATE January 31, 1984.

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

APPROVED February 10, 1984.

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 10th day of February, 1984.

(SEAL)

JACK H. BRIER
Secretary of State.

KANSAS REGISTER
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State Capitol
Topeka, Kansas 66612

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