

KANSAS REGISTER

State of Kansas

JACK H. BRIER
Secretary of State

Vol. 3, No. 15

April 12, 1984

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



PHONE: 913/296-2236

State of Kansas

**DEPARTMENT OF
HEALTH AND ENVIRONMENT****PUBLIC NOTICE**

A Certificate of Need request from the Cedars to replace and expand its existing facility was denied by the Kansas Department of Health and Environment on March 31, 1984, and will become effective on April 30, 1984, unless appealed to the District Court of McPherson County.

A Certificate of Need application from Rivendell of Kansas to develop and license a 48-bed psychiatric hospital was denied by the Kansas Department of Health and Environment on March 30, 1984, and will become effective on April 30, 1984, unless appealed to the District Court of Sedgwick County.

BARBARA J. SABOL
Secretary of Health and Environment

Doc. No. 002043

State of Kansas

**DEPARTMENT OF
HEALTH AND ENVIRONMENT****NOTICE OF HEARING**

Notice is hereby given to all interested parties that the Kansas Department of Health and Environment is applying to the Department of Health and Human Services, Public Health Service, for continued designation and funding as the State Health Planning and Development Agency for Kansas, pursuant to the provisions of P.L. 96-79, the National Health Planning and Resources Development Act, and K.S.A. 65-4701 *et seq.*, the Kansas Health Planning and Development Act. These laws provide that the State Health Planning and Development Agency shall conduct the health planning activities of the state, including administration of a Certificate of Need Program which applies to new institutional health services proposed to be offered or developed within the state.

Persons wishing to review the application may do so between 8:00 a.m. and 4:30 p.m., from April 9th to April 24th, at the Division of Policy and Planning, Department of Health and Environment, Bldg. 321, Forbes Field, Topeka, KS. Persons wishing to comment on the application should submit their comments in writing to Rosemary O'Leary, Director, Division of Policy and Planning.

A hearing will be held on April 25, 1984, at 10:00 a.m., to inform the public on the application's content. All interested individuals and organizations are invited to attend this hearing in the Department of Health and Environment's Hearing Room, Bldg. 740, Forbes Field, Topeka, KS.

BARBARA J. SABOL
Secretary of Health and Environment

Doc. No. 002028

State of Kansas

**STATE CORPORATION COMMISSION
MINED-LAND CONSERVATION AND
RECLAMATION BOARD****NOTICE OF COMMENCEMENT
OF NEGOTIATIONS
FOR ENGINEERING SERVICES**

Notice is hereby given of the commencement of negotiations for engineering services required for development of reclamation design plans for two abandoned coal mine sites. The first site is referred to as the Skidmore Project and the second site is referred to as the Turck Project. Each of these projects will be negotiated separately pursuant to K.S.A. 75-5801 *et seq.*

Interested firms must be permitted by law to practice engineering in the state of Kansas.

A more specific description of the scope of work needed for each of these projects can be obtained by writing or calling Judith McConnell, Executive Secretary, State Corporation Commission, 4th Floor, State Office Bldg., Topeka, KS 66612, (913) 296-3355, no later than April 30, 1984. Expressions of interests for providing engineering services for these projects must be received no later than May 4, 1984.

JUDITH McCONNELL
Executive Secretary

Doc. No. 002034

State of Kansas

**STATE CORPORATION COMMISSION
MINED-LAND CONSERVATION AND
RECLAMATION BOARD****NOTICE OF COMMENCEMENT
OF NEGOTIATIONS
FOR ENGINEERING SERVICES**

Notice is hereby given of the commencement of negotiations for engineering services required in reviewing surface coal mining and reclamation operation permits to determine whether they are complete and technically adequate in complying with the requirements of Article 3 of Chapter 47 of Kansas Administrative Regulations and K.S.A. 49-405, 49-406 and 49-407.

Interested firms must be permitted by law to practice engineering in the state of Kansas.

A more specific description of the scope of work needed for conducting these reviews can be obtained by writing or calling Judith McConnell, Executive Secretary, State Corporation Commission, 4th Floor, State Office Bldg., Topeka, KS 66612, (913) 296-3355. Expressions of interests for providing engineering services in reviewing three specifically identified surface coal mining and reclamation operation permits must be received no later than May 3, 1984.

JUDITH McCONNELL
Executive Secretary

Doc. No. 002040

State of Kansas

ATTORNEY GENERAL

OPINION NO. 84-29

Waters and Watercourses—Rural Water Districts—Easements for Pipelines; Abandonment of Property by Railroad, Edward S. Dunn, Manager, Rural Water District No. 3, Holton, March 30, 1984.

A rural water district organized pursuant to K.S.A. 82a-612 *et seq.*, may acquire easements for waterlines either through purchase or eminent domain. In a situation where easements have been acquired from a railroad which has subsequently abandoned its own easement for railway purposes, the district may obtain easements from the party to whom the railroad's easement reverts (*i.e.* the owner of the servient estate). Cited herein: K.S.A. 1983 Supp. 82a-619, K.S.A. 82a-619b. JSS

ROBERT T. STEPHAN
Attorney General

Doc. No. 002033

State of Kansas

**DEPARTMENT ON AGING
ADVISORY COUNCIL ON AGING**

**NOTICE OF PUBLIC HEARING
ON THE NEEDS OF
OLDER KANSANS**

Notice is hereby given to all interested parties that the Advisory Council on Aging, in conjunction with the Kansas Department on Aging (KDOA), will hold a statewide public hearing on the needs of older Kansans on Thursday, May 17, 1984, from 10:00-11:00 a.m. in McCray Hall Auditorium on the campus of Pittsburg State University.

The purpose of the hearing, which is being held in conjunction with the ninth annual Governor's Conference on Aging, is to receive direct input from interested individuals and organizations about the needs of older Kansans and other aging issues as KDOA develops and implements aging policies and programs.

Persons wishing to speak at the hearing are asked to notify KDOA prior to the hearing and to provide a written copy of their comments at the hearing. Depending upon the number of persons wishing to be heard, the time available for oral presentations may be limited. Written comments will be accepted by KDOA through May 31, 1984.

For more information contact George A. Dugger at KDOA, 610 W. 10th St., Topeka, KS 66612, (913) 296-4986 or 1-800-432-3535.

SYLVIA HOUGLAND
Secretary of Aging

Doc. No. 002041

State of Kansas

**DEPARTMENT OF ADMINISTRATION
DIVISION OF
ARCHITECTURAL SERVICES**

**NOTICE OF COMMENCEMENT
OF NEGOTIATIONS
FOR TECHNICAL SERVICES**

Notice is hereby given of the commencement of negotiations for a contract for a sub-soil investigation for the following project:

Repointing and Stabilization of the First
Territorial Capitol
Kansas State Historical Society
Fort Riley, Kansas

Any questions or expressions of interest should be directed to Don Schultz, Division of Architectural Services, 625 Polk, Topeka, KS 66603, prior to April 27, 1984.

JOHN B. HIPPI, AIA
Director
Division of Architectural Services

Doc. No. 002038

State of Kansas

SOCIAL AND REHABILITATION SERVICES

**OPEN MEETING NOTICE AND NOTICE TO
ALL PERSONS HAVING AN INTEREST IN
THE ADMINISTRATIVE REGULATIONS
PROMULGATED BY THE SECRETARY OF
SOCIAL AND REHABILITATION SERVICES**

Notice is hereby given to all interested parties that the Department of Social and Rehabilitation Services will hold an Open Meeting on May 1, 1984, at 9:00 a.m., in the Staff Development Training Center, Topeka State Hospital.

The scheduled agenda for the Open Meeting includes:

- Preliminary overview of legislation passed in the 1984 session.
- Preliminary discussion of possible budget guidelines for the agency for FY 1986.
- Present proposed Social Service Block Grant Plan.
- Public hearing concerning proposed temporary administrative regulations. A summary of the proposed regulations is set forth below. The proposed changes are scheduled to become effective on July 1, 1984.

1. 30-4-101. Standards for persons in own or other family home. This regulation is being amended to reflect a 3% increase in the basic standard and shelter standard for PA clients.

2. 30-4-102. Standards for persons in room, board, specialized living or care. This regulation is being amended to reflect a 3% increase in the maximum amounts allowed for persons living in board and room, specialized living or room only arrangements.

(continued)

A copy of the proposed regulations and fiscal impact statements may be obtained prior to the above mentioned hearing by contacting Mary Slaybaugh, Legal Division, State Department of Social and Rehabilitation Services, 6th Floor, State Office Bldg., Topeka, KS 66612, (913) 296-3969. Written comments may be submitted prior to such date. Such comments should be forwarded to Dr. Harder, Secretary of Social and Rehabilitation Services, 6th Floor, State Office Bldg., Topeka, KS 66612.

Interested persons will be given reasonable opportunity at the hearing to present their views and arguments on the adoption of the proposed regulations. Presentations should be in writing whenever possible. Depending on the number of persons wanting to speak, the department may require that each participant limit his or her oral presentation to no more than three minutes.

The public is invited to this meeting. Telephone hook-ups are provided at the following locations of Social and Rehabilitation Services offices: Chanute, Emporia, Garden City, Hays, Hiawatha, Hutchinson, Junction City, Kansas City, Lawrence, Olathe, Ottawa, Parsons, Pittsburg, Pratt, Salina, Topeka (Area Office and State Office Building), Wichita and Winfield.

ROBERT C. HARDER

Secretary of Social and Rehabilitation Services

Doc. No. 002037

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 March 29-April 4:

- SB 868, by Committee on Federal and State Affairs: An act concerning open public meetings for the transaction of governmental business; amending K.S.A. 1983 Supp. 75-4318 and repealing the existing section.
- SB 869, by Committee on Ways and Means: An act concerning the state board of tax appeals; relating to filing requirements concerning revenue bonds; requiring an annual report; amending K.S.A. 12-1744a and 12-1744c and repealing the existing sections.
- SB 870, by Committee on Ways and Means: An act concerning a memorial to law enforcement officers who have lost their lives in the line of duty in the service of the state; concerning the design, construction, location and maintenance of such memorial; and providing for the financing of the cost thereof.
- SB 871, by Committee on Ways and Means: An act relating to the taxation of property; concerning the valuation of property therefor; amending K.S.A. 79-1412a and repealing the existing section.
- SB 872, by Committee on Ways and Means: An act making and concerning appropriations for the fiscal years ending June 30, 1985, June 30, 1986, and June 30, 1987, to initiate and complete certain capital improvement projects for the department of corrections, state correctional-vocational training center, state industrial reformatory, Kansas state penitentiary, department of administration, Parsons state hospital and training center and Osawatimie state hospital; authorizing certain transfers, imposing certain restricts and limitations, and directing or authorizing disbursements and acts incidental to the foregoing.
- SB 873, by Committee on Ways and Means: An act authorizing payroll deductions by state employees for the purchase of supplemental health benefits; placing limitations and restrictions on such deductions; authorizing a fee for making such deductions.
- HB 3122, by Committee on Ways and Means: An act relating to the state board of education; concerning the membership, organization, powers, duties and authority thereof; amending K.S.A. 25-101, 25-212, 25-213, 25-611, 25-617, 25-1116, 25-1118, 25-2503, 25-2505, 25-3903, 25-3905, 25-3906, 25-4153, 25-4304, 72-7502, 72-7503, 72-7509 and 72-7514 and repealing the existing sections and also repealing K.S.A. 25-1901 through 25-1906, 25-1910, 25-1911, 25-3902a, 25-3904a, 72-7504, 72-7505 and 72-7514a and K.S.A. 1983 Supp. 72-7514b.
- HB 3123, by Committee on Ways and Means: An act concerning criminal procedure; relating to parole eligibility dates; providing for advancement to eliminate certain over-

crowded conditions in correctional institutions and facilities; amending K.S.A. 1983 Supp. 22-3717 and repealing the existing section.

SCR 1669, by Committee on Federal and State Affairs: A concurrent resolution concerning real estate schools; modifying Kansas administrative regulation 86-1-10, as adopted by the real estate commission and filed with the revisor of statutes on November 8, 1983.

SCR 1670, by Senators Winter, Roitz and Werts: A concurrent resolution directing the State Board of Education to conduct a review and study of associate degree programs and vocational education programs which it has authority to approve for state funding and to submit a plan to eliminate unnecessary duplication of the programs to the Legislative Educational Planning Committee.

HCR 5095, by Committee on Agriculture and Livestock: A concurrent resolution commending and supporting the Kansas Foundation for Agriculture in the Classroom.

HCR 5096, by Representatives Runnels, Adam, Barkis, Blumenthal, Dyck, Ediger, Francisco, B. Fuller, W. Fuller, Grotewiel, Harder, Helgerson, Hensley, King, Love, Matlack, Niles, Sughruue and Teagarden: A concurrent resolution memorializing the Iranian government to end its persecution of the believers in the Baha'i faith.

HCR 5097, by Representatives Duncan and Sprague: A concurrent resolution providing for a statewide contest to design license plates known as SAM-123.

HCR 5098, by Special Committee on Administrative Rules and Regulations: A proposition to amend article 2 of the constitution of the state of Kansas by adding a new section thereto relating to the modification, rejection and revocation of administrative rules and regulations of agencies of the executive branch of state government by the legislature.

SR 1881, by Senator Francisco: A resolution congratulating and commending the Mulvane High School boys' basketball team and its coach, Charles Mason, on winning the 1984 Class 4A State Basketball Championship in Kansas.

SR 1882, by Senators Karr, Allen, Angell, Ehrlich, Kerr, Roitz and Werts: A resolution congratulating and commending the Kansas Master Teachers for 1984.

SR 1883, by Senator Steineger: A resolution congratulating and commending Hughes Suffren for his outstanding athletic achievements during the 1983-84 basketball season.

SR 1884, by Senator Winter: A resolution congratulating and commending the University of Kansas on recent achievements in its engineering and communications programs.

SR 1885, by Senator Thiessen: A resolution congratulating and commending the Independence Community College men's basketball team and its coach, Bob Kivisto, on its outstanding performance in the 1984 National Junior College Athletic Association Basketball Tournament.

SR 1886, by the Committee on Agriculture and Small Business: A resolution proclaiming April 3, 1984, as "Agriculture Day."

SR 1887, by Senators Meyers, Bogina, Burke and Gaar: A resolution commending Vaughn High for his life-saving actions.

SR 1888, by Senator Doyen: A resolution designating May 27-June 2, 1984, as "Square Dancing Week" in recognition of the significance of this dance form to our heritage.

SR 1889, by Senators Roitz, Bogina, Johnston, Talkington and Thiessen: A resolution designating "Big Brutus," a 90-yard coal shovel located near West Mineral, Kansas, as a historical museum, dedicated to the rich mining history in Southeast Kansas.

SR 1890, by Senator Winter: A resolution commending Estelle Graves for her many years of dedicated service to the State of Kansas.

HR 6167, by Representative Moore: A resolution commending the Mid-America Association of Conservation Districts for its outstanding work in conservation.

HR 6168, by Representative R. D. Miller: A resolution congratulating Loa Boxberger on being named to the Women's International Bowling Congress Hall of Fame.

HR 6169, by Representative Lowther: A resolution congratulating and commending the Kansas Master Teachers for 1984.

HR 6170, by Representative Long: A resolution congratulating and commending Attica, Kansas, on the celebration of its centennial anniversary.

HR 6171, by Representative Blumenthal: A resolution honoring Virginia Krebs for her dedicated service to Johnson County Community College.

HR 6172, by Representative Patterson: A resolution congratulating and commending the Independence Community College men's basketball team and its coach, Bob Kivisto, on its outstanding performance in the 1984 National Junior College Athletic Association Basketball Tournament.

HR 6173, by Representative B. Fuller: A resolution honoring world-renowned milling scientist Arlin B. Ward.

HR 6174, by Representative Sughruue: A resolution congratulating and commending Steve Germes, Dodge City, on being named a 1984 Kansas Master Teacher.

HR 6175, by Representatives B. Fuller, Apt, Arbuthnot, Buehler, Bussman, Campbell, Dempsey, Eckert, Flottman, Goossen, Hamm, L. Johnson, Long, Niles, Polson, Rezac, Roenbaugh, Shelor, Solbach, Teagarden and P. Weaver: A resolution proclaiming April 3, 1984, as "Agriculture Day."

HR 6176, by Representative Wilbert: A resolution congratulating and commending Thomas Hedges, Pittsburg, on being named a 1984 Kansas Master Teacher.

HR 6177, by Representative Nichols: A resolution congratulating and commending Dottie McCrossen, Ottawa, on being named a 1984 Kansas Master Teacher.

HR 6178, by Representative Reardon: A resolution congratulating and commending the Bishop Miede High School boys' cross country team and its coach, Bill Van Hecke, on winning the 1983 Class 5A State Cross Country Championship in Kansas.

HR 6179, by Representative Reardon: A resolution congratulating and commending the Bishop Miede High School girls' cross country team and its coach, Bill Van Hecke, on winning the 1983 Class 5A State Cross Country Championship in Kansas.

HR 6180, by Representative Reardon: A resolution congratulating and commending the Bishop Miede High School volleyball team and its coaches, Gwenn Pike and Michelle Stueve, on winning the 1983 Class 5A State Volleyball Championship in Kansas.

HR 6181, by Representative Foster: A resolution commending Estelle Graves for her many years of dedicated service to the State of Kansas.

HR 6182, by Representative L. Fry: A resolution congratulating and commending Robert Coffman, Chase, on being named a 1984 Kansas Master Teacher.

HR 6183, by Representative Francisco: A resolution in memory of Edna Buschow.

HR 6184, by Representative Adam: A resolution honoring Charlie Stinson, Atchison, for his many dedicated years of teaching.

HR 6185, by Representative Wunsch: A resolution congratulating and commending Don Mason, Kingman, on being named a 1984 Kansas Master Teacher.

HR 6186, by Representative Branson: A resolution congratulating and commending Victor Frost, assistant professor of electrical engineering at the University of Kansas, on receiving a National Science Foundation Presidential Young Investigator Award.

State of Kansas

KANSAS WATER AUTHORITY**OPEN MEETING NOTICE**

The April meeting of the Kansas Water Authority will be held April 26, 1984 at the Kansas Geological Survey, 1930 Constant Ave., Campus West, University of Kansas, Lawrence, KS. Committees of the Authority will meet throughout the day. An agenda will be available April 20. Those persons not on the Authority mailing list may obtain a copy of the agenda by writing or calling: Bruce W. Janssen, 702 Broadway, Box D, Larned, KS 67550.

H. PHILIP MARTIN
Chairman

Doc. No. 002035

State of Kansas

BOARD OF REGENTS

**NOTICE TO ALL PERSONS HAVING AN
INTEREST IN THE REGULATIONS
GOVERNING TRAFFIC AND PARKING ON
THE ROADS, STREETS, DRIVEWAYS AND
PARKING FACILITIES AT THE
UNIVERSITY OF KANSAS**

Notice is hereby given to all interested parties that on April 27, 1984, at 3:00 p.m. C.D.T., in the Kansas Union, Jayhawk Room, University of Kansas, Lawrence, KS, a public hearing will be held concerning the adoption by the Board of Regents of regulations governing traffic and parking on the roads, streets, driveways and parking facilities at the University of Kansas.

The following is a summary of the substance of the rules and proposed changes; while certain sections of the regulations have been renumbered and reorganized, the only substantive changes in the regulations are noted as follows:

1. General regulations. The current regulations specify who is subject to the rules and regulations, that all vehicles must have a valid parking permit, and the hours of access to the central campus. No amendments are proposed.

2. Definitions. The current regulations specify the definitions of student, faculty, staff, visitors, residence hall visitor, handicap permit, moped parking and motorcycle. No amendments are proposed.

3. Visitor parking. The current regulations specify conditions under which visitors may legally park at the University of Kansas. No amendments are proposed.

4. Parking permits. The current regulations establish procedures pertaining to parking permits and the types of parking permits available. The proposed amendments include the elimination of Universal, Green, Daisy Field Extension, Medical, Residence Hall Motorcycle, Second Zone, Lot #117, Lot #59 and Lot #34 permits.

5. Student, faculty and staff parking. The current regulations establish procedures by which parking permits for vehicles may be obtained and appealed, and procedures for new employees. No amendments are proposed.

6. Permit fees. The current regulations specify the fees charged for parking permits. The proposed amendments include elimination of permits mentioned in PARKING PERMITS, section 4 above, from the permit fee table and price changes in Red permits from \$48.00 to \$45.00; Yellow permits from \$42.00 to \$35.00; Residence Hall from \$22.00 to \$20.00; Red Motorcycle from \$24.00 to \$20.00; and Blue Motorcycle permits from \$24.00 to \$25.00, with semester and summer prices adjusted accordingly.

7. Control of parking lots and zones. The current regulations specify times and locations for parking restrictions at the University of Kansas. The proposed amendment would open faculty/staff restricted lots #13, #17, #18 and a portion of lot #3 after 7:30 p.m. Lot #5 will be for State and Union vehicles only.

8. Violations. The current regulations specify the penalties for misuse of parking areas. No amendments are proposed.

9. Payment of fees for violations. The current regulations specify the method and procedure for payment of violation notices, late payment, what constitutes excessive violations and consequences of excessive violations, and towing and impoundment procedures. No amendments are proposed.

10. Appeal of violation notices. The current regulations establish the procedure for appeals from a charge of misuse of parking area. No amendments are proposed.

11. Statutory authorization. The current regulation cites the authority of the Board of Regents to promulgate regulations for the control of parking and traffic on the University of Kansas campus and to establish misuse fees for violations of the regulations. No amendments are proposed.

Interested persons will be given a reasonable opportunity at the hearing to present their views concerning the adoption of the proposed amendments to the existing regulations. Written comments may also be submitted prior to the hearing. Written comments or a request for a copy of the proposed regulations and a copy of the financial impact statement of such changes should be submitted to Edwyna Gilbert, Associate Professor, Curriculum, Instruction and English, University of Kansas, Bailey Hall, Room 205A, Lawrence, KS 66045.

WILLIAM R. KAUFFMAN
General Counsel
Board of Regents

Doc. No. 002044

State of Kansas

BOARD OF REGENTS

NOTICE TO ALL PERSONS HAVING AN INTEREST IN THE REGULATIONS GOVERNING TRAFFIC AND PARKING ON THE ROADS, STREETS, DRIVEWAYS AND PARKING FACILITIES AT PITTSBURG STATE UNIVERSITY

Notice is hereby given to all interested parties that on April 27, 1984, at 2:00 p.m. C.S.T., at the Student Union on the campus of Pittsburg State University, Pittsburg, KS, a public hearing will be held concerning the adoption by the Board of Regents of regulations concerning traffic and parking on the roads, streets, driveways and parking facilities at Pittsburg State University.

The following is a summary of the substance of the rules and proposed changes:

I. Authority. The current regulations specify the authority of the Board of Regents to establish parking rules and regulations for Pittsburg State University in accordance with Kansas statutes. No amendments are proposed.

II. Permits for Parking. The regulations specify the parking areas available and the fees charged for those areas. The proposed amendments include the following fee changes: Blue zone from \$10 to \$15; Red zone from \$10 to \$30; Brown zone from \$6 to \$9; Gold zone from \$20 to \$30; and Orange zone from \$5 to \$10. Semester and summer prices are proposed to be adjusted accordingly.

It is also proposed to delete Red zone permits from being used in the Blue zones.

III. Visitor Parking. The current regulations discuss the use of officially designated visitor parking on the campus. No amendments are proposed.

IV. Enforcement of Parking Regulations. The current regulations specify that parking regulations go into effect the first day of classes each semester, summer session, short course, seminar or workshop. It is proposed to change the current meter hours of 8:00 a.m.—6:00 p.m. to 7:30 a.m.—3:00 p.m., Monday through Friday.

V. Prohibited Parking. The current regulations review certain conditions prohibiting parking on Pittsburg State University property. No amendments are proposed.

VI. Operation of all Motor Vehicles. The current regulations specify that all motor vehicles operated on the roads, streets, driveways and parking facilities at Pittsburg State University shall be operated in accordance with posted signs, and designates the speed limit on University streets. No amendments are proposed.

VII. Operation of Mopeds and Bicycles. The current regulations specify special conditions regarding the operation of mopeds and bicycles. No amendments are proposed.

VIII. Removal of Vehicles. The current regulations

specify conditions for handling continuing infractions and violations of parking rules and regulations. No amendments are proposed.

IX. Parking Violation Penalties. The current regulations specify the procedure for paying parking violations and for appealing these violations. The regulations also include the adopted practices at the University concerning outstanding obligations to the University for non-payment of parking violations. It is proposed to amend this section to allow warning tickets to be issued. Additionally, it is proposed to increase the parking violation charge from \$2.00 to \$4.00, the meter violation charge from \$.50 to \$1.00, and the delinquent payment fee charges of \$.50 and \$4.00 increased to \$1.00 and \$8.00 respectively. The University also proposes to add a wheel-lock fee of \$5.00 when necessary to use this device for flagrant violators who do not respond to citations.

X. Parking Appeals. The current regulations specify that appeals may be made from a charge of misuse of parking areas by students, faculty or staff through a Parking Violation Appeals Board composed of faculty and students. It is proposed to require the appeal to be made within 14 days from the date of issuance of the citation or it will not be considered, and to charge an appeal fee of \$1.00 per citation which will be refunded if the fine is refunded.

XI. Disposition of Parking Violation Penalties and Parking Zone Fees. The current regulations specify that parking violations and fees charged for parking permits shall be deposited with the State Treasurer in a parking fee account for Pittsburg State University. No amendments are proposed.

Interested persons will be given a reasonable opportunity at the hearing to present their views concerning the traffic and parking regulations. Written comments may also be submitted prior to the hearing. Written comments or a request for a copy of the regulations and a copy of the financial impact statement should be submitted to Dr. C. R. Baird, Vice President for Administration, 204 Russ Hall, Pittsburg State University, Pittsburg, KS 66762.

WILLIAM R. KAUFFMAN
General Counsel
Board of Regents

Doc. No. 002045

State of Kansas

DEPARTMENT OF HUMAN RESOURCES**NOTICE OF REVIEW
OF GRANT APPLICATIONS**

The following applications for federal monies are in the process of review. More information can be obtained from the contact person listed. Comments should be sent to the Kansas Single Point of Contact, Judy Krueger, Kansas Department of Human Resources, Office of the Secretary, 401 Topeka Ave., Topeka, KS 66603.

DHR040184-001-66418SG—Application to design and construct a sanitary sewer system, Water District No. 12, Wichita, Kansas for \$3,897,405 federal funds matched with \$4,764,575 by the City of Wichita. Public hearing May 7, 1984 at 7:00 p.m., City Commission Room, 1st Floor, City Hall, 455 N. Main Street, Wichita, KS. Contact Lynn Moore, P.E., 1440 E. English, Wichita, KS 67211, (316) 262-2691. Comments due by April 30, 1984.

DHR040184-002-11302FI—Economic Development Planning and Program Implementation to assist local governments in 19 southwest counties to enhance economic viability. Contact Gerald Cooper, Greater Southwest Kansas Certified Development Company, 1111 Kansas Plaza, Garden City, KS 67846, (316) 275-9176. Comments due by April 25, 1984.

DHR040484-001-13293KS—Application for renewal of designation as State Health Planning and Development Agency pursuant to P.L. 96-79, the National Health Planning and Resources Development Act, for \$409,000. Application available for review at the office of Rosemary O'Leary, Division of Policy and Planning, Department of Health and Environment, Forbes Field, Topeka, KS 66620, (913) 296-9360. Public hearing at 10:00 a.m., April 25, 1984, in Hearing Room, Bldg. 740, Forbes Field. Comments due by April 30, 1984.

DHR040584-001-13628KS—Application by Kansas Department of Social and Rehabilitation Services, Youth Services Division, for federal funds to conduct three projects: Parents Anonymous, Sexual Abuse Training and Wichita Sexual Abuse Diversionary Program, for \$82,625. Contact Robert C. Harder, Secretary of Social and Rehabilitation Services, State Office Bldg., Topeka, KS 66612, (913) 296-3271. Comments due by April 26, 1984.

The following applications for federal monies under federal assistance programs have been reviewed and returned to the applicant for submission to the federal agencies involved:

KS840401-001-14219JO—Application for a Community Development Block Grant from HUD for \$435,000 for general neighborhood improvement, elimination of architectural barriers and blight, completion of storm drainage project, weatherization grants, establishment of a home for battered persons and renovation of Stang Line Car Barn. Robert A. Pledge, Department of Community Development,

8500 Santa Fe Dr., Overland Park, KS 66212, (913) 341-1080.

KS840401-002-11302WY—Application for Economic Development Planning funds for \$37,200 by the Economic Development and Planning Department, City of Kansas City, Kansas, Attention: Dean Katerndahl, Director, Municipal Office Bldg., One Civic Plaza, Kansas City, KS 66101.

KS840403-001-13116KS—Application for continued Cooperative Agreement, Preventive Health Services, Tuberculosis Control for \$24,868 by Bureau of Disease Prevention and Control, Kansas Department of Health and Environment, Forbes Field, Bldg. 321, Topeka, KS 66620. Joseph G. Hollowell, Jr., M.D., M.P.H., (913) 862-9360.

KS840404-001-14158SA—Preliminary application by Salina Housing Authority for \$240,930 for Comprehensive Improvement Assistance Program. David Jackson, AHMB/HUD/KCRO, 1103 Grand Ave., Kansas City, MO 64106.

The following federal grant has been awarded:

Federal grant no. G008300069 by the U.S. Department of Education of \$725,000 to Cerebral Palsy Research Foundation of Kansas, Rehabilitation Engineering Center, 2021 North Old Manor, Wichita, KS 67208, Attention: John H. Leslie, Jr., for modification of work site to enhance employability.

JERRY SHELOR
Secretary of Human Resources

Doc. No. 002042

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 Bldg., Topeka, KS, until 2:00 p.m., CST or DST, whichever is in effect on the date indicated, and then will be publicly opened:

MONDAY, APRIL 23, 1984

#25991

Fort Hays State University, Hays—FOOD SERVICE
#56984-A

Department of Corrections, Lansing—H DECKING
AND END CLOSIERS, Kansas State Penitentiary,
Lansing

#57280

Kansas Fish and Game Commission, Pratt—WORD
PROCESSING SYSTEM

#57281

Wichita State University, Wichita—MICROFILM
SYSTEM

#57286

Kansas State University, Manhattan—FLEXIBLE
DISKS

#57288

Kansas State Penitentiary, Lansing—MAILING MA-
CHINE

(continued)

#57289

Department of Administration, Division of Personnel Services, Topeka—SERVICE AWARD PINS

#57294

University of Kansas, Lawrence—BASE SINK AND CABINET COMBINATION

#57295

Kansas Correctional Industries, Lansing—XYLOL—MINERAL SPIRITS

#57301

Kansas State University, Manhattan—YELLOW CORN

#57302

Department of Revenue, Topeka—REFLECTIVE SHEETING FOR VEHICLE VALIDATION STICKERS, Wichita

#57316

Winfield State Hospital and Training Center, Winfield—ODOR COUNTERACTANT

#57324

Department of Transportation, Norton—TRACTOR MOWER

#57325

Department of Transportation, Topeka—AIR COMPRESSORS, various locations

#57326

Department of Transportation, Topeka—PNEUMATIC ROLLERS, various locations

#57336

Wichita State University, Wichita—MICROCOMPUTER SYSTEMS

TUESDAY, APRIL 24, 1984

#A-4901

Wichita State University, Wichita—FURNISH AND INSTALL SUNLIGHT SHADES, Corbin Education Center

#A-4905

Wichita State University, Wichita—REPLACE ROOFING SYSTEM, North Tower, Fairmount Towers

#25955

Statewide—TOOTHBRUSHES AND TOOTHPASTE

#56407A

Kansas State University, Manhattan—ENERGY CONTROL SYSTEM

#57303

Wichita State University, Wichita—MODEMS

#57305

Kansas State Penitentiary, Lansing—PORTABLE X-RAY UNIT

#57327

Department of Transportation, Salina—SELF PROPELLED ROLLER

#57328

Department of Transportation, Salina—TRAILER

#57329

Department of Transportation, Topeka—RENTAL OF MILLING MACHINE, Kansas City

#57337

Kansas State University, Manhattan—ENERGY MANAGEMENT SYSTEM

WEDNESDAY, APRIL 25, 1984

#57312

Department of Administration, Division of Information Systems and Computing, Topeka—E.O.P. EQUIPMENT

#57343

Department of Transportation, Chanute—TRUCK MOUNTED WEED SPRAYER

#57344

Wichita State University, Wichita—OFFICE FURNITURE

#57346

Kansas State University, Manhattan—MICROSCOPE

#57347

Kansas State University, Manhattan—MICROSCOPE

THURSDAY, APRIL 26, 1984

#A-4041(a)

Kansas Technical Institute, Salina—CONSTRUCT NEW ENTRY VESTIBULE, EXISTING ELECTRONICS/COMPUTER FACILITY

#A-4871

Kansas Fish and Game Commission, Pratt—RESEARCH/OFFICE BUILDING FOR KANSAS FISH AND GAME COMMISSION, Emporia State University, Emporia

#57320

University of Kansas, Lawrence—WORD PROCESSING SYSTEM

FRIDAY, APRIL 27, 1984

#A-4834(b)

Kansas State University, Manhattan—ROOFING SYSTEM REPLACEMENT, Ward Hall

#A-4883

Youth Center at Atchison, Atchison—FURNISH AND INSTALL HIGH VOLTAGE CAPACITORS

#57338

Kansas State University, Manhattan—MUSICAL INSTRUMENTS

MONDAY, APRIL 30, 1984

#57321

Kansas State Penitentiary, Lansing—CRUSHED STONE

MONDAY, MAY 14, 1984

#57313

Department of Corrections, Topeka—TWO-WAY RADIO EQUIPMENT, Topeka and Winfield

#57345

Youth Center at Atchison, Atchison—SALE OF GROWING HAY

NICHOLAS B. ROACH
Director of Purchases

Doc. No. 002036

State of Kansas**SECRETARY OF STATE****KANSAS PUBLIC
DISCLOSURE COMMISSION****Advisory Opinion No. 84-5**

Written March 7, 1984 to Lynn Burris, Jr., Director, Kansas State Park and Resources Authority, 503 Kansas Ave., Box 977, Topeka, KS 66601.

This opinion is in response to your letter of January 12, 1984, in which you request an opinion from the Kansas Public Disclosure Commission.

We understand you request this opinion in your capacity as Director of the Kansas State Park and Resources Authority. You set out the following factual situations:

(continued)

1. Certain employees are responsible for purchasing locally, materials needed for Capital Improvement projects (within Agency and Division of Purchasing Guidelines).
2. All Park Managers are responsible for purchasing such items as gasoline (bulk) maintenance materials etc. . . . which are not on contract but within the Agency and Division of Purchasing Guidelines.

Based on the above factual situation you ask whether the individuals you have described are required to file Statements of Substantial Interest.

K.S.A. 46-282 applies to your question. That section defines "designee" as follows:

46-282. "Designee" defined. "Designee" means (a) any state officer, employee or member of any agency, department, division, bureau or other unit of state government who holds a position: (1) defined as a major policy making position; (2) responsible for contracting, purchasing or procurement; (3) responsible for writing or drafting specifications for contracts; (4) responsible for awarding grants, benefits or subsidies except persons performing purely ministerial functions in the awarding of grants under entitlement programs; or (5) responsible for inspecting, licensing, or regulating any person or entity; and (b) any state officer or employee who in the preceding 12 months while a state officer or employee has been a consultant for any person or entity other than the state for compensation. "Designee" does not include any driver's license examiner of the department of revenue.

As may be seen from this language, subsection (a)(2) clearly includes within the definition of "designee" those persons you have described. Under such circumstances those persons are required to file Statements of Substantial Interest pursuant to K.S.A. 46-247(c).

Advisory Opinion No. 84-6

Written March 28, 1984 to Vern Chesbro, Executive Director, Kansas Republicans, 501 Jefferson, Suite 22, Topeka, KS 66607.

This opinion is in response to your letter of February 29, 1984, in which you request an opinion from the Kansas Public Disclosure Commission concerning the Campaign Finance Act.

We understand you request this opinion in your capacity as Executive Director for the Kansas Republicans. You advise us of the following two situations:

1. The Republican National Committee has authorized an expenditure of \$4,500 to the Kansas Republican State Party for the express purpose of purchasing prospect names from an approved Direct Mail Firm. These funds are to be used solely for this specific prospecting program and will not be used for direct or in-kind contributions to candidates in this state.
2. In addition, the Republican National Committee has authorized an expenditure of \$10,000 to the

Kansas Republican State Party for the express purpose of funding a voter registration program in the State of Kansas. These funds will be used solely for the purpose of registering more Republicans and will not be used for direct or in-kind contributions to candidates in this state.

Based on these factual situations, you ask whether the National Committee would become subject to the reporting requirements of K.S.A. 25-4172.

In K.A.R. 19-24-6, this Commission ruled that expenditures by a party committee for general office overhead or which are intended to inure equally to all candidates of the party do not constitute in-kind contributions to individual candidates. As we understand the two proposals, they could meet this test. Under such circumstances, it is our opinion that the receipt by the State Committee does not constitute a "contribution" to it by the National Committee which would trigger the reporting requirements of K.S.A. 25-4172. Of course, the state committee will be required to report the receipt of the funds as an "other receipt."

Advisory Opinion No. 84-7

Written March 28, 1984 to Mary Miller, Fire Chief, Stafford County Fire District No. 1, P.O. Box 37, Hudson, KS 67545.

This opinion is in response to your letter of February 17, 1984, to the Attorney General which was referred to our office for response.

We note at the outset that the Kansas Public Disclosure Commission's jurisdiction is limited in this case to the applicability of K.S.A. 75-4301 *et seq.* and K.S.A. 46-215 *et seq.*, the latter sections not applying to your question. Thus, whether some other statutory law or common law theory applies to your question is not covered by this opinion.

We understand you request this opinion in your capacity as Stafford County Fire Chief. You advise us that your husband would like to run for Stafford County Commissioner.

You ask, if he is elected, whether your continued service as Fire Chief would constitute a conflict of interest.

Enclosed you will find a copy of Opinion No. 75-64 dealing with a somewhat analogous situation. We have reviewed the situation you have described and incorporate in this opinion the analysis set forth in Opinion No. 75-64. In sum, it is our opinion that the situation you describe would not constitute a conflict of interest under K.S.A. 75-4301 *et seq.*

RICHARD E. DIETZ, Chairman
By Direction of the Commission

Filed with the Secretary of State March 30, 1984.

Doc. No. 002029

State of Kansas

OFFICE OF JUDICIAL ADMINISTRATION

SUPREME COURT DOCKET

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

Monday, April 23, 1984

Case Caption	Attorneys	Originating County
9:30 a.m.		
56,334 State of Kansas, appellant,	Robert T. Stephan, Atty. Gen.; Geary N. Gorup, Asst. Dist. Atty.	Sedgwick
v.		
55,999 David A. Garrett, appellee, State of Kansas, appellee,	Michael Barbara. Robert T. Stephan, Atty. Gen.; Geary N. Gorup, Asst. Dist. Atty.	Sedgwick
v.		
55,299 Gary W. Brown, appellant. In the Matter of the Application of SESMON SWEAT for a Writ of Habeas Corpus.	Michael Barbara. Eric A. Commer; Thomas D. Harris.	Sedgwick
ON PETITION FOR REVIEW		
56,024 Esteban Mendoza, appellant,	Geary N. Gorup, Asst. Dist. Atty. Richard J. Rome.	Reno
v.		
Reno County, Kansas, et al., appellees.	Stephen J. Jones.	
1:30 p.m.		
55,933 Walter J. Willard, appellant,	J. R. Russell.	Wyandotte
v.		
55,979 City of Kansas City, Kansas, appellee. Henry Eli, appellant,	Harold T. Walker, Asst. City Atty. Charles E. Watson.	Sedgwick
v.		
The Board of County Commissioners of the County of Sedgwick, appellee.	David L. Blakemore.	
Tuesday, April 24, 1984		
9:30 a.m.		
55,908 State of Kansas, appellant,	Robert T. Stephan, Atty. Gen.; Robert E. Davis, Co. Atty.	Leavenworth
v.		
Johnny Ray Huff, appellee.	Austin N. Wyrick; Michael J. Waite.	Leavenworth
consolidated with		
55,909 State of Kansas, appellant,	Robert T. Stephan, Atty. Gen.; Robert E. Davis, Co. Atty.	Leavenworth
v.		
55,897 Roderick Brown, appellee. State of Kansas, appellee,	Michael J. Waite. Robert T. Stephan, Atty. Gen.; Robert E. Davis, Co. Atty.	Leavenworth
v.		
56,193 Jerry B. Gray, appellant. The Mutual Life Insurance Company of New York, a New York Corporation, appellee,	E. Roger Horsky. Kenneth V. Moses; Ford R. Nelson.	Marshall
v.		
Donald E. Bernasek and Merle L. Bernasek, et al., appellants.	Jan Hamilton; Alan Boeh; Tom Reeves.	

(continued)

- 55,947 City National Bank of Pittsburg, a
National Banking Corporation, appellee,
v.
Ernest G. Amoneno and Robert H.
Widner, appellants. Murvyl M. Sullinger,
Gregory J. Buehne;
Timothy L. Fielder. Crawford
- 1:30 p.m.
- 55,659 State of Kansas, appellant,
v.
John J. Flummerfelt, appellee. Robert T. Stephan, Atty. Gen.;
Jerry L. Harper, Dist. Atty. Douglas
ON PETITION FOR REVIEW
- 56,203 Mary Ann McCullough, appellant,
v.
Bethany Medical Center, *et al.*, appellees. Wesley Norwood;
John J. Immel. John J. Immel.
Kim Daniel Richey. Wyandotte
Frank Saunders, Jr.;
Sally Harris;
W. Warren McCamish.

Wednesday, April 25, 1984

9:30 a.m.

- 56,067 In the Matter of the Estate of BRYAN
HAWES, Deceased. John Shirley. Edwards
- 56,283 Edward E. Giles, appellee,
v.
Adobe Royalty, Inc., *et al.*, appellants. Stanley E. Antrim;
Allen D. Frame. Edwards
Rae E. Batt.
- 55,964 John B. Kemp, Condemnor, appellee,
v.
Andrew E. Larson, *et al.*, Landowners,
appellants. Richard L. Friedeman.
Michael B. Rees; Susan Ellmaker. Finney
- 55,449 Plains Resources, Inc., a Delaware
Corporation, appellee,
v.
John R. Gable, Empire Drilling Company
and Empire Oil & Gas Company,
appellants. Michael A. Preston.
Jack E. Dalton; Ken M. Peterson;
Jeffrey A. Shadwick. Ford
K. Gary Sebelius;
Charles N. Henson.

1:30 p.m.

- 55,491 The Bob Eldridge Construction Company,
Inc., appellant, Ronald K. Barker;
H. Thomas Payne. Johnson
- 55,294 Pioneer Materials, Inc., and United States
Gypsum Company, appellees. James L. Eisenbrandt;
Dennis J. Brundige. Shawnee
Cynthia S. Reber, appellant,
v.
Mel Falley, Inc., d/b/a Falley's Market
No. 3, appellee. Arthur W. Solis.
Eric W. Severson.

Thursday, April 26, 1984

9:30 a.m.

- 56,104 State of Kansas, appellee,
v.
Phil Alterman, appellant. Robert T. Stephan, Atty. Gen.;
Wendell J. Barker, Co. Atty. Franklin
Thomas E. Gleason, Jr.

(continued)

- 56,075 State of Kansas, *ex rel.*, Secretary of Social and Rehabilitation Services, appellee, Calvin K. Williams. Osage
v.
Anthony J. Castro, appellant. Michael E. Riling.
- 55,874 A. W. Adolph and Delia Adolph, appellees, John L. Richeson. Franklin
v.
Ralph Stearns, *et al.*, appellants. Jon R. Lowe.
- 55,938 Kansas Electric Power Cooperative, Inc., a Corporation, appellee, John Phillip Kassebaum; Shawnee
James M. Caplinger;
Steve Dickson.
v.
The State Corporation Commission, *et al.*, appellants. Richard C. Byrd;
Brian J. Moline;
Terence L. Mundorf.
- 1:30 p.m.
- 56,063 State of Kansas, appellee, Robert T. Stephan, Atty. Gen.; Labette
Charles S. Gray, Co. Atty.
v.
Donald Ray Gideon, appellant. David K. Markham.
- 56,099 Hesston Corporation, appellant, Mark S. Jones. Harvey
v.
State of Kansas Employment Security Board of Review, *et al.*, appellees. Marlin A. White;
William H. Seiler, Jr.

Friday, April 27, 1984

9:30 a.m.

- 56,139 State of Kansas, appellant, Robert T. Stephan, Atty. Gen.; Shawnee
Gene M. Olander, Dist. Atty.
v.
Patrick T. McQuillan, appellee. Ronald Wurtz.
- 56,548 State of Kansas, *ex rel.*, Robert T. Stephan, *et al.*, Petitioners, Robert T. Stephan, Atty. Gen.; Original
Brenda L. Hoyt, Asst. Atty. Gen.
v.
The Honorable Maurice P. O'Keefe, Jr., District Judge, *et al.*, Respondents. Maurice P. O'Keefe.

LEWIS C. CARTER
Clerk of the Appellate Courts

(Published in the KANSAS REGISTER, April 12, 1984.)

NOTICE OF BOND SALE
\$300,000.00
GENERAL OBLIGATION PUBLIC
BUILDING BONDS
OF
FINNEY COUNTY, KANSAS

The BOARD OF COUNTY COMMISSIONERS OF FINNEY COUNTY, KANSAS, will receive sealed bids at the OFFICE OF THE COUNTY CLERK, located in the FINNEY COUNTY COURTHOUSE, GARDEN CITY, KANSAS, until 2 o'clock P.M., C.S.T., on

MONDAY, APRIL 16, 1984

for \$300,000.00 par value GENERAL OBLIGATION PUBLIC BUILDING BONDS of the County, at which time said bids will be publicly opened in the COUNTY COMMISSION ROOM, FINNEY COUNTY COURTHOUSE, GARDEN CITY, KANSAS. No oral or auction bids will be considered.

The Series A, 1984 (Senior Citizens Center) Bonds will be dated as of MAY 1, 1984, and shall mature on the first day of NOVEMBER in each of the years and in the amounts set forth below.

The Bonds shall 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.

Interest will be payable semiannually, commencing MAY 1, 1985, and on each NOVEMBER 1 and MAY 1 thereafter (the "Interest Payment Dates"). 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, as Paying Agent (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 fifteenth (15th) day of the month next preceding the Interest Payment Dates (the "Record Dates"). The fees of the Bond Registrar for registration and transfer of the Bonds shall be paid by the County.

The Bonds will mature serially in accordance with the following schedule:

Principal Amount	Maturity Date
\$15,000.00	November 1, 1985
\$20,000.00	November 1, 1986
\$25,000.00	November 1, 1987
\$25,000.00	November 1, 1988
\$30,000.00	November 1, 1989
\$30,000.00	November 1, 1990
\$35,000.00	November 1, 1991
\$35,000.00	November 1, 1992
\$40,000.00	November 1, 1993
\$45,000.00	November 1, 1994

Interest Rate

Proposals will be received on the Bonds bearing such rate or rates of interest, not exceeding FIVE (5) different interest rates, as may be specified by the

bidder. The same rate shall apply to all Bonds of the same maturity. Each interest rate specified shall be in an even multiple of one-eighth (1/8th) or one-twentieth (1/20th) of one percent (1%). The difference between the highest and lowest coupon rates specified in any bid shall not exceed two and one-half percent (2-1/2%). No interest rate shall exceed the maximum interest rate allowed by Kansas law; said rate being 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 (April 9, 1984), plus two percent (2%); and no bid of less than par and accrued interest will be considered. Bids for less than the entire issue of Bonds will not be considered.

Bid Form and Good Faith Deposit

Bids shall be submitted on the OFFICIAL BID FORM furnished by the County, and shall be addressed to: BOARD OF COUNTY COMMISSIONERS, FINNEY COUNTY COURTHOUSE, GARDEN CITY, KANSAS 67846, ATTENTION: CAROL BROWN, COUNTY CLERK; and shall be plainly marked BOND BID. All bids must state the total interest cost of the bid, the premium, if any, the net interest cost of the bid, and the average annual interest rate, all certified by the bidder to be correct; and the County will be entitled to rely on the certificate of correctness of the bidder. Each bid must be accompanied by a certified or cashier's check equal to two percent (2%) of the total amount of the bid, and shall be payable to TREASURER, FINNEY COUNTY, KANSAS. In the event a bidder whose bid is accepted shall fail to carry out his Contract of Purchase, said deposit shall be retained by the County as liquidated damages. The checks of unsuccessful bidders will be returned promptly.

Award of Bonds

The sealed bids for the Bonds shall be opened publicly and only at the time and place specified in this Notice; and the Bonds will be sold to the best bidder. The County reserves the right to reject any and/or all of the bids, and to waive any irregularities. Unless all bids are rejected, the Bonds will be awarded to the bidder whose proposal results in the lowest net interest cost to the County; and the net interest cost will be determined by deducting the amount of any premium paid from the aggregate amount of interest upon all of the Bonds from their date until their respective maturities.

Delivery of the Bonds

The Bonds, duly printed, executed and registered, will be furnished and paid for by the County; and the Bonds will be sold subject to the unqualified approving opinion of GAAR & BELL, Bond Counsel, of Wichita, Kansas. THE NUMBER, DENOMINATION OF BONDS, AND NAMES OF THE INITIAL REGISTERED OWNERS TO BE INITIALLY PRINTED ON THE BONDS SHALL BE SUBMITTED IN WRITING BY THE SUCCESSFUL BIDDER TO THE BOND REGISTRAR NOT LATER THAN MAY 1, 1984. The purchaser will be furnished with a com-

(continued)

plete Transcript of 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 immediately available funds. Delivery of the Bonds will be made to the successful bidder on or about MAY 17, 1984, at any bank in the STATE OF KANSAS or KANSAS CITY, MISSOURI, at the expense of the County. Delivery elsewhere will be made at the expense of the purchaser.

Legal Opinion

Bids shall be conditioned upon the unqualified approving opinion of Gaar & Bell, Bond Counsel, Wichita, Kansas, a copy of which opinion will be printed on the reverse side of each Bond; and a manually signed original opinion will be furnished without expense to the purchaser of the Bonds at the delivery thereof. The cost of this legal opinion and the expense of printing the Bonds and legal opinion will be paid by the County. Said legal opinion will state in part substantially that the Bonds will constitute general obligations of the County, payable as to both principal and interest from ad valorem taxes which may be levied without limitation as to rate or amount upon all of the taxable tangible property within the territorial limits of the County; and that, under existing law, the interest on said Bonds is exempt from present federal income taxation and the Bonds are exempt from intangible personal property taxes levied by Kansas cities, counties and townships.

Purpose of Issue

The proceeds of the Bonds will be used for the purpose of paying a portion of the costs of constructing, furnishing and equipping an addition to the existing Finney County Senior Citizens Center which is located in Garden City, Kansas. The remainder of the costs of the project will be paid from other available funds of the Senior Citizens Center.

CUSIP Identification Numbers

CUSIP identification numbers will be printed on the Bonds. All expenses in relation to printing of such CUSIP numbers on the Bonds and the expenses of CUSIP Service Bureau for the assignment of said numbers shall be the responsibility of and shall be paid for by the County.

Assessed Valuation

Assessed valuation figures for Finney County, Kansas, for the year 1983, are as follows:

Equalized Assessed Valuation of Taxable, Tangible Property	\$281,524,406.00
Taxable Value of Motor Vehicles and Dealers' Inventory	17,629,894.00
Assessed Valuation of Farm Machinery and Equipment Exempted from Property Taxation	9,953,670.00
Assessed Valuation of Business Aircraft Exempted from Property Taxation	448,495.00
Equalized Assessed Tangible Valuation for Computation of Bonded Debt Limitations	\$309,556,465.00

Bonded Indebtedness

The total general obligation bonded indebtedness of Finney County, Kansas, at the date hereof, including this \$300,000.00 proposed issue of Bonds, is in the amount of \$3,416,070.00. This amount includes outstanding Temporary Notes for Sewer District improvements in the sum of \$371,070.00.

Official Statement

Additional copies of this Notice of Bond Sale, or copies of the County's Official Statement relating to the Bonds, or further information, may be received from UNITED SECURITIES, INC., 444 One Twenty Bldg., Wichita, KS 67202, (316) 265-9421, financial advisors to the County.

DATED March 26, 1984.

FINNEY COUNTY, KANSAS
By: CAROL BROWN
County Clerk

Doc. No. 002027

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.

The full text of the following permanent administrative regulations has not been published because of its length and the expense of publication. Copies of the full text may be obtained by contacting Sandra McAdam, Legal Division, Department of Health and Environment, Forbes Field, Bldg. 740, Topeka, KS 66620, (913) 862-9360, ext. 585.

**DEPARTMENT OF HEALTH AND ENVIRONMENT
SUMMARY OF ADMINISTRATIVE REGULATIONS**

Licensure of Day Care Homes and Group Day Care Homes for Children

K.A.R. 28-4-113 through 28-4-120 concerning the licensure of Day Care Homes and Group Day Care Homes for children are amended as follows:

K.A.R. 28-4-113. Definitions. This regulation is amended to remove the definition of "infant" since licensed capacity is determined by number under 18 months. References to infants have been removed from the regulations. The definition of "school age" is deleted since kindergarten age is the basis for deter-

(continued)

mining license capacity. References to "school age" have been removed from the regulations.

K.A.R. 28-4-114. The applicant and licensee. This regulation is amended to extend the upper age limit from kindergarten age to 14 years, allowing a broader age range of children, and allowing more children kindergarten age and older to be enrolled in the base enrollment of six.

K.A.R. 28-4-115. The home. This regulation is amended to require testing of private water for nitrate.

K.A.R. 28-4-117. Health care policies. This regulation is amended to expand on the current regulation requiring providers to educate parents about the value of periodic health assessments for children.

K.A.R. 28-4-119. This regulation is being revoked.

K.A.R. 28-4-119a. Transportation. This is a new regulation outlining requirements for the safe transportation of day care home children.

K.A.R. 28-4-119b. This is a new regulation number for previous 28-4-119.

Licensure of Day Care Referral Agencies

Regulations 28-4-187 and 28-4-189 are amended as follows:

K.A.R. 28-4-187. Organization and personnel. This regulation is amended to clarify the previous amendment. It represents no substantive change.

K.A.R. 28-4-189. Transportation. This regulation is amended to clarify and expand the current regulation.

Licensure of Family Foster Homes for Children

K.A.R. 28-4-316. Health care policies. This regulation is amended to remove the requirement that foster families renew their health certificates every three years.

Licensing of Child Care Centers and Preschools

K.A.R. 28-4-420 through 28-4-441 are amended as follows:

K.A.R. 28-4-420. Definitions. This regulation is amended to redefine "school age child."

K.A.R. 28-4-421. Terms of license. This regulation is amended to clarify "license capacity," to remove the maximum of 100 children per center, to set forth procedures for changing license capacity, and to outline procedures for obtaining permission for an overlap of attendance.

K.A.R. 28-4-422. Procedures. This regulation is amended to direct certain preschools to meet statutes applicable to private schools in lieu of being licensed.

K.A.R. 28-4-425. Transportation. This regulation as amended will require all vehicles transporting children to be equipped with appropriate individual safety restraints.

K.A.R. 28-4-428. Staff requirements. This regulation as amended will allow kindergarten children to be enrolled in preschool units.

K.A.R. 28-4-429. Staff qualifications. This regulation as amended outlines requirements for programs serving more than 100 children, as allowed in amendment 28-4-421.

K.A.R. 28-4-430. Health. This regulation clarifies current regulations and expands on the current regulation requiring providers to educate parents about the value of periodic health assessments for children.

K.A.R. 28-4-434. Preschools. This regulation adds "Grade A" to pasteurized dairy products.

K.A.R. 28-4-437. Child Care Centers. This amendment is for clarification only.

K.A.R. 28-4-439. Child Care Centers. Food Service. This amendment will bring regulations into compliance with requirements of Child Care Food Program and requires dairy products to be Grade A.

K.A.R. 28-4-440. Infant and Toddler Programs. This amends the regulations to require individual restraints in all vehicles transporting children.

K.A.R. 28-4-441. Programs for School Age Children. This amendment is for clarification only.

Reservoir Sanitation Zones

K.A.R. 28-10-38. Boundaries of Big Hill Reservoir. The amended regulation expands the sanitation zone around the Big Hill Reservoir by adding the NE/4 Section 8, Township 32 South, Range 18 East; the West/2 of the SW/4 Section 4, Township 32 South, Range 18 East; and the SE/4 Section 33, Township 31 South, Range 18 East, Labette County, Kansas to the existing zone.

Vital Statistics

K.A.R. 28-17-6 concerning fees for copies and searches, is amended as follows:

For issuing certified copies of birth, death, still-birth, marriage or divorce records, including birth registration cards: increased from \$4.00 to \$6.00 for first copy but retained at \$3.00 for each additional copy of the same record issued at the same time. All other vital statistics fees are retained as they became effective May 1, 1983.

Ambient Air Quality Standards and Air Pollution Control

K.A.R. 28-19-7, 28-19-8, 28-19-9, 28-19-14 and 28-19-45 are amended and K.A.R. 28-19-14a and 28-19-14b are added to establish a new air pollution source permitting system and associated permit fee collection system.

K.A.R. 28-19-7. The definition of "alter" is changed to exclude equipment maintenance operations, and certain specific changes in hours of operation or the production rate, from being considered as an alteration that is subject to the permit requirements for altered source. The definition of "existing" is changed to exclude the applicability of the regulations to open burning operators. The definition of "premise" is changed to allow a single permit to be issued for certain commonly owned sources that are on properties that are separated only by public roadways or railroad right of way.

K.A.R. 28-19-8 is amended to require new construction be reported to the department 90 days before it is initiated rather than the 60 days now required.

(continued)

K.A.R. 28-19-9. The movement of portable air pollution sources to new locations must be reported to the Department at least 10 days before operation is commenced at the new location.

K.A.R. 28-19-14. The present new source review for new construction has been amended to accommodate a permitting system that will apply to the operation of existing sources as well as the new construction activity that was formerly covered by the regulation. It stipulates that permits will be required for sources that have the potential to emit 10 tons per year or more of certain specified contaminants.

K.A.R. 28-19-14a is a new regulation that establishes the fees to be charged for the new construction permits. A base fee will be assessed as 0.05% of the estimated capital cost of the new construction, with a minimum fee of \$100 and a maximum fee of \$4,000. An additional fee of \$1,500 will be charged when the regulations require a special review and public notification.

K.A.R. 28-19-14b establishes fees to be charged for annual operating permits. The affected sources are classified into 20 classes with the fee to be assessed determined by multiplying the class number by \$20.00. The operating fees range from \$20.00 to \$400.00 per year. The regulation delineates the procedure for the notification of the affected sources of the requirement to pay the annual operating permit fee and the penalties to be applied should the fee not be submitted as required by the regulation.

K.A.R. 28-19-45 has been amended to delete a reference to K.A.R. 28-19-9.

Solid Waste Management

K.A.R. 28-29-17(a). **Financial assurances for closure and post closure care.** This regulation is amended to clarify the responsibility of a surety issuing a closure bond to a permittee by specifying the conditions by which a surety may terminate closure. The amendments also remove a six-month limit on the length of time that a site furnish surety in lieu of a closure fund; and clarifies conditions by which a permit may be suspended for non-compliance with financial requirements. The specific language of the regulation has been revised to conform to the current style manual.

K.A.R. 28-29-17(b). **Post closure operation and maintenance fund.** The formula for computing the annual payment to a post closure operation and maintenance fund was in error as published in the original regulation, and the amendment corrects the formula. Other language has been revised to conform to the current style manual.

K.A.R. 28-29-18. **Insurance required.** The regulation has been amended to raise the minimum liability coverage for bodily injury and property damage. The section on the non-sudden occurrence has been revised to specify the conditions under which non-sudden coverage will be required and sets a minimum level of coverage. Other language has been revised to conform to the current style manual.

K.A.R. 28-29-26. **Waste oil.** The original regulation

referenced K.A.R. 28-31-11(b) which has been revised. The amendment removes this reference and substitutes the correct reference, K.A.R. 28-31-6. Other language has been revised to reflect the current style manual.

K.A.R. 28-29-27. **Medical services waste.** The original regulation referenced K.A.R. 28-31-11 which has been revised; the amendment removes this reference and substitutes the correct reference, K.A.R. 28-31-9. The amendment removes special handling procedures for medical services waste and requires instead the procedures specified in K.A.R. 28-29-23(s). Other language has been revised to reflect the current style manual.

Hazardous Waste Management Standards and Regulations

K.A.R. 28-31-1. **General Provisions.** Deletes the adoption of 40 CFR Part 122 and includes the adoption of 40 CFR Part 270. Also the term "Federal Register" shall mean the "Kansas Register" when used in any provision adopted from the Federal Regulations.

K.A.R. 28-31-2. **Definitions.** Adds the definition of "Kansas Generator" which means any person who generates more than 100 kilograms and less than 1000 kilograms of hazardous waste in a calendar month.

K.A.R. 28-31-3. **Identification of Characteristics and Listing of Hazardous Waste.** Adopts by reference 40 CFR Part 261 as in effect on September 1, 1983 except for Part 261.4(a)(4) and Part 261.5(a).

K.A.R. 28-31-4. **Standards for Generators of Hazardous Waste.** Adopts by reference 40 CFR Part 262 as in effect on September 1, 1983. Also adds a new section for Kansas generator requirements. Kansas generators shall be exempt from 40 CFR Part 262.34(a)(4). The 90 day time period of 40 CFR Part 262.34 for accumulation of waste on site shall not apply to Kansas generators.

K.A.R. 28-31-6. **Standards for Transporters of Hazardous Waste.** Adopts by reference 40 CFR Part 263 as in effect on September 1, 1983. Also increases the insurance requirements for each transporter of hazardous waste in Kansas. Each transporter shall secure and maintain liability insurance not less than \$500,000 per person and \$500,000 per occurrence for bodily injury or death and \$500,000 for all damages to property of others.

K.A.R. 28-31-8. **Standards for Hazardous Waste Storage, Treatment and Disposal Facilities.** 40 CFR Parts 264, 265, 266 and 267 as in effect on September 1, 1983 are adopted by reference.

K.A.R. 28-31-9. **Hazardous Waste Storage, Treatment and Disposal Facility Permits.** 40 CFR Part 270 and Part 124 Subparts A, B, E and F as in effect on September 1, 1983 are adopted by reference.

K.A.R. 28-31-10. **Hazardous Waste Monitoring Fees.** Amends monitoring fees as follows:

Hazardous waste storage facilities shall pay an annual monitoring fee of \$350.

(continued)

Hazardous waste treatment facilities shall pay an annual monitoring fee of \$500.

Hazardous waste disposal facilities shall pay an annual monitoring fee of \$1500.

Hazardous waste transporters shall pay an annual monitoring fee of \$250.

A new monitoring fee for hazardous waste generators is established. Each hazardous waste generator shall pay an annual monitoring fee of \$200 plus \$5 per ton, or any portion thereof, for all hazardous waste generated during the previous calendar year. The \$5 per ton fee shall not apply to those hazardous wastes which are processed to recover substantial amounts of either energy or materials and which are exempt from regulation by 40 CFR Part 261.6(a). The maximum total fee shall be \$5,000 per generator.

Licensure of Adult Care Home Administrators

K.A.R. 2-38-19 through 28-38-23 and K.A.R. 28-38-26, concerning the licensure of adult care home administrators, are amended. Major changes include deleting the provision to substitute qualified work experience for college credit and the increase of the reciprocity fee from \$84.00 to \$100.00. These regulations are adopted by the Board of Adult Care Home Administrators.

K.A.R. 28-38-27 is being revoked.

Licensure and Operation of Adult Care Homes

K.A.R. 28-39-76 and K.A.R. 28-39-94 are amended to reflect the requirement that social services designees who are not licensed social workers must receive supervision from a licensed social worker.

K.A.R. 28-39-77. Licensure procedure is amended to include all adult care homes—skilled nursing homes, intermediate nursing care homes, intermediate nursing care homes for the mentally retarded, intermediate personal care homes, and one, two, three and four-bed homes.

After the effective date of these regulations, new intermediate nursing care homes for the mentally retarded shall have no more than one residential building, as defined in K.A.R. 28-39-225, located on one site or contiguous sites. Residential buildings shall be dispersed geographically so as to achieve integration and harmony with the community or neighborhoods in which they are located.

This regulation is also amended to make permanent the increase in annual fee for the license to operate an adult care home. These increases were approved as temporary regulations on July 27, 1983.

This regulation also sets forth the items which shall be included in each application for a change of ownership or initial license.

K.A.R. 28-39-79 and 28-39-80 (under the provisions of K.S.A. 39-932, L. 1983, Ch. 286, § 10; implementing L. 1983, Ch. 286, § 10)—require 40 hours of training for unlicensed nursing personnel before providing direct, individual care for residents in adult care homes and to establish a fee for the nurse aide examination.

K.A.R. 28-39-81 identifies and describes the training requirements for medication aides.

K.A.R. 28-39-81a sets forth the continuing education requirements for medication aides.

K.A.R. 28-39-81b describes the procedure for renewing a medication aide certificate.

K.A.R. 28-39-87 (under the provisions of K.S.A. 39-932)—require that nursing personnel wear identification badges to identify various levels of staffing.

K.A.R. 28-39-103a is a new regulation requiring existing Intermediate Care Facilities for the Mentally Retarded to continue to comply with physical environment requirements for existing facilities.

Regulations Revoked

K.A.R. 28-39-132, 28-39-138 and 28-39-201 concerning licensing fees are revoked and the provisions are included in the amended K.A.R. 28-39-77.

K.A.R. 28-39-219 through 28-39-223 concerning intermediate care facilities for the mentally retarded are revoked.

Licensure of Intermediate Care Facilities for the Mentally Retarded

K.A.R. 28-39-225, concerning the physical environment and complete construction of 15-bed or fewer facilities, is changed to allow facilities that meet the provisions of the life safety code for institutional occupancy to admit nonambulatory residents.

The requirements for a washable and finished ceiling and covering of overhead pipes and duct work in the dietary and food preparation areas were eliminated.

An additional provision for a variance in water temperature was included for resident training purposes.

Ambulance Service Permit Registration Fee

K.A.R. 28-40-69 is a new regulation establishing permit and vehicle fees for ambulance service.

Oil Field Waste Disposal

K.A.R. 28-41-1 through 28-41-9 concerning the disposal of oil field brine and oil waste are amended. Major changes include requiring permits for oil field lease emergency pits, providing new definitions, specifying disposal of drilling fluids and brine upon pit closure and raising the fee assessment on the first purchaser from \$.006 to \$.008 per barrel of oil and from \$.00018 to \$.00024 per thousand cubic feet of gas.

Certificates of Need

K.A.R. 28-42-1. This regulation has been amended to include a definition of an estimated annual operating budget for a new health facility service.

K.A.R. 28-42-5. This regulation has been amended to indicate that all Certificate of Need applications, except those to terminate or reduce the level of services, shall include the appropriate application fee.

K.A.R. 28-42-10. This regulation was clarified to indicate that proposals to establish the organizational structure of a health maintenance organization shall

(continued)

not be reviewed for a Certificate of Need if the sponsor requests an exemption.

Salt Solution Mining Wells

K.A.R. 28-43-8 is amended to require the retaining of casing at or above ground level as a point of elevation reference for all salt solution mining wells abandoned under the program.

K.A.R. 28-43-11 is a new regulation assessing each salt solution mining company a fee to be charged annually and equally against each company for costs incurred in administering the program.

Petroleum Product Storage

K.A.R. 28-44-11 is a new regulation assessing an annual fee on each distributor of stored petroleum products. The fee is to be based on the costs incurred the previous year for administering the regulatory program.

Hydrocarbon Storage Wells

Article 45 has been amended as follows:

K.A.R. 28-45-1 has been revoked.

K.A.R. 28-45-2 has been amended to include a definition of well system.

K.A.R. 28-45-6 has been amended to clarify language relating to the reporting of an emergency to the department.

K.A.R. 28-45-9 has been amended to better define the ingredients of a plan for a storage project to avoid confusion between a plan and an application for a storage well.

K.A.R. 28-45-11 is a new regulation assessing an annual and equal fee on each company operating hydrocarbon storage wells. The fee is to be based on the costs incurred the previous year for administering the hydrocarbon storage well program.

BARBARA J. SABOL
Secretary of Health and Environment

Doc. No. 002026

(Published in the KANSAS REGISTER, April 12, 1984.)

SENATE BILL No. 515

AN ACT relating to property taxation; concerning certain personal property exempt therefrom; amending K.S.A. 1983 Supp. 79-201f and repealing the existing section.

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

Section 1. K.S.A. 1983 Supp. 79-201f is hereby amended to read as follows: 79-201f. The following described property, to the extent herein specified, shall be and is hereby exempt from all property or ad valorem taxes levied under the laws of the state of Kansas:

(a) Personal property which is moving in interstate commerce through or over the territory of the state of Kansas;

(b) personal property which has been shipped into the state of Kansas from outside the state which is stored in a warehouse or storage area operated by a warehouseman licensed and bonded under the provisions of K.S.A. 82-161 to 82-171, inclusive, and amendments thereto, if such warehouseman keeps records of such property showing point of origin, date of receipt, type and quantity, date of withdrawal, and ultimate destination notwithstanding (1) that the final destination of said such personal property is unknown at the time of storage in Kansas or (2)

that the interstate movement of the said such personal property has been interrupted for not more than two (2) five years by such storage in Kansas for reasons relating to the convenience, pleasure, or business of the shipper or owner of said the property unless the ultimate destination of said the property is within the state of Kansas; and

(c) goods, wares and merchandise which are manufactured, assembled, joined, processed, packaged or labeled within this state, during the period of time in which they are stored in a warehouse or storage area operated by a warehouseman licensed and bonded under the provisions of K.S.A. 82-161 to 82-171, inclusive, and amendments thereto, if such warehouseman keeps records of such property showing point of origin, date of receipt, type and quantity, date of withdrawal, and ultimate destination. In order to qualify goods, wares and merchandise in any such warehouse or storage area for the exemption from taxation under this subsection, the owner of such goods, wares and merchandise must show by verified statement that the final destination of at least ~~thirty-five percent (35%)~~ 30% of the sale or shipments from such warehouse or storage area during the previous calendar year were shipped in interstate commerce to a point outside the state of Kansas, and the amount of exempt property shall be computed as follows: The owner shall furnish the county assessor with a report of the monthly average inventory for the preceding calendar year and a report of the value of shipments for final destination outside the state for each month of the previous calendar year. The owner shall be entitled to exemption of a percent of the average monthly inventory equivalent to the percent of value of total shipments to the value of shipments that were made in interstate commerce to points outside the state.

(d) For the purposes of this section, "warehouseman" means any person, except a public utility as defined in K.S.A. 79-5a01 and amendments thereto, who is engaged in the business of storing goods for hire or who stores his or her such person's own goods.

The provisions of this section shall apply to all taxable years commencing after December 31, 1979 1983.

Sec. 2. K.S.A. 1983 Supp. 79-201f 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 February 7, 1984.

SENATE concurred in HOUSE amendments March 26, 1984.
ROSS O. DOYEN
President of the Senate.
LU KENNEY
Secretary of the Senate.

Passed the HOUSE as amended March 22, 1984.
MIKE HAYDEN
Speaker of the House.
GENEVA SEWARD
Chief Clerk of the House.

APPROVED April 6, 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 6th day of April, 1984.

JACK H. BRIER
Secretary of State.

(SEAL)

(Published in the KANSAS REGISTER, April 12, 1984.)

HOUSE BILL No. 2739

AN ACT concerning cosmetology; relating to manicurists and schools and instructors of onychology; amending K.S.A. 1983 Supp. 65-1901, 65-1902, 65-1903 and 65-1912 and repealing the existing sections; also repealing K.S.A. 1983 Supp. 65-1905a, relating to examinations.

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

Section 1. K.S.A. 1983 Supp. 65-1901 is hereby amended to read as follows: 65-1901. As used in K.S.A. 65-1901 through ~~65-1911~~ 65-1912, and amendments thereto:

(a) "Apprentice" means any person engaged in learning the practice of cosmetology or onychology in a school of cosmetology or onychology licensed by the board or under the immediate supervision of a licensed cosmetologist or manicurist in a licensed beauty shop approved by the board.

(b) "Board" means the state board of cosmetology.

(c) "Cosmetologist" means any person, other than a manicurist or cosmetology technician, who practices the profession of cosmetology for profit.

(d) "Cosmetology" means the profession of:

(1) Arranging, dressing, permanently curling, curling, waving, singeing, cleansing, dyeing or bobbing the hair;

(2) massaging, cleansing, stimulating, manipulating or performing similar work on the scalp, face, neck, arms or hands, by use of either the hands or mechanical or electrical appliances;

(3) removing superfluous hair from the face or any part of the body by use of either the hands or mechanical or electrical appliances;

(4) using cosmetic preparations, antiseptics, lotions, creams or other preparations in performing any of the practices described in provisions (d)(1), (2) and (3);

(5) manicuring, pedicuring or sculpturing nails; or

(6) performing any other beautifying process on any person.

(e) "Cosmetology technician" means any person who, for profit, practices the profession of cosmetology only to the following extent:

(1) Manicuring, pedicuring or sculpturing nails;

(2) massaging the hands and arms;

(3) shampooing or applying temporary color rinse to the hair;

(4) performing scalp treatments, facials, skin care and eyebrow and eyelash services; or

(5) removing superfluous hair from the face or body, using either the hands or mechanical or electrical appliances.

(f) "Manicurist" means any person who, for profit, practices the profession of cosmetology only to the extent of manicuring, pedicuring and sculpturing nails.

(g) "Onychology" means the practice of cosmetology only to the extent of manicuring, pedicuring and sculpturing nails.

(h) "Person" means any individual, corporation, partnership, association or other entity.

Sec. 2. K.S.A. 1983 Supp. 65-1902 is hereby amended to read as follows: 65-1902. (a) Except as provided in subsection (b), no person shall:

(1) Engage in practice as a cosmetologist, cosmetology technician or manicurist unless the person holds a valid license, issued by the board, to engage in that practice;

(2) conduct a school for teaching cosmetology unless the person holds a valid license, issued by the board, to conduct the school; or

(3) teach cosmetology in a licensed school or beauty shop unless the person holds a valid cosmetology instructor's permit or license issued by the board;

(4) conduct a school for teaching onychology unless the person holds a valid license, issued by the board, to conduct the school; or

(5) teach onychology in a licensed school or beauty shop unless the person holds a valid cosmetology or onychology instructor's permit or license issued by the board.

(b) The provisions of this act shall not apply to:

(1) Any person licensed as a barber or apprentice barber;

(2) any person licensed to practice medicine and surgery, optometry, nursing or dentistry, while engaged in that practice;

(3) any person who is a registered physical therapist; or

(4) any teacher while engaged in instructing elementary or secondary school students in the proper care of their own persons.

Sec. 3. K.S.A. 1983 Supp. 65-1903 is hereby amended to read as follows: 65-1903. (a) Licensed schools may be established and maintained in this state where the profession of cosmetology may be taught or acquired, under the following conditions and regulations:

(1) Any person may apply to the board for a license for conducting a school for the teaching of the profession of cosmetology. Such a license shall be granted by the board upon proper and sufficient showing of competency of the applicant and assurance of compliance by the applicant with the requirements of this act and all reasonable rules and regulations adopted by the board for the proper conduct of the school. Prior to issuance of the license, the applicant shall pay to the board the license fee established under K.S.A. 65-1904 and amendments thereto. School licenses shall be renewed before July 1 of each year by submitting an application and payment of the fee established under K.S.A. 65-1904 and amendments thereto. No license fee shall be required of schools operating under the state board of regents or any tax-supported school. Nothing in this act shall prohibit any person who is a licensed cosmetologist, while acting as owner and manager of such the person's shop or establishment, from teaching cosmetology in the regular course of the person's business; but at no time shall any shop or establishment have more than one apprentice or charge tuition for its teaching services.

(2) Each school licensed under this section subsection (a) shall remain under the constant supervision of the board. Each licensed school at all times shall employ and maintain a sufficient number of instructors, duly licensed in the practices they teach, to provide at least one instructor for every 25 students. Each licensed school shall provide a course of training requiring not less than 1,500 clock hours of instruction and practice in preparation for the profession of cosmetology covering a period of not less than nine nor more than 12 months of training for full-time students, and 225 350 clock hours of instruction and practice in preparation for the profession of manicurist onychology. Such course of training shall include the practices of cosmetology for all major ethnic groups residing in the state, and the board shall require by rules and regulations that each school shall provide instruction for part-time students who are unable to attend a full schedule of classes each week because of part-time employment; enrollment in an accredited public or private school of secondary education by a student who is pursuing a course of study leading to a diploma from such school; enrollment in a cooperative industrial training program, approved by the division of vocational education of the state department of education, by a student who is working toward an occupational objective; or the principles or tenets of the student's religion preventing full-time attendance. Instruction of a part-time student shall be completed by the student within 18 months after the student's enrollment in the school.

(b) Any person who teaches the profession of cosmetology in a licensed school of cosmetology or in a beauty shop shall be required to obtain as a cosmetology instructor's permit or license from the board. To qualify for as a cosmetology instructor's permit, the applicant must be licensed as a cosmetologist under this act and furnish evidence that the applicant has completed a four-year high school course or the its equivalent thereof. The applicant may then be issued an instructor's permit, which shall be valid for two years only, during which time the applicant must qualify for an instructor's license by completing at least 100 clock hours of training approved by the board, including 60 clock hours of teacher training and 40 clock hours of training in advanced hair styling. An original instructor's license shall be valid for a period of three years, during which time the licensee must complete at least 100 additional clock hours of training approved by the board, including 60 clock hours of teacher training and 40 clock hours of training in advanced hair styling. Thereafter, the licensee may renew the license for a period of five years upon the licensee's furnishing satisfactory evidence

(continued)

that the applicant has completed an additional 100 clock hours of training approved by the board, including 60 clock hours of teacher training and 40 clock hours of training in advanced hair styling in the five-year period preceding renewal.

(c) *Licensed schools may be established and maintained in this state where onychology may be taught or acquired, under the following conditions and regulations:*

(1) *Any person may apply to the board for a license for conducting a school for the teaching of onychology. The license shall be granted by the board upon proper and sufficient showing of competency of the applicant and assurance of compliance by the applicant with the requirements of this act and all reasonable rules and regulations adopted by the board for the proper conduct of the school. Prior to issuance of the license, the applicant shall pay to the board the license fee established under K.S.A. 65-1904 and amendments thereto. School licenses shall be renewed before July 1 of each year by submitting an application and payment of the fee established under K.S.A. 65-1904 and amendments thereto. No license fee shall be required of schools operating under the state board of regents or any tax-supported school. Nothing in this act shall prohibit any person who is a licensed cosmetologist or manicurist, while acting as owner and manager of the person's shop or establishment, from teaching onychology in the regular course of the person's business, but at no time shall any shop or establishment have more than one apprentice or charge tuition for its teaching services.*

(2) *Each school licensed under this subsection (c) shall remain under the constant supervision of the board. Each licensed school at all times shall employ and maintain a sufficient number of instructors, duly licensed in the practices they teach, to provide at least one instructor for every 25 students. Each licensed school shall provide a course of training requiring not less than 350 clock hours of instruction and practice in onychology. The board shall require by rules and regulations that each school shall provide instruction for part-time students who are unable to attend a full schedule of classes each week because of part-time employment; enrollment in an accredited public or private school of secondary education by a student who is pursuing a course of study leading to a diploma from such school; enrollment in a cooperative industrial training program, approved by the division of vocational education of the state department of education, by a student who is working toward an occupational objective; or the principles or tenets of the student's religion preventing full-time attendance. Instruction of a part-time student shall be completed by the student within 18 months after the student's enrollment in the school.*

(d) *Any person who teaches onychology in a licensed school of cosmetology or onychology or in a beauty shop shall be required to obtain an onychology instructor's permit or license from the board, unless the person holds a valid cosmetology instructor's permit issued under subsection (b). To qualify for an onychology instructor's permit, the applicant must be licensed as a cosmetologist or manicurist under this act and furnish evidence that the applicant has completed a four-year high school course or its equivalent. The applicant may then be issued an instructor's permit, which shall be valid for two years only, during which time the applicant must qualify for an instructor's license by completing at least 50 clock hours of training approved by the board, including 30 clock hours of teacher training and 20 clock hours of training in advanced onychology. An original instructor's license shall be valid for a period of three years, during which time the licensee must complete at least 50 additional clock hours of training approved by the board, including 30 clock hours of teacher training and 20 clock hours of training in advanced onychology. Thereafter, the licensee may renew the license for a period of five years upon the licensee's furnishing satisfactory evidence that the applicant has completed an additional 50 clock hours of training approved by the board, including 30 clock hours of teacher training and 20 clock hours of training in advanced onychology in the five-year period preceding renewal.*

Sec. 4. K.S.A. 1983 Supp. 65-1912 is hereby amended to read as follows: 65-1912. (a) Any person desiring to practice as an

apprentice shall be required to pay to the board the fee required pursuant to K.S.A. 65-1904 and amendments thereto and obtain an apprentice license from the board. Application for an apprentice license allowing a person to practice in a licensed school shall be submitted to the board not more than 15 days after the person's enrollment in the school.

(b) (1) An applicant for examination and licensure as a cosmetologist shall be required to have practiced as an apprentice in a licensed school for not less than 1,500 clock hours or in a licensed beauty shop for not less than 3,000 clock hours.

(2) An applicant for examination and licensure as a cosmetology technician shall be required to have practiced as an apprentice in a licensed school for not less than 1,000 clock hours.

(3) An applicant for examination and licensure as a manicurist shall be required to have practiced as an apprentice in a licensed school of cosmetology or onychology for not less than 225 350 clock hours or in a licensed beauty shop for not less than 450 700 clock hours.

(c) No apprentice shall make any charge for the apprentice's services, but a licensed school of cosmetology or onychology or a proprietor of a licensed beauty shop in which an apprentice practices may charge for services of the apprentice.

Sec. 5. K.S.A. 1983 Supp. 65-1901, 65-1902, 65-1903, 65-1905a and 65-1912 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 HOUSE, and passed that body March 1, 1984.

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

Passed the SENATE March 21, 1984.

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

APPROVED April 3, 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 3rd day of April, 1984.

(SEAL)

JACK H. BRIER
Secretary of State.

(Published in the KANSAS REGISTER, April 12, 1984.)

SENATE BILL No. 735

AN ACT concerning water; incorporating by reference a section of the state water plan pertaining to minimum desirable streamflows.

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

Section 1. In accordance with the provisions of K.S.A. 1983 Supp. 82a-703a, and amendments thereto, the legislature hereby incorporates by reference that section of the state water plan submitted to the 1984 legislature identifying and establishing minimum desirable streamflows for the following four rivers: The Marais des Cygnes; the Neosho and its major tributary, the Cottonwood; and the Little Arkansas.

Sec. 2. 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 1, 1984.

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

Passed the HOUSE March 26, 1984.

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

APPROVED April 6, 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 6th day of April, 1984.

(SEAL)

JACK H. BRIER
Secretary of State.

Copies of the Minimum Desirable Streamflows Plan may be obtained by contacting the Kansas Water Office, 109 SW 9th Street, Suite 200, Topeka, Kansas 66612 (913/296-3185.)

JOSEPH F. HARKINS
Director, Kansas Water Office

(Published in the KANSAS REGISTER, April 12, 1984.)

SENATE BILL No. 732

AN ACT relating to elections; concerning minor political parties; providing for official recognition of such parties and the nomination of candidates thereby; amending K.S.A. 25-202, 25-302 and 25-302a and repealing the existing sections.

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

Section 1. K.S.A. 25-202 is hereby amended to read as follows: 25-202. Hereafter (a) Except as otherwise provided in subsection (b) all candidates for national, state, county and township offices shall be nominated by: (1) A primary held in accordance with article 2 of chapter 25 of the Kansas Statutes Annotated; or (2) independent nomination papers signed and filed as provided by existing statutes. *Provided, however,*

(b) That Candidates for any of such offices who are members of any political party whose candidate for secretary of state governor did not poll at least five percent (5%) 5% of the total vote cast for all candidates for secretary of state governor in the preceding general election shall not be entitled to nomination by primary but shall be nominated by a delegate or mass convention according to article 3 of chapter 25, of the Kansas Statutes Annotated and amendments thereto.

(c) The provisions of article 2 of chapter 25 of the Kansas Statutes Annotated shall not apply to the justices of the supreme court or to judges of the district court in judicial districts which have approved the proposition of nonpartisan selection of district court judges, as provided in K.S.A. 20-2901 and amendments thereto, nor to special elections to fill vacancies.

Sec. 2. K.S.A. 25-302 is hereby amended to read as follows: 25-302. Any recognized political party having a state or national organization; or which appeared on the ballot at the general election in 1954, except those authorized to participate in a primary election pursuant to K.S.A. 25-202, and amendments thereto may by means of a delegate or mass convention; primary election; or caucus of qualified voters belonging to such party; may, for the state or municipality, or any lawfully organized portion of either, for which such convention; primary election or caucus is held, nominate one person for each office that is to be filled therein at the next ensuing election, and, subject to the provisions of this act, file a certificate of such nominations so made. A convention or caucus for nominating persons for national, state, district, or county offices shall be called by the state chairman chairperson of the party, or if there be no state chairman chairperson by the party's candidate for governor at the preceding general election.

Every such certificate shall be signed by the presiding officer and a secretary of the convention or caucus making such nominations. Where such nominations are made by primary election, the certificate shall be signed by the members of the board of canvassers to which the returns of such primary election are made. In each case the persons signing the certificates shall add to their signatures their places of residence, and shall make and subscribe an oath that, to the best of their knowledge and belief, such certificates and the statements therein made are true; and a certificate that such oath has been taken and administered shall be made and signed on such certificate of nomination by the officer before whom the same was taken.

Sec. 3. K.S.A. 25-302a is hereby amended to read as follows: 25-302a. Any new political party organized in this state and any national political party seeking to organize official recognition in this state after the effective date of this act shall be allowed to make party nominations by mass convention or caucus only after filing with the secretary of state, at least sixty (60) 60 days before the deadline for filing nomination papers and declarations of candidates, file petitions signed by qualified electors equal in number to at least three percent (3%) 2% of the total vote cast for all candidates for the office of governor in the state in the last preceding general election. Such petitions shall declare the intention of said electors of organizing a political party support for the official recognition of a political party, the name of which shall be stated in the declaration, and of participating in the next succeeding election. Such petitions shall be circulated, signed and verified in the same manner as nomination papers as set forth in K.S.A. 25-205 and any amendments thereto and shall first be checked and verified by the county election officer of each county in which any such petition was circulated as to the signatures in such county before being directed to the office of the secretary of state for further verification and filing. No such group of electors political party seeking official recognition shall assume a name or designation which is similar, in the opinion of the secretary of state, to that of an existing party as to confuse or mislead the voters at an election.

Petitions seeking official recognition of a political party shall be substantially in the following form:

PETITION SEEKING THE OFFICIAL RECOGNITION OF
THE _____ PARTY IN THE STATE OF KANSAS
I, the undersigned, hereby declare my support for the official recognition
of the _____ Party.
I have personally signed this petition; I am a registered elector of the State
of Kansas and the County of _____, and my residence address
is correctly written after my name.
NAME OF SIGNER ADDRESS AS REGISTERED CITY DATE OF SIGNING

Appended to each petition page or set of pages shall be an affidavit by the circulator of the petition affirming that such circulator is a duly registered voter of the county in which the petition was circulated and that the circulator personally wit-

(continued)

nessed the signing of the petition by each person whose name appears thereon. The affidavit shall be executed before a person authorized to administer oaths and include the address of the circulator.

Each page of said petition shall bear the names of registered voters of a single county. All petitions shall be grouped according to the county in which each was circulated before being filed with the secretary of state. All such petitions shall be filed at one time. Any related petitions presented thereafter will be deemed to be separate and not a part of earlier filings. County election officers shall cooperate with the secretary of state in verifying the sufficiency of these petitions as required by law.

The secretary of state shall transmit such petitions to the county election officer of each county for which petitions were presented to be examined for sufficiency pursuant to the provisions of K.S.A. 25-3601 et seq. and amendments thereto and applicable regulations. Not more than 20 days following receipt of such petitions from the secretary of state, the county election officer shall return these documents to the secretary of state certifying the number of sufficient signatures thereon. The secretary of state shall gather all petitions and determine whether a sufficient number of signatures was submitted. The secretary of state shall forthwith notify the person who submitted the declaration of intent to circulate such petitions of the sufficiency or insufficiency of the number of signatures.

New Sec. 4. Any recognized political party whose nominee for any office for which the officer is elected from the state as a whole fails to receive at least 1% of the total vote cast for any such office in this state at any general election, or which fails to nominate persons for such offices, shall cease to be a recognized political party. The secretary of state shall notify all county election officers that such party has ceased to be recognized.

New Sec. 5. When a political party ceases to be recognized, each county election officer shall list as unaffiliated any registered voters then affiliated with that party.

Sec. 6. K.S.A. 25-202, 25-302 and 25-302a are hereby repealed.

Sec. 7. This act shall take effect and be in force from and after its publication in the Kansas register.

I hereby certify that the above BILL originated in the SENATE, and passed that body February 29, 1984.

SENATE concurred in HOUSE amendments March 21, 1984.
ROSS O. DOYEN
President of the Senate.
LU KENNEY
Secretary of the Senate.

Passed the HOUSE as amended March 16, 1984.
MIKE HAYDEN
Speaker of the House.
GENEVA SEWARD
Chief Clerk of the House.

APPROVED April 2, 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 3rd day of April, 1984.

(SEAL)

JACK H. BRIER
Secretary of State.

(Published in the KANSAS REGISTER, April 12, 1984.)

HOUSE BILL No. 3051

AN ACT relating to excise taxes; imposing confidentiality requirements regarding information received in the administration of such taxes; providing penalties for violations.

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

Section 1. (a) Except as otherwise more specifically provided by law, all information received by the director of taxation from applications for licensure or registration made or returns or reports filed under the provisions of any law imposing any excise tax administered by the director, or from any investigation conducted under such provisions, shall be confidential, and it shall be unlawful for any officer or employee of the department of revenue to divulge any such information except in accordance with other provisions of law respecting the enforcement and collection of such tax, in accordance with proper judicial order and as provided in K.S.A. 74-2424, and amendments thereto.

(b) Nothing herein shall be construed to prohibit the publication of statistics, so classified as to prevent identification of particular reports or returns and the items thereof, or the inspection of returns by the attorney general. Nothing in this section shall prohibit the post auditor from access to all such excise tax reports or returns in accordance with and subject to the provisions of subsection (g) of K.S.A. 46-1106, and amendments thereto. Nothing in this section shall be construed to prohibit the disclosure of the taxpayer's name, social security number, last known address and total tax liability, including penalty and interest, from excise tax returns to a debt collection agency contracting with the secretary of revenue pursuant to K.S.A. 1983 Supp. 75-5140 to 75-5143, inclusive, and amendments thereto. Any person receiving any information under the provisions of this subsection shall be subject to the confidentiality provisions of subsection (a) of this section and to the penalty provisions of subsection (c) of this section.

(c) Any violation of subsection (a) or (b) of this section shall be a class B misdemeanor, and if the offender is an officer or employee of this state, such officer or employee shall be dismissed from office.

Sec. 2. 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 March 1, 1984.

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

Passed the SENATE March 22, 1984.
ROSS O. DOYEN
President of the Senate.
LU KENNEY
Secretary of the Senate.

APPROVED April 2, 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 3rd day of April, 1984.

(SEAL)

JACK H. BRIER
Secretary of State.

(Published in the KANSAS REGISTER, April 12, 1984.)

(Published in the KANSAS REGISTER, April 12, 1984.)

HOUSE BILL No. 2783

HOUSE BILL No. 2630

AN ACT concerning the uniform controlled substances act; relating to substances included in schedule V; amending K.S.A. 1983 Supp. 65-4113 and repealing the existing section.

AN ACT relating to alcoholic liquors; concerning the levying of taxes upon the manufacturing, using, selling, storing or purchasing such liquors; providing for the disposition of revenues derived therefrom; amending K.S.A. 1983 Supp. 41-501 and repealing the existing section.

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

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

Section 1. K.S.A. 1983 Supp. 65-4113 is hereby amended to read as follows: 65-4113. (a) The controlled substances or drugs, by whatever official name, common or usual name, chemical name or brand name designated, listed in this section are included in schedule V;

Section 1. K.S.A. 41-501 is hereby amended to read as follows: 41-501. (a) As used in this section and K.S.A. 41-501, and amendments thereto:

(b) any compound, mixture or preparation containing limited quantities of any of the following narcotic drugs which also contains one or more nonnarcotic active medicinal ingredients in sufficient proportion to confer upon the compound, mixture or preparation valuable medicinal qualities other than those possessed by the narcotic drug alone:

(1) "Gallon" means "wine gallon-";
(2) "federal area" means any lands or premises which are located within the exterior boundaries of this state and which are held or acquired by or for the use of the United States or any department, establishment or agency of the United States.

(1) Not more than 200 milligrams of codeine or any of its salts per 100 milliliters or per 100 grams;

(b) (1) For the purpose of raising revenue a tax is imposed upon the manufacturing, using, selling, storing or purchasing alcoholic liquors in this state or a federal area at a rate of \$.18 per gallon on all beer containing more than 3.2% alcohol by weight; \$.15 per gallon on domestic table wine; \$.30 per gallon on wine containing 14% or less alcohol by volume; \$.75 per gallon on wine containing more than 14% alcohol by volume; and \$2.50 per gallon on alcohol and spirits.

(2) not more than 100 milligrams of dihydrocodeine or any of its salts per 100 milliliters or per 100 grams;

(2) The tax imposed by this section shall be paid only once and shall be paid by the person in this state or federal area who first manufactures, uses, sells, stores, purchases or receives the alcoholic liquors. The tax shall be collected and paid to the director as provided in this act. If the alcoholic liquor is manufactured and sold in this state or a federal area, the tax shall be paid by the manufacturer or farm winery producing it. If the alcoholic liquor is imported into this state by a distributor for the purpose of sale at wholesale in this state or a federal area, the tax shall be paid by the distributor.

(3) not more than 100 milligrams of ethylmorphine or any of its salts per 100 milliliters or per 100 grams;

(c) Manufacturers, farm wineries or distributors at wholesale of alcoholic liquors shall be exempt from the payment of the gallonage tax imposed on alcoholic liquors, upon satisfactory proof, including bills of lading furnished to the director by affidavit or otherwise as the director requires, that the liquors were manufactured in this state but were shipped out of the state for sale and consumption outside the state.

(4) not more than 2.5 milligrams of diphenoxylate and not less than 25 micrograms of atropine sulfate per dosage unit;

(d) Wines manufactured or imported solely and exclusively for sacramental purposes and uses shall not be subject to the tax provided in this section.

(5) not more than 100 milligrams of opium per 100 milliliters or per 100 grams;

(e) The tax provided for by this section is not imposed upon:
(1) Any alcohol or wine, whether manufactured in or imported into this state, when sold to a nonbeverage user licensed by the state, for use in the manufacture of any of the following when they are unfit for beverage purposes: Patent and proprietary medicines and medicinal, antiseptic, and toilet preparations; flavoring extracts and syrups and food products; scientific, industrial and chemical products; or scientific, chemical, experimental or mechanical purposes; or
(2) the privilege of engaging in any business of interstate commerce or otherwise, which business may not be made the subject of taxation by this state under the constitution and statutes of the United States.

(6) not more than .5 milligram of difenoxin (9168) and not less than 25 micrograms of atropine sulfate per dosage unit.

(f) The tax imposed by this section shall be in addition to all other taxes imposed by the state of Kansas or by any municipal corporation or political subdivision thereof.

(e). Loperamide..... 8125

(g) Retail sales of alcoholic liquor and beer and sales of wine to consumers by farm wineries shall not be subject to the tax imposed by the Kansas retailers' sales tax act but shall be subject to the enforcement tax provided for in this act.

Sec. 2. K.S.A. 1983 Supp. 65-4113 is hereby repealed.

(h) Notwithstanding any ordinance to the contrary, no city shall impose an occupation or privilege tax on the business of any person, firm or corporation licensed as a manufacturer, distributor, farm winery, retailer or nonbeverage user under this act and doing business within the boundaries of the city except as specifically authorized by K.S.A. 41-310 and amendments thereto.

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

(i) The director shall collect the taxes imposed by this section and shall account for and turn over to the state treasurer at least

I hereby certify that the above BILL originated in the HOUSE, and passed that body February 21, 1984.

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

(continued)

Passed the SENATE March 27, 1984.

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

APPROVED April 5, 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 5th day of April, 1984.

JACK H. BRIER
Secretary of State.

(SEAL)

once each week all moneys collected from the tax. The state treasurer shall credit 1/10 of the moneys collected from taxes imposed upon alcohol and spirits under subsection (b)(1) of this section to the community alcoholism and intoxication programs fund created by K.S.A. 41-1126 and amendments thereto and shall credit the balance of the moneys collected to the state general fund.

(j) If any alcoholic liquor manufactured in or imported into this state is sold to a licensed manufacturer or distributor of this state to be used solely as an ingredient in the manufacture of any beverage for human consumption, the tax imposed upon the manufacturer or distributor shall be reduced by the amount of the taxes which have been paid under this section as to the alcoholic liquor so used.

(k) The tax provided for by this section is not imposed upon alcohol or wine used by any school or college for scientific, chemical, experimental or mechanical purposes or by hospitals, sanatoria or other institutions caring for the sick. Any school, college, hospital, sanatorium or other institution caring for the sick may import alcohol or wine for scientific, chemical, experimental, mechanical or medicinal purposes by making application to the director for a permit to import it and receiving such a permit. Application for the permit shall be on a form prescribed and furnished by the director, and a separate permit shall be required for each purchase of alcohol or wine. A fee of \$2 shall accompany each application. All permits shall be issued in triplicate to the applicant and shall be under the seal of the office of the director. Two copies of the permit shall be forwarded by the applicant to the farm winery, manufacturer or distributor from which the alcohol or wine is purchased, and the farm winery, manufacturer or distributor shall return to the office of the director one copy of the permit with its shipping affidavit and invoice. Within 10 days after receipt of any alcohol or wine, the school, college, hospital or sanatorium ordering it shall file a report in the office of the director upon forms furnished by the director, showing the amount of alcohol or wine received, the place where it is to be stored, from whom it was received, the purpose for which it is to be used and such other information as required by the director. Any school, college, hospital, sanatorium or institution caring for the sick, which with the provisions of this subsection, shall not be required to have any other license to purchase alcohol or wine from a farm winery, manufacturer or distributor.

New Sec. 2. On the effective date of this act, the director of accounts and reports shall transfer from the community alcoholism and intoxication programs fund created by K.S.A. 41-1126, and amendments thereto, to the state general fund the amount equal to 10% of the moneys collected from taxes upon beer and wine under subsection (b)(1) of K.S.A. 41-501, and amendments thereto, which were included in computing amounts to be credited to the community alcoholism and intoxication programs fund during the period from July 1, 1983, through the day immediately preceding the effective date of this act.

Sec. 3. K.S.A. 1983 Supp. 41-501 is hereby repealed.

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

I hereby certify that the above BILL originated in the HOUSE, and passed that body February 23, 1984.

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

Passed the SENATE March 21, 1984.

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

APPROVED April 5, 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 5th day of April, 1984.

JACK H. BRIER
Secretary of State.

(SEAL)

(Published in the KANSAS REGISTER, April 12, 1984.)

HOUSE BILL No. 2860

AN ACT concerning taxation of special fuels; payment of tax when all special fuels purchased are for on-highway use.

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

Section 1. (a) Any licensed special fuel dealer may sell special fuels to a special fuel user who is not licensed when all of the special fuels purchased by the special fuel user are for operation of motor vehicles on highways and the special fuel user pays the tax imposed by the special fuels tax law to the licensed special fuel dealer at the time of the sale. The special fuel dealer shall remit the tax so collected to the director of taxation and make report of the amount collected from each special fuel user.

(b) No bond, reports or other requirements of the special fuels tax law shall apply to special fuel users who purchase special fuels under the provisions of this section.

(c) The provisions of subsections (a) and (b) shall not be applicable with respect to sales made to any interstate motor fuel user, as defined by K.S.A. 79-34,108, and amendments thereto, or to any special fuel user who purchases special fuels from any person who is not a special fuel dealer licensed by this state.

(d) Any person who violates this section shall be guilty of a class C misdemeanor.

(e) The secretary of revenue may adopt rules and regulations for the administration of this section. This section shall be part of the special fuels tax law.

Sec. 2. 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 March 1, 1984.

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

Passed the SENATE March 27, 1984.

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

APPROVED April 6, 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 6th day of April, 1984.

JACK H. BRIER
Secretary of State.

(SEAL)

(Published in the KANSAS REGISTER, April 12, 1984.)

SENATE BILL No. 497

AN ACT supplementing the Kansas water appropriation act; conditioning water appropriation rights to minimum desirable streamflow requirements.

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

Section 1. In addition to any other limitation or condition prescribed by law or rule and regulation of the chief engineer, it shall be an express condition of each and every appropriation right applied for after the effective date of this act that such right shall be subject to any minimum desirable streamflow requirements identified and established pursuant to law on or before July 1, 1990, for the source of water supply to which such right applies.

Sec. 2. 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 31, 1984.

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

Passed the HOUSE March 26, 1984.

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

APPROVED April 6, 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 6th day of April, 1984.

JACK H. BRIER
Secretary of State.

(Published in the KANSAS REGISTER, April 12, 1984.)

HOUSE BILL No. 2631

AN ACT concerning vocational education; providing for the establishment of an area vocational-technical school to be designated as Johnson county area vocational-technical school; imposing restrictions on the establishment of area vocational schools; amending K.S.A. 72-4412 and 72-4416, and repealing the existing sections.

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

New Section 1. (a) The boards of the school districts and the community college to which this section applies may jointly present a plan to the state board of education for the establishment and operation of an area vocational-technical school. The plan shall be prepared in such form as is prescribed by the state board.

(b) Information included in support of the plan shall include, but not be limited to the following:

- (1) Concentration of population within a reasonable community service area;
- (2) total enrollments in the school districts and community college to which this section applies, separately;
- (3) number of persons graduating from high school within the area;
- (4) probability of growth in enrollments within the area;
- (5) identification of vocational education services needed within the area;
- (6) local interest and attitudes toward the program;

(7) ability to contribute to the financial support of the program;

(8) consideration of the area in relation to other programs or requests for programs of vocational education to prevent, as nearly as is practicable, overlapping or duplication of educational services.

(c) Upon receipt and examination of the plan, the state board shall conduct hearings and make such investigations related to the plan as it deems appropriate. If the plan submitted is approved, or approved after amendment, the state board shall issue an order authorizing the establishment of the area vocational-technical school and providing for its classification as a type II area vocational-technical school. The order issued by the state board under authority of this section shall contain a rescission of any authorization granted by the state board prior to the effective date of this act for the establishment of an area vocational school by any of the boards of the school districts or the community college to which this section applies.

(d) The area vocational-technical school established under authority of this section shall be designated as Johnson county area vocational-technical school. The provisions of all statutes of general application to area vocational-technical schools shall apply to the area vocational-technical school established under authority of this section.

(e) This section applies to: Unified school district No. 229, Johnson county; unified school district No. 230, Johnson county; unified school district No. 231, Johnson county; unified school district No. 232, Johnson county; unified school district No. 233, Johnson county; unified school district No. 512, Johnson county; and Johnson county community college.

(f) As used in this section, the term "board" means the boards of education of the unified school districts to which this section applies and the board of trustees of the community college to which this section applies.

Sec. 2. K.S.A. 72-4412 is hereby amended to read as follows: 72-4412. As used in this act, ~~unless the context otherwise requires:~~

(a) "Board" means the board of education of any school district, ~~or the board of trustees of any community junior college, or the board of regents of any municipal university, or the board of control of any area vocational-technical school, or the state board of regents.~~

(b) "Area vocational school" means any vocational education school ~~which is organized and established under authority of the laws of this state, approved by the state board and which is officially and currently designated as an area vocational school by the state board of education, and which after the effective date of this act shall be operated under an elected the board of education of a school district, or a the board of trustees of a community junior college, or as a part of an institution under the state board of regents, or the board of regents of a municipal university. Any currently designated area vocational school, except for purposes of the construction of this act, may retain and use the name given to such school prior to the effective date of this act, even though such name includes the words "area vocational-technical school." Until this provision is amended by or repealed from law, the state board shall not approve the establishment or operation of any area vocational school which has not been approved for establishment or officially designated as an area vocational school prior to the effective date of this act.~~

(c) "Area vocational-technical school" means any vocational education school which ~~immediately prior to the effective date of this act was designated classified as a type II area vocational-technical school under authority of former laws repealed by this act or which is established and classified as a type II area vocational-technical school under authority of this act.~~ The schools to which this definition applies are the four schools designated as:

- (1) Central Kansas area vocational-technical school;
- (2) Southeast Kansas area vocational-technical school;
- (3) Northwest Kansas area vocational-technical school;

(continued)

(4) Northcentral Kansas area vocational-technical school; and

(5) Johnson county area vocational-technical school, upon its establishment in accordance with the provisions of this act.

The governing body of an area vocational-technical school shall be called a board of control and shall be constituted as is provided by agreement of the ~~districts~~ boards participating therein on the effective date of this act. The state board of education may adopt special rules and regulations applicable to the conduct, operation and administration of area vocational-technical schools. Nothing in this act shall be construed to authorize the establishment or operation of any area vocational-technical school not specifically named ~~designated~~ in this subsection. Unless approved by the state board of education, no area vocational-technical school, ~~so designated under authority of this act~~, shall construct or reconstruct or acquire any building or land until this provision is amended or repealed from the law. Nothing in this act shall be deemed to prevent any school district from becoming a part board from entering into an agreement for participation in the operation of an any area vocational-technical school which immediately prior to the effective date of this act was designated as a type II area vocational-technical school under authority of laws repealed by this act designated in this subsection; nor shall any school district board which is now or hereafter a part participant in the operation of such an area vocational-technical school be prevented by the provisions of this act from withdrawing therefrom, except as has been otherwise contracted by such school district in the absence of a written agreement to the contrary.

(d) "School district" means any school district organized under the laws of this state offering and teaching at least grades 10 to 12.

(e) "Community college" means any community college organized and operating under the laws of this state.

(f) "Municipal university" means a municipal university established under the provisions of article 13a of chapter 13 of Kansas Statutes Annotated.

(g) "State educational institution" has the meaning ascribed thereto in K.S.A. 76-711, and amendments thereto.

(e)(h) "State board" means the state board of education.

(f)(i) "School year" means the twelve-month period ending on June 30.

(g)(j) "Vocational education" means vocational or technical training or retraining which is given in schools or classes (including field or laboratory work and remedial or related academic and technical instruction incident thereto) under public supervision and control or under contract with the state board or a board or board of control and is conducted as part of a program designed to prepare individuals for gainful employment as semi-skilled or skilled workers or technicians or subprofessionals in recognized occupations and in new and emerging occupations or to prepare individuals for enrollment in advanced technical education programs, but excluding any program to prepare individuals for employment in occupations which the United States commissioner of education determines, and specifies by regulation, to be generally considered professional or which requires a baccalaureate or higher degree; and such term includes vocational guidance and counseling (individually or through group instruction) in connection with such training or for the purpose of facilitating occupational choices; instruction related to the occupation or occupations for which the students are in training or instruction necessary for students to benefit from such training; job placement; the training of persons engaged as, or preparing to become, teachers in a vocational program or preparing such teachers to meet special education needs of ~~handicapped~~ exceptional students; teachers, supervisors, or directors of such teachers while in such a training program; travel of students and vocational education personnel while engaged in a training program; and the acquisition, maintenance, and repair of instructional supplies, teaching aids, and equipment.

(h)(k) "State plan" means a document or set of documents, together with attachments thereto and supplements thereof, containing such provisions as are authorized by this act and the

federal vocational education act of 1963, or of acts amendatory thereof or supplemental thereto.

Sec. 3. K.S.A. 72-4416 is hereby amended to read as follows: 72-4416. (a) Subject to the provisions of subsection (b), any board may present a plan to the state board for the establishment and operation of an area vocational school. The plan may specify that the area vocational school is to be a department or a division of a school district or a community junior college or an a state educational institution under the state board of regents or any a municipal university. The plan shall be prepared in such form as is prescribed by the state board.

Information included in support of the plan shall include, but not be limited to the following:

(a)(1) Concentration of population within a reasonable community service area;

(b)(2) total school enrollments in grades one through eight, and in grades nine through twelve the elementary and secondary schools within the area, separately;

(c)(3) number of persons graduating from high school within the area;

(d)(4) probability of growth in elementary and secondary school enrollments within the area;

(e)(5) identification of vocational education services needed within the area;

(f)(6) local interest and attitudes toward the program;

(g)(7) ability to contribute to the financial support of the program; and

(h)(8) consideration of the area in relation to other programs or requests for programs of vocational education to prevent, as nearly as is practicable, overlapping or duplication of educational services.

Upon receipt and examination of a plan, the state board shall conduct hearings and make such investigations related to the plan as it deems appropriate. If the plan submitted is approved, or approved after amendment, the state board may designate a school district, community junior college, an institution under the control of the state board of regents or a municipal university as shall issue an order authorizing the establishment of an area vocational school.

(b) The state board shall not approve any plan submitted to it under subsection (a) after the effective date of this act until this subsection is amended by or repealed from law.

Sec. 4. K.S.A. 72-4412 and 72-4416 are hereby repealed.

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

I hereby certify that the above BILL originated in the HOUSE, and passed that body March 6, 1984.

HOUSE concurred in SENATE amendments March 26, 1984.

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

Passed the SENATE as amended March 21, 1984.

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

APPROVED April 5, 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 5th day of April, 1984.

(SEAL) JACK H. BRIER
Secretary of State.

(Published in the KANSAS REGISTER, April 12, 1984.)

SENATE BILL No. 227

AN ACT relating to trust companies; amending K.S.A. 17-2015, 17-2023 and 17-2024 and repealing the existing sections.

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

Section 1. K.S.A. 17-2015 is hereby amended to read as follows: 17-2015. The provisions of the banking law relating to the impairment of capital and insolvency and shareholders' liability and the duty of the bank commissioner in such cases shall also apply to trust companies; and such. Trust companies shall pay the same fee for examinations by the bank commissioner as are paid by banks. No trust company which receives or is receiving deposits shall move or change its place of business from one city or township to another unless it first shall make and file with the state banking board an application so to do nor until such board shall give its written approval of such move or change. Said The application shall be accompanied by a deposit in the amount of two hundred dollars (\$200) \$500 to defray the expenses incurred by the board in making an examination and investigation in regard to said the application. The board may require additional deposits to cover its expenses but any unused portions of any deposits shall be returned to the trust company.

Upon receipt of such application, said the board shall make an examination and investigation concerning: (1) The financial condition of the trust company; (2) the character, qualifications and experience of the officers of the trust company; (3) the public necessity for such trust company in the community wherein it is proposed to locate the same. If the board shall determine any of such matters unfavorably to the applicant, the application shall be disapproved and a written notice of such disapproval shall be given to the applicant which shall state the reason for such disapproval; but if all such matters are determined favorably to the applicant, then the application shall be approved and written notice of such approval shall be given to the applicant.

Sec. 2. K.S.A. 17-2023 is hereby amended to read as follows: 17-2023. Upon the filing of any such application, the banking board shall make, or cause to be made, a careful examination and investigation in accordance with rules and regulations on charter application guidelines concerning:

(1) (a) The financial standing and character of the organizers and incorporators of the applicant if for a new trust company, and of the stockholders if for an existing trust company, seeking the right to accept deposits of funds and moneys;

(2) (b) the character, qualifications and experience of the officers of the proposed or existing trust company;

(3) and (c) if the application is for a new trust company, then the public necessity for such trust company in the community where it is proposed to locate the same; and

(4) (d) if the application includes the right to accept deposits of funds and moneys, then the public necessity for a depository of funds and moneys in the community where the proposed or existing trust company desires to accept such deposits.

If the board shall determine any of such matters unfavorably to the applicants, the application shall be disapproved, but if not, then the application shall be approved.

Sec. 3. K.S.A. 17-2024 is hereby amended to read as follows: 17-2024. All expenses incurred by the members of the state banking board in making any such examination and investigation shall be paid by the applicants who shall deposit a sum of money not in excess of two hundred dollars (\$200) \$1,000 with the state bank commissioner to defray all such expenses. The board may require an additional deposit not to exceed two hundred dollars (\$200) at any time it deems it necessary. The members of the board shall be reimbursed their actual expenses from such funds and the unused portion of any such deposit or deposits shall be returned to the applicants; payment of not to exceed \$500 at any time it deems it necessary. The commissioner shall remit all amounts received under this section to the state treasurer who shall deposit the same to a separate special account in the state treasury for each application. The moneys in each such account shall be used only to pay the expenses of the examination and investigation to which it relates and any unused balance shall be transferred to the state general fund. Any members of the

board who make such an examination or investigation shall be paid compensation, subsistence allowances, mileage and other expenses as provided in K.S.A. 75-3223, and amendments thereto.

Sec. 4. K.S.A. 17-2015, 17-2023 and 17-2024 are hereby repealed.

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

I hereby certify that the above BILL originated in the SENATE, and passed that body February 24, 1984.

SENATE concurred in HOUSE amendments March 15, 1984.
ROSS O. DOYEN
President of the Senate.
LU KENNEY
Secretary of the Senate.

Passed the HOUSE as amended March 14, 1984.
MIKE HAYDEN
Speaker of the House.
GENEVA SEWARD
Chief Clerk of the House.

APPROVED March 27, 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 April, 1984.

JACK H. BRIER
Secretary of State.

(Published in the KANSAS REGISTER, April 12, 1984.)

HOUSE BILL No. 3068

AN ACT relating to elections; concerning absentee voting; providing for permanent absentee voter status; amending K.S.A. 25-1122d and 25-1123 and K.S.A. 1983 Supp. 25-1122 and repealing the existing sections.

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

Section 1. K.S.A. 1983 Supp. 25-1122 is hereby amended to read as follows: 25-1122. (a) Any person described in K.S.A. 25-1119, and amendments thereto, or any qualified elector of such person's county of residence, on behalf of such person, may file with the county election officer where such person is a resident, or where such person is authorized by law to vote as a former precinct resident, an application for an absentee ballot.

(b) Applications made by or on behalf of persons specified in subsection (a) of K.S.A. 25-1119, and amendments thereto, for absentee ballots to be transmitted to the voter by mail or by the person making application on behalf of the voter shall be filed only at the following times:

(1) For the primary election occurring on the first Tuesday in August in even-numbered years, between April first 1 of such year and the last business day of the week preceding such primary election.

(2) For the general election occurring on the Tuesday succeeding the first Monday in November in even-numbered years, between 90 days prior to such election and the last business day of the week preceding such general election.

(3) For the primary election held five weeks preceding the first Tuesday in April, between January first 1 of the year of such election and the last business day of the week preceding such primary election.

(4) For the general election occurring on the first Tuesday in April, between January first 1 of the year of such election and the last business day of the week preceding such general election.

(5) For question submitted elections occurring on the date of

(continued)

a primary or general election, the same as is provided for ballots for election of officers at such election.

(6) For question submitted elections not occurring on the date of a primary or general election, between the time of the first published notice thereof and the last business day of the week preceding such question submitted election, except that if the question submitted election is held on a day other than a Tuesday, the county election officer shall determine the final date for mailing of absentee ballots, but such date shall not be more than three business days before such election.

(7) For any special election of officers, at such time as is specified by the secretary of state.

(8) For the presidential preference primary, between January first 1 of the year in which such primary is held and the last business day of the week preceding such primary election.

The county election officer of any county may receive applications prior to the time specified in this subsection (b) and hold such applications until the beginning of the prescribed application period. Such applications shall be treated as filed on that date.

(c) Applications made by persons specified in subsection (a) of K.S.A. 25-1119, and amendments thereto, for ballots to be transmitted to the voter in person in the office of the county election officer shall be filed only on the Tuesday next preceding the election or such earlier date as the county election officer may designate, on each subsequent business day and, if the county election officer so provides, on Saturday, until 12 o'clock 12:00 noon on the day preceding such election. Upon receipt of any such application, properly executed, the county election officer shall deliver to the voter, in the ballot envelope, such ballots and instructions as are provided for in this act.

(d) Except as otherwise provided in subsection (e), applications made by or on behalf of persons specified in subsection (b) of K.S.A. 25-1119, and amendments thereto, for absentee ballots to be transmitted to the voter by mail, messenger or by the person making application on behalf of the voter shall be filed not more than 90 days prior to the election or later than 12 o'clock 12:00 noon on the day of such election.

(e) Any person having a permanent physical disability or an illness which has been diagnosed as a permanent illness who would be qualified to vote an absentee ballot pursuant to subsection (b) of K.S.A. 25-1119, and amendments thereto, is hereby authorized to make or to have, made on their behalf an application for permanent absentee voter status. Applications for permanent absentee voter status shall be in the form and contain such information as is required for application for absentee ballots but shall also contain information which establishes the voter's right to permanent absentee voter status.

(e) (f) On receipt of any application filed under the provisions of this section, the county election officer shall prepare and maintain in such officer's office a list of the names of all persons who have filed such applications, or in whose behalf such applications have been filed, together with their correct post-office address and the precinct, ward, township or voting area in which such persons claim to be registered voters or to be authorized by law to vote as former precinct residents and the present resident address of each applicant, which names and addresses shall remain so listed until the day of such election available for inspection upon request in compliance with this subsection (e) by any registered voter during regular business hours. The county election officer upon receipt of such applications shall enter upon a record kept by such officer the name and address of each such person, which record shall conform to the list above required. The county election officer shall maintain a separate listing of the names and addresses of persons qualifying for permanent absentee voter status. Before inspection of any absentee ballot application list, the person desiring to make such inspection shall provide to the county election officer identification in the form of driver's license or other reliable identification and shall sign a log book or application form maintained by such officer stating such person's name and address and showing the date and time of inspection. All records made by the county election officer shall be subject to public inspection, except that

the identifying number on ballots and ballot envelopes and records of such number shall in no case be made public.

Sec. 2. K.S.A. 25-1122d is hereby amended to read as follows: 25-1122d. (a) If the application for an absentee ballot is made by the person desiring to vote an absentee ballot, such application shall be accompanied by an affirmation in substance as follows:

Affirmation of an Elector of the County of _____ and State of Kansas Desiring to Vote an Absentee Ballot
State of _____, County of _____, ss:

I, _____
(Please print name)
do solemnly affirm that I am a qualified elector of the _____ precinct of the _____ ward, residing at number _____ on _____ street, city of _____, or in the township of _____, county of _____, and state of Kansas, and that I am entitled to vote an absentee ballot and that because of my (absence from the county) (sickness or physical disability) (religious belief or practice) I will be unable to attend and vote at my regular voting place at the _____ election to be held on _____, and that I have not voted and will not otherwise vote at such election. My political party is _____ (to be filled in only when requesting primary election ballots). I desire my ballots to be sent to the following address _____

Signature of voter.

Note: False statement on this affirmation is a class C misdemeanor.

(b) If the application for an absentee ballot is made on behalf of the person desiring to vote an absentee ballot by a qualified elector of such person's county of residence, such application shall be accompanied by an affirmation in substance as follows:

Affirmation of an Elector on Behalf of an Elector of the County of _____ and State of Kansas Desiring to Vote an Absentee Ballot
State of _____, County of _____, ss:

I, _____
(Please print name)
do solemnly, sincerely and truly declare and affirm that I am a qualified elector of the _____ precinct of the _____ ward, residing at number _____ on _____ street, city of _____, or in the township of _____, county of _____, and state of Kansas, and do solemnly, sincerely and truly declare and affirm that _____

_____, a qualified elector of the _____
(Please print name)
precinct of the _____ ward, residing at number _____ on _____ street, city of _____, or in the township of _____, county of _____, and state of Kansas, is entitled to vote an absentee ballot and that because of his or her (absence from the county) (sickness or physical disability) (religious belief or practice) he or she will be unable to attend and vote at his or her regular voting place at the election to be held on the day of the _____ election, 19____, and desires to vote under the provisions of the absent voting law. His or her political party is _____ (to be filled in only when requesting primary election ballots). He or she desires such ballots to be sent to the following address _____

Signature.

Note: False statement on this affirmation is a class C misdemeanor.

(c) An application for permanent absentee voter status shall be on a form prescribed by the secretary of state for this purpose. Such application shall contain an affirmation concerning substantially the same information required in subsection (a) or (b) and in addition thereto a statement regarding the permanent character of such illness or disability.

(e) (d) Any application by or on behalf of a former precinct resident shall state both the former and present residence, address, precinct and county of such former precinct resident and the date of change of residence.

Sec. 3. K.S.A. 25-1123 is hereby amended to read as follows: 25-1123. When an application for an absentee ballot has been filed in accordance with K.S.A. 25-1122 and amendments thereto, the county election officer shall transmit to the voter applying therefor, or to the person making application on behalf of such voter, one each of the appropriate ballots. Such ballots shall be transmitted by mail, or may be delivered to the person making application in the office of the election officer, together with the printed instructions prescribed by the secretary of state and a ballot envelope bearing upon the outside a printed form as described in K.S.A. 25-1120 and amendments thereto and the

(continued)

same number as the number of the ballot. *Except for ballots transmitted to voters having permanent absentee voter status, such ballots shall be transmitted to the absentee voter within two (2) business days of the receipt of such voter's application or within five (5) days of the receipt of the printed absentee ballots by the election officer, whichever occurs later. Such ballots shall be automatically transmitted to absentee voters having permanent absentee voter status for each election conducted within their precinct from and after the filing of original application pursuant to subsection (e) of K.S.A. 25-1122, and amendments thereto, within five days of the receipt of the printed absentee ballots by the county election officer.* In primary elections required to be conducted on a partisan basis, the election officer shall deliver to such voter the ballot of the political party requested in the application.

Sec. 4. K.S.A. 25-1122d and 25-1123 and K.S.A. 1983 Supp. 25-1122 are hereby repealed.

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

I hereby certify that the above BILL originated in the HOUSE, and passed that body March 5, 1984.

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

Passed the SENATE March 21, 1984.

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

APPROVED April 2, 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 3rd day of April, 1984.

(SEAL)

JACK H. BRIER
Secretary of State.

KANSAS FACTS

LAND AND NATURAL RESOURCES

Located in the heart of the nation, Kansas is a 208 by 411 mile rectangle. It rises from less than 700 feet above sea level in its southeastern corner to more than 4,100 feet at its western border and has a total of 82,264 square miles. Kansas ranks 14th among the states in geographic size. Because of its distance from east to west, Kansas has a great variation of climate, terrain, soil, native plants and animals, although most of the state lies within a region generally called the Great Plains.

The Grassland of the Great Plains was a natural habitat for the buffalo, or American Bison, whose numbers in early historic times have been estimated at 60 to 75 million. By 1830, after gunpowder had begun to take its toll, an estimated 40 million buffaloes remained—still very large numbers. Early explorers reported sighting herds containing as many as three or four million buffaloes. In 1871, Major Richard Irving

Dodge reported travelling at least 25 miles through one immense herd of buffaloes. The great herd "was about five days passing a given point, or not less than fifty miles deep," Dodge said.

The buffalo was the supermarket for the Indians of the Great Plains. Food, shelter, clothing, fuel, and some war materials could be fashioned from a buffalo carcass. The Plains Indian followed the buffalo for his livelihood. White hunters in later years slaughtered buffaloes for their hides, often leaving the carcasses to rot. However, many explorers, fur trappers and others enjoyed buffalo meat.

Today, Kansas hunters enjoy the opportunity to harvest a wide variety of game within the state. Because there is almost no wasteland, there are few areas outside those held by federal or state agencies as game preserves in which wildlife can exist completely unobstructed. Kansas boasts the largest flock of prairie chickens left on the North American Continent, and in quail and dove hunting Kansas ranks among the top five states. Also extensively sought by hunters are pheasant, turkey, duck, geese, coyote, deer, rabbit, squirrel, and other fur-bearing animals.

Fur-trapping is carried on for beaver, bobcat, racoon, opossum, skunk, muskrat, mink, badger, fox and coyote.

There are now more than 304,000 acres of public hunting and game management lands in Kansas. These units are scattered throughout the state within short driving distances for most hunters.

Good fishing abounds in Kansas, with a great variety of species found in the state's lakes and reservoirs. Largemouth Bass, Crappie, Channel Catfish, White Bass, Bluegill, Flathead Catfish, Kentucky or Spotted Bass, Striped Bass, Walleye and Northern Pike are all available from Kansas lakes and streams. Kansas' 24 beautiful federal reservoirs, together with many well-established state, county and city lakes, provide ample opportunity for angling enjoyment.

Kansas has 22 state parks located throughout the state with campsites which can be enjoyed overnight or for a longer period of time. Many of the more than 100 privately owned and operated campsites are located near lakes or streams and provide facilities for fishing, swimming, boating, skiing, picnicking, hiking, and all types of outdoor recreation. Many have restaurants, grocery stores and boat rental.

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