

# KANSAS REGISTER



State of Kansas

**JACK H. BRIER**  
Secretary of State

Vol. 3, No. 18

May 3, 1984

Pages 633-692

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



PHONE: 913/296-2236

**State of Kansas**  
**SOCIAL AND REHABILITATION SERVICES**  
**ADVISORY COMMISSION ON**  
**JUVENILE OFFENDER PROGRAMS**

**NOTICE OF MEETING**

The Advisory Commission on Juvenile Offender Programs will meet on Friday, May 11, 1984, at Booth Memorial, 2050 W. 11th St., Wichita, KS, at 9:00 a.m.

**ROBERT C. BARNUM**  
 Commissioner, Youth Services

Doc. No. 002131

**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 April 25:**

**SB 880**, by Committee on Ways and Means: An act concerning competency to stand trial; amending K.S.A. 1983 Supp. 22-3302 and repealing the existing section.

**SB 881**, by Committee on Ways and Means: An act relating to state governmental ethics; concerning restrictions on compensation in representation cases; amending K.S.A. 46-240 and repealing the existing section.

**SB 882**, by Committee on Ways and Means: An act making and concerning appropriations for the fiscal years ending June 30, 1984, and June 30, 1985; authorizing certain transfers and fees, imposing certain restrictions and limitations, and directing or authorizing certain receipts, disbursements, and acts incidental to the foregoing; amending sections 3, 7, 8 and 9 of 1984 House Bill No. 2805 and section 2 of 1984 House Bill No. 3093 and repealing the existing sections; and also repealing section 2 of 1984 Senate Bill No. 514 and section 25 of 1984 House Bill No. 2703.

**SB 883**, by Committee on Federal and State Affairs: An act repealing K.S.A. 21-4603, as amended by 1984 Senate Bill No. 499, relating to sentencing.

**SB 884**, by Committee on Federal and State Affairs: An act concerning marriage license fees; repealing K.S.A. 23-108 and 23-109 and K.S.A. 1983 Supp. 23-110, all as amended by 1984 House Bill No. 2055, and K.S.A. 1983 Supp. 28-171, as amended by 1984 Senate Bill No. 678.

**SB 885**, by Committee on Federal and State Affairs: An act amending the Kansas code for care of children; relating to liability for certain actions relating to reports and investigations of child abuse and neglect; amending K.S.A. 1983 Supp. 38-1526 and repealing the existing section.

**SB 886**, by Committee on Federal and State Affairs: An act concerning alcoholism, drug abuse and intoxication treatment; amending K.S.A. 65-4032 and K.S.A. 1983 Supp. 65-4003, 65-4028 and 65-4031, all as amended by 1984 House Bill No. 3026, and section 16 of 1984 Senate Bill No. 232 and repealing the existing sections; also repealing K.S.A. 1983 Supp. 64-4003, as amended by 1984 Senate Bill No. 539.

**SB 887**, by Committee on Ways and Means: An act authorizing the secretary of social and rehabilitation services to settle a civil lawsuit; making and concerning appropriations and directing certain transfers and disbursements therefor; imposing certain conditions, restrictions and limitations.

**HB 3125**, by Committee on Ways and Means: An act establishing the Kansas commission on crime and punishment; providing for recommendation of sentencing guidelines and other matters relating to criminal justice.

**HCR 5102**, by Committee on Ways and Means: A concurrent resolution declaring the need for active support to continue the role of small community hospitals in encouraging health care providers to locate in medically underserved areas of Kansas and directing that the University of Kansas Medical Center undertake a program to provide support for community hospitals.

**HCR 5103**, by Committee on Ways and Means: A proposition to amend article 11 of the constitution of the state of Kansas by adding a new section thereto relating to the levy of certain retailers' sales and compensating use taxes for the use and benefit of state correctional institutions and programs.

**HR 6190**, by Representatives Cribbs, Dean, Green, Grotewiel, Helgeson, Jarchow, M. Johnson, Justice, Laird, Leach, Love, Ramirez, Rezac, Shriver, Sughrue and Wagnon: A resolution providing for a special committee to make a legislative study concerning the nature, extent and effects of any inequities in the sentencing and imprisonment of persons convicted who are members of racial or ethnic minorities.

**HR 6191**, by Representatives Heinemann and R. Frey: A resolution proclaiming 1984 as the Year of the Secretary.

**State of Kansas**  
**SOCIAL AND REHABILITATION SERVICES**  
**NOTICE OF EPSDT**  
**ADVISORY COMMITTEE MEETING**

Notice is hereby given of the regular meeting of the Early and Periodic Screening, Diagnosis and Treatment (EPSDT) Advisory Committee meeting on Wednesday, May 25, 1984, at 1:30 p.m., in the Department of Social and Rehabilitation Services Board Room, 6th Floor, State Office Bldg., Topeka, KS.

**ROBERT C. HARDER**  
 Secretary of Social and Rehabilitation Services

Doc. No. 002132

(Published in the KANSAS REGISTER, May 3, 1984.)

**State of Kansas**  
**DEPARTMENT OF TRANSPORTATION**

**NOTICE TO CONTRACTORS**

Notice is hereby given that sealed proposals for the construction of road and bridge work in the following Kansas counties will be received at the office of the Chief of Construction and Maintenance, K.D.O.T., Topeka, Kansas, until 10:00 a.m., May 17, 1984 and then publicly opened:

**DISTRICT ONE—Northeast**

**Jackson—62-43 K 0399-01—1.060 miles grading, bituminous surfacing, seeding and two bridges, beginning approximately 1.72 miles north of the junction of K-62 and K-16, then north on K-62 (Federal Funds).**

**Jackson—62-43 K 0400-01—0.470 mile grading, bituminous surfacing and bridge, beginning approximately 4.230 miles north of the junction of K-62 and K-16, then north on K-62 (Federal Funds).**

**Leavenworth—52 U 0807-01—0.015 mile grading and bridge replacement on Shawnee Street over the south branch of Three Mile Creek in the City of Leavenworth (Federal Funds).**

Proposals will be issued upon request to all prospective bidders who have been prequalified by the Kansas Department of Transportation on the basis of financial condition, available construction equipment, and experience. Also, a statement of unearned contracts (Form No. 284) must be filed. There will be no discrimination against anyone regardless of race, religion, color, sex, physical handicap, national origin or ancestry in the award of contracts.

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

**JOHN B. KEMP**  
 Secretary of Transportation

Doc. No. 002098

State of Kansas

**DEPARTMENT OF ADMINISTRATION  
DIVISION OF  
ARCHITECTURAL SERVICES**

**NOTICE OF COMMENCEMENT  
OF NEGOTIATIONS  
FOR ENGINEERING SERVICES**

Notice is hereby given of the commencement of negotiations for engineering services for the design of an acoustical system for McCain Auditorium, KSU, Manhattan, Kansas. Services will include the supervision of the installation of said system, performance verification and equalization.

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

Questions or expressions of interest should be directed to Vincent J. Cool, Office of Facilities Planning, Dykstra Hall, KSU, Manhattan, KS 66506, telephone (913) 532-6377, prior to May 18, 1984.

JOHN B. HIPPI, AIA  
Director

Division of Architectural Services

Doc. No. 002133

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  
Goodnow Barn  
Kansas State Historical Society  
2224 Stone Post Road  
Manhattan, Kansas

Any questions or expressions of interest should be directed to Don Schultz, Division of Architectural Services, 625 Polk, Topeka, KS 66603, prior to May 18, 1984.

JOHN B. HIPPI, AIA  
Director

Division of Architectural Services

Doc. No. 002141

State of Kansas

**STATE BOARD OF  
INDIGENTS' DEFENSE SERVICES**

**TABLE OF REASONABLE AND  
NECESSARY LIVING EXPENSES**

Pursuant to the provisions of K.A.R. 105-4-2(c), the State Board of Indigents' Defense Services herewith publishes its table of reasonable and necessary living expenses to be used by the court in conjunction with other information to determine eligibility of persons for felony defense services (K.S.A. 22-4501. *et seq.*).

Size of Family Unit	Living Expenses Guideline
1	\$ 6,225
2	8,400
3	10,575
4	12,750
5	14,925
6	17,100
7	19,275
8	21,450

This table will be published in the *Kansas Register* in May of 1984 and at such other times thereafter as the federal poverty income guidelines are revised, subject to consideration and approval by the board.

RONALD E. MILES  
Director

Doc. No. 002120

State of Kansas

**SOCIAL AND REHABILITATION SERVICES  
KANSAS COMMISSION FOR THE DEAF  
AND HEARING IMPAIRED**

**NOTICE OF MEETING**

The members of the Kansas Commission for the Deaf and Hearing Impaired will meet on May 7, 1984, at Social and Rehabilitation Services' Staff Development Room C, from 10:00 a.m. to 4:00 p.m.

The agenda will include: call to order, adoption of agenda, approval of minutes of meeting of March 3, 1984, Executive Director's report, old business, new business, announcements and adjournment.

Sign language and voice interpreting will be provided. The meeting is open to the public.

The Kansas Commission for the Deaf and Hearing Impaired is presently preparing a long range plan to accomplish its legislative mandates. The public is invited to submit suggestions, needs, and/or concerns for consideration to the office of the Kansas Commission for the Deaf and Hearing Impaired by May 31, 1984.

Mail all suggestions, needs, and/or concerns to the Kansas Commission for the Deaf and Hearing Impaired, Biddle Bldg., 1st Floor, 2700 W. 6th St., Topeka, KS 66606.

ROBERT C. HARDER

Secretary of Social and Rehabilitation Services

Doc. No. 002130



State of Kansas

**SOCIAL AND REHABILITATION SERVICES  
ADVISORY COMMISSION ON  
MENTAL HEALTH AND  
RETARDATION SERVICES**

**NOTICE OF MEETING**

Notice is hereby given to all interested parties that the statutorily created Advisory Commission on Mental Health and Retardation Services will hold its regular meeting on May 11, 1984, at 10:00 a.m., in the Mental Health and Retardation Services Library, 5th Floor North, State Office Bldg., 915 Harrison, Topeka, KS 66612.

JULIETTE SCHWALLER, Chairperson  
Advisory Commission on Mental  
Health and Retardation Services

Doc. No. 002129

State of Kansas

**OFFICE OF THE GOVERNOR**

**EXECUTIVE ORDER NO. 84-72**

**CONCERNING AND CONTINUING  
IN EXISTENCE THE  
GOVERNOR'S COMMITTEE ON  
CRIME PREVENTION**

WHEREAS, crime is probably the most widely discussed social problem in the United States today; and  
WHEREAS, Kansans are fortunate to have been spared the waves of violent criminal activity that have occurred in more urbanized states, yet our citizens are likewise alarmed by the growing incidence of theft, vandalism, assault, and robbery; and

WHEREAS, criminal activity has literally robbed us of our property and destroyed the sense of security to which we are entitled; and

WHEREAS, if we are to begin finding solutions, we must focus our attention on preventive solutions; and

WHEREAS, every sheriff and police chief understands the most effective weapons available in the fight against property crime are the eyes and ears of citizens who care about their neighbors and are willing to participate in a systematic process of monitoring their neighborhood and reporting suspicious activity to law enforcement personnel; and

WHEREAS, by Executive Order No. 82-56, the Governor's Committee on Crime Prevention was established on February 9, 1982.

NOW, THEREFORE, pursuant to the authority vested in me as Governor and chief executive of the State of Kansas, I hereby continue in existence the governor's Committee on Crime Prevention. The Committee shall be composed of not more than fifteen members, who shall be appointed by the Governor and include individuals generally representative of the following sectors:

- A. Law Enforcement;
- B. Prosecuting Attorneys;

- C. The Judiciary;
- D. The Business Community; and
- E. The Public at Large.

Appointments by the Governor shall be from a list of nominees equal to three times the number of appointments to be made. Such list of nominees shall be submitted by the Attorney General upon the effective date of this Order and whenever a vacancy shall occur.

The Governor shall designate one of the members as Chairperson. The Committee shall meet on call of the Chairperson. The Committee shall continue to have the following charges:

- (1) Examine current crime prevention programs to determine which are most effective;
- (2) Determine the appropriate role for State government in prevention activities;
- (3) Establish a liaison between law enforcement, the business community, and the citizenry as it relates to crime prevention;
- (4) Determine how best to generate an individual sense of responsibility for crime prevention; and
- (5) Enhance and support existing local crime prevention projects and programs through coordination.

The Committee shall serve without compensation at the pleasure of the Governor. The Attorney General may recommend to the Governor that a member be removed from the Committee. Any member who shall be absent from more than two meetings of the Committee shall be subject to removal.

Staff support shall be provided by the Attorney General, the Kansas Bureau of Investigation and such other agencies as may be designated by the Governor.

Expenses of the Committee shall be paid by the Attorney General, the Kansas Bureau of Investigation or other agencies as may be designated by the Governor.

Meetings of the Committee shall be at least twice annually, upon call of the Chairperson and as approved by the Attorney General.

The Committee shall report to the Governor and the Attorney General at least annually its Report and Recommendations.

Executive Order No. 82-56 is hereby superseded by this Order and the force and effect of said Executive Order is hereby rescinded.

This document shall be filed with the Secretary of State as Executive Order No. 84-72 and shall become effective immediately.

Dated April 25, 1984.

JOHN CARLIN  
Governor

Attest: JACK H. BRIER  
Secretary of State

Doc. No. 002123

## State of Kansas

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

The Kansas Department of Health and Environment will reconsider its decision to deny the Certificate of Need application by the Cedars, McPherson, to replace and expand its existing facility. The hearing will be conducted on May 11, 1984, at 9:00 a.m., at the Kansas Department of Health and Environment, Building, 740, Forbes Field, Topeka. Any affected person will be allowed to testify or to cross examine the witnesses.

The Kansas Department of Health and Environment will also reconsider its decision to deny the Certificate of Need application by Rivendell of Kansas to develop and license a 48-bed psychiatric hospital. The hearing will be conducted on May 9, 1984, at 9:00 a.m., at the Kansas Department of Health and Environment, Building 740, Forbes Field, Topeka. Any affected person will be allowed to testify or to cross examine the witnesses.

BARBARA J. SABOL  
Secretary of Health and Environment

Doc. No. 002125

## State of Kansas

**ATTORNEY GENERAL****OPINION NO. 84-32**

**Counties and County Officers—County Attorneys—Duties; Prosecution of Violations of State Statute Occurring Within a City.** Morgan Metcalf, Butler County Attorney, El Dorado, April 11, 1984.

K.S.A. 19-702 provides that it is the duty of the county attorney to prosecute all cases arising out of the criminal statutes of this state which arise in his or her county. If such a violation occurs, it is immaterial whether it takes place within or without the limits of any city located in the county, or whether the officer issuing the citation or making the arrest is an employee of the city or county. In any violation of a state criminal statute, it is the function of the county attorney to prosecute, and such prosecution may not be declined, or additional conditions attached (*i.e.* payment of costs) on the grounds that the violation took place within the city. Cited herein: K.S.A. 1983 Supp. 8-1567, K.S.A. 12-4111, 12-4113, 19-702, 19-706b. JSS

**OPINION NO. 84-33**

**Elections—Filling of Vacancies—Vacancy in State Legislature.** Representative Theo Cribbs, Eighty-Ninth District, Topeka, April 12, 1984.

Kansas law provides that a vacancy occurring in the office of a state senator shall be filled by appointment by the governor of a person elected by a district convention held as provided in K.S.A. 25-3902. Although the applicable statutes do not establish a time limit for filling such a vacancy nor penalties or other

provisions for failure to fill a vacancy, such vacancies in public office are to be filled as soon as is reasonable and practicable to avoid leaving the office unoccupied for any extended period. Cited herein: Kansas Constitution, Art. 2, § 9, K.S.A. 25-3901, 25-3902, 25-3903. MFC

**OPINION NO. 84-34**

**Taxation—Miscellaneous Provisions—Budgets of Taxing Bodies; Application of Act.** James R. Cobler, Director, Division of Accounts and Reports, Department of Administration, Topeka, April 12, 1984.

As a general rule, a "special district" that certifies a tax levy or budget to another political subdivision, but which does not directly levy a tax, is not subject to the Kansas budget law, K.S.A. 1983 Supp. 79-2925 *et seq.* Cited herein: K.S.A. 19-2716, K.S.A. 1983 Supp. 19-27a01 *et seq.*, K.S.A. 1983 Supp. 79-2925, 80-1514, 80-1524, 80-1540. TRH

**OPINION NO. 84-35**

**Insurance—Administrative Rules and Regulations—Prohibition of Subrogation Clauses; Statutory Basis for Regulation.** Senator Elwaine F. Pomeroy, Eighteenth District, Topeka, April 20, 1984.

Pursuant to K.S.A. 40-103, the commissioner of insurance has authority to make all reasonable rules and regulations necessary to enforce the laws of this state relating to insurance. One such regulation, K.A.R. 40-1-20, prohibits the use of subrogation clauses in contracts of insurance which provide for reimbursement of medical, surgical, hospital or funeral expenses. While authorization for the promulgation of this rule and regulation is present in various statutes relating to insurance, the statutes cited in the regulation are not the statutes actually being implemented by the regulation. Accordingly, the rule and regulation is valid, but should be amended to correctly reflect the statutes being implemented. Cited herein: K.S.A. 40-103, 40-216, 40-287, 40-1110, 40-2201, 40-2203, 40-2204, 40-2208, 40-3113a, K.S.A. 1983 Supp. 44-504, 44-532, K.S.A. 60-217, K.S.A. 1983 Supp. 77-415, 77-416, K.A.R. 40-1-20. JSS

**OPINION NO. 84-36**

**Cities of the Third Class—General Provisions—City to Remain Part of Corporate Limits of Township.** John Eyer, Washington County Attorney, Washington, April 23, 1984.

K.S.A. 15-104 provides that cities of the third class "shall be and remain a part of the corporate limits of the townships in which the same are situated." However, said statutory provision does not operate retroactively so as to effect the status of cities which had become separate townships pursuant to L. 1905, ch. 126, § 1, and such cities are not part of the corporate limits of the townships in which the same are situated. Cited herein: K.S.A. 15-104. TRH

ROBERT T. STEPHAN  
Attorney General

Doc. No. 002124

(Published in the KANSAS REGISTER, May 3, 1984.)

State of Kansas

DEPARTMENT OF HUMAN RESOURCES

NOTICE OF REVIEW OF GRANT APPLICATIONS

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:

**KS840420-001-13217KS**—Application for Kansas Family Planning Project for \$1,256,500 by Bureau of Family Health, Kansas Dept. of Health and Environment, Forbes Field, Bldg. 740, Topeka, KS 66620, Attention: Joseph G. Hollowell, Jr., M.D.

**KS840420-002-13633WY**—Application for Products of AoA Discretionary Grants in Long Term Care: Indexed, annotated, computerized listing; for \$58,350. University of Kansas College of Health Science and Hospital, Long Term Care Gerontology Center, 39th and Rainbow, Kansas City, KS 66103, Attention: Russell C. Mills, Ph.D.

**KS840420-003-10418MN**—Application for water system improvements for a new supply, transmission line, treatment plant and high service pump station for \$1,247,877. City of Peabody, Susan Jacobs, 300 N. Walnut, Peabody, KS 66866.

**KS840420-004-66451CK**—Notification of EPA Superfund Remedial Action at Tar Creek site in Oklahoma affecting Cherokee County. Five alternative actions. Paul Sieminski, U. S. EPA Region VI, InterFirst Two Building, 1201 Elm St., Dallas, TX 75270, (214) 767-9762.

**KS840423-001-14221CR**—Application for Industrial Expansion funds coordinating UDAG funds from HUD—\$550,000; public works and development facility funds from EDA—\$600,000; CDBG funds from KDED—\$500,000; and CDBG funds from HUD—\$60,000. Total \$1,710,000 matched by \$1,700,000 from the industry. Mark Turnbull, Community Development and Housing Administration, 201 W. 4th, Pittsburg, KS 66762, (316) 232-1210.

**KS840423-002-20505SG**—Review of Unified Work Program / Transportation / Wichita-Sedgwick County. Fred S. Schwartz, Principal Planner, Metro-Area Planning Department, 10th Floor, City Hall, 455 N. Main, Wichita, KS 67202-1688, (316) 268-4561.

**KS840426-001-13628KS**—Application by the Dept. of Social and Rehabilitation Services to fund Parents Anonymous, Sexual Abuse Training and the Wichita Sexual Abuse Diversionary Program for \$82,625. Robert C. Harder, Secretary, Kansas Dept. of Social and Rehabilitation Services, State Office Bldg., Topeka, KS 66612.

**KS840426-002-13600SN**—Application for continuing funding for Shawnee County Head Start for \$589,250—a full day and part day full year program for 300 three and four year old children. David Marden, Shawnee County Community Assistance and Action, Inc., 605 Topeka Ave., Topeka, KS 66603.

JERRY SHELOR  
Secretary of Human Resources

NOTICE OF CALL FOR REDEMPTION TO THE HOLDERS OF CITY OF MANHATTAN, KANSAS COMMERCIAL REHABILITATION LOAN PROGRAM REVENUE BONDS (LOANS TO LENDERS) SERIES A THROUGH D, 1982 DATED JUNE 1, 1982

Notice is hereby given that pursuant to the Provisions of SECTION 8(A) of Ordinance No's 3957, 3958 and 3960 of the City of Manhattan, Kansas, that the above mentioned Bonds numbered:

SERIES B			
9	23	42	59
11	24	45	60
13	31	46	63
17	32	48	
18	35	51	
21	36	54	
SERIES C			
12	39	62	86
13	40	63	87
15	42	65	92
17	43	66	93
20	44	70	105
22	49	72	107
23	50	73	110
24	52	74	114
27	53	77	120
29	56	80	121
32	57	81	
34	58	82	
35	61	84	
SERIES D			
11	31	47	66
22	39	54	67
26	43	56	

maturing in the years 1985, 1986, 1987, 1988, 1989, 1990, 1991, 1992 and 1993 have been called for redemption and payment on June 1, 1984 at the offices of THE SOUTHWEST NATIONAL BANK OF WICHITA, TRUST DEPARTMENT, P.O. Box 1401, Wichita, Kansas 67201.

On such redemption date, there shall become due and payable on each of the above mentioned Bonds the redemption price thereof equal to 102% of the principal amount of each Bond together with interest accrued to the redemption date (upon the presentation and surrender of each such Bond and all appurtenant coupons). Interest shall cease to accrue on Bonds from and after June 1, 1984 and the interest coupons maturing after June 1, 1984 shall be void.

THE SOUTHWEST NATIONAL BANK OF WICHITA, WICHITA, KANSAS AS TRUSTEE FOR THE CITY OF MANHATTAN, KANSAS

By: E. GORDON JOHNSON  
Senior Vice President and Trust Officer

## 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, MAY 14, 1984

- #26013  
Winfield State Hospital and Training Center, Winfield—FROZEN EGGS
- #26020  
University of Kansas Medical Center, Kansas City—LAUNDRY SUPPLIES
- #26023  
Board of Regents' Institutions, Topeka—PERSONAL COMPUTER SYSTEM
- #57535  
University of Kansas Medical Center, Kansas City—EAR OXIMETERS
- #57537  
Kansas State University, Manhattan—NO-TILL DRILL, Southeast Experiment Station, Parsons
- #57538  
University of Kansas Medical Center, Kansas City—FLOOR SCRUBBING MACHINE
- #57540  
Kansas State University, Manhattan—TRACTOR/FRONT END LOADER, Horticulture Research Center, Wichita
- #57541  
University of Kansas Medical Center, Kansas City—CADAVER RACK AND TRAYS
- #57542  
University of Kansas Medical Center, Kansas City—RESPIRATORY THERAPY EQUIPMENT
- #57543  
University of Kansas Medical Center, Kansas City—MOBILE DISSECTING TABLES
- #57565  
University of Kansas Medical Center, Kansas City—HYPER-HYPOTHERMIA SYSTEMS
- #57593  
Kansas State University, Manhattan—COMPUTER PERIPHERALS
- #57597  
Wichita State University, Wichita—COMPUTERS AND ACCESSORIES
- #57685  
Department of Social and Rehabilitation Services, Topeka—8-PLY COTTON WETMOP YARN, Kansas Industries for the Blind

TUESDAY, MAY 15, 1984

#A-4644

- Kansas State School for the Visually Handicapped, Kansas City—PROVIDE ELECTRIC OPERATED SECURITY GATE
- #25744 (Supplement)  
University of Kansas Medical Center, Kansas City and Statewide—GLOVES, PACKS AND TRAYS (CLASS 06)
- #57544  
University of Kansas Medical Center, Kansas City—MOBILE ANGER DESIGN GAMMA CAMERA

#57545

University of Kansas Medical Center, Kansas City—CELL SAVER WITH VACUUM

#57549

University of Kansas Medical Center, Kansas City—VOLUME VENTILATOR AND CO2 MONITOR

#57552

Department of Transportation—PLANT MIX, BITUMINOUS MIXTURE, various locations

#57553

University of Kansas Medical Center, Kansas City—EXTERIOR WINDOW CLEANING SERVICE

#57556

University of Kansas Medical Center, Kansas City—HOT WATER HEATER AND REGULATOR

#57566

University of Kansas Medical Center, Kansas City—INFANT RESPIRATION/HEART RATE MONITORS

#57568

University of Kansas Medical Center, Kansas City—LAPIDUS AIRFLOAT SYSTEM

#57569

University of Kansas Medical Center, Kansas City—CATION RESIN

#57570

Kansas Fish and Game Commission, Pratt—COMPUTERIZED PHOTOTYPESETTER

#57572

Kansas State University, Manhattan—OPTICAL TABLE

#57573

Kansas State University, Manhattan—AA SPECTROPHOTOMETER

#57574

Department of Revenue, Topeka—ENVELOPES—TWO-WAY REGISTRATION RENEWAL

#57575

Department of Social and Rehabilitation Services, Topeka—POLYESTER BONDED BARRIER BATTING, Kansas Industries for the Blind, Kansas City

#57594

Kansas State University, Manhattan—MICROCOMPUTER SYSTEM

#57601

Kansas Reception and Diagnostic Center, Topeka—FURNISH AND INSTALL BARBED TAPED SECURITY DEVICE

#57750

Department of Corrections, Pre-Release Center, Winfield—TELECOMMUNICATIONS

WEDNESDAY, MAY 16, 1984

#25686 (Supplement)

University of Kansas Medical Center, Kansas City and Statewide—SURGICAL INSTRUMENTS, PARTS AND SUPPLIES (CLASS 05)

#25745 (Supplement)

University of Kansas Medical Center, Kansas City and Statewide—SYRINGES, NEEDLES, VACUTAINERS AND RELATED ARTICLES (CLASS 11)

#56895-A

Parsons State Hospital and Training Center, Parsons—METAL DOORS AND FRAMES

#57011-A

University of Kansas Medical Center, Kansas City—CATHETERS

#57564

University of Kansas Medical Center, Kansas City—HOSPITAL PH SYSTEM

(continued)

#57576  
Kansas State University, Manhattan—MICROCOM-  
PUTER SYSTEM

#57583  
Kansas State University, Manhattan—BIOHAZARD  
LAB CABINETS

#57584  
Fort Hays State University, Hays—PORTABLE  
STAGE AND ACCESSORIES

#57585  
University of Kansas, Lawrence—CASEMENT WIN-  
DOW ROTO-OPERATORS

#57586  
Department of Transportation, Chanute—PLANT  
MIX, BITUMINOUS MIXTURE, Coffeyville

#57592  
University of Kansas Medical Center, Kansas City—  
REBUILD AMSCO MODEL #1080 OPERATING  
TABLE

#57599  
University of Kansas Medical Center, Kansas City—  
ELEVATOR REPAIR

#57600  
University of Kansas, Lawrence—GENERATORS

#57602  
University of Kansas Medical Center, Kansas City—  
MICROSCOPES

#57603  
University of Kansas Medical Center, Kansas City—  
LAB REFRIGERATOR

#57606  
Department of Transportation, Hutchinson—GUARD  
RAIL

#57608  
Kansas State University, Manhattan—FURNISH AND  
INSTALL NEW WOOD FRONT ON BOOK SHELVES

#57609  
University of Kansas Medical Center, Kansas City—  
LUMBER, PLYWOOD AND FLAKEBOARD

#57643  
Kansas State University, Manhattan—PICKUP, Bots-  
wana (Republic of South Africa)

#### THURSDAY, MAY 17, 1984

#A-4929  
Kansas State University, Manhattan—ASBESTOS  
CEILING REMOVAL AND REPLACEMENT, Student  
Union Facility

#26014  
Department of Transportation, Topeka—VEHICLES  
TO TRANSPORT THE ELDERLY AND HANDI-  
CAPPED

#26019  
University of Kansas Medical Center, Kansas City—  
DOOR LOCKS AND CLOSERS

#57598  
Kansas State University, Manhattan—PHOTO-  
GRAPHIC SUPPLIES

#57604  
University of Kansas Medical Center, Kansas City—  
CENTRIFUGE

#57605  
Wichita State University, Wichita—MICROSCOPE

#57607  
Department of Transportation—LIGHT DUTY  
MOTOR GRADERS, various locations

#57619  
University of Kansas Medical Center, Kansas City—  
PHOTOMETRIC TITRATOR

#57620  
University of Kansas Medical Center, Kansas City—  
TRUCK PALLET

#57621  
Department of Human Resources, Topeka—CONTIN-  
UOUS FORMS—K-BEN 41, 44 AND 45

#57622  
Emporia State University, Emporia—SECURITY  
SYSTEM

#57639  
Kansas State University, Manhattan—SHOVEL  
DRILL

#57640  
Department of Transportation, Topeka—SLOPE  
MOWER AND TRACTOR

#57642  
Emporia State University, Emporia—MICROSCOPE  
AND ACCESSORIES

#57645  
University of Kansas Medical Center, Kansas City—  
PORTABLE PANEL SYSTEM

#57652  
Kansas Department of Revenue, Topeka—FURNISH  
LABOR AND MATERIALS FOR STRUCTURAL AND  
MECHANICAL RENOVATION OF WEIGH STA-  
TION-SCALE/PLATFORM, Kanorado

#### FRIDAY, MAY 18, 1984

#57623  
Larned State Hospital, Larned—TRANSCEIVERS

#57624  
Fort Hays State University, Hays—PROJECTORS

#57626  
Emporia State University, Emporia—HPLC APPA-  
RATUS

#57627  
Kansas State University, Manhattan—ARGON LASER

#57628  
Kansas Technical Institute, Salina—ELECTRONIC  
MEASURING DEVICE

#57629  
Kansas State University, Manhattan—LABOR AND  
MATERIALS TO INSTALL ALUMINUM ENTRANCE  
DOORS

#57635  
University of Kansas Medical Center, Kansas City—  
MICROTOME

#57636  
Department of Transportation—VALVE GRINDER  
SETS, various locations

#57637  
Department of Transportation—VALVE GRINDER,  
various locations

#57638  
Department of Transportation—DIESEL INJECTOR  
TESTER, various locations

#57641  
University of Kansas Medical Center, Kansas City—  
BLOOD CELL COUNTER

#57644  
University of Kansas, Lawrence—CARPET, PAD AND  
INSTALLATION

#57646  
Youth Center at Atchison, Atchison—LOUNGE FUR-  
NITURE

#57653  
Wichita State University, Wichita—MICROCOM-  
PUTER SYSTEMS

(continued)

#57654

Department of Social and Rehabilitation Services, Topeka—FURNISH AND REMODEL KANSAS VENDING FACILITY, Wichita

#57655

Kansas State University, Manhattan—SOYBEAN MEAL

#57656

Department of Transportation, Hutchinson—STEEL GUARD RAIL POSTS AND BLOCKS

#57657

Wichita State University, Wichita—HELIUM-NEON LASER

**WEDNESDAY, MAY 23, 1984**

#57590

Department of Human Resources, Topeka—DATA PROCESSING ENHANCEMENT SERVICES

**MONDAY, JUNE 4, 1984**

#57658

Kansas Fish and Game Commission, Pratt—SALE OF HAY, Glen Elder Wildlife Area

**MONDAY, AUGUST 27, 1984**

#57581

Department of Administration, Division of Printing, Topeka—SALE OF USED OFFSET PRESS

**NICHOLAS B. ROACH**  
Director of Purchases

Doc. No. 002128

(Published in the KANSAS REGISTER, May 3, 1984.)

**NOTICE OF BOND SALE**  
**\$150,841.95**  
**GENERAL OBLIGATION BONDS**  
**OF THE**  
**CITY OF PLAINVILLE, KANSAS**

The CITY OF PLAINVILLE, KANSAS will receive sealed bids at the OFFICE OF THE CITY CLERK, CITY HALL, 222 WEST MILL, PLAINVILLE, KANSAS, until 7:00 o'clock P.M. C.S.T., on

**TUESDAY, MAY 8, 1984**

for \$150,841.95 par value GENERAL OBLIGATION BONDS of the City, at which time and place such bids will be publicly opened. No oral or auction bids will be considered.

The Series A, 1984 Bonds will be dated as of May 1, 1984, and shall mature on November 1 in each of the years and in the amounts set forth below. Such Bonds shall consist of fully registered certificated Bonds, each in the denomination of \$5,000.00, or integral multiples thereof, except one Bond in the denomination of \$5,841.95, not exceeding the principal amount of Bonds maturing in each year. Interest will be payable semiannually, commencing May 1, 1985, and each November 1 and May 1 thereafter. The principal of, and premium, if any, on the Bonds shall be payable in lawful money of the United States of America, at the principal office of the Treasurer of the State of Kansas, (the Paying Agent and Bond Registrar) to the registered owners thereof upon presentation of the Bonds for payment and cancellation. Interest on the Bonds shall be payable in lawful money of the United States of America, by check or draft of the Paying Agent to

the registered owners appearing on the books maintained by the Bond Registrar as of the 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 City.

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

<i>Principal Amount</i>	<i>Maturity Date</i>
\$15,841.95	November 1, 1985
15,000.00	November 1, 1986
15,000.00	November 1, 1987
15,000.00	November 1, 1988
15,000.00	November 1, 1989
15,000.00	November 1, 1990
15,000.00	November 1, 1991
15,000.00	November 1, 1992
15,000.00	November 1, 1993
15,000.00	November 1, 1994

**Redemption**

Bonds maturing November 1, 1993, and thereafter, are subject to call for redemption and payment prior to their respective maturities at the option of the City on and/or after November 1, 1992, in whole at any time or in part in inverse order of maturity, and by lot within maturities, on any interest payment date, at the redemption price of 101%, plus accrued interest to the redemption date.

Notice of any call for redemption will be mailed to the registered owners of such Bonds to be redeemed at the address shown on the registration books maintained by the Bond Registrar not less than 30 days prior to the date fixed for such redemption and payment. Interest on the Bonds so called for redemption and payment will cease to accrue after the redemption date, provided notice has been given and funds are then available to pay the full redemption price thereof.

**Interest Rate**

Proposals will be received on the Bonds bearing such rate or rates of interest 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 three percent (3%). 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 (May 7, 1984), plus 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 City, and shall be addressed

(continued)



to the City at CITY HALL, 222 WEST MILL, PLAINVILLE, KANSAS 67663, ATTENTION: JERRY STAAB, CITY 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 City 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, CITY OF PLAINVILLE, KANSAS. In the event a bidder whose bid is accepted shall fail to carry out his Contract of Purchase, said deposit shall be retained by the City as liquidated damages. The checks of unsuccessful bidders will be returned promptly.

**Award of Bids**

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 City 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 City; 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 City; 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 22, 1984. The purchaser will be furnished with a complete 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 before MAY 31, 1984, at any bank in the STATE OF KANSAS or KANSAS CITY, MISSOURI, at the expense of the City. 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 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 City. Said legal opinion will state in part substantially that the Bonds will constitute general obligations of the City, payable as to both principal and interest in part from the collection of special assessments which have been levied on benefited property; but any portion of said specially assessed part not so paid, and the remainder of said principal and interest will be payable 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 City; 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 Bonds are being issued for the purpose of constructing certain street improvements in the City of Plainville, Kansas.

**CUSIP Identification Numbers**

CUSIP identification numbers will be printed on said Bonds. All expenses in relation to printing of CUSIP numbers on said 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 City.

**Assessed Valuation**

Assessed valuation figures for the City of Plainville, Kansas, for the year 1983, are as follows:

Equalized Assessed Valuation of Taxable	
Tangible Property .....	\$4,669,127
Tangible Valuation of Motor Vehicles .....	\$1,799,555
Tangible Valuation of Motor Vehicle Dealers' Inventory .....	\$ —0—
Assessed Valuation of Farm Machinery and Equipment (1982) .....	\$ —0—
Assessed Valuation of Business Aircraft (1982) .....	\$ 2,645
Equalized Assessed Tangible Valuation for Computation of Bonded Debt Limitations .....	\$6,471,327

**Bonded Indebtedness**

The total bonded indebtedness of the City of Plainville, Kansas, at the date hereof, including this \$150,841.95 proposed issue of Bonds, is in the amount of \$869,441.95. Of said amount, the City will retire \$184,500.00 of outstanding Temporary Notes from the proceeds of the Bonds, special assessments which have been collected in cash, and other available funds.

**Official Statement**

Additional copies of this Notice of Bond Sale, or copies of the City's Official Statement relating to the Bonds, or further information may be received from the office of the City Clerk, City of Plainville, Kansas 67663

CITY OF PLAINVILLE, KANSAS  
By: JERRY STAAB, City Clerk

Doc. No. 002122

(Published in the KANSAS REGISTER, May 3, 1984.)

**NOTICE OF BOND SALE  
\$100,000.00  
GENERAL OBLIGATION BONDS  
OF THE  
CITY OF HOWARD, KANSAS**

The CITY OF HOWARD, KANSAS will receive sealed bids at the OFFICE OF THE CITY CLERK, 110 NORTH PINE, HOWARD, KANSAS, until 7:30 o'clock P.M. C.S.T., on

**MONDAY, MAY 14, 1984**

for \$100,000.00 par value GENERAL OBLIGATION BONDS of the City, at which time and place such bids will be publicly opened. No oral or auction bids will be considered.

The Series A, 1984 Bonds will be dated as of June 1, 1984, and shall mature on December 1 in each of the years and in the amounts set forth below. Such Bonds shall consist of fully registered certificated Bonds, each in the denomination of \$1,000.00 or integral multiples thereof not exceeding the principal amount of Bonds maturing in each year. Interest will be payable semi-annually, commencing June 1, 1985, and each June 1 and December 1 thereafter. The principal of, and premium, if any, on the Bonds shall be payable in lawful money of the United States of America, at the principal office of the Treasurer of the State of Kansas, (the Paying Agent and Bond Registrar) to the registered owners thereof upon presentation of the Bonds for payment and cancellation. Interest on the Bonds shall be payable in lawful money of the United States of America, by check or draft of the Paying Agent to the registered owners appearing on the books maintained by the Bond Registrar as of the 15th day of the month 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 City.

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

<i>Principal</i>	<i>Maturity Date</i>
\$3,000	December 1, 1985
3,000	December 1, 1986
3,000	December 1, 1987
3,000	December 1, 1988
4,000	December 1, 1989
4,000	December 1, 1990
4,000	December 1, 1991
4,000	December 1, 1992
5,000	December 1, 1993
5,000	December 1, 1994
5,000	December 1, 1995
5,000	December 1, 1996
6,000	December 1, 1997
6,000	December 1, 1998
6,000	December 1, 1999
6,000	December 1, 2000
7,000	December 1, 2001
7,000	December 1, 2002
7,000	December 1, 2003
7,000	December 1, 2004

*Redemption*

Bonds maturing December 1, 1997, and thereafter, are subject to all for redemption and payment prior to their respective maturities at the option of the City on and/or after December 1, 1986, in whole at any time or in part in inverse order of maturity, and by lot within maturities, on any interest payment date, at the redemption price set forth below, plus accrued interest to the redemption date:

<i>Redemption Periods (Dated Inclusive)</i>	<i>Redemption Prices</i>
December 1, 1996-June 1, 2000	102%
December 1, 2000-December 1, 2003	101%
June 1, 2004 and thereafter	100%

Notice of any call for redemption will be mailed to the registered owners of such Bonds to be redeemed at the address shown on the registration books maintained by the Bond Registrar not less than 30 days prior to the date fixed for such redemption and payment. Interest on the Bonds so called for redemption and payment will cease to accrue after the redemption date, provided notice has been given and funds are then available to pay the full redemption price thereof.

*Interest Rate*

Proposals will be received on the Bonds bearing such rate or rates of interest 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 four percent (4%). 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 (May 7, 1984), plus 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 City, and shall be addressed to the City at 110 NORTH PINE, HOWARD, KANSAS 67349, ATTENTION: PATSY VAN SICKLE, CITY 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 City 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 the CITY OF HOWARD, KANSAS. In the event a bidder whose bid is accepted shall fail to carry out his Contract of Purchase, said deposit shall be retained by the City as liquidated damages. The checks of unsuccessful bidders will be returned promptly.

(continued)



*Award of Bids*

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 City 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 City; 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 City; and the Bonds will be sold subject to the unqualified approving opinion of WILLIAM P. TIMMERMAN, 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 JUNE 1, 1984. The purchaser will be furnished with a complete 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 before June 15, 1984, at any bank in the STATE OF KANSAS or KANSAS CITY, MISSOURI, at the expense of the City. Delivery elsewhere will be made at the expense of the purchaser.

*Legal Opinion*

Bids shall be conditioned upon the unqualified approving opinion of William P. Timmerman, Bond Counsel, Wichita, Kansas, a copy of which opinion will be printed on the reverse side of each Bond and a manually signed original 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 City. Said legal opinion will state in part substantially that the Bonds will constitute general obligations of the City, payable as to both principal and interest from ad valorem taxes which may be levied without limitation as to rate or amount upon all of the taxable tangible property within the territorial limits of the City; and that, under existing law, the interest on said Bonds is exempt from intangible personal property taxes levied by Kansas cities, counties and townships.

*Purpose of Issue*

The Bonds are being issued for the purpose of constructing certain internal improvements in the City of Howard, Kansas.

*Assessed Valuation and Bonded Indebtedness*

The Assessed Tangible Valuation of Howard, Kan-

sas, for computation of bonded debt limitation, is \$1,809,124.00. The total general obligation bonded indebtedness of the City, at the date hereof, including this \$100,000.00 proposed issue of Bonds, is in the amount of \$310,000.00. The City will retire \$110,975.00 of outstanding Temporary Notes from the proceeds of the Bonds and other available funds.

*Official Statement*

Additional copies of this Notice of Bond Sale, or copies of the City's Official Statement relating to the Bonds, or further information may be received from Mid-Continent Municipal Investments, Inc., 333 Century Plaza, Wichita, Kansas 67202, financial advisor to the City.

DATED APRIL 19, 1984.

CITY OF HOWARD, KANSAS  
By: PATSY VAN SICKLE  
City Clerk

Doc. No. 002121

(Published in the KANSAS REGISTER, May 3, 1984.)

**NOTICE OF BOND SALE**  
**CITY OF RUSSELL, KANSAS**  
**\$450,000 GENERAL OBLIGATION BONDS**  
**SERIES A1984 (Paving Project)**  
**SERIES B1984 (Airport Project)**  
**SERIES C1984 (Sanitary Sewer Project)**

The City of Russell, Kansas will receive sealed bids at the OFFICE OF THE CITY CLERK, CITY HALL, Post Office Box 112, RUSSELL, KANSAS 67665, until 4:00 o'clock P.M., C.D.T., on

May 15, 1984

for the purchase of Four Hundred Fifty Thousand Dollars (\$450,000) par value General Obligation Bonds (the "Bonds") of the City, at which time and place such bids will be publicly opened. No oral or auction bids will be considered.

The Series A, B and C, 1984 Bonds will be dated as of May 1, 1984 and shall mature on September 1 in each of the years and in the amounts set forth below. Such Bonds shall consist of fully registered certificated Bonds, each in the denomination of \$5,000.00 or integral multiples thereof not exceeding the principal amount of Bonds maturing in each year. Interest will be payable semiannually, commencing March 1, 1985, and each September 1 and March 1 thereafter. The principal of, and premium, if any, on the Bonds shall be payable in lawful money of the United States of America, at the principal office of the Treasurer of the State of Kansas, (the Paying Agent and Bond Registrar) to the registered owners thereof upon presentation of the Bonds for payment and cancellation. Interest on the Bonds shall be payable in lawful money of the United States of America, by check or draft of the Paying Agent to the registered owners appearing on the books maintained by the Bond Registrar as of the preceding February 15 and August 15 (the Record Dates). The fees of the Bond Registrar for registration and transfer of the Bonds shall be paid by the City.

(continued)

The Bonds will mature serially September 1 in the years and in accordance with the following schedule:

Maturity	Series A (Street Paving Project) Principal Amount	Series B (Airport Project) Principal Amount	Series C (Sanitary Sewer Project) Principal Amount
1985	\$ 25,000.00	\$ 10,000.00	\$ 5,000.00
1986	25,000.00	10,000.00	5,000.00
1987	25,000.00	10,000.00	5,000.00
1988	25,000.00	10,000.00	5,000.00
1989	30,000.00	10,000.00	5,000.00
1990	30,000.00	10,000.00	5,000.00
1991	30,000.00	10,000.00	5,000.00
1992	30,000.00	10,000.00	5,000.00
1993	30,000.00	15,000.00	10,000.00
1994	30,000.00	15,000.00	10,000.00
	\$280,000.00	\$110,000.00	\$60,000.00

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 repetition of a rate will not constitute one of said maximum number of rates. The same rate shall apply to all Bonds of the same maturity and no bid will be accepted for less than all Bonds in all three series. 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 percent (2%). No interest rate shall exceed the maximum interest rate allowed by Kansas law, said rate being two percent (2%) above the "Bond Buyer's 20 Bond Index," published in the *Weekly Bond Buyer* on Monday, May 14, 1984, and no bid of less than par and accrued interest will be considered.

Bids shall be submitted on the OFFICIAL BID FORM furnished by the City, and shall be addressed to the City of Russell, Post Office Box 112, Russell, Kansas 67665, 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 City 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 the Treasurer, City of Russell, Kansas. In the event a bidder whose bid is accepted shall fail to carry out his Contract of Purchase, said deposit shall be retained by the City as liquidated damages. The checks of unsuccessful bidders will be returned promptly.

The Bonds, duly printed, executed and registered, will be furnished and paid for by the City; and the Bonds will be sold subject to the unqualified approving opinion of NICHOLS AND WOLFE CHARTERED, Bond Counsel of Topeka, Kansas, whose opinion will be paid for by the City.

The number, denomination of Bonds and names of the initial registered owners shall be submitted in writing by the successful bidder to the Bond Registrar at least ten (10) days prior to the scheduled date of closing of the sale of the Bonds.

The purchaser will be furnished with a complete Transcript of Proceedings evidencing 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 before June 15, 1984, at any bank in the STATE OF KANSAS or KANSAS CITY, MISSOURI, at the expense of the City. Delivery elsewhere will be made at the expense of the purchaser.

The Bonds will constitute General Obligations of the City. The Series A1984 (Paving Project) Bonds are payable as to both principal and interest from the collection of special assessments which have been levied on benefited property; but if not so paid, then the principal of and interest on the Series A1984 (Paving Project) Bonds (as with the principal of and interest on the Series B1984 (Airport Project) and Series C1984 (Sanitary Sewer Project) Bonds) will be payable 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 City. The Series A1984 (Paving Projects), Series B1984 (Airport Project) and Series C1984 (Sanitary Sewer Project) Bonds are being issued for the respective purposes of financing the costs of certain street paving projects; extending, repairing and improving the municipal airport of the City; and constructing and otherwise making certain extensions of and improvements to the sanitary sewage disposal system of the City.

The sealed bids for the Bonds shall be opened publicly and only at the time and place specified in this Notice. The City 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 City; and the net interest cost will be determined by deducting any amount of any premium paid from the aggregate amount of interest upon all of the Bonds from their date until their respective maturities.

The assessed valuation of the City of Russell, Kansas, (including motor vehicles) for the year 1983 for the computation of bonded indebtedness limitations is \$15,446,155.

CUSIP identification numbers will be printed on the Bonds. All expenses incurred in connection with the printing of CUSIP numbers on the Bonds and the expenses of the CUSIP Service Bureau for the assignment of said numbers shall be paid for by the City.

The total general obligation bonded indebtedness of the City of Russell, Kansas, at the date hereof, including this proposed issue of Bonds in the amount of \$450,000, is in the amount of \$5,625,000. The City of Russell, Kansas has Temporary Notes outstanding in the total amount of \$465,000 which will be redeemed and paid from the proceeds of this proposed issue of Bonds and from other funds available to the City.

Additional copies of this Notice of Bond Sale or further information may be received from First Se-

(continued)

curities Company of Kansas Incorporated, Post Office Box 1321, Wichita, Kansas 67201, (Phone 316-262-4411), the City's financial advisor.

DATED April 17, 1984.

CITY OF RUSSELL, KANSAS  
By: JUDY SARGENT, City Clerk

Doc. No. 002126

State of Kansas

STATE CORPORATION COMMISSION

NOTICE PERTAINING TO  
MOTOR CARRIER HEARINGS  
BEFORE THE

STATE CORPORATION COMMISSION

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

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

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

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

Applications set for May 24, 1984—  
TOPEKA, KANSAS

**RENOTICED Application for Extension and Consolidation of Certificate of Convenience and Necessity currently in Routes 3368, 3839, 4347, 5461, 5657, 8744, 10078, 10873, 10889, 14313 and 15227 into Route 3248:**

- Becker Corporation ) Docket No. 34,414 M
- P.O. Box 1050 ) Route No. 3248
- El Dorado, KS 67042 ) Docket No. 34,980 M
- ) Route No. 3368
- ) Docket No. 41,812 M
- ) Route No. 3839
- ) Docket No. 49,689 M
- ) Route No. 4347
- ) Docket No. 60,875 M
- ) Route No. 5461
- ) Docket No. 60,514 M
- ) Route No. 5657
- ) Docket No. 91,189 M
- ) Route No. 8744
- ) Docket No. 99,555 M
- ) Route No. 10078
- ) Docket No. 98,475 M
- ) Route No. 10873
- ) Docket No. 102,685 M
- ) Route No. 10889
- ) Docket No. 116,208 M
- ) Route No. 14313
- ) Docket No. 119,509 M
- ) Route No. 15227

Applicant's Attorney: Rodney Peake, 1836 "M" St., Belleville, KS 66935

Acid,

Between Wyandotte County, KS, on the one hand, & points & places within KS, on the other; and, From Sedgwick County, KS, to all points in KS.

Agricultural chemicals, (not including fertilizer nor vermiculite in packages and containers, when moving in truck loads or as a part of a mixed load of fertilizer and agricultural chemicals),

Between all points & places in KS.

Alcohol, in bulk, in tank vehicles,

From all alcohol producing & supply points in KS, to all points & places in KS.

Alcohol, mixed with petroleum products, in bulk, in tank vehicles,

From all alcohol producing & supply points in KS, to all points & places in KS.

Alcohol, denatured alcohol,

From all points of supply to all points & places in the state of KS.

Anhydrous ammonia,

From Finney County, KS, to all points & places in KS.

From Ford County, KS, to all points & places in KS.

From McPherson County, KS, to all points in the state of KS.

From Sedgwick County, KS, to all points & places in KS.

Asphalt products, road asphalt and heavy fuel oil,

Between all points & places in the state of KS.

Boiler condensate (distilled water, in bulk, in tank vehicles),

Between Dickinson, Riley, Reno, Douglas, Jefferson, & Shawnee Counties, KS.

Cement, bulk or bagged,

Between all points & places in KS.

Chemicals,

Between points & places within Saline County, & between points & places within Saline County, on the one hand, & points & places within KS, on the other.

Dry chemicals, materials,

Between Cherokee County, KS, on the one hand, & all points & places in KS, on the other.

Coal, coal tar products and coke,

Between all points & places in KS.

Crude oil,

Between all points & places in the state of KS.

Feed and feed ingredients, liquid and dry,

Between points & places in KS.

Fertilizer, liquid fertilizer in tank vehicles, excluding anhydrous ammonia,

Between all points & places in the state of KS.

(continued)

*Dry fertilizer, dry fertilizer ingredients and materials,*

Between all points & places in the state of KS.

*Flyash,*

Between points & places in KS.

*Crude oil used in and for production, processing, treating, salvage, construction and for lease road purposes, fresh water and salt water,*

Between all points & places in Cheyenne, Sherman, Wallace, Greeley, Hamilton, Stanton, Morton, Rawlins, Thomas, Logan, Wichita, Kearny, Grant, Stevens, Decatur, Gove, Scott, Finney, Haskell, Sheridan, Lane, Gray, Seward, Meade, Norton, Graham, Trego, Ness, Hodgeman, Ford, Clark, Kiowa, Edwards, Stafford, Pawnee, Rush, Ellis, Rooks, Phillips, Smith, Osborne, Russell, Barton, Pratt, Kingman, Lincoln, Mitchell, Jewell, Republic, Cloud, Ottawa, Ellsworth, Rice, Reno, Sedgwick, McPherson, Harvey, Saline, Clay, Dickinson, Marion, Washington, Riley, Geary, Morris, Chase, Greenwood, Woodson, Coffey, Lyon, Osage, Marshall, Pottawatomie, Wabaunsee, Shawnee, Jackson, Nemaha, Brown & Butler Counties, KS.

*Grain,*

Between all points & places in KS.

*Greases and fats in bulk, in tank truck loads,*

From all points in KS, on the one hand, to Chase, Lyons & Wyandotte Counties, KS, on the other.

*Kiln dust,*

From Allen County, KS, to all points & places in KS.

*Liquefied petroleum gases, having a vapor pressure of not less than 40 pounds per square inch nor more than 200 pounds per square inch at a temperature of 100 degrees fahrenheit, in bulk, in tank truck loads,*

Between points & places in KS, in that territory bounded on the north by the KS-NE state line, & on the west by the KS-CO state line & on the east by State Hwy 14 from the KS-NE state line south to the OK state line, including points & places located on said Hwy.

*Petroleum products, in bulk,*

Between all points & places in the state of KS.

*Salt,*

Between all points & places in KS.

*Refined soybean oil,*

Between Sedgwick County, KS, on the one hand, & points & places in KS, on the other, over irregular routes.

\*\*\*\*\*

*Application for Extension of Certificate of Convenience and Necessity:*

Spirit Transportation, Inc. ) Docket No. 139,752 M  
Rt. 1, Box 99 M )  
Basehor, KS 66007 ) Route No. 22953

Applicant's Attorney: Donald J. Quinn II, Commerce Bank Bldg., 8901 State Line, Suite 232, Kansas City, MO 64114

*General commodities (except household goods and commodities in bulk),*

Between all points & places in KS bounded on the west by Interstate 35, on the north by the KS-NE state line, on the east by the KS-MO state line, & on the south by the KS-OK state line.

\*\*\*\*\*

*Application for Certificate of Convenience and Necessity:*

Frontier Resources ) Docket No. 141,586 M  
5510 E. 17th Ave. )  
Hutchinson, KS 67501 )

Applicant's Attorney: Robert Fox, 605 Wiley Bldg., P.O. Box 1868, Hutchinson, KS 67501

*Crude oil, used in and for production, processing, treating, salvage, construction and for lease road purposes, in bulk; fresh water, and salt water,*

Between points in the following counties: Reno, Rice, Stafford, Pratt, Kingman, Harper, Sumner, Sedgwick, Cowley, Butler, Harvey, McPherson, Barton, Marion & Ellsworth.

\*\*\*\*\*

*Application for Contract Carrier Permit:*

Yenom, Inc. ) Docket No. 141,620 M  
930 Cooper )  
Wichita, KS 67208 )

Applicant's Attorney: Bruce C. Harrington, Kansas Credit Union Bldg., 1010 Tyler, Suite 110-L, Topeka, KS 66612

*Communications equipment, materials and supplies,*

Between points & places in Sedgwick County, KS, on the one hand, & points & places in the state of KS, on the other hand.

Also,

Between points & places in the state of KS, on the one hand, & points & places in Sedgwick County, KS, on the other hand. Under contract with Southwestern Bell, of Wichita, KS.

\*\*\*\*\*

*Applications set for May 29, 1984—  
TOPEKA, KANSAS**Application for Certificate of Convenience and Necessity:*

Cement Hauling, Inc. ) Docket No. 141,213 M  
77 S. 7th St. )  
Kansas City, KS 66101 )

Applicant's Attorney: Arthur J. Cerra, 2100 Charter-Bank Center, P.O. Box 19251, Kansas City, MO 64141-2251

*Cement, in bulk,*

Between Allen County, KS, on the one hand, & all points & places in the following counties: Allen, Anderson, Bourbon, Coffey, Douglas, Franklin, John-

(continued)

son, Linn, Miami, Shawnee & Wyandotte, on the other hand.

*Fly-ash, in bulk,*

Between all points & places in Shawnee & Linn Counties, KS, on the one hand, & all points & places in Johnson & Wyandotte Counties, KS, on the other hand.

\*\*\*\*\*

**Application for Certificate of Convenience and Necessity:**

Northwest Auto Salvage, ) Docket No. 141,222 M  
Inc. )  
3059 N. Hoover )  
Wichita, KS 67205 )

Applicant's Attorney: None

*Wrecked, disabled, repossessed and replacement motor vehicles and trailers,*

Between all points in Sedgwick, Harvey, Butler, Sumner, Kingman, Reno & Marion Counties,

Also,

Between all points in the above counties, on the one hand, & on the other, all points in the state of KS.

\*\*\*\*\*

**Application for Amendment to Contract Carrier Permit:**

Renzenberger, Inc. ) Docket No. 139,020 M  
P.O. Box 3595 )  
Shawnee Mission, )  
KS 66203 ) Permit No. C 19-741

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

*Train crews and personnel of the Missouri-Pacific Railroad Co.,*

Between points & places in Norton, Phillips, Smith, Jewell, Republic, Washington, Marshall, Nemaha, Brown, Doniphan, Atchison, Rooks, Osborne, Mitchell, Cloud, Clay, Riley, Pottawatomie, Jackson, Jefferson, Leavenworth, Wyandotte, Geary, Wabaunsee, Greeley, Wichita, Scott, Lane, Ness, Rush, Marion, Chase, Stafford, Reno, Harvey, Pratt, Kingman, Sedgwick, Butler, Greenwood, Barber, Harper, Sumner & Cowley Counties, KS.

Also,

Between points & places in Norton, Phillips, Smith, Jewell, Republic, Washington, Marshall, Nemaha, Brown, Doniphan, Atchison, Rooks, Osborne, Mitchell, Cloud, Clay, Riley, Pottawatomie, Jackson, Jefferson, Leavenworth, Wyandotte, Geary, Wabaunsee, Greeley, Wichita, Scott, Lane, Ness, Rush, Marion, Chase, Stafford, Reno, Harvey, Pratt, Kingman, Sedgwick, Butler, Greenwood, Barber, Harper, Sumner & Cowley Counties, KS, on the one hand, & Shawnee, Douglas, Johnson, Wyandotte, Barton, Ellsworth, Saline, Dickinson, Morris, Lyon, Osage, Franklin, Miami, Rice, McPherson, Coffey, Anderson, Linn, Woodson, Allen, Bourbon, Wilson, Neosho, Crawford, Montgomery, Labette & Cherokee Counties, KS, on

the other hand. Under contract with Missouri Pacific Railroad Co., of Kansas City, MO.

\*\*\*\*\*

**Application for Extension to Eliminate Radii Description of Grain. Extension of Certificate of Convenience and Necessity to include Processed and Unprocessed Feeds and Seeds:**

James E. Selves ) Docket No. 98,412 M  
820 Hickory )  
Great Bend, KS 67530 ) Route No. 9994

Applicant's Attorney: None

*Grain, processed and unprocessed feeds and seeds,*

Between points & places in the following counties: Barton, Stafford, Rush, Pawnee, Ellsworth, Rice & Reno.

Also,

Between points & places in the following counties: Barton, Stafford, Rush, Pawnee, Ellsworth, Rice & Reno, on the one hand, & on the other, points in KS.

\*\*\*\*\*

**Applications set for May 31, 1984—  
TOPEKA, KANSAS**

**Application for Extension of Certificate of Convenience and Necessity:**

Groendyke Transport, Inc. ) Docket No. 42,135 M  
P.O. Box 632 )  
Enid, OK 73701 ) Route No. 3248

Applicant's Attorney: Don Hulst, P.O. Box 225, Lawrence National Bank Bldg., Lawrence, KS 66044

*Aircraft engines, transportation dollies and maintenance dollies,*

Between Sedgwick & Cowley Counties, KS.

\*\*\*\*\*

**Application for Transfer of Certificate of Convenience and Necessity:**

Elmo W. & Gary D. ) Docket No. 120,216 M  
Carlson, dba )  
Carlson Leasing Co. )  
1229 Clarke St. )  
Clay Center, KS 67432 ) Route No. 15461

TO:

Carlson Trucking, Inc.  
1229 Clarke St.  
Clay Center, KS 67432

Applicant's Attorney: None

*Dry animal and poultry feed and dry feed ingredients, and grain,*

Between points in Clay, Cloud, Thomas, Logan & Riley Counties, KS.

Also,

Between points in Clay, Cloud, Thomas, Logan & Riley Counties, KS, on the one hand, & on the other, points in KS.

(continued)

*Building materials & dry fertilizer,*

Between points in Clay, Cloud & Riley Counties, KS, on the one hand, & on the other, points in KS.

\*\*\*\*\*

*Application for Certificate of Convenience and Necessity:*

Robert Law, dba ) Docket No. 141,524 M  
 Robert Law Trucking )  
 5738 E. Harry )  
 Wichita, KS 67218 )  
 Applicant's Attorney: None

*Grain,*

Between Ford & Cowley Counties, KS.

Also,

Between all points & places in Ford & Kiowa Counties, KS, on the one hand, & all points & places in the state of KS, on the other hand.

\*\*\*\*\*

*Application for Extension of Certificate of Convenience and Necessity:*

Consolidated Transfer & ) Docket No. 100,985 M  
 Warehouse Co., Inc. )  
 1251 Taney St. )  
 N. Kansas City, MO 64116 ) Route No. 10450  
 Applicant's Attorney: John Jandera, 641 Harrison,  
 P.O. Box 1979, Topeka, KS 66601

*General commodities (except Classes A & B explosives, household goods, & commodities in bulk),*

Between points in Johnson, Wyandotte & Leavenworth Counties, KS, on the one hand, and, on the other, points in KS.

\*\*\*\*\*

*Application for Extension of Certificate of Convenience and Necessity:*

Ellsworth Motor Freight ) Docket No. 135,640 M  
 Lines, Inc. )  
 2120 N. 161st E. Ave. )  
 Tulsa, OK 74112 ) Route No. 20868  
 Applicant's Attorney: John Jandera, 641 Harrison,  
 P.O. Box 1979, Topeka, KS 66601

*Fly ash,*

Between Pottawatomie, Shawnee & Linn Counties, KS, on the one hand, and, on the other, points in KS.

\*\*\*\*\*

**Applications set for June 5, 1984—  
TOPEKA, KANSAS***Application for Abandonment of Certificate of Convenience and Necessity:*

James R. Heath ) Docket No. 67,693 M  
 Box 332 )  
 Kanopolis, KS 67454 ) Route No. 6127  
 Applicant's Attorney: None

*Application for Transfer of Certificate of Convenience and Necessity:*

Dean King, dba ) Docket No. 19,234 M  
 King's Moving & )  
 Storage Co. )  
 417 W. 1st )  
 McPherson, KS 67460 ) Route No. 1135  
 TO:  
 King's Moving & Storage, Inc.  
 417 W. 1st  
 McPherson, KS 67460  
 Applicant's Attorney: None

*Household goods,*

Over irregular routes in the state of KS.

*Following the transfer of Route 1135, and removal of radii references, the authority will read as follows:*

*Household goods,*

Between all points & places in KS.

\*\*\*\*\*

*Application for Transfer of Certificate of Convenience and Necessity:*

Spikes Commodities, Inc. ) Docket No. 113,621 M  
 P.O. Box 759 )  
 Hugoton, KS 67951 ) Route No. 14052  
 TO:  
 Martin Trucking, Inc.  
 Hugoton, KS 67951

Applicant's Attorney: Charles Briscoe, 1206 W. 10th,  
 Topeka, KS 66604

*Grain and soybeans,*

Between points in Grant, Haskell, Morton, Seward, Stanton & Stevens Counties, KS.

Also,

Between points in Grant, Haskell, Morton, Seward, Stanton & Stevens Counties, KS, on the one hand, & points in KS, on the other.

*Feed and feed ingredients,*

From points in Dickinson, McPherson & Barton Counties, KS, to points in Stanton, Morton, Grant, Stevens, Haskell, Seward & Meade Counties, KS.

*Mill feed and feed ingredients and grain; and grain products (except flour in bulk),*

Between points in KS.

\*\*\*\*\*

**Applications set for June 7, 1984—  
TOPEKA, KANSAS***Application for Certificate of Convenience and Necessity:*

Britannia Bus Lines, Ltd. ) Docket No. 141,520 M  
 125 N. Berniece )  
 Wichita, KS 67206 )  
 Applicant's Attorney: Jon Hansen, Suite 4, 731 N.  
 Water, Wichita, KS 67203

(continued)

*Persons and their baggage in charter party service,*  
Between points in Sedgwick County, KS, on the one  
hand, & points in KS, on the other.

\*\*\*\*\*

**Application for Transfer of Certificate of  
Convenience and Necessity:**

Marvin Dettmer ) Docket No. 30,312 M  
Leonardville, KS 66449 ) Route No. 2616  
TO:  
K.S.S. Truck Line, Inc.  
R.R. 5  
Manhattan, KS 66502  
Applicant's Attorney: None

*Livestock,*

Between all farms & rural locations within a 15-mile  
radius of Clay Center, KS, & the community sales at  
Clay Center, KS, on the one hand, & Topeka, Kansas  
City, Salina, Clay Center, Concordia, Manhattan,  
Junction City, Abilene & Beloit, KS, on the other.

*Hay and grain,*

Between all farms & rural locations within a 15-mile  
radius of Clay Center, KS, on the one hand, & all  
railroad shipping points within said radius, on the  
other.

*Processed mill feeds, in load lots of not less  
than 5,000 pounds,*

From Topeka, Salina, Hiawatha & Kansas City, KS,  
to Clay Center & farms & rural locations within a  
15-mile radius of Clay Center, KS.

*Livestock, dry processed & unprocessed feed, seed,  
grain & hay,*

Between all points & places within a 50-mile radius  
of Clay Center, KS.

Also,

Between all points & places within a 50-mile radius  
of Clay Center, KS, on the one hand, & all points &  
places in the state of KS, on the other.

\*\*\*\*\*

**Application for Extension to Eliminate Radii  
Description and Consolidate Route 3489  
into Route 2616,**

K.S.S. Truck Line, Inc. ) Docket No. 30,312 M  
R.R. 5 ) Route No. 2616  
Manhattan, KS 66502 ) Docket No. 37,061 M  
 ) Route No. 3489

Applicant's Attorney: None

*Livestock, hay, grain, feed, feed ingredients, seeds,  
dry fertilizer, farm machinery, building materials  
(except bulk cement), petroleum products  
(except in bulk),*

Between points in Washington, Republic, Cloud,  
Ottawa, Dickinson, Geary, Clay, Shawnee, Wabaun-  
see, Pottawatomie, Lyon, Marshall, Saline & Morris  
Counties;

Also,

Between said counties, on the one hand, & on the  
other, points in KS.

\*\*\*\*\*

**Application for Amendment to Contract  
Carrier Permit:**

S & H Transportation, Inc. ) Docket No. 121,403 M  
Southeast First St. )  
Box 137 )  
Wright City, MO 63390 ) Permit No. CF 13542  
Applicant's Attorney: Alex Lewandowski, 6th Floor  
Midland Bldg., 1221 Baltimore Ave., Kansas City,  
MO 64105-1961

*Commodities as are dealt with by retail food stores,*

Between Johnson County, KS, on the one hand, and,  
on the other, all points & places in the state of KS,  
under continuing contract with Aldi, Inc., of Olathe,  
KS.

\*\*\*\*\*

**Application for Contract Carrier Permit:**

Wilbur Landgraf & ) Docket No. 140,892 M  
Rebecca Landgraf )  
1609 "A" St. )  
Garden City, KS 67846 )  
Applicant's Attorney: Clyde Christey, 1010 Tyler St.,  
Suite 110-L, Topeka, KS 66612

*Liquid fertilizer solutions and dry fertilizer,*

Between Grant, Gray, Scott, Finney, Haskell &  
Wallace Counties in KS.

Also,

Between Grant, Gray, Scott, Finney, Haskell &  
Wallace Counties in KS, on the one hand, & points &  
places in the state of KS, on the other hand. Under  
contract with Blick's Agri Farm, Inc., of Scott City, KS.

*Liquid fertilizer solutions,*

From Finney County, KS to points in KS. Under  
contract with Chevron Chemical Co., of Mission, KS.

*Liquid fertilizer solutions and liquid  
fertilizer ingredients,*

Between Finney & Grant Counties in KS, on the  
one hand, & Kearny County, on the other hand. Under  
contract with T & G Fertilizer, of Lakin, KS.

\*\*\*\*\*

**Application for Transfer of Certificate of  
Convenience and Necessity:**

Jerry E. Miller, dba ) Docket No. 114,556 M  
Shawnee Mission Tow )  
Shawnee Mission, KS ) Route No. 13904  
TO:  
Gary M. Wyancko, dba  
Shawnee Mission Tow  
9903 W. 70th St.  
Shawnee Mission, KS 66203  
Applicant's Attorney: None

(continued)



*Wrecked and disabled vehicles,*

Between points & places within a 25-mile radius of Shawnee, KS.

\*\*\*\*\*

*Application for Extension to Eliminate Radii Description:*

Gary M. Wyancko, dba ) Docket No. 114,556 M  
Shawnee Mission Tow )  
9903 W. 70th St. )  
Shawnee Mission, )  
KS 66203 ) Route No. 13904

Applicant's Attorney: None

*Wrecked, disabled, repossessed and replacement motor vehicles and trailers,*

Between points & places in Leavenworth, Johnson & Wyandotte Counties, KS.

\*\*\*\*\*

*Application for Certificate of Convenience and Necessity:*

Michael W. Runyon, dba ) Docket No. 141,557 M  
Mike Runyon of Mike's )  
66 Service & Mike's 66 )  
Service #2 )  
805 E. Central & )  
2001 S. Oliver )  
Wichita, KS 67218 )

Applicant's Attorney: None

*Wrecked, disabled, repossessed and replacement motor vehicles and trailers,*

Between points & places in Sedgwick County, KS, on the one hand, & to points in the state of KS, on the other.

\*\*\*\*\*

WILLIAM E. GREEN  
Administrator  
Transportation Division

Doc. No. 002142

(Published in the KANSAS REGISTER, May 3, 1984.)

HOUSE BILL No. 3031

AN ACT relating to tobacco products; concerning taxation of cigarettes; relating to samples, sales and distribution of certain tobacco products; prohibiting certain acts and providing penalties for violations; amending K.S.A. 79-3302, 79-3313 and 79-3322 and repealing the existing sections.

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

Section 1. K.S.A. 79-3302 is hereby amended to read as follows: 79-3302. It is the purpose and intent of this act to levy a tax on cigarettes sold, distributed, conveyed or given away in this state, and to collect ~~same such~~ tax from the wholesale or retail cigarette dealer, who first sells, distributes or conveys ~~same the~~ cigarettes in the state of Kansas. It is further the intent and purpose of this act that where a wholesale dealer or manufacturer's ~~salesman~~ authorized representative gives away cigarettes for advertising or for any other purpose whatever, the ~~same~~ cigarettes shall be taxed in the same manner as if they were sold in this state, and that ~~said such~~ tax shall be paid in the manner prescribed by rules and regulations of the secretary of revenue.

Sec. 2. K.S.A. 79-3313 is hereby amended to read as follows: 79-3313. All cigarettes sold in this state shall be ~~put up~~ in packages, and each of ~~said the~~ packages shall bear evidence of payment of the tax thereon. ~~Provided, except~~ that any railroad or sleeping car company licensed as a retailer is hereby authorized to sell cigarettes upon its cars without affixing stamps to the packages of ~~same~~ cigarettes provided that monthly reports and payment of the tax due ~~shall be~~ is made directly to the director in the manner and under the terms provided for by ~~him or her~~. ~~Provided further, That the director.~~ In addition, manufacturers are hereby authorized to ~~give distribute~~ in the state, through their authorized representatives or wholesale dealers, free sample packages of cigarettes ~~containing not more than five (5) cigarettes containing less than 20 cigarettes~~ without affixing stamps to ~~said the~~ packages provided that monthly reports and payment of a tax at the ~~same~~ rates prescribed by law are made directly to the director. No wholesale dealer or manufacturers' ~~salesmen~~ authorized representatives shall sell or distribute cigarettes, ~~except free sample packages,~~ to any person in the state of Kansas not holding a dealer's license as provided in this act. Such packages of ~~five (5) sample~~ cigarettes or less shall bear the word "sample" or "not for sale" and "state tax paid" in letters easily read.

Whenever the director shall have reason to believe that any manufacturer has violated the provisions of this section or the conditions provided by the director, ~~said the~~ director shall conduct a hearing thereon in the office of the director at Topeka, after having given five (5) days' notice thereof to the manufacturer to be affected thereby. If upon the basis of such hearing it shall appear to the satisfaction of ~~said the~~ director that such manufacturer has violated any of the provisions of this section or the conditions provided by the director, ~~said the~~ director is hereby authorized to suspend or revoke the authorization to the manufacturer for such period as ~~he or she~~ the director shall deem fit but in no case for more than one year.

New Sec. 3. (a) It shall be unlawful for any person to sell or distribute smokeless tobacco to any person under 18 years of age.

(b) As used in this section, "smokeless tobacco" means any tobacco products, as defined by K.S.A. 79-3370 and amendments thereto, which are suitable for chewing.

Sec. 4. K.S.A. 79-3322 is hereby amended to read as follows: 79-3322. (a) Any person who ~~shall violate~~ violates any of the provisions of this act, except as otherwise provided in this act, shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not more than ~~one thousand dollars (\$1,000)~~ \$1,000 or be imprisoned ~~imprisonment~~ for not more than one year, or by both such fine and imprisonment. In addition thereto any person found liable for any license or permit fee or tax imposed under the provisions of this act shall be personally liable for such license or permit fee or tax plus a penalty in an amount equal to ~~one hundred percent (100%)~~ 100% thereof.

(b) Any person who violates this act by distributing sample cigarettes or sample smokeless tobacco to any person under 18 years of age shall be guilty of a misdemeanor and upon conviction shall be punished by a fine of not less than \$500 nor more than \$2,500 or imprisonment for not more than one year, or by both.

(c) Any agent, employees or others who aid, abet or otherwise participate in any way in the violation of this act or in any of the offenses hereunder punishable shall be guilty and punished as principals to the same extent as any person violating the act.

Sec. 5. K.S.A. 79-3302, 79-3313 and 79-3322 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.

House adopted Conference Committee report April 5, 1984.  
MIKE HAYDEN  
Speaker of the House.  
GENEVA SEWARD  
Chief Clerk of the House.  
(continued)



Passed the SENATE as amended March 29, 1984.  
Senate adopted Conference Committee report April 5, 1984.  
ROSS O. DOYEN  
*President of the Senate.*  
LU KENNEY  
*Secretary of the Senate.*

APPROVED April 20, 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 25th day of April, 1984.

JACK H. BRIER  
*Secretary of State.*

(SEAL)

(Published in the KANSAS REGISTER, May 3, 1984.)

HOUSE BILL No. 2666

AN ACT concerning legislative post audit; relating to access to books, records and other materials and documents of persons audited; amending K.S.A. 46-1114, K.S.A. 1983 Supp. 79-3234 and K.S.A. 46-1106, as amended by section 4 of 1984 House Bill No. 2664, and repealing the existing sections.

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

Section 1. K.S.A. 46-1106, as amended by section 4 of 1984 House Bill No. 2664, is hereby amended to read as follows: 46-1106. (a) A financial-compliance audit of every state agency shall be performed at least once every three years and more often if specifically provided by law or if so directed by the legislative post audit committee. Such audits shall be conducted according to generally accepted auditing standards. If a financial-compliance audit is performed by the post auditor, the post auditor shall make a full, complete and written report of each audit as may be directed by the legislative post audit committee. Books and accounts of the state treasurer and the director of accounts and reports, including the bond register of the state treasurer, may be examined monthly if such committee so determines, and such examination may include detailed checking of every transaction or test checking. A financial-compliance audit conducted pursuant to this subsection shall fulfill the requirements of subsection (b) of this section and of subsections (a) and (b) of K.S.A. 46-1107 and amendments thereto.

(b) If the financial-compliance audit is performed by the post auditor, the post auditor, under supervision of the legislative post audit committee, or, if the financial-compliance audit is performed by a firm or firms, the firm or firms in accordance with audit specifications shall determine whether all requirements of law with respect to the installation and use of accounting systems, books, records, forms, rules and regulations are being complied with by each state agency.

(c) The post auditor shall furnish a copy of the completed financial-compliance audit report of the state agency to the governor, director of accounts and reports, director of the budget, the state agency which is audited, the legislative post audit committee and other persons or agencies as may be required by law or by the specifications of the audit. Other written reports of the post auditor shall be furnished only in accordance with the directions of the legislative post audit committee, except as otherwise provided in this section. Any person receiving tax information under the provisions of this subsection shall be subject to the same duty of confidentiality imposed by law upon the personnel of the department of revenue and shall be subject to any civil or criminal penalties imposed by law for violations of such duty of confidentiality.

(d) The post auditor shall report immediately in writing to the legislative post audit committee, governor and attorney general whenever it appears in the opinion of the post auditor that there may have occurred any violation of penal statutes or any

instances of misfeasance, malfeasance or nonfeasance by a public officer or employee disclosed by any audit conducted under the legislative post audit act. The post auditor shall furnish the attorney general all information in the possession of the post auditor relative to any report referred to the attorney general. The attorney general shall institute and prosecute civil proceedings against any such delinquent officer or employee, or upon such officer or employee's official bond, or both, as may be needed to recover for the state any funds or other assets misappropriated. The attorney general shall also prosecute such ouster and criminal proceedings as the evidence in the case warrants. Any person receiving tax information under the provisions of this subsection shall be subject to the same duty of confidentiality imposed by law upon the personnel of the department of revenue and shall be subject to any civil or criminal penalties imposed by law for violations of such duty of confidentiality.

(e) The post auditor shall immediately report to the committee on surety bonds and insurance when any audit conducted under the legislative post audit act discloses a shortage in the accounts of any state agency, officer or employee.

(f) In the discharge of the duties imposed under the legislative post audit act, the post auditor may require state agencies to preserve and make available their accounts, records, documents, vouchers, requisitions, payrolls, canceled checks or vouchers and coupons, and other evidence of financial transactions.

(g) In the discharge of the duties imposed under the legislative post audit act, the post auditor or firm performing a financial-compliance audit shall have access to all books, accounts, records, files, documents and correspondence, confidential or otherwise, of any person or state agency subject to the legislative post audit act or in the custody of any such person or state agency. Except as otherwise provided in this subsection, the post auditor or firm performing a financial-compliance audit and all employees and former employees of the division of post audit or firm performing a financial-compliance audit shall be subject to the same duty of confidentiality imposed by law on any such person or state agency with regard to any such books, accounts, records, files, documents and correspondence, and any information contained therein, and shall be subject to any civil or criminal penalties imposed by law for violations of such duty of confidentiality. The duty of confidentiality imposed on the post auditor and on firms performing financial-compliance audits and all employees of the division of post audit and all employees of such firms shall be subject to the provisions of subsection (d) of this section, and the post auditor may furnish all such books, accounts, records, files, documents and correspondence, and any information contained therein to the attorney general pursuant to subsection (d) of this section. Upon receipt thereof, the attorney general and all assistant attorneys general and all other employees and former employees of the office of attorney general shall be subject to the same duty of confidentiality with the exceptions that any such information contained therein may be disclosed in civil proceedings, ouster proceedings and criminal proceedings which may be instituted and prosecuted by the attorney general in accordance with subsection (d) of this section, and any such books, accounts, records, files, documents and correspondence furnished to the attorney general in accordance with subsection (d) of this section may be entered into evidence in any such proceedings. Nothing in this subsection shall be construed to supersede any requirement of federal law.

(h) Any firm or firms which develop information in the course of performing a financial-compliance audit which the post auditor is required to report under subsection (d) or (e) shall immediately report such information to the post auditor. The post auditor shall then make the report required in subsection (d) or (e).

Sec. 2. K.S.A. 46-1114 is hereby amended to read as follows: 46-1114. (a) The legislative post audit committee is hereby authorized to direct the post auditor and the division of post audit to make an audit of any type described in K.S.A. 46-1107 or 46-1108, and amendments to these sections, of any records or matters of any person specified in this section, and may direct the object in detail of any such audit.

(continued)

(b) Upon receiving any such direction, the post auditor with the division of post audit, shall make such audit and all persons to which such audit relates shall make all books, accounts, contracts and other records relating thereto available for audit by the post auditor or any officer or employee of the division of post audit, in accordance with and subject to the provisions of shall have access to all books, accounts, records, files, documents and correspondence, confidential or otherwise, to the same extent permitted under subsection (g) of K.S.A. 46-1106 and amendments thereto, except that such access shall be subject to the limitations established under subsection (d) of this section.

(c) Audits authorized by this section are the following:

(1) Audit of any local subdivision of government or agency or instrumentality thereof which receives any distribution of moneys from or through the state.

(2) Audit of any person that who receives any grant or gift from or through the state.

(3) Audit of the contract relationships and the fiscal records related thereto of any person that who contracts with the state.

(4) Audit of any person which is to any significant degree controlled by any state agency or institution or which who is regulated or licensed by any state agency or who operates or functions for the benefit of any state institution, except that this subsection (c)(4) shall not include audit of any person regulated by the state corporation commission.

(d) (1) Access to all books, accounts, records, files, documents and correspondence, confidential or otherwise, as authorized under subsection (b) of this section of any nongovernmental person audited under authority of subsection (c)(2) of this section shall be limited to those books, accounts, records, files, documents and correspondence, confidential or otherwise, of such person to which the state governmental agency which administers the grant or gift and provides for the disbursement thereof is authorized under law to have access.

(2) Access to all books, accounts, records, files, documents and correspondence, confidential or otherwise, as authorized under subsection (b) of this section of any nongovernmental person audited under authority of subsection (c)(3) of this section shall be limited to those books, accounts, records, files, documents and correspondence, confidential or otherwise, of such person to which the state governmental agency which contracts with such person is authorized under law to have access.

(3) Access to all books, accounts, records, files, documents and correspondence, confidential or otherwise, as authorized under subsection (b) of this section of any nongovernmental person audited under authority of subsection (c)(4) of this section shall be limited to those books, accounts, records, files, documents and correspondence, confidential or otherwise, of such person to which the state governmental agency which regulates or licenses such person or the state institution on whose behalf such person operates or functions is authorized under law to have access.

Sec. 3. K.S.A. 1983 Supp. 79-3234 is hereby amended to read as follows: 79-3234. (a) All reports and returns required by this act shall be preserved for three years and thereafter until the director orders them to be destroyed.

(b) Except in accordance with proper judicial order, or as provided in subsection (c) of this section, subsection (g) of or K.S.A. 17-7511, and amendments thereto, or subsection (g) of K.S.A. 46-1106, and amendments thereto, or K.S.A. 46-1114, and amendments thereto, it shall be unlawful for the director, any deputy, agent, clerk or other officer, employee or former employee of the department of revenue or any other state officer or employee or former state officer or employee to divulge, or to make known in any way, the amount of income or any particulars set forth or disclosed in any report, return, federal return or federal return information required under this act; and it shall be unlawful for the director, any deputy, agent, clerk or other officer or employee engaged in the administration of this act to engage in the business or profession of tax accounting or to accept employment, with or without consideration, from any person, firm or corporation for the purpose, directly or indirectly, of preparing tax returns or reports required by the laws of the state of Kansas, by any other state or by the United States government,

or to accept any employment for the purpose of advising, preparing material or data, or the auditing of books or records to be used in an effort to defeat or cancel any tax or part thereof that has been assessed by the state of Kansas, any other state or by the United States government.

(c) Nothing herein shall be construed to prohibit the publication of statistics, so classified as to prevent the identification of particular reports or returns and the items thereof, or the inspection of returns by the attorney general or other legal representatives of the state. Nothing in this section shall prohibit the post auditor from access to all income tax reports or returns in accordance with and subject to the provisions of subsection (g) of K.S.A. 46-1106, and amendments thereto, or K.S.A. 46-1114, 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 income 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. Any person receiving any information under the provisions of this subsection shall be subject to the confidentiality provisions of subsection (b) of this section and to the penalty provisions of subsection (d) of this section.

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

(e) Notwithstanding the provisions of this section, the secretary of revenue may permit the commissioner of internal revenue of the United States, or the proper official of any state imposing an income tax, or the authorized representative of either, to inspect the income tax returns made under this act and the secretary of revenue may make available or furnish to the taxing officials of any other state or the commissioner of internal revenue of the United States or other taxing officials of the federal government, or their authorized representatives, information contained in income tax reports or returns or any audit thereof or the report of any investigation made with respect thereto, filed pursuant to the income tax laws, as the secretary may consider proper, but such information shall not be used for any other purpose than that of the administration of tax laws of such state, the state of Kansas or of the United States.

Sec. 4. K.S.A. 46-1114, K.S.A. 1983 Supp. 79-3234 and K.S.A. 46-1106, as amended by section 4 of 1984 House Bill No. 2664, are hereby repealed.

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

I hereby certify that the above BILL originated in the HOUSE, and passed that body January 27, 1984.

House adopted Conference Committee report April 3, 1984.

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

Passed the SENATE as amended March 22, 1984.

Senate adopted Conference Committee report April 3, 1984.

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

APPROVED April 19, 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 25th day of April, 1984.

JACK H. BRIER  
Secretary of State.

(SEAL)

(Published in the KANSAS REGISTER, May 3, 1984.)

SENATE BILL No. 578

AN ACT making and concerning appropriations for the fiscal year ending June 30, 1984, for the department of health and environment, Kansas correctional institution at Lansing, department of social and rehabilitation services, Osawatomie state hospital, Norton state hospital, department of transportation, state park and resources authority, state corporation commission, adjutant general, department on aging, Kansas highway patrol, Winfield state hospital and training center, Kansas neurological institute, state fire marshal, Larned state hospital and rainbow mental health facility; authorizing certain transfers, imposing certain restrictions and limitations, and directing or authorizing certain receipts and disbursements and acts incidental to the foregoing; amending section 7 of chapter 10 of the 1983 Session Laws of Kansas and repealing the existing section.

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

Section 1. For the fiscal year ending June 30, 1984, appropriations are hereby made, restrictions and limitations are hereby imposed, and transfers, receipts, disbursements and acts incidental to the foregoing are hereby directed or authorized as provided in this act.

Sec. 2.

DEPARTMENT OF HEALTH AND ENVIRONMENT

(a) The expenditure limitation established by section 16(b) of chapter 26 of the 1983 Session Laws of Kansas on the title XIX fund is hereby increased from \$976,300 to \$982,640.

(b) The expenditure limitation established by the state finance council on the federal air quality program fund is hereby increased from \$424,825 to \$524,825.

(c) The expenditure limitation established by the state finance council on the federal occupational health and safety statistics program fund is hereby increased from \$14,684 to \$20,884.

(d) The expenditure limitation established by the state finance council on the federal EPA underground injection control fund is hereby increased from \$200,625 to \$287,525.

(e) The expenditure limitation established by section 65 of chapter 26 of the 1983 Session Laws of Kansas on the diagnostic x-ray program—federal fund is hereby increased from \$12,720 to \$21,000.

(f) On the effective date of this act, of the \$8,411,994 appropriated for the above agency for the fiscal year ending June 30, 1984, by section 16(a) of chapter 26 of the 1983 Session Laws of Kansas from the state general fund in the salaries and wages account, the sum of \$10,075 is hereby lapsed.

(g) The position limitation established for the department of health and environment by the state finance council is hereby decreased from 573.2 to 572.2.

Sec. 3.

KANSAS CORRECTIONAL INSTITUTION AT LANSING

(a) There is appropriated for the above agency from the state general fund the following:

Operating expenditures ..... \$142,513

Sec. 4.

DEPARTMENT OF SOCIAL AND REHABILITATION SERVICES

(a) The expenditure limitation established by the state finance council on the alcoholism treatment fund is hereby increased from \$461,444 to \$536,538.

(b) The expenditure limitation established by the state finance council on the vocational rehabilitation and placement unit—federal fund is hereby increased from \$541,664 to \$554,517.

(c) The expenditure limitation established by the state finance council on the juvenile justice and delinquency act fund—federal is hereby increased from \$897,129 to \$1,391,312.

(d) The expenditure limitation established by the state finance council on the vocational rehabilitation—client assistance project—federal fund is hereby increased from \$22,029 to \$61,114.

(e) The expenditure limitation established by the state finance council on the community services block grant—federal fund is hereby increased from \$2,868,112 to \$3,448,306.

(f) The expenditure limitation established by the state finance council on the Kansas City area office—protective service grant—federal fund is hereby increased from \$72,492 to \$88,717.

(g) The expenditure limitation established by section 4(b) of chapter 15 of the 1983 Session Laws of Kansas on the community work experience program—federal fund is hereby increased from \$37,137 to \$52,329.

(h) The expenditure limitation established by the state finance council on the state operations account of the social services clearing fund is hereby increased from \$91,006,566 to \$92,133,673.

Sec. 5. On the effective date of this act, section 7 of chapter 10 of the 1983 Session Laws of Kansas is hereby amended to read as follows: Sec. 7.

OSAWATOMIE STATE HOSPITAL

(a) There is appropriated for the above agency from the state general fund the following:

Operating expenditures ..... \$9,706,890

Provided, That any unencumbered balance in excess of \$100 as of June 30, 1983, is hereby reappropriated for fiscal year 1984: Provided, however, That expenditures from such reappropriated balance shall not exceed \$64,707 except upon approval of the state finance council acting on this matter which is hereby characterized as a matter of legislative delegation and subject to the guidelines prescribed in subsection (c) of K.S.A. 75-3711c and amendments thereto.

(b) There is appropriated for the above agency from the following special revenue funds all moneys now or hereafter lawfully credited to and available in such funds, except that expenditures other than refunds authorized by law shall not exceed the following:

Osawatomie state hospital fee fund .....	\$2,521,805
Title XIX fund .....	1,232,502
Elementary and secondary education fund—federal .....	51,980
Canteen fund .....	No limit
Patient benefit fund .....	No limit

(c) There is appropriated for the above agency from the state institutions building fund the following:

Replace two ice machines—Biddle and Adair kitchens .....	\$9,200
Convert existing refrigeration unit to freezer unit in supply building .....	50,000
Raze old sewage disposal plant .....	20,000
Planning for administration building .....	200,000

Provided, That expenditures may be made from this account for preliminary planning for construction of a new administration building; Provided further, That no expenditures shall be made from this account for final planning for construction of a new administration building or planning for remodeling of an employee dormitory for administration except upon approval of the state finance council, after consultation with the joint committee on state building construction; acting on this matter which is hereby characterized as a matter of legislative delegation and subject to the guidelines prescribed in subsection (c) of K.S.A. 75-3711c and amendments thereto final planning for construction of a new administration building.

Replace wall lockers—Adair complex .....	25,000
Total .....	\$304,200

(d) Any unencumbered balance as of June 30, 1983, in each of the following accounts of the state institutions building fund is hereby lapsed: Replace exterior wood doors—Adair complex; purchase and install two sewage pumps, one sump pump, check valves and modify piping—west sewage system lift station; purchase and install two sewage pumps, one sump pump, check valves and modify piping at sewage system lift station—phase II; seal concrete canopies—Adair complex; refurbish power plant water softener; repair air conditioning equipment in Rush building.

(e) On July 1, 1983, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer \$1,232,502 from the institutional receipts from title XIX—federal fund of mental health and retardation services to the title XIX fund of Osawatomie state hospital.

(f) Upon request of the superintendent or as soon thereafter as moneys are available, the director of accounts and reports shall transfer \$15,000 from the canteen fund to the patient benefit fund.

(continued)

Sec. 6.

NORTON STATE HOSPITAL

(a) The expenditure limitation established by section 10(b) of chapter 10 of the 1983 Session Laws of Kansas on the Norton state hospital fee fund is hereby increased from \$484,226 to \$514,330.

Sec. 7.

DEPARTMENT OF TRANSPORTATION

(a) The above agency is hereby authorized to make expenditures from the state railroad planning and assistance—federal fund for payment of federal loan moneys received from the federal railroad administration under section 505 of the railroad revitalization and regulatory reform act of 1976, as amended, to the mid-states port authority for acquisition or rehabilitation of railroad facilities, except that no expenditures may be made from this fund for payment of such federal loan moneys except upon approval of the state finance council acting on this matter which is hereby characterized as a matter of legislative delegation and subject to the guidelines prescribed in subsection (c) of K.S.A. 75-3711c and amendments thereto, which approval also may be given when the legislature is in session.

Sec. 8.

STATE PARK AND RESOURCES AUTHORITY

(a) In addition to the capital improvement projects for which expenditures may be made for fiscal year 1984 from the land and water conservation fund—state, as prescribed by section 4(b) of chapter 9 of the 1983 Session Laws of Kansas, the state park and resources authority is hereby authorized to make expenditures for fiscal year 1984 from such fund for the following capital improvement project, subject to the expenditure limitation prescribed therefor:

Sand Hills state park—FY 1984 capital improvements. . . . . \$10,000

(b) There is appropriated for the above agency from the following special revenue fund all moneys now or hereafter lawfully credited to and available in such fund, except that expenditures other than refunds authorized by law shall not exceed the following:

Sand Hill state park—gifts and donations fund . . . . . No limit

(c) There is appropriated for the above agency from the state general fund the following:

State park operations . . . . . \$14,500

Sec. 9.

STATE CORPORATION COMMISSION

(a) The expenditure limitation established by section 3(a) of 1984 Senate Bill No. 577 on the public service regulation fund is hereby increased from \$3,602,714 to \$3,605,845.

(b) The expenditure limitation established by the state finance council on the conservation fee fund is hereby increased from \$2,838,691 to \$2,891,878.

(c) The expenditure limitation established by section 3(c) of 1984 Senate Bill No. 577 on the mined-land conservation and reclamation fee fund is hereby increased from \$132,550 to \$135,050.

(d) The expenditure limitation established by the state finance council on the salaries and wages account of the mined-land conservation and reclamation fee fund is hereby increased from \$96,878 to \$99,378.

(e) The expenditure limitation established by section 3(d) of 1984 Senate Bill No. 577 on the national surface mining control and reclamation act—federal fund is hereby increased from \$109,193 to \$111,693.

(f) The expenditure limitation established by the state finance council on the salaries and wages account of the national surface mining control and reclamation act—federal fund is hereby increased from \$79,250 to \$81,750.

Sec. 10.

ADJUTANT GENERAL

(a) There is appropriated for the above agency from the state general fund the following:

Kansas City armory—natural gas line replacement . . . . .	\$22,430
Matching public property assistance grants . . . . .	30,000
Total . . . . .	\$52,430

Sec. 11.

DEPARTMENT ON AGING

(a) There is appropriated for the above agency from the state general fund the following:

Program grants to qualified organizations . . . . .	\$15,000
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Sec. 12.

KANSAS HIGHWAY PATROL

(a) The expenditure limitation established by the state finance council on the state highway patrol fund is hereby decreased from \$16,574,800 to \$16,517,988.

Sec. 13.

WINFIELD STATE HOSPITAL AND TRAINING CENTER

(a) There is appropriated for the above agency from the state general fund the following:

Operating expenditures . . . . .	\$177,992
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(b) The expenditure limitation established by section 13(b) of chapter 10 of the 1983 Session Laws of Kansas on the Winfield state hospital and training center fee fund is hereby decreased from \$1,722,276 to \$1,605,784.

Sec. 14.

KANSAS NEUROLOGICAL INSTITUTE

(a) There is appropriated from the state general fund for the above agency the following:

Operating expenditures . . . . .	\$14,332
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Sec. 15.

STATE FIRE MARSHAL

(a) On the effective date of this act, of the \$1,111,659 appropriated for the above agency by section 56(a) of chapter 26 of the 1983 Session Laws of Kansas from the state general fund in the fire safety and prevention account, the sum of \$3,724 is hereby lapsed.

(b) The expenditure limitation established by section 56(b) of chapter 26 of the 1983 Session Laws of Kansas on the fire inspection—social security act—federal fund is hereby increased from \$72,276 to \$76,000.

Sec. 16.

LARNED STATE HOSPITAL

(a) The expenditure limitation established by section 6(b) of chapter 10 of the 1983 Session Laws of Kansas on the Larned state hospital fee fund is hereby increased from \$1,313,766 to \$1,556,314.

Sec. 17.

RAINBOW MENTAL HEALTH FACILITY

(a) The expenditure limitation established by section 8(b) of chapter 10 of the 1983 Session Laws of Kansas on the rainbow mental health facility fee fund is hereby increased from \$498,941 to \$622,747.

Sec. 18. *Position limitations.* The limitations imposed by this act on the number of full-time and regular part-time positions equated to full-time, excluding seasonal and temporary positions, paid from appropriations made in this act or in any appropriations act of the 1983 regular session of the legislature or in any other appropriations act of the 1984 regular session of the legislature may be exceeded upon approval of the state finance council acting on this matter which is hereby characterized as a matter of legislative delegation and subject to the guidelines prescribed in subsection (c) of K.S.A. 75-3711c and amendments thereto.

Sec. 19. *Appeals to exceed limitations.* Upon written application to the governor and approval of the state finance council acting on this matter which is hereby characterized as a matter of legislative delegation and subject to the guidelines prescribed in subsection (c) of K.S.A. 75-3711c and amendments thereto, ex-

(continued)

penditures from special revenue funds may exceed the amounts specified in this act.

Sec. 20. On the effective date of this act, section 7 of chapter 10 of the 1983 Session Laws of Kansas is hereby repealed.

Sec. 21. Effective date. 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 21, 1984.

Senate adopted Conference Committee report April 5, 1984.
ROSS O. DOYEN
President of the Senate.
LU KENNEY
Secretary of the Senate.

Passed the HOUSE as amended March 30, 1984.
House adopted Conference Committee report April 4, 1984.
MIKE HAYDEN
Speaker of the House.
GENEVA SEWARD
Chief Clerk of the House.

APPROVED April 19, 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 25th day of April, 1984.

JACK H. BRIER
Secretary of State.

(Published in the KANSAS REGISTER, May 3, 1984.)

HOUSE BILL No. 2703

AN ACT making and concerning appropriations for the fiscal year ending June 30, 1984, for the department of economic development, Kansas public employees retirement system, department of revenue, state board of pharmacy, department of human resources, department of education, state library, department of revenue—school district income tax fund, university of Kansas medical center, crime victims reparations board, attorney general—Kansas bureau of investigation, state board of cosmetology, Kansas state university, Emporia state university, Pittsburg state university, university of Kansas, Wichita state university, state board of agriculture, board of state fair managers, Kansas animal health department, Fort Hays state university, Kansas arts commission, state board of embalming, state board of healing arts, state board of technical professions, attorney general, Kansas state penitentiary and Kansas fish and game commission; authorizing certain transfers, imposing certain restrictions and limitations, and directing or authorizing certain disbursements and acts incidental to the foregoing.

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

Section 1. For the fiscal year ending June 30, 1984, appropriations are hereby made, restrictions and limitations are hereby imposed, and transfers, disbursements and acts incidental to the foregoing are hereby directed or authorized as provided in this act.

Sec. 2.

DEPARTMENT OF ECONOMIC DEVELOPMENT

(a) There is appropriated for the above agency from the state general fund the following:

Kansas industrial training program . . . . . \$125,000

(b) The position limitation established by section 45(d) of chapter 26 of the 1983 Session Laws of Kansas for the department of economic development is hereby increased from 48.0 to 58.0.

(c) The expenditure limitation established by section 8(a) of chapter 24 of the 1983 Session Laws of Kansas on expenditures for official hospitality from the general administration account of the state general fund is hereby increased from \$3,000 to \$5,500.

Sec. 3.

KANSAS PUBLIC EMPLOYEES RETIREMENT SYSTEM

(a) There is appropriated for the above agency from the state general fund the following:

For actuarial valuations of local police and fire pension plans . . . . . \$5,000

Sec. 4.

DEPARTMENT OF REVENUE

(a) There is appropriated for the above agency from the state general fund the following:

Salaries and wages . . . . . \$196,000

(b) The expenditure limitation established by the state finance council on the division of vehicles operating fund is hereby increased from \$14,172,482 to \$14,522,482.

(c) The expenditure limitation established by the state finance council on the salaries and wages account of the division of vehicles operating fund is hereby increased from \$8,925,883 to \$9,275,883.

Sec. 5.

STATE BOARD OF PHARMACY

(a) The expenditure limitation established by the state finance council on the state board of pharmacy fee fund is hereby increased from \$221,719 to \$227,719.

Sec. 6.

DEPARTMENT OF HUMAN RESOURCES

(a) On the effective date of this act, of the \$1,861,628 appropriated for the above agency by section 7(a) of chapter 24 of the 1983 Session Laws of Kansas from the state general fund in the salaries and wages account, the sum of \$57,592 is hereby lapsed.

(b) On the effective date of this act, of the \$216,665 appropriated for the above agency by section 7(a) of chapter 24 of the 1983 Session Laws of Kansas from the state general fund in the other operating expenditures account, the sum of \$5,000 is hereby lapsed.

(c) The expenditure limitation established by section 7(b) of chapter 24 of the 1983 Session Laws of Kansas on the employment security administration fund for the operating expenditures of the work incentive program is hereby increased from \$997,718 to \$1,158,526.

(d) Any transfers of any work incentive program moneys from the employment security administration fund to other state agencies shall be in addition to any expenditure limitation imposed on this fund.

(e) The expenditure limitation established by section 7(b) of chapter 24 of the 1983 Session Laws of Kansas on the expenditures of moneys made available to the state under section 903 of the social security act, as amended, account of the employment security fund is hereby increased from \$391,969 to \$421,259.

(f) The expenditure limitation established by section 7(b) of chapter 24 of the 1983 Session Laws of Kansas on the Kansas veterans' commission fund is hereby increased from \$85,000 to \$90,000.

(g) The expenditure limitation established by section 7(b) of chapter 24 of the 1983 Session Laws of Kansas on the special employment security fund is hereby decreased from no limit to \$0. Any expenditures from the special employment security fund for purposes specified in K.S.A. 44-716a and amendments thereto shall be in addition to any expenditure limitation imposed on this fund.

(h) The expenditure limitation established by the state finance council on the job training partnership act—title II-A—disadvantaged training fund is hereby decreased from no limit to \$7,972,700.

(i) The expenditure limitation established by the state finance council on the job partnership training act—title II-B—summer youth training fund is hereby decreased from no limit to \$2,232,969.

(j) The expenditure limitation established by the state finance council on the job partnership training act—title III—dislocated workers fund is hereby decreased from no limit to \$1,307,210.

(k) The position limitation established by the state finance council on all other personnel of the department of human resources is hereby decreased from 1,040.1 to 1,034.1.

(continued)



Sec. 7.

DEPARTMENT OF EDUCATION

(a) There is appropriated for the above agency from the state general fund the following:

Fort Leavenworth school district .....	\$53,648
Municipal university fund .....	117,077
Special education services aid .....	287,550
Total .....	\$458,275

(b) On the effective date of this act, of the \$9,192,800 appropriated for the above agency by section 6(a) of chapter 19 of the 1983 Session Laws of Kansas from the state general fund in the special education transportation aid account, the sum of \$287,550 is hereby lapsed.

(c) On the effective date of this act, of the \$665,770 appropriated for the above agency by section 6(a) of chapter 19 of the 1983 Session Laws of Kansas from the state general fund in the municipal university out-district state aid account, the sum of \$61,125 is hereby lapsed.

(d) On the effective date of this act, of the \$38,502,385 appropriated for the above agency by section 6(a) of chapter 19 of the 1983 Session Laws of Kansas from the state general fund in the state school transportation aid account, the sum of \$329,873 is hereby lapsed.

(e) On the effective date of this act, of the \$10,000,000 appropriated for the above agency by section 6(a) of chapter 19 of the 1983 Session Laws of Kansas from the state general fund in the post-secondary aid for vocational education account, the sum of \$74,380 is hereby lapsed.

Sec. 8.

STATE LIBRARY

(a) There is appropriated for the above agency from the following special revenue fund all moneys now or hereafter lawfully credited to and available in such fund, except that expenditures other than refunds authorized by law shall not exceed the following:

Nutrition education and training grants to libraries—federal fund.	\$28,000
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Sec. 9.

DEPARTMENT OF REVENUE—SCHOOL DISTRICT INCOME TAX FUND

(a) The expenditure limitation established by section 7(b) of chapter 26 of the 1983 Session Laws of Kansas on the school district income tax fund is hereby increased from \$91,380,000 to No limit.

Sec. 10.

UNIVERSITY OF KANSAS MEDICAL CENTER

(a) There is appropriated for the above agency from the university of Kansas hospital fund the following:

Moveable patient care equipment for neonatal intensive care unit .....	\$100,000
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(b) On June 30, 1984, any unencumbered balance in the renovation of old hospital areas account of the federal revenue sharing fund is hereby lapsed.

Sec. 11.

CRIME VICTIMS REPARATIONS BOARD

(a) The expenditure limitation established by section 13(b) of chapter 26 of the 1983 Session Laws of Kansas on the crime victims reparations fund is hereby increased from \$255,750 to \$294,000.

Sec. 12.

ATTORNEY GENERAL—KANSAS BUREAU OF INVESTIGATION

(a) There is appropriated for the above agency from the state general fund the following:

Acquisition of laboratory equipment .....	\$95,340
---	----------

(b) On the effective date of this act, of the \$3,126,462 appropriated for the above agency for the fiscal year ending June 30, 1984, by section 4(a) of chapter 24 of the 1983 Session Laws of Kansas from the state general fund in the salaries and wages account, the sum of \$95,340 is hereby lapsed.

Sec. 13.

STATE BOARD OF COSMETOLOGY

(a) The expenditure limitation established by the state fi-

nance council on the cosmetology fee fund is hereby increased from \$224,035 to \$226,729.

Sec. 14.

KANSAS STATE UNIVERSITY

(a) There is appropriated for the above agency from the state general fund the following:

Salaries and wages .....	\$255,162
--------------------------	-----------

(b) On the effective date of this act, of the \$36,992,270 appropriated for the above agency by section 3(a) of chapter 22 of the 1983 Session Laws of Kansas from the state general fund in the salaries and wages account, the sum of \$50,000 is hereby lapsed.

(c) The expenditure limitation established by section 3(b) of chapter 22 of the 1983 Session Laws of Kansas on the general fees fund is hereby decreased from \$15,616,080 to \$15,285,918.

Sec. 15.

EMPORIA STATE UNIVERSITY

(a) There is appropriated for the above agency from the state general fund the following:

Salaries and wages .....	\$102,778
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(b) On the effective date of this act, of the \$697,599 appropriated for the above agency by section 22(a) of chapter 26 of the 1983 Session Laws of Kansas from the state general fund in the student salaries and wages account, the sum of \$65,342 is hereby lapsed.

(c) The expenditure limitation established by section 5(b) of chapter 22 of the 1983 Session Laws of Kansas on the parking fees fund is hereby increased from \$88,000 to \$109,000.

(d) The expenditure limitation established by section 5(b) of chapter 22 of the 1983 Session Laws of Kansas on the general fees fund is hereby decreased from \$3,165,685 to \$3,128,249.

Sec. 16.

PITTSBURG STATE UNIVERSITY

(a) There is appropriated for the above agency from the state general fund the following:

Salaries and wages .....	\$59,144
--------------------------	----------

(b) On the effective date of this act, of the \$552,760 appropriated for the above agency by section 23(a) of chapter 26 of the 1983 Session Laws of Kansas from the state general fund in the student salaries and wages account, the sum of \$59,144 is hereby lapsed.

Sec. 17.

UNIVERSITY OF KANSAS

(a) On the effective date of this act, of the \$7,101,065 appropriated for the above agency by section 7(a) of chapter 22 of the 1983 Session Laws of Kansas from the state general fund in the other operating expenditures (including official hospitality) account, the sum of \$750,000 is hereby lapsed.

(b) The expenditure limitation established by section 7(b) of chapter 22 of the 1983 Session Laws of Kansas on the general fees fund is hereby increased from \$22,691,000 to \$23,441,000.

Sec. 18.

WICHITA STATE UNIVERSITY

(a) On the effective date of this act, of the \$2,448,563 appropriated for the above agency by section 8(a) of chapter 22 of the 1983 Session Laws of Kansas from the state general fund in the other operating expenditures (including official hospitality) account, the sum of \$230,000 is hereby lapsed.

(b) The expenditure limitation established by section 8(b) of chapter 22 of the 1983 Session Laws of Kansas on the general fees fund is hereby increased from \$10,200,000 to \$10,430,000.

Sec. 19.

STATE BOARD OF AGRICULTURE

(a) There is appropriated for the above agency from the state general fund the following:

Administrative and statistical services program .....	\$8,420
Regulation of weights and measures program .....	25,000
Regulation of pesticides and plant pests and diseases program .....	15,000
Total .....	\$48,420

(b) On the effective date of this act, the expenditure limita-

(continued)

tion established by section 15(b) of chapter 26 of the 1983 Session Laws of Kansas on the postage reimbursable fund is hereby decreased from \$17,000 to \$10,000.

(c) On the effective date of this act, the expenditure limitation established by section 15(b) of chapter 26 of the 1983 Session Laws of Kansas on the weights and measures fee fund is hereby decreased from \$50,000 to \$25,000.

(d) On the effective date of this act, the expenditure limitation established by section 15(b) of chapter 26 of the 1983 Session Laws of Kansas on the entomology fee fund is hereby decreased from \$142,633 to \$127,633.

Sec. 20.

BOARD OF STATE FAIR MANAGERS

(a) On the effective date of this act, of the \$150,000 appropriated for the above agency by section 5(a) of chapter 17 of the 1983 Session Laws of Kansas from the state general fund in the special maintenance of fairground facilities, including utility, building and grounds improvements account, the sum of \$12,000 is hereby lapsed.

Sec. 21.

KANSAS ANIMAL HEALTH DEPARTMENT

(a) The expenditure limitation established by the state finance council on the animal health department fee fund is hereby increased from \$58,211 to \$59,565.

Sec. 22.

FORT HAYS STATE UNIVERSITY

(a) On the effective date of this act, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer an amount specified by the president of not to exceed \$16,000 from the general fees fund to the national direct student loan fund.

Sec. 23.

KANSAS ARTS COMMISSION

(a) There is appropriated for the above agency from the state general fund the following:

Promotion of the arts ..... \$870

(b) The expenditure limitation established by section 10(b) of chapter 24 of the 1983 Session Laws of Kansas on the state operations account of the Kansas arts commission gifts, grants and bequest fund is hereby increased from \$57,708 to \$58,853.

Sec. 24.

STATE BOARD OF EMBALMING

(a) The expenditure limitation established by the state finance council on the embalming board fee fund is hereby increased from \$88,166 to \$88,261.

Sec. 25.

STATE BOARD OF HEALING ARTS

(a) On the effective date of this act, of the \$326,693 appropriated for the above agency by section 6(a) of chapter 14 of the 1983 Session Laws of Kansas in the healing arts fee fund, the sum of \$15,000 is hereby lapsed.

Sec. 26.

STATE BOARD OF TECHNICAL PROFESSIONS

(a) The expenditure limitation established by the state finance council on the technical professions fee fund is hereby increased from \$173,953 to \$184,456.

Sec. 27.

ATTORNEY GENERAL

(a) The expenditure limitation established by the state finance council on the attorney general's antitrust special revenue fund is hereby increased from \$133,014 to \$208,014.

Sec. 28.

KANSAS STATE PENITENTIARY

(a) There is appropriated for the above agency from the state general fund the following:

Replace locking system in B cellhouse and renovate locking system in C cellhouse. .... \$122,064

(b) On the effective date of this act, of the \$122,064 appropriated for the above agency by section 9(a) of chapter 7 of the 1983 Session Laws of Kansas from the state general fund in the

renovate locking system in B cellhouse account, the sum of \$122,064 is hereby lapsed.

Sec. 29.

KANSAS FISH AND GAME COMMISSION

~~(a) In addition to the purposes for which expenditures are authorized for fiscal year 1984 from the forestry, fish and game commission fee fund, as prescribed by section 5(a) of chapter 9 of the 1983 Session Laws of Kansas, expenditures may be made for fiscal year 1984 from such fund for the following purpose, subject to the expenditure limitation prescribed therefor:~~

~~Repair and modification of upstream channel at Nemaha state fishing lake ..... 20,000~~

~~(b) Commencing 30 days after the effective date of this act, no expenditures shall be made from the forestry, fish and game commission fee fund unless prior to such time the Kansas fish and game commission has adopted rules and regulations providing standards and guidelines for the issuance of warning tickets by game protectors.~~

Sec. 30. *Position limitations.* The limitations imposed by this act on the number of full-time and regular part-time positions equated to full-time, excluding seasonal and temporary positions, paid from appropriations made in this act or in any appropriations act of the 1983 regular session of the legislature or in any other appropriation act of the 1984 regular session of the legislature may be exceeded upon approval of the state finance council acting on this matter which is hereby characterized as a matter of legislative delegation and subject to the guidelines prescribed in subsection (c) of K.S.A. 75-3711c and amendments thereto.

Sec. 31. *Appeals to exceed limitations.* Upon written application to the governor and approval of the state finance council acting on this matter which is hereby characterized as a matter of legislative delegation and subject to the guidelines prescribed in subsection (c) of K.S.A. 75-3711c and amendments thereto, expenditures from special revenue funds may exceed the amounts specified in this act.

Sec. 32. *Effective date.* 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 27, 1984.

House adopted Conference Committee report April 5, 1984.

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

Passed the SENATE as amended April 3, 1984.

Senate adopted Conference Committee report April 5, 1984.

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

APPROVED April 23, 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 26th day of April, 1984.

(SEAL)

JACK H. BRIER  
Secretary of State.

(Published in the KANSAS REGISTER, May 3, 1984.)

## HOUSE BILL No. 2992

AN ACT concerning certain claims against the state; making appropriations, authorizing certain transfers, imposing certain restrictions and limitations, and directing or authorizing certain disbursements, procedures and acts incidental to the foregoing.

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

Section 1. For the fiscal year ending June 30, 1984, appropriations are hereby made, restrictions and limitations are hereby imposed, and transfers, disbursements, procedures and acts incidental to the foregoing are hereby directed or authorized as provided in this act.

Sec. 2. The department of revenue is hereby authorized and directed to pay the following amounts from the motor-vehicle fuel tax refund fund, for claims not filed within the statutory filing period prescribed in K.S.A. 79-3458 and amendments thereto, to the following claimants:

Adams, W.W. and Sons, c/o Wayne L. Adams, North Star Rt., Dodge City, KS 67801	\$114.60
Armstrong, Otis and James, Route 2, Frankfort, KS 66427	65.80
B & H Farms, Archie G. Holdeman, Route 4, Box 61, Galva, KS 67443	31.00
Barby, Alfred, Box 60, Meade, KS 67864	128.28
Barrett, J.W., Route 2, Box 55, Oberlin, KS 67749	33.00
Bigham, Dick, Grantville, KS 66429	25.00
Blazek, Harold, Cuba, KS 66940	9.00
Beck, Alva E., 916 E. Main, Stockton, KS 67669	53.96
Boeschling, Reuben, Hanover, KS 66945	49.00
Bolz, Junior, Hoyt, KS 66440	125.80
Boyd, Darrel E., Route 1, Beattie, KS 66406	49.00
Breitenbach, Garman L., Route 1, Belpre, KS 67519	63.80
Brown, Kendall L., Route 1, Council Grove, KS 66846	619.85
Bryan, Gaylord C. & Sons, 710 E. Ash, Oberlin, KS 67749	9.08
Call, Curtice, Box 44, Mildred, KS 66039	51.64
Chambers, K.E., Route 2, Yates Center, KS 66783	489.74
Clark, Daryl, 150 5th Street, Phillipsburg, KS 67661	93.40
Clark, Kenneth R., Route 2, Anthony, KS 67003	25.00
Clinesmith, Raymond, Route 1, Buffalo, KS 66717	8.20
Cobb & Son, by W.T. Cobb, 222 W. Florida, Greensburg, KS 67054	21.32
Cochren, Bill, Route 1, Whiting, KS 66552	30.60
Costello, H. Eugene, Route 1, Tampa, KS 67483	1.00
Crow, Calvin D., Route 1, Osage City, KS 66523	77.80
Crawshaw, Clarence, Route 1, Box 188, Perry, KS 66073	1.88
Currie, Jim, Inc., Route 2, Manhattan, KS 66502	149.98
Daniels, Rick D., Route 2, Box 53, Erie, KS 66733	33.00
Davis, C.B., Jr., Route 3, Lyons, KS 67554	50.92
Davis, Frank A., Jr., Route 3, Box 41, Emporia, KS 66801	145.73
Disberger, Dale, Route 2, Box 40, Council Grove, KS 66846	175.61
Dockendorf, Richard, Route 2, Box 146, Kinsley, KS 67547	9.00
Dodds, Clint, Hiway 75 South, Holton, KS 66436	31.40
Dodds, W.E., Green, KS 67447	8.04
Doran, James V., 310 N. Main, St. John, KS 67576	65.24
Drebes, Lawrence, Barnes, KS 66933	305.78
Drew, John L., Route 2, Great Bend, KS 67530	33.00
Dykens, Dale, Route 1, Lebanon, KS 66952	8.12
Entz, Mrs. Arnold, Route 1, Box 33, Peabody, KS 66866	149.90
Eisenhauer, Dale A., Box 253, Stockton, KS 67669	16.68
Faber, Clarence, 11500 West 29th N., Wichita, KS 67205	21.00
Fankhauser, Harold F., Route 2, Madison, KS 66860	319.81
Faulker, Joe, Route 1, Ogallah, KS 67656	9.16
Fischer, Michael S., Route 3, Box 58, Larned, KS 67550	9.00
Foster, Darrel M., Abbyville, KS 67510	6.68
Germann, Fred C., Dwight, KS 66849	77.80
Gier, Leroy, Route 1, Sylvan Grove, KS 67481	54.60
Glover, Robert K., Route 1, Alma, KS 66401	105.48
Goodland Redi-Mix, Inc., Larry W. Scott, Sec.-Treasurer, 330 West 17th, P.O. Box 30, Goodland, KS 67735-0030	685.52
Hansen Farms, Route 1, Box 303, Belleville, KS 66935	502.56
Hansen, Paul (Eileen), R.F.D., Box 51, Greenleaf, KS 66943	935.35
Harra Farms, Route 2, Spring Hill, KS 66083	41.00
Harris, Delbert W., Route 1, Box 148, Overbrook, KS 66524	87.00
Hayden, Darold D., Route 3, Garnett, KS 66032	11.00
Henry, W.J., Route 4, Box 46, Chanute, KS 66720	7.40
Hewitt, Kenneth, Route 2, Ellinwood, KS 87526	104.92
Highley, Faith, Route 3, Phillipsburg, KS 67661	29.00
Hinkle, Paul, Route 1, Box 123, Altamont, KS 67330	56.68
Holmes, Dean, Route 4, Box 77, Ottawa, KS 66067	45.24
Howard, David, Russell Springs, KS 67755	27.88
Huston, Thomas, Route 1, Box 279, DeSoto, KS 66018	6.28
Ingram, James K., Route 2, Box 72, Bonner Springs, KS 66012	44.60
Irons Feed Yard, Inc., Roy A. Irons, Minneola, KS 67865	65.00
Jamison, Melvin, Route 4, Box 68, Ottawa, KS 66067	19.72
Janney, Roy W., Box 144, Eureka, KS 67045	19.40
Jelinek, Martin, Route 1, Box 20, Bluff City, KS 67018	57.56

Jillie, John M., Route 1, Cimarron, KS 67835	145.30
Johnson, Bertha, Route 1, Box 161, Glen Elder, KS 67446	174.00
Johnson, John L., Route 1, Box 47, Hays, KS 67601	122.36
Jones, Gerald R., Route 1, Scammon, KS 66773	105.80
Jughead Spraying Service, Inc., Cynthia K. Davidson, Secretary, P.O. Box 244, Kinsley, KS 67547	259.85
Jury, Paul B., Jr., Route 2, Chapman, KS 67431	9.00
Keimig, J.W., Route 1, Lancaster, KS 66041	2.84
Keiswetter, Laurence, Box 105, Norton, KS 67654	108.36
Kempke, Jerald, Box 462, Ellsworth, KS 67439	160.13
Keslar, Edward E., Jr., Route 3, Phillipsburg, KS 67661	41.40
Kline, Raymond, Route 1, Salina, KS 67401	100.92
Koralek, David, 509 Kingsley, Ellsworth, KS 67439	45.32
Kramer, George D., Route 2, Meriden, KS 66512	38.44
Kramer, Herbert, 532 Vine, Junction City, KS 66441	7.40
Krause, Dennis P., Lincolnville, KS 66858	39.80
Kuhn, Francis J., Route 2, Victoria, KS 67671	9.00
Kummer, John, Jr., Route 2, Chapman, KS 67431	241.56
Kuttler, J.V. & Sons, Box 40, Tribune, KS 67879	9.24
Lang, Leroy A., Route 2, Norton, KS 67654	22.76
Luckan, George, Route 5, Box 233, Lawrence, KS 66044	5.00
McAhren, Eugene, Route 2, Box 77, Liberal, KS 67901	662.90
McKenna, Everett, Palco, KS 67657	7.80
M & M Farms, Eugene and Gary McAhren, Route 2, Box 77, Liberal, KS 67901	55.96
Marcuson Farms, Gail Marcuson, Route 2, Box 36, Oberlin, KS 67749	12.20
Marsh, Kenton D., Route 1, Sun City, KS 67143	132.60
Martin, Lee P., 116 S. York, Oberlin, KS 67749	61.24
Meinig, Jim and Linda, Route 5, Box 137, Paola, KS 66071	25.88
Meryle Heyen, Inc., Box 115, St. John, KS 67576	65.00
Miller, Keith, Route 2, Kincaid, KS 66039	73.64
Mills, Norman H., Box 157, Lake City, KS 67071	58.84
Mission Township, John L. Pasley, Trustee, 3101 Urish Rd., Topeka, KS 66614	1,146.74
Morland, Edwin L., Route 1, Westmoreland, KS 66549	16.28
Mueller, Brock L., Route 2, Sylvan Grove, KS 67481	20.04
Nemeth, Robert, Route 2, Box 6, Ludell, KS 67744	186.55
North Crest, Inc., Wesley Nauwerth, Route 2, Manhattan, KS 66503	31.00
Ogders, Joe, Route 1, Belleville, KS 66935	65.00
Otte, Albert, 1114 N. Morgan, Downs, KS 67437	16.60
Overland Park, City of, 6300 West 87th Street, Overland Park, KS 66212	1,080.65
Papes, Dean L., Route 1, Box 86, WaKeeney, KS 67672	82.60
Peeks, Robert J., Route 2, Marysville, KS 66508	31.40
Pennington & Gamber, c/o Russel J. Pennington, Route 3, Hutchinson, KS 67501	1.00
Peter, L.A., Route 1, Tribune, KS 67879	251.06
Peterson, Vernon D., Route 2, Box 113, Douglass, KS 67039	41.00
Phillips, John Wm., Route 2, Box 42, Peabody, KS 66866	67.56
Pike, David, 1200 Oak Street, Marysville, KS 66508	20.60
Portschy, Charles C., Herndon, KS 67739	7.40
Potter, Thomas M., 1006 Lawrence Lane, Wichita, KS 67206	88.28
Praithier, Jordia F., LaCygne, KS 66040	47.00
Freedy, Sharon, Box 637, Sublette, KS 67877	558.86
Pywell, Cecil G., Route 1, Zurich, KS 67676	11.00
Rager, Lowell, Route 1, Fort Scott, KS 66701	76.76
Reece Construction Co., Inc., c/o Earl L. Melby, Scandia, KS 66966	1.96
Regenold, Elvon, Route 1, Osage City, KS 66523	83.56
Reynolds, Doris, Route 2, Box 145, Winfield, KS 67156	127.08
Richardson, Allen, 1112 North Street, Oswego, KS 67356	154.80
Runyan, Leonard M., Route 1, Osage City, KS 66523	100.04
Russell, Vance & Sons, Route 3, Box 164, Fredonia, KS 66736	8.20
Schielke Farms, Route 2, Box 112, Colby, KS 67701	277.06
Schirmer, Ruth, Route 2, Box 87, Overbrook, KS 66524	120.20
Schlesener, Eldon, Hope, KS 67451	8.60
Schmelzle, Clem & Cletus, Route 3, Box 46, Seneca, KS 66538	42.60
Schmits, E. Alvin, Route 2, Seneca, KS 66538	52.36
Scoggan, Clarence, Inc., Route 4, Beloit, KS 67420	158.48
Serrein, Erwin, Route 1, Box 19, Lincoln, KS 67455	49.64
Setzer, Vernon O., Route 1, St. George, KS 66535	117.16
Sheley, David, Route 1, Norton, KS 67654	185.90
Simon, Virgil, Route 1, Box 75, Colwich, KS 67030	322.56
Slyter, Leslie, Route 4, Paola, KS 66071	7.08
Snyder, Bart, R.F.D., Oberlin, KS 67749	89.00
Sohio Chemical Co., Box 628, Lima, Ohio 45802	80.60
Speer, Ruth Anna, Route 1, Horton, KS 66439	152.93
Stainbrook, James, LaCygne, KS 66040	109.32
Star Lumber & Supply Co., Inc., Michael G. Goebel, Treasurer, 325 S. West Street, Box 7712, Wichita, KS 67277	1,321.88
Stucky, Gordon, Route 3, Newton, KS 67114	199.01
Sunflower Land & Cattle Co., Box 206, St. Paul, KS 66771	27.88
Thompson, Andy, Route 1, Courtland, KS 66939	55.40
Thronson, Elmer or Tom, Route 2, Box 86, Mankato, KS 66956	15.00
Trautwein, G.B., Route 3, Box 38, Udall, KS 67146	92.60
Traxler, Richard, Route 1, Perry, KS 66073	24.20
True, Harold, Route 1, Westphalia, KS 66093	141.70
Umbehrr, Keen, Route 1, Box 30, Alma, KS 66401	8.36

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R.D. Walker, Inc., Sharon Springs, KS 67758	32.84
Warner Ranches, By Sidney Warner, Box 309, Cimarron, KS 67835	36.20
Wasmund, Leroy, Route 1, Princeton, KS 66078	143.28
Weber, David W., Route 1, Holyrood, KS 67450	5.80
Wedel, Gene L., Route 1, Box 32, Moundridge, KS 67107	103.24
Wells, John E., Route 1, Box 14, Overbrook, KS 66524	69.48
Wenger, Eldon, Route 2, Moundridge, KS 67107	56.68
White, Monty, Route 1, Liberty, KS 67351	148.88
Wilson, David W., Route 1, Box 292, Osawatomie, KS 66064	25.00
Woods Bros., By Bill Woods, Route 1, Clearwater, KS 67026	64.04
Worrell, Fred, Route 1, Box 10, White City, KS 66872	17.00
Young, F.L., Jr., Route 2, Box 65, Cheney, KS 67025	8.60
Younggren, Leroy, Route 1, Council Grove, KS 66846	57.00
Zeller, Mrs. Verdeania, Route 3, Baldwin, KS 66006	157.32
Ziegler, George T., Grainfield, KS 67737	213.70
Zimmer, Victor, Alta Vista, KS 66834	25.56
<b>Total</b>	<b>\$18,661.49</b>

Sec. 3. The department of revenue is hereby authorized and directed to pay the following amounts from the motor-vehicle fuel tax refund fund for refund of gasoline tax on gasoline which was lost due to an accident, criminal damage to property, vandalism or theft and was not claimed within the statutory limit prescribed by K.S.A. 79-3417 and amendments thereto, to the following claimants:

Parsons Oil Co., Inc., c/o E.V. Harris, 1230 Morton, Parsons, KS 67357	\$137.20
Donald J. Kramer, P.O. Box 343, Marysville, KS 66508	728.88
Hampel Oil Distributors, Inc., P.O. Box 12346, Wichita, KS 67277	270.70
<b>Total</b>	<b>\$1,136.78</b>

Sec. 4. The department of revenue is hereby authorized and directed to pay the following amounts from the sales tax refund fund for sales tax paid for materials for tax exempt projects under K.S.A. 79-3606 and amendments thereto, to the following claimants:

Acme Foundry, Inc., c/o R.D. Graham, President, 1502 Spruce Street, P.O. Box 563, Coffeyville, KS 67337	\$732.85
Kensington Cable TV, Inc., c/o Paul L. Aylward, Attorney at Law, Aylward, Svaty & Sherman, P.O. Box 83, Ellsworth, KS 67439	1,574.18
Racon, Inc., c/o J. Ronald Buss, Secretary-Treasurer, P.O. Box 198, Wichita, KS 67201	54,540.20
Glasco Electric Co., c/o A.E. Wegert, P.O. Box 19007, Kansas City, MO 64141	268.91
California Inn Management, Inc., c/o Frank H. Jenkins, Jr., Attorney at Law, Owen & Jenkins, 130 N. Cherry, P.O. Box 954, Olathe, KS 66061	645.34
Atwood Unified School District #318, 410 Main, Atwood, KS 67730	2,039.65
Department of Community Development, c/o M. James Medin, City Administrator, 701 North 7th, Kansas City, KS 66101	516.24
City of Oberlin, 107 West Commercial, Oberlin, KS 67749	2,432.00
City of Garden City, c/o Tim Knoll, City Clerk, P.O. Box 499, Garden City, KS 67846	3,354.39
Colby Public Schools, Unified School District #315, 210 South Range, Colby, KS 67701	173.22
Central Baptist Theological Seminary, c/o Don Blalock, Business Manager, Seminary Heights, Kansas City, KS 66102	1,954.00
<b>Total</b>	<b>\$68,230.98</b>

Sec. 5. The department of revenue is hereby authorized and directed to pay the following amount from the division of vehicles operating fund for expenses incurred due to wrongful revocation of claimant's driver's license, to the following claimant:

George E. Bensing, Jr., 1615 South Ellis, Wichita, KS 67211	\$350.00
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*Provided*, That a written release and satisfaction of all claims and rights against the state of Kansas and any officers and employees regarding this claim shall be secured prior to payment of this amount.

Sec. 6. The department of administration is hereby authorized and directed to pay the following amounts from the personnel services account of the state general fund for the reimbursement of interest and finance charges and other expenses incurred as a result of problems associated with the university of Kansas payroll being generated by the Kansas integrated personnel payroll system (KIPPS), to the following claimants:

aniel W. Dugan, 1145 Indiana, #6, Lawrence, KS 66044	\$9.84
omer Walters, P.O. Box 31, Williamsburg, KS 66095	99.67
James Mark Lambertson, 314 West 3rd Street, Ottawa, KS 66067	23.26
James E. Brewer, 915 Pamela Lane, Lawrence, KS 66044	17.98
Carmen Colleen Root, 7824 Madison, Kansas City, MO 64114	65.06
Judith A. Hower, 1824 Arkansas, Lawrence, KS 66044	28.40
<b>Total</b>	<b>\$244.21</b>

Sec. 7. The state board of healing arts is hereby authorized and directed to pay by transfer \$753.36 from the healing arts fee fund to the central mail services revolving fund of the department of administration for charges for services rendered during the month of June, 1983, and for which sufficient moneys were not encumbered for payment from appropriations for fiscal year 1983.

Sec. 8. The department of human resources is hereby authorized and directed to pay the following amount from the workmen's compensation fee fund for a service agreement-billing on dictation equipment which was not received in time to be paid from appropriations for fiscal year 1983, to the following claimant:

I.B.M. Corporation, c/o Ralph H. Wells, P.O. Box 23401, 2345 Grand Avenue, Kansas City, MO 64141	\$988.00
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Sec. 9. The Fort Hays state university is hereby authorized and directed to pay the following amount from the general fees fund for oil products delivered but for which bills were not received in time to be paid from appropriations for fiscal year 1983, to the following claimant:

Dinges Oil, Inc., c/o Julius F. Dinges, President, P.O. Box 611, Hays, KS 67601	\$308.84
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Sec. 10. On the effective date of this act, the director of accounts and reports shall transfer \$5,734.61 from the state general fund to the hospital revenue fund of the university of Kansas medical center for medical services provided for Robert Lee, an inmate sentenced to the custody of the secretary of corrections, who sustained a gunshot wound on December 12, 1981, while in the Wyandotte county jail.

Sec. 11. The state industrial reformatory is hereby authorized and directed to pay the following amounts from the operating expenditures account of the state general fund for reimbursement for damage to claimants' personal property which was occasioned by the failure to secure cell doors or accidental damage caused by personnel of the state industrial reformatory, to the following claimants:

J. D. Sherrell, #33384, c/o State Industrial Reformatory	\$128.72
Charles Black, #35835, c/o State Industrial Reformatory	20.00
<b>Total</b>	<b>\$148.72</b>

Sec. 12. (a) The Kansas state penitentiary is hereby authorized and directed to pay the following amount from the operating expenditures account of the state general fund for injury to and partial amputation of great toe of claimant's right foot and partial loss of use of claimant's right foot which was accidentally cut by a lawn mower while an inmate working at Kansas state penitentiary on June 3, 1982, to the following claimant:

Byron Dale Campbell, c/o John D. Tongier, Attorney at Law, Bennett & Heaven, 11125 Johnson Drive, P.O. Box 3205, Shawnee, KS 66203	\$5,183.43
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*Provided*, That a written release and satisfaction of all claims and rights against the state of Kansas and any officers and employees of the state of Kansas regarding this claim shall be secured prior to payment of this amount.

(b) The Kansas state penitentiary is hereby authorized and directed to pay the following amount from the operating expenditures account of the state general fund for damages caused by concrete being poured for a new garage at the Kansas correctional institution at Lansing by inmate work crews from Kansas state penitentiary splattered onto claimant's personal vehicle parked at the Kansas correctional institution at Lansing, to the following claimant:

Donald R. Burge, Jr., 564 Marion, Leavenworth, KS 66048	\$250.00
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(c) The Kansas state penitentiary is hereby authorized and directed to pay the following amount from the operating expenditures account of the state general fund for damages caused by wind blown spray paint which was being applied to a state-owned building by an inmate work crew and which settled onto claimant's motorcycle legally parked nearby, to the following claimant:

John T. Estes, 611 West 29th Place, Lawrence, KS 66044	\$50.00
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(d) The Kansas state penitentiary is hereby authorized and

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directed to pay the following amounts from the operating expenditures account of the state general fund for reimbursement for loss of claimants' personal property which was in the custody and control of personnel of Kansas state penitentiary or for damage to claimants' personal property which was caused by electrical power surges at Kansas state penitentiary, to the following claimants:

Clay C. Ward, #32008-A, c/o Kansas State Penitentiary	\$240.00
Dan E. Allen, #7949, c/o Kansas State Penitentiary	440.00
Fred A. Cox, #30809, c/o Kansas State Penitentiary	185.00
Douglas Mark DeWitt, #20054, c/o Kansas State Penitentiary	23.00
Richard Charles Cooper, #33115, c/o Kansas State Penitentiary	90.73
Ron Davis, #34133, c/o Kansas State Penitentiary	50.00
Roger Tinsley, #32783, c/o Kansas State Penitentiary	115.00
Francis Jessepe, #7692, c/o Kansas State Penitentiary	222.95
Eirvin D. Longdon, #38184, c/o Kansas State Penitentiary	45.70
James T. LeVier, #6536, c/o Kansas State Penitentiary	304.27
Ernest Bennett, #30831, c/o Kansas State Penitentiary	100.00
William L. Green, #8255, c/o Kansas State Penitentiary	10.00
Randy J. Lynn, #33769, c/o Kansas State Penitentiary	26.00
Herbert Douglas, Jr., #37832, c/o Kansas State Penitentiary	15.00
Bill W. Brown, #34616-A, c/o Kansas State Penitentiary	117.98
Melvin W. Snell, #22980, c/o Kansas State Penitentiary	30.00
Ferlandus Batchelor, #35821, c/o Kansas State Penitentiary	27.50
Gene Brownfield, #23924-A, c/o Kansas State Penitentiary	109.00
Harry Lloyd Samuels, #15012, c/o Kansas State Penitentiary	30.00
William F. Schlicher, #24626, c/o Kansas State Penitentiary	70.00
John R. Lunsford, #34522, c/o Kansas State Penitentiary	159.17
George R. Kennelly, #19300, c/o Kansas State Penitentiary	166.88
Johnny E. McMahon, #38237, c/o Kansas State Penitentiary	200.00
Jefferson William Sanders, #32114, c/o Kansas State Penitentiary	150.00
Charles R. Beach, #23793, c/o Kansas State Penitentiary	100.00
Robert E. Murphy, #32777, c/o Kansas State Penitentiary	25.00
Total	\$3,053.18

Sec. 13. The department of health and environment is hereby authorized and directed to pay the following amount from the other operating expenditures account of the state general fund for services provided during fiscal year 1983 in accordance with the court-ordered Reno county adult care receivership #1 and which were not paid because the invoice therefor was not submitted to the department of health and environment before the close of the receivership books and the end of the fiscal year, to the following claimant:

Hutchinson Hospital Corporation, c/o Emily Hughes, Credit Manager, 1701 East 23rd, Hutchinson, KS 67501	\$59.50
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Sec. 14. The Parsons state hospital and training center is hereby authorized and directed to pay the following amount from the operating expenditures account of the state general fund for compensation payable for a promotion which was not processed due to a clerical error, to the following claimant:

William R. Griggs, P.O. Box 104, Mound Valley, KS 67354 (gross pay \$1,031.00; employer's contributions, \$127.87)	\$1,158.87
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Sec. 15. (a) The Kansas fish and game commission is hereby authorized and directed to pay the following amount from the forestry, fish and game commission fee fund for discrepancies in the billings and in payments for petroleum products during fiscal years 1980, 1981 and 1982, to the following claimant:

Amoco Oil Company, c/o T. Glennon, Supervisor, Credit Card Division, P.O. Box 9008, Des Moines, Iowa 50368	\$280.49
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(b) The Kansas fish and game commission is hereby authorized and directed to pay the following amount from the forestry, fish and game commission fee fund for refund of the fee for a Kansas lifetime hunting license, to the following claimant:

Brett A. Adair, 6 Wells Dr., Rose Hill, KS 67133	\$200.00
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*Provided*, That Kansas lifetime hunting license no. 0161 shall be returned to the Kansas fish and game commission for cancellation prior to payment of this amount.

Sec. 16. The board of state fair managers is hereby authorized and directed to pay the following amount from the state fair fee fund for tires purchased and delivered but for which invoices were not received in time to be paid from appropriations for fiscal year 1983, to the following claimant:

B.F. Goodrich Company Tire Group, c/o Frank Klasek, Government Sales and Service Coordinator, Dept. 0638 Bldg., 24-D, 500 South Main Street, Akron, Ohio 44318	\$481.66
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Sec. 17. (a) The department of human resources is hereby authorized and directed to pay the following amount from either

the salaries and wages account or the other operating expenditures account of the state general fund in full satisfaction of a settlement agreement entered into by the parties in the case of Mary Lewis vs. State of Kansas, et al., Civil Action No. 81-4002, in the United States District Court for Kansas, involving federal civil rights claims against the CETA division of the department of human resources, to the following claimant:

Mary Lewis, c/o Kenneth F. Crockett, Attorney, 1324 Topeka, Topeka, KS 66612	\$5,500.00
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*Provided*, That a written release and satisfaction of all claims under such case against the state of Kansas and any officers and employees of the state of Kansas shall be secured prior to payment of this amount.

(b) The department of human resources is hereby authorized and directed to pay the following amount from either the salaries and wages account or the other operating expenditures account of the state general fund in full satisfaction of a settlement agreement entered into by the parties in the case of Jane Vines vs. State of Kansas, et al., Civil Action No. 81-4003, in the United States District Court for Kansas, involving federal civil rights claims against the CETA division of the department of human resources, to the following claimant:

Jane Vines, c/o Kenneth F. Crockett, Attorney, 1324 Topeka, Topeka, KS 66612	\$5,500.00
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*Provided*, That a written release and satisfaction of all claims under such case against the state of Kansas and any officers and employees of the state of Kansas shall be secured prior to payment of this amount.

Sec. 18. The Pittsburg state university is hereby authorized and directed to pay the following amount from the other operating expenditures (including official hospitality) account of the state general fund for medical expenses which are not covered by insurance and which were incurred as a result of personal injuries sustained in a fall outside Hughs hall on the campus on June 13, 1983, to the following claimant:

Karen Sue Pendleton, 314 East Park, Pittsburg, KS 66762	\$1,682.09
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Sec. 19. The mental health and retardation services of the department of social and rehabilitation services is hereby authorized and directed to pay the following amount from the operating expenditures account of the state general fund for magazine advertising bills which were incurred to recruit physicians for state institutions and which were not paid or encumbered to be paid from appropriations for fiscal year 1981, to the following claimant:

American Psychiatric Association, c/o Jean M. Forrest, Office of the Comptroller, 1400 K Street, N.W., Washington, D.C. 20005	\$64.00
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Sec. 20. There is appropriated from the state general fund the following amount for recovery of an amount of inheritance from the estate of the claimant's natural father which escheated to the state, to the following claimant:

Betty Mascitelli, 527 West Grand Ave., Rahway, N.J. 07065	\$219.51
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Sec. 21. The insurance department is hereby authorized and directed to pay the following amount from the other operating expenditures account of the state general fund for payment for typewriter maintenance services for which invoices were not received in time to be paid from appropriations for fiscal year 1983, to the following claimant:

Office Equipment, Inc., 1507 Kansas Ave., Topeka, KS 66612	\$2,688.40
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Sec. 22. There is appropriated from the state general fund the following amount for the payment in full satisfaction of all claims against the state and any officers and employees thereof for the incarceration from the date of arrest on October 13, 1980, through July 13, 1982, when the judgment of guilty to the charges of certain crimes was vacated and set aside and the sentence imposed therefor was vacated based upon a confession by the person who committed such crimes, for the following claimant:

Keith E. Carl, c/o Hal E. DesJardins, Attorney at Law, Suite 403, 820 Quincy, Topeka, KS 66612	\$36,000.00
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*Provided*, That a written release and satisfaction of all claims and rights against the state of Kansas and any officers and employees of the state of Kansas regarding this claim shall be secured prior

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to payment of this amount: *Provided further*, That all amounts payable to the claimant under this section shall be subject to setoff for any amounts of money owed to the state in accordance with K.S.A. 75-6201 to 75-6214, inclusive, and any amendments to any of those statutes.

Sec. 23. The director of accounts and reports is hereby authorized and directed to draw warrants on the state treasurer in favor of the claimants specified in this act, upon vouchers duly executed by the state agencies directed to pay the amounts specified in such sections or by the claimants or their legal representatives or duly authorized agents, as provided by law.

Sec. 24. 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 27, 1984.

House adopted Conference Committee report April 5, 1984.

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

Passed the SENATE as amended April 2, 1984.

Senate adopted Conference Committee report April 5, 1984.

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

APPROVED April 23, 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 25th day of April, 1984.

(SEAL)

JACK H. BRIER  
*Secretary of State.*

(Published in the KANSAS REGISTER, May 3, 1984.)

SENATE BILL No. 715

AN ACT concerning planning and zoning in urban areas.

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

Section 1. The purpose of this act is to authorize any county designated as an urban area under the provisions of K.S.A. 19-2654, and amendments thereto, to prepare and adopt plans and land use regulations with multiple advisory bodies so as to bring unity, consistency and efficiency to the county's planning efforts. Such plans and regulations shall be designed, in accordance with the present and future needs of the county and shall promote the public health, safety, morals, comfort, convenience, prosperity and general welfare and protect the land, air, water, natural resources and environment and encourage their use in a desirable manner and insure efficient expenditure of public funds and conserve and protect the values of property under the jurisdiction of the county.

Sec. 2. (a) The board of county commissioners, by resolution, may establish a zoning board for each township within the county. The board shall consist of (1) four members who shall be appointed by the board of county commissioners and who shall be residents of the unincorporated area of the county and (2) the township trustee of each township in the county if the trustee gives written consent to serve on the zoning board. If the trustee fails to give consent to serve on the zoning board, the board of county commissioners shall appoint a resident of such township to serve in the trustee's place. Any person appointed to serve in a trustee's place shall hold the position on the zoning board as long as such trustee serves on the township board.

The board of county commissioners, by resolution, may establish a planning commission for the county and shall fix the number of members on the commission. The commission shall consist of not less than nine nor more than 12 members who shall be appointed by the board of county commissioners. Nine of such members shall be residents of the unincorporated area of the county. The planning commission shall consist of one member of each zoning board in the county, as appointed by the board of county commissioners.

The members first appointed by the board of county commissioners to either a zoning board or the planning commission shall be appointed for terms of one, two and three years. The terms shall be divided equally or as nearly equally as possible among the members. Thereafter members shall be appointed for terms of three years each. All members shall serve until their successors are appointed and qualified. Vacancies shall be filled by appointment by the board of county commissioners for the unexpired term. Members shall serve without compensation for their services but may receive such traveling expenses as the board of county commissioners authorizes which shall be paid from any funds available for such purpose.

(b) Each zoning board and the planning commission shall meet at such time and place as they may fix by resolution, with the approval of the board of county commissioners. They shall select one of their number as chairperson and one as vice-chairperson who shall serve one year terms and until their successor has been selected. The board of county commissioners shall employ a secretary for the planning commission and each zoning board. The secretary shall keep a proper record of the proceedings of any such board or commission. Special meetings may be called at any time by the chairperson or in the chairperson's absence by the vice-chairperson. A majority of any such board or commission shall constitute a quorum for the transaction of business. Each zoning board and the planning commission shall cause a proper record to be kept of its proceedings.

Each zoning board and the planning commission shall make and adopt, with the approval of the board of county commissioners, rules for the transaction of its business.

The board of county commissioners may employ any employees it deems necessary for the work of any zoning board or the planning commission and may contract with planners and other consultants for such services as it requires and may incur other necessary expenses. The expenditures of county funds for the payment of costs and expenses of the zoning boards and the planning commission shall at no time be in excess of the amounts budgeted and appropriated for that purpose by the board of county commissioners.

Each zoning board and the planning commission shall perform any additional duties that the board of county commissioners prescribes and, in all cases, shall be subject to the jurisdiction and under the control and approval of the board of county commissioners.

(c) The board of county commissioners, by resolution, may appoint one or more consolidated zoning boards for two or more townships, or portions thereof, within the county. Such resolution shall give notice of the date and time of a public hearing to be held on the proposed consolidation and shall be published once each week for two consecutive weeks in the official county newspaper. The second publication shall be no sooner than 10 days prior to the public hearing. Any consolidated boards shall consist of not less than five nor more than nine members who shall be residents of the townships, or portions thereof, included in the territory which is subject to the consolidated boards' jurisdiction. Membership in the board shall be determined by the board of county commissioners. The members first appointed by the board of county commissioners shall be appointed for terms of one, two and three years. The terms shall be divided equally or as nearly equally as possible among the members. Thereafter members shall be appointed for terms of three years each. All members shall serve until their successors are appointed and qualified. Vacancies shall be filled by appointment by the board of county commissioners for the unexpired term. Members shall serve without compensation for their services,

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but may receive such traveling expenses as the board of county commissioners authorizes which shall be paid from any funds available for such purpose.

Upon the appointment of any consolidated zoning boards, any separate board which was established for the purpose of recommending rezonings or conditional use permits for any territory included within the territory subject to the jurisdiction of such consolidated boards, shall be dissolved by order of the board of county commissioners. Zoning boards for townships not affected by a resolution creating a consolidated zoning board, or affected only in part by such a resolution, may continue operating as originally established, as determined by the board of county commissioners.

The consolidated zoning boards shall meet, select officers and keep records in the same manner as provided for township zoning boards created under subsection (a) of this section. Such boards shall have the same powers and duties as prescribed for township zoning boards insofar as the same may be made applicable and shall perform any additional duties which the board of county commissioners prescribes and, in all cases, shall be subject to the jurisdiction and under the control and approval of the board of county commissioners.

Sec. 3. (a) The planning commission, with the approval of the board of county commissioners, may make or cause to be made a comprehensive plan for coordinated development of the county in the manner, and for the purposes, provided by this act. In the preparation of such plan, the planning commission shall make or cause to be made comprehensive surveys and studies of past and present conditions and trends relating to land use, population and building intensity, public facilities, transportation and transportation facilities, economic conditions, natural resources, and may include any other element deemed necessary to the comprehensive plan. Such proposed plan, which in addition to a written presentation, may include maps, plats, charts and other descriptive matter, shall show the commission's recommendations for the development or redevelopment of the county and may include: (1) The general location, extent and relationship of the use of land for agriculture, residence, business, industry, recreation, education, public buildings and other community facilities, major utility facilities both public and private and any other use deemed necessary; (2) population and building intensity standards and restrictions and the application of the same; (3) public facilities including transportation facilities of all types, whether publicly or privately owned, which relate to the transportation of persons or goods; (4) public improvement programming based upon a determination of relative urgency; (5) the major sources and expenditure of public revenue including long range financial plans for the financing of public facilities and capital improvements, based upon a projection of the economic and fiscal activity of the county, both public and private; (6) utilization and conservation of natural resources; and (7) any other element deemed necessary for the proper development or redevelopment of the area.

(b) The planning commission, by an affirmative vote of a majority of all its members, may approve for recommendation the comprehensive plan as a whole by a single resolution, or may by successive resolutions approve parts of the plan, such parts corresponding with the major geographical sections of the county or with functional subdivisions of the plan. Such resolution shall specifically identify any maps, plats, charts or other materials made a part of such plan. Before the approval for recommendation of any such plan or part thereof, the planning commission shall hold a public hearing thereon, notice of which shall be published once in the official county newspaper at least 20 days prior to the date fixed for hearing. Such hearing may be adjourned from time to time. Upon the approval for recommendation of any such plan or part thereof, a certified copy of the same shall be submitted to the board of county commissioners for its consideration and final approval. Certified copies shall be submitted to other legislative and administrative agencies affected thereby for review and comment, however, failure to receive such certified copies shall not invalidate any subsequent action taken. The legislative and administrative agencies so notified shall consider such proposed plan or part thereof, within

60 days after the receipt thereof, and may submit a statement containing its recommendation regarding the same to the board of county commissioners.

(c) The board of county commissioners shall consider such proposed comprehensive plan or part thereof as recommended by the planning commission, not less than 60 days nor more than 90 days after receipt thereof and, if the board of county commissioners approves such recommendation, it may adopt, by resolution, such proposed plan or part thereof. If the board of county commissioners disapproves, in whole or in part, the planning commission's recommendation, the board of county commissioners shall return such recommendation or part thereof to the planning commission for further consideration along with a written statement of reasons for disapproving the same or with suggested modifications. If the board of county commissioners returns the plan or part thereof as originally recommended to the planning commission for further consideration as disapproved or with suggested modifications, the planning commission shall reconsider such plan or part thereof as returned and, within 30 days of receipt thereof or such lesser or greater time period as determined by the board of county commissioners, either submit a new recommendation to the board of county commissioners or resubmit its original recommendation to the board of county commissioners. No additional public hearing shall be required unless the board of county commissioners directs that one be held. If the planning commission fails to deliver its recommendation to the board of county commissioners within such time period, the board of county commissioners shall consider such course of inaction on the part of the planning commission as a resubmission of its original recommendation. The board of county commissioners, after receipt of the new or original recommendation of the planning commission on the returned plan or part thereof, shall reconsider such matter and thereafter, by resolution, may adopt, in whole or in part, or may revise or amend and adopt such proposed plan or part thereof as the official plan of the county, or may take no further action thereon, as it deems appropriate.

(d) All reports and documents forming the comprehensive plan or parts thereof as adopted shall bear the signature, or facsimile thereof, of the chairperson of the board of county commissioners and an attested copy of the same shall be filed in such public office as may be designated by the board of county commissioners and shall be a public record. In addition, copies shall be provided to legislative and administrative agencies affected by the plan. Failure to receive such copy shall not invalidate any subsequent action taken. Such plan or part thereof shall constitute the basis or guide for public action to insure a coordinated and harmonious development or redevelopment which will best promote the health, safety, morals, order, convenience, prosperity and general welfare, as well as a wise and efficient expenditure of public funds.

(e) After adoption of a comprehensive plan or part thereof by the board of county commissioners, the planning commission annually shall review the plan for the purpose of determining if any portion of the plan has become obsolete and shall make a report to the board of county commissioners regarding the same on or before June 1 of each year. In addition, the planning commission or the board of county commissioners, at any time after the adoption of the plan or part thereof, may review or reconsider such plan or part thereof so adopted and may propose, by resolution, any amendments, extensions or additions to the same.

(f) When an amendment, extension or addition to the plan or part thereof has been proposed, whether as a result of the annual review or by resolution of the board of county commissioners or the planning commission, such proposed amendment, extension or addition shall first be submitted to the planning commission for recommendation. A public hearing shall be held thereon and an accurate written summary made of the proceedings. Notice of such public hearing shall be published in like manner as that required for the original recommendation on the plan, shall fix the time and place for such hearing and shall contain a statement describing, in general terms, the proposed amendment, extension or addition to the plan.

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(g) A quorum of the planning commission is more than 1/2 of all its members. For action on amendments, a vote either for or against an amendment by a majority of the members of the commission present constitutes a recommendation of approval or disapproval of the commission, whereas a vote either for or against an amendment by less than a majority of the members of the commission present constitutes a "failure to recommend."

(h) The board of county commissioners shall consider such amendment, extension or addition as recommended by the planning commission and, regardless of whether the recommendation is for approval or disapproval, if the board of county commissioners approves such recommendation, it may adopt such recommendation, in whole or in part, by resolution, or may take no further action thereon, as it deems appropriate. In the event the planning commission submits a "failure to recommend" to the board of county commissioners, the board of county commissioners may take such action it deems appropriate. Upon a recommendation of the planning commission which the board of county commissioners, in whole or in part, disapproves, the board of county commissioners shall return such recommendation or part thereof to the planning commission for further consideration along with a written statement of reasons for disapproving the same or with suggested modifications. If the board of county commissioners returns the proposed amendment, extension or addition or part thereof to the planning commission for further consideration as disapproved or with suggested modifications, the planning commission shall reconsider such amendment, extension or addition or part thereof as returned and, within 30 days of receipt thereof or such lesser or greater time period as determined by the board of county commissioners, either submit a new recommendation to the board of county commissioners or resubmit its original recommendation to the board of county commissioners. No additional public hearing shall be required unless the board of county commissioners directs that one be held. If the planning commission fails to deliver its recommendation to the board of county commissioners within such time period the board of county commissioners shall consider such course of inaction on the part of the planning commission as a resubmission of its original recommendation. The board of county commissioners, after receipt of the new or original recommendation of the planning commission on the returned amendment, extension or addition or part thereof, shall reconsider such matter and thereafter, by resolution, may adopt, in whole or in part, or may revise or amend and adopt such amendment, extension or addition, or may take no further action thereon, as it deems appropriate. If the board of county commissioners initiated such proposed amendment, extension or addition, the board of county commissioners need not return the same to the planning commission if it disapproves of the planning commission's recommendation but may take such action as it deems appropriate after receiving the planning commission's recommendation on the amendment, extension or addition.

Sec. 4. In order to promote efficiency and coordination in the overall planning by the various governmental entities having an interest within the geographical territory embraced within the planning authorization granted to the county within this act, and to encourage the elimination of duplication of effort in planning for such areas, the board of county commissioners may initiate joint efforts with other governmental entities including, but not limited to, cities, townships, fire districts, water districts and wastewater districts and the planning commission, with the approval of the board of county commissioners, is authorized to initiate and jointly prepare, in whole or in part, any plans or programs developed as a part of such joint or cooperative effort. Such plans or programs shall be considered for recommendation by the planning commission and adoption by the board of county commissioners in the same manner and with the same requirements as specified elsewhere in this act for adoption of the comprehensive plan.

The board of county commissioners shall approve any inter-governmental agreement or other formal document that shall outline the extent of common interest, the duration of the agreement, the role of the various parties involved, the desired results of such joint or cooperative effort and any other matter deemed

pertinent by the parties involved. Such agreements may be made by the county and one or more other governmental entities as may choose to participate.

Sec. 5. (a) The board of county commissioners, by resolution, may provide for the adoption or amendment of zoning regulations for the unincorporated portion of the county in the manner, and for the purposes, provided by this act. Such regulations may (1) restrict and regulate the height, number of stories and size of buildings; (2) the percentage of lots that may be occupied; (3) the size of yards, courts and other open spaces; (4) the density of population, including minimum width, depth and area of lots; (5) the location and use of buildings, structures and land for industry, business, trade or residence; and (6) the use of land located in areas designated as floodplains. Such resolution shall define the boundaries of zoning classifications by description contained therein or by setting out such boundaries upon a map incorporated and published as a part of such resolution, or by providing for the incorporation by reference in such resolution of an official map upon which such boundaries shall be fixed. Such map shall be marked "official copy incorporated by resolution of the board of county commissioners the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_," and filed in a public office designated by the board of county commissioners and shall be a public record.

(b) Before the board of county commissioners creates any zone, district or zoning classification or regulates or restricts the use of buildings or land in the unincorporated portion of the county, the board shall require the planning commission to recommend to the board of county commissioners the nature and number of zoning classifications which the planning commission deems necessary, the boundaries of the same and appropriate regulations or restrictions to be enforced therein. All such regulations shall be uniform for each class or kind of buildings or land uses throughout each zoning classification, but the regulations in one zoning classification may differ from those in other zoning classifications, and the regulations may prescribe conditions under which conditional use permits may be issued providing exceptions to such uniform regulations. The issuance of any conditional use permit shall be considered a change or revision to the zoning map and shall be subject to the same notice, hearing and voting requirements prescribed herein for rezonings. The regulations shall be made in accordance with a land use plan and, in addition to the purposes provided in section 1 of this act, shall be designed to (1) lessen congestion in each district; (2) provide adequate light and air; (3) prevent the overcrowding of land; (4) avoid undue concentrations of population; and (5) to facilitate the adequate provisions of transportation, water, sewerage, schools, parks and other public requirements. Such regulations shall be made with reasonable consideration, among other things, to existing conditions, to the character of the district, its peculiar suitability for particular uses and with a view to conserving the values of buildings and encouraging the most appropriate use of land within the county.

The notice, hearing and voting procedures for adoption of the zoning regulations shall be the same as that required for adoption of the comprehensive plan as provided by section 3.

After adoption of the zoning resolution, the zoning regulations, the zoning classifications or the boundaries contained therein may from time to time be supplemented, changed or generally revised by amendment. The boundaries on the zoning map may from time to time be changed or revised by a rezoning or conditional use permit. A proposal for an amendment, rezoning or conditional use permit may be initiated by the board of county commissioners, the planning commission, any zoning board or upon application of the owner of property affected.

The board of county commissioners may establish reasonable fees to be paid in advance by the owner of any property at the time of making application for any amendment, rezoning or conditional use permit.

All such proposed amendments, rezonings or conditional use permits first shall be submitted to either the planning commission for recommendation regarding amendments or the appropriate zoning board for recommendation regarding rezonings or

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conditional use permits. All notice, hearing and voting procedures for consideration of proposed amendments, rezonings and conditional use permits shall be the same as that required for amendments, extensions or additions to the comprehensive plan as provided by section 3. Rezoning and conditional use permits shall be designated by legal description and general street location and, in addition to publication notice, written notice of such proposed rezoning or conditional use permit shall be mailed to all owners of record of lands located within 1,000 feet of the property affected by such rezoning or conditional use permit and an opportunity granted to interested parties to be heard, all as provided in the zoning regulations. Failure to receive such notice shall not invalidate any subsequent action taken.

On hearings concerning rezonings and conditional use permits, such notice is sufficient to permit the zoning board to make a recommendation which affects only a portion of the land described in the notice or which gives all or any part of the land described a zoning classification of lesser change than that set forth in the notice. Recommending a zoning classification of lesser change than that set forth in the notice shall not be valid without republication, remailing and a new public hearing unless the planning commission shall have previously established; with the approval of the board of county commissioners, a table or publication available to the public which designates what zoning classifications are lesser changes authorized within the adopted zoning resolution.

If such amendment, rezoning or conditional use permit affects the boundaries of any zoning classification, the resolution of the board of county commissioners shall describe the boundaries, as amended, or if the county has made provision for the fixing of the same upon an official map which has been incorporated by reference, the amending resolution shall define the change or the boundary, as amended, shall order the official map to be changed to reflect such amendment and shall reincorporate such map as amended.

Regardless whether a zoning board recommends to approve or disapprove a proposed rezoning or conditional use permit or "fails to recommend" if a protest against such rezoning or conditional use permit is filed in the office of the county clerk within 14 days after the date of the conclusion of the public hearing held pursuant to such publication notice, duly signed and acknowledged by the owners of 20% or more of any real property subject to the rezoning or conditional use permit or by the owners of 20% of the total area, except public streets and ways, located within 1,000 feet of the boundaries of the property subject to the rezoning or conditional use permit, the resolution adopting such rezoning or conditional use permit shall not be passed except by a favorable vote of at least 4/5 of all of the members of the board of county commissioners.

(c) Regulations adopted under authority of this act shall not apply to the existing use of any buildings or land and shall not prevent the restoration of a building damaged not more than 50% of its assessed valuation by fire, explosion, act of God, or the public enemy, or prevent the continuance of the use of such building or part thereof as such use existed at the time of such damage, but shall apply to any alteration, expansion or enlargement of a building or alteration of any land after the effective date of any such zoning resolution. No determination nor rule nor regulation shall be held to apply to the use of land for agricultural purposes, nor for the erection or maintenance of buildings thereon for such purposes so long as such land and buildings erected thereon are used for agricultural purposes and not otherwise.

No zoning regulations shall apply to the use of land for agricultural purposes nor for the erection or maintenance of agricultural buildings as long as such agricultural buildings are used for agricultural purposes and no other. Dwellings, garages and other similar accessory buildings shall not be considered as agricultural buildings. All buildings, including agricultural buildings, may be regulated as to setback requirements from public roads so as to protect the future use and improvement of such roads.

(d) Whenever the board of county commissioners has adopted, as a part of the comprehensive plan, a plan for its present or future street or highway system and such plan outlines

the intentions of the county for improvements to existing streets or highways, for constructing new streets or highways or for establishing right-of-way needs for streets or highways, the board of county commissioners is hereby authorized, by resolution, to establish, further regulate and limit, and to change and amend, additional building or setback lines on such present or future streets or highways. The board of county commissioners is also authorized to prohibit any new building being located within such building or setback line outside the corporate limits of any city. The resolution may be adopted, and amended or changed, as a part of the zoning regulations.

Sec. 6. (a) The board of county commissioners, after the adoption of a comprehensive plan, may provide, for the adoption, or amendment, of regulations governing the subdivision of land located within the unincorporated portion of the county in the manner, and for the purposes, provided by this act. Such regulations may provide for the harmonious development of the county, including the proper location and width of streets, and for building lines, open spaces, safety and recreational facilities, flood protection and floodplain regulations and for the avoidance of congestion of population, including minimum width, depth and area of lots and compatibility of design. Such regulations also may provide for the reservation or dedication of land for open space for either public recreational use or for the future use of the owners or occupants of subdivisions in order to insure a reasonable balance of use or design and to avoid the overcrowding of land. Such reservation or dedication shall be determined by the geometric design of the streets, lots, blocks or other natural features of the subdivision but such reservation or dedication shall not exceed 10% of the tract being subdivided, exclusive of streets, alleys, easements or other public ways. No owner of a tract being subdivided shall be prevented from offering more than 10% of such tract for such reservation or dedication nor shall the board of county commissioners be prevented from accepting such offering.

The subdivision regulations, as a condition to the approval of any plat, also may require and fix the extent to which and the manner in which streets shall be improved and water, sewer, drainage and other utility mains and piping or connections or other physical improvements shall be installed. Such regulations may provide that in lieu of the completion of such work or improvements prior to the final approval of the plat, the board of county commissioners may accept a completion bond, cashier's check, escrow account or other like security in an amount to be fixed by the board of county commissioners and conditioned upon the actual completion of such work or improvements within a specified period, in accordance with such regulations, and the board of county commissioners may enforce such bond, check or other like security by all equitable and legal remedies. In addition, the board of county commissioners may require a maintenance bond, cashier's check, escrow account or other like security in a reasonable amount to be in force for a period of one year following final county approval of such work or improvements.

(b) Before the board of county commissioners creates any regulations governing the subdivision of land located in the unincorporated portion of the county, the board shall require the planning commission to recommend to the board of county commissioners the regulations or restrictions.

The notice, hearing and voting procedures for adoption of the subdivision regulations shall be the same as that required for adoption of the comprehensive plan as provided by section 3.

After adoption of the subdivision resolution, the regulations, restrictions or requirements contained therein may from time to time be supplemented, changed or generally revised by amendment. A proposal for such amendment may be initiated by the board of county commissioners, the planning commission, any zoning board or upon application of the owner of property affected.

The board of county commissioners may establish reasonable fees to be paid in advance by the owner of any property at the time of making application for any amendment.

All such proposed amendments to the subdivision resolution

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shall first be submitted to the planning commission for recommendation. All notice, hearing and voting procedures for consideration of proposed amendments to the subdivision resolution shall be the same as that required for amendments, extensions or additions to the comprehensive plan as provided by section 3.

(c) Whenever any such regulations governing the subdivision of land under the provisions of this act are adopted, the owner or owners of any land located within the area governed by such regulations who: (1) subdivides the same into lots and blocks or tracts or parcels, for the purpose of laying out any subdivisions, suburban lots, building lots, tracts or parcels or (2) establishes any street, alley, park or public way intended to be dedicated for public use or for the use of purchasers or owners of lots, tracts or parcels of land fronting thereon or adjacent thereto, shall cause a plat to be made which shall accurately describe the subdivision, lots, tracts or parcels of land giving the location and dimensions thereof, or the location and dimensions of all streets, alleys, parks or other properties intended to be dedicated to public use or for the use of purchasers or owners of lots, tracts or parcels of land fronting thereon or adjacent thereto, and every such plat shall be duly acknowledged by the owner or owners thereof.

All such plats shall be submitted to the zoning board for that township in which such land is located for its consideration and, within 60 days thereafter, unless the regulations provide otherwise, its recommendation shall be submitted to the board of county commissioners for its official consideration and action. No such plat or replat or dedication of street, alley, park or public way shall be effective until filed with the register of deeds of such county as provided by law and no such plat, replat or dedication shall be filed with the register of deeds until such plat or replat or dedication shall have endorsed thereon the fact that it has been submitted to the zoning board and approved by the board of county commissioners, and that any land dedicated for public purposes has been accepted by the board of county commissioners.

The board of county commissioners may establish a scale of reasonable fees to be paid in advance to the secretary of the zoning board by the applicant for each plat filed with the zoning board.

No building authorization shall be granted for the construction of any structure upon any lot, tract or parcel of land located within the area governed by the subdivision regulations that has been subdivided, resubdivided or replatted after the date of the adoption of such regulations by the board of county commissioners but which has not been approved in the manner provided by this act. Any regulations adopted by the board of county commissioners with reference to subdividing lots shall provide for the issuance of building permits on lots divided into not more than two tracts without having to replat such lot, provided that the resulting tracts shall not again be divided without replatting, except as may otherwise be provided. Such regulations shall contain procedures for issuance of building permits on such divided lots which take into account zoning regulations, the need for adequate street rights-of-way, easements and improvement of public facilities, shall provide for a procedure which shall specify a time limit within which action shall be taken and also may provide for the final decision on the issuance of such building permit to be made by the board of county commissioners, except as may be provided by law.

Any regulations adopted by the board of county commissioners may provide additional or alternative review methods if a proposed plat is located in two or more townships.

(d) The board of county commissioners is hereby authorized to name or rename streets and to number and renumber business and residence addresses in the unincorporated portion of the county.

Sec. 7. (a) Any zoning regulations adopted under this act shall provide for the establishment of a board of zoning appeals. The board of zoning appeals shall consist of not less than five nor more than nine members who shall be appointed by the board of county commissioners. All of the board's members shall be residents of the unincorporated area of the county.

The members first appointed by the board of county commis-

sioners shall be appointed for terms of one, two and three years. The terms shall be divided equally or as nearly equally as possible between members. Thereafter members shall be appointed for terms of three years each. All members shall serve until their successors are appointed and qualified. Vacancies shall be filled by appointment by the board of county commissioners for the unexpired term. Members shall serve without compensation for their services but may receive such traveling expenses as the board of county commissioners authorizes which shall be paid from any funds available for such purpose. None of the members shall hold any other elected or appointed office or position in the county government except that one member shall be a member of the planning commission.

The board of zoning appeals shall annually elect one of its members as chairperson and one of its members as vice-chairperson. The board of county commissioners shall employ a secretary for the board of zoning appeals. The secretary shall keep a proper record of the board's proceedings. The board shall adopt rules in accordance with the provisions of any resolution adopted pursuant to this act. Meetings of the board shall be held at the call of the chairperson, and at such other times as the zoning regulations adopted by the board of county commissioners may determine. A majority of the board shall constitute a quorum for the transaction of business.

The board of zoning appeals shall cause a proper record to be kept of its proceedings, showing the description of evidence presented, the findings of fact by the board, the decision of the board, and the vote of each member upon each question, or if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be filed in a public office designated by the board of county commissioners and shall be a public record.

(b) The board of zoning appeals shall hold a public hearing on any appeal or other matter referred to the board. Notice of such hearing shall be published at least one time in the official county newspaper at least 15 days prior to the hearing. Such notice shall include the time, place, date and subject of the hearing as well as notice to the parties in interest. Failure to receive individual notice shall not invalidate any subsequent action taken. Upon the hearing any party may appear in person or by agent or by attorney. The board shall have the power to:

(1) Hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination made by an administrative official in the enforcement of any regulations adopted pursuant to the zoning powers herein granted. Appeals to the board may be taken by any person aggrieved, or by any officer, department, board or bureau of the county, or any governmental agency or body affected by any decision of the administrative officer. Such appeal shall be taken within a reasonable time, as provided by the zoning regulations, by filing with the board of zoning appeals a notice of appeal specifying the grounds thereof. The officer from whom the appeal is taken, when notified by the board of zoning appeals or its agent, shall transmit to the board all the papers constituting the record upon which the action appealed from was taken, within the time period established by the rules of the board.

(2) Authorize in specific cases a variance from the specific terms of the zoning regulations which will not be contrary to the public interest where, due to special conditions, a literal enforcement of provisions of the regulations will, in an individual case, result in unnecessary hardship, and provided that the spirit of the regulations shall be observed, public safety and welfare secured, and substantial justice done. The board of zoning appeals shall not have the power to grant variances regarding uses permitted within zoning districts, but shall be limited to granting variances on matters including, but not limited to, building height, setbacks, lot size and lot dimensions, as provided by the zoning regulations. A request for a variance may be granted in such individual case, upon a finding by the board of zoning appeals that all of the following conditions have been met: (A) The variance requested arises from such condition which is unique and which is not ordinarily found in the same zoning classification, and is created by the zoning regulations and not by

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an action or actions of the property owner or the applicant; (B) the granting of the variance will not adversely affect the rights of adjacent property owners or residents; (C) the strict application of the provisions of the zoning regulations of which variance is requested will constitute unnecessary hardship upon the property owner represented in the application; (D) the variance desired will not adversely affect the public health, safety, morals, order, convenience, prosperity or general welfare; and (E) granting the variance desired will not be opposed to the general spirit and intent of the zoning regulations.

In exercising such powers, the board of zoning appeals, in conformity with the provisions of this act, may reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination, and to that end shall have all the powers of the administrative official from whom the appeal is taken. The board of zoning appeals shall render its decision within 10 days of the conclusion of the hearing.

Any decision of the board of zoning appeals which is contrary to existing zoning regulations shall not be effective until approved by the board of county commissioners. Such decision and the record thereon shall be submitted to the board of county commissioners within two weeks of such decision and the board of county commissioners, within two weeks after receipt thereof, shall approve the decision of the board of zoning appeals or shall call for a public hearing before the board of county commissioners for the purpose of reviewing and reconsidering such decision. The failure of the board of county commissioners to act within the two-week period shall constitute approval of the decision of the board of zoning appeals. The public hearing shall be called by following the same notice requirements specified for public hearings on matters before the board of zoning appeals. The failure by parties in interest to receive individual notice shall not invalidate any subsequent action taken. At such hearing any party may appear in person or by agent or by attorney.

The board of county commissioners, in reconsidering a decision of the board of zoning appeals, shall cause a proper record to be kept of its proceedings, showing the description of evidence presented, the findings of fact by the board, the decision of the board, and the vote of each member upon each question, or if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be filed in a public office designated by the board of county commissioners and shall be a public record.

In reconsidering a decision of the board of zoning appeals, the board of county commissioners, after conducting the public hearing specified herein and within a reasonable time, shall approve, modify and approve, or overturn the decision of the board of zoning appeals.

Any person, official or governmental agency dissatisfied with any order or determination of the board of zoning appeals or the board of county commissioners may bring an action in the district court of the county to determine the reasonableness of any such order or determination.

(c) The board of county commissioners may establish a scale of reasonable fees to be paid in advance by the owner of any property at the time of making application for an appeal or variance.

Sec. 8. Any county which adopts a resolution under the provisions of this act shall have power to declare the violation thereof a misdemeanor and punishable by a fine not to exceed \$500 for each offense and to provide that each day's violation shall constitute a separate offense. Such counties also shall have the authority to maintain suits or actions in any court of competent jurisdiction for the purpose of enforcing the provisions of such resolution and to abate nuisances maintained in violation thereof. In case any building or structure is or is proposed to be erected, constructed, altered, converted or maintained, or any building, structure or land is or is proposed to be used in violation of any resolution enacted under this act, the county counselor or other appropriate authority of the county, and in the event the violation relates to a provision concerning floodplain zoning, the attorney general and the chief engineer of the division of water resources of the Kansas state board of agriculture, in

addition to other remedies, may institute injunction, mandamus, or other appropriate action or proceeding to prevent such unlawful erection, construction, reconstruction, alteration, conversion, maintenance, use or to correct or abate such violation or to prevent the occupancy of such building, structure or land. Any person, company, corporation, institution, municipality or agency of the state or federal government who violates any provision of a resolution relating to floodplain zoning, shall be subject to the penalties and remedies provided for herein.

Sec. 9. Any person having an interest in property affected may have the reasonableness of any such act, regulation or amendment thereto determined by bringing an action against the board of county commissioners in the manner set out in K.S.A. 19-223, and amendments thereto, within 30 days after the making of a decision on such act, regulation or amendment. Such action shall be brought in the district court of the county.

Sec. 10. Any comprehensive plan or part thereof, subdivision regulations or zoning regulations adopted by the board of county commissioners under the provisions of K.S.A. 19-2901 to 19-2913, inclusive, and amendments thereto, shall continue in force and effect until a comprehensive plan or part thereof, subdivision regulations or zoning regulations are adopted as provided in this act.

Sec. 11. If any provision of this act is held to be invalid, such invalidity shall not affect the validity of other provisions of the act which can be given effect without the invalid provision.

Sec. 12. 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.

Senate adopted Conference Committee report April 5, 1984.

ROSS O. DOYEN

*President of the Senate.*

LU KENNEY

*Secretary of the Senate.*

Passed the HOUSE as amended April 2, 1984.

House adopted Conference Committee report April 5, 1984.

MIKE HAYDEN

*Speaker of the House.*

GENEVA SEWARD

*Chief Clerk of the House.*

APPROVED April 19, 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 25th day of April, 1984.

(SEAL)

JACK H. BRIER  
*Secretary of State.*



(Published in the KANSAS REGISTER, May 3, 1984.)

## HOUSE BILL No. 2827

AN ACT relating to certain income and excise taxes administered by the department of revenue; amending K.S.A. 12-1694, 12-1698, 79-3222 and 79-3274 and K.S.A. 1983 Supp. 79-1112, 79-1575, 79-1579, 79-3221d, 79-3225, 79-3226, 79-3228, 79-3230, 79-32105, 79-32,107, 79-32,109, 79-32,111b, 79-32,138, 79-32,139, 79-32,140, 79-3706 and 79-41a03 and repealing the existing sections.

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

Section 1. From and after July 1, 1984, K.S.A. 12-1694 is hereby amended to read as follows: 12-1694. (a) Any tax levied and collected pursuant to K.S.A. 12-1693, and amendments thereto, shall become due and payable by the business monthly, on or before the last day of the month immediately succeeding the month in which it is collected, with the first payment due and payable on or before the last day of the month specified in the resolution of the governing body which levies the tax, but any person filing an annual or quarterly return under the Kansas retailers' sales tax act, as prescribed in K.S.A. 79-3607, and amendments thereto, may, with the approval of the secretary of revenue and upon such conditions as the secretary of revenue may prescribe, pay the tax required by this act on the same basis and at the same time he or she such person pays said the retailer's sales tax. Each business shall make a true report to the department of revenue, on a form prescribed by the secretary of revenue, providing such information as may be necessary to determine the amounts to which any such tax shall apply for all gross rental receipts for the applicable month or months, which report shall be accompanied by the tax disclosed thereby. Records of gross rental receipts shall be kept separate and apart from the records of other retail sales made by a business in order to facilitate the examination of books and records as provided herein.

(b) The secretary of revenue or the secretary's authorized representative shall have the right at all reasonable times during business hours to make such examination and inspection of the books and records of a business as may be necessary to determine the accuracy of such reports.

(c) For each and every month, or any part thereof, any tax provided for by this act remains unpaid after the same becomes due and payable by the business, there shall be added to such tax, as a penalty, ten percent (10%) of the amount of such tax for the first month or any part thereof the same is unpaid, and for each and every month thereafter, two percent (2%) of the amount of such tax shall be added until the same is fully paid. In no case shall the total penalty exceed thirty percent (30%) of said tax.

(d) (c) The secretary of revenue is hereby authorized to administer and collect any transient guest tax levied pursuant to this act and to adopt such rules and regulations as may be necessary for the efficient and effective administration and enforcement of the collection thereof. Whenever any business liable to pay any transient guest tax refuses or neglects to pay the same, the amount, including any penalty, shall be collected in the manner prescribed for the collection of the retailers' sales tax by K.S.A. 79-3617, and amendments thereto. All of the taxes collected under the provisions of this act shall be paid into the state treasury daily by the secretary of revenue, and the state treasurer shall place two percent (2%) 2% of all taxes so collected in the state general fund to defray the expenses of the department in administration and enforcement of the collection thereof. The remainder of said such taxes shall be credited to the "county and city transient guest tax fund," which fund is hereby established. All moneys in the county and city transient guest tax fund shall be remitted at least quarterly by the state treasurer, on instruction from the secretary of revenue, to the treasurers of those cities which, by virtue of their participation in the election provided for in K.S.A. 12-1693, and amendments thereto, are qualified to receive disbursements from said such transient guest tax fund for the amount collected within such city, and to the treasurer of said such county for the amount collected in the unincorporated areas of said such county.

(e) (d) All such moneys received by the county treasurer or city treasurer from disbursements from the county and city transient guest tax fund shall be credited to the "tourism and

convention promotion fund" of said such county or city and shall only be expended for convention and tourism promotion, except that not more than twenty percent (20%) 20% of the moneys credited to such fund shall be expended for tourism promotion.

New Sec. 2. From and after July 1, 1984, (a) If any taxpayer shall fail to pay the tax levied pursuant to K.S.A. 12-1693, and amendments thereto, at the time required by or under the provisions of K.S.A. 12-1694, and amendments thereto, there shall be added to the unpaid balance of the tax, interest at the rate per month prescribed by subsection (a) of K.S.A. 1983 Supp. 79-2968, and amendments thereto, from the date the tax was due until paid.

(b) If any taxpayer due to negligence or intentional disregard fails to file a return or pay the tax due at the time required by or under the provisions of K.S.A. 12-1694, and amendments thereto, there shall be added to the tax a penalty in an amount equal to 10% of the unpaid balance of tax due.

(c) If any person fails to make a return, or to pay any tax, within 30 days after notice from the director, except in the case of an extension of time granted by the director, there shall be added to the tax due a penalty equal to 25% of the amount of such tax.

(d) If any taxpayer, with fraudulent intent, fails to pay any tax or make, render or sign any return, or to supply any information, within the time required by or under the provisions of K.S.A. 12-1694, and amendments thereto, there shall be added to the tax a penalty in an amount equal to 50% of the unpaid balance of tax due.

(e) Penalty or interest applied under the provisions of subsections (a) and (d) shall be in addition to the penalty added under any other provisions of this section, but the provisions of subsections (b) and (c) shall be mutually exclusive of each other.

(f) Whenever, in the judgment of the director, the failure of the taxpayer to comply with the provisions of subsections (b) and (c) was due to reasonable causes and not willful neglect, the director may waive or reduce any of the penalties upon making a record of the reasons therefor.

(g) In addition to all other penalties provided by this section, any person who willfully fails to make a return or to pay any tax imposed under K.S.A. 12-1693, and amendments thereto, or who makes a false or fraudulent return, or fails to keep any books or records necessary to determine the accuracy of the person's reports, or who willfully violates any regulations of the secretary of revenue, for the enforcement and administration of the provisions of K.S.A. 12-1692 to 12-1695, inclusive, and amendments thereto, or who aids and abets another in attempting to evade the payment of any tax imposed by K.S.A. 12-1693, and amendments thereto, or who violates any other provision of K.S.A. 12-1692 to 12-1695, inclusive, and amendments thereto, shall, upon conviction thereof, be fined not less than \$100 nor more than \$1,000, or be imprisoned in the county jail not less than one month nor more than six months, or be both so fined and imprisoned, in the discretion of the court.

Sec. 3. From and after July 1, 1984, K.S.A. 12-1698 is hereby amended to read as follows: 12-1698. (a) Any tax levied and collected pursuant to K.S.A. 12-1697, and amendments thereto, shall become due and payable by the business monthly, on or before the last day of the month immediately succeeding the month in which it is collected, with the first payment due and payable on or before the last day of the month specified in the resolution of the governing body which levies the tax, but any person filing an annual or quarterly return under the Kansas retailers' sales tax act, as prescribed in K.S.A. 79-3607, and amendments thereto, shall, upon such conditions as the secretary of revenue may prescribe, pay the tax required by this act on the same basis and at the same time he or she such person pays said the retailers' sales tax. Each business shall make a true report to the department of revenue, on a form prescribed by the secretary of revenue, providing such information as may be necessary to determine the amounts to which any such tax shall apply for all gross rental receipts for the applicable month or months, which report shall be accompanied by the tax disclosed thereby. Records of gross rental receipts shall be kept separate and apart from the records of other retail sales made by a

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business in order to facilitate the examination of books and records as provided herein.

(b) The secretary of revenue or the secretary's authorized representative shall have the right at all reasonable times during business hours to make such examination and inspection of the books and records of a business as may be necessary to determine the accuracy of such reports.

(c) For each and every month, or any part thereof, any tax provided for by this act remains unpaid after the same becomes due and payable by the business, there shall be added to such tax, as a penalty, ten percent (10%) of the amount of such tax for the first month or any part thereof the same is unpaid, and for each and every month thereafter, two percent (2%) of the amount of such tax shall be added until the same is fully paid. In no case shall the total penalty exceed thirty percent (30%) of said tax.

(d) (c) The secretary of revenue is hereby authorized to administer and collect any transient guest tax levied pursuant to this act and to adopt such rules and regulations as may be necessary for the efficient and effective administration and enforcement of the collection thereof. Whenever any business liable to pay any transient guest tax refuses or neglects to pay the same, the amount, including any penalty, shall be collected in the manner prescribed for the collection of the retailers' sales tax by K.S.A. 79-3617, and amendments thereto. All of the taxes collected under the provisions of this act shall be paid into the state treasury daily by the secretary of revenue, and the state treasurer shall place two percent (2%) of all taxes so collected in the state general fund to defray the expenses of the department in administration and enforcement of the collection thereof. The remainder of said such taxes shall be credited to the "county or city transient guest tax fund," which fund is hereby established. All moneys in the county or city transient guest tax fund shall be remitted at least quarterly by the state treasurer to the county or city treasurer of each county or city levying a transient guest tax under the provisions of this act in the proportion, as certified by the director of taxation, that the amount collected from said such tax in each such county or city bears to the total amount collected from said such taxes in all counties or cities for the period covered by the distribution.

(e) (d) All such moneys received by the county or city treasurer from disbursements from the county or city transient guest tax fund shall be credited to the "tourism and convention promotion fund" of said such county or city and shall only be expended for convention and tourism promotion.

New Sec. 4. From and after July 1, 1984, (a) If any taxpayer shall fail to pay the tax levied pursuant to K.S.A. 12-1697, and amendments thereto, at the time required by or under the provisions of K.S.A. 12-1698, and amendments thereto, there shall be added to the unpaid balance of the tax, interest at the rate per month prescribed by subsection (a) of K.S.A. 1983 Supp. 79-2968, and amendments thereto, from the date the tax was due until paid.

(b) If any taxpayer due to negligence or intentional disregard fails to file a return or pay the tax due at the time required by or under the provisions of K.S.A. 12-1698, and amendments thereto, there shall be added to the tax a penalty in an amount equal to 10% of the unpaid balance of tax due.

(c) If any person fails to make a return, or to pay any tax, within 30 days after notice from the director, except in the case of an extension of time granted by the director, there shall be added to the tax due a penalty equal to 25% of the amount of such tax.

(d) If any taxpayer, with fraudulent intent, fails to pay any tax or make, render or sign any return, or to supply any information, within the time required by or under the provisions of K.S.A. 12-1698, and amendments thereto, there shall be added to the tax a penalty in an amount equal to 50% of the unpaid balance of tax due.

(e) Penalty or interest applied under the provisions of subsections (a) and (d) shall be in addition to the penalty added under any other provisions of this section, but the provisions of subsections (b) and (c) shall be mutually exclusive of each other.

(f) Whenever, in the judgment of the director, the failure of the taxpayer to comply with the provisions of subsections (b) and (c) was due to reasonable causes and not willful neglect, the

director may waive or reduce any of the penalties upon making a record of the reasons therefor.

(g) In addition to all other penalties provided by this section, any person who willfully fails to make a return or to pay any tax imposed under K.S.A. 12-1697, and amendments thereto, or who makes a false or fraudulent return, or fails to keep any books or records necessary to determine the accuracy of the person's reports, or who willfully violates any regulations of the secretary of revenue, for the enforcement and administration of the provisions of K.S.A. 12-1696 to 12-16,101, inclusive, and amendments thereto, or who aids and abets another in attempting to evade the payment of any tax imposed by K.S.A. 12-1697, and amendments thereto, or who violates any other provision of K.S.A. 12-1696 to 12-16,101, inclusive, and amendments thereto, shall, upon conviction thereof, be fined not less than \$100 nor more than \$1,000, or be imprisoned in the county jail not less than one month nor more than six months, or be both so fined and imprisoned, in the discretion of the court.

Sec. 5. From and after January 1, 1985, K.S.A. 1983 Supp. 79-1112 is hereby amended to read as follows: 79-1112. (a) The director of taxation shall pay all tax moneys collected under the provisions of this act into the state treasury on or before the first day of each month, less amounts set apart in the privilege tax refund fund in the manner provided in subsection (b), and the state treasurer shall credit the same to the general fund of the state.

(b) A fund designated as the privilege tax refund fund shall be set apart and maintained by the director from the tax moneys collected under the provisions of this act and held by the state treasurer for prompt payment of all "privilege tax" refunds. Such The fund shall be in such amount as the director shall determine determines is necessary to meet current refunding requirements under this act. In the event such fund is at any time insufficient to provide for the payment of refunds due claimants thereof, the director shall certify the amount of additional funds required to the director of accounts and reports, who shall promptly transfer the required amount from the state general fund to the privilege tax refund fund and notify the state treasurer, who shall make proper entry in the records.

(c) If the director discovers from the examination of the return, or upon claim duly filed by the taxpayer or upon final judgment of the court that the tax imposed by this act, or any penalty or interest paid by or credited to any taxpayer is in excess of the amount legally due, the director, shall certify to the director of accounts and reports the name of the taxpayer, the amount of refund and such other information as the director may require. Upon receipt of such certification, the director of accounts and reports shall issue a warrant on the state treasurer for the payment to the taxpayer out of the fund provided in subsection (b), except that no refund shall be made for a sum less than \$1 \$5, but such amount may be claimed by the taxpayer as a credit against the taxpayer's tax liability in the taxpayer's next succeeding year.

Sec. 6. From and after January 1, 1985, K.S.A. 1983 Supp. 79-1575 is hereby amended to read as follows: 79-1575. As soon as practicable after the return or affidavit is filed, the director shall make an examination thereof and determine the correct amount of the tax liability. If the tax found due is less than the amount paid, the excess so paid shall be refunded to the executor, administrator or deemed executor who paid the tax. If the tax found due shall be greater than the amount theretofore paid, or if a claim for a refund is denied, notice shall be mailed to the person filing the return by registered or certified mail. Within thirty (30) 30 days after the mailing of said the notice any executor, administrator or deemed executor aggrieved by any such determination of the director may request a hearing of the director relating to the tax liability by filing a written request with the director. Based on the evidence presented at such hearing, the director shall make a final determination within a reasonable time and shall notify the executor, administrator or deemed executor by registered or certified mail of his or her the decision, accompanied by a notice and demand for payment. The tax shall be paid within thirty (30) 30 days thereafter, together

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with interest on the additional tax from the date the tax was due unless an appeal is taken in the manner provided by K.S.A. 74-2438, and amendments thereto. No additional tax shall be assessed for less than one dollar (\$1) \$5.

Sec. 7. From and after January 1, 1985, K.S.A. 1983 Supp. 79-1579 is hereby amended to read as follows: 79-1579. A refund clearing fund, designated "inheritance tax abatement refund," not to exceed \$50,000 shall be set apart and maintained by the director of taxation from inheritance tax collections and held by the state treasurer for the prompt payment of all abatements and refunds. If the director of taxation finds that a claim for refund duly filed by an executor, administrator or deemed executor pursuant to K.S.A. 1982 1983 Supp. 79-1564(d)(4), 79-1574(d) or 79-1575, and amendments thereto, should be allowed, or if a court upon a final judgment shall find that the inheritance tax or interest paid by any executor, administrator or deemed executor is in excess of the amount legally due, then the director of taxation shall issue the director's vouchers to the director of accounts and reports for the refund to the executor, administrator or deemed executor of such tax or interest together with interest provided for hereinafter. Upon receipt of such voucher properly executed and endorsed, the director of accounts and reports shall issue the director's warrants to the state treasurer for the payment to the executor, administrator or deemed executor out of the inheritance tax abatement refund fund. The director of taxation shall file a duplicate of such voucher and also a statement which shall set forth the reasons why such abatement or refund was allowed. Upon the allowance of an abatement or refund of any tax or interest paid, interest shall be allowed and paid on the amount of such abatement or refund at the rate of 12% per annum from the date such tax or interest was paid to the date the refund or abatement of inheritance taxes is made. No refunds in an amount of less than \$1 \$5 shall be made.

Sec. 8. From and after July 1, 1984, K.S.A. 1983 Supp. 79-3221d is hereby amended to read as follows: 79-3221d. Each Kansas state individual income tax return form for tax years commencing after December 31, 1979, shall contain a designation as follows:

*Kansas nongame wildlife improvement program.* Check if you wish to donate, in addition to your tax liability,  \$1,  \$5,  \$10 or  \$\_\_\_\_\_ or designate  \$1,  \$5,  \$10 or  \$\_\_\_\_\_ of your tax refund for this program. If joint return, check if spouse wishes to donate or designate  \$1,  \$5,  \$10 or  \$\_\_\_\_\_.

*Kansas nongame wildlife improvement program.* Check if you wish to donate, in addition to your tax liability, or designate from your refund,  \$1,  \$5,  \$10 or  \$\_\_\_\_\_.

Sec. 9. From and after July 1, 1984, K.S.A. 79-3222 is hereby amended to read as follows: 79-3222. Every individual, partnership, corporation, joint stock company or association, whether or not exempt from taxation under this act, being a resident or having a place of or any other entity which does business in this state, in whatever capacity acting, including lessees or mortgagors of real or personal property, fiduciaries, employers and all officers and employees of the state or of any political subdivision of the state, having the control, receipt, custody, disposal or payment, in the course of his, her or its trade or business, of interest (other than interest coupons payable to bearer), rent, salaries, wages, premiums, annuities, compensations, remunerations, emoluments or other fixed or determinable annual or periodical gains, profits, and income paid or payable during any year to any resident person, partnership, corporation, joint stock company, association, estate or trust, or to any person, partnership, corporation, joint stock company, association, estate or trust which receives or to which is payable any such income, if the same is subject to taxation under the Kansas income tax act, of \$600 or more, shall make return thereof under oath to the director of taxation in such form and manner and to such extent as may be prescribed by such director under rules and regulations of the secretary of revenue, which makes payments of income to any residents of this state or other persons and entities subject to taxation under the Kansas income tax act, and which is required to file an information return with respect to such payment with the internal revenue service, shall file a copy

of such information return with the director of taxation at or before the time such return is required to be filed with the internal revenue service. Unless such income is so reported, the director may disallow the payments as deductions or credits in computing the tax of the payer or impose a penalty of not to exceed \$500 \$50 for each such failure.

Sec. 10. From and after January 1, 1985, K.S.A. 1983 Supp. 79-3225 is hereby amended to read as follows: 79-3225. (a) All taxes imposed under the provisions of the "Kansas income tax act" shall be paid on the ~~fifteenth~~ 15th day of the fourth month following the close of the taxable year. When the tax as shown to be due on a return is less than one dollar (\$1) \$5, such tax shall be canceled and no payment need be remitted by the taxpayer.

(b) The director of taxation may extend the time for payment of the tax, or any installment thereof, for a reasonable period of time not to exceed six (6) months from the date fixed for payment thereof. Such extension may exceed six (6) months in the case of a taxpayer who is abroad. Interest shall be charged at the rate prescribed by K.S.A. 1980 1983 Supp. 79-2968(a) and amendments thereto for the period of such extension.

Sec. 11. From and after July 1, 1984, K.S.A. 1983 Supp. 79-3226 is hereby amended to read as follows: 79-3226. As soon as practicable after the return is filed, the director of taxation shall examine it, and shall determine the correct amount of the tax. If the tax found due shall be greater than the amount theretofore paid, or if a claim for a refund is denied, notice shall be mailed to the taxpayer by registered or certified mail. Within ~~thirty (30)~~ 30 days after the mailing of said such notice the taxpayer may request a hearing of the director relating to the tax liability by filing a written request with the director. Based on the evidence presented at such hearing, the director shall make a final determination within a reasonable time, and shall notify the taxpayer by registered or certified mail of such decision, accompanied by a notice and demand for payment. Notice under this section shall be sent by first-class mail in the case of individual taxpayers and by registered or certified mail in the case of all other taxpayers. The tax shall be paid within ~~twenty (20)~~ 20 days thereafter, together with interest at the rate per month prescribed by subsection (a) of K.S.A. 1982 1983 Supp. 79-2968(a) 79-2968, and amendments thereto, on the additional tax from the date the tax was due unless an appeal is taken in the manner provided by law, but no additional tax shall be assessed for less than one dollar (\$1) \$5. Interest at such rate shall continue to accrue on any additional tax liability during the course of any appeal.

Sec. 12. From and after July 1, 1984, K.S.A. 1983 Supp. 79-3228 is hereby amended to read as follows: 79-3228. (a) If any taxpayer, without intent to evade the tax imposed by this act, shall fail to file a return or pay the tax, if one is due, at the time required by or under the provisions of this act, but shall voluntarily file a correct return of income or pay the tax due within ~~sixty (60)~~ 60 days thereafter, there shall be added to the tax an additional amount equal to ~~ten percent (10%)~~ 10% of the unpaid balance of tax due plus interest at the rate per month or fraction of a month prescribed by subsection (a) of K.S.A. 1982 Supp. 79-2968(a) 1983 Supp. 79-2968, and amendments thereto, from the date the tax was due until paid.

(b) If any taxpayer fails voluntarily to file a return of income or pay the tax, if one is due, within ~~sixty (60)~~ 60 days after the time required by or under the provisions of this act, there shall be added to the tax an additional amount equal to ~~twenty-five percent (25%)~~ 25% of the unpaid balance of tax due plus interest at the rate per month or fraction of a month prescribed by subsection (a) of K.S.A. 1982 Supp. 79-2968(a) 1983 Supp. 79-2968, and amendments thereto, from the date the tax was due until paid.

(c) If any taxpayer who has failed to file a return or has filed an incorrect or insufficient return, and after notice from the director refuses or neglects within ~~twenty (20)~~ 20 days to file a proper return, the director shall determine the income of such taxpayer according to the best available information and assess the tax together with a penalty of ~~fifty percent (50%)~~ 50% of the unpaid balance of tax due plus interest at the rate per month

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prescribed by *subsection (a) of K.S.A. 1982 Supp. 79-2968(a) 1983 Supp. 79-2968, and amendments thereto*, from the date the tax was originally due to the date of payment.

(d) Any person, who with fraudulent intent, fails to pay any tax or to make, render or sign any return, or to supply any information, within the time required by or under the provisions of this act, shall be assessed a penalty equal to the amount of the unpaid balance of tax due plus interest at the rate per month prescribed by *subsection (a) of K.S.A. 1982 Supp. 79-2968(a) 1983 Supp. 79-2968, and amendments thereto*, from the date the tax was originally due to the date of payment. Such person shall also be guilty of a misdemeanor and shall, upon conviction, be fined not more than one thousand dollars (\$1,000) \$1,000 or be imprisoned in the county jail not less than ~~thirty (30)~~ 30 days nor more than one (1) year, or both such fine and imprisonment.

(e) Any person who willfully signs a fraudulent return shall be guilty of a felony, and upon conviction thereof shall be punished by imprisonment for a term not exceeding five (5) years. The term "person" as used in this section includes any agent of the taxpayer, and officer or employee of a corporation or a member or employee of a partnership, who as such officer, employee or member is under a duty to perform the act in respect of which the violation occurs.

(f) Whenever, in the judgment of the director, the failure of the taxpayer to comply with the provisions of subsections (a), (b) and (c) of this section, was due to reasonable causes, the director may waive or reduce any of the penalties upon making a record of the reasons therefor.

(g) In case of a nonresident or any officer or employee of a corporation, the failure to do any act required by or under the provisions of this act shall be deemed an act committed in part at the office of the director.

(h) In the case of a nonresident individual, partnership or corporation, the failure to do any act required by or under the provision of this act shall prohibit ~~said~~ such nonresident from being awarded any contract for construction, reconstruction or maintenance or for the sale of materials and supplies to the state of Kansas or any political subdivision thereof until such time as ~~said~~ such nonresident has fully complied with this act.

Sec. 13. From and after July 1, 1984, K.S.A. 1983 Supp. 79-3230 is hereby amended to read as follows: 79-3230. (a) The amount of income taxes imposed by this act shall be assessed within four years after the return was filed or the tax as shown to be due on the return was paid, whichever is the later date, and no proceedings in court for the collection of such taxes shall be begun after the expiration of such period. For purposes of this act any return filed before the 15th day of the fourth month following the close of the taxable year shall be considered as being filed on the 15th day of the fourth month following the close of the taxable year, and any tax shown to be due on the return and paid before the 15th day of the fourth month following the close of the taxable year shall be deemed to have been paid on the 15th day of the fourth month following the close of the taxable year.

(b) In the case of a false or fraudulent return with intent to evade tax, the tax may be assessed, or a proceeding in court for collection of such tax may be begun at any time.

(c) No refund or credit shall be allowed by the director of taxation after four years from the date the return was filed, or one year after an assessment is made, whichever is the later date, unless before the expiration of such period a claim therefor is filed by the taxpayer. Where the assessment of any income tax imposed by this act has been made within the period of limitation properly applicable thereto, such tax may be collected by distraint or by a ~~proceeding~~ proceeding in court, but only if begun within one year after the period of limitation as defined in this act.

(d) In case a taxpayer has made claim for a refund, the taxpayer shall have the right to commence a suit for the recovery of the ~~same~~ refund at the expiration of six months after the filing of the claim for refund, if no action has been taken by the director of taxation.

(e) Before the expiration of time prescribed in this section for the assessment of additional tax or the filing of a claim for a refund, the director of taxation is authorized to enter into an

agreement in writing with the taxpayer consenting to the extension of the periods of limitations as defined in this act for the assessment of tax or for the filing of a claim for refund, at any time prior to the expiration of the period of limitations. The period so agreed upon may be extended by subsequent agreements in writing made before the expiration of the period previously agreed upon. *An agreement between the taxpayer and the internal revenue service providing for the extension of the period for assessment of federal income taxes shall constitute an agreement with the director of taxation to extend the period for assessment of income taxes under the provisions of the Kansas income tax act. A copy of all such agreements and extensions thereof shall be filed with the director of taxation within 30 days after their execution.*

(f) Any taxpayer whose income has been adjusted by the federal internal revenue service is required to report such adjustments to the Kansas department of revenue by mail within 90 180 days of the date the federal adjustments are agreed to or become final between the taxpayer and the federal internal revenue service. Such adjustments shall be reported by filing an amended return for the applicable taxable year and a copy of the revenue agent's report detailing such adjustments. In the event such taxpayer is a corporation, such report shall be by certified or registered mail.

Notwithstanding the provisions of subsections (a) or (c) of this section, additional income taxes may be assessed and proceedings in court for collection of such taxes may be commenced and any refund or credit may be allowed by the director of taxation within 90 180 days following receipt of any such report of adjustments by the Kansas department of revenue, ~~or, if no such report is received, within 90 days from the date the department of revenue receives notice that adjustments have been agreed to or have become final.~~ No assessment shall be made nor any refund or credit shall be allowable under the provisions of this paragraph except to the extent the same is attributable to changes in the taxpayer's income due to adjustments indicated by such report.

(g) In the event of failure to comply with the provisions of this section, the statute of limitations shall be tolled.

Sec. 14. From and after July 1, 1984, K.S.A. 79-3274 is hereby amended to read as follows: 79-3274. Rents and royalties from real or tangible personal property, capital gains, interest, dividends, or patent or copyright royalties, to the extent that they constitute nonbusiness income, shall be allocated as provided in K.S.A. 79-3275 to 79-3278, *inclusive, and amendments thereto. Allocable nonbusiness income shall be limited to the total non-business income received which is in excess of any related expenses which have been allowed as a deduction during the income year.*

Sec. 15. From and after January 1, 1985, K.S.A. 1983 Supp. 79-32,105 is hereby amended to read as follows: 79-32,105. (a) The director shall pay to the treasurer of the state daily the entire amount collected during the preceding day, under the provisions of this act and from the income tax imposed upon individuals, corporations, estates or trusts pursuant to the "Kansas income tax act" less amounts withheld as provided in subsection (b), which amounts shall be credited to the state general fund.

(b) A revolving fund, designated as "income tax refund fund" not to exceed ~~four million dollars (\$4,000,000)~~ \$4,000,000 shall be set apart and maintained by the director from income tax collections, withholding tax collections, and estimated tax collections and held by the state treasurer for prompt payment of all income tax refunds and for the payment of interest as provided in subsection (e). ~~Said~~ The fund shall be in such amount, within the limit set by this section, as the director ~~shall determine~~ determines is necessary to meet current refunding requirements under this act.

(c) If the director discovers from the examination of the return, or upon claim duly filed by the taxpayer or upon final judgment of the court that the income tax, withholding tax, or declaration of estimated tax, or any penalty or interest paid by or credited to any taxpayer is in excess of the amount legally due, the director, shall certify to the director of accounts and reports

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the name of the taxpayer, the amount of refund and such other information as the director may require. Upon receipt of such certification the director of accounts and reports shall issue a warrant on the state treasurer for the payment to the taxpayer out of the fund provided in subsection (b) of this section, except that no refund shall be made for a sum less than ~~one dollar (\$1)~~ \$5, but such amount may be claimed by the taxpayer as a credit against the taxpayer's tax liability in the taxpayer's next succeeding taxable year.

(d) When a resident taxpayer dies, and the director determines that a refund is due the claimant not in excess of ~~one hundred dollars (\$100)~~ \$100, the director shall certify to the director of accounts and reports the name and address of the claimant entitled to the refund and the amount of the refund. A refund may be made upon a claim duly made on behalf of the estate of the deceased or in the absence of any such claim upon a claim by a surviving spouse and if none upon the claim by any heir at law. Upon receipt of such certification the director of accounts and reports shall issue a warrant on the state treasurer for the payment to the claimant out of the fund provided in subsection (b) of this section.

(e) Interest shall be allowed and paid at the rate of ~~twelve percent (12%)~~ 12% per annum upon any overpayment of the income tax imposed upon individuals, corporations, estates or trusts pursuant to the Kansas income tax act.

For the purposes of this subsection:

(1) Any return filed before the last day prescribed for the filing thereof shall be considered as filed on such last day, determined without regard to any extension of time granted the taxpayer;

(2) any tax paid by the taxpayer before the last day prescribed for its payment, any income tax withheld from the taxpayer during any calendar year and any amount paid by the taxpayer as estimated income tax for a taxable year shall be deemed to have been paid on the last day prescribed for filing the return for the taxable year to which such amount constitutes a credit or payment, determined without regard to any extension of time granted the taxpayer;

(3) if any overpayment of tax results from a carryback of a net operating loss or net capital loss, such overpayment shall be deemed not to have been made prior to the close of the taxable year in which such net operating loss or net capital loss arises;

(4) in the case of a credit, interest shall be allowed and paid from the date of the overpayment to the due date of the amount against which the credit is taken, except that if any overpayment of income tax is claimed as a credit against estimated tax for the succeeding taxable year, such amount shall be considered as a payment of the income tax for the succeeding taxable year, whether or not claimed as a credit in the return of estimated tax for such succeeding taxable year, and no interest shall be allowed or paid in such overpayment for the taxable year in which the overpayment arises;

(5) in the case of a refund, interest shall be allowed and paid from the date of the overpayment to a date preceding the date of the refund check by not more than ~~thirty (30)~~ 30 days, as determined by the director, whether or not such refund check is accepted by the taxpayer after tender of such check to the taxpayer, but acceptance of such check shall be without prejudice to any right of the taxpayer to claim any additional overpayment and interest thereon; and

(6) if any overpayment is refunded within two (2) months after the last date prescribed, or permitted by extension of time, for filing the return of such tax, or within two (2) months after the return was filed, whichever is later, no interest shall be allowed or paid. For the purposes of this section, an overpayment shall be deemed to have been refunded at the time the refund check in the amount of the overpayment, plus any interest due thereon, is deposited in the United States mail.

Sec. 16. From and after July 1, 1984, K.S.A. 1983 Supp. 79-32,107 is hereby amended to read as follows: 79-32,107. (a) All penalties and interest prescribed by K.S.A. 79-3228, and amendments thereto, for noncompliance with the income tax laws of Kansas shall be applicable for noncompliance with the provisions of the Kansas withholding and declaration of esti-

mated tax act relating to withholding tax which shall be enforced in the same manner as the "Kansas income tax act." A penalty at the same rate per annum prescribed by subsection (b) of K.S.A. 1982 1983 Supp. 79-2968, and amendments thereto, for interest upon delinquent or unpaid taxes shall be applied and added to a taxpayer's amount of underpayment of estimated tax due from the date the estimated tax payment was due until the same is paid or until the 15th day of the fourth month following the close of the taxable year for which such estimated tax is a credit, whichever date is earlier, but such penalty shall not be added if the total amount thereof does not exceed \$1. For purposes of this subsection, the amount of underpayment of estimated tax shall be the excess of the amount of the installment which would be required to be paid if the estimated tax were equal to 80% of the tax shown on the return for the taxable year or, if no return was filed, 80% of the tax for such year, over the amount, if any, of the installment paid on or before the last date prescribed for payment. Amounts due from any employer on account of withholding or from any individual taxpayer for estimated tax may be collected by the director in the manner provided for the collection of state income tax in K.S.A. 79-3235, and amendments thereto.

(b) No penalty or interest shall be imposed upon any individual with respect to any underpayment of any installment if the total amount of all payments of estimated tax made on or before the last date prescribed for the payment of such installment equals or exceeds the amount which would have been required to be paid on or before such date if the estimated tax were whichever of the following is the least:

(1) The tax shown on the return of the individual for the preceding taxable year, if a return showing a liability for tax was filed by the individual for the preceding taxable year and such preceding year was a taxable year of 12 months;

(2) an amount equal to 66 $\frac{2}{3}$ %, in the case of individuals referred to in K.S.A. 79-32,102(b), and amendments thereto, and 80%, in the case of all other individuals, of the tax for the taxable year computed by placing on an annualized basis, pursuant to rules and regulations adopted by the secretary of revenue, the taxable income for the months in the taxable year ending before the month in which the installment is required to be made;

(3) an amount equal to 90% of the tax computed, at the rates applicable to the taxable year, on the basis of the actual taxable income for the months in the taxable year ending before the month in which the installment is required to be paid as if such months constituted the taxable year; or

(4) an amount equal to the tax computed, at the rates applicable to the taxable year, on the basis of the taxpayer's status with respect to personal exemptions under K.S.A. 79-32,121, and amendments thereto, for the taxable year, but otherwise on the basis of the facts shown on the return for, and the law applicable to, the preceding taxable year.

(c) No penalty or interest shall be imposed upon any corporation with respect to any underpayment of any installment of estimated tax if the total amount of all payments of estimated tax made on or before the last date prescribed for the payment of such installment equals or exceeds the amount which would have been required to be paid on or before such date if the estimated tax were whichever of the following is lesser:

(1) The tax shown on the return of the corporation for the preceding taxable year, if a return showing a liability for tax was filed by the corporation for the preceding taxable year and such preceding year was a taxable year of 12 months;

(2) an amount equal to the tax computed at the rates applicable to the taxable year but otherwise on the basis of the facts shown on the return of the corporation for, and the law applicable to, the preceding taxable year; or

(3) (A) an amount equal to 80% of the tax for the taxable year computed by placing on an annualized basis the taxable income: (i) For the first three months of the taxable year, in the case of the installment required to be paid in the fourth month; (ii) for the first three months or for the first five months of the taxable year, in the case of the installment required to be paid in the sixth month; (iii) for the first six months or for the first eight months of

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the taxable year in the case of the installment required to be paid in the ninth month; and (iv) for the first nine months or for the first 11 months of the taxable year, in the case of the installment required to be paid in the 12th month of the taxable year.

(B) For purposes of this subsection (3), the taxable income shall be placed on an annualized basis by (i) multiplying by 12 the taxable income referred to in subsection (3)(A), and (ii) dividing the resulting amount by the number of months in the taxable year (three, five, six, eight, nine, or 11, as the case may be) referred to in subsection (3)(A).

(d) If the employer, in violation of the provisions of this act, fails to deduct and withhold under this chapter, and thereafter the tax against which such withholding may be credited is paid, the amount otherwise required to be deducted and withheld shall not be collected from the employer; but this subsection shall in no case relieve the employer from liability for any penalties or additions to the tax otherwise applicable in respect of such failure to deduct and withhold.

(e) Any person required to collect, truthfully account for, and pay over any tax imposed by this act, who willfully fails to collect such tax, or truthfully account for and pay over such tax, or willfully attempts in any manner to evade or defeat any such tax or the payment thereof, shall in addition to the other penalties of this section be liable to a penalty equal to the total amount of the tax evaded, or not collected, or not accounted for and paid over.

(f) In case of failure by any employer required by subsection (b) of K.S.A. 79-3298, and amendments thereto, to remit any amount of withheld taxes by the date prescribed therefor, unless it is shown that such failure is due to reasonable cause and not due to willful neglect, there shall be imposed upon such person a penalty of 25% 15% of the amount of the underpayment. For purposes of this subsection, the term "underpayment" means the excess of the amount of the tax required to be withheld and remitted over the amount, if any, remitted on or before the date prescribed therefor. The failure to remit for any withholding period shall be deemed not to continue beyond the last date prescribed for filing the annual return as required by subsection (d) of K.S.A. 79-3298, and amendments thereto. Penalty and interest as prescribed by K.S.A. 79-3228, and amendments thereto, shall not begin to accrue under subsection (a) of this section on the amount of any such underpayment until the due date of the annual return for the calendar year in which such failure to remit occurs.

Sec. 17. From and after July 1, 1984, K.S.A. 1983 Supp. 79-32,109 is hereby amended to read as follows: 79-32,109. As used in this act, unless the context otherwise requires:

(a) Any term used in this act shall have the same meaning as when used in a comparable context in the federal internal revenue code of 1954, and amendments thereto. Any reference in this act to the "internal revenue code" shall mean the provisions of the internal revenue code of 1954, and amendments thereto, and other provisions of the laws of the United States relating to federal income taxes, as the same may be or become effective at any time, or from time to time, for the taxable year.

(b) "Resident individual" means a natural person who is domiciled in this state. A natural person who spends in the aggregate more than six (6) months of the taxable year within this state shall be presumed to be a resident for purposes of this act in absence of proof to the contrary. A nonresident individual means an individual other than a resident individual.

(c) "Resident estate" means the estate of a deceased person whose domicile was in this state at the time of his or her such person's death, which is administered in this state. "Nonresident estate" means an estate other than a resident estate.

(d) "Resident trust" means a trust which is administered in this state. A trust shall not be deemed to be administered in this state solely because it is subject to the jurisdiction of a district court within this state. "Nonresident trust" means a trust other than a resident trust.

(e) "Resident partner" means a partner who is a resident individual, a resident estate, or a resident trust. "Nonresident partner" means a partner other than a resident partner.

(f) "Resident beneficiary" means a beneficiary of an estate or trust which beneficiary is a resident individual, a resident estate,

or a resident trust. "Nonresident beneficiary" means a beneficiary other than a resident beneficiary.

(g) "Director" means the director of taxation.

(h) "Modified Kansas source income" means that part of a nonresident individual's Kansas adjusted gross income as set forth in K.S.A. 1982 Supp. 79-32,117, and amendments thereto, derived from sources in Kansas. Items of income, gain, loss or deduction reflected in Kansas adjusted gross income shall be considered derived from sources in Kansas to the extent that they are attributable to: (i) The ownership of any interest in real or tangible personal property in this state; (ii) a business, trade, profession or occupation carried on in this state; (iii) a business, trade, profession or occupation carried on partly within and partly without this state as determined by the uniform division of income for tax purposes act as set forth in K.S.A. 79-3271 through K.S.A. 79-3293, and amendments thereto; (iv) the distributive share of partnership income, gain, loss and deduction determined under this section as if the partnership were a nonresident individual; (v) the share of estate or trust income, gain, loss and deduction determined under K.S.A. 1982 Supp. 79-32,137, and amendments thereto; or (vi) income from intangible personal property, including annuities, dividends, interest, and gains from the disposition of intangible personal property to the extent that such income is from property employed in a trade, business, profession or occupation carried on in Kansas. A nonresident, other than a dealer holding property primarily for sale to customers in the ordinary course of his or her such dealer's trade or business, shall not be deemed to carry on a business, trade, profession or occupation in Kansas solely by reason of the purchase and sale of property for his or her such nonresident's own account.

"Modified Kansas source income" shall not include: (i) Compensation paid by the United States for service in the armed forces of the United States, performed during an induction period by an individual not domiciled in this state; or (ii) such individual's share of distributed or undistributed taxable income or net operating loss of a corporation which is an electing small business corporation unless an agreement is filed as provided in K.S.A. 1982 Supp. 79-32,139, and amendments thereto, in which event, the "modified Kansas source income" of such nonresident individual shall include his or her such individual's share of such corporation's distributed and undistributed taxable income or net operating loss as such share is determined under the internal revenue code only to the extent, however, that such income, gain or loss is at the corporate level, derived from sources within Kansas.

Sec. 18. K.S.A. 1983 Supp. 79-32,111b is hereby amended to read as follows: 79-32,111b. (a) Any resident individual taxpayer 62 years of age and over as of December 31 of any taxable year who receives retirement benefits for services in the armed forces of the United States, shall be entitled to claim a tax credit in an amount of \$120 against the income tax liability imposed against such taxpayer pursuant to article 32 of chapter 79 of the Kansas Statutes Annotated.

(b) The credit allowed by subsection (a) shall not exceed the amount of the tax imposed by K.S.A. 1982 Supp. 79-32,110, and amendments thereto, reduced by the sum of any other credits allowable pursuant to law.

Sec. 19. K.S.A. 1983 Supp. 79-32,138 is hereby amended to read as follows: 79-32,138. (a) Kansas taxable income of a corporation taxable under this act shall be the corporation's federal taxable income for the taxable year with the modifications specified in this section.

(b) There shall be added to federal taxable income: (i) The same modifications as are set forth in K.S.A. 1982 Supp. 79-32,117(b) subsection (b) of K.S.A. 79-32,117, and amendments thereto, with respect to resident individuals.

(ii) Any gain excluded from federal taxable income by virtue of the application of section 337 of the internal revenue code. For purposes of this subsection any gain not otherwise included in federal taxable income that would be received from an installment obligation distributed in the liquidation shall be added to federal taxable income in the corporation's final taxable year.

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(iii) (ii) The amount of all depreciation deductions claimed for any real or tangible personal property upon which the deduction is allowed by K.S.A. 1982 Supp. 79-32,161, and amendments thereto.

(iv) (iii) The amount of all depreciation deductions claimed for any property upon which the deduction allowed by K.S.A. 79-32,168, and amendments thereto, is claimed.

(v) (iv) The amount of any charitable contribution deduction claimed for any contribution or gift to or for the use of any racially segregated educational institution.

(c) There shall be subtracted from federal taxable income: (i) The same modifications as are set forth in K.S.A. 1982 Supp. 79-32,117(e) subsection (c) of K.S.A. 79-32,117, and amendments thereto, with respect to resident individuals.

(ii) The federal income tax liability for any taxable year commencing prior to December 31, 1971, for which a Kansas return was filed after reduction for all credits thereon, except credits for payments on estimates of federal income tax, credits for gasoline and lubricating oil tax, and for foreign tax credits if, on the Kansas income tax return for such prior year, the federal income tax deduction was computed on the basis of the federal income tax paid in such prior year, rather than as accrued. Notwithstanding the foregoing, the deduction for federal income tax liability for any year shall not exceed that portion of the total federal income tax liability for such year which bears the same ratio to the total federal income tax liability for such year as the Kansas taxable income, as computed before any deductions for federal income taxes and after application of subsections (d) and (e) of this section as existing for such year, bears to the federal taxable income for the same year.

(iii) Any loss not deducted from federal taxable income by virtue of the application of section 337 of the internal revenue code.

(iv) (iii) An amount for amortization of the amortizable costs of a certified oil production process as computed under K.S.A. 1982 Supp. 79-32,161, and amendments thereto.

(v) (iv) An amount for the amortization deduction for a solar energy system allowed pursuant to K.S.A. 79-32,168, and amendments thereto.

(d) If any corporation derives all of its income from sources within Kansas in any taxable year commencing after December 31, 1979, its Kansas taxable income shall be the sum resulting after application of subsections (a) through (c) hereof. Otherwise, such corporation's Kansas taxable income in any such taxable year, after excluding any refunds of federal income tax and before the deduction of federal income taxes provided by subsection (c)(ii) shall be allocated as provided in K.S.A. 79-3271 through to K.S.A. 79-3293, inclusive, and amendments thereto, plus any refund of federal income tax as determined under paragraph (iv) of subsection (b) of K.S.A. 1982 Supp. 79-32,117(b)(iv) 79-32,117, and minus the deduction for federal income taxes as provided by subsection (c)(ii) shall be such corporation's Kansas taxable income.

(e) A corporation may make an election with respect to its first taxable year commencing after December 31, 1982, whereby no addition modifications as provided for in K.S.A. 1983 Supp. 79-32,138(b)(ii) and subtraction modifications as provided for in K.S.A. 1983 Supp. 79-32,138(c)(iii), as those subsections existed prior to their amendment by this act, shall be required to be made for such taxable year.

Sec. 20. From and after July 1, 1984, K.S.A. 1983 Supp. 79-32,139 is hereby amended to read as follows: 79-32,139. A corporation having an election in effect under subchapter S of the internal revenue code shall not be subject to the Kansas income tax on corporations, and the shareholders of said such corporation shall include in their taxable incomes their proportionate part of such corporation's federal taxable income, subject to the modifications as set forth in K.S.A. 1982 Supp. 79-32,117, and amendments thereto hereof, in the same manner and to the same extent as provided by the internal revenue code. If any of the shareholders of such corporation are nonresidents during any part of the corporation's taxable year, such corporation shall be taxable for such year on that part of the corporation's income, as determined under K.S.A. 1982 Supp. 79-32,138 hereof, allocable

to the shares of stock owned by such nonresident unless the corporation files with its return for such year an agreement executed by each nonresident stockholder stating that such nonresident will file a Kansas income tax return which will include in his or her modified Kansas source income that portion of the corporation's Kansas taxable income allocable to said nonresident's interest in such corporation.

Sec. 21. K.S.A. 1983 Supp. 79-32,140 is hereby amended to read as follows: 79-32,140. (a) For corporate liquidations occurring in taxable years commencing prior to January 1, 1984, to the extent that a corporation incurs a Kansas income tax liability by reason of gains realized in a sale or sales which qualify as being exempt from federal income taxation under section 337 of the internal revenue code, such Kansas income tax liability so attributable to such gains shall be allowed as a credit against the Kansas income tax liability of each common stockholder of such corporation in an amount which bears the same ratio to such Kansas income tax liability as the liquidation distribution received or receivable by such common stockholder bears to the liquidation distribution received or receivable by all common stockholders.

(b) (1) Except as otherwise provided in paragraph (2) of this subsection, such credit shall be allowable only in the taxable year or years of each stockholder in which such liquidation distribution is received and taxable years in which payments are received on an installment obligation received by the stockholder as part of the liquidation distribution and shall be limited to the amount of Kansas income tax liability, if any, of such stockholder for such year or years as computed before application of the credit provided by this section and before any credits for withholding or estimated tax payments.

(2) For corporate liquidations occurring after December 31, 1979, such credit shall be deducted from the stockholder's income tax liability in the taxable year or years of each stockholder in which such liquidation distribution is received and taxable years in which payments are received on an installment obligation received by the stockholder as part of the liquidation distribution as computed before application of the credit allowed by this section and before any credits for withholding or estimated tax payments. If the amount of such tax credit exceeds the stockholder's income tax liability for any such taxable year, the amount thereof which exceeds such tax liability may be carried over for deduction from the stockholder's income tax liability in the next succeeding taxable year or years until the total amount of the tax credit has been deducted from tax liability.

New Sec. 22. (a) Whenever, as a result of the provisions of sections 19 or 21 of this act, an assessment of additional income tax is required to be made, no interest or penalties shall begin to accrue upon such assessment until July 1, 1984.

(b) Whenever, as a result of the provisions of sections 19 or 21 of this act, an overpayment of income tax was incurred, interest shall not accrue on such overpayment until 90 days after the date of receipt of the taxpayer's claim of overpayment of tax.

Sec. 23. From and after July 1, 1984, K.S.A. 1983 Supp. 79-3706 is hereby amended to read as follows: 79-3706. (a) Each retailer or person subject to the provisions of this act shall make remittances of the tax imposed by K.S.A. 79-3703, and amendments thereto, and file returns in accordance with the provisions of K.S.A. 79-3607 and amendments thereto, except that the time schedule for remitting tax and filing returns shall be determined on the basis of calendar year compensating tax liability in lieu of calendar year sales tax liability. Returns shall show in detail the total quantity of tangible personal property sold by any retailer or used, stored or consumed by any person within the state during the period for which the return is filed subject to the tax herein imposed, and such other information as the director may deem pertinent. If any tax is not paid when the same is due, there shall be added thereto interest at the rate per month prescribed by subsection (a) of K.S.A. 1982 Supp. 79-2968 from the date the tax was due until paid, except that if such tax is unpaid due to fraud with intent to avoid the tax, there shall be added thereto a penalty of 50% of the amount of such tax together with the

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interest as provided above. Whenever, in the judgment of the director, the failure of any person to comply with this section is due to reasonable cause, the director may in the director's discretion waive or reduce any of the interest or penalty herein provided for, upon making a record of the reason therefor. The director may, upon request and a proper showing of the necessity therefor, grant an extension of time not to exceed 60 days for making any return and payment. Returns shall be signed by the retailer or such retailer's duly authorized agent, and must be certified by such retailer to be correct.

(b) If any taxpayer shall fail to pay the tax required under the act of which this section is amendatory at the time required by or under the provisions of the act of which this section is amendatory, there shall be added to the unpaid balance of the tax, interest at the rate per month prescribed by subsection (a) of K.S.A. 1983 Supp. 79-2968, and amendments thereto, from the date the tax was due until paid.

(c) If any taxpayer due to negligence or intentional disregard fails to file a return or pay the tax due at the time required by or under the provisions of this section, there shall be added to the tax a penalty in an amount equal to 10% of the unpaid balance of tax due.

(d) If any person fails to make a return, or to pay any tax, within 30 days after notice from the director, except in the case of an extension of time granted by the director, there shall be added to the tax due a penalty equal to 25% of the amount of such tax.

(e) If any taxpayer, with fraudulent intent, fails to pay any tax or make, render or sign any return, or to supply any information, within the time required by or under the provisions of this section, there shall be added to the tax a penalty in an amount equal to 50% of the unpaid balance of tax due.

(f) Penalty or interest applied under the provisions of subsections (b) and (e) shall be in addition to the penalty added under any other provisions of this section, but the provisions of subsections (c) and (d) shall be mutually exclusive of each other.

(g) Whenever, in the judgment of the director, the failure of the taxpayer to comply with the provisions of subsections (c) and (d) was due to reasonable causes and not willful neglect, the director may waive or reduce any of the penalties upon making a record of the reasons therefor.

(h) In addition to all other penalties provided by this section, any person who willfully fails to make a return or to pay any tax imposed under the Kansas compensating tax act, or who makes a false or fraudulent return, or fails to keep any books or records prescribed by the Kansas compensating tax act, or who willfully violates any regulations of the secretary of revenue, for the enforcement and administration of the Kansas compensating tax act, or who aids and abets another in attempting to evade the payment of any tax imposed by the Kansas compensating tax act, or who violates any other provision of the Kansas compensating tax act, shall, upon conviction thereof, be fined not less than \$100 nor more than \$1,000, or be imprisoned in the county jail not less than one month nor more than six months, or be both so fined and imprisoned, in the discretion of the court.

Sec. 24. From and after July 1, 1984, K.S.A. 1983 Supp. 79-41a03 is hereby amended to read as follows: 79-41a03. (a) The tax levied and collected pursuant to K.S.A. 1982 1983 Supp. 79-41a02, and amendments thereto, shall become due and payable by the club monthly, or on or before the last day of the month immediately succeeding the month in which it is collected, but any club filing an annual or quarterly return under the Kansas retailers' sales tax act, as prescribed in K.S.A. 79-3607, and amendments thereto, shall, upon such conditions as the secretary of revenue may prescribe, pay the tax required by this act on the same basis and at the same time the club pays such retailers' sales tax. Each club shall make a true report to the department of revenue, on a form prescribed by the secretary of revenue, providing such information as may be necessary to determine the amounts to which any such tax shall apply for all gross receipts derived from the sale of alcoholic liquor by the club for the applicable month or months, which report shall be accompanied by the tax disclosed thereby. Records of gross receipts derived from the sale of alcoholic liquor shall be kept

separate and apart from the records of other retail sales made by a club in order to facilitate the examination of books and records as provided herein.

(b) The secretary of revenue or the secretary's authorized representative shall have the right at all reasonable times during business hours to make such examination and inspection of the books and records of a club as may be necessary to determine the accuracy of such reports required hereunder.

(c) For each month, or any part thereof, that any tax provided for by this act remains unpaid after the same becomes due and payable by the club, there shall be added to such tax, as a penalty, (1) ten percent of the amount of such tax for the first month or any part thereof that the same is unpaid, and (2) two percent of the amount of such tax for each month thereafter that the tax remains unpaid. In no case shall the total penalty exceed 30% of the unpaid tax.

(d) The secretary of revenue is hereby authorized to administer and collect the tax imposed hereunder and to adopt such rules and regulations as may be necessary for the efficient and effective administration and enforcement of the collection thereof. Whenever any club liable to pay the tax imposed hereunder refuses or neglects to pay the same, the amount, including any penalty, shall be collected in the manner prescribed for the collection of the retailers' sales tax by K.S.A. 79-3617 and amendments thereto.

(e) The secretary of revenue shall remit daily to the state treasurer all revenue collected under the provisions of this act. The state treasurer shall deposit the entire amount of each remittance in the state treasury. Subject to the maintenance requirements of the local alcoholic liquor refund fund created under K.S.A. 1983 Supp. 79-41a09, and amendments thereto, 25% of the remittance shall be credited to the state general fund and the balance shall be credited to the local alcoholic liquor fund created by K.S.A. 1982 1983 Supp. 79-41a04 and amendments thereto.

(f) Whenever, in the judgment of the secretary of revenue, it is necessary, in order to secure the collection of any tax, penalties or interest due, or to become due, under the provisions of this act, the secretary may require any person subject to such tax to file a bond with the director of taxation under conditions established by and in such form and amount as prescribed by rules and regulations adopted by the secretary.

New Sec. 25. From and after July 1, 1984, (a) If any taxpayer shall fail to pay the tax levied pursuant to K.S.A. 1983 Supp. 79-41a02, and amendments thereto, at the time required by or under the provisions of K.S.A. 1983 Supp. 79-41a03, and amendments thereto, there shall be added to the unpaid balance of the tax, interest at the rate per month prescribed by subsection (a) of K.S.A. 1983 Supp. 79-2968, and amendments thereto, from the date the tax was due until paid.

(b) If any taxpayer due to negligence or intentional disregard fails to file a return or pay the tax due at the time required by or under the provisions of K.S.A. 1983 Supp. 79-41a03, and amendments thereto, there shall be added to the tax a penalty in an amount equal to 10% of the unpaid balance of tax due.

(c) If any person fails to make a return, or to pay any tax, within 30 days after notice from the director, except in the case of an extension of time granted by the director, there shall be added to the tax due a penalty equal to 25% of the amount of such tax.

(d) If any taxpayer, with fraudulent intent, fails to pay any tax or make, render or sign any return, or to supply any information, within the time required by or under the provisions of K.S.A. 1983 Supp. 79-41a03, and amendments thereto, there shall be added to the tax a penalty in an amount equal to 50% of the unpaid balance of tax due.

(e) Penalty or interest applied under the provisions of subsections (a) and (d) shall be in addition to the penalty added under any other provisions of this section, but the provisions of subsections (b) and (c) shall be mutually exclusive of each other.

(f) Whenever, in the judgment of the director, the failure of the taxpayer to comply with the provisions of subsections (b) and (c) was due to reasonable causes and not willful neglect, the

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director may waive or reduce any of the penalties upon making a record of the reasons therefor.

(g) In addition to all other penalties provided by this section, any person who willfully fails to make a return or to pay any tax imposed under K.S.A. 1983 Supp. 79-41a02, and amendments thereto, or who makes a false or fraudulent return, or fails to keep any books or records necessary to determine the accuracy of the person's reports, or who willfully violates any regulations of the secretary of revenue, for the enforcement and administration of the provisions of K.S.A. 79-41a01 to 79-41a09, inclusive, and amendments thereto, or who aids and abets another in attempting to evade the payment of any tax imposed by K.S.A. 1983 Supp. 79-41a02, and amendments thereto, or who violates any other provision of K.S.A. 79-41a01 to 79-41a09, inclusive, and amendments thereto, shall, upon conviction thereof, be fined not less than \$100 nor more than \$1,000, or be imprisoned in the county jail not less than one month nor more than six months, or be both so fined and imprisoned, in the discretion of the court.

New Sec. 26. From and after July 1, 1984, whenever any statute requiring the remittance of an excise or income tax prescribes a due date therefor, such due date shall be deemed to be complied with, and no penalties shall be imposed for late payment, if such payment is mailed on the statutorily prescribed due date as reflected by the postmark on the envelope containing the payment.

New Sec. 27. The provisions of sections 17, 19 and 20 of this act shall be applicable to all taxable years commencing after December 31, 1983.

Sec. 28. K.S.A. 1983 Supp. 79-32,111b, 79-32,138 and 79-32,140 are hereby repealed.

Sec. 29. From and after July 1, 1984, K.S.A. 12-1694, 12-1698, 79-3222 and 79-3274 and K.S.A. 1983 Supp. 79-3221d, 79-3226, 79-3228, 79-3230, 79-32,107, 79-32,109, 79-32,139, 79-3706 and 79-41a03 are hereby repealed.

Sec. 30. From and after January 1, 1985, K.S.A. 1983 Supp. 79-1112, 79-1575, 79-1579, 79-3225 and 79-32,105 are hereby repealed.

Sec. 31. 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 April 5, 1984.  
 MIKE HAYDEN  
*Speaker of the House.*  
 GENEVA SEWARD  
*Chief Clerk of the House.*

Passed the SENATE as amended April 2, 1984.  
 ROSS O. DOYEN  
*President of the Senate.*  
 LU KENNEY  
*Secretary of the Senate.*

APPROVED April 20, 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 25th day of April, 1984.

(SEAL) JACK H. BRIER  
*Secretary of State.*

#### SENATE CONCURRENT RESOLUTION No. 1654

A CONCURRENT RESOLUTION concerning mined land conservation and reclamation; relating to inspections and enforcement; rejecting Kansas administrative regulations 47-5-5, 47-5-7 to 47-5-16, inclusive, 47-15-1 and 47-15-16, inclusive, as adopted by the mined land conservation and reclamation board and filed with the revisor of statutes on December 14, 1983.

*Be it resolved by the Senate of the State of Kansas, the House of Representatives concurring therein:* That Kansas administrative regulations 47-5-5, 47-5-7 to 47-5-16, inclusive, 47-15-1 and 47-15-5 to 47-15-16, inclusive, as adopted by the mined land conservation and reclamation board and filed with the revisor of statutes on December 14, 1983, are hereby rejected.

Adopted by the Senate February 15, 1984.

Adopted by the House April 5, 1984.

#### SENATE CONCURRENT RESOLUTION No. 1652

A CONCURRENT RESOLUTION concerning the Kansas juvenile offender information system; rejecting Kansas administrative regulation 10-18-1, as adopted by the Kansas bureau of investigation and filed with the revisor of statutes on December 2, 1983.

*Be it resolved by the Senate of the State of Kansas, the House of Representatives concurring therein:* That Kansas administrative regulation 10-18-1, as adopted by the Kansas bureau of investigation and filed with the revisor of statutes on December 2, 1983, is hereby rejected.

Adopted by the Senate March 14, 1984.

Adopted by the House April 5, 1984.

#### SENATE CONCURRENT RESOLUTION No. 1655

A CONCURRENT RESOLUTION relating to dissemination of nonconviction criminal history records; modifying Kansas administrative regulation 10-12-2, as adopted by the Kansas bureau of investigation and filed with the revisor of statutes on December 2, 1983.

*Be it resolved by the Senate of the State of Kansas, the House of Representatives concurring therein:* That Kansas administrative regulation 10-12-2, as adopted by the Kansas bureau of investigation and filed with the revisor of statutes on December 2, 1983, is hereby modified to read as follows: 10-12-2. *Dissemination of nonconviction criminal history record information.* Criminal justice agencies may provide nonconviction criminal history record information to the following:

- (a) Other criminal justice agencies;
- (b) those authorized by court order or subpoena; and;
- (c) federal agencies the United States office of personnel management for such investigative purposes as authorized by law statute or presidential executive order 10450.

*Be it further resolved:* That Kansas administrative regulation 10-12-2, as adopted by the Kansas bureau of investigation and filed with the revisor of statutes on December 2, 1983, shall become effective as modified by this concurrent resolution on May 1, 1984.

Adopted by the Senate March 14, 1984.

Adopted by the House as amended April 5, 1984.

Senate concurred in House amendments April 26, 1984.

## SENATE CONCURRENT RESOLUTION No. 1656

A CONCURRENT RESOLUTION concerning crime victims reparations board; rejecting Kansas administrative regulation 20-4-1, as adopted by the crime victims reparations board and filed with the revisor of statutes on December 5, 1983.

*Be it resolved by the Senate of the State of Kansas, the House of Representatives concurring therein:* That Kansas administrative regulation 20-4-1, as adopted by the crime victims reparations board and filed with the revisor of statutes on December 5, 1983, is hereby rejected.

Adopted by the Senate March 14, 1984.

Adopted by the House April 5, 1984.

## HOUSE CONCURRENT RESOLUTION No. 5069

A CONCURRENT RESOLUTION concerning prefinanced funeral agreements; modifying Kansas administrative regulation 63-3-20, as adopted by the board of embalming and filed with the revisor of statutes on November 9, 1983.

*Be it resolved by the House of Representatives of the State of Kansas, the Senate concurring therein:* That Kansas administrative regulation 63-3-20, as adopted by the board of embalming and filed with the revisor of statutes on November 9, 1983, is hereby modified to read as follows:

63-3-20. *Reporting of prefinanced funeral agreement.* (a) Each funeral home licensed in the state of Kansas shall report to the state board of embalming, on forms provided by the board, the following information concerning prefinanced funeral agreements entered into pursuant to K.S.A. 16-301 et seq.:

(1) The numbers which identify the accounts, in the records of the funeral home, of each purchaser of merchandise and services pursuant to those agreements;

(2) the name of each bank, trust company, savings and loan association or credit union into which each purchaser's funds were deposited and the number of each named account;

(3) the amounts of each purchase pursuant to those agreements; and

(4) the dates of those purchases.

(b) These reports shall accompany each funeral home's biennial application for renewal of its establishment license, as required by K.A.R. 63-3-19, and any notification of the secretary of the board made pursuant to K.A.R. 63-2-7(b). The reports shall include all prefinanced funeral agreements entered into by each funeral home since the last issuance of its license or since the last report submitted under K.A.R. 63-2-7(b). The first report of each funeral home due after the effective date of this regulation shall include all such prefinanced funeral agreements for which any merchandise or service has not yet been rendered.

(c) ~~Should the state board of embalming deem it necessary for the effective performance of its duties, it~~ Upon written complaint, the state board may require that a funeral home report the name and address of any purchaser and the corresponding account number described in (a)(1) above. The funeral home shall report such additional information within 10 days of having received a written request therefor by the board.

(d) Failure of any funeral home to report as required by this regulation shall be grounds for refusal or revocation of its establishment license.

*Be it further resolved:* That Kansas administrative regulation 63-3-20, as adopted by the board of embalming and filed with the revisor of statutes on November 9, 1983, shall become effective as modified by this concurrent resolution on May 1, 1984.

Adopted by the House April 5, 1984.

Adopted by the Senate April 28, 1984.

## HOUSE CONCURRENT RESOLUTION No. 5070

A CONCURRENT RESOLUTION revoking K.A.R. 66-6-3; relating to rules of professional conduct for the technical professions.

*Be it resolved by the House of Representatives of the State of Kansas, the Senate concurring therein:* That K.A.R. 66-6-3 is hereby revoked.

*Be it further resolved:* That this concurrent resolution shall become effective on May 1, 1984.

Adopted by the House April 5, 1984.

Adopted by the Senate April 28, 1984.

## SENATE CONCURRENT RESOLUTION No. 1648

A CONCURRENT RESOLUTION concerning investigations and hearings by the board of embalming; modifying Kansas administrative regulation 63-1-8, as adopted by the state board of embalming and filed with the revisor of statutes on November 9, 1983.

*Be it resolved by the Senate of the State of Kansas, the House of Representatives concurring therein:* That Kansas administrative regulation 63-1-8, as adopted by the state board of embalming and filed with the revisor of statutes on November 9, 1983, is hereby modified to read as follows:

63-1-8. *Investigations and hearings.* (a) The state board of embalming shall initiate an inquiry whenever a duly verified written complaint is filed with the board charging the holder of a Kansas embalmer or funeral director license with the violation of:

(1) any of the rules and regulations of the department of health and environment; or

(2) any statute, rule, or regulation which the state board of embalming is empowered to consider or enforce. If the board finds that there are reasonable grounds for the charge or complaint, it shall fix a time and place for the hearing, and shall cause written notice of the time and place of the hearing to be served upon the licensees by registered mail or personal service. When a written complaint against that person is filed with the board, a copy of the written complaint shall be attached to the notice served upon the licensee. The hearing shall be at a future time that will allow both the complainant and the alleged violator a reasonable time to prepare the case, and may be continued from time to time at the discretion of the board. Each interested party may appear in person and be represented by counsel, and may also produce witnesses and other evidence in support of the case. The board may also be represented by counsel and produce witnesses and other evidence. Affidavits that are properly executed may also be introduced into evidence. All complaints shall name the person against whom the complaint was made, the time and place of the alleged violation, and the facts of which the complainant has knowledge.

(b) A record shall be made of all proceedings. If, after being fully informed and considering all facts and circumstances, the board finds the charges to be true, in whole or in part, or in lesser degree than stated in the complaint or notice, it may suspend, refuse to issue or renew, or revoke the license of the guilty party or parties on probation. If the board finds that the charges have not been proved, it shall dismiss those charges. A licensee whose license has been revoked shall only be reinstated by consent of the board, and upon passing any examination and investigation that the board deems necessary and proper under the circumstances.

*Be it further resolved:* That Kansas administrative regulation 63-1-8, as adopted by the state board of embalming and filed with the revisor of statutes on November 9, 1983, shall become effective as modified by this concurrent resolution on May 1, 1984.

Adopted by the Senate March 20, 1984.

Adopted by the House April 5, 1984.

## SENATE CONCURRENT RESOLUTION No. 1657

A CONCURRENT RESOLUTION concerning farm wineries: relating to advertisements; rejecting Kansas administrative regulation 14-11-13, as adopted by the division of alcoholic beverage control and filed with the revisor of statutes on December 13, 1983.

Be it resolved by the Senate of the State of Kansas, the House of Representatives concurring therein: That Kansas administrative regulation 14-11-13, as adopted by the division of alcoholic beverage control and filed with the revisor of statutes on December 13, 1983, is hereby rejected.

Adopted by the Senate February 21, 1984.

Adopted by the House April 5, 1984.

## SENATE CONCURRENT RESOLUTION No. 1612

A CONCURRENT RESOLUTION concerning the board of accountancy; modifying K.A.R. 74-4-1 and 74-5-403 and revoking K.A.R. 1983 Supp. 74-5-1 and 74-8-3.

Be it resolved by the Senate of the State of Kansas, the House of Representatives concurring therein: That K.A.R. 74-4-1 is hereby modified to read as follows: 74-4-1. *Annual Biennial permit fee.* The first and annual subsequent biennial renewal fee for issuance of a permit to practice shall be determined by the board under the provisions of K.S.A. 1-301. This fee shall apply to all certified public accountants practicing in Kansas, other than temporary practice whether they be a partner, principal, employee, or shareholder, director or officer.

Be it further resolved: That K.A.R. 74-5-403 is hereby modified to read as follows: 74-5-403. *Advertising.* A certified public accountant shall not use, or participate in the use of, any form of public communication having reference to his or her such accountant's professional services which contains a false, fraudulent, misleading, deceptive or unfair statement or claim which includes, but is not limited to, statements or claims which:

- (a) Contain a misrepresentation of fact;
- (b) Are likely to mislead or deceive because they fail to make full disclosure of relevant facts;
- (c) Contain any testimonial or laudatory statement, or other statement or implication that the certified public accountant's professional services are of exceptional quality;
- (d) Are intended or likely to create false or unjustified expectations of favorable results;
- (e) Imply educational or professional attainments or licensing recognition not supported in fact;
- (f) State or imply that the certified public accountant has received formal recognition as a specialist in any aspect of the practice of public accountancy, if this is not the case;
- (g) Represent that the professional services can or will be competently performed for a stated fee when this is not the case, or make representations with respect to fees for professional services that do not disclose all variables affecting the fees that will in fact be charged; or
- (h) Contain other representations or implications that in reasonable probability will cause an ordinarily prudent person to misunderstand or be deceived.

Be it further resolved: That K.A.R. 74-4-1 and 74-5-403 shall become effective as modified by this concurrent resolution on May 1, 1984.

Be it further resolved: That K.A.R. 1983 Supp. 74-5-1 and 74-8-3 are hereby revoked.

Adopted by the Senate February 22, 1983.

Adopted by the House as amended April 5, 1983.

Senate concurred in House amendments April 26, 1984.

## HOUSE CONCURRENT RESOLUTION No. 5094

A CONCURRENT RESOLUTION concerning air pollution; modifying Kansas administrative regulations 28-19-7, 28-19-8, 28-19-14, 28-19-14a and 28-19-14b, as adopted by the secretary of health and environment and filed with the revisor of statutes on November 18, 1983.

Be it resolved by the House of Representatives of the State of Kansas, the Senate concurring therein: That Kansas administrative regulation 28-19-7, as adopted by the secretary of health and environment and filed with the revisor of statutes on November 18, 1983, is hereby modified to read as follows:

28-19-7. *Definitions.* All terms and abbreviations used in these emission and open burning control regulations shall have the following meanings unless otherwise defined in an individual regulation.

(a) *Agricultural related activity means seed cleaning, popcorn packaging, production of ornamental floriculture and nursery products, manufacture of shortening, table oils, margarine, prepared feeds and feed ingredients for animals and fowl, sunflower oil reclaiming, production of molasses including mixing or blending of molasses, cotton ginnings, alfalfa dehydrators and sun cured plants, flour and other grain mill products and soybean oil mills if they produce less than 100 tons of particulate per year or less than 100 pounds of particulate per hour of operation and grain elevators with a storage capacity of less than 875,000 bushels.*

(a) (b) Alter means any physical change to, or any change in the method of operating, any machine, equipment, device, or other article, or combination thereof, which constitutes a source of air contaminant emissions subject to the provisions of these regulations, if that change effects the amount or nature of these emissions. Routine maintenance or parts replacement shall not be considered to be an alteration. Increases or decreases in operating hours or production rates shall not be considered to be an alteration if production rate increases do not exceed the originally approved design capacity of the articles involved and if the increased emissions resulting from these changes do not exceed any emission or operating limitations imposed as a condition to any permit issued under K.A.R. 28-19-4.

(b) (c) Control device means any equipment, device or other article that is designed, installed or both for the purpose of reducing or preventing the discharge of contaminant emissions to the air.

(c) (d) Department means the Kansas state department of health and environment or an authorized representative of the department.

(d) (e) Direct heating equipment means any device in which fuel is burned in direct contact with, and for the purpose of heating, air which comes in direct contact with the material being processed.

(e) (f) Director means the secretary of health and environment or a designated representative of the secretary.

(f) (g) Emission source means any machine, equipment, device or other article or operation that directly or indirectly releases contaminants into the outdoor atmosphere.

(g) (h) Existing means any processing machine, equipment, device or other article, or combination thereof, or any indirect heating equipment or incinerator, that is completed, under construction, or under purchase contract on the effective date of any applicable regulation.

(h) (i) Indirect heating equipment means any device in which fuel is burned to produce heat which is transferred through a heat conducting materials barrier or by a heat storage medium to a material to be heated so that the material being heated is not contacted by, and adds no substance to, the products of combustion.

(i) (j) Incinerator means any device or structure used for the destruction or volume reduction of garbage, rubbish, or other liquid or solid waste materials, by combustion, for the purpose of disposal or salvage.

(j) (k) Modified open burning operation means an open burning operation in which the contaminants emitted to the ambient air as a result of combustion are reduced, controlled or both through positive regulation of fuel/air ratios, air screens or

(continued)



other control techniques. Combustion devices used solely for the purpose of disposing of flammable gases shall not be considered to be modified open burning operations.

(k) (l) Official observer means a designated representative of the department who has been certified by the department as being trained, and qualified on the basis of actual testing, to determine the degree of opacity of visible plumes by direct visual observation. The testing procedure shall be established and published by the department. Such individuals shall be required to be re-tested at least once every six months in order to maintain their certification.

(h) (m) Opacity means the degree to which a contaminant emission obscures an official observer's view of transmitted light passing through that contaminant. Zero percent opacity is equivalent to perfect transparency and 100 percent opacity is perfectly opaque.

(m) (n) Open burning operation means the burning of any materials in which contaminants resulting from combustion are emitted directly into the ambient air without passing through a stack or chimney from an enclosed chamber. For the purposes of this definition, a chamber shall be considered enclosed when only those apertures, ducts, stacks, flues or chimneys that are required to supply combustion air and to permit the escape of exhaust gases are open during the combustion process.

(n) (o) Particulate means any dispersed matter, whether solid or liquid, except uncombined water.

(o) (p) Potential contaminant emission factor means the mathematical expression derived by dividing the average value of the amount of air contaminant emissions that have been found to be associated with a specific type of processing or combustion operation by the quantity of material that was being processed at the time the emissions were determined or by some other meaningful parameter.

(p) (q) Potential contaminant emission rate means the total weight of a contaminant that is or, in the absence of control equipment, would be emitted from an air contaminant source when that source is operating at its maximum capacity. For the purposes of these regulations, the potential contaminant emission rate shall be determined by:

(1) Sampling in a flue or duct prior to the inlet of any control device serving the flue or duct;

(2) estimating such emissions by performing a "material balance" calculation which indicates the difference between processing input weight and output weight of materials;

(3) using potential contaminant emission factors as recognized by the department; or

(4) by using any other estimating technique mutually agreeable to the department and the person responsible for operation of the source:

(q) (r) Premises means one or more contiguous or adjacent parcels of land, and any structures or equipment located on the parcels, that are under one ownership. For the purpose of this definition, a parcel of land that is bordering another parcel solely divided by a public roadway or a railroad right-of-way shall be considered to be adjacent.

(r) (s) Processing means any operation related to the handling, storage, treatment or conversion of input materials to produce a salable or usable end product.

(s) (t) Smoke means particulate emissions, resulting from incomplete combustion, that consist primarily of carbon, ash and other material and that form a visible plume in the ambient atmosphere.

(t) (u) Waste or wastes means all discarded solid and liquid materials resulting from industrial, commercial and agricultural operations, and from community activities, that are not intentionally disposed of by means of water-carried systems that empty into the waters of the state.

*Be it further resolved:* That Kansas administrative regulation 28-19-8, as adopted by the secretary of health and environment and filed with the revisor of statutes on November 18, 1983, is hereby modified to read as follows:

28-19-8. Reporting required. (a) Any person who proposes to construct, alter, use or operate any processing machine, equipment, device or other article, or any combination thereof, that is

capable of emitting any potential contaminant emissions equal to or in excess of the levels specified in subsection (b) of this regulation shall report this proposed activity to the department at least 90 days prior to initiating the activity. Reporting required by this section shall be on forms provided by the department and shall contain all information required by the department that is relevant to air pollution and that is available to, or that is reasonably capable of being assembled by, the person that completes the report. If the construction, alteration, use or operation of any article that is subject to this reporting requirement was not previously required to be reported under these regulations and if the construction, alteration, use or operation was initiated before January 1, 1984, then this alteration, construction, use or operation shall not be considered in violation of this regulation until 60 days after the department has notified the person responsible for the use or operation of the article that this use or operation must be reported. This notification shall be in writing.

(b) The following levels and types of air contaminant emissions shall be reported under the provisions of subsection (a) of this regulation:

(1) One or more pounds of particulate during any hour of operation;

(2) for agricultural related activity, 100 or more pounds of particulate during any hour of operation;

(3) two or more pounds of sulfur dioxide or sulfur trioxide, or a combination of both, during any hour of operation;

(4) 50 or more pounds of oxides of nitrogen, calculated as nitrogen dioxide, during any cumulative 24-hour period;

(5) 50 or more pounds of carbon monoxide during any cumulative 24-hour period;

(6) 50 or more pounds of gaseous hydrocarbons, excluding methane, during any cumulative 24-hour period;

(7) any measurable quantity of lead or lead compounds;

(8) any air contaminant emissions from any incinerator used to dispose of refuse by burning or for the processing of salvageable materials, except incinerators that are installed on residential premises which contain less than six dwelling units and that are used to burn waste materials that are associated with normal habitation of those dwelling units; and

(9) any other air contaminant emissions that the secretary of health and environment or an authorized representative of the secretary determines may cause or contribute to air pollution within the state because of its specific chemical or physical nature or because of the quantity discharged. Failure to report sources of a contaminant subject to provisions of this paragraph shall not be considered in violation of the requirement of subsection (a) until 60 days after the person responsible for construction, alteration, use or operation of the source has received written notice from the department requiring that emissions from the source are to be reported.

(c) Construction required for activities that are subject to this regulation shall not be initiated until the department has provided written notice that the activity is approved or until any permit required for this activity has been issued under K.A.R. 28-19-14.

*Be it further resolved:* That Kansas administrative regulation 28-19-14, as adopted by the secretary of health and environment and filed with the revisor of statutes on November 18, 1983, is hereby modified to read as follows:

28-19-14. Permits required. (a) Any person who proposes to construct, alter, use, or operate any air contaminant emission source that is required to be reported under K.A.R. 28-19-8 and that has a potential contaminant emission rate in excess of the following limitations shall obtain a permit from the department of health and environment before beginning this activity:

(1) 10 tons per year or more of particulate;

(2) for agricultural related activity, 100 tons per year or more of particulate;

(3) 10 tons per year or more of sulfur oxides;

(4) 10 tons per year or more of carbon monoxide;

(5) 10 tons per year or more of volatile organic compounds, excluding methane;

(6) 50 tons per year or more of oxides of nitrogen;

(continued)



(6) (7) Any measurable amount of lead or lead compound; and

(7) (8) Any emission required to be reported under K.A.R. 28-19-8(b)(8).

(b) Application for a permit required by this regulation for the construction, alteration, use or operation of an emission source shall be made on forms provided by the department. The department shall send these forms to the person proposing the activity within 15 days of receipt of a report submitted in accordance with K.A.R. 28-19-8. The department may require the applicant to furnish any additional information that is relevant in determining compliance with these regulations and that is available to or that is reasonably capable of being assembled by the applicant.

(c) The department shall review any completed application that has been submitted in accordance with subsection (b) and shall provide written notice to the applicant of the approval, conditional approval, or denial of the permit within 180 days of receipt of the completed application. The reason for denial of any application shall be specified.

(d) Any permit issued for the construction or alteration of a source under the provisions of this regulation shall become void if the construction or alteration is not commenced within 18 months after the permit has been issued or if the activities required to complete the alteration or construction have been discontinued for 18 months or more.

(e) Any permit required for the construction or alteration of a source by this regulation shall not be issued if the department determines that the air contaminant emissions from the source will interfere with the attainment and maintenance of any ambient air quality standard that has been established under the provisions of the federal Clean Air Act, and amendments thereto, or under the provisions of state law.

(f) Any permit required by this regulation shall not be issued or renewed unless the fee required by K.A.R. 28-19-14a or 28-19-14b has been paid.

(g) The department shall collect an annual operating permit fee for an approved new or altered source only for each year following the year in which the construction of the new source or the alteration of an existing source has been completed.

(h) Subject to the provisions of subsection (k), the secretary shall issue an operating permit required by this regulation for any source that is operating, under construction, under purchase contract; or that is being altered on January 1, 1984. These sources shall be considered existing sources for the purpose of initially complying with the permit requirements of this regulation and shall only be subject to the provisions that are applicable to the renewal of permits at this time.

(i) Any permit issued or renewed under this regulation may be conditioned upon compliance by the owner or operator with any special restrictions that are deemed necessary to assure compliance with these regulations or otherwise prevent air pollution. These restrictions may include, but need not be limited to, special requirements concerning methods of operation, emissions limitations or control procedures to be implemented. Such restrictions shall be stipulated in writing as a part of, or as an attachment to, the permit.

(j) Any permit issued or renewed under this regulation may stipulate one or more air contaminant emission sources that are approved to be constructed, altered, used, or operated. These sources shall be located on the same premises, shall be under one ownership and shall be considered as part of the same industrial grouping as determined by the department. The industrial grouping shall be identified by using the industrial titles and descriptions provided in the "Standard Industrial Classification Manual 1972," as published by the U.S. Government Printing Office. For the purpose of establishing the annual operating permit fee to be collected under K.A.R. 28-19-14b, the department shall stipulate the industrial grouping that is considered to be the primary activity covered by the permit.

(k) The secretary may refuse to issue or renew any permit, or may suspend or revoke any previously issued or renewed permit, that is required by this regulation if it is determined that the air contaminant emissions from the source are in violation of any of

the requirements of these regulations or any applicable provision of state statute.

*Be it further resolved:* That Kansas administrative regulation 28-19-14a, as adopted by the secretary of health and environment and filed with the revisor of statutes on November 18, 1983, is hereby modified to read as follows:

28-19-14a. Construction or alteration permit fees. (a) The department of health and environment shall not review any proposal to construct or alter an air contaminant emission source that requires a permit under K.A.R. 28-19-14 until the department has received a permit fee that has been determined as follows:

(1) The base fee shall be in the amount of 0.05% of the estimated capital cost of the activity for which application is made. The applicant shall provide a certified estimate of the capital cost of the facility with the application unless the fee is determined under the provisions of subsection (b) of this regulation. A minimum fee of \$100.00 shall be charged when the estimated capital cost is less than \$200,000.00 and a maximum fee of \$4,000.00 shall be charged when the estimated capital cost is more than \$8,000,000.00, *except that no fee shall apply to construction associated with agricultural related activities with estimated capital cost of \$4,000,000.00 or less.*

(2) If the proposed construction or alteration is subject to review and approval under the provisions of K.A.R. 28-19-16 or 28-19-17, there shall be an additional fee of \$1,500.00 added to the fee established by paragraph (1) of this subsection.

(b) If no estimate of the capital cost of the activity is included with the application, a base fee of \$4,000.00 shall be paid.

(c) The fee shall be remitted in the form of a check or money order made payable to the Kansas department of health and environment. Receipt of any check for the fee that is not covered by sufficient funds shall be cause for the permit to be denied.

(d) The estimated capital cost of the activity means the estimated total cost of equipment and services that would normally be capitalized according to generally accepted accounting procedures. Certification of the estimated capital cost of the activity may be evaluated for credibility during the review period. If the department determines that the certified capital cost is not correct, it shall either recover an adjusted fee based upon the correct cost or deny the permit.

*Be it further resolved:* That Kansas administrative regulation 28-19-14b, as adopted by the secretary of health and environment and filed with the revisor of statutes on November 18, 1983, is hereby modified to read as follows:

28-19-14b. Operating permit fee. (a) The department of health and environment shall annually collect a fee for permits issued or renewed for the operation of air contaminant emission sources under the provisions of K.A.R. 28-19-14.

(b) The fee collected under subsection (a) shall be established on the basis of the classification of the contaminant source as identified in Table F-1, of this regulation. The annual fee collected for a source in any class shall be determined by multiplying the class number for the source, as determined by Table F-1, by \$20.00.

Table F-1—Operating Permit Fee Classification Table

Class Number	Source Type
1	Incinerators (wire reclaimers only)
2	Seed Cleaning; Ready-Mix Concrete Plants, $\geq 12$ to $< 100$ cubic yards per hour capacity; Packaging Fumigants; Concrete Block Plants; Sawmill and Planing Mills; Metal Shredding; Bituminous Coal Loadout Site; Liquid Fertilizer Converters; Pipe Organs; Popsoms; packaged but not popped; Ornamental Floriculture and Nursery Products.
3	Grain Elevators; storage capacity $\geq 50,000$ bu. to $< 175,000$ bu.; Ready Mix Concrete Plants, $\geq 100$ cubic yards per hour capacity; Miscellaneous Plastic Products; Aluminum Extruded Products; Drawing and Insulating of Nonferrous Wire; Heating Equipment, Except Electric and Warm Air Furnaces; Fabricated Structural Metal Products; Farm and Garden Machinery and Equipment; Special Dies and Tools, Die Sets, Jigs and Fixtures and Industrial Molds; General Industrial Machinery and Equipment; Truck and Bus Bodies; Motor Vehicle Parts and Accessories; Games, Toys and Children's Vehicles; Cheese, Natural and Processed; Shortening, Table Oils and Margarine; Fabricated Rubber Products; Boat Building; Municipal Incinerators, with capacity $< 2,000$ lbs/hr; Concrete Slabs, Sewer Pipe and Tie Manufacturing;

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- Sand Drying Operations; Pre-blended Concrete; Furniture Manufacturing; Appliance Manufacturing; Lubricant Blending; Waste Oil Refining; Fabricated Pipe Products; Research and Development Laboratories; Mobile Homes (frames); Pharmaceutical Preparations; Surgical and Medical Instruments and Apparatus; Dry Wall Finishing Materials; Signs.
- 4 Millwork; Charcoal Manufacturing; Nonferrous Foundries (castings); Metal Forgings and Stampings; Valves and Pipe Fittings; Service Industry Machines; Brooms and Brushes; Prepared Feeds and Feed Ingredients for Animals and Fowl; Micronutrient Manufacturing; Rendering Plants; Dog, Cat and Other Pet Food (without can plant); Food Emulsifiers and Conditioners; Macaroni, Spaghetti and Egg Noodles; Kitty Litter; Miscellaneous Janitorial Supplies; Pesticide Mixing, Blending and Packaging; Paperboard Containers and Boxes; Refrigerant Manufacturing; Sunflower Oil Reclaiming; Liquid Nitrogenous Fertilizer Terminal; Granola Processing; Molasses, Mixed or Blended.
  - 5 Grain Elevators, storage capacity  $\geq 175,000$  bu. to  $< 450,000$  bu.; Aluminum Dross Processing; Rock Salt Mining; Natural Gas or Petroleum Liquid Transmission, stations total maximum HP rating  $\geq 475$  HP to  $< 950$  HP; \*Crushed and Broken Limestone, maximum capacity of primary crusher  $< 150$  tons per hour; Hot Mix Asphalt Plant, maximum plant capacity  $< 200$  tons per hour; Electric Lamps; Cotton Ginning; Tire Retreading; Heating Equipment; Outdoor Recreation Equipment; Reconditioned Barrels and Drums (without incineration).
  - 6 Colleges, Universities and Professional Schools; Correctional Institutions; Meat Packing Plants; Sausages and Other Prepared Meat Products; Drilling Mud Manufacturing; Aircraft Parts and Auxiliary Equipment; Railroad Equipment (railcar refurbishing); Baked and Fried Snacks, Potato Chips; Condensed and Evaporated Milk Processing; Steam Heat Generation; Hospitals.
  - 7 Secondary Aluminum Foundry; Brass and Bronze Foundry; Gray Iron Foundry; Bituminous Coal and Lignite (crusher); Grain Elevators, storage capacity  $\geq 450,000$  to  $< 975,000$  bu.; Hot Mix Asphalt Plants, plant maximum capacity  $\geq 200$  tons per hour; Dog, Cat and Other Pet Foods (with can plant); \*Crushed and Broken Limestone, maximum capacity of primary crusher  $\geq 150$  tons per hour; Perlite and Vermiculite Manufacturing or Handling; Lead Oxide Manufacturing; Railcar Incineration; Detoxification or Destruction of Chlorinated Hydrocarbons.
  - 8 Alfalfa Dehydrators and Sun Cured Plants; Roofing Granules Processing; Cement Bulk Terminals; Sewerage Systems, (lime burning); Sodium Silicate Processing.
  - 9 Grain Elevators, storage capacity  $< 875,000$  bu. to  $< 2,500,000$  bu.; Expanded Shale Manufacturing; Commercial Printing; Greeting Card Publishing; Beet Sugar; Electric Power Generation, internal combustion only; Natural Gas or Petroleum Liquid Transmission, stations total maximum HP rating  $> 950$  HP to  $< 10,000$  HP; Natural Gas or Petroleum Liquid Storage Only; Electric Power Generation, steam generation only (excluding coal fired); Brick and Structural Clay Tile; Clay Pipe and Refractories; Paperboard Containers and Boxes (with printing); Reconditioned Barrels and Drums (with incineration); Steel Drum Manufacturing; Paperboard Mills; Paints, Varnishes, Lacquers, Enamels and Allied Products.
  - 10 Salt Mining, Evaporation or Brine Process; Steel Foundries; Gasohol Manufacturing.
  - 11 Aircraft Manufacturing; National Security; Sewerage Systems, (sludge incineration).
  - 12 Grain Elevators, storage capacity  $> 2,500,000$  bu. to  $< 10,000,000$  bu.; Electric Power Generation, internal combustion and steam generation (excluding coal fired).
  - 13 Lubricating Oils and Greases; Petroleum Bulk Terminals; Medicinal Chemicals and Botanical Products; Petroleum Liquid Storage (with pump station).
  - 14 Ammunition, Except for Small Arms; Storage Batteries.
  - 15 Grain Elevators, storage capacity  $> 10,000,000$  bu.; Flour and Other Grain Mill Products; Soybean Oil Mills; Natural Gas or Petroleum Liquid Transmission, stations total maximum HP rating  $\geq 10,000$  HP; Natural Gas Liquids; Mixed, Manufactured or Liquefied Petroleum Gas Production and/or Storage and Distribution; Helium Plants; Gypsum Manufacturing.
  - 16 Carbon Black; Asphalt Felts and Coatings; Electric Power Generation, total plant generating capacity  $< 1000$  MW (coal fired); Soap and Other Detergents.
  - 17 Sulfuric Acid Manufacturing; Nitrogenous Fertilizer Manufacturing; Phosphoric Acid Manufacturing; Industrial Chemical Manufacturing; Cellophane Manufacturing.
  - 18 Distilled, Rectified and Blended Liquors; Fiberglass Insulation Manufacturing; Tire Manufacturing.
  - 19 Explosives; Portland Cement Manufacturing; Motor Vehicles and Passenger Car Bodies.
  - 20 Electric Power Generation, total plant generating capacity  $\geq 1000$  MW (coal fired); Petroleum Refinery.

\*Primary crusher—initial crushing unit to process quarried rock.

(c) The department shall send written notice to any source that is required to pay a permit fee under this regulation. This notice shall be sent to the owner or operator of the source not later than January 1 of each year, shall specify the source classification and class number assigned to the source, and shall

specify the amount of the fee that is to be remitted to the department.

(d) The permit fee shall be received by the department before April 1 of each year.

(e) If any fee is not paid by April 1, the department shall assess and collect an additional permit fee of \$5.00 for each day that the fee is not paid after March 31.

(f) Any source that does not submit the permit fee before June 1 of any year shall be considered to be an inactive source. The department, before July 1 of any year, shall send written notice to the permit holder of this determination and that the permit will be revoked unless a hearing is requested within 15 days of the notice.

(g) Any source that is deactivated shall not be reactivated or granted an operating permit unless the department has determined that the source complies with the emission and permit requirements of these regulations that pertain to the construction and operation of new sources. The 90 day reporting period required by K.A.R. 28-19-8(a) shall apply to the date that the source is proposed to be reactivated.

(h) The permit fee required by this regulation shall be remitted in the form of a check or money order made payable to the Kansas department of health and environment. Any check for the fee that is not covered by sufficient funds shall be considered to not have been received and the operation of the source shall continue to remain subject to the provisions of subsections (d), (e), (f) and (g) of this regulation.

*Be it further resolved:* That Kansas administrative regulations 28-19-7, 28-19-8, 28-19-14, 28-19-14a and 28-19-14b, as adopted by the secretary of health and environment and filed with the revisor of statutes on November 18, 1983, shall become effective as modified by this concurrent resolution on May 1, 1984.

Adopted by the House March 30, 1984.

Adopted by the Senate as amended April 28, 1984.

House concurred in Senate amendments April 28, 1984.

#### HOUSE CONCURRENT RESOLUTION No. 5066

A CONCURRENT RESOLUTION concerning oil and gas; relating to cementing-in surface pipe; modifying Kansas administrative regulation 82-3-106; as adopted by the state corporation commission and filed with the revisor of statutes on December 19, 1983.

*Be it resolved by the House of Representatives of the State of Kansas, the Senate concurring therein:* That Kansas administrative regulation 82-3-106, as adopted by the state corporation commission and filed with the revisor of statutes on December 19, 1983, is hereby modified to read as follows:

82-3-106. *Cementing-in surface pipe.* (a) Surface pipe or casing. The depth of the required surface pipe or casing shall be determined in the following manner:

(1) The surface pipe or casing shall be set to a depth not less than 20 feet below the bottom of all fresh water strata. In setting cement the surface hole diameter shall be sufficiently larger than the surface casing size to permit circulation of the cement.

(2) At all drill sites where tertiary and younger deposits are present, surface pipe shall be set to a depth of not less than 20 feet below the base of these deposits.

(3) The operator shall set not less than 50 feet of surface pipe in any well unless the operator is otherwise excluded from this requirement or the commission grants an exception after a hearing and after receiving a favorable recommendation from the advisory committee. Drilling shall not commence until the operator has received, from the conservation division, notice of the amount of surface pipe or casing that must be set. Required depths shall be those designated by the commission and the department.

(4) If no additional information, including well logs, formation tests, water quality data, or water well data, is made available by the operator, table I, dated March 4, 1967 May 1, 1984, shall be utilized by the commission and the department in determining the required depths of the surface pipe.

(continued)

(b) Protection of usable water.

(1) Alternate 1. Surface pipe may be set and cemented according to the requirements of the commission and the department.

(2) Alternate 2. If the depths of usable water, as specified by the commission and the department, are greater than the amount of surface pipe set, alternate 2 shall be used. When a well is drilled which becomes a producer of oil or gas, additional pipe or the production string shall be cemented in from the base of the usable water at a depth specified by the commission and the department to the surface of the ground. The cement shall be maintained at surface level. Cementing shall be completed within 120 days of the spud date of the well. Extensions may be granted with the approval of the commission and the department.

(3) When fresh water and usable water can mix because of an existing artesian head, additional pipe of the production string shall be cemented-in from a point 50 feet below the usable water formation to the surface of the ground.

(4) When a well is drilled which becomes a producer of oil or gas, additional pipe or the production string may be cemented-in with cement to effectively prevent migration of oil, gas, or water from or into strata that would be damaged by this migration. However, compliance with alternate 2 may also be accomplished during the producing life of a well by placing an alternative cementing material that is acceptable to the commission behind that pipe or production string in a manner prescribed by the commission or its authorized representatives.

At the time a producing well is abandoned, it shall be plugged in a manner prescribed by the commission so as to effectively prevent subsequent migration of oil, gas, or water from or into strata that would be damaged by this migration.

(c) Allowing cement to set around surface pipe. Unless otherwise provided by specific order of the commission, the cemented casing string shall stand under pressure until the cement has reached a compressive strength of 300 pounds per square inch. Further operations shall not be commenced until the cement has been in place for at least eight hours.

(d) Affidavit. Operators shall file an affidavit with the conservation division setting out the method of cementing used on a well on the provided form. Depths which have usable and fresh water shall be protected by recommended methods, which are on file with the state corporation commission.

*Be it further resolved:* That Kansas administrative regulation 82-3-106, as adopted by the state corporation commission and filed with the revisor of statutes on December 19, 1983, shall become effective as modified by this concurrent resolution on May 1, 1984.

Adopted by the House April 26, 1984.  
Adopted by the Senate April 27, 1984.

AGENCY 1: DEPARTMENT OF ADMINISTRATION

Regulation Number	Action	Subject	Register Pages
1-2-46	Amended	Definitions	312
1-2-48	New		312
1-2-61	Amended	Classification	312
1-2-71	Amended		313
1-4-8	Amended	Compensation	313
1-5-7	Amended		313
1-5-10	Amended	Recruiting and Staffing	313
1-5-12	Amended		313
1-6-18	Amended		313
1-6-23	Amended		313
through 1-6-27			
1-6-29	Amended	Probation Period and Employee Evaluation	313
1-7-3	Amended		313
1-7-10	Amended	Hours; Leaves; Employee-Management Relations	313
1-7-12	Amended		313
1-7-13	Amended		313
1-9-4			313
1-9-5		Guidance and Discipline	313
1-9-8			313
1-9-13			313
1-10-8	Amended		313
1-11-2	Revoked	Non-disciplinary Termination	313
1-14-6	New	Layoff Procedures and Alternatives to Layoff	313
through 1-14-10			
1-16-15	Amended	Travel Reimbursement	313
1-16-18	Amended	Use of State-owned or Operated Motor Vehicles on Official State Business	313, 314
1-17-5	Revoked		314
1-17-5a	New	Maximum Allowance for Mileage for Use of a Privately Owned Conveyance for Public Purposes	314
1-18-1a	Amended		314
1-23-3	Amended	State Vanpool Program	314
1-23-4	Amended	Social Security Program in Political Subdivisions	314
1-28-1	Amended		314

AGENCY 4: BOARD OF AGRICULTURE

Regulation Number	Action	Subject	Register Pages
4-3-47	Amended	Commercial Feed Stuffs	86
4-3-48	Amended		86
4-4-2	Amended	Commercial Fertilizers	86
4-7-500	Revoked		Milk and Dairy Products
through 4-7-506			
4-7-507	Amended	Noxious Weeds	87
4-7-508	Revoked		87
4-7-510	New		87
4-8-14	Amended		87
4-8-17	Amended		87

AGENCY 5: BOARD OF AGRICULTURE—  
DIVISION OF WATER RESOURCES

Regulation Number	Action	Subject	Register Pages
5-40-10	New	Design of Earth Dams	87
5-50-1	New		Water Transfers
through 5-50-6			

AGENCY 7: SECRETARY OF STATE

Regulation Number	Action	Subject	Register Pages
7-31-1	New	Land Surveys	157
through 7-31-4			
7-32-1	New	Law Books	157

(continued)

**AGENCY 9: ANIMAL HEALTH DEPARTMENT**

Regulation Number	Action	Subject	Register Pages
9-2-1	Amended	Bovine Brucellosis	84
9-2-2	Amended		84
9-2-3	Revoked		84
9-2-5			
9-2-7	Revoked		84, 85
9-2-21			
9-2-23	Revoked		85
9-2-26			
9-2-28	Revoked		85
9-2-31			
9-2-33	New		85
9-14-1	New	Livestock Dealers Registration	85
9-14-3			

**AGENCY 10: BUREAU OF INVESTIGATION**

Regulation Number	Action	Subject	Register Pages
10-12-2	Amended Modified by Legislature	Dissemination	153 677
10-16-1	New	Collection and Reporting	153
10-16-3			
10-17-1	New	Reportable Events; Duplication	153
10-17-3			
10-18-1	New Rejected by Legislature	Implementation, Administration	153 667
10-18-2	New		154

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

Regulation Number	Action	Subject	Register Pages
14-3-13	Amended	Retailers	214
14-6-2a	Amended	Containers and Labels	214
14-7-4	Amended	Tax; Tax Stamps; Crowns; Lids	214
14-8-4	Amended	Advertising	215
14-11-2	New	Farm Wineries	215
14-11-3	New Rejected by Legislature		679
14-11-5	New		215, 216
14-11-9			
14-11-10a	New		216, 217
14-11-10d			
14-11-11	New		217, 218
14-11-21			
14-18-28	Amended	Class A and B clubs	219

**AGENCY 17: BANK COMMISSIONER**

Regulation Number	Action	Subject	Register Pages
17-11-9	Amended	Investment Securities	5

**AGENCY 19: PUBLIC DISCLOSURE COMMISSION**

Regulation Number	Action	Subject	Register Pages
19-40-3a	New	State Conflict of Interest Provisions	178
19-41-1	Amended	Statement of Substantial Interests	178
19-41-2	Revoked		178
19-41-3	Amended		178
19-50-2	Revoked	Local Conflict of Interest Provisions	179
19-50-3	Revoked		179
19-51-1	Revoked	Disclosure of Substantial Interests	179
19-51-2	Revoked		179

19-63-1	Revoked	Lobbyist Reporting Provisions	179
19-63-2	Amended		179
19-63-3	Amended		179

**AGENCY 20: CRIME VICTIMS REPARATIONS BOARD**

Regulation Number	Action	Subject	Register Pages
20-1-1	Amended	Definitions	110
20-2-1	Amended	Claims	111
20-2-2	Amended		111
20-2-4	Amended		111
20-2-5	Amended		111
20-3-1	New	Hearings	111
20-3-2	Amended		111
20-4-1	Amended Rejected by Legislature	Attorney Fees	112 678

**AGENCY 22: FIRE MARSHAL**

Regulation Number	Action	Subject	Register Pages
22-8-1	Amended	Liquefied Petroleum Gases	93
22-8-2	Amended		93
22-11-8	Amended	Adult Care Homes, Hospitals, Residential Care Facilities and Maternity Centers	93
22-19-1	New	Certification of Arson Investigators	94, 95
22-19-4			

**AGENCY 23: FISH AND GAME COMMISSION**

Regulation Number	Action	Subject	Register Pages
23-1-10	Amended	Game Birds	90
23-3-18	New	Fish	90
23-6-6	Amended	Furbearers	90
23-6-8	New		91
23-7-1	Revoked	Fur Dealers	91
23-7-4			
23-7-7	New		91

**AGENCY 25: GRAIN INSPECTION DEPARTMENT**

Regulation Number	Action	Subject	Register Pages
25-1-27	New	Warehousing	92
25-4-1	Amended	Fees and Charges	92

**AGENCY 28: DEPARTMENT OF HEALTH AND ENVIRONMENT**

Regulation Number	Action	Subject	Register Pages
28-4-113	Amended	Maternal and Child Health	543, 544
28-4-115			
28-4-117	Amended		544
28-4-119	Revoked		544
28-4-119a	New		544
28-4-119b	New		544
28-4-187	Amended		544
28-4-189	Amended		544
28-4-316	Amended		544
28-4-420	Amended		544
28-4-422			
28-4-425	Amended		544
28-4-428	Amended		544
28-4-430			
28-4-434	Amended		544
28-4-437	Amended		544
28-4-439	Amended		544
28-4-441			
28-10-38	Amended	Sanitary Conditions Around Reservoirs	544
28-17-6	Amended	Division of Vital Statistics	544
28-19-7	Amended Modified by Legislature	Ambient Air Quality Standards and Air Pollution Control	544 679

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28-19-8	Amended		544	30-4-62	Amended	488
	Modified by			30-4-85a	Amended	489
	Legislature		679	30-4-90	Amended	489
28-19-9	Amended		545	30-4-91	New	489
28-19-14	Amended		545	30-4-96	New	489
	Modified by			30-4-97	Revoked	489
	Legislature		679	30-4-100	New	489
28-19-14a	New		545	30-4-102	New	489
	Modified by			30-4-106	Amended	489
	Legislature		679	30-4-107	New	489
28-19-14b	New		545	30-4-108	Amended	489
	Modified by			through		
	Legislature		679	30-4-110		
28-19-45	Amended		545	30-4-112	Amended	490
28-29-17a	Amended	Solid Waste Management	545	30-4-113	Amended	490
28-29-17b	Amended		545	30-4-120	Amended	490
28-29-18	Amended		545	30-4-121	Amended	490
28-29-26	Amended		545	30-4-122a	New	490
28-29-27	Amended		545	30-4-123	Revoked	490
28-31-1	Amended	Hazardous Waste Management	545	30-5-58	Amended	490
through		Standards and Regulations				
28-31-4						
28-31-6	Amended		545			
28-31-8	Amended		545	30-5-61	Revoked	490
through				30-5-61a	New	490
28-31-10				30-5-61b	New	490
28-38-19	Amended	Licensure of Adult Care Home	546	30-5-70	Amended	490
through		Administrators		30-5-71	Amended	491
28-38-23				30-5-81	Amended	491
28-38-26	Amended		546	30-5-81a	New	491
28-38-27	Revoked		546	30-5-81b	New	491
28-39-76	Amended	Licensure of Adult Care Homes	546	30-5-81c	Revoked	491
28-39-77	Amended		546	30-5-81d	Amended	491
28-39-79	New		546	30-5-81e	Revoked	491
28-39-80	New		546	through		
28-39-81	New		546	30-5-81p		
28-39-81a	New		546	30-5-81q	New	491
28-39-81b	New		546	through		
28-39-87	Amended		546	30-5-81s		
28-39-94	Amended		546	30-5-83	Amended	491
28-39-103a	New		546	30-5-86	Amended	491, 492
28-39-132	Revoked		546	through		
28-39-138	Revoked		546	30-5-88		
28-39-201	Revoked		546	30-5-94	Amended	492
28-39-219	Revoked		546	30-5-95	Amended	492
through				30-5-100	New	492
28-39-223				30-5-101	Amended	492
28-39-225	Amended		546	30-5-104	Amended	492
28-40-69	New	Emergency Medical Services	546	30-5-106	Amended	492
28-41-1	Amended	Oil Field Waste Disposal	546	through		
through				30-5-108		
28-41-9				30-5-110	Amended	492
28-42-1	Amended	Certificates of Need for Health	546	30-5-110a	Amended	492
		Facilities		30-5-111	New	492
28-42-5	Amended		546	30-5-150	Amended	492
28-42-10	Amended		546	30-5-151	Amended	492
28-43-8	Amended	Construction, Operation and	547	30-5-152	New	492
		Abandonment of Salt Solution		30-5-154	New	493
		Mining Wells		30-5-155	New	493
28-43-11	New		547	30-5-156	Amended	493
28-44-11	New	Petroleum Products Storage Tanks	547	30-5-157	New	493
28-45-1	Revoked	Hydrocarbon Storage Wells and	547	30-5-158	New	493
		Well Systems		30-5-159	Amended	493
28-45-2	Amended		547	30-5-160	Amended	493
28-45-6	Amended		547	through		
28-45-9	Amended		547	30-5-172		
28-45-11	New		547	30-6-34	Amended	493

**AGENCY 30: DEPARTMENT OF SOCIAL AND REHABILITATION SERVICES**

Regulation Number	Action	Subject	Register Pages			
30-4-34	Amended	Public Assistance Program	488	30-6-35	Amended	493
30-4-35	Amended		488	30-6-39	Amended	493
30-4-38	Amended		488	30-6-41	Amended	493
30-4-39	Amended		488	30-6-50	Amended	493
30-4-41	Amended		488	through		
30-4-52	Amended		488	30-6-53		
30-4-53	New		488	30-6-56	Amended	493, 494
30-4-56	Amended		488	through		
through				30-6-58		
30-4-58				30-6-60	Amended	494
30-4-60	Amended		488	30-6-65	Amended	494
				30-6-103	Amended	494
				30-6-106	Amended	494, 495
				through		
				30-6-113		
				30-6-140	Amended	495

Medical Assistance Program—  
Clients' Eligibility for  
Participation

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Regulation Number	Action	Subject	Register Pages
30-10-1a	Amended	Adult Care Home Program of the Medicaid (Medical Assistance) Program	495
30-10-1b	Amended		495
30-10-1e	New		495
30-10-3	Amended		495
30-10-6	Amended		495
30-10-7	New		495
30-10-8	Amended		495
30-10-9	Amended		496
30-10-11	Amended		496
30-10-13 through 30-10-13			496
30-23-8	Amended	Parsons State Hospital and Training Center, Winfield State Hospital and Training Center, Norton State Hospital and Kansas Neurological Institute	496
30-31-13	Revoked	Alcohol and Drug Abuse Treatment Programs	496
30-41-1	Amended	Licensing of Non-medical Community Based Agencies Providing Services to Handicapped Adults	496
30-41-6a	Amended		496
30-41-6b	Amended		496
30-41-6d	Amended		496
30-41-6e	Amended		496
30-41-6f	New		496
30-41-7b	Amended		496
30-42-1 through 30-42-4	Revoked	Certification of Community Based Agencies Providing Services to Handicapped Individuals	496
30-42-5a through 30-42-5g	Revoked		496
30-43-1	New	Corporate Guardians	496

**AGENCY 33: PARK AND RESOURCES AUTHORITY**

Regulation Number	Action	Subject	Register Pages
33-2-4	Amended	Motor Vehicle Permits	86
33-4-5	Amended	State Park System	86

**AGENCY 36: DEPARTMENT OF TRANSPORTATION**

Regulation Number	Action	Subject	Register Pages
36-2-11	Amended	Vehicles Carrying Emergency Equipment	230
36-12-1 through 36-12-3	Revoked	Controlled Access Highways	230
36-13-30	Amended	School Bus Transportation	230
36-13-32	Amended		231
36-18-4	Amended	Lights on Highway Construction and Maintenance Vehicles	233
36-26-1	Amended	Railroad Grade Crossings	233
36-30-3	Amended	Construction Bidding Procedures	233
36-33-1	Revoked	Weight Limits for Trucks	233
36-34-1	Amended	Child Passenger Safety	234
36-36-1	Amended	Widths of Vehicles and Loads	234

**AGENCY 40: INSURANCE DEPARTMENT**

Regulation Number	Action	Subject	Register Pages
40-1-1	Amended	General	180
40-4-26 through 40-4-29	Amended	Accident and Health Insurance	180, 181
40-4-32	Amended		181
40-4-34	Amended		181
40-4-35	Amended		182
40-7-19	New	Agents	183
40-8-7	Amended	Excess Coverage	183
40-15a-1	Amended	Variable Life Insurance	184
40-15a-2 through 40-15a-9	Revoked		184

**AGENCY 43: CORRECTIONS OMBUDSMAN BOARD**

Regulation Number	Action	Subject	Register Pages
43-1-1	New	Administering Oaths	177

**AGENCY 44: DEPARTMENT OF CORRECTIONS**

Regulation Number	Action	Subject	Register Pages
44-1-103	Amended	General Administration	420
44-4-101	Amended	Training	420, 421
44-4-104 through 44-4-104			
44-4-105	Revoked		421
44-4-106	Amended		421
44-4-107 through 44-4-107	New		421
44-4-109 through 44-5-102	Amended	Inmate Management	421-424
44-5-108	Amended		424
44-5-110	Amended		425
44-5-112	Amended		425
44-5-113	Amended		425
44-5-114	New		426
44-6-101	Amended	Good Time Credits	426
44-6-102	Revoked		427
44-6-106 through 44-6-108	New		427, 428
44-6-108a	New		428
44-6-109	New		429-431
44-6-114 through 44-6-114			
44-6-114a	New		431
44-6-114b	New		432
44-6-115 through 44-6-117	New		433, 434
44-6-120	New		434
44-6-121	New		435
44-6-124 through 44-6-126	New		435, 436
44-6-133	New		436-438
44-6-138 through 44-6-140			
44-6-140a	New		438
44-6-141	New		438
44-6-142	New		439
44-6-144	New		439
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44-7-102	Amended	Programs and Activities	440
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44-12-316	Amended		443
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44-13-115	New		448
44-13-201	Amended		448
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through			
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through			
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47-15-1	Rejected by Legislature	Inspections and Enforcement	677
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47-15-5	New		677
through	Rejected by Legislature		677
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49-21-4	New		220
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49-31-6	Amended	Minimum Wage and Maximum Hours	221
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49-45-1	Amended	Boiler Specifications and Inspections	222, 223
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49-45-20			
49-45-21	New		223
through			
49-45-26			
49-49-1	Amended	Fee Schedule for Boiler Inspections	223

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63-3-18	Amended	Preparation and Transportation of Bodies; Burial in Mausoleums; Funeral Establishments	44
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66-5-1	Revoked	Landscape Architects	59
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**AGENCY 81: OFFICE OF SECURITIES COMMISSIONER**

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81-11-2	New		9-11
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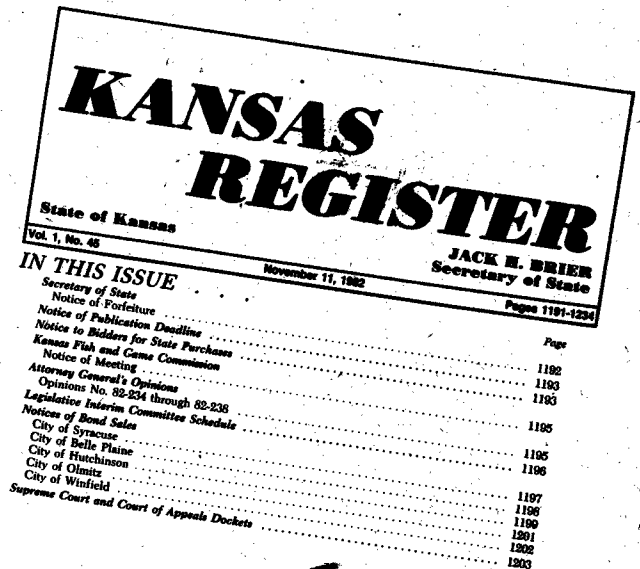
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