

KANSAS REGISTER

State of Kansas

JACK H. BRIER
Secretary of State

Vol. 4, No. 18

May 2, 1985

Pages 711-758

IN THIS ISSUE

	Page
Kansas Water Authority	
Notice of Meeting	712
Social and Rehabilitation Services	
Public Notice	712
Client Assistance Program Advisory Committee; Notice of Meeting	712
Department of Health and Environment	
Public Notice	712
Attorney General	
Opinion No. 85-38	713
State Board of Nursing	
Advanced Register Nurse Practitioner Task Force; Notice of Meeting	713
Department of Transportation	
Notice to Bidders	713
Notice to Consulting Engineers	713
Notice to Consulting Engineers	713
Notice to Contractors	714
Insurance Department	
Legal Notice	714
Department of Education	
Notice of Federal Funding	714
State Corporation Commission	
Notice of Determination	714
Notice of Motor Carrier Hearings	715
Department of Human Resources	
Notice of Grant Applications in Review	719
Notice to Bidders for State Purchases	720
Notice of Bond Sale	
City of Overland Park	722
City of Satanta	724
City of Utica	726
Supreme Court Docket	727
Notice of Hearings on Proposed Administrative Regulations	
Crime Victims Reparations Board	730
Emergency Medical Services Council	730
Index to Action on Administrative Regulations Effective May 1, 1985	731
Legislative Bills Introduced	737
New State Laws	
SB 19: Concerning certain prohibitions on business activities by insurance companies	737
SB 321: Concerning motor vehicles; vehicle dealer license plates	738
SB 334: Authorizing a capital improvement project for a coliseum at Kansas state university	742
HB 2016: Relating to antitrust liability; concerning municipal immunity	744
HB 2084: Concerning workers' compensation	745
HB 2087: Making and concerning appropriations	746
HB 2154: Making and concerning appropriations	749
HB 2179: Concerning cities; relating to the appointment, election and removal of certain officers	750
HB 2547: Relating to the taxation of mineral production	751
HB 2568: Concerning issuance of refunding revenue bonds	752
HB 2613: Concerning the department of social and rehabilitation services; relating to settlement of a civil lawsuit	753
HB 2615: Concerning state officers and employees; relating to salaries and compensation	754

State of Kansas

KANSAS WATER AUTHORITY**NOTICE OF MEETING**

The May meeting of the Kansas Water Authority will be held May 16 and 17, 1985, at the Ottawa Country Club, Ottawa, KS. The meeting will begin at 1 p.m. on May 16 and 8:30 a.m. on May 17.

An agenda for the meeting will be available May 3, 1985. Persons not on the Kansas Water Authority's mailing list may request a copy of the agenda by writing or calling Dotty Kester, Suite 200, 109 S.W. 9th, Topeka, KS 66612, 913/296-3185.

H. PHILIP MARTIN
Chairman

Doc. No. 003163

State of Kansas

SOCIAL AND REHABILITATION SERVICES**PUBLIC NOTICE**

Rehabilitation Services within the Department of Social and Rehabilitation Services is seeking comments on the Independent Living State Plan. Comments should be submitted by May 31, 1985.

To receive the State Plan, contact Rehabilitation Services, Independent Living Coordinator, Biddle Bldg., 2nd Floor, 2700 W. 6th, Topeka, KS 66606, 913/296-3911. The Independent Living State Plan is available in braille, large print and tape on request only.

JOAN B. WATSON
Commissioner

Doc. No. 003164

State of Kansas

**SOCIAL AND REHABILITATION SERVICES
CLIENT ASSISTANCE PROGRAM
ADVISORY COMMITTEE****NOTICE OF MEETING**

The Client Assistance Program Advisory Committee will meet at 1 p.m. Friday, May 10, 1985, in the Conference Room of the Emporia Office of Social and Rehabilitation Services, 1015 Scott St., Emporia.

ROBERT C. HARDER
Secretary of Social
and Rehabilitation Services

Doc. No. 003165

State of Kansas

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

A Certificate of Need application from Maxi-Scan, Inc. to develop mobile CT scanning services has been reviewed and approved by the Kansas Department of Health and Environment. This Certificate of Need shall become effective May 24, 1985, unless appealed to the District Court of Butler, Cowley, Harvey, Pratt or Sedgwick counties.

A Certificate of Need application from Riverside Hospital, Wichita, KS, for the replacement of part of its facility has been reviewed and approved by the Kansas Department of Health and Environment. This Certificate of Need shall become effective May 24, 1985, unless appealed to the District Court of Sedgwick County and shall be valid for one year.

BARBARA J. SABOL
Secretary of Health
and Environment

Doc. No. 003160

The *Kansas Register* is an official publication of the State of Kansas, published by authority of K.S.A. 75-430. The *Kansas Register* is published weekly by the Kansas Secretary of State, State Capitol, Topeka, KS 66612. One-year subscriptions are \$47.50. Single copies may be purchased, if available, for \$2.00 each. Second class postage paid at Topeka, KS.

ISSN No. 0744-2254.

Postmaster. Send change of address form to Kansas Register, Secretary of State, State Capitol, Topeka, KS 66612.

© Secretary of State of the State of Kansas 1985. Reproduction of this publication in its entirety or for commercial purposes is prohibited without prior permission. Official enactments of the Kansas Legislature and proposed and adopted administrative regulations of state agencies may be reproduced in any form without permission.

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



PHONE: 913/296-3489

State of Kansas

ATTORNEY GENERAL

Opinion No. 85-38

Schools; Community Colleges—Organization; Powers and Finances of Boards of Trustees—Authority of Boards of Trustees. Representative Edwin H. Bideau III, Fifth District, Chanute, April 22, 1985.

A board of trustees of a community college lacks authority to contract to provide instruction outside the state of Kansas. Cited herein: K.S.A. 1984 Supp. 71-201, K.S.A. 71-205, 75-3099. RJB

ROBERT T. STEPHAN
Attorney General

Doc. No. 003161

State of Kansas

BOARD OF NURSING
ADVANCED REGISTERED NURSE
PRACTITIONER TASK FORCE

NOTICE OF MEETING

A meeting of the Advanced Registered Nurse Practitioner Task Force, called by Dr. Elaine B. Harvey, Chair, will begin at 10 a.m., May 7, 1985, at Marymount College, Education Center, East Iron and Marymount Road, Salina, KS.

The tentative agenda includes a review of guidelines for approval of practitioner programs, curriculum review, and other general items of concern.

LOIS RICH SCIBETTA, Ph.D., R.N.
Executive Administrator

Doc. No. 003149

State of Kansas

DEPARTMENT OF TRANSPORTATION

NOTICE TO BIDDERS

Sealed bids on K.D.O.T. Quotation 6874 for the sale of radio equipment and repairs located at the K.D.O.T. Shop, 220 Gage, Topeka, KS; K.D.O.T. District Yard, Topeka, KS; K.D.O.T. District Yard, Salina, KS; K.D.O.T. District Yard, Norton, KS; K.D.O.T. District Yard, Chanute, KS; K.D.O.T. District Yard, Hutchinson, KS; and K.D.O.T. District Yard, Garden City, KS, will be received until 10 a.m. Friday, May 17, 1985.

Bid blanks may be obtained from H. E. Shubert, Purchasing Agent, 7th Floor, State Office Building, Topeka, KS; James D. Jones, District Engineer, Topeka, KS; R. L. Anderson, District Engineer, Salina, KS; E. L. Olson, District Engineer, Norton, KS; D. E. Kimbell, District Engineer, Chanute, KS; M. S. Fry, District Engineer, Hutchinson, KS; and E. D. Crockett, District Engineer, Garden City, KS.

JOHN B. KEMP
Secretary of Transportation

Doc. No. 003158

(Published in the KANSAS REGISTER, May 2, 1985.)

State of Kansas

DEPARTMENT OF TRANSPORTATION

NOTICE TO CONSULTING ENGINEERS

The Kansas Department of Transportation (K.D.O.T.) is seeking to engage a qualified engineering firm for plan production for the following projects:

Shawnee County—24-89 K-2094-01/BHF 072-1(35)—repair or removal of Old Soldier Creek channel bridge #080, 0.12 mile west of US-75 A (Topeka Boulevard).

Saline County—135-85 K-2361-01/IR 135-1(167) and 135-85 K-2667-01/IR 135-1(178)—replacement of northbound and southbound bridges over K-4 and Missouri Pacific Railroad.

Coffey County—75-16 K-2613-01/BRF 063-2(37)—replacement of Rock Creek bridge #019 in Burlington.

Linn County—69-54 K-2608-01/F 083-2(34)—replacement of the Marais Des Cygnes River drainage bridge #004, 6.0 miles north of K-52.

Firms expressing interest in these projects must respond in writing and complete the Consulting Engineers Qualification Questionnaire (if not already prequalified) by May 23, 1985.

It is the policy of the K.D.O.T. to use the following criteria as the basis for selection of engineering consultant firms:

1. Size and professional qualifications of firm.
2. Experience of staff.
3. Location of firm with respect to proposed project.
4. Work load of firm.
5. Firm's performance.

JOHN B. KEMP
Secretary of Transportation

Doc. No. 003147

(Published in the KANSAS REGISTER, May 2, 1985.)

State of Kansas

DEPARTMENT OF TRANSPORTATION

NOTICE TO CONSULTING ENGINEERS

The Kansas Department of Transportation (K.D.O.T.) is seeking to engage a qualified engineering firm for survey and plan production for the following projects:

Montgomery County—160-63 K-2620-01/F 018-5(21)—overlay and stabilized shoulders from 0.6 miles east of Independence, east 5.7 miles to US-169. Modification of four bridges may be included in this project.

Butler and Sedgwick counties—54-8 K-1739-01/F 038-3(66), 54-87 K-1738-01/F 038-3(65) and 54-87 K-2606-01/BRF 038-3(67)—pavement patching, widening, overlay and stabilized shoulders from east city limits of Wichita to west city limits of Augusta, except 0.977 miles in Andover and the replacement of the westbound bridges over the KTA #149, Four Mile

(continued)

Creek drainage #151, Four Mile Creek #153, and Four Mile Creek drainage #155.

Firms expressing interest in these projects must respond in writing and complete the Consulting Engineers Qualification Questionnaire (if not already prequalified) by May 23, 1985.

It is the policy of the K.D.O.T. to use the following criteria as the basis for selection of engineering consultant firms:

1. Size and professional qualifications of firm.
2. Experience of staff.
3. Location of firm with respect to proposed project.
4. Work load of firm.
5. Firm's performance.

JOHN B. KEMP
Secretary of Transportation

Doc. No. 003148

(Published in the KANSAS REGISTER, May 2, 1985.)

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, KS, until 10 a.m., C.D.T. May 16, 1985 and then publicly opened:

DISTRICT FOUR

Bourbon—69-6 M 1371-01—US-69, 6.57 miles north of the Bourbon-Crawford county line at the south junction of US-69 and K-7, southwest quadrant of overpass fill, Bridge No. 69-6(014) (State 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. 003150

State of Kansas
INSURANCE DEPARTMENT

LEGAL NOTICE

TO THE SHAREHOLDERS AND POLICYHOLDERS OF INSURED TITLES, INC., AND ALL OTHER INTERESTED PARTIES:

You are hereby notified of a formal hearing to be held in the offices of the Kansas Commissioner of

Insurance, 420 S.W. 9th, Topeka, KS, at 10 a.m., May 9, 1985. The purpose of this proceeding is to determine whether the application for the proposed acquisition of control of Insured Titles Inc., Wichita, KS, through a tender offer made by Financial Trust Corporation, Overland Park, KS, should be approved by the Commissioner of Insurance in accordance with the provisions of K.S.A. 40-3301 *et seq.*

Any interested parties may attend and will be given the opportunity to hear the details of the proposed acquisition, to present either oral or written testimony in favor of or in opposition to the transaction, and to ask any questions relative to the transaction.

FLETCHER BELL
Commissioner of Insurance

Doc. No. 003146

State of Kansas
DEPARTMENT OF EDUCATION
NOTICE OF FEDERAL FUNDING

Pursuant to assurances as set out in the fiscal years' 1986-1988 Kansas State Plan for Adult Basic Education, notification of available federal funding for this program is announced. These funds are authorized by Public Law 91-230 as amended.

The Adult Education Act provides federal financial assistance to states in order to expand educational opportunities for adults and to encourage the establishment of programs of adult education that will:

- enable all adults to acquire basic literacy skills necessary to function in society,
- enable adults who do desire to continue their education to at least the level of completion of secondary school, and
- make available to adults a means to secure training and education that will enable them to become more employable, productive, and responsible citizens.

Further information may be obtained by contacting the Community College Section, Kansas State Department of Education, 120 E. 10th, Topeka, KS 66612, or telephoning (913) 296-3192.

GLEN ATHERLY
Specialist

Doc. No. 003151

State of Kansas
STATE CORPORATION COMMISSION

NOTICE OF DETERMINATION
BEFORE THE STATE CORPORATION
COMMISSION
OF THE STATE OF KANSAS

Before Commissioners: Michael Lennen, Chairman
Margalee Wright
Keith R. Henley

In the Matter of the General Rules) DOCKET
and Regulations for the Conserva-) No. 34,780-C
tion of Crude Oil and Natural Gas,) C-1825
K.A.R. 82-3-106)

NOTICE OF DETERMINATION

The State Corporation Commission of the State of Kansas, To: All Oil and Gas Producers, Landowners, and All Persons Whomsoever Concerned:

You and each of you are hereby notified: The State Corporation Commission of the State of Kansas did on March 29, 1985, adopt the recommendations of the 10-member advisory committee, regarding the placing of certain alternative cementing materials behind the production string or additional pipe under Alternate 2-type completions. The recommendations, as adopted, are as follows:

- a. The general category of pozzolin-lime mixture cementitious materials is an acceptable category of alternative cementing materials when having adequate quality control. Specific brands and blends shall be considered separately.
b. The general category of catalytic activated sodium silicate blends and metasilicate blends are acceptable alternative cementing materials. Specific mixtures having adequate quality control shall be considered separately.
c. Oil based gels will be studied in the future if request for their use is made.
d. Rotary mud or heavy laden bentonite gel mud may be considered as a viable alternate cementing material to protect usable water under Alternate 2 when formation pressures do not exist which will cause fluids from a lower formation to rise to a sufficient height to mix with usable waters.

Copies of the Order can be obtained by writing to the State Corporation Commission, Attention: David W. Nickel, Deputy Director; 200 Colorado Derby Bldg.; 202 W. 1st, Wichita, KS 67202.

Any person aggrieved by the Commission's order may apply for a hearing on the matter by filing a petition with the Commission by May 15, 1985. The petition must contain a statement of every ground of objection which the petitioner desires to urge against the Order. The petition must be sent to Judith McConnell, Executive Secretary, State Corporation Commission, State Office Bldg., 4th Floor, Topeka, KS 66612.

All parties in any way interested or concerned shall take notice of the foregoing and govern themselves accordingly.

JUDITH McCONNELL Executive Secretary

Doc. No. 003145

State of Kansas

STATE CORPORATION COMMISSION

NOTICE PERTAINING TO MOTOR CARRIER HEARINGS BEFORE THE

STATE CORPORATION COMMISSION

Applications set for hearing, are to be heard before the State Corporation Commission, State Office

Building, 4th Floor, Topeka, KS, commencing at 9:30 a.m. unless otherwise noticed.

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

Questions concerning applications for hearing dates should be addressed to the State Corporation Commission, 4th Floor, State Office Building, Topeka, 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 June 4, 1985- TOPEKA, KANSAS

Application for Certificate of Convenience and Necessity:

Gary A. Sevenans, dba) Docket No. 145,909 M
Council Grove Tire and)
Repair)
316 East Main)
Council Grove, Kansas)
66846)

Applicant's Attorney: None

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

Between all points and places in Morris County, KS. Also,

Between all points and places in Morris County, KS, on the one hand, and on the other hand, all points and places in the state of Kansas.

Renoticed Application for Certificate of Convenience and Necessity:

Victor E. Fergola (Rick),) Docket No. 145,347 M
dba Ricks Topeka)
Muffler Shop)
4100 South Topeka Blvd.)
Topeka, Kansas 66609)

Applicant's Attorney: None

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

Between points and places in Shawnee County, KS. Also,

Between points and places in Shawnee County, KS, on the one hand, and on the other, points and places in Douglas, Osage, Wabaunsee, Pottawatomie, Jackson, Jefferson and Franklin counties, KS.

Application for Certificate of Convenience and Necessity:

Norman N. Hesser, dba) Docket No. 145,938 M
Mankato Autobody)
122 North Center)
Mankato, Kansas 66956)

(continued)

Applicant's Attorney: Eugene Hiatt, 627 South Topeka Avenue, Topeka, Kansas 66603-3294

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

Between all points and places in Jewell, Republic, Mitchell and Smith counties, KS.

Also,

Between all points and places in Jewell, Republic, Mitchell and Smith counties, KS, on the one hand, and all points and places in the state of Kansas on the other hand.

**Applications set for June 6, 1985—
TOPEKA, KANSAS**

Application for Certificate of Convenience and Necessity:

Raymond L. Hovestadt, dba) Docket No. 145,911 M
Santa Fe Trail Garage)
117 East Santa Fe)
Burlingame, Kansas 66413)

Applicant's Attorney: None

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

Between all points and places in Osage County, KS.

Also,

Between all points and places in Osage County, KS, on the one hand, and on the other hand, all points and places in the state of Kansas.

Application for Certificate of Convenience and Necessity:

Larry J. Crocker, dba) Docket No. 145,886 M
Crocker's Conoco Service)
3021 West 10th)
Topeka, Kansas 66604)

Applicant's Attorney: None

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

Between all points and places in Shawnee, Douglas, Jefferson, Wabaunsee and Osage counties, KS.

Application for Certificate of Convenience and Necessity:

Daniel L. Green, dba) Docket No. 145,864 M
Green's Service Station)
& Tire Shop)
200 West Washington)
Fredonia, Kansas 66736)

Applicant's Attorney: None

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

Between all points and places in Wilson, Montgom-

ery, Chanute, Allen, Woodson, Greenwood and Elk counties, KS.

Also,

Between all points and places in Wilson, Montgomery, Chanute, Allen, Woodson, Greenwood and Elk counties, KS, on the one hand, and on the other, all points and places east of Hwy 183.

Application for Certificate of Convenience and Necessity:

Lee N. Barber, dba) Docket No. 145,868 M
Lee's Auto &)
Transmission Service)
7903 Metcalf)
Overland Park, Kansas)
66204)

Applicant's Attorney: None

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

Between all points and places in Johnson, Wyandotte, Miami, Franklin, Douglas and Leavenworth counties, KS.

Application for Certificate of Convenience and Necessity:

Michael P. Marriott, dba) Docket No. 145,848 M
Marriott Garage)
204 East Park)
Gardner, Kansas 66030)

Applicant's Attorney: None

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

Between all points and places in Johnson County, KS.

Also,

Between all points and places in Johnson County, KS, on the one hand, and on the other, points and places in the state of Kansas.

Application for Extension of Certificate of Convenience and Necessity:

Gary & Carol Kingsbury) Docket No. 145,084 M
R.R. #2)
Smith Center, Kansas)
66967) MC ID No. 121144

Applicant's Attorney: None

Dry fertilizer,

Between all points and places in Phillips, Smith, Jewell, Rooks, Osborne and Mitchell counties, on the one hand, and all points and places in the state of Kansas, on the other hand.

Applications set for June 11, 1985—
TOPEKA, KANSAS

*Application for Certificate of Convenience
and Necessity:*

Wegele & Wegele) Docket No. 145,865 M
Trucking Co., Inc.)
1100 South Main)
Pratt, Kansas 56127)

Applicant's Attorney: William Barker, 3401 S.W. Harrison, Topeka, Kansas 66611

Household goods,

Between points in Edwards, Stafford, Kiowa, Pratt, Kingman, Comanche, Barber and Harper counties, KS, on the one hand, and on the other, all points and places in Kansas.

*Application for Certificate of Convenience
and Necessity:*

Frank Walker and) Docket No. 145,866 M
O. D. Littrell, dba)
F & O Roustabouts)
117 South Main Street)
Hugoton, Kansas 67951)

Applicant's Attorney: Robert Tilton, 1324 Topeka Blvd., Topeka, Kansas 66612

*Oilfield equipment, machinery, material and
supplies, heavy machinery and buildings,*

To, from and between all points and places in Morton, Stevens, Seward, Meade, Stanton, Grant, Haskell, Gray, Finney and Kearney counties, KS.

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

Beaver Express) Docket No. 132,099 M
P.O. Box 1147)
Woodward, Oklahoma)
73801) MC ID No. 100685

Applicant's Attorney: John Jandera, 641 Harrison Street, Topeka, Kansas 66603

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

(1)(a) Between Hays, KS and the intersection of U.S. Hwy 183 and U.S. Hwy 56 serving all intermediate points; from Hays, KS over U.S. Hwy 183 and return over the same route.

(b) Between Russell, KS and Great Bend, KS, serving all intermediate points from Russell, KS over U.S. Hwy 281 and return over the same route.

(c) Between Salina, KS and Hays, KS serving all intermediate points; from Salina, KS over Interstate 70 and return over the same route.

(d) Between the intersection of U.S. Hwy 156 and I-70 and Great Bend, KS serving all intermediate points; from the intersection over U.S. Hwy 156 to Great Bend, KS and return over the same route.

(e) Between Salina, KS and Wichita, KS serving all intermediate points; from Salina, KS over Interstate 135 and return over the same route.

(f) Between intersection of Interstate 135 and U.S. Hwy 56 and Great Bend, KS serving all intermediate points; from the intersection over U.S. Hwy 56 to Great Bend, KS and return over the same route.

(g) Between McPherson, KS and Pratt, KS serving all intermediate points; from McPherson, KS over Kansas Hwy 61 to Pratt, KS, and return over the same route.

(h) Between Wichita, KS and Hutchinson, KS serving all intermediate points; from Wichita, KS to Hutchinson, KS over Kansas Hwy 96 and return over the same route.

(i) Between LaCrosse, KS and the intersection of Kansas Hwy 4 and Interstate 135 serving all intermediate points; from LaCrosse, KS over Kansas Hwy 4 to its intersection with Interstate 135 and return over the same route.

(j) Between Great Bend, KS and Rush Center, KS serving all intermediate points; from Great Bend, KS over Kansas Hwy 96 to Rush Center, KS and return over the same route.

(k) Between Coldwater, KS and Medicine Lodge, KS over U.S. Hwy 160.

(1) Between Pratt, KS and the Oklahoma-Kansas State line over U.S. Hwy 281 with service to all intermediate points.

(m) Between Lyons, KS and Hutchinson, KS over Kansas Hwys. 14 and 96 with service to all intermediate points.

(2) Authority is expressly approved to join routes granted in this Route and Docket to permit through service to, from and between all points authorized to be served.

*Application for Certificate of Convenience
and Necessity:*

David Haynes, dba) Docket No. 145,887 M
Haynes Trucking)
R.R. 3, Box 13)
Stafford, Kansas 67578)

Applicant's Attorney: Brad Murphree, 400 North Woodlawn, Suite 1, Wichita, Kansas 67208

*Grain and related products, farm products,
livestock, and oil field equipment, machinery,
materials and supplies,*

Between points in Marion, Harvey, Sedgwick, Sumner, Harper, Kingman, Reno, McPherson, Saline, Ellsworth, Rice, Russell, Barton, Stafford, Pratt, Barber, Comanche, Kiowa, Edwards, Pawnee, Rush, Ellis, Ness, Hodgeman, Ford, Clark, Mead, Gray, Finney, Lane, Haskell and Seward counties, KS.

Also,

Between points in said counties, on the one hand, and all points and places in the state of Kansas, on the other.

(continued)

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

Vernon L. Gee and) Docket No. 145,888 M
Bob C. Stimatze, dba)
Gee Oil Service)
702 East 1st)
St. John, Kansas 67576)

Applicant's Attorney: Clyde Christey, 1010 Tyler
Street, Suite 110-L, Topeka, Kansas 66612

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

Between points and places in Barton, Rice, Hod-
geman, Pawnee, Edwards, Stafford, Reno, Kiowa,
Pratt, Kingman, Comanche and Barber counties, KS.

Also,

Between points and places in Barton, Rice, Hod-
geman, Pawnee, Edwards, Stafford, Reno, Kiowa,
Pratt, Kingman, Comanche and Barber counties, KS,
on the one hand, and points and places in the state of
Kansas, on the other hand.

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

Michael S. Hart, dba) Docket No.
Michael S. Hart Water)
Hauling)
R.R. #2, Box 156)
Bogue, Kansas 67625)

Applicant's Attorney: William Elliott, 303 West Main
Street, P.O. Box 337, Hill City, Kansas 67642

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

Between all points and places in Graham, Rooks,
Ellis and Trego counties.

**Applications set for June 13, 1985—
TOPEKA, KANSAS**

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

James H., Rockee L., &) Docket No. 143,978 M
Harvey H. Correll, dba)
Correll & Sons)
200 West C, Box 243)
Plains, Kansas 67869) MC ID No. 120258

Applicant's Attorney: None

Feeds,

Between all points and places bounded on the east
by Interstate 35-Hwy 81, on the west by the Kansas-
Colorado border, on the north by the Kansas-Nebraska
border and on the south by the Kansas-Oklahoma
border.

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

Gene Brunner, dba) Docket No. 145,863 M
Gering Valley)
Commodities)
Route 2, Box 105-A)
Gering, Nebraska 69341) MC ID No. 121765

Applicant's Attorney: None

Grain and salt,

Between all points and places in the state of Kansas.

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

Bill R. Brown) Docket No. 133,735 M
R.R. #3)
Minneapolis, Kansas 67467) MC ID No. 105137
TO:
John Walmsley
929 Argyle
Minneapolis, Kansas 67467

Applicant's Attorney: John Jandera, 641 Harrison
Street, Topeka, Kansas 66603

*Livestock, grain, feed and feed ingredients,
and dry fertilizer,*

Between points in Ottawa County, KS.

Also,

Between points in Ottawa County, KS, on the one
hand, and on the other, points in Kansas.

Also,

Between Saline, Lincoln, Ellsworth, Mitchell and
Cloud counties, KS, on the one hand, and on the other
hand, points and places in Kansas.

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

Sutton Trucking, Inc.) Docket No. 139,628 M
Box 4, Main and)
Pine Streets)
Archie, Missouri 64725) MC ID No. 117341

Applicant's Attorney: Arthur Cerra, 2100 CharterBank
Center, P.O. Box 19251, Kansas City, Missouri
64141-2251

*Cement, flyash and bagged fertilizer, gypsum,
topsoil, cow manure, treebark and decorative
stone or rock,*

Between all points and places in Kansas on or east of
US Hwy 81.

**Application for Extension of Certificate of
Convenience and Necessity to Eliminate the
Radii Descriptions:**

Cal's Trailer Towing, Inc.) Docket No. 102,232 M
936 Calhoun Bluff Lane)
Topeka, Kansas 66617) MC ID No. 101449

Applicant's Attorney: Clyde Christey, 1010 Tyler Street, Suite 110-L, Topeka, Kansas 66612

House trailers, mobile homes, buildings in sections on their own removable undercarriages, prefabricated buildings in sections, boats and house boats and recreational vehicles,

Between points and places in Kansas east of the west boundary line of Jewell, Mitchell, Lincoln, Ellsworth, Rice, Reno, Kingman and Harper counties.

Also,

Between the above described territory, on the one hand, and points and places in the state of Kansas, on the other hand.

**Applications set for June 18, 1985—
TOPEKA, KANSAS**

Application for Contract Carrier Permit:

Prickett & Sons, Inc.) Docket No. 145,910 M
P.O. Box 711)
Hoxie, Kansas 67740) MC ID No. 100238

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

Anhydrous ammonia,

From points in Kansas to points in Gove and Sheridan counties, KS. Under contract with Sunflower Chemical Co., Hoxie, KS.

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

Kelly's of Kearney, Inc.) Docket No. 145,907 M,
2508 Avenue A)
P.O. Box 1069)
Kearney, Nebraska 68847)

Applicant's Attorney: William Barker, 3401 S.W. Harrison, Topeka, KS 66611

Passengers and their baggage,

Between points in Kansas on and west of US Hwy 281, on the one hand, and on the other, all points in Kansas.

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

Mustang Drilling &) Docket No. 145,908 M
Exploration, Inc.)
P.O. Box 1609)
Great Bend, Kansas)
67530)

Applicant's Attorney: Bob Storey, 5863 S.W. 29th, Shadow Wood Office Park, Topeka, KS 66614

Salt water,

Between points and places within the counties of Barton, Russell, Rush, Stafford and Rice.

Fresh water,

Between points and places within the counties of Barton, Rush, Rice, Stafford, Rooks, Trego, Ellis, Barber, Edwards, Kiowa, Comanche, Harper, Kingman, Morton, Stanton, Haskell, Finney, Scott, Stevens, Greeley, Hamilton, Sheridan, Kearney, Wichita, Wallace, Logan, Gove, Lane, Hodgeman, Ness, Ford, Meade, Clark and Grant.

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

Six M. Farms, Inc.) Docket No. 146,070 M
Route 2, Box 16)
Holcomb, Kansas 67851)

Applicant's Attorney: William Barker, 3401 S.W. Harrison, Topeka, KS 66611

Grain, dry feed, dry feed ingredients, firewood, dry fertilizer, and dry fertilizer ingredients,

Between points in Greeley, Wichita, Scott, Lane, Ness, Hamilton, Kearney, Finney, Hodgeman, Stanton, Grant, Haskell, Gray, Ford, Morton, Stevens, Seward, Meade and Clark counties, KS, on the one hand, and on the other, all points in Kansas.

WILLIAM E. GREEN
Administrator
Transportation Division

Doc. No. 003157

State of Kansas

DEPARTMENT OF HUMAN RESOURCES

NOTICE OF GRANT APPLICATIONS IN REVIEW

Below are applications which have been submitted to the Kansas Review Process. For those requiring review, comments should be sent to the Kansas Single Point of Contact, Judy Krueger, Kansas Department of Human Resources, Office of the Secretary, 401 Topeka Ave., Topeka, KS 66603. The due date for comments is indicated.

The following grant applications were submitted to the U.S. Department of Health and Human Services. These applications are a one-time acquisition for purchasing a new vehicle and/or making improvements to existing head start facilities.

KS850418-001-13600SN—\$11,621. Contact Dave Marden, Executive Director, Shawnee County Community Assistance, 605 Topeka Ave., Topeka, KS 66603. Comments due by May 13, 1985.

KS850422-001-13600JO—\$58,935. Contact Elizabeth Hocker, Director, Head Start of Shawnee Mission, Inc., 4510 W. 66th Terr., Shawnee Mission, KS 66208, 913/262-1206. Comments due by May 17, 1985.

KS850422-002-13600SG—\$58,443. Contact Rex Stonger, Head Start Program Director, Child Care Association of Wichita/Sedgwick Co., 155 S. Hydraulic, Wichita, KS 67211. Comments due by May 17, 1985.

KS850422-004-13600WY—\$51,000. Contact Connie

(continued)

Newport, Head Start Director, Economic Opportunity Foundation, Inc., 1542 Minnesota Ave., Kansas City, KS 66102, 913/371-7800. Comments due by May 17, 1985.

KS850422-005-13600WY—\$30,000. Contact John Mills, Bonner Springs USD 204, Head Start Northwest School, Pratt & Neconi, Bonner Springs, KS 66012, 913/441-2828. Comments due by May 17, 1985.

KS850422-003-13600WY—Application to the U.S. Department of Health and Human Services for \$11,816 for 1983-84 Carry Over Funds. Contact Leroy Vokins, Economic Opportunity Foundation, Inc., 1542 Minnesota Ave., Kansas City, KS 66102, 913/371-7800. No review required.

KS850422-006-13665JO—Application to the U.S. Department of Health and Human Services for \$6,130,000 to provide disadvantaged youths with sports skills instruction and competition, improve their physical fitness and health habits, and acquaint them with career and educational opportunities within a college or university environment. Contact Ruth Berkey, The National Collegiate Athletic Association, 6299 Nall Ave., Box 1906, Mission, KS 66201, 913/384-3220. Comments due by May 17, 1985.

KS850422-007-15916MP—Application to the U.S. Department of the Interior for \$105,000 to develop a county-leased park to include sidewalks, irrigation system, lawn, restrooms, gazebo, arbor, playground area and site development plans. Contact Paul Katzer, County of McPherson, Box 425, McPherson, KS 67460, 316/241-8540. Comments due by June 1, 1985.

KS850423-001-13600SG—Application to the U.S. Department of Health and Human Services for \$6,212 to provide Head Start Training and Technical Assistance. Contact Jerry Coppel, Kansas Children's Service League, Box 517, Wichita, KS 67201. No review required.

KS850424-001-13600TH—Application to the U.S. Department of Health and Human Services for \$60,847. The intent of the Educational Plan will be to develop and implement an individualized education plan, appropriate to the identified needs of the children and families served. The Parent Involvement Plan provides experiences and activities which support and enhance the parental role as the principal influence in their child's education and development. Contact Jim Wheeler, Northwest Kansas Education Service Center, 210 S. Range, Suite 126, Colby, KS 67701, 913/462-8282, ext. 11. Comments due by May 19, 1985.

LARRY E. WOLGAST, Ed.D.
Secretary of Human Resources

Doc. No. 003166

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 p.m., CST or DST, which

ever is in effect on the date indicated, and then will be publicly opened. Interested bidders may call (913) 296-2377 for additional information.

MONDAY, MAY 13, 1985

#61117-A

Department of Social and Rehabilitation Services,
Topeka—SLIDE FASTENERS

#61532

Department of Transportation, Chanute—
CORRUGATED METAL ARCH CULVERTS, PIPE
AND COUPLING BANDS

#61534

Department of Corrections, Topeka—PICKUP,
El Dorado Honor Camp

#61536

University of Kansas Medical Center, Kansas City—
ANGIOGRAPHIC INJECTOR AND SYRINGE

#61537

University of Kansas Medical Center, Kansas
City—VIDEO EQUIPMENT AND ACCESSORIES

#61538

Kansas Technical Institute, Salina—DRAFTING
EQUIPMENT

#61540

University of Kansas, Lawrence—VACUUM
CLEANERS

#61541

University of Kansas, Lawrence—MAINFRAME
COMPUTER—DEC VAX VMS OPERATING
SYSTEM COMPATIBLE

#61542

University of Kansas, Lawrence—DISK
CONTROLLER AND DISK DRIVE—IBM 3880-3
FUNCTIONALLY EQUIVALENT

#61543

University of Kansas Medical Center, Kansas City—
ELECTRIC TREADMILL

#61544

University of Kansas Medical Center, Kansas City—
LENS AND THYROID PROTECTOR, Installed on
Existing Angioscope Cine System

#61546

University of Kansas Medical Center, Kansas City—
FOOD VENDING MACHINE

#61577

Department of Transportation, Salina—GRADER
BLADES

TUESDAY, MAY 14, 1985

#26547

Statewide—WATER SOFTENER SALT

#26549

Kansas State Penitentiary, Lansing—HIGH
CALCIUM QUICKLIME

#61515

Department of Administration, Division of
Architectural Services, Topeka—DOCK REPAIRS,
Building #740, Forbes Field

#61550

Department of Transportation, Topeka—LUMBER
AND PLYWOOD

#61552

Department of Transportation, various locations—
POTHOLE PATCHER

#61553

Kansas State University, Manhattan—HERBICIDE,
Fort Hays Experiment Station, Hays

#61556

University of Kansas Medical Center, Kansas City—
FURNISH AND INSTALL TOP OF EXISTING
INCINERATOR SMOKE STACK

#61557
Department of Transportation, various locations—
TIRE CHANGERS AND WHEEL BALANCER

#61558
Department of Transportation, Salina—WATER
TRANSPORT TRAILER

#61559
Department of Transportation, various locations—
PLATE COMPACTOR VIBRATORS

#61560
Department of Transportation, various locations—
DRILL BREAKER

#61565
University of Kansas Medical Center, Kansas City—
PORTABLE FLUOROSCOPY UNIT CART AND
ERGOMETER

#61573
University of Kansas, Lawrence—SOUND SYSTEM

#61574
Department of Corrections, Topeka—TWO-WAY
RADIO SYSTEM, El Dorado Honor Camp

#61575
Kansas State University, Manhattan—DRY TYPE
TRANSFORMER

#61588
Department of Transportation, Norton—PORTABLE
HOT MIX PLANT

#61638
Larned State Hospital, Larned—DISHWASHING
SUPPLIES

WEDNESDAY, MAY 15, 1985

#60836-A
Department of Transportation, Topeka—CM-B OR
CM-K AGGREGATE FOR COVER MATERIAL,
Doniphan County

#61535
Department of Administration, Division of Accounts
and Reports, Topeka—MISCELLANEOUS
SIDEWALK REPAIRS, Capitol Complex

#61561
Department of Transportation, various locations—
UTILITY TRAILERS

#61562
Department of Transportation, various locations—
CRACK, CONCRETE AND ASPHALT SAW

#61563
Department of Transportation, Salina—MATERIAL
TAILGATE SPREADER

#61569
Department of Transportation, various locations—
MEDIUM DUTY MOTOR GRADERS

#61578
Wichita State University, Wichita—MUSIC
INSTRUMENTS—REEDS AND VIBRAPHONE

#61579
Department of Corrections, Topeka—
COMMERCIAL LAUNDRY EQUIPMENT, El Dorado
Honor Camp

#61580
Adjutant General's Department, Topeka—
ADDITION AND RENOVATION TO NATIONAL
GUARD ARMORY, Coffeyville

#61586
Kansas Correctional Industries, Lansing—
DETERGENT

#61587
Department of Transportation, various locations—
LIGHT BOARDS

#61591
Kansas State University, Manhattan—PARKING
PERMITS

#61592
University of Kansas Medical Center, Kansas City—
BLOOD GAS ANALYZER

#61593
Kansas State University, Manhattan—HPLC
APPARATUS

#61594
Kansas State University, Manhattan—CO₂
ANALYZER

#61598
Kansas State University, Manhattan—
ENVIRONMENTAL RESEARCH TESTING
APPARATUS

#61599
University of Kansas Medical Center, Kansas City—
OFFICE FURNITURE

#61601
Adjutant General's Department, Topeka—FURNISH
LABOR AND MATERIALS FOR COMPLETE
INSTALLATION OF NEW WATER PIPE, Salina
THURSDAY, MAY 16, 1985

#26420-A
Osawatomie State Hospital, Osawatomie—SILVER
RECOVERY SERVICE AND EQUIPMENT

#26552
University of Kansas Medical Center, Kansas City—
RADIOPHARMACEUTICALS AND RIA KITS

#61589
Department of Transportation, various locations—
CRACK SEAL MACHINES

#61590
Department of Transportation, Salina—PORTABLE
TRAFFIC SIGNAL LIGHTS

#61606
University of Kansas Medical Center, Kansas
City—LAB APPARATUS

#61607
Kansas State University, Manhattan—UP-GRADING
OF ELECTRICAL SUBSTATION

#61608
Kansas Fish and Game Commission, Pratt—
FLOATING AND SINKING CATFISH FEED,
Milford Fish Hatchery

#61609
University of Kansas, Lawrence—ARRAY
PROCESSOR

#61610
University of Kansas, Lawrence—IMAGE
PROCESSOR

#61613
Wichita State University, Wichita—OCR READER

#61614
Pittsburg State University, Pittsburg—
MICROCOMPUTER

#61615
University of Kansas Medical Center, Kansas City—
FIRE ALARM SYSTEM PARTS

#61616
University of Kansas Medical Center, Kansas City,
Fort Hays State University, Hays—CONTINUOUS
FORMS

#61629
Kansas State University, Manhattan—
MILO, SOYBEAN MEAL

FRIDAY, MAY 17, 1985

#61568
Department of Administration, Division of Accounts
and Reports, Topeka—FURNISH AND INSTALL
STEAM MEASUREMENT DEVICES

(continued)

#61600

University of Kansas, Lawrence; University of
Kansas Medical Center, Kansas City; and Department
of Human Resources, Topeka—COMPUTER
SYSTEM—IBM COMPATIBLE

#61619

Kansas State Penitentiary, Lansing—ELECTRICAL
SUPPLIES

#61620

Department of Corrections, Topeka—INTERCOM
SYSTEM, Kansas State Penitentiary, Lansing

#61621

Department of Transportation, various locations—
SELF PROPELLED ROCK CUTTERS

#61622

Kansas State University, Manhattan—ETHERNET
INTERFACES

#61623

Wichita State University, Wichita—ROBOT
SYSTEM

#61624

University of Kansas Medical Center, Kansas City—
AUDIOLOGIST'S COCHLEAR IMPLANT SYSTEM

#61625

Department of Corrections, Topeka—DORM
FURNITURE, El Dorado Honor Camp

#61626

Kansas State University, Manhattan—DISHES

#61627

Winfield State Hospital and Training Center,
Winfield—CANNED CHICKEN

#61628

Wichita State University, Wichita—FLOOR
MACHINE

#61630

University of Kansas Medical Center, Kansas City—
STAINLESS STEEL FREE STANDING DOG
ENCLOSURES

#61631

University of Kansas Medical Center, Kansas City—
LABELS

#61632

Department of Transportation, Hutchinson—POST,
PAINTED STEEL FOR HIGHWAY DELINEATORS

#61633

University of Kansas Medical Center, Kansas City—
CENTRIFUGE, GAMMA COUNTER,
SCINTILLATION COUNTER

#61634

University of Kansas Medical Center, Kansas City—
MICROPLATE READER

FRIDAY, MAY 31, 1985

#61582

Department of Social and Rehabilitation Services,
Topeka—TELECOMMUNICATIONS SYSTEM,
Chanute

MONDAY, JUNE 17, 1985

#26546

Kansas Turnpike Authority, Topeka—
AUTOMOBILE LIABILITY INSURANCE

NICHOLAS B. ROACH
Director of Purchases

Doc. No. 003162

(Published in the KANSAS REGISTER, May 2, 1985.)

NOTICE OF BOND SALE

\$2,440,000

INTERNAL IMPROVEMENT BONDS
SERIES 1985
OF THECITY OF OVERLAND PARK, KANSAS
(GENERAL OBLIGATION BONDS PAYABLE
FROM UNLIMITED AD VALOREM TAXES)*Sealed Bids.*

Sealed bids will be received by the undersigned,
City Clerk of the City of Overland Park, Kansas (the
"City"), on behalf of the City Council at the City Hall,
8500 Santa Fe Drive, Overland Park, Kansas, until
7:00 o'clock, Central Daylight Savings Time, on:

Tuesday, May 21, 1985

for the purchase of \$2,440,000 principal amount of
Internal Improvement Bonds, Series 1985 (the
"Bonds"), of the City hereinafter described. All bids
will be publicly opened and read aloud at said time at
Courtroom B of the Justice Center, 8500 Antioch,
Overland Park, Kansas, and will be acted upon by the
Governing Body immediately thereafter.

Bond Details.

The Bonds will consist of fully registered bonds in
the denomination of \$5,000 or any integral multiple
thereof, dated June 1, 1985, and becoming due serially
on September 1 in the years as follows:

Year	Principal Amount	Year	Principal Amount
1985	\$275,000	1990	\$240,000
1986	255,000	1991	240,000
1987	255,000	1992	240,000
1988	255,000	1993	225,000
1989	240,000	1994	215,000

The Bonds will bear interest from the date thereof at
rates to be determined when the Bonds are sold as
hereinafter provided, which interest will be payable
semiannually on March 1 and September 1 each year,
beginning on September 1, 1985. The Bonds shall not
be subject to redemption prior to maturity.

Place of Payment and Bond Registration.

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

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

The type and denominations of the Bonds and the names, addresses and social security or taxpayer identification numbers of the registered owners shall be submitted in writing by the successful bidder to the City and Bond Registrar at least two weeks prior to the closing date. In the absence of such information, the City will deliver bonds in the denomination of each maturity registered in the name of the successful bidder.

Conditions of Bids.

Proposals will be received on the Bonds bearing such rate or rates of interest as may be specified by the bidders, subject to the following conditions: The same rate shall apply to all bonds of the same maturity. Each interest rate specified shall be in an even multiple of one-eighth ($\frac{1}{8}$) or one-twentieth ($\frac{1}{20}$) of one percent (1%). No interest rate shall exceed a rate equal to the 20 bond index of tax exempt municipal bonds published by *Credit Markets* (formerly *The Weekly Bond Buyer*) in New York, NY, on the Monday next preceding the day on which the Bonds are sold, plus 2%. No rate specified shall be lower than any rate specified for an earlier maturity of the Bonds. No bid of less than the par value of the Bonds and accrued interest thereon to the date of delivery will be considered and no supplemental interest payments will be authorized. Each bid shall specify the total interest cost to the City during the life of the Bonds on the basis of such bid, the premium, if any, offered by the bidder, and the net interest cost to the City on the basis of such bid. Each bid shall also specify the average annual net interest rate to the City on the basis of such bid.

Basis of Award.

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

Authority, Purpose and Security.

The Bonds are being issued pursuant to K.S.A. 12-685, *et seq.*, inclusive, as amended, and K.S.A. 12-6a01, *et seq.*, inclusive, as amended, for the purpose of paying the cost of certain main trafficway, street, and storm drainage improvements. The Bonds and the interest thereon will constitute general obligations of the City, payable in part from special assessments levied upon the property benefited by the construction of said improvements and, if not so paid, from ad valorem taxes which may be levied without limitation as to rate or amount upon all the taxable tangible property, real and personal, within the territorial limits of the City, with the balance payable from ad

valorem taxes which may be levied without limitation as to rate or amount upon all the taxable tangible property, real and personal, within the territorial limits of the City.

Legal Opinion.

The Bonds will be sold subject to the legal opinion of Gaar and Bell, Overland Park, KS, Bond Counsel, whose approving legal opinion as to the validity of the Bonds will be furnished and paid for by the City, printed on the Bonds and delivered to the successful bidder as and when the Bonds are delivered. Said opinion will also state that in the opinion of Bond Counsel, under existing laws and regulations, the interest on the Bonds is exempt from federal income taxation.

Delivery and Payment.

The City will pay for printing the Bonds and will deliver the same properly prepared, executed and registered without cost to the successful bidder within 45 days after the date of sale at such bank or trust company in the contiguous United States of America as may be specified by the successful bidder. The successful bidder will also be furnished with a certified transcript of the proceedings evidencing the authorization and issuance of the Bonds and the usual closing proofs which will include a certificate that there is no litigation pending or threatened at the time of delivery of the Bonds affecting their validity. Payment for the Bonds shall be made in federal reserve funds, immediately subject to use by the City.

Good Faith Deposit.

Each bid shall be accompanied by a cashier's or certified check drawn on a bank located in the United States of America in the amount of \$48,800 payable to the order of the City to secure the City from any loss resulting from the failure of the successful bidder to comply with the terms of its bid. No interest will be paid upon the successful bidder's good faith check. Said check shall be returned to the bidder if its bid is not accepted. If a bid is accepted, said check will be held by the City until the bidder shall have complied with all of the terms and conditions of this Notice, at which time the check will be returned to the successful bidder or paid to its order at the option of the City. If a bid is accepted but the City shall fail to deliver the Bonds to the bidder in accordance with the terms and conditions of this Notice, said check will be returned to the bidder. If a bid is accepted but the bidder defaults in the performance of any of the terms and conditions of this Notice, the proceeds of such check will be retained by the City as and for liquidated damages.

CUSIP Numbers.

It is anticipated that CUSIP identification numbers will be printed on certificated bonds or assigned to uncertificated bonds, but neither the failure to print such number on or assign such number to any bond nor any error with respect thereto shall constitute cause for failure or refusal by the purchaser thereof to accept delivery of and pay for the Bonds in accordance with the terms of the purchase contract. All expenses

(continued)

in relation to the assignment and printing of CUSIP numbers on the Bonds will be paid by the City.

Bond Rating.

The outstanding general obligation bonds of the City are rated "Aal" by Moody's Investor Service, Inc., and the City has applied for rating on the Bonds herein offered for sale.

Bid Forms.

All bids must be made on forms which may be procured from the Finance Director/City Clerk. No additions or alterations in such forms shall be made and any erasures may cause rejection of any bid.

Submission of Bids.

Bids must be submitted in sealed envelopes addressed to the undersigned Finance Director/City Clerk and marked "Proposal for the Purchase of Internal Improvement Bonds." Bids may be submitted by mail or delivered in person to the undersigned at the City Hall and must be received by the undersigned prior to 7:00 o'clock, Central Daylight Savings Time, on May 21, 1985.

Assessed Valuation and Indebtedness.

The total assessed valuation of the taxable tangible property within the City for the year 1984 is \$405,320,233. The total general obligation indebtedness of the City as of the date of the Bonds, including the Bonds being sold, is \$17,738,250. Temporary notes in the principal amount of \$2,280,000 will be retired out of proceeds of the Bonds.

Additional Information.

Additional information regarding the Bonds may be obtained from the Finance Director/City Clerk.

DATED this 1st day of May, 1985.

CITY OF OVERLAND PARK, KANSAS
By Bernice Crummett
Finance Director/City Clerk

Doc. No. 003144

(Published in the KANSAS REGISTER, May 2, 1985.)

NOTICE OF BOND SALE

\$370,000.00

MAJOR TRAFFICWAY BONDS

SERIES "A", 1985

CITY OF SATANTA

HASKELL COUNTY, KANSAS

(General obligations, payable from unlimited
ad valorem taxes)

Pursuant to K.S.A. 10-106 as amended, written sealed bids will be received by the City Clerk of the City of Satanta, Haskell County, Kansas (the "City") in the Office of the City Clerk, City Hall, Satanta, Kansas 67870, until 8:00 o'clock p.m., local time on

Wednesday, May 22, 1985

at which time and place said bids will be publicly opened and read for the purchase of \$370,000.00 aggregate principal amount of General Obligation Major Trafficway Bonds (Series "A", 1985) (the "Bonds"). All bids received will be reported to the City Council for determination of the best bid at a meeting of the Council to be held at said time, date and place.

Details of the Bonds

The Bonds will consist of an issue of \$370,000.00 principal amount of General Obligation Major Trafficway Bonds, Series "A", 1985. The Bonds will consist of fully registered bonds in the denomination of \$5,000 or any integral multiple thereof, dated June 1, 1985, and becoming due serially on November 1 of each year in the principal amounts as follows:

SERIES "A", 1985—\$370,000.00

Year	Principal Amount
1986	\$35,000
1987	\$35,000
1988	\$35,000
1989	\$35,000
1990	\$35,000
1991	\$35,000
1992	\$40,000
1993	\$40,000
1994	\$40,000
1995	\$40,000

The Bonds will bear interest at rates to be determined when the Bonds are sold as hereinafter provided, which interest will be payable semi-annually on November 1 and May 1 of each year, beginning May 1, 1986.

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

The Bonds will be registered in the Office of the Kansas State Treasurer pursuant to a plan of registration approved by the City and the Attorney General of the State of Kansas, registered as either fully registered certificated bonds and/or uncertificated bonds. The successful bidder (the "Purchaser") may express its preference, and the City will honor said successful purchaser's preference regarding the plan of registration.

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

The type and denomination of the Bonds and the names, addresses and social security or taxpayer identification numbers of the registered owners shall be submitted in writing by the successful bidder to the City by June 10, 1985.

Redemption of Bonds

Bonds maturing in the years 1991 through 1995 shall be callable at the option of the City on November 1, 1990, and on any interest payment date thereafter at par and accrued interest to date of call, without premium. Notice of any such redemption shall be made in the manner prescribed by law.

Authority, Purpose and Security for the Bonds

The Bonds are being issued pursuant to and in full compliance with the constitution and laws of the state

of Kansas including K.S.A. 12-685 *et seq.*, Article 1 of Chapter 10 and Chapter 49 of the 1983 Kansas Session Laws, and all amendments thereto, for the purpose of paying the cost of certain major trafficway improvements.

The General Obligation Major Trafficway Bonds, Series "A", 1985, will be general obligations of the City, payable as to both principal and interest from ad valorem taxes which may be levied without limitation as to rate or amount on all the taxable tangible property within the City.

Conditions of Bids

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

Basis of Award

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

Delivery of and Payment for the Bonds

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

Legal Opinion

The Bonds will be sold subject to the legal opinion of Fred W. Rausch, Jr., Bond Counsel, Topeka, Kansas, whose unqualified approving opinion will be furnished and paid for by the City, and will be printed on the Bonds and provided to the successful bidder as and when the Bonds are delivered. Said opinion will also state that in the opinion of Bond Counsel, under existing laws and regulations, the interest on the Bonds is exempt from federal income taxation and from Kansas intangible personal property taxes.

CUSIP Numbers

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

Good Faith Deposit

Each bid must be accompanied by a good faith deposit in the form of a cashier's or certified check drawn on a bank located in the United States of America in the amount of \$7,400.00 (2% of the total par value of the Bonds) made payable to the order of the Treasurer of the City of Satanta, Kansas, to secure the City from any loss resulting from the failure of the bidder to comply with the terms of the bid. No interest will be paid on the deposit made by the successful bidder. Said check will be returned to the bidder if the bid is not accepted. If a bid is accepted, said check may be deposited by the City or held by the City until the bidder has complied with all of the terms and conditions of this Notice, at which time the check will be deposited and credited to the order of the bidder. If a bid is accepted but the City shall fail to deliver the Bonds to the bidder in accordance with the terms and conditions of this Notice, said check or the proceeds thereof will be returned to the bidder. If a bid is accepted but the bidder shall default in the performance of any of the terms and conditions of this Notice, the proceeds of such check will be retained by the City as and for liquidated damages.

Bid Forms

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

Submission of Bids

Bids must be submitted in sealed envelopes and addressed to the undersigned, City Clerk, City Hall, Satanta, Kansas 67870, and marked "Bid for the Purchase of Bonds." Bids may be submitted by mail or

(continued)

delivered in person, and must be received by the undersigned prior to 8:00 o'clock, p.m., local time on May 22, 1985.

Assessed Valuation and Indebtedness

The total equalized assessed valuation of the taxable, tangible property within the City for the year 1984 is \$2,633,055.00, including motor vehicle valuation of \$390,835.00, motor vehicle dealers' inventory valuation of \$00.00, and farm machinery and business aircraft valuation of \$44,130.00. The total general obligation bonded indebtedness of the City as of May 1, 1985, including the Bonds being sold is \$784,000.00 plus temporary notes in the amount of \$420,225.00, of which amount the sum of \$420,225.00 will be retired from the proceeds of these bonds and certain other funds.

Bond Ratings

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

DATED this 23rd day of April, 1985.

IMA JUNE HELTON
City Clerk

Doc. No. 003155

(Published in the KANSAS REGISTER, May 2, 1985.)

**NOTICE OF BOND SALE
\$110,000.00
GENERAL OBLIGATION BONDS
OF THE
CITY OF UTICA, KANSAS**

THE CITY OF UTICA, KANSAS will receive sealed bids at the OFFICE OF THE CITY CLERK, CITY HALL, UTICA, KANSAS, until 8 o'clock P.M., C.D.T., on

WEDNESDAY, MAY 29, 1985

For \$110,000.00 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 1985 Bonds will be dated as of June 1, 1985, and shall mature on October 1, in each of the years and in the amounts set forth below. Such bonds shall be 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. The Bonds will mature serially in accordance with the following schedule:

Principal	Maturity	Principal	Maturity
\$ 5,000	10-1-86	\$10,000	10-1-94
5,000	10-1-87	10,000	10-1-95
5,000	10-1-88	10,000	10-1-96
5,000	10-1-89	10,000	10-1-97
5,000	10-1-90	10,000	10-1-98
5,000	10-1-91	10,000	10-1-99
5,000	10-1-92	10,000	10-1-2000
5,000	10-1-93		

Interest will be payable semi-annually, commencing April 1, 1986, and each October 1 and April 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 Topeka, 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.

Types of Bids and Interest Rates

Proposals will be received on the Bonds bearing such rate or rates of interest, not exceeding five (5) different rates or four (4) interest rate changes, 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 interest 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 maximum rate being two percent (2%) above the *Bond Buyer's 20 Bond Index*, of tax exempt municipal bonds, published in New York, New York on the Monday next preceding the day on which the Bonds are sold, and no bid of less than par and accrued interest will be considered. Bids involving the use of extra or supplemental interest rates will not be considered. Bids for less than the entire issue of bonds will not be considered.

Bids shall be submitted on the OFFICIAL BID FORM furnished by the City, and shall be addressed to the City at CITY HALL, UTICA, KANSAS 67584, Attention: Ms. Peggy Jones, City Clerk, and shall be plainly marked BOND BID. All bids must state the total interest cost of 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 UTICA, 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 check of unsuccessful bidders will be returned promptly.

Basis for Award

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 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

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, whose opinion will be paid for by the City. The number, denomination of the 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 no later than June 15, 1985. The purchaser will be furnished with a complete transcript of the 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 July 1, 1985, at any bank in the State of Kansas or Kansas City, MO, at the expense of the City. Delivery elsewhere will be made at the expense of the purchaser.

Security

Bids shall be conditioned upon the unqualified approving opinion of William P. Timmerman, Bond Counsel, Wichita, KS, 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 services 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 present Federal income taxation and the Bonds are exempt from intangible personal property taxes levied by Kansas cities, counties, and townships.

Financial Information

The assessed valuation of all tangible taxable properties situated in the City of Utica, KS is \$595,803 for the year 1984.

The only outstanding indebtedness of the City of Utica will be this issue.

Further Information

Brian E. Corrigan Co., Inc. acting as fiscal advisor, may be contacted at 502 E. 3rd, Wichita, KS 67202, 316-264-0311, for additional information regarding these bonds.

DATED this 15th day of April, 1985.

MS. PEGGY JONES
City Clerk

Doc. No. 003152

State of Kansas**OFFICE OF JUDICIAL ADMINISTRATION****SUPREME COURT DOCKET**

Monday, May 6, 1985

Case Caption	Attorneys	Originating County
	9:30 a.m.	
56,886 State of Kansas, appellee, v. Ivory L. Haislip, appellant.	Robert T. Stephan, Atty. Gen., Gery N. Gorup, Asst. Dist. Atty.	Sedgwick
56,967 Joe Carmichael, <i>et al.</i> , appellees, v. Halstead Nursing Center, Ltd., <i>et al.</i> , appellants.	Thomas E. Malone Mikel L. Stout	Harvey
56,958 Leo D. Brubaker and Ruth J. Brubaker, husband and wife, appellees, v. Ivan G. Branine, <i>et al.</i> , appellants.	Craig D. Cox; Stephen G. Scholl David J. Bideau	Greenwood
consolidated with 57,308 Leo D. Brubaker and Ruth J. Brubaker, husband and wife, appellees, v. Ivan G. Branine, <i>et al.</i> , appellants.	O. J. Connell, Jr.; Eric S. Strickler David J. Bideau Eric S. Strickler; O. J. Connell, Jr.	Greenwood

(continued)

57,041 Cedric Edwards and Betty J. Edwards, Michael J. Peterson Wyandotte
appellants,
v.
Oveta P. Richardson, appellee. Gerald Rushfelt

1:30 p.m.

56,302 Lloyd K. Nettles and Bernice Nettles, Barry L. Arbuckle Sedgwick
appellees,
v.
Kansas Mobile Homes of Wichita,
Incorporated, *et al.*, appellants. Terry L. Malone,
Larry B. Spikes,
Tom E. Hammond,
Jon R. Hansen

56,571 R. Denise Manley, appellee and Stephen Plummer Sedgwick
cross-appellant,
v.
Wichita Business College, appellant and Rick Davis
cross-appellee.

Tuesday, May 7, 1985

9:30 a.m.

57,329 State of Kansas, appellee, Robert T. Stephan, Atty. Gen., Johnson
Michael B. Buser, Asst. Dist. Atty.

v.
57,087 Michael A. Miller, appellant. David R. Gilman
State of Kansas, appellee, Robert T. Stephan, Atty. Gen., Johnson
Dennis Moore, Dist. Atty.

v.
56,086 Derrick Wayne Davis, appellant. Mark D. Davis
M. & B, Inc., appellant, James S. Willard Atchison

v.
57,216 M & M Development Company, Inc., Robert F. Duncan
appellee.

57,216 Grace P. Smith, appellee, John Anderson, Jr. Douglas
v.
Orthopaedic Surgery Associates, P.A., and Myron L. Listrom,
John J. Wertzberger, M.D., appellants. Alan V. Johnson

1:30 p.m.

56,875 In the Matter of MARY JEANNINE Edward L. Winthrop. Johnson
PAYNTER, Date of Birth: 10-9-68.

ON PETITION FOR REVIEW

56,274 Richard L. Bresson, appellee, Stacy Parkinson, Asst. Dist. Atty. Jefferson
Tom Gray,
Kevin Koch
v.
Jon Mixer, appellant, John R. Hooge,
v. John Bork
Carl Eisenhower, *et al.*

Wednesday, May 8, 1985

9:30 a.m.

57,606 State of Kansas, appellant, Robert T. Stephan, Atty. Gen., Scott
Edward J. Gashler, Deputy Co.
Atty.

v.
Kenneth Rilinger, appellee. Robert A. Levy

consolidated with

- | | | | |
|--------|---|--|----------|
| 57,607 | State of Kansas, appellant, | Robert T. Stephan, Atty. Gen.,
Edward Gashler, Deputy Co. Atty. | Scott |
| | v. | | |
| 57,298 | Richard C. Siver, Jr., appellee.
In the Matter of the Estate of CARL C. ADAMS, deceased. | Robert A. Levy
David L. Patton | Hodgeman |
| 56,824 | American States Insurance Company, appellant, | Ray E. Batt
Thomas C. Boone | Russell |
| | v. | | |
| | Lavern E. Ehrlich, appellee. | Daniel Metz,
Russell E. Grant | |
| 55,950 | Kayla Horner Meyer, appellant, | John L. Hampton | Barton |
| | v. | | |
| | Board of County Commissioners of Barton County, Kansas, appellee. | Joseph P. O'Sullivan,
Joseph L. McCarville III | |

ON PETITION FOR REVIEW

1:30 p.m.

- | | | | |
|--------|---|---------------------------------|----------|
| 57,210 | Dean Dowling and Louise Dowling, appellants, | Robert M. Baker | Ford |
| | v. | | |
| | Southwestern Porcelain, Inc., a corporation, appellee. | Floyd Gehrt,
Shelden Le Bron | |
| 57,643 | In the Matter of the Election of DANIEL A. LEVENS to the Position of Sheriff of Hamilton County, Kansas; Thomas M. Lambeth, appellee, | Mike Kimball | Hamilton |
| | v. | | |
| | Daniel A. Levens, appellant. | E. Edward Brown | |

Thursday, May 9, 1985

9:30 a.m.

- | | | | |
|--------|---|--|---------|
| 57,237 | State of Kansas, appellee, | Robert T. Stephan, Atty. Gen.,
Rodney Symmonds, Co. Atty. | Lyon |
| | v. | | |
| 56,573 | Marcellus H. Baker, appellant.
Elmer D. Chilson, d/b/a Chilson Masonry, et al., appellees, | Michael F. Brunton
Patricia A. Reeder,
Ann L. Baker | Shawnee |
| | v. | | |
| 56,877 | Capital Bank of Miami, Florida, appellant.
Meier's Trucking Company, appellant, | Steve R. Fabert
James G. Keller | Shawnee |
| | v. | | |
| 57,079 | United Construction Company, Inc., appellee.
Chester R. Elkins, appellee, | William G. Haynes,
Ann L. Baker
Annette Gurney,
Karl R. Cozad | Shawnee |
| | v. | | |
| | Showcase, Inc., et al., appellants. | K. Gary Sebelius | |

ON PETITION FOR REVIEW

1:30 p.m.

- | | | | |
|--------|---|---|--------|
| 57,355 | State of Kansas, appellee, | Robert T. Stephan, Atty. Gen.,
Morgan Metcalf, Dist. Atty. | Butler |
| | v. | | |
| 57,220 | Charles N. Newcomer, appellant.
Raymond H. Dings, appellant, | Alan Joseph
R. A. Munroe | Butler |
| | v. | | |
| | Eldon Phillips, et al., appellees. | Norman G. Manley | |

(continued)

Friday, May 10, 1985

9:30 a.m.

57,528 State of Kansas, appellant,

Robert T. Stephan, Atty. Gen.,
Steven L. Opat, Co. Atty.

Geary

v.

Billy Lee Thompson, appellee.

Craig J. Altenhofen

57,051 State of Kansas, appellee,

Robert T. Stephan, Atty. Gen.,
Art Weiss, Asst. Dist. Atty.

Shawnee

v.

Roger A. Moore and Charles H. Powers,
appellants.

Dwight J. Parscale

LEWIS C. CARTER
Clerk of the Appellate Courts

Doc. No. 003153

State of Kansas
CRIME VICTIMS REPARATIONS BOARD**NOTICE OF HEARING
ON PROPOSED TEMPORARY
ADMINISTRATIVE REGULATIONS**

A public hearing will be held at 10 a.m., Friday, May 17, 1985, in Suite 400, 112 W. 6th (Old Columbian Building), Topeka, KS, to consider the adoption of proposed temporary regulations intended to amend the permanent regulations of the Crime Victims Reparations Board pertaining to the administration of the Protection From Abuse Fund.

All interested parties may submit written comments at any time prior to the hearing by addressing them to the Crime Victims Reparations Board, 112 W. 6th, Topeka, KS 66603. All interested parties will be given a reasonable opportunity at the hearing to express their views, orally, in regard to the adoption of the proposed regulations. In order to give all parties an opportunity to present their views, it may be necessary to request each participant to limit oral presentation to not more than five (5) minutes.

Following the hearing on May 17, 1985, all written and oral comments submitted by interested parties will be considered by the Crime Victims Reparations Board as the basis for making changes to the proposed regulations.

Copies of the regulations and the fiscal impact statement may be obtained by writing: Don Stumbaugh, Director, Crime Victims Reparations Board, 112 W. 6th, Suite 400, Topeka, KS 66603.

The proposed regulations 20-6-1(g), 20-7-1, 20-8-3, 20-9-3 and 20-11-1, delete all language pertaining to "existing" domestic violence programs which otherwise excludes start-up or new domestic violence programs from funding.

Proposed regulations 20-9-1 and 20-14-1(a) change from biannually to biennially requirements of a state-wide domestic violence service needs assessment and

on-site visits to each grantee agency by the Crime Victims Reparations Board.

DON STUMBAUGH
Director

Doc. No. 003156

State of Kansas
**EMERGENCY MEDICAL SERVICES
COUNCIL****NOTICE OF HEARING
ON PROPOSED
ADMINISTRATIVE REGULATIONS**

A public hearing will be held at 9 a.m. Friday, May 17, 1985, in the Centennial Room at the Pozez Education Center, Stormont-Vail Medical Center, 1500 S.W. 10th, Topeka, KS, to consider the adoption of proposed rules and regulations of the Emergency Medical Services Council.

All interested parties may submit written comments at any time prior to the hearing by addressing them to the Chairman of the Emergency Medical Services Council, 111 W. 6th, Topeka, KS 66603. All interested parties will be given a reasonable opportunity at the hearing to present their views, orally, in regard to the adoption of the proposed regulations. In order to give all parties an opportunity to express their views, it may be necessary to request each participant to limit oral presentation to not more than five minutes.

Following the hearing on May 17, 1985, all written and oral comments submitted by interested parties will be considered by the Emergency Medical Services Council as the basis for making changes to these proposed regulations.

The fiscal impact statement is available from the Bureau of Emergency Medical Services, 111 W. 6th, Topeka, KS 66603. The proposed regulations follow:

109-3-1. Application for certificate of authority to provide manual cardiac defibrillation or authorization to provide electrocardiographic monitoring. Each op-

erator shall provide: (a) the name and address of the medical advisor and a letter from the medical advisor accepting the responsibilities prescribed by the university of Kansas school of medicine and K.A.R. 109-3-4;

(b) a listing of all personnel who have successfully completed the training program prescribed in K.A.R. 109-3-3 or 109-3-4;

(c) a description of the monitor or monitor/defibrillator prescribed in K.A.R. 109-3-2 or 109-3-4; and

(d) such other information as the director may determine is necessary to carry out the provisions of 1985 S.B. 81. This information shall be submitted on forms provided by the director. (Authorized by and implementing 1985 S.B. 81; effective, T-____-____, _____.)

109-3-2. Certificate of authority to provide manual cardiac defibrillation. Each operator holding a certificate of authority shall:

(a) have at least one licensed type II vehicle equipped with a monitor/defibrillator with two-channel cassette recording capability. Until expiration of the certificate of authority, the vehicle shall be staffed by qualified personnel as defined in K.A.R. 109-3-3 on a daily basis, 24 hours per day;

(b) use a cardiac arrest protocol prescribed by the university of Kansas school of medicine for each cardiac arrest patient;

(c) notify the director by telephone within 48 hours of each cardiac arrest event;

(d) submit a cardiac arrest report on forms provided by the director to the university of Kansas school of medicine within 14 days of each cardiac arrest event;

(e) submit a cassette recording of each cardiac arrest event to the university of Kansas school of medicine within 14 days of each cardiac arrest event;

(f) review and critique each cassette recording within 14 days of each cardiac arrest event for compliance with the protocol prescribed by the university of Kansas school of medicine;

(g) accept responsibility for sponsoring the training program and the monthly drills prescribed by K.A.R. 109-3-3. (Authorized by and implementing 1985 S.B. 81; effective, T-____-____, _____.)

109-3-3. Qualified personnel. (a) An emergency medical technician or emergency medical technician-intermediate shall be considered "qualified personnel" as defined in 1985 S.B. 81 after successful completion of a 26-hour training program prescribed and approved by the university of Kansas school of medicine and a written and practical examination prescribed and approved by the director. All "qualified personnel" shall participate in a monthly drill supervised by the medical advisor or the advisor's authorized representative. Any "qualified personnel" designation may be withdrawn at any time by the director. Such a designation shall automatically expire upon completion of the demonstration program.

(b) Only individuals listed on the staff roster of a service holding a certificate of authority as defined in 1985 S.B. 81 shall be designated as "qualified person-

nel." (Authorized by and implementing 1985 S.B. 81; effective, T-____-____, _____.)

109-3-4. Authorization to perform electrocardiographic monitoring. Each operator authorized to provide electrocardiographic monitoring shall:

(a) have at least one licensed type II vehicle equipped with a monitor with a strip recording capability. Until the expiration of the demonstration program, the vehicle shall be staffed on a daily basis, 24 hours per day, by emergency medical technicians-intermediate who have completed a 5-hour program in cardiac monitoring prescribed and approved by the university of Kansas school of medicine.

(b) use a cardiac arrest protocol prescribed by the university of Kansas school of medicine for each cardiac arrest event;

(c) notify the director by telephone within 48 hours of each cardiac arrest event;

(d) submit a cardiac arrest report on forms provided by the director to the university of Kansas school of medicine within 14 days of each cardiac arrest event;

(e) submit a strip recording of each cardiac arrest event to the university of Kansas school of medicine within 14 days of each cardiac arrest event.

(f) accept responsibility for sponsoring the training program prescribed in this regulation. (Authorized by and implementing 1985 S.B. 81; effective, T-____-____, _____.)

DAVID NACHTIGAL
Chairman

Doc. No. 003159

INDEX TO ADMINISTRATIVE REGULATIONS EFFECTIVE MAY 1, 1985

AGENCY 1: DEPARTMENT OF ADMINISTRATION

Regulation number	Action	Subject	Register pages
1-2-46	Amended	Definitions	252
1-2-79	New		253
1-2-84	New		253
1-5-11	Amended	Compensation	253
1-5-26	Amended		253
1-5-28	Amended		253
1-6-21	Amended	Recruiting and Staffing	254
1-7-4	Amended	Probationary Period and Employee Evaluation	254
1-8-6	Amended	Training and Career Development	255
1-9-2	Amended	Hours; Leaves; Employee-Management Relations	255
1-9-4	Amended		256
1-9-5	Amended		257
1-9-7	Revoked		258
1-9-7a	New		258, 259
1-9-7a through 1-9-7c			
1-9-10	Amended		259
1-9-11	Revoked		260
1-9-13	Amended		260
1-11-1	Amended	Non-disciplinary Termination	260
1-16-2e	Amended	Travel Reimbursement	260
1-16-2g	Revoked		260
1-16-2h	Revoked		260
1-16-2j	Amended		260
1-16-18	Amended		261
1-16-18a	Amended		261

(continued)

1-18-1a	Amended	Maximum Allowance for Mileage for Use of a Privately Owned Conveyance for Public Purposes	263
---------	---------	---	-----

AGENCY 2: MUNICIPAL ACCOUNTING BOARD

Regulation number	Action	Subject	Register pages
2-1-1 through 2-1-16	Revoked	Examination and Licensure of Municipal Public Accountants	600
2-5-1 through 2-5-5	Revoked	Continued Education Requirements for Licensed Municipal Public Accountants	600

AGENCY 4: BOARD OF AGRICULTURE

Regulation number	Action	Subject	Register pages
4-13-11	Amended	Pesticides	164
4-13-13	Amended		165
4-13-25	New		167
4-13-40 through 4-13-42	New		167, 168
4-16-1b	Amended	Meat and Meat Products	168
4-16-180	Revoked	Inspection	168
4-16-181	Revoked		168

**AGENCY 5: BOARD OF AGRICULTURE—
DIVISION OF WATER RESOURCES**

Regulation number	Action	Subject	Register pages
5-23-1	Amended	Southwest Kansas Groundwater Management District No. 3	299
5-23-3	Amended		229
5-23-6	Amended		230
5-23-7	Revoked		230
5-23-8	Revoked		230
5-24-1	Amended	Northwest Kansas Groundwater Management District No. 4	230
5-24-2	Amended		231
5-25-5	Amended	Big Bend Groundwater Management District No. 5	231
5-40-2	Amended	Dam Construction	231
5-40-9	Amended		233
5-40-10	Amended		233

AGENCY 7: SECRETARY OF STATE

Regulation number	Action	Subject	Register pages
7-31-1	Amended	Land Surveys	143
7-31-3	Amended		143
7-31-4	Amended		143

AGENCY 13: ALCOHOLIC BEVERAGE CONTROL BOARD OF REVIEW

Regulation number	Action	Subject	Register pages
13-5-2	Amended	Price, Freight Determination	160

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

Regulation number	Action	Subject	Register pages
14-4-11	Amended	Manufacturers; Distributors;	235
14-4-14	Amended	Nonbeverage Users	236
14-6-2a	Amended	Containers and Labels	237
14-6-4	Amended		237
14-7-4	Amended	Tax; Tax Stamps; Crowns; Lids	237
14-10-1	Amended	Trade Practices	238
14-11-13	Revoked	Farm Wineries	239
14-11-14	Amended		239
14-16-6	Amended	Licenses; Suspension; Revocation	239

AGENCY 17: BANK COMMISSIONER

Regulation number	Action	Subject	Register pages
17-17-1 through 17-17-10	New	Futures Contracts	233, 234
17-18-1 through 17-18-4	New	Investment in Shares of Open-end Investment Companies	234, 235

AGENCY 20: CRIME VICTIMS REPARATIONS BOARD

Regulation number	Action	Subject	Register pages
20-6-1	New	Definitions	140
20-7-1 through 20-7-4	New	Funding Priorities	141
20-8-1 through 20-8-4	New	Eligibility Requirements	141
20-9-1 through 20-9-6	New	Allocation of Funding	141, 142
20-10-1	New	Grant Application Requirements	142
20-10-2	New		
20-11-1 through 20-11-4	New	Grant Review and Appeals	142
20-12-1	New	Funding Disbursement	142
20-12-2	New		142
20-13-1	New	Grantee Accountability	143
20-13-2	New		143
20-14-1	New	Grantor Monitoring Responsibilities	143

AGENCY 22: STATE FIRE MARSHAL

Regulation number	Action	Subject	Register pages
22-1-1	Amended	Kansas Fire Prevention Code	285
22-1-2	New		285
22-3-1	Amended	Life Safety Code	285
22-4-1	Amended	Explosive Materials	286
22-6-5	Amended	Fireworks	286
22-10-13	Amended	Installation and Certification	286
22-10-15	New	Standards for Extinguishing	286
22-10-16	New	Devices	286
22-11-1	Revoked	Adult Care Homes, Hospitals,	286
22-11-2	Revoked	Residential Care Facilities	286
22-11-5	Amended	and Maternity Centers	286
22-11-6	Amended		286
22-11-7	Revoked		287
22-11-8	Amended		287
22-13-2 through 22-13-33	Revoked	Places of Assembly	287
22-13-35	New		287
22-20-1	New	Natural Gas as Motor Fuel	287

AGENCY 23: FISH AND GAME COMMISSION

Regulation number	Action	Subject	Register pages
23-1-10	Amended	Game Birds	160
23-2-14	Amended	Game Animals	161
23-2-15	New		162
23-3-10	Amended	Fish	162
23-4-1	New	Commercial Fishing	162
23-8-2	Amended	Wildlife Areas	162
23-11-1	Amended	Boating	163
23-11-3	Amended		163
23-18-2	Amended	Fees	163

AGENCY 25: GRAIN INSPECTION DEPARTMENT

Regulation number	Action	Subject	Register pages
25-1-9	Revoked	Warehousing	227
25-4-1	Amended	Fees and Charges	227
25-4-4	Amended		228

AGENCY 26: DEPARTMENT ON AGING

Regulation number	Action	Subject	Register pages
26-1-1 through 26-1-6	New	General Provisions	134-136
26-2-1 through 26-2-7	New	Grants and Contracts by the Department	136, 137
26-3-1 through 26-3-7	New	Sub-grants and Contracts by Area Agencies	138, 139
26-4-1 through 26-4-4	New	Hearings and Appeals	139, 140

AGENCY 25: DEPARTMENT OF HEALTH AND ENVIRONMENT

Regulation number	Action	Subject	Register pages	
28-4-113	Amended	Maternal and Child Health	482	
28-4-114	Amended		483	
28-4-116	Amended		484	
28-4-117	Amended		484	
28-4-119a	Amended		485	
28-4-187	Amended		485	
28-4-189	Amended		486	
28-4-356	Amended		487	
28-4-374 through 28-4-376	Amended		488, 489	
28-4-400 through 28-4-405	Amended		489-492	
28-4-405a	New	Water Pollution Control	492	
28-4-405b	New		492	
28-4-406	Amended		493	
28-4-407	Amended		493	
28-4-410 through 28-4-416	New		493-496	
28-4-420	Amended		496	
28-4-423 through 28-4-426	Amended		497-499	
28-4-428	Amended		499	
28-4-430	Amended		500	
28-4-433	Amended		501	
28-4-439 through 28-4-441	Amended	501-503		
28-16-56	Revoked	Ambient Air Quality Standards and Air Pollution Control	503	
28-16-56a	New		503	
28-16-56b	New		504	
28-16-83 through 28-16-98	New		504-506	
28-19-7	Amended		506	
28-19-8	Amended		507	
28-19-14	Amended		508	
28-19-14b	Amended		509	
28-19-26	New		510	
28-31-2	Amended		510	
28-31-3	Amended	Hazardous Waste Management Standards and Regulations	510	
28-31-7	Amended		510	
28-31-8a	New		511	
28-31-10 through 28-31-13	Amended		511, 512	
28-35-133 through 28-35-141	Amended		Radiation	512-519
28-35-142	Revoked			519
28-35-143	Amended			519
28-35-144	Amended			521
28-35-152 through 28-35-166	Amended			521-523
28-35-211	Revoked			523
28-35-211a	New	523		
28-35-211b	New	523		
28-35-212 through 28-35-234	Revoked	523-526		

28-35-212a	New		523
28-35-213a	New		523
28-35-214a	New		523
28-35-215a	New		524
28-35-216a	New		524
28-35-217a	New		524
28-35-218a	New		524
28-35-219a	New		524
28-35-220a	New		524
28-35-221a	New		524
28-35-222a	New		524
28-35-223a	New		524
28-35-224a	New		525
28-35-225a	New		525
28-35-226a	New		525
28-35-227a	New		525
28-35-228a	New		526
28-35-229a	New		526
28-35-230a	New		526
28-35-231a	New		526
28-35-232a	New		526
28-35-233a	New		526
28-35-234a	New		526
28-35-261 through 28-35-263	Amended		526, 527
28-35-273	Revoked		528
28-35-274 through 28-35-289	Amended		528-532
28-35-331 through 28-35-338	Amended		532-534
28-39-83	Amended	Licensure of Adult Care Homes	534
28-43-11	Amended	Construction, Operation and Abandonment of Salt Solution Mining Wells	536
28-44-11	Amended	Petroleum Products Storage Tanks	536
28-45-11	Amended	Hydrocarbon Storage Wells and Well Systems	536

AGENCY 30: SOCIAL AND REHABILITATION SERVICES

Regulation number	Action	Subject	Register pages
30-2-12	Amended	General	401
30-2-14	Revoked		401
30-2-16	Amended		401
30-4-40	Amended	Public Assistance Program	401
30-4-41	Amended		401
30-4-53	Amended		402
30-4-56 through 30-4-58	Amended		402-404
30-4-62	Amended		404
30-4-74	Amended		406
30-4-78	Amended		406
30-4-85a	Amended		406
30-4-90	Amended		406
30-4-91	Amended		407
30-4-96	Amended		407
30-4-101	Amended		408
30-4-102	Amended		408
30-4-106	Amended		409
30-4-107	Amended		410
30-4-109 through 30-4-111	Amended		410, 411
30-4-113	Amended		412
30-4-120	Amended		413
30-4-122a	Amended		413
30-4-130	Amended		414
30-4-140	Amended		415
30-5-58	Amended	Provider Participation, Scope of Services, and Reimbursements for the Medicaid (Medical Assistance) Program	415
30-5-59	Amended		417
30-5-65	Amended		418
30-5-70	Amended		418
30-5-81	Amended		419
30-5-81b	Amended		420
30-5-81d	Amended		420
30-5-81q through 30-5-81s	Amended		420, 421

(continued)

Regulation number	Action	Subject	Register pages
30-5-81t	New		421
30-5-83	Amended		422
30-5-86	Amended		422
30-5-86a	Amended		422
30-5-87	Amended		423
30-5-88	Amended		423
30-5-91	Amended		424
30-5-92	Amended		425
30-5-93	Revoked		425
30-5-94	Amended		425
30-5-101	Amended		426
30-5-103	Amended		426
30-5-108	Amended		426
30-5-151	Amended		426
30-5-156	Amended		427
30-5-160	Amended		427
30-5-161	Amended		427
30-5-163	Amended		427
30-6-41	Amended	Medical Assistance Program—	427
30-6-56	Amended	Clients' Eligibility for	428-430
through		Participation	
30-6-58			
30-6-65	Amended	Participation	430
30-6-79	New		431
30-6-103	Amended		431
30-6-106	Amended		431-434
through			
30-6-111			
30-6-113	Amended		435
30-6-140	Amended		436
30-10-1a	Amended	Adult Care Home Program	436
30-10-2	Amended	of the Medicaid	437, 438
through		(Medical Assistance) Program	
30-10-4			
30-10-7	Amended		438
30-10-12	Revoked		438
30-10-13	Revoked		438
30-10-14	New		439
30-10-15a	New		439
30-10-15b	New		439
30-10-17	New		440-443
through			
30-10-22			
30-10-23a	New		443, 444
through			
30-10-23c			
30-10-24	New		445-447
through			
30-10-28			
30-12-16	Amended	Services for the Blind	448
30-12-20	Amended		448
30-12-22	Amended		448
30-22-3a	New	Licensing of Psychiatric	449, 450
through		Hospitals and Community	
30-22-3d		Mental Health Centers;	
30-22-4a	New	Funding of Community Mental	450
		Health Centers and Facilities for	
		the Mentally Retarded and	
		Facilities for Handicapped Per-	
		sons	
30-41-2	Amended	Licensing of Non-medical	450
30-41-4	Amended	Community Based Agencies	451
30-41-5	Amended	Providing Services to	451
30-41-6b	Amended	Handicapped Adults	452
30-41-6f	Amended		453
30-41-6g	Amended		453
30-41-6h	New		454
30-41-10	New		454, 455
through			
30-41-19			
30-44-1	New	Support Enforcement	455

AGENCY 36: DEPARTMENT OF TRANSPORTATION			
Regulation number	Action	Subject	Register pages
36-11-6	Amended	Public and Private Utilities on Highway Right-of-way	564
36-13-32	Amended	School Bus Transportation	565
36-17-5	Amended	Billboards and Outdoor Advertising	566
36-30-5	Revoked	Construction Bidding Procedures	566

AGENCY 38: SAVINGS AND LOAN DEPARTMENT			
Regulation number	Action	Subject	Register pages
38-4-1	Amended	Unsecured Loans for Property Alteration	564
38-6-1	Revoked	Participation Loans	564
38-7-1	Revoked	Educational Loans	564
38-8-1	Amended	Mobile Home Financing	564

AGENCY 40: INSURANCE DEPARTMENT			
Regulation number	Action	Subject	Register pages
40-1-20	Amended	General	397
40-2-16	New	Life Insurance	397
40-4-29	Amended	Accident and Health Insurance	397
40-4-34	Amended		398
40-4-36	New		398
40-7-13	Amended	Agents	398
40-10-1	Amended	Firemen's Relief	399
40-10-2	Amended		399
40-10-5	Amended		399
40-10-6	Amended		400
40-15b-1	New	Universal Life Insurance	400

AGENCY 44: DEPARTMENT OF CORRECTIONS			
Regulation number	Action	Subject	Register pages
44-1-105	New	General Administration	320
44-5-110	Amended	Inmate Management	320
44-5-113	Amended		320
44-6-126	Amended	Good Time Credits	321
44-6-138	Amended		321
44-9-101	Amended	Parole	322
44-12-202	Amended	Conduct and Penalties	322
44-12-1301	Amended		322
44-12-1307	Amended		322
44-12-1308	New		322
44-13-101	Amended	Disciplinary Procedure	322
44-13-101a	Amended		323
44-13-106	New		324
44-13-301	Amended		324
44-13-302	Amended		324
44-13-401	Amended		324
44-13-407	Amended		325
44-13-601	Amended		325
44-13-610	Amended		325
44-13-703	Amended		325
44-13-704	Amended		325
44-14-303	Amended	Administrative and Disciplinary Segregation	325
44-15-101a	Amended	Grievance Procedure for Inmates	326
44-15-102	Amended		326

AGENCY 47: MINED-LAND CONSERVATION AND RECLAMATION BOARD			
Regulation number	Action	Subject	Register pages
47-1-11	New	General	313
47-2-75	Amended	Meaning of Terms	313
47-3-42	Amended	Application for Mining Permit	314
47-5-5a	New	Civil Penalties	315
47-5-6	Revoked		316
through			
47-5-15			
47-5-16	Amended		316
47-8-9	Amended	Bonding Procedures	316
47-8-9a	New		316
47-9-1	Amended	Performance Standards	316
47-9-2	New		317
47-9-3	New		317
47-13-4	New	Training and Certification of Blasters	317, 318
through			
47-13-6			
47-15-1a	New	Inspections and Enforcement	318
47-15-2	Revoked		319
47-15-5	Revoked		319
47-15-6	Revoked		319
47-15-8	Amended		319

Regulation number	Action	Subject	Register pages	Regulation number	Action	Subject	Register pages
47-15-9 through 47-15-14	Revoked		319	74-4-7 through 74-4-9	Amended		567
47-15-16	Revoked		319	74-5-1	Revoked	Code of Professional Conduct	568
47-15-17	New		319	74-5-2	Amended		568
AGENCY 60: BOARD OF NURSING				74-5-101	Amended		569
60-3-109a	New	Requirements for Licensure and Standards of Practice	393	74-5-102	Amended		569
60-8-101	Amended	Fees	393	74-5-201 through 74-5-203	Amended		569
60-11-103 through 60-11-108	Amended	Advanced Registered Nurse Practitioners	394, 395	74-5-403	Amended		569
60-12-101 through 60-12-104	New	Continuing Education for Mental Health Technicians	396	74-5-407	Amended	Corporate Practice Licensed Municipal Public Accountants	569
AGENCY 63: BOARD OF EMBALMING				74-8-3	Revoked		569
63-3-19	Amended	Preparation and Transportation of Bodies; Burial in Mausoleums; Funeral Establishments	358	74-10-1	New		569
AGENCY 66: BOARD OF TECHNICAL PROFESSIONS				74-10-2	New		569
66-6-1	Amended	Professional Practice	600	AGENCY 75: CONSUMER CREDIT COMMISSIONER			
66-6-4	Amended		600	75-6-9	Amended	Consumer Credit Code	358
66-6-9	Amended		601	75-6-24	Amended		359
66-8-2	Amended	Examinations	601	AGENCY 81: OFFICE OF SECURITIES COMMISSIONER			
66-10-3	Amended	Experience	601	81-1-1	Amended	Definition of Terms	357
66-10-4	Amended		601	AGENCY 82: STATE CORPORATION COMMISSION			
66-10-6	Amended		602	82-1-203	Revoked	Rules of Practice and Procedure	634
AGENCY 68: BOARD OF PHARMACY				82-1-204	Amended		634
68-1-2	Amended	Registration and Examination of Pharmacists	354	82-1-207	Amended		635
68-1-3a	Amended		354	82-1-215	Amended		635
68-8-1	Amended	Advertising	355	82-1-220	Amended		636
68-20-1	Amended	Controlled Substances	355	82-1-220	Amended		636
68-20-11	Amended		356	82-1-230	Amended		638
AGENCY 69: BOARD OF COSMETOLOGY				82-1-234	Revoked		638
69-3-1	Amended	Schools	312	82-1-234a	New		638
69-3-3	Amended		312	82-1-238	Amended	Production and Conservation of Oil and Gas	638
69-3-6	Amended		312	82-3-101	Amended		640
69-3-8	Amended		312	82-3-103	Amended		640
69-4-2	Amended	Students	313	82-3-106	Amended		641
69-8-2	Amended	Registration of Manicurists	313	82-3-108	Amended		642
AGENCY 70: BOARD OF VETERINARY MEDICAL EXAMINERS				82-3-109	Amended		642
70-5-1	New	Fees	393	82-3-111	Amended		642
AGENCY 71: DENTAL BOARD				82-3-113	Amended		643
71-1-5	Revoked	General Rules	359	82-3-123	Amended		643
71-1-6	Revoked		359	82-3-124	Amended		644, 645
71-1-12	Revoked		359	82-3-135 through 82-3-138			645
71-2-6	Amended	Specialists	359	82-3-138	Amended		646
AGENCY 74: BOARD OF ACCOUNTANCY				82-3-203	Amended		646
74-4-1	Amended	Permits to Practice	567	82-3-311	New		647
				82-3-312	New		648
				82-3-401	Amended		648
				82-3-405	Amended		648
				82-3-408	Amended		648
				82-3-502	Amended	Motor Carriers of Persons and Property	649
				82-4-3	Amended		649
				82-4-17	Revoked		649
				82-4-19	Revoked		649, 650
				82-4-20	Amended		650
				82-4-22			650
				82-4-27b	Revoked		650
				82-4-27c	New		650
				82-4-27d	New		651
				82-4-30b	New		651
				82-4-33	Amended		651
				82-4-38	Amended		651
				82-4-65	Amended		652
				82-4-86	New	Railroad Safety	652
				82-5-11	Amended	Siting of Electric Generation Facilities	653
				82-8-101	Amended		653
				82-9-1	Amended	Railroad Rates	653
				82-9-2	Amended		653
				82-9-5	Amended		653-655
				82-9-8			655
				82-9-11	Amended		(continued)

82-9-16	Amended		656
82-9-19	Amended		656
82-9-23	Amended		656
82-9-24	Amended		657

AGENCY 88: BOARD OF REGENTS

Regulation number	Action	Subject	Register pages
88-10-1 through 88-10-8	Amended	Tax-Sheltered Annuity Program	539, 540
88-10-9	Revoked		541
88-10-10	Amended		541
88-10-12	Amended		541
88-11-1 through 88-11-9	Amended	Tax-Sheltered Annuity Programs for Persons Covered by 74-4925b	541, 542
88-11-10	Revoked		542
88-11-11	Amended		542
88-11-12	Amended		542
88-13-4	Amended	Student Assistance Programs	542
88-13-11	Amended		542

AGENCY 91: DEPARTMENT OF EDUCATION

Regulation number	Action	Subject	Register pages
91-1-26	Amended	Certificate Regulations	602
91-1-30	Amended		603
91-1-57	Amended		604
91-1-58	Amended		604
91-1-59	Revoked		604
91-1-60	Amended		604
91-1-61	Amended		604
91-1-91a	New		605
91-1-93a	New		605
91-1-101a	New		605
91-1-104a	New		608
91-1-108b	New		608
91-1-108c	New		608
91-1-112a	New		609
91-1-112b	New		610
91-1-113a	New		610
91-1-114a	New		611
91-1-115a	New		611
91-1-117a	New		611
91-1-118a	New		612
91-1-119a	New		612
91-1-119f			612-614
91-1-132a	New		614
91-1-135a	New		615
91-1-137a	New		616
91-1-138a	New		617
91-1-144	Amended		618
91-1-146a	Amended		618
91-1-146b	Amended		619
91-1-146d	Amended		619
91-1-148a	New		620
91-12-22	Amended	Special Education	620
91-12-41	Amended		624
91-12-51	Amended		625
91-12-58	Amended		626
91-12-61	Amended		627
91-12-68	New		628, 629
91-22-21	Amended	Professional Teaching Practices Commission	629
91-22-22	Amended		629
91-22-24	Amended		630
91-31-2	Amended	Accreditation	630
91-31-12h	Amended		632
91-31-14c	Amended		632
91-33-8	Amended	Regulations for Accrediting Special Purpose Schools	633

AGENCY 92: DEPARTMENT OF REVENUE

Regulation number	Action	Subject	Register pages
92-3-13	Revoked	Motor Fuel Tax and Transportation of Liquid Fuel	537
92-5-3	Amended	Cigarette Tax	537
92-8-9a	New	Cereal Malt Beverage Tax	537

Regulation number	Action	Subject	Register pages
92-8-19	New		
92-23-1 through 92-23-3	Revoked	Bingo	537, 538
92-23-10 through 92-23-15	New		537, 538
92-23-38	Amended		538
92-23-38a	Amended		538
92-51-22	Amended	Titles and Registration	539
92-51-25	Amended		539
92-51-30	Amended		539
92-51-35	New		539
92-51-37			539

AGENCY 93: DEPARTMENT OF REVENUE—DIVISION OF PROPERTY VALUATION

Regulation number	Action	Subject	Register pages
93-4-1	New	Assessment Sales Ratio Study	537

AGENCY 94: BOARD OF TAX APPEALS

Regulation number	Action	Subject	Register pages
94-3-2	Amended	Economic Development Revenue Bonds	393

AGENCY 100: BOARD OF HEALING ARTS

Regulation number	Action	Subject	Register pages
100-11-1	Amended	Fees	574
100-17-1	Revoked	Professional Signs; Letterheads	574
100-17-2	Revoked		574
100-18a-1	New	Advertising	574
100-22-1	New	Dishonorable Conduct	574
100-47-1	Amended	Continuing Education	575

AGENCY 102: BEHAVIORAL SCIENCES REGULATORY BOARD

Regulation number	Action	Subject	Register pages
102-1-1	Amended	Certification of Psychologists	657
102-1-3	Amended		658
102-1-5			
102-1-10	Amended		659
102-1-12	Amended		660
102-1-13	Amended		661
102-1-15	Amended		661
102-1-16	New		662
102-2-1	Revoked	Licensing of Social Workers	662
102-2-1a	New		663
102-2-2	Revoked		663
102-2-2a	New		663
102-2-4	Revoked		664
102-2-4a	New		664
102-2-4b	New		665
102-2-5	Amended		665
102-2-7	Amended		666
102-2-8	New		667, 668
102-2-12			

AGENCY 105: BOARD OF INDIGENTS' DEFENSE SERVICES

Regulation number	Action	Subject	Register pages
105-2-1	Amended	Terms Defined	478
105-4-3	Amended	Entitlement to Legal Representation	478
105-4-5	Amended		479
105-5-3	Amended	Attorney Compensation	479
105-5-6	Amended		479
105-7-2	Amended	Investigative, Expert or Other Services	479
105-8-4	Amended	Court Reporters—Transcripts	480
105-21-5	Revoked	Public Defender Guidelines	480

AGENCY 106: LAW ENFORCEMENT TRAINING COMMISSION

Regulation number	Action	Subject	Register pages
106-1-3	Amended	Peace Officers Standards	392
106-1-7	Amended	and Training	392
106-1-8	Amended		392

**AGENCY 107: BOARD OF REGENTS—
LAW ENFORCEMENT TRAINING CENTER**

Regulation number	Action	Subject	Register pages
107-1-1 through 107-1-5	New	Certification of Law Enforcement Officers and Training Schools	480-482
107-2-1	New	Advanced Officers	482
107-3-1	New	Pre-training Evaluation	482

AGENCY 108: STATE EMPLOYEES HEALTH CARE COMMISSION

Regulation number	Action	Subject	Register pages
108-1-1	New	Eligibility	564

AGENCY 109: EMERGENCY MEDICAL SERVICES COUNCIL

Regulation number	Action	Subject	Register pages
109-1-1	New	Definitions	570
109-2-1 through 109-2-9	New	Ambulance Services; Permits and Regulations	570-574

State of Kansas

LEGISLATURE

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

Copies of bills and resolutions are available free of charge from the Legislative Document Room, State Capitol, Topeka, KS 66612, (913) 296-7394. There is a limit of 25 copies of any one item.

Bills Introduced April 14-24:

SB 384, by Committee on Ways and Means: An act concerning the school district equalization act; changing the date provided as the basis for making certain computations thereunder; imposing limitations on budgets of operating expenses per pupil for the 1985-86 school year; relating to the disposition of certain revenues; amending K.S.A. 72-7034 and 72-7038 and K.S.A. 1984 Supp. 72-7033, 72-7039, 72-7043, 72-7047, 72-7050, 72-7053, 72-7055, 72-7059, 72-7062 and 72-7063, and repealing the existing sections.

SB 385, by Senator Johnston: An act relating to the issuance of marriage licenses; requiring consent of judge in certain cases; amending K.S.A. 23-106 and repealing the existing section.

HB 2618, by Committee on Ways and Means: An act concerning appropriation of water for beneficial use; relating to fees for applications, permits and inspections; amending K.S.A. 82a-708a, 82a-708b, 82a-714 and 82a-727 and repealing the existing sections.

HB 2619, by Committee on Ways and Means: An act making and concerning appropriations for the fiscal years ending June 30, 1985, and June 30, 1986; authorizing certain transfers and fees, imposing certain restrictions and limitations, and directing or authorizing certain receipts, disbursements, capital improvements and acts incidental to the foregoing; amending section 3 of 1985 House Bill No. 2057, section 6 of 1985 House Bill No. 2102, section 2 of 1985 House Bill No. 2617 and section 3 of Senate Bill No. 166 and repealing the existing sections.

HB 2620, by Committee on Federal and State Affairs: An act concerning the Attica Hospital District No. 1 of Harper county, Kansas; and relating to the validation and approval of the issuance of bonds.

HB 2621, by Committee on Ways and Means: An act amending the Kansas law enforcement training act; concerning reimbursement by other state or local agencies of certain costs incurred by the training center; amending K.S.A. 1984 Supp. 74-5609a and repealing the existing section.

HB 2622, by Committee on Ways and Means: An act concerning educational institutions under the control and supervision of the state board of regents; relating to the reduced-service program; amending K.S.A. 76-746 and repealing the existing section.

HB 2623, by Committee on Ways and Means: An act concerning the act for judicial review and civil enforcement of agency actions; exempting certain actions of the commission on civil rights from the provisions thereof; amending K.S.A. 77-618 and repealing the existing section.

HB 2624, by Committee on Ways and Means: An act repealing K.S.A. 79-1578; relating to county inheritance tax fund.

HR 6132, by Representative D. Miller: A resolution congratulating the Kansas Alpha Chapter of Sigma Phi Epsilon on its 75th anniversary.

HCRC 5023, by Representative Hayden: A concurrent resolution establishing a special Commission on a Public Agenda for Kansas.

Doc. No. 003178

SENATE BILL No. 19

AN ACT relating to insurance; concerning certain prohibitions on business activities by insurance companies; amending K.S.A. 40-231 and repealing the existing section.

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

Section 1. K.S.A. 40-231 is hereby amended to read as follows: 40-231. (a) Except as otherwise provided in subsection (b), no insurance company shall directly or indirectly deal or trade in goods, wares or merchandise or other commodities, except such as may have been insured by it and such as may be sold under judicial process or otherwise, in which or in the profits of the sale of which it may be interested by reason of having previously entered into any contract of insurance, indemnity or suretyship.

(b) This section shall not prohibit an insurance company: (1) From entering into an agreement to provide administrative services to a person, firm or corporation with respect to legally constituted plans of insurance or indemnity; (2) from directly or indirectly dealing or trading in goods, wares, merchandise or other commodities which are insured by the insurance company or which may be sold under judicial process or otherwise; or (3) from negotiating and entering into contracts for alternative rates of payment with health care providers or other parties who have arranged for alternative rates of payment with health care providers, and offering the benefit of such alternative rates to insureds who select such providers.

Sec. 2. K.S.A. 40-231 is hereby repealed.

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

I hereby certify that the above BILL originated in the SENATE, and passed that body February 6, 1985.

SENATE adopted Conference Committee report April 13, 1985.

ROBERT V. TALKINGTON
President of the Senate.
LU KENNEY
Secretary of the Senate.

Passed the HOUSE as amended April 12, 1985.

HOUSE adopted Conference Committee report April 13, 1985.

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

APPROVED April 25, 1985.

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, 1985.

JACK H. BRIER
Secretary of State.

(SEAL)

(Published in the KANSAS REGISTER, May 2, 1985.)

SENATE BILL No. 321

AN ACT concerning motor vehicles; vehicle dealer license plates; amending K.S.A. 8-2406 and K.S.A. 1984 Supp. 8-2401, 8-2404 and 66-1,109 and repealing the existing sections.

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

Section 1. From and after January 1, 1986, K.S.A. 1984 Supp. 8-2401 is hereby amended to read as follows: 8-2401. As used in this act, the following words and phrases shall have the meanings:

(a) "Vehicle dealer" means any person who: (1) For commission, money or other thing of value is engaged in the business of buying, selling or offering or attempting to negotiate a sale of an interest in vehicles; or (2) for commission, money or other thing of value is engaged in the business of buying, selling or offering or attempting to negotiate a sale of an interest in vehicles for other persons as an agent, middleman or negotiator; or (3) for commission, money or other thing of value is engaged in the business of bringing buyers and sellers of vehicles together; or (4) for commission, money or other thing of value is engaged in the business of buying, selling or offering or attempting to negotiate a sale of an interest in motor vehicles as an auction motor vehicle dealer as defined in (j); but does not include: (i) Receivers, trustees, administrators, executors, guardians, or other persons appointed by or acting under the judgment or order of any court, or any bank, trustee or lending company or institution which is subject to state or federal regulations as such, with regard to its disposition of repossessed vehicles; or (ii) public officers while performing their official duties; or (iii) employees of persons enumerated in (i) and (ii), when engaged in the specific performance of their duties as such employees.

(b) "New vehicle dealer" means any vehicle dealer who is a party to an agreement, with a first or second stage manufacturer or distributor, which agreement authorizes the vehicle dealer to sell, exchange or transfer new motor vehicles, trucks, motorcycles, mobile homes, or trailers or parts and accessories made or sold by such first or second stage manufacturer or distributor and obligates the vehicle dealer to fulfill the warranty commitments of such first or second stage manufacturer or distributor.

(c) "Used vehicle dealer" means any person actively engaged in the business of buying, selling or exchanging used vehicles.

(d) "Vehicle salesman" means any person who is employed as a salesman by a vehicle dealer to sell vehicles.

(e) "Mobile home dealer" means any person who: (1) For commission, money or other thing of value is engaged in the business of buying, selling or offering or attempting to negotiate a sale of an interest in mobile homes; or (2) for commission, money or other thing of value is engaged in the business of buying, selling or offering or attempting to negotiate a sale of an interest in mobile homes for other persons as an agent, middleman or negotiator; or (3) for commission, money or other thing of value is engaged in the business of bringing buyers and sellers of mobile homes together.

(f) "New mobile home dealer" means any mobile home dealer who is a party to a mobile home sales agreement, with a mobile home manufacturer, which mobile home sales agreement authorizes the mobile home dealer to sell, exchange or transfer new mobile homes or parts and accessories made or sold by such mobile home manufacturer and obligates the mobile home dealer to fulfill the warranty commitments of such mobile home manufacturer.

(g) "Used mobile home dealer" means any person actively engaged in the business of buying, selling or exchanging used mobile homes.

(h) "Mobile home salesman" means any person who is employed as a salesman by a mobile home dealer to sell mobile homes.

(i) "Board" means the vehicle dealer review board created by this act.

(j) "Director" means the director of vehicles, or a designee of the director.

(k) "Division" means the division of vehicles of the department of revenue.

(l) "Vehicle" means every device in, upon or by which any person or property is or may be transported or drawn upon a public highway, and is required to be registered under the provisions of article 1 of chapter 8 of Kansas Statutes Annotated and amendments thereto except that such term shall not include motorized bicycles or mobile homes.

(m) "Manufactured home" means a structure, transportable in one or more sections which in the traveling mode, is eight body feet or more in width or 40 body feet or more in length, or when erected on site, is 320 or more square feet and which is built on a permanent chassis, and designed to be used as a dwelling with or without permanent foundation, when connected to the required utilities, and includes the plumbing, heating, air-conditioning and electrical systems contained therein. When the term mobile home is used in article 24 of chapter 8 of Kansas Statutes Annotated it shall be synonymous with and means the same as manufactured home.

(n) "Motor vehicle" means any vehicle other than a motorized bicycle, which is self-propelled and is required to be registered under the provisions of article 1 of chapter 8 of Kansas Statutes Annotated and amendments thereto.

(o) "Licensor" means the director or division or both.

(p) "First stage manufacturer" means any person who manufactures, assembles and sells new vehicles to new vehicle dealers for resale in this state.

(q) "Second stage manufacturer" means any person who assembles, installs or permanently affixes body, cab or special unit equipment to a chassis supplied by a first stage manufacturer, distributor or other supplier and sells the resulting new vehicles to new vehicle dealers for resale in this state.

(r) "Mobile home manufacturer" means any person who manufactures, assembles and sells new mobile homes to new mobile home dealers for resale in this state.

(s) "First stage converter" means any person who is engaged in the business of affixing to a chassis supplied by a first stage manufacturer, distributor or other supplier, specially constructed body units to result in motor vehicles used as, but not limited to, buses, wreckers, cement trucks and trash compactors.

(t) "Second stage converter" means any person who is engaged in the business of adding to, subtracting from or modifying previously assembled or manufactured vehicles and sells the resulting converted vehicles at retail or wholesale.

(u) "Distributor" means any person who sells or distributes for resale new vehicles to new vehicle dealers in this state or who maintains distributor representatives in this state.

(v) "Wholesaler" means any person who purchases vehicles for the purpose of resale to a vehicle dealer.

(w) "Factory branch" means any branch office maintained in this state by a first or second stage manufacturer for the sale of new vehicles to distributors, or for the sale of new vehicles to new vehicle dealers, or for directing or supervising, in whole or in part, its representatives in this state.

(x) "Mobile home branch" means any branch office maintained in this state by a mobile home manufacturer for the sale of new mobile homes to new mobile home dealers, or for directing or supervising, in whole or in part, its representatives in this state.

(y) "Distributor branch" means any branch office similar to (w) maintained by a distributor for the same purposes as a factory branch.

(z) "Factory representative" means a representative employed by a first or second stage manufacturer, factory branch, mobile home manufacturer or mobile home branch for the purpose of making or promoting the sale of its new vehicles or new mobile homes to new vehicle dealers or new mobile home dealers, or for supervising or contacting its new vehicle dealers or mobile home dealers or prospective new vehicle dealers or mobile home dealers with respect to the promotion and sale of such vehicles or mobile homes and parts or accessories for the same.

(aa) "Distributor representative" means any representative similar to (z) employed by a distributor or distributor branch for the same purpose as a factory representative.

(bb) "Person" means any natural person, partnership, firm, corporation or association.

(cc) "New motor vehicle" means any motor vehicle which has never been titled or registered and has not been substantially driven or operated.

(dd) "Franchise agreement" means any contract or franchise or any other terminology, except mobile home sales agreement, used to describe the contractual relationship between first or second stage manufacturers, distributors and vehicle dealers, by which:

(1) A right is granted one party to engage in the business of offering, selling or otherwise distributing goods or services under a marketing plan or system prescribed in substantial part by the other party, and in which there is a community of interest in the marketing of goods or services at wholesale or retail, by lease, agreement or otherwise; and

(2) the operation of the grantee's business pursuant to such agreement is substantially associated with the grantor's trademark, service mark, trade name, logotype, advertising or other commercial symbol designating the grantor or an affiliate of the grantor.

(ee) "Mobile home sales agreement" means a contract between the manufacturer or distributor of mobile homes and a new mobile home dealer, by which the dealer is entitled to purchase new mobile homes from the manufacturer or distributor for resale within this state.

(ff) "Broker" means any person who, for commission, money or other thing of value, is engaged in the business of: (1) Selling or buying vehicles or mobile homes for other persons as an agent, middleman or negotiator; or (2) bringing buyers and sellers of vehicles or mobile homes together, but such term shall not include any person engaged in a business in which the acts described in this subsection are only incidentally performed.

(gg) "Salvage vehicle dealer" means any person engaged in the business of buying, dismantling, disassembling or recycling wrecked, abandoned or repairable vehicles and selling the usable parts thereof, or selling such wrecked, abandoned or repairable vehicles as a unit at wholesale or selling the hull of the vehicle after the salvageable parts have been removed.

(hh) "Lending agency" means any person, desiring to be licensed under this act and engaged in the business of financing or lending money to any person to be used in the purchase or financing of a vehicle or mobile home.

(ii) "Established place of business" means a building or structure, other than a building or structure all or part of which is occupied or used as a residence, owned either in fee or leased and designated as an office or place to receive mail and keep records and conduct the routine of business. *To qualify as an established place of business, there shall be located therein an operable telephone which shall be listed with the telephone company under the name of the licensed business.*

(jj) "Auction motor vehicle dealer" means any person who for commission, money or other thing of value is engaged in an auction of motor vehicles except that the sales of such motor vehicles shall involve only motor vehicles owned by licensed motor vehicle dealers and sold to licensed motor vehicle dealers, except that any auction motor vehicle dealer, registered as such and lawfully operating prior to June 30, 1980, shall be deemed to be and have been properly licensed under this act from and after July 1, 1980. For the purposes of this subsection, an auction is a private sale of motor vehicles where any and all licensed motor vehicle dealers who choose to do so are permitted to attend and offer bids and the private sale of such motor vehicles is to the highest bidder.

(kk) "Licensee" means any person issued a valid license pursuant to this act.

(ll) "Dealer" means a mobile home dealer or a vehicle dealer as defined by this act, unless the context otherwise requires.

(mm) "Insurance company" means any person desiring to be licensed under this act and engaged in the business of writing or servicing insurance related to vehicles.

Sec. 2. From and after January 1, 1986, K.S.A. 1984 Supp. 8-2404 is hereby amended to read as follows: 8-2404. (a) No vehicle dealer or mobile home dealer shall engage in business in this state without obtaining a license as required by this act. Any vehicle dealer or mobile home dealer holding a valid license and

acting as a vehicle salesman or mobile home salesman shall not be required to secure a salesman's license.

(b) No first stage manufacturer, second stage manufacturer, mobile home manufacturer, factory branch, factory representative, distributor branch or distributor representative shall engage in business in this state without a license as required by this act, regardless of whether or not an office or other place of business is maintained in this state for the purpose of conducting such business.

(c) An application for a license shall be made to the director and shall contain the information provided for by this section; together with such other information as may be deemed reasonable and pertinent, and shall be accompanied by the required fee. The director may require in the application, or otherwise, information relating to the applicant's solvency, financial standing, or other pertinent matter commensurate with the safeguarding of the public interest in the locality in which the applicant proposes to engage in business, all of which may be considered by the director in determining the fitness of the applicant to engage in business as set forth in this section. The director may require the applicant for licensing to appear at such time and place as may be designated by the director for examination to enable the director to determine the accuracy of the facts contained in the written application, either for initial licensure or renewal thereof. Every application under this section shall be verified by the applicant.

(d) All licenses shall be granted or refused within 30 days after application is received by the director and shall expire, unless previously suspended or revoked, on December 31 of the calendar year for which they are granted, except that where a complaint respecting the cancellation, termination or nonrenewal of a sales agreement is in the process of being heard, no replacement application shall be considered until a final order is issued by the director. Applications for renewals received by the director after February 15 shall be considered as new applications.

(e) License fees for each calendar year, or any part thereof shall be as follows:

- (1) For new vehicle dealers or new mobile home dealers, \$50;
- (2) for distributors, \$50;
- (3) for wholesalers, \$50;
- (4) for distributor branches, \$50;
- (5) for used vehicle dealers or used mobile home dealers, \$50;
- (6) for first and second stage manufacturers, \$200 plus \$50 for each factory branch in this state;
- (7) for mobile home manufacturers, \$200 plus \$50 for each mobile home branch in this state;
- (8) for factory representatives, \$25;
- (9) for distributor representatives, \$25;
- (10) for brokers, \$50;
- (11) for lending agencies, \$25;
- (12) for first and second stage converters, \$25;
- (13) for salvage vehicle dealers, \$50;
- (14) for auction motor vehicle dealers, \$50;
- (15) for vehicle salesman or mobile home salesman, \$5; and
- (16) for insurance companies, \$50.

Any salvage vehicle dealer who is also licensed as a used vehicle dealer shall be required to pay only one \$50 fee for both licenses. Any new vehicle dealer or mobile home dealer who is also licensed as a used vehicle dealer or mobile home dealer shall be required to pay only one \$50 fee for both licenses.

(f) Dealers establishing supplemental places of business within the same county of their licensure shall be required to pay a supplemental license fee of \$10. Original inspections by the division of a proposed established place of business shall be made at no charge except that a \$5 fee shall be charged by the division for each additional inspection the division must make of such premises in order to approve the same.

(g) The license of all persons licensed under the provisions of this act shall state the address of the established place of business, office or branch and must be conspicuously displayed therein. If such address is changed, the director shall endorse the

(continued)

change of address on the license without charge if it is within the same county. A change of address to a different county shall require a new license and payment of the required fees.

(h) Every salesman, factory representative or distributor representative shall carry on their person a certification that the person holds a valid state license. The certification shall name the person's employer and shall be displayed upon request. An original copy of the state license for a vehicle salesman or mobile home salesman shall be mailed or otherwise delivered by the division to the employer of the salesman for public display in the employer's established place of business. When a salesman ceases to be employed as such, the former employer shall mail or otherwise return the original copy of the employee's state license to the division. A salesman, factory representative or distributor representative who terminates employment with one employer may file an application with the director to transfer the person's state license in the name of another employer. The application shall be accompanied by a \$2 transfer fee. A salesman, factory representative or distributor representative who terminates employment, and does not transfer the state license, shall mail or otherwise return the certification that the person holds a valid state license to the division.

(i) If the director has reasonable cause to doubt the financial responsibility or the compliance by the applicant or licensee with the provisions of this act, the director may require the applicant or licensee to furnish and maintain a bond in such form, amount and with such sureties as the director approves, but such amount shall be not less than \$5,000 nor more than ~~\$15,000~~ \$20,000, conditioned upon the applicant or licensee complying with the provisions of the statutes applicable to the licensee and as indemnity for any loss sustained by any person by reason of any act by the licensee constituting grounds for suspension or revocation of the license. Any such bond shall be a corporate surety bond issued by a company authorized to do business in the state of Kansas and shall be executed in the name of the state of Kansas for the benefit of any aggrieved party. The aggregate liability of the surety for all breaches of the conditions of the bond in no event shall exceed the amount of such bond. The surety on the bond shall have the right to cancel the bond by giving 30 days' notice to the director, and thereafter the surety shall be relieved of liability for any breach of condition occurring after the effective date of cancellation. Bonding requirements shall not apply to first or second stage manufacturers, factory branches, factory representatives or salesmen.

(j) No license shall be issued by the director to any person to act as a new or used dealer, wholesaler, broker, salvage vehicle dealer, auction motor vehicle dealer, second stage manufacturer, first stage converter, second stage converter or distributor unless the applicant for the vehicle dealer's license maintains an established place of business which has been inspected and approved by the division. First stage manufacturers, factory branches, factory representatives, distributor branches, distributor representatives and lending agencies are not required to maintain an established place of business to be issued a license.

(k) Dealers required under the provisions of this act to maintain an established place of business shall own or have leased and use sufficient lot space to display vehicles or mobile homes at least equal in number to the number of dealer license plates the dealer has had assigned.

(l) A sign with durable lettering at least 10 inches in height and easily visible from the street identifying the established place of business must shall be displayed by each every vehicle dealer. Notwithstanding the other provisions of this subsection (1), the height of lettering of the required sign may be less than 10 inches as necessary to comply with local zoning regulations.

(m) If the established place of business or lot is zoned, approval must be secured from the proper zoning authority and proof that the use complies with the applicable zoning law, ordinance or resolution must be furnished to the director by the applicant for licensing.

(n) An established place of business, otherwise meeting the requirements of this act may be used by a dealer to conduct more than one business, provided that suitable space and facilities exist therein to properly conduct the business of a vehicle dealer.

(o) Any dealer selling, exchanging or transferring or causing to be sold, exchanged or transferred new vehicles or new mobile homes in this state must satisfactorily demonstrate to the director that such vehicle dealer or mobile home dealer has a bona fide franchise agreement or mobile home sales agreement with the first or second stage manufacturer or distributor of the vehicle or mobile home manufacturer, to sell, exchange or transfer the same or to cause to be sold, exchanged or transferred.

(p) The director of vehicles shall publish a suitable Kansas vehicle or mobile home salesman's manual. Before a vehicle or mobile home salesman's license is issued, the applicant for an original license or renewal thereof shall be required to pass a written examination based upon information in the manual.

Sec. 3. From and after January 1, 1986, K.S.A. 8-2406 is hereby amended to read as follows: 8-2406. (a) The annual fee for plates for a dealer shall be \$10 for each plate the first dealer license plate is \$250, and the annual fee for additional dealer license plates shall be an amount equal to the amount required to register a passenger vehicle having a gross weight of more than 3,000 pounds and less than 4,000 pounds. To determine the number of dealer license plates the dealer needs, the director may base the decision on the dealer's past sales, inventory and any other pertinent factors as the director may determine. After the end of the first year of licensure as a dealer, not more than one dealer license plate shall be issued to any dealer who has not reported to the division the sale of at least five motor vehicles in the preceding year. There shall be no refund of fees for dealer license plates in the event of suspension, revocation or voluntary cancellation of a license. The director is hereby authorized to designate by identifying symbols on a dealer's license plate the type of dealer's license that the person has been issued. If a dealer has an established place of business in more than one county, such dealer shall secure a separate and distinct dealer's license and dealer license plates, for each established place of business.

(b) New motor vehicle dealers and used motor vehicle dealers may authorize use of dealer license plates assigned to such motor vehicle dealers as follows:

(1) The licensed motor vehicle dealer and such dealer's spouse;

(2) ~~the corporate officers of the licensed motor vehicle dealer when such corporate officers are full-time employees thereof;~~

(3) (2) the sales manager and all other sales personnel when such manager and sales personnel are full-time employees thereof and are properly licensed in Kansas, except that no dealer license plate shall be assigned to sales personnel who are working at the established place of business of the dealer less than 20 hours per week;

(4) (3) any employee of such motor vehicle dealer when the use thereof is directly connected to a particular business transaction of such motor vehicle dealer;

(5) (4) the customer when operating a motor vehicle in connection with negotiations to purchase such motor vehicle or during a demonstration of such motor vehicle.

(c) A wholesaler dealer may authorize the use of dealer license plates on vehicles purchased by the wholesaler for resale to a retail vehicle dealer as follows:

(1) To transport or operate a vehicle to or from a licensed retail or wholesale vehicle dealer for the purpose of buying, selling, or offering or attempting to negotiate a sale of the vehicle to a licensed vehicle dealer;

(2) to deliver a vehicle purchased from the wholesale vehicle dealer to a purchasing vehicle dealer.

(d) Salvage vehicle dealers may use dealer license plates only on vehicles which they have purchased for salvage, including dismantling, disassembling or recycling.

(e) Insurance companies may use dealer license plates only on vehicles purchased or acquired for salvage in the course of business of the insurance company.

(f) Mobile home dealers may use dealer license plates only on mobile homes which they have purchased or own and are holding for resale.

(g) Lending agencies may use dealer license plates only

on vehicles which they have repossessed or are holding for disposition due to repossession.

(g) (h) Trailer dealers may use dealer license plates only on trailers which they have purchased or own and are holding for resale.

(h) (i) Brokers are not entitled to be assigned or to use any dealer license plates.

(i) (j) Except as provided above, dealer license plates shall be used only in accordance with the provisions of K.S.A. 8-136 and amendments thereto. This subsection (j) does not apply to section 4 or full-privilege license plates issued thereunder.

New Sec. 4. (a) When a first dealer license plate has been issued under K.S.A. 8-2406 and amendments thereto, the secretary of revenue may issue full-privilege license plates to a licensed manufacturer of or licensed dealer in vehicles. In no calendar year shall the secretary issue in excess of 10 such license plates to any licensed manufacturer or dealer.

(b) The annual fee for each full-privilege license plate shall be \$350.

(c) The secretary shall, upon application provided by the secretary and payment of the fee required in subsection (b), issue to the applicant appropriate passenger car or truck license plates. Each license plate so issued shall be a full-privilege license plate which shall expire on the January 31 next following its issuance.

(d) Subject to subsection (e), a full-privilege license plate may be used in lieu of regular vehicle registration and license plate. A full-privilege license plate may be transferred from one vehicle to another owned or in inventory of such manufacturer or dealer and may be assigned for use by any person, at the discretion of the manufacturer or dealer to whom it is issued. The person to whom a full-privilege license plate is assigned for use shall be only a person who is: (1) A member of the immediate family of the licensed manufacturer of or licensed dealer in vehicles; (2) a corporate officer of the licensed manufacturer of or licensed dealer in vehicles; or (3) an employee of the licensed manufacturer of or licensed dealer in vehicles.

(e) A full-privilege license plate shall not be used on a lease or rental vehicle. A full-privilege license plate shall not permit any vehicle to be operated or moved upon a highway to haul commodities weighing in excess of two tons. A full-privilege license plate shall not be used on a wrecker or tow truck when providing wrecker or towing service as defined by K.S.A. 1984 Supp. 66-1329 and amendments thereto.

(f) Fees received under this section shall be divided equally between the county treasurer in which the licensed manufacturer or dealer has its established place of business and the secretary of revenue. Amounts allotted to the secretary of revenue shall be deposited in the state treasury and credited to the vehicle dealers and manufacturers fee fund which fund is hereby created in the state treasury. Expenditures from the vehicle dealers and manufacturers fee fund shall be made on vouchers approved by the secretary of revenue, or a person designated by the secretary, for enforcement of the vehicle dealers and manufacturers licensing act in accordance with appropriations therefor. Amounts allotted to the county treasurers shall be credited to the county treasurers' vehicle licensing fee fund which fund is hereby created in the state treasury. Amounts due each county treasurer shall be paid quarterly from such fund upon vouchers approved by the secretary of revenue or a person designated by the secretary. Amounts received by each county treasurer shall be deposited, appropriated and used as provided by K.S.A. 8-145 and amendments thereto.

(g) The provisions of K.S.A. 8-136 and 8-2406 and amendments thereto shall not apply to full-privilege license plates or the use thereof.

(h) This section shall take effect and be in force from and after January 1, 1986.

New Sec. 5. Violation of K.S.A. 8-2406 and amendments thereto or section 4 is unlawful, and any person violating any provision thereof shall be subject to civil penalty of not less than \$350 and not to exceed \$1,000, as determined by the director of vehicles or a person appointed by the director after notice and hearing in accordance with rules and regulations adopted by the secretary of revenue. The provisions of this section shall not

affect the authority of the secretary of revenue or any officer of the department of revenue in enforcing any provision of the vehicle dealers and manufacturers licensing act, of which section 4 and this section shall be a part. This section shall take effect and be in force from and after January 1, 1986.

Sec. 6. K.S.A. 1984 Supp. 66-1,109 is hereby amended to read as follows: 66-1,109. This act shall not apply to:

(a) Transportation by motor carriers wholly within the corporate limits of a city or village in this state, or between contiguous cities or villages in this state or in this and another state, or between any city or village in this or another state and the suburban territory in this state within three miles of the corporate limits thereof, except that none of the exemptions specified in this subsection (a) shall apply to local wrecker carriers and none of such exemptions shall apply to motor carriers of passengers (other than motor carriers of passengers operating as a part of the general transit system serving any such city or village in this or another state) operating on regular routes and time schedules between any city or village in this or another state, and the suburban territory in this state;

(b) private motor carriers who operate within a radius of 25 miles beyond the corporate limits of such city or village;

(c) the owner of livestock or producer of farm products transporting livestock of such owner or farm products of such producer to market in a motor vehicle of such owner or producer, or the motor vehicle of a neighbor on the basis of barter or exchange for service or employment, or to such owner or producer transporting supplies for the use of such owner or producer in a motor vehicle of such owner or producer, or in the motor vehicle of a neighbor on the basis of barter or exchange for service or employment;

(d) persons operating motor vehicles used only to transport property when no common carrier is accessible, but when common-carrier service is available then this last exemption is limited to the transportation of such property from origin to the nearest practicable common-carrier receiving or loading point, or from a common-carrier unloading point by way of the shortest practicable route to destination, providing such motor vehicle does not pass a practicable delivery or receiving point of a common carrier equipped to transport said load, or when used to transport property from the point of origin to point of destination thereof when the destination of such property is less distant from the point of origin thereof than the nearest practicable common-carrier receiving or loading point equipped to transport such load;

(e) (1) the transportation of children to and from school, or (2) to motor vehicles owned by schools, colleges, and universities, religious or charitable organizations and institutions, or governmental agencies, when used to convey students, inmates, employees, athletic teams, orchestras, bands, etc.;

(f) a new vehicle dealer as defined by K.S.A. 8-2401 and amendments thereto when transporting property to or from the place of business of such dealer;

(g) motor vehicles carrying tools, property, or material belonging to the owner of said vehicle, and used in repair, building or construction work, not having been sold or being transported for the purpose of sale, lease, rent or bailment;

(h) persons operating motor vehicles which have an ad valorem tax situs in and are registered in the state of Kansas, and used only to transport grain from the producer to an elevator or other place for storage or sale for a distance of not to exceed 50 miles;

(i) the operation of hearses, funeral coaches, funeral cars, or ambulances by motor carriers;

(j) motor vehicles owned and operated by the United States, the District of Columbia, or any state, or any municipality, or any other political subdivision of this state, including vehicles used exclusively for handling U.S. mail;

(k) any motor vehicle with a normal seating capacity of not more than the driver and 16 adult passengers while used for vanpooling or otherwise not for profit in transporting persons who, as a joint undertaking, bear or agree to bear all the costs of such operations, or motor vehicles with a normal seating capacity of not more than the driver and 16 adult passengers for not-for-

(continued)

(Published in the KANSAS REGISTER, May 2, 1985.)

SENATE BILL No. 334

AN ACT concerning the state board of regents; authorizing a capital improvement project for a coliseum at Kansas state university; issuance of revenue bonds and financing therefor; amending K.S.A. 76-6a13, 76-6a15, 76-6a19 and 76-6a21 and repealing the existing sections.

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

New Section 1. (a) The state board of regents is hereby authorized, pursuant to subsection (c) of K.S.A. 76-6a13 and amendments thereto, to construct and equip a coliseum at Kansas state university.

(b) For the purpose of paying part of the costs of the capital improvement project to construct and equip a coliseum at Kansas state university, the state board of regents is authorized to issue revenue bonds pursuant to K.S.A. 76-6a12 *et seq.*

Sec. 2. K.S.A. 76-6a13 is hereby amended to read as follows: 76-6a13. As used in this act, unless the context otherwise requires:

(a) "Board" means the state board of regents or a board of regents of a municipal university or a board of education of a unified school district in any county having a population of more than ~~seven thousand two hundred fifty (7,250)~~ 7,250 and less than ~~nine thousand (9,000)~~ 9,000 in which there is located an area vocational-technical school campus, or the board of control of any such area vocational-technical school; or the board of trustees of any community junior college.

(b) "Institution" means and includes the university of Kansas, university of Kansas school of medicine at Kansas City, Fort Hays state university, Kansas state university of agriculture and applied science, Wichita state university, Emporia state university, Pittsburg state university, and the Kansas technical institute, together with all other state institutions of learning now or hereafter under the control and supervision of the state board of regents, any municipal university organized under the laws of Kansas, any community junior college, or any area vocational-technical school the buildings of which are located in a county having a population of more than ~~seven thousand two hundred fifty (7,250)~~ 7,250 and less than ~~nine thousand (9,000)~~ 9,000.

(c) "Building," when heretofore or hereafter constructed by the state board of regents for any institution under the jurisdiction control and supervision of the state board of regents, means and includes one or more dormitories, kitchens, dining halls, student union buildings, field houses, student hospitals, libraries, on-campus parking, or additions heretofore or hereafter erected in connection therewith, or any combination thereof, or any ~~stadia stadium~~, structure or facility when the same is deemed necessary by ~~said~~ the state board of regents to carry out the purposes of ~~said~~ the institution, or additions heretofore or hereafter erected in connection with ~~said~~ ~~stadia~~ such stadium, structure or facility. Before any revenue bonds may be issued by the state board of regents for construction of any structure or facility or additions erected in connection therewith as authorized by this section, such construction shall be authorized by appropriation or other act of the legislature.

(d) "Revenue bonds" means bonds issued hereunder for the purposes herein authorized and payable as to both principal and interest solely and only out of (1) the income and revenues arising from the operation of the building for which such bonds are issued, or (2) in the case of a building to be constructed for an institution under the control and supervision of the state board of regents and upon a determination by the state board of regents that the best interests of the state and the institution will be served thereby, the revenues derived from student fees levied for this purpose or for other bonds after such other bonds are retired, or both, (3) any combination of the revenues described in clause (1) or (2) and (4) in addition thereto to the revenues described in clauses (1), (2) or (3), in the discretion of the board, out of one or both of the following additional sources: (A) The proceeds of any grant in aid of such project which may be received from any source, and (B) the net income and revenues arising from the operation of another building already owned and operated by ~~said~~ the board and located on the same campus of the institution where the building for which bonds are to be issued will be located.

profit transportation by one or more employers of employees to and from the factories, plants, offices, institutions, construction sites or other places of like nature where such persons are employed or accustomed to work;

(l) motor vehicles used to transport water for domestic purposes or livestock consumption;

(m) transportation of sand, gravel, slag stone, limestone, crushed stone, cinders, calcium chloride, bituminous or concrete paving mixtures, blacktop, dirt or fill material to a construction site, highway maintenance or construction project or other storage facility and the operation of ready-mix concrete trucks in transportation of ready-mix concrete;

(n) the operation of a vehicle used exclusively for the transportation of solid waste, as the same is defined by K.S.A. 65-3402, and amendments thereto, to any solid waste processing facility or solid waste disposal area, as the same is defined by K.S.A. 65-3402, and amendments thereto;

(o) the transporting of vehicles used solely in the custom combining business when being transported by persons engaged in such business;

(p) the operation of vehicles used for servicing, repairing or transporting of implements of husbandry, as defined in K.S.A. 8-1427 and amendments thereto, by a person actively engaged in the business of buying, selling or exchanging implements of husbandry, if such operation is within 100 miles of such person's established place of business in this state; and

(q) transportation by taxi or bus companies operated exclusively within any city or within 25 miles of the point of its domicile in a city; and

(r) A vehicle being operated with a dealer license plate issued under K.S.A. 8-2406 and amendments thereto, and in compliance with K.S.A. 8-136 and acts amendatory thereof or supplemental thereto, and vehicles being operated with a full-privilege license plate issued under section 4.

Sec. 7. From and after January 1, 1986, K.S.A. 8-2406 and K.S.A. 1984 Supp. 8-2401 and 8-2404 are hereby repealed.

Sec. 8. K.S.A. 1984 Supp. 66-1,109 is hereby repealed.

Sec. 9. 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 13, 1985.

Senate adopted Conference Committee report April 11, 1985.

ROBERT V. TALKINGTON
President of the Senate.

LU KENNEY
Secretary of the Senate.

Passed the HOUSE as amended April 2, 1985.

House adopted Conference Committee report April 10, 1985.

MIKE HAYDEN
Speaker of the House.

GENEVA SEWARD
Chief Clerk of the House.

APPROVED April 23, 1985.

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 23rd day of April, 1985.

(SEAL)

JACK H. BRIER
Secretary of State.

(e) "Net income and revenue" means the income arising from the operation of a building remaining after providing for the costs of operation of such building and the costs of maintenance thereof.

(f) "Building," when heretofore or hereafter constructed by a board other than the state board of regents, means and includes one or more dormitories, kitchens, dining halls, student union buildings, field houses, student hospitals, libraries, on-campus parking, or additions heretofore or hereafter erected in connection therewith, or any combination thereof.

Sec. 3. K.S.A. 76-6a15 is hereby amended to read as follows: 76-6a15. (a) For the purpose of paying all or part of the cost of acquisition, equipment and furnishing of any such building, including the acquisition of a site therefor, or for all or part of the cost of rehabilitation of an existing building, including equipment and furnishings, the board is authorized to issue and sell revenue bonds as herein defined in an amount which it deems necessary for that purpose, and. At or prior to the issuance of such revenue bonds, the board:

(1) Shall pledge either the gross or the net income and revenues of such building or, *in the case of a building to be constructed by the state board of regents when the revenue bonds are to be financed in whole or in part by revenues derived from student fees and not by the gross or net income and revenues of such building, shall pledge the revenues to be derived from student fees, or any combination of such revenues,* to the payment of principal and interest of on such revenue bonds; and

(2) shall covenant to fix, maintain and collect such fees and charges for the use of such building, including a fee to be charged each enrolled student to whom the building is available for use for which ~~said~~ the revenue bonds are issued, or at the discretion of the state board of regents to each student enrolled for regular academic classes on the campus where such building is located, as will produce revenues sufficient to pay the reasonable cost of operating and maintaining such buildings, to provide and maintain an interest and sinking fund in an amount adequate to promptly pay both principal and interest on such bonds and to provide a reasonable reserve fund or, *in the case of a building to be constructed by the state board of regents when the revenue bonds are to be financed in whole or in part by the revenues derived from student fees and not by the gross or net income and revenues of such building, shall covenant to fix and impose or specify student fees as will produce revenues sufficient to provide and maintain an interest and sinking fund in an amount adequate to promptly pay both principal and interest on such bonds and to provide a reasonable reserve fund or any combination of any of such fees and charges as is appropriate under any combination of financing methods.*

(b) In the event the board shall ~~pledge~~ *pledges* the gross income and revenue of such building or *the revenue derived from student fees* to the payment of such bonds, it may agree to pay the cost of operation and maintenance of the building from any other revenues of the board legally available for such purpose.

(c) In addition to the revenues described in subsection (a), the board in its discretion may pledge to the payment of the principal and interest of on such revenue bonds either one or both of the following:

(a) (1) The proceeds of any grant in aid or the income therefrom of such building which may be received from any source whether such grant be *is* made directly or in trust; and or

(b) (2) the net income and revenue arising from the operation of another building as herein defined, already owned and operated by the board or institution.

(d) If any gift or grant ~~be~~ *is* made to or established in trust for any institution whereby such gift or grant or the income therefrom may be used to finance in whole or in part the acquisition, construction or equipping of any building or facility or the site thereof for such institution, which such building or facility shall have been found by the board of such institution to be of major importance to the institution in carrying on its work, whether or not such building or facility is of the kind or character defined in subsection (c) of K.S.A. 76-6a13 and amendments thereto, the

board of such institution is empowered to issue and sell revenue bonds for the purpose of acquiring, constructing or equipping such building or facility, including the site thereof, and to pay all or any part of the cost from the proceeds of such bonds and to pledge to the payment of such bonds:

(1) The net income from such gift, grant or trust ~~and in addition;~~

(2) the gross or net income and revenues of such building or facility ~~and;~~

(3) *the revenues derived from student fees in the case of a building to be constructed by the state board of regents when the revenue bonds are to be financed in whole or in part by revenues derived from student fees and not by the gross or net income and revenues of such building;*

(4) the net income and revenues arising from the operation of any other building or facility owned and operated by such board or institution; or

(5) *any combination thereof.*

(e) If more than one ~~(1)~~ series of bonds shall be ~~is~~ issued hereunder payable from the net income and revenues of any such building, priority of lien thereof on such net income and revenues shall depend on the provisions of the proceedings authorizing the issuance of such bonds, it being within the discretion of the board, at the time it authorized the first such series, to provide that:

(a) (1) Subsequent series of bonds payable from such net income and revenues may not be issued;

(b) (2) subsequent series of bonds shall be subordinate as to lien; or

(c) (3) subsequent series of bonds shall enjoy parity of lien if such conditions and restrictions as may be specified in such proceedings can be met.

Sec. 4. K.S.A. 76-6a19 is hereby amended to read as follows: 76-6a19. ~~That~~ (a) In order to secure the prompt payment of the principal and interest ~~upon~~ on such revenue bonds and the proper application of the revenue pledged thereto, the board is authorized by appropriate provisions in the resolution authorizing the bonds or in other resolutions:

(a) (1) To covenant as to the use and disposition of the proceeds of the sale of such bonds;

(b) (2) to covenant as to the operation of the building and the collection and disposition of the revenues derived from such operation;

(c) (3) to covenant as to the rights, liabilities, powers and duties arising from the pledge of any covenant and agreement into which it may enter in authorizing and issuing the bonds;

(d) (4) to covenant and agree to carry such insurance on the building and the use and occupancy thereof as may be considered desirable, and in its discretion to provide that the cost of such insurance shall be considered a part of the expense of operating the building;

(e) (5) to fix rents, charges and fees to be imposed in connection with and for the use of the building and the facilities supplied thereby, which rents, charges and fees shall be considered to be income and revenues derived from the operation of the building and are hereby expressly required to be fully sufficient to assure the prompt payment of principal and interest on the bonds as each becomes due, and to make and enforce such rules and regulations with reference to the use of the building and with reference to requiring any class or classes of students to use the building as it ~~may deem~~ *deems* desirable for the welfare of the institution and its students or for the accomplishment of the purposes of this act;

(f) (6) to covenant to maintain a maximum percentage of occupancy of the building;

(g) (7) *to covenant, in the case of a building to be constructed by the state board of regents when the revenue bonds are to be financed in whole or in part by revenues derived from student fees and not by the gross or net income and revenues of such building, to fix and impose or specify student fees, to pledge the revenues therefrom to assure the prompt payment of principal and interest on the bonds as each becomes due and to provide a reasonable reserve fund, to the extent such bonds are financed from student fees;*

(continued)

(8) to covenant against the issuance of any other obligations payable on a parity from the revenues to be derived from the building or from the revenues to be derived from student fees in the case of a building to be constructed by the state board of regents when the revenue bonds are to be financed in whole or in part by revenues derived from student fees and not by the gross or net income or revenues of such building;

(a) (9) to make covenants other than and in addition to those herein expressly mentioned of such character as may be considered necessary or advisable to effect the purposes of this act.

(b) All such agreements and covenants entered into by the board shall be binding in all respects upon the board and its officials, agents, employees, and upon its successors, and all such agreements and covenants shall be enforceable by appropriate action or suit at law or in equity which may be brought by any holder or holders of bonds issued hereunder against the board, or its officials, agents, employees, or its successors. The rents, charges and fees to be imposed under the provisions of this act shall not be limited by the provisions of any prior act.

Sec. 5. K.S.A. 76-6a21 is hereby amended to read as follows: 76-6a21. That (a) All income and revenues which are pledged to the payment of principal and interest on revenue bonds and which are derived from the operation of a building or buildings under the provisions of this act shall be deposited monthly in a bank, banks, or other depositories designated by the board and shall be applied solely to pay the reasonable cost of operating and maintaining such building, any expenses incurred which are associated with issuance and sale of the bonds, including applicable fiscal agency charges, and the principal and interest and reserve fund requirements on the bonds issued hereunder. As principal and interest on such bonds become due from time to time, and not less than fifteen 15 days prior to the payment date thereof, there shall be transmitted to the paying agent for the bonds, money from said the fund in an amount sufficient to pay the principal or interest so falling due. Said The fund and the money therein is hereby irrevocably pledged to such purposes.

(b) In the case of a building to be constructed for an institution under the control and supervision of the state board of regents for which the revenues derived from student fees are pledged to the payment of principal and interest on revenue bonds issued therefor, all revenues derived from such student fees shall be deposited monthly in a bank, banks or other depositories designated by the state board of regents and shall be applied solely to pay the reasonable cost of operating and maintaining such building, any expenses incurred which are associated with issuance and sale of the bonds, including applicable fiscal agency charges, and the principal and interest and reserve fund requirements on the bonds issued hereunder for the building. As principal and interest on such bonds become due from time to time, and not less than 15 days prior to the payment date thereof, there shall be transmitted to the paying agent for the bonds, money from the fund in an amount sufficient to pay the reasonable cost of operating and maintaining such building and the principal or interest so falling due. The fund and the money therein is hereby irrevocably pledged to such purposes.

Sec. 6. K.S.A. 76-6a13, 76-6a15, 76-6a19 and 76-6a21 are hereby repealed.

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

I hereby certify that the above BILL originated in the SENATE, and passed that body March 28, 1985.

ROBERT V. TALKINGTON
President of the Senate.
LU KENNY
Secretary of the Senate.

Passed the HOUSE April 13, 1985:

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

APPROVED April 25, 1985.

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, 1985.

(SEAL) JACK H. BRIER
Secretary of State.

(Published in the KANSAS REGISTER, May 2, 1985.)

HOUSE BILL No. 2016

AN ACT relating to antitrust liability; concerning municipal immunity; concerning liability for certain damages; amending K.S.A. 50-108, 50-115 and 50-801 and repealing the existing sections.

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

New Section 1. (a) When used in this section "municipality" means any city, county, township or other political or taxing subdivision of the state.

(b) The legislature of the state of Kansas recognizes the importance and the necessity of providing and regulating certain services and activities by municipalities in order to serve and protect the public's general health, safety and welfare. Municipalities which are authorized specifically by statute or through the exercise of the municipalities' home rule power are urged to continue to provide and regulate such services and activities. Except as provided in subsection (d), such municipalities and the officers and employees thereof shall be exempt from civil liability except for injunctive relief under the antitrust laws of the state of Kansas in article 1 of chapter 50 of the Kansas Statutes Annotated. The prevailing party in any suit for such injunctive relief may be awarded attorney fees. The bond requirements of K.S.A. 60-905, and amendments thereto, shall not be applicable in suits for injunctive relief brought against municipalities for violation of the antitrust laws of the state.

(c) The antitrust immunity and exemption provided by subsection (b) shall be in addition to any municipal exemption or immunity from antitrust liability which might otherwise exist.

(d) Nothing contained in this section shall preclude the attorney general or any county or district attorney from bringing an action against a municipality for a violation of the antitrust laws or any other laws of the state.

Sec. 2. K.S.A. 50-108 is hereby amended to read as follows: 50-108. Except as provided in section 1, any person, firm, company or corporation that may be damaged by any such agreement, trusts or combinations described in K.S.A. 50-101 and 50-102, and amendments thereto, may sue for and recover in any court of competent jurisdiction in this state, of any person, company or corporation operating such trust or combination, such damages as they have sustained, together with a reasonable attorney fee.

Sec. 3. K.S.A. 50-115 is hereby amended to read as follows: 50-115. Except as provided in section 1, any person or corporation injured or damaged by any such arrangement, contract, agreement, trust or combination, described in K.S.A. 50-112 and 50-113, and amendments thereto, may sue for and recover in any court of competent jurisdiction in this state, of any person or corporation, the full consideration or sum paid by such person for any goods, wares, merchandise and articles included in or advanced or controlled in price by said such combination, or the full amount of money so borrowed.

Sec. 4. K.S.A. 50-801 is hereby amended to read as follows: 50-801. (a) As used in this act, the term "person" means any individual, corporation, partnership, firm, company or other association of persons, and such term shall include the state of Kansas and any of its political subdivisions.

(b) Except as provided in section 1, any person who may be damaged or injured by any agreement, monopoly, trust, conspir-

acy or combination which is declared unlawful by any of the acts contained in chapter 50 of the Kansas Statutes Annotated, relating to unlawful acts, agreements, monopolies, trusts, conspiracies or combinations in restraint of trade, shall have a cause of action against any person causing such damage or injury. *Such action may be brought by any person who is injured in his business or property by reason of anything forbidden or declared unlawful by this chapter, regardless of whether such injured person dealt directly or indirectly with the defendant.* The plaintiff in any action commenced hereunder in the district court of the county wherein such plaintiff resides, or the district court of the county where of the defendant has his or her defendant's principal place of business, may sue for and recover treble the damages he or she has sustained. In addition, any person who is threatened with injury or additional injury by reason of any person's violation of said such acts may commence an action in such district court to enjoin any such violation, and any damages suffered may be sued for and recovered in the same action in addition to injunctive relief. *Any suit for injunctive relief against a municipality shall be subject to the provisions of section 1.*

(c) In any action commenced under this section, the plaintiff may be allowed reasonable attorneys' fees and costs. The remedies provided herein shall be alternative and in addition to any other remedies now provided by law.

Sec. 5. K.S.A. 50-108, 50-115 and 50-801 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 February 12, 1985.

House adopted Conference Committee report April 11, 1985.

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

Passed the SENATE as amended April 4, 1985.
Senate adopted Conference Committee report April 11, 1985.

ROBERT V. TALKINGTON
President of the Senate.
LU KENNEY
Secretary of the Senate.

APPROVED April 24, 1985.

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 24th day of April, 1985.

(SEAL) JACK H. BRIER
Secretary of State.

(Published in the KANSAS REGISTER, May 2, 1985.)

HOUSE BILL No. 2084

AN ACT concerning workers' compensation; relating to the liability of certain construction design professionals and employees thereof; amending K.S.A. 44-501 and K.S.A. 1984 Supp. 44-508 and repealing the existing sections.

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

Section 1. K.S.A. 44-501 is hereby amended to read as follows: 44-501. (a) If in any employment to which the workmen's compensation act applies, personal injury by accident arising out of and in the course of employment is caused to an employee, his or her the employer shall be liable to pay compensation to the employee in accordance with the provisions of the workmen's compensation act. In proceedings under the workmen's compensation act, the burden of proof shall be on the claimant to

establish his or her the claimant's right to an award of compensation by proving the various conditions on which his or her the claimant's right depends.

(b) Except as provided in the workmen's compensation act, no employer, or other employee of such employer, shall be liable for any injury for which compensation is recoverable thereunder under the workmen's compensation act nor shall an employer be liable to any third party for any injury or death of an employee which was caused under circumstances creating a legal liability against a third party and for which workmen's compensation is payable by such employer.

(c) Except for liability for medical compensation, as provided for in K.S.A. 44-510 and amendments thereto, the employer shall not be liable under the workmen's compensation act in respect of any injury which does not disable the employee for a period of at least one week from earning full wages at the work at which he or she the employee is employed.

(d) If it is proved that the injury to the employee results from the employee's deliberate intention to cause such injury, or from the employee's willful failure to use a guard or protection against accident required pursuant to any statute and provided for the employee, or a reasonable and proper guard and protection voluntarily furnished the employee by the employer, or substantially from the employee's intoxication, any compensation in respect to that injury shall be disallowed. The employer shall not be liable under the workmen's compensation act where the injury or death was substantially caused by the employee's use of any drugs, chemicals or any other compounds or substances, including but not limited to, any form or type of narcotic drugs, marijuana, stimulants, depressants or hallucinogens, except such drugs or medications which are available to the public without a prescription from a physician and which are used for the treatment of an illness, or which were obtained and used by the employee pursuant to and in accordance with such a prescription.

(e) Compensation shall not be paid in case of coronary or coronary artery disease or cerebrovascular injury unless it is shown that the exertion of the work necessary to precipitate the disability was more than the employee's usual work in the course of the employee's regular employment.

(f) Except as provided in the workmen's compensation act, no construction design professional who is retained to perform professional services on a construction project or any employee of a construction design professional who is assisting or representing the construction design professional in the performance of professional services on the site of the construction project, shall be liable for any injury resulting from the employer's failure to comply with safety standards on the construction project for which compensation is recoverable under the workmen's compensation act, unless responsibility for safety practices is specifically assumed by contract. The immunity provided by this subsection to any construction design professional shall not apply to the negligent preparation of design plans or specifications.

Sec. 2. K.S.A. 1984 Supp. 44-508 is hereby amended to read as follows: 44-508. As used in the workmen's compensation act:

(a) "Employer" includes any person or body of persons, corporate or unincorporate, and the legal representative of a deceased employer or the receiver or trustee of a person, corporation, association or partnership; and the state, or any department, agency or authority of the state, any city, county, school district, or other political subdivision or municipality or public corporation and any instrumentality thereof.

(b) "Workman" or "employee" or "worker" means any person who has entered into the employment of or works under any contract of service or apprenticeship with an employer. Such terms shall include but not be limited to: Executive officers of corporations; professional athletes; persons serving on a volunteer basis as duly authorized law enforcement officers, ambulance attendants, mobile intensive care technicians, firemen or firefighters, but only to the extent and during such periods as they are so serving in such capacities; persons employed by educational, religious and charitable organizations, but only to the extent and during the periods that they are paid wages by

(continued)

such organizations; persons in the service of the state, or any department, agency or authority of the state, any city, school district, or other political subdivision or municipality or public corporation and any instrumentality thereof, under any contract of service, express or implied, and every official or officer thereof, whether elected or appointed, while performing official duties; volunteers in any employment, if the employer has filed an election to extend coverage to such volunteers; and minors, whether such minors are legally or illegally employed. Any reference to an employee who has been injured shall, where the employee is dead, include a reference to the employee's dependents, to the employee's legal representatives, or, if the employee is a minor or an incapacitated person, to the employee's guardian or conservator. Unless there is a valid election in effect which has been filed as provided in K.S.A. 44-542a and amendments thereto, such terms shall not include individual employers, limited or general partners or self-employed persons.

(c) (1) "Dependents" means such members of the employee's family as were wholly or in part dependent upon the employee at the time of the accident.

(2) "Members of a family" means only surviving legal spouse and children; or if no surviving legal spouse or children, then parents or grandparents; or if no parents or grandparents, then grandchildren; or if no grandchildren, then brothers and sisters. In the meaning of this section, parents include stepparents, children include stepchildren, grandchildren include step-grandchildren, brothers and sisters include stepbrothers and stepsisters, and children and parents include that relation by legal adoption. In the meaning of this section, a surviving spouse shall not be regarded as a dependent of a deceased employee or as a member of the family, if the surviving spouse shall have for more than six months willfully or voluntarily deserted or abandoned the employee prior to the date of the employee's death.

(3) "Wholly dependent child or children" means:

(A) A natural or adopted child of the employee except such a child whose relationship to the employee has been severed by adoption;

(B) a stepchild of the employee who lives in the employee's household; or

(C) any other child who is actually dependent in whole or in part on the employee and who is related to the employee by marriage or consanguinity.

(d) "Accident" means an undesigned, sudden and unexpected event or events, usually of an afflictive or unfortunate nature and often, but not necessarily, accompanied by a manifestation of force. The elements of an accident, as stated herein, are not to be construed in a strict and literal sense, but in a manner designed to effectuate the purpose of the workmen's compensation act that the employer bear the expense of accidental injury to a worker caused by the employment.

(e) "Personal injury" and "injury" mean any lesion or change in the physical structure of the body, causing damage or harm thereto, so that it gives way under the stress of the worker's usual labor. It is not essential that such lesion or change be of such character as to present external or visible signs of its existence.

(f) The words "arising out of and in the course of employment" as used in the workmen's compensation act shall not be construed to include injuries to the employee occurring while the employee is on the way to assume the duties of employment or after leaving such duties, the proximate cause of which injury is not the employer's negligence. An employee shall not be construed as being on the way to assume the duties of employment or having left such duties at a time when the worker is on the premises of the employer or on the only available route to or from work which is a route involving a special risk or hazard and which is a route not used by the public except in dealings with the employer.

(g) "Burden of proof" means the burden of a party to persuade the trier of facts by a preponderance of the credible evidence that such party's position on an issue is more probably true than not true.

(h) "Director" means the director of workers' compensation as provided for in K.S.A. 75-5708 and amendments thereto.

(i) The words "physician," "surgeon" or "doctor" shall mean

and include any person licensed, by the proper licensing authority of this state, another state or the District of Columbia, to practice medicine and surgery, osteopathy, chiropractic, dentistry, optometry or podiatry.

(j) "Secretary" means the secretary of human resources.

(k) "Construction design professional" means any person who is an architect, professional engineer, landscape architect or land surveyor who has been issued a license by the state board of technical professions to practice such technical profession in Kansas or any corporation organized to render professional services through the practice of one or more of such technical professions in Kansas under the professional corporation law of Kansas or any corporation issued a certificate of authorization under K.S.A. 74-7036 and amendments thereto to practice one or more of such technical professions in Kansas.

Sec. 3. K.S.A. 44-501 and K.S.A. 1984 Supp. 44-508 are hereby repealed.

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

I hereby certify that the above BILL originated in the HOUSE, and passed that body March 7, 1985.

HOUSE concurred in SENATE amendments April 10, 1985.

MIKE HAYDEN

Speaker of the House.

GENEVA SEWARD

Chief Clerk of the House.

Passed the SENATE as amended April 4, 1985.

ROBERT V. TALKINGTON

President of the Senate.

LU KENNEY

Secretary of the Senate.

APPROVED April 23, 1985.

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 23rd day of April, 1985.

JACK H. BRIER

Secretary of State.

(SEAL)

(Published in the KANSAS REGISTER, May 2, 1985.)

HOUSE BILL No. 2087

AN ACT making and concerning appropriations for the fiscal years ending June 30, 1985, June 30, 1986, June 30, 1987, June 30, 1988, and June 30, 1989, for the department of administration, Wichita state university, adjutant general, Kansas state penitentiary, department of health and environment, mental health and retardation services, state historical society and Kansas state university; authorizing certain transfers, imposing certain restrictions and limitations, and directing or authorizing certain receipts and disbursements and acts incidental to the foregoing; amending section 11 of chapter 10, section 6 of chapter 13 and sections 52 and 65 of chapter 23 of the 1984 Session Laws of Kansas and repealing the existing sections.

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

Section 1. For the fiscal years ending June 30, 1985, June 30, 1986, June 30, 1987, June 30, 1988, and June 30, 1989, 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 ADMINISTRATION

(a) On the effective date of this act, the director of accounts and reports shall transfer \$550,000 from the state general fund to the state workmen's compensation self-insurance fund.

Sec. 3. On the effective date of this act, section 6 of chapter

13 of the 1984 Session Laws of Kansas is hereby amended to read as follows: Sec. 6.

WICHITA STATE UNIVERSITY

(a) The above agency is hereby authorized to initiate and complete a capital improvement project for an addition to and remodeling of Ablah library, subject to the restrictions and limitations imposed by this section.

(b) There is appropriated for the above agency from the Kansas educational building fund for the capital improvement project and for the fiscal years specified as follows:

Table with 2 columns: Description and Amount. Rows include 'Addition to and remodeling of Ablah library' for fiscal years 1985, 1986, 1987, 1988, and 1989.

(c) The appropriations made by this section shall not be subject to the provisions of K.S.A. 46-155 and amendments thereto.

Sec. 4.

ADJUTANT GENERAL

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 1985, the following:

Table with 2 columns: Description and Amount. Rows include 'Matching individual assistance grants' and 'State matching for public property assistance grants'.

Total \$171,969

Sec. 5. On the effective date of this act, section 65 of chapter 23 of the 1984 Session Laws of Kansas is hereby amended to read as follows: Sec. 65.

KANSAS STATE PENITENTIARY

(a) The above agency is hereby authorized to initiate and complete capital improvement projects to plan and construct medium-custody and support facilities, including remodeling of inside service building, to acquire and install manufactured housing to alleviate crowding in emergencies, including loose equipment and security capital improvements therefor, for water system improvements, for a needs analysis for new steam generating system, to replace locking system in B cellhouse and to renovate locking system in C cellhouse, for reconfiguration of electrical system and to renovate the upper level of the laundry building for additional bedspace, subject to the restrictions and limitations imposed by this section.

(b) There is appropriated for the above agency from the state general fund for the capital improvement projects and the following purposes and for the fiscal years specified as follows:

Correctional capital improvements For the fiscal year ending June 30, 1985 \$1,200,000

Provided, That expenditures may be made from this account prior to January 1, 1985, for a project to acquire and install manufactured housing to alleviate crowding in emergencies, including loose equipment and security capital improvements therefor. Provided further, That such project shall not be subject to the provisions of K.S.A. 1983 Supp. 75-5404 and amendments thereto requiring the convening of a negotiating committee for architectural services. And provided further, That the above agency is hereby authorized to negotiate and enter into contracts for such project. And provided further, That such contracts shall not be subject to the competitive bid requirements of K.S.A. 1983 Supp. 75-3739 to 75-3741, inclusive, and amendments thereto. Provided, however, That no expenditures shall be made from this account 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 proscribed in subsection (e) of K.S.A. 75-3711e and amendments thereto. And provided further, That after December 31, 1984, expenditures may be made from any unencumbered balance in this account to plan and construct medium-custody and support facilities, including remodeling of inside service building.

Plan and construct medium-custody and support facilities, including remodeling of inside service building For the fiscal year ending June 30, 1986 \$2,799,500

Provided, That any unencumbered balance in excess of \$100 as of June 30, 1985, in the correctional capital improvements account is hereby reappropriated to the plan and construct me-

Table with 2 columns: Description and Amount. Rows include 'medium-custody and support facilities, including remodeling of inside service building account for fiscal year 1986', 'Water system improvements', 'Needs analysis for new steam generating system', 'Replace locking system in B cellhouse and renovate locking system in C cellhouse', 'Reconfiguration of electrical system', and 'Operating expenditures'.

(c) The above agency is hereby authorized to initiate and complete and to negotiate and enter into contracts for a capital improvement project to renovate the upper level of the laundry building for additional bedspace and to make expenditures from the operating expenditures account of the state general fund for such project. Such contracts shall not be subject to the competitive bid requirements of K.S.A. 75-3739 to 75-3741, inclusive, and amendments thereto.

(d) On the effective date of this act, the position limitation established by section 3(b) of 1984 Senate Bill No. 495 for the Kansas state penitentiary is hereby increased from 431.5 to 443.5.

(e) On July 1, 1984, the position limitation established by section 12 of 1984 Senate Bill No. 552 for the Kansas state penitentiary is hereby increased from 525.5 to 537.5.

Sec. 6.

DEPARTMENT OF HEALTH AND ENVIRONMENT

(a) The expenditure limitation established by section 5 of chapter 14 of the 1984 Session Laws of Kansas on the federal migrant health program fund is hereby increased from \$100,000 to \$207,709.

Sec. 7. On the effective date of this act, section 11 of chapter 10 of the 1984 Session Laws of Kansas is hereby amended to read as follows: Sec. 11.

MENTAL HEALTH AND RETARDATION SERVICES

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

Table with 2 columns: Description and Amount. Rows include 'Operating expenditures', 'Aid for mental retardation programs in accordance with K.S.A. 65-4401 et seq.', 'Special purpose community mental health and retardation assistance grants', and 'Promotion of special olympics'.

(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:

Table with 2 columns: Description and Amount. Row includes 'Institutional receipts from title XIX—federal fund' with amount 'No limit'.

(continued)

under mental health and retardation services shall be credited to this fund: *Provided further*, That the moneys in this fund shall be used only for transfers to state institutions under the jurisdiction of mental health and retardation services, for expenditures for contractual services to provide for collecting additional payments under title XVIII and title XIX of the federal social security act, and for expenditures for annual premium surcharges required to be paid to the health care stabilization fund.

Mental health services and management block grant—federal fund.....	\$2,035,658
Developmental disabilities block grant—federal fund.....	0
Special projects fund.....	No limit
Developmental disabilities program—federal fund.....	410,760
Community mental health center construction fund—federal.....	0
Emergency maintenance fund.....	No limit

Provided, That all expenditures from this fund shall be for emergency maintenance and repair projects for buildings and grounds at state institutions specified in K.S.A. 76-6b04 and amendments thereto and under the jurisdiction of mental health and retardation services: *Provided further*, That the commissioner of mental health and retardation services is hereby authorized to make allocations to and to authorize expenditures from this fund by such state institutions for such projects approved by the commissioner: *Provided, however*, That no expenditures shall be made from this fund for any project which has been considered and specifically rejected by the legislature.

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

Institutional roof repair and replacement program.....	\$300,000
--	-----------

Provided, That mental health and retardation services is hereby authorized to transfer moneys from this account to a roof repair and replacement account for any institution under its jurisdiction.

Energy conservation project.....	100,000
----------------------------------	---------

Provided, That mental health and retardation services is hereby authorized to transfer moneys from this account to an energy conservation account for any institution under its jurisdiction.

Institutional major maintenance.....	1,256,600
--------------------------------------	-----------

Provided, That mental health and retardation services is hereby authorized to transfer moneys from this account to a major maintenance account for any institution under its jurisdiction: *Provided further*, That mental health and retardation services is hereby authorized to transfer moneys from this account to a major maintenance account for any facility under the jurisdiction of the commissioner of rehabilitation services: *And provided further*, That expenditures may be made from this account for the purchase of a telephone system for the youth center at Beloit: *Provided, however*, That no expenditures shall be made from this account for purchase of such telephone system except upon completion of the new phone system at the youth center at Atchison and 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.

Title XIX modifications and handicapped code compliance fund.....	175,000
---	---------

Provided, That mental health and retardation services is hereby authorized to transfer moneys from this account to a title XIX modifications and handicapped code compliance account for any institution under its jurisdiction.

Total.....	\$1,831,600
------------	-------------

(d) On July 1, 1984, the director of accounts and reports shall transfer \$100,000 from the state institutions building fund to the emergency maintenance fund of mental health and retardation services.

Sec. 8. On the effective date of this act, section 52 of chapter 23 of the 1984 Session Laws of Kansas is hereby amended to read as follows: Sec. 52.

STATE HISTORICAL SOCIETY

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

	Fiscal Year 1984	Fiscal Year 1985
Administration.....	\$22,925	
Repair and restoration of memorial building cornice.....		\$250,000 \$328,600

Provided, That no expenditures shall be made from this account 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.

Total.....	\$22,925	\$250,000 \$328,600
------------	----------	------------------------

(b) On October 1, 1984, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer \$13,918 from the all-sports hall of fame trust fund to the all-sports hall of fame fund.

(c) On the effective date of this act, of the \$1,245,705 appropriated for the above agency by section 7(a) of chapter 9 of the 1983 Session Laws of Kansas from the state general fund in the museum account, the sum of \$22,925 is hereby lapsed.

Sec. 9.

KANSAS STATE UNIVERSITY

(a) Expenditures may be made by the above agency from the southeast Kansas experiment station fee fund during fiscal year 1985 for the capital improvement project for barn replacement—southeast Kansas branch station, except that expenditures from such fund for such project during fiscal year 1985 shall not exceed \$10,000.

Sec. 10. *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 1984 regular session of the legislature or in any other appropriations act of the 1985 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. 11. *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. 12. On the effective date of this act, section 11 of chapter 10, section 6 of chapter 13 and sections 52 and 65 of chapter 23 of the 1984 Session Laws of Kansas are hereby repealed.

Sec. 13. *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 February 19, 1985.

HOUSE adopted Conference Committee report April 8, 1985.

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

Passed the SENATE as amended March 13, 1985.

SENATE adopted Conference Committee report April 5, 1985.

ROBERT V. TALKINGTON
President of the Senate.
LU KENNEY
Secretary of the Senate.

APPROVED April 22, 1985.

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, 1985.

JACK H. BRIER
Secretary of State.

(SEAL)

(Published in the KANSAS REGISTER, May 2, 1985.)

HOUSE BILL No. 2154

AN ACT making and concerning appropriations for the fiscal year ending June 30, 1985, for the department of administration, state finance council, state corporation commission, department of revenue—homestead property tax refunds, department of social and rehabilitation services, Kansas correctional institution at Lansing, state industrial reformatory, Kansas state penitentiary, department of health and environment, Norton state hospital, Winfield state hospital and training center, Rainbow mental health facility, state park and resources authority, Kansas state board of cosmetology, department on aging, mental health and retardation services, Topeka state hospital and youth center at Atchison; authorizing certain transfers, imposing certain restrictions and limitations, and directing or authorizing certain receipts and 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, 1985, 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 ADMINISTRATION

(a) On the effective date of this act, any unencumbered balance in each of the following accounts of the federal revenue sharing fund is hereby lapsed: Renovate heating, ventilating and air conditioning system, floors 1 and 12, state office building; renovate heating, ventilating and air conditioning system on two floors of the state office building; energy conservation measures with early payback.

Sec. 3.

STATE FINANCE COUNCIL

(a) On the effective date of this act, the director of accounts and reports shall transfer \$59,660 from the state general fund to the state emergency fund.

Sec. 4.

STATE CORPORATION COMMISSION

(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:

Motor carrier safety assistance—federal fund \$93,000

(b) The expenditure limitation established by the state finance council on the conservation fee fund is hereby increased from \$3,116,045 to \$3,200,609.

(c) The expenditure limitation established by the state finance council on the salaries and wages account of the conservation fee fund is hereby increased from \$2,182,641 to \$2,207,205.

(d) The expenditure limitation established by the state finance council on the salaries and wages account of the abandoned mined-land reclamation act—federal fund is hereby decreased from \$124,261 to \$113,418.

(e) 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 \$93,553 to \$98,975.

(f) 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 \$115,566 to \$120,987.

Sec. 5.

DEPARTMENT OF REVENUE—HOMESTEAD PROPERTY TAX REFUNDS

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

Homestead tax refunds \$1,400,000

Sec. 6.

DEPARTMENT OF SOCIAL AND REHABILITATION SERVICES

(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:

Community work experience program—federal fund \$60,000

(b) The expenditure limitation established by the state finance council on the vocational rehabilitation of disabled persons fund—federal is hereby increased from \$8,712,234 to \$8,738,384.

(c) The expenditure limitation established by section 4(b) of chapter 14 of the 1984 Session Laws of Kansas on the juvenile justice and delinquency act fund—federal is hereby increased from \$1,584,322 to \$1,606,811.

(d) The expenditure limitation established by section 4(b) of chapter 14 of the 1984 Session Laws of Kansas on the vocational rehabilitation—independent living program—federal fund is hereby increased from \$252,480 to \$388,038.

(e) The expenditure limitation established by the state finance council on the job search for food stamp recipients—federal fund is hereby increased from \$144,030 to \$209,899.

(f) The expenditure limitation established by the state finance council on the alcohol, drug abuse and mental health block grant—federal fund is hereby increased from \$1,464,328 to \$1,499,021.

Sec. 7.

KANSAS CORRECTIONAL INSTITUTION AT LANSING

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

Operating expenditures \$11,330

Sec. 8.

STATE INDUSTRIAL REFORMATORY

(a) On the effective date of this act, of the \$11,500,209 appropriated for the above agency by section 8(a) of chapter 7 of the 1984 Session Laws of Kansas from the state general fund in the operating expenditures account, the sum of \$32,628 is hereby lapsed.

Sec. 9.

KANSAS STATE PENITENTIARY

(a) On the effective date of this act, any unencumbered balance in the following account of the federal revenue sharing fund is hereby lapsed: City of Lansing—Kansas state penitentiary waste water treatment project.

Sec. 10.

DEPARTMENT OF HEALTH AND ENVIRONMENT

(a) The expenditure limitation established by the state finance council on the federal title X family planning fund is hereby increased from \$957,000 to \$1,132,922.

(b) The expenditure limitation established by section 5(b) of chapter 14 of the 1984 Session Laws of Kansas on the refugee health program grant—federal fund is hereby increased from \$55,000 to \$80,000.

(c) The expenditure limitation established by section 5(b) of chapter 14 of the 1984 Session Laws of Kansas on the federal occupational health and safety statistics program fund is hereby increased from \$22,404 to \$24,804.

Sec. 11.

NORTON STATE HOSPITAL

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

Operating expenditures \$130,000

Sec. 12.

WINFIELD STATE HOSPITAL AND TRAINING CENTER

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

Operating expenditures \$60,000

Sec. 13.

RAINBOW MENTAL HEALTH FACILITY

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

Operating expenditures \$274,569

(continued)

Sec. 14.

STATE PARK AND RESOURCES AUTHORITY

(a) In addition to the capital improvement projects and other purposes for which expenditures may be made for fiscal year 1985 from the land and water conservation fund—state, as prescribed by section 4(b) of chapter 6 of the 1984 Session Laws of Kansas, the state park and resources authority is hereby authorized to make expenditures for fiscal year 1985 from such fund for the following purpose, subject to the expenditure limitation prescribed therefor:

State comprehensive outdoor recreation plan \$20,000

(b) In addition to the capital improvement projects and other purposes for which expenditures may be made for fiscal year 1985 from the state park and resources authority general fees fund, as prescribed by section 4(b) of chapter 6 of the 1984 Session Laws of Kansas, the state park and resources authority is hereby authorized to make expenditures for fiscal year 1985 from such fund for the following, subject to the expenditure limitation prescribed therefor:

Repair and modification of lake at Cheney state park—FY 1985 capital improvements \$10,000

Provided, That expenditures from this fund for repair and modification of lake at Cheney state park—FY 1985 capital improvements may be made pursuant to a contract which is hereby authorized to be negotiated and entered into by the above agency: Provided further, That such contract shall not be subject to the competitive bid requirements of K.S.A. 75-3739 to 75-3741, inclusive, and amendments thereto.

(c) The expenditure limitation established by the state finance council on the state operations account of the state park and resources authority general fees fund is hereby increased from \$1,731,101 to \$1,774,301.

(d) The expenditure limitation established by section 2(b) of 1985 House Bill No. 2529 on the irrigation well—Lake Meade state park —FY 1985 capital improvements account of the land and water conservation fund—state is hereby increased from \$19,000 to \$23,000.

Sec. 15.

KANSAS STATE BOARD OF COSMETOLOGY

(a) The expenditure limitation established by the state finance council on the cosmetology fee fund is hereby increased from \$240,774 to \$246,459.

Sec. 16.

DEPARTMENT ON AGING

(a) The expenditure limitation established by the state finance council on the advocacy grant—federal fund is hereby increased from \$49,956 to \$53,636.

Sec. 17.

MENTAL HEALTH AND RETARDATION SERVICES

(a) The expenditure limitation established by section 11(b) of chapter 10 of the 1984 Session Laws of Kansas on the developmental disabilities program—federal fund is hereby increased from \$410,760 to \$521,108.

Sec. 18.

TOPEKA STATE HOSPITAL

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

Operating expenditures \$60,000

(b) On the effective date of this act, of the \$115,871 appropriated for the above agency by section 12(a) of chapter 10 of the 1984 Session Laws of Kansas from the state general fund in the registered nurse training program account, the sum of \$100,500 is hereby lapsed.

Sec. 19.

YOUTH CENTER AT ATCHISON

(a) The expenditure limitation established by section 4(b) of chapter 10 of the 1984 Session Laws of Kansas on the elementary and secondary education fund—federal is hereby increased from \$58,405 to \$59,709.

Sec. 20. Appeals to exceed limitations. Upon written appli-

cation 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. 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 HOUSE, and passed that body March 21, 1985.

HOUSE adopted Conference Committee report April 13, 1985.

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

Passed the SENATE as amended April 9, 1985.

SENATE adopted Conference Committee report April 13, 1985.

ROBERT V. TALKINGTON
President of the Senate.
LU KENNEY
Secretary of the Senate.

APPROVED April 25, 1985.

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, 1985.

(SEAL)

JACK H. BRIER
Secretary of State.

(Published in the KANSAS REGISTER, May 2, 1985.)

HOUSE BILL No. 2179

AN ACT concerning cities; relating to the appointment, election and removal of certain officers; amending K.S.A. 13-304, 13-305, 13-1806, 14-1305, 15-204 and 15-1405 and repealing the existing sections.

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

Section 1. K.S.A. 15-204 is hereby amended to read as follows: 15-204. The mayor, with the consent of the council, may appoint, at the first regular meeting of the governing body in May of each year, the following city officers; to wit: A municipal judge of the municipal court, a clerk, a treasurer, a marshal-chief of police, policemen, street commissioner, law enforcement officers and such other officers as deemed necessary; and may retain a licensed professional engineer to act in the capacity of city engineer for specifically defined duties. Such officers shall hold their respective offices until their successors have been appointed and qualified. The duties and pay of the various officers provided for in this section shall be regulated by ordinance. A majority of all the members of the council may remove any such officer; or, for good cause, the mayor may remove any such officer, with the consent of the council. Any officer may be removed by a majority vote of the total membership elected or appointed to the council and may be suspended at any time by the mayor.

Sec. 2. K.S.A. 13-304 is hereby amended to read as follows: 13-304. At the election held in each odd-numbered year, in all cities of the first class governed by the mayor-council form of government, there shall be elected a mayor from the city at large and two councilmembers from each ward. All officers shall hold their offices for two years and until their successors are elected and qualified.

In case of a vacancy occurring by reason of resignation, death, or removal from office or from the ward in which the councilmember had been elected, the mayor, by and with the consent of

the remaining councilmembers, may appoint a suitable elector residing in the ward to fill the vacancy until the next election for councilmembers for the balance of the unexpired term of such office.

Sec. 3. K.S.A. 13-305 is hereby amended to read as follows: 13-305. All officers elected shall be qualified electors of such city, and the removal from such city of any officer shall ~~occasion~~ create a vacancy in such office. In case of any vacancy occurring by death, resignation, or removal of any officer elected under the provisions of this act, the mayor, by and with the consent of the council, shall fill such vacancy by appointment, until the next city election for the balance of the unexpired term of such office. In case of any vacancy in any appointive office the mayor, by and with the consent of the council, shall fill such vacancy for the unexpired term for which his or her such person's predecessor was appointed. The clerk shall enter every appointment to office and the date thereof on the journal.

Sec. 4. K.S.A. 13-1806 is hereby amended to read as follows: 13-1806. In case of any vacancy from any cause in the offices of mayor or any commissioner, the board of commissioners shall, by a majority vote of all the remaining members thereof, shall elect some eligible person to serve in such capacity until the next city general election. In any case where on or before the effective date of this act a person has been elected by said board to fill a vacancy, such person shall serve until the next city general election following said effective date for the balance of the unexpired term of such office. In case the remaining members of the board of commissioners cannot agree upon some such eligible person, they shall call in the city attorney who shall cast the decisive vote for such appointment. The resignation of the mayor or any commissioner elected under this act shall be made in writing to the board of commissioners for their action thereon. If the mayor or any commissioner shall remove from the territorial limits of such city, such removal shall *ipso facto* be deemed to create a vacancy in his or her such person's office. The board of commissioners shall elect by ballot, by a majority vote of all the members thereof, one of their number, whose official title shall be "president of the board of commissioners."

The president of the board of commissioners shall preside at all meetings of said the board, in the absence of the mayor, and shall be invested with all the powers and shall perform all the duties of the mayor of such city during such absence. In the absence of both the mayor and the president of the board of commissioners, the remaining commissioners may select one of their number who shall become "acting president of the board of commissioners." The acting president of the board of commissioners shall have all the powers of the president of the board of commissioners belonging to such office in the absence of the mayor.

Sec. 5. K.S.A. 14-1305 is hereby amended to read as follows: 14-1305. In case of any vacancy from any cause in the office of mayor or any commissioner, the remaining members of the said board of commissioners shall within ~~ten~~ (10) 10 days after the occurrence of said the vacancy shall elect some suitable person to fill said the vacancy until the next city election, at which time a successor shall be elected to fill the unexpired term, provided there is any portion of said term unexpired, and in case such for the balance of the unexpired term of such office. If the remaining members cannot agree upon some such suitable person, then they shall call in the then city attorney who shall cast the decisive vote for such appointment. The resignation of the mayor or any commissioner elected under this act shall be made in writing for their action thereon. If the mayor or any commissioner shall remove from the territorial limits of said the city, such removal shall *ipso facto* be deemed to create a vacancy in his or her such person's office.

Sec. 6. K.S.A. 15-1405 is hereby amended to read as follows: 15-1405. In case of any vacancy from any cause in the office of mayor or any commissioner, the remaining members of said the board of commissioners shall, within ~~ten~~ 10 days after the happening of such vacancy, shall elect some suitable person to fill the unexpired term until the next city election, and in case such the vacancy for the balance of the unexpired term of such office. If the remaining members cannot agree upon some such suitable

person, then they shall call in the then city attorney, who shall cast the decisive vote for such appointment.

The resignation of the mayor or any commissioner elected under this act shall be made in writing to the board of commissioners for their action thereon. If the mayor or any commissioner shall remove from the territorial limits of such city, such removal shall, *ipso facto*, be deemed to create a vacancy in his or her such person's office.

Sec. 7. K.S.A. 13-304, 13-305, 13-1806, 14-1305, 15-204 and 15-1405 are hereby repealed.

Sec. 8. 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 4, 1985.

HOUSE concurred in SENATE amendments April 11, 1985.

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

Passed the SENATE as amended April 5, 1985.

ROBERT V. TALKINGTON
President of the Senate.
LU KENNEY
Secretary of the Senate.

APPROVED April 24, 1985.

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 24th day of April, 1985.

(SEAL) JACK H. BRIER
Secretary of State.

(Published in the KANSAS REGISTER, May 2, 1985.)

HOUSE BILL No. 2547

AN ACT relating to the taxation of mineral production; establishing certain exceptions to confidentiality requirements regarding information received in the administration thereof; establishing certain reporting requirements; amending K.S.A. 75-5133 and 79-4221 and repealing the existing sections.

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

Section 1. K.S.A. 75-5133 is hereby amended to read as follows: 75-5133. (a) Except as otherwise more specifically provided by law, all information received by the director of taxation from applications for licensure or registration made or returns or reports filed under the provisions of any law imposing any excise tax administered by the director, or from any investigation conducted under such provisions, shall be confidential, and it shall be unlawful for any officer or employee of the department of revenue to divulge any such information except in accordance with other provisions of law respecting the enforcement and collection of such tax, in accordance with proper judicial order and as provided in K.S.A. 74-2424, and amendments thereto.

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

(continued)

(c) Notwithstanding the foregoing provisions of this section, the director of taxation may provide such information from returns and reports filed under article 42 of chapter 79 of the Kansas Statutes Annotated to county appraisers as is necessary to insure proper valuations of property. Information from such returns and reports may also be exchanged with any other state agency administering and collecting conservation or other taxes and fees imposed on or measured by mineral production.

(d) Any person receiving any information under the provisions of this subsection (b) or (c) of this section shall be subject to the confidentiality provisions of subsection (a) of this section and to the penalty provisions of subsection (e) (e) of this section.

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

Sec. 2. K.S.A. 79-4221 is hereby amended to read as follows: 79-4221. (a) Every purchaser or operator responsible for remitting the tax imposed under the provisions of K.S.A. 79-4217, and amendments thereto, on or before the 20th day of the second month following the end of every calendar month in which coal, salt, oil or gas is removed from the lease or production unit or mine, shall make a return to the director upon forms prescribed and furnished by the director showing the gross quantity of coal, salt, oil or gas purchased during the month for which the return is filed, the price paid therefor, the correct name and address of the operator or other person from whom the same was purchased, a full description of the property in the manner prescribed by the director from which such coal, salt, oil or gas was severed and the amount of tax due. Such return shall be accompanied by a remittance of the full amount of the tax due. For the purposes of determining the amount of tax to be remitted, such purchaser or operator shall compute the full amount of the tax due under K.S.A. 79-4217, and amendments thereto, upon all coal, salt, oil or gas severed and removed from the lease or production unit or mine during such month and shall deduct an amount equal to the full amount of the tax credit allowed pursuant to K.S.A. 79-4219, and amendments thereto.

(b) If coal, salt, oil or gas is removed from the lease or production unit or mine but not sold to a purchaser or if the operator elects to remit the tax as authorized under K.S.A. 79-4220, and amendments thereto, or the operator is required to remit the tax pursuant to K.S.A. 79-4220, and amendments thereto, the operator shall on or before the 20th day of the second month following the end of every calendar month in which coal, salt, oil or gas is removed from the lease or production unit or mine make a return to the director upon forms prescribed and furnished by the director showing the gross quantity of coal, salt, oil or gas removed during such month and a full description of the property in the manner prescribed by the director from which the same was severed. If the coal, salt, oil or gas has been sold, such return shall be accompanied by a remittance of the full amount of tax due. If the coal, salt, oil or gas has not been sold the operator shall remit the full amount of the tax due upon certification of the amount thereof by the director. The amount of taxes to be remitted shall be determined in the same manner prescribed for remittances by purchasers or operators under subsection (a) of this section.

(c) Each monthly return required hereunder shall be filed on separate forms as to product and county and lease, production unit or mine. All such monthly returns shall be signed by the purchaser or operator, as the case may be, or a duly authorized agent thereof.

(d) The director may grant a reasonable extension of time for filing any return and remittance of taxes due under this act upon good cause shown therefor. Interest shall be charged at the rate prescribed by subsection (a) of K.S.A. 79-2968, and amendments thereto, for the period of such extension.

(e) The reporting requirements of this section shall be applicable to the severance and production in this state of all gas which is metered and all coal, salt and oil regardless of whether the severance and production thereof is subject to or exempt from the tax imposed by K.S.A. 79-4217, and amendments thereto.

Sec. 3. K.S.A. 75-5133 and 79-4221 are hereby repealed.

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

I hereby certify that the above BILL originated in the HOUSE, and passed that body March 13, 1985.

HOUSE concurred in SENATE amendments April 10, 1985.

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

Passed the SENATE as amended March 27, 1985.

ROBERT V. TALKINGTON
President of the Senate.
LU KENNEY
Secretary of the Senate.

APPROVED April 23, 1985.

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 23rd day of April, 1985.

JACK H. BRIER
Secretary of State.

(Published in the KANSAS REGISTER, May 2, 1985.)

HOUSE BILL No. 2568

AN ACT concerning issuance of refunding revenue bonds; amending K.S.A. 76-6a18 and repealing the existing section.

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

Section 1. K.S.A. 76-6a18 is hereby amended to read as follows: 76-6a18. (a) The board may issue revenue bonds hereunder under this section for the purpose of refunding outstanding revenue bonds theretofore issued hereunder under K.S.A. 76-6a13 to 76-6a35, inclusive, and amendments thereto or may issue revenue bonds hereunder under this section for the combined purposes of refunding such outstanding revenue bonds theretofore issued hereunder and the acquisition, equipment and furnishing of additions, improvements or extensions to such building or buildings or for the acquisition, equipment and furnishing of additional buildings. Bonds issued hereunder under this section solely for refunding purposes and any bonds issued for other purposes under the provisions of K.S.A. 76-6a13 to 76-6a35, inclusive, and amendments thereto which are issued in combination with bonds issued under this section for refunding purposes may either be sold as above provided in K.S.A. 76-6a17 at public or private sale at such price as the board may determine or. Bonds issued under this section for refunding purposes may be delivered in exchange for the outstanding bonds being refunded; or, if sold, the proceeds either may be either applied to the payment of the bonds refunded or may be deposited in escrow for the retirement thereof.

No bonds may be refunded hereunder unless they either mature or are callable for redemption under their terms within twelve months from the date of the issuance of refunding bonds or unless such outstanding bonds are surrendered voluntarily to their holders at the time of issuance of such refunding bonds.

(b) All bonds issued under this section shall in all respects be authorized, issued and be secured in the manner provided for other bonds issued under this act K.S.A. 76-6a13 to 76-6a35, inclusive, and amendments thereto and shall have all of the attributes of such bonds. The board may provide that any such refunding bonds shall have the same priority of lien on the revenues pledged for their payment as that was enjoyed by the obligations refunded thereby.

Sec. 2. K.S.A. 76-6a18 is hereby repealed.

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

I hereby certify that the above BILL originated in the HOUSE, and passed that body April 1, 1985.

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

Passed the SENATE April 11, 1985.

ROBERT V. TALKINGTON
President of the Senate.
LU KENNEY
Secretary of the Senate.

APPROVED April 23, 1985.

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 23rd day of April, 1985.

JACK H. BRIER
Secretary of State.

(Published in the KANSAS REGISTER, May 2, 1985.)

HOUSE BILL No. 2613

AN ACT concerning the department of social and rehabilitation services; relating to settlement of a civil lawsuit; making and concerning appropriations for the fiscal year ending June 30, 1986; providing for financing and authorizing certain disbursements; imposing certain conditions, restrictions and limitations related thereto.

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

Section 1.

DEPARTMENT OF SOCIAL AND REHABILITATION SERVICES

(a) There is appropriated for the above agency from the following special revenue fund for the fiscal year ending June 30, 1986, all moneys now or hereafter lawfully credited to and available in such fund, except that expenditures shall not exceed the following:

Adult care homes lawsuit settlement fund. \$12,000,000

(b) On July 1, 1985, the director of accounts and reports shall transfer \$12,000,000 from the state general fund to the adult care homes lawsuit settlement fund if the adult care homes lawsuit settlement fund does not have an unencumbered balance of \$12,000,000 or more as of June 30, 1985.

Sec. 2. To provide the moneys for the purposes of the payment of all claims in the lawsuit specified in section 3 in accordance with the settlement agreement, the pooled money investment board is authorized and directed to loan \$12,000,000 to the secretary of social and rehabilitation services, except that no such loan shall be made unless the terms thereof have been approved by 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. The terms of such loan shall provide for repayment on or before July 1, 1988. The pooled money investment board is authorized and directed to use any moneys in the active accounts, inactive accounts or time deposits, open accounts, of the state of Kansas to provide the funds for such loan. Such loan shall bear interest at a rate equal to the interest rate being paid on state inactive account moneys at the time of the making of such loan. The loan principal and interest thereon shall be payable solely from revenues credited to the adult care homes settlement fund, as provided by appropriations

acts or as otherwise provided by law. Such loan shall not be deemed to be an indebtedness or debt of the state of Kansas within the meaning of section 6 of article 11 of the constitution of the state of Kansas. All such moneys shall be credited to the adult care homes lawsuit settlement fund.

Sec. 3. (a) There is hereby created in the state treasury the adult care homes lawsuit settlement fund. Moneys credited to the adult care homes lawsuit settlement fund shall be used only for (1) the payment in settlement and full satisfaction of all claims against the secretary and the state of Kansas arising out of Country Club Home, Inc., et al. vs. Robert C. Harder, as Secretary of Social and Rehabilitation Services, case number 81-CV-1041, in the district court of Sedgwick County, Kansas, in accordance with a settlement agreement approved by the court and shall not be used for payment of any judgments entered on any individual claims except as they are a part of the settlement of the entire lawsuit and all claims and judgments arising from this litigation, and (2) the repayment of the loan as provided by the loan agreement approved under section 2.

(b) Payment made in settlement and full satisfaction of the lawsuit specified in subsection (a) shall not waive any rights the state may have in the matter to reimbursement from the federal department of health and human services or its successor agency. All amounts received from the federal department of health and human services or its successor agency for reimbursement of amounts paid in settlement and full satisfaction of the lawsuit specified in subsection (a) shall be deposited in the state treasury and credited to the adult care homes lawsuit settlement fund.

Sec. 4. 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. 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 April 12, 1985.

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

Passed the SENATE April 12, 1985.

ROBERT V. TALKINGTON
President of the Senate.
LU KENNEY
Secretary of the Senate.

APPROVED April 25, 1985.

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, 1985.

JACK H. BRIER
Secretary of State.

(Published in the KANSAS REGISTER, May 2, 1985.)

HOUSE BILL NO. 2615

AN ACT concerning state officers and employees; relating to salaries and compensation; authorizing and providing for certain increases; placing certain job classes in the unclassified service under the Kansas civil service act; making appropriations for the fiscal year ending June 30, 1986, and authorizing certain transfers and adjustments in expenditure limitations therefor; amending K.S.A. 46-137a, 46-137b, 22-3708, 75-3101, 75-3104, 75-3108, 75-3110, 75-3111a, 75-3120k and 75-3120l and K.S.A. 1984 Supp. 40-102 and repealing the existing sections.

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

New Section 1. (a) The governor is hereby authorized and directed to modify the pay plan adopted pursuant to section 1 of chapter 318 of the 1984 Session Laws of Kansas in accordance with this section and the recommendations for proposed civil service pay plan revision which recommendations were submitted by a governor's message to the senate and the house of representatives on April 11, 1985, and to adopt such pay plan as so modified. The pay plan adopted by the governor under this subsection shall be the pay plan for the classified service under the Kansas civil service act and shall be effective on the first day of the first payroll period which is chargeable to the fiscal year ending on June 30, 1986. Such pay plan shall be subject to modification and approval as provided under K.S.A. 75-2938 and amendments thereto and to any enactments of the legislature applicable thereto. Each employee who will not otherwise receive an increase in compensation under the pay plan provided in this subsection shall receive an additional amount of compensation which shall be paid in two equal payments of \$102 each with the first payment on November 1, 1985, and the final payment on March 1, 1986. Each employee who will receive an increase in compensation under the pay plan provided in this subsection which is less than a 2.5% increase in the monthly amount in effect under the pay plan for the fiscal year ending June 30, 1985, and which is less than a \$204 increase in the annual amount in effect under the pay plan for the fiscal year ending June 30, 1985, shall receive an additional amount of compensation which shall be paid in two payments, each adjusted to the nearest whole dollar and equal in total to the difference between \$204 and the annual amount of increased compensation that such employee will receive under the pay plan provided in this subsection, with the first payment on November 1, 1985, and the final payment on March 1, 1986. Each such payment shall be in addition to all other compensation payable to state officers and employees pursuant to section 1 and shall be paid only to active full-time and regular part-time state officers and employees who are on the payroll of a state agency during the payroll period immediately preceding the payment date therefor. No employee who is in the unclassified service under the Kansas civil service act, who is a regular part-time employee whose employment requires less than 1,000 hours of work per year or who is a temporary or seasonal employee shall receive any payment of additional compensation under this subsection.

(b) (1) The governor, in the governor's discretion, is hereby authorized to modify or authorize the modification of the salaries of state officers and employees who are in the unclassified service under the Kansas civil service act and whose salaries are subject to approval by the governor under K.S.A. 75-2935b or 75-2935c and amendments thereto to provide for an average increase of 5.5% adjusted to the nearest dollar for each monthly payroll period or the equivalent increase for payroll periods other than monthly, effective on the first day of the first payroll period which is chargeable to the fiscal year ending on June 30, 1986.

(2) Except as otherwise provided by this subsection (b)(2), each elected state official of the executive branch of state government, including the state board of education and the state board of tax appeals, the state board of regents and the board of trustees of the Kansas public employees retirement system, in such official or board's discretion, is hereby authorized to modify or to authorize the modification of the salaries of the state officers and employees of such official or board who are in the unclassified service under the Kansas civil service act and whose salaries are not subject to approval by the governor under K.S.A.

75-2935b or 75-2935c and amendments thereto, to provide for an average increase of 5.5% adjusted to the nearest dollar for each monthly payroll period or the equivalent increase for payroll periods other than monthly, effective on the first day of the first payroll period which is chargeable to the fiscal year ending on June 30, 1986. The provisions of this subsection (b)(2) shall not apply to: (A) Any teaching employees of the Kansas state school for the visually handicapped or the Kansas state school for the deaf; or (B) any state officers or employees of educational institutions under the control and supervision of the state board of regents who are in the unclassified service under the Kansas civil service act.

(c) For purposes of K.S.A. 46-137a, 46-137b, 75-3111a and 75-3120l and amendments thereto, the adoption of the new classified service pay plan under subsection (a) shall be construed to constitute an increase in the rates of compensation of the pay plan for persons in the classified service under the Kansas civil service act for payroll periods chargeable to the fiscal year ending on June 30, 1986, and the average of the percentage increases in all monthly steps of the pay plan shall be construed to be 5.5%.

New Sec. 2. (a) Upon recommendation of the director of the budget, 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, except paragraph (3) of such subsection (c), is hereby authorized to increase expenditure limitations on special revenue funds and accounts established for the fiscal year ending on June 30, 1986, for the purpose of paying from such funds or accounts the proportionate share of the cost to such funds or accounts, including associated employer contributions, of: (1) The salary increases provided for by adoption of the pay plan and the payments of additional compensation under subsection (a) of section 1 and (2) the salary increases for unclassified state officers and employees provided for under subsection (b) of section 1.

(b) There is hereby appropriated from the state general fund for the state finance council, for the fiscal year ending on June 30, 1986, the sum of \$20,362,530 to be used for the purpose of paying the proportionate share of the cost to the state general fund, including associated employer contributions, of: (1) The salary increases resulting from adoption of the pay plan and the payments of additional compensation under subsection (a) of section 1; (2) the salary increases for unclassified state officers and employees provided for under subsection (b) of section 1; and (3) the salary increases provided by K.S.A. 22-3708, 75-3101, 75-3104, 75-3108 and 75-3110 and K.S.A. 1984 Supp. 40-102 as such statutes are amended by this act. To pay the proportionate share of the cost to the state general fund of each state agency of the executive branch of state government for such salary increases, upon recommendation of the director of the budget, 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, except paragraph (3) of such subsection (c), is hereby authorized and directed to transfer moneys from the appropriation made by this subsection to proper accounts created by state general fund appropriations for the fiscal year ending on June 30, 1986.

(c) Each state agency of the executive branch of state government which employs officers and employees who are receiving salary increases provided for by adoption of the pay plan or who are receiving payments of additional compensation under subsection (a) of section 1 or resulting from adoption of salary increases for unclassified state officers and employees provided for under subsection (b) of section 1 shall prepare and submit a budget estimate for such salary increases, and all amendments and revisions of such estimates, to the director of the budget. At the same time as each state agency submits such estimate, and all amendments and revisions thereof, each such state agency shall submit a copy of such estimate, and all amendments and revisions thereof, directly to the legislative research department.

Sec. 3. On and after June 18, 1985, all employees of the department of health and environment in the health officer II job

class, or any successor job class that may be approved under K.S.A. 75-2938 and amendments thereto and has substantially the same duties and responsibilities, shall be in the unclassified service under the Kansas civil service act.

Sec. 4. On and after June 18, 1985, all employees of the department of social and rehabilitation services in the coordinator of medical services job class, or any successor job class that may be approved under K.S.A. 75-2938 and amendments thereto and has substantially the same duties and responsibilities, shall be in the unclassified service under the Kansas civil service act.

Sec. 5.

LEGISLATIVE COORDINATING COUNCIL

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 1986, the following:

Legislative coordinating council—operations	\$12,362
Legislative research department—operations	68,073
Office of revision of statutes—operations	48,826
Total	\$129,261

Sec. 6.

LEGISLATURE

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 1986, the following:

Operations (including official hospitality)	\$529,940
---	-----------

Sec. 7.

DIVISION OF POST AUDIT

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 1986, the following:

Operations (including legislative post audit committee)	\$35,241
---	----------

Sec. 8.

JUDICIAL COUNCIL

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 1986, the following:

Judicial research	\$6,268
-------------------------	---------

Sec. 9.

JUDICIAL BRANCH

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 1986, the following:

Administration of justice—appellate operations	\$182,117
Administration of justice—district courts	2,112,091
Total	\$2,294,208

Sec. 10. *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 for such funds by the state finance council under this act.

Sec. 11. On June 18, 1985, K.S.A. 22-3708 is hereby amended to read as follows: 22-3708. Each of the members of the Kansas adult authority shall receive an annual salary in an amount fixed by the governor, which amount shall not be less than the salary authorized on January 1, 1979, for any member now serving and which amount shall not be diminished during such member's term of office. Such salary shall be payable in equal monthly installments and in addition thereto members

(a) (1) The annual salary of the chairperson of the Kansas adult authority shall be an amount equal to the annual salary paid by the state to a district judge designated as administrative judge; and

(2) the annual salary of each other member of the Kansas adult authority shall be an amount equal to the annual salary

paid by the state to an associate district judge designated as administrative judge.

(b) Members of the Kansas adult authority shall be allowed all actual traveling and necessary expenses incurred while in the discharge of official duties.

Sec. 12. On June 18, 1985, K.S.A. 1984 Supp. 40-102 is hereby amended to read as follows: 40-102. (a) There is hereby established and continued a separate and distinct a department to be known as the insurance department, which shall have a chief officer whose style of office shall be entitled the commissioner of insurance and who shall receive, except as otherwise provided in K.S.A. 75-3111a, and amendments thereto, an annual salary of ~~\$38,500~~ \$50,000, and such officer shall be charged with the administration of all laws relating to insurance, insurance companies and fraternal benefit societies doing business in this state, and all other duties which are or may be imposed upon such officer by law.

(b) The provisions of the Kansas sunset law apply to the office of commissioner of insurance and the insurance department established by this section and said such office and department are subject to abolition thereunder.

Sec. 13. On July 1, 1985, K.S.A. 46-137a is hereby amended to read as follows: 46-137a. In addition to the compensation provided for by K.S.A. 46-137b, 46-137e and K.S.A. 1980 Supp. 75-3212, and amendments thereto, each member of the legislature shall receive the following amounts:

(a) The sum of ~~forty dollars (\$40)~~ \$49 per calendar day for service at any regular or special session, except as otherwise provided in subsection (e);

(b) the sum of ~~fifty dollars (\$50)~~ \$50 per calendar day for subsistence allowance for any regular or special session of the legislature, except that if the amount allowable for the capital city of Kansas under applicable federal law and regulations to employees of the executive branch of the federal government for per diem expenses, while away from home but serving in the United States, is an amount which is greater than \$50, then each member of the legislature shall receive such greater amount per calendar day for subsistence allowance for any regular or special session of the legislature;

(c) an allowance of ~~four hundred dollars (\$400)~~ \$600 per calendar month, except for the months of January, February and March to defray expenses incurred between sessions of the legislature for postage, telephone, office and other incidental expenses; and

(d) an allowance for mileage in an amount equal to the rate per mile prescribed under the provisions of K.S.A. 1980 Supp. 75-3203a and amendments thereto multiplied by the number of miles traveled by the usual route in going to and returning from the member's place of residence for any regular or special session of the legislature. Such mileage shall be paid for not to exceed the equivalent of one trip for each full week occurring between convening and adjournment sine die in any regular or special session. The mileage allowance provided under the provisions of this subsection shall be fixed upon the basis of the rate prescribed by K.S.A. 1980 Supp. 75-3203a and amendments thereto but shall not be subject to the restrictions relating to the use of vehicles prescribed by K.S.A. 1980 Supp. 75-3203 and 75-3203a and amendments thereto but shall only be allowed for trips actually made. Compensation and subsistence allowance shall not be allowed under the provisions of subsections (a) and (b) of this section during any period in which the legislature is adjourned for more than two days, Sundays excepted; and

(e) whenever the rates of compensation of the pay plan for persons in the classified service under the Kansas civil service act are increased, the rate of compensation per calendar day for members of the legislature for service at any regular or special session of the legislature shall be increased by an amount,

(continued)

adjusted to the nearest dollar, computed by multiplying the average of the percentage increases in all monthly steps of such pay plan by the compensation per calendar day which is received pursuant to this section by members of the legislature for service at any regular or special session of the legislature and which is in effect prior to the effective date of such increase in the rates of compensation of the pay plan for persons in the classified service under the Kansas civil service act.

Sec. 14. On July 1, 1985, K.S.A. 46-137b is hereby amended to read as follows: 46-137b. (a) In addition to the compensation provided for by K.S.A. 46-137a and ~~K.S.A. 1980 Supp. 75-3212~~, and amendments to ~~either thereof thereto~~, and any other statute, and except as otherwise provided by subsection (b):

(1) The president of the senate and the speaker of the house of representatives shall each receive an allowance in the amount of ~~four thousand two hundred dollars (\$4,200)~~ \$8,285 per annum, payable monthly, during their terms of office as speaker and president, which compensation shall be for additional services performed in connection with discharging the duties assigned to the respective positions; and

(2) the speaker pro tem of the house of representatives, the vice president of the senate, *the assistant majority leaders of the senate and house of representatives and the assistant minority leaders of the senate and house of representatives* shall each receive an allowance in the amount of ~~one thousand eight hundred dollars (\$1,800)~~ \$4,228 per annum payable monthly during their respective terms of office *which compensation shall be for additional services performed in connection with discharging the duties assigned to the respective positions; and*

(3) the ~~majority and minority leaders of the senate and the house of representatives, and the chairman chairperson~~ of each of the senate and house committees on ways and means shall each receive an allowance in the amount of ~~three thousand two hundred and forty dollars (\$3,240)~~ \$6,663 per annum, payable monthly during their respective terms of office, which compensation shall be *for additional services performed in connection with discharging paid for services performed in carrying out the duties assigned to the respective elective and appointive positions; and*

(4) *the majority and minority leaders of the senate and the house of representatives shall each receive an allowance in the amount of \$7,474 per annum, payable monthly during their respective terms of office, which compensation shall be for additional services performed in connection with discharging the duties assigned to the respective positions.*

(b) *Whenever the rates of compensation of the pay plan for persons in the classified service under the Kansas civil service act are increased, for payroll periods chargeable to fiscal years commencing after June 30, 1986, the annual compensation of officers of the legislature specified in subsection (a) shall be increased by an amount, adjusted to the nearest dollar, computed by multiplying the average of the percentage increases in all monthly steps of such pay plan by the annual compensation of such officers as prescribed by subsection (a) or amounts computed in accordance with this subsection and which are in effect on the effective date of such increase in the rates of compensation of the pay plan for persons in the classified service under the Kansas civil service act.*

Sec. 15. On June 18, 1985, K.S.A. 75-3101 is hereby amended to read as follows: 75-3101. Except as otherwise provided in K.S.A. 75-3111a and amendments thereto, the governor of the state shall receive for services an annual salary of ~~\$49,500~~ \$65,000.

Sec. 16. On June 18, 1985, K.S.A. 75-3104 is hereby amended to read as follows: 75-3104. Except as otherwise provided in K.S.A. 75-3111a and amendments thereto, the secretary of state shall receive for services an annual salary of ~~\$30,250~~ \$50,000.

Sec. 17. On June 18, 1985, K.S.A. 75-3108 is hereby amended to read as follows: 75-3108. Except as otherwise provided in K.S.A. 75-3111a and amendments thereto, the state treasurer shall receive for services an annual salary of ~~\$30,250~~ \$50,000.

Sec. 18. On June 18, 1985, K.S.A. 75-3110 is hereby amended to read as follows: 75-3110. Except as otherwise provided in K.S.A. 75-3111a and amendments thereto, the attorney general shall receive for services an annual salary of ~~\$44,000~~ \$57,500.

Sec. 19. On June 18, 1985, K.S.A. 75-3120k is hereby amended to read as follows: 75-3120k. (a) The annual salary of district magistrate judges shall be paid in equal installments each payroll period in accordance with this section.

(b) Subject to the provisions of subsection (c) and except as otherwise provided in K.S.A. 75-3120l and amendments thereto, the annual salary of district magistrate judges shall be ~~\$21,146 for the payroll periods chargeable to the fiscal year ending June 30, 1984, and each fiscal year thereafter~~ \$26,000.

(c) The district magistrate judge in position one of Atchison county shall receive an annual salary equal to 1/2 of the annual salary provided for in subsection (b).

(d) No county may supplement the salary of, or pay any compensation to, any district magistrate judge.

Sec. 20. K.S.A. 75-3111a is hereby amended to read as follows: 75-3111a. (a) Whenever the rates of compensation of the pay plan for persons in the classified service under the Kansas civil service act are increased for payroll periods chargeable to fiscal years commencing after June 30, ~~1982~~ 1986, the annual salary of the governor, ~~the lieutenant governor,~~ the attorney general, the secretary of state, the state treasurer and the commissioner of insurance shall be increased by an amount, adjusted to the nearest dollar, computed by multiplying the average of the percentage increases in all monthly steps of such pay plan by the annual salary of the elected state officer which is being received as provided by law and which is in effect prior to the effective date of such increase in the rates of compensation of the pay plan for persons in the classified service under the Kansas civil service act.

(b) *Whenever the rates of compensation of the pay plan for persons in the classified service under the Kansas civil service act are increased for payroll periods chargeable to fiscal years commencing after June 30, 1985, the annual salary of the lieutenant governor shall be increased by an amount, adjusted to the nearest dollar, computed by multiplying the average of the percentage increases in all monthly steps of such pay plan by the annual salary of the lieutenant governor officer which is being received as provided by law and which is in effect prior to the effective date of such increase in the rates of compensation of the pay plan for persons in the classified service under the Kansas civil service act.*

Sec. 21. K.S.A. 75-3120l is hereby amended to read as follows: 75-3120l. (a) Whenever the rates of compensation of the pay plan for persons in the classified service under the Kansas civil service act are increased for payroll periods chargeable to fiscal years commencing after ~~July 1, 1982~~ June 30, 1985, the annual salary of the chief justice of the supreme court, each other justice of the supreme court, the chief judge of the court of appeals, each other judge of the court of appeals, each district judge, and each associate district judge and ~~each district magistrate judge~~ shall be increased by an amount, adjusted to the nearest dollar, computed by multiplying the average of the percentage increases in all monthly steps of such pay plan by the annual salary of the justice or judge which is being received as provided by law and which is in effect prior to the effective date of such increase in the rates of compensation of the pay plan for persons in the classified service under the Kansas civil service act.

(b) Whenever the rates of compensation of the pay plan for persons in the classified service under the Kansas civil service act are increased for payroll periods chargeable to fiscal years commencing after June 30, 1986, the annual salary of each district magistrate judge shall be increased by an amount, adjusted to the nearest dollar, computed by multiplying the average of the percentage increases in all monthly steps of such pay plan by the annual salary of the judge which is being received as provided by law and which is in effect prior to the effective date of such increase in the rates of compensation of the pay plan for persons in the classified service under the Kansas civil service act.

Sec. 22. If any provision or clause of this act or application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to this end the provisions of this act are declared to be severable.

Sec. 23. K.S.A. 75-3111a and 75-3120l are hereby repealed.

Sec. 24. On June 18, 1985, K.S.A. 22-3708, 75-3101, 75-3104, 75-3108, 75-3110 and 75-3120k and K.S.A. 1984 Supp. 40-102 are hereby repealed.

Sec. 25. On July 1, 1985, K.S.A. 46-137a and 46-137b are hereby repealed.

Sec. 26. 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 April 13, 1985.

HOUSE adopted Conference Committee report April 13, 1985.

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

Passed the SENATE as amended April 13, 1985.

SENATE adopted Conference Committee report April 13, 1985.

ROBERT V. TALKINGTON
President of the Senate.
LU KENNEY
Secretary of the Senate.

APPROVED April 24, 1985.

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 24th day of April, 1985.

(SEAL)

JACK H. BRIER
Secretary of State.

KANSAS REGISTER
Secretary of State
State Capitol
Topeka, Kansas 66612

Second Class
postage paid
at
Topeka, Kansas

**Use this form (or a copy of it) to enter a
SUBSCRIPTION**

_____ One-year subscriptions @ \$47.50 ea.

TOTAL ENCLOSED _____
(Make checks payable to Kansas Register)

SEND TO: _____
(Please, no
more than
4 address
lines.)

Zip code must be included

THIS SPACE FOR REGISTER OFFICE USE ONLY, PLEASE	
CODE _____	REC. NO. _____
EXPIRES _____	ENTERED BY _____

Mail Form With Payment to: Kansas Register, Secretary of State, State Capitol, Topeka, KS 66612

**Use this form (or a copy of it) for
CHANGE OF ADDRESS**

Remove your mailing label (above) and affix it here:

Indicate change or correction of name or address
here:

Mail to: Kansas Register, Secretary of State, State Capitol, Topeka, KS 66612