

KANSAS REGISTER



State of Kansas

JACK H. BRIER
Secretary of State

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Pages 225-264

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State of Kansas
DEPARTMENT OF REVENUE
LIQUOR LAW REVIEW COMMISSION

NOTICE OF MEETING

The Liquor Law Review Commission Subcommittee on Wholesalers will meet at 2:30 p.m. Friday, February 28, in the secretary's conference room, Department of Revenue, 2nd Floor, State Office Building, Topeka.

HERB ROHLEDER
 Chairman

Doc. No. 003941

State of Kansas
SOCIAL AND REHABILITATION SERVICES
DIVISION OF SERVICES
FOR THE BLIND
ADVISORY COMMITTEE

NOTICE OF MEETING

The Division of Services for the Blind Advisory Committee will meet at 10 a.m. Friday, March 7, in the Rehabilitation Center for the Blind conference room, 2516 W. 6th, Topeka.

RICHARD A. SCHUTZ
 Director, Division of
 Services for the Blind

Doc. No. 003933

State of Kansas
COFFEY COUNTY, KANSAS

REQUEST FOR BIDS
FOR DEMOLITION SERVICES

Coffey County Commissioners will take bids on February 24, 1986 at 3 p.m. for the demolition of the abandoned county jail in Burlington. Plans may be secured from OSSMANN & Associates, 921 Topeka Ave., Topeka 66612, (913) 233-6406.

CARL G. OSSMANN
 Architect

Doc. No. 003930

State of Kansas
FISH AND GAME COMMISSION

NOTICE OF MEETING

The Kansas Fish and Game Commission will meet at 7:30 p.m. Wednesday, February 26, in the Old Supreme Court Chambers, 3rd floor, south wing, State Capitol, Topeka. The south ground-floor entrance of the Capitol must be used to enter the building.

Items for discussion will include legislation, proposed expenditure of funds from the Milford Hatchery revenue bonds (water quality study), crappie limits, and general project updates. Commission action will be taken on possible acquisition of two tracts of land.

BILL HANZLICK
 Director

Doc. No. 003932

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PHONE: 913/296-3489

State of Kansas

KANSAS WATER AUTHORITY**NOTICE OF MEETING**

The March meeting of the Kansas Water Authority will be conducted March 6 and 7 in Room 206 of the Student Union Building, Kansas State University campus, Manhattan. The full Authority will convene at 1 p.m. Thursday, March 6, and if necessary will reconvene at 8:30 a.m. Friday, March 7, at the same location. Committees of the Kansas Water Authority will meet at the discretion of committee chairpersons, and times and locations of the meetings will be listed on the agenda for the March meeting of the Authority.

Persons not on the Kansas Water Authority's mailing list may request a copy of the agenda by contacting Dotty Kester, 109 S.W. 9th, Suite 200, Topeka 66612, (913) 296-3185.

H. PHILIP MARTIN
Chairman
Kansas Water Authority

Doc. No. 003945

State of Kansas

ADJUTANT GENERAL'S DEPARTMENT**PUBLIC NOTICE**

Pursuant to the issuance of the December 10, 1985 preliminary finding of no significant impact (FNSI), it has been determined that a final FNSI may be properly issued regarding the proposed construction of a track/vehicle washing facility. The construction is proposed for the mobilization and training equipment site located at Fort Riley, Kansas.

The final decision was preceded by a thorough and careful review of all relevant factors concerning the project. Such factors included the impact of the project upon the environment, local, regional and national economic benefits anticipated from the project and public comment. Alternatives to locating the project in other areas were also evaluated during and considered in the environmental assessment.

Due to the facts presented in this statement of findings, the construction of the MATES track/vehicle washing facility should proceed as planned.

Accordingly, this final FNSI is issued and a final decision not to prepare an environmental impact statement (EIS) has been made. As the comment period has expired, there is no hindrance to further administrative action.

RALPH T. TICE
Major General
Kansas Army National Guard
The Adjutant General

Doc. No. 003937

State of Kansas

KANSAS WATER AUTHORITY**PUBLIC NOTICE**

The Kansas Water Authority Research Committee's annual water research needs conference will be held April 9 in the State Historical Society Auditorium, 2nd Floor, 120 W. 10th, Topeka.

Comments and information received at the conference will be utilized by the research committee of the Authority in preparation of a rank ordering of 1986 research categories for submission to the Kansas Water Authority.

If you have water-related research needs, contact Dr. Darrel Eklund at the Kansas Water Office, 109 S.W. 9th, Suite 200, Topeka 66612, (913) 296-3185, for information regarding the format for written presentations. Deadline for submission is March 20. Persons submitting written presentations in support of their requests should be prepared to make a five to ten minute oral presentation and to respond to questions by the Kansas Water Authority Research Committee.

H. PHILIP MARTIN, Chairman
Kansas Water Authority

Doc. No. 003944

State of Kansas

**DEPARTMENT OF ADMINISTRATION
DIVISION OF ARCHITECTURAL SERVICES****NOTICE OF COMMENCEMENT
OF NEGOTIATIONS
FOR ENGINEERING SERVICES**

Notice is hereby given of the commencement of negotiations for a contract for an engineering study of boiler components in the power house and energy distribution systems at the Kansas State School for the Deaf, Olathe.

The study shall include a study of the boiler controls and components, electrical control panels, and energy distribution systems to determine if replacements are necessary, and if so, to prepare cost estimates.

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

Any questions or expressions of interest should be directed to Norman Moody, Division of Architectural Services, 625 Polk, Topeka 66603, (913) 233-9367, by March 7, 1986.

JOHN B. HIPPI, AIA
Director, Division of
Architectural Services

Doc. No. 003938

State of Kansas

BOARD OF EDUCATION**NOTICE OF HEARING**

The Kansas State Board of Education will conduct a public hearing at 1:30 p.m. Tuesday, March 11, in Room 121 of the Kansas State Education Building, 120 E. 10th, Topeka, to consider the proposed Kansas State Plan for Title VI-B, Education of the Handicapped Act for fiscal year 1987.

The proposed Title VI-B, Education for the Handicapped Program Plan is a compliance document which provides assurance that Kansas policies and procedures are in compliance with the Education of All Handicapped Children Act, P.L. 94-142, as amended. To be eligible for funding, a state must file a plan with Special Education Programs, U.S. Department of Education. Most of the content of the Kansas Part B, E.H.A. Plan for fiscal year 1987 has been approved by the board in the form of regulations or the State Plan for Special Education. The plan also includes procedures for the administration of Part B funds.

A copy of the plan may be obtained by contacting the secretary of the State Board of Education, Kansas State Education Building, 120 E. 10th, Topeka 66612, prior to the date of the hearing.

On the date of the hearing, all interested persons will be given a reasonable opportunity to present their views or arguments, either orally or in writing, on the plan. Individuals or organizations that cannot appear at the hearing may submit to the secretary of the State Board of Education, at least five days before the hearing, their views regarding the proposed plan. This may be done by letter, regular audio cassette tape, or one-half inch VHS video cassette tape. Audio or video cassette tapes shall not exceed three minutes in length and shall be accompanied by a signed transcript. Persons using tapes shall first identify themselves in the tapes and state whether they represent only themselves or whether they represent a group. All comments received will be considered by the board. The hearing shall be conducted in compliance with the public hearing procedures of the board.

KANSAS STATE BOARD OF EDUCATION

By: Robert J. Clemons
Chairman

Certified by: Dr. Harold L. Blackburn
Kansas Commissioner of Education

Doc. No. 003935

State of Kansas

**BOARD OF INDIGENTS'
DEFENSE SERVICES****NOTICE OF MEETING**

The State Board of Indigents' Defense Services will meet at 2 p.m. Friday, February 28, in Room 537, 503 Kansas Ave., Topeka.

Included on the board's agenda is the discussion of an allocation plan and formula for prorating payment of attorney claims pursuant to K.S.A. 1985 Supp. 22-4507(c).

For further information, contact Ron Miles, Director, 503 Kansas Ave., Suite 536, Topeka 66603, (913) 296-4505.

RONALD E. MILES
Director

Doc. No. 003926

State of Kansas

SOCIAL AND REHABILITATION SERVICES**NOTICE OF MEETING**

The Department of Social and Rehabilitation Services will meet at 9 a.m. Tuesday, March 4, in the Staff Development Training Center, 2700 W. 6th, Topeka.

The scheduled agenda includes:

- Initiate budget discussions for FY 1988 for Adult Services, Alcohol and Drug Abuse Services, Income Maintenance and Medical Services, Rehabilitation Services and Youth Services.

- Select issues from the public concerning budget matters.

- Solicit public input in regard to proposals concerning temporary administrative regulations.

- Adoption of State Economic Opportunity Office Weatherization Plan (Department of Energy).

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

ROBERT C. HARDER
Secretary of Social
and Rehabilitation Services

Doc. No. 003934

State of Kansas

ATTORNEY GENERAL

Opinion No. 86-12

Schools—Teachers' Contracts—Supplemental Salary Plan; Waiver of Certain Due Process Rights. Senator Leroy A. Hayden; 39th District, Satanta, February 5, 1986.

Session of 1984 Senate Bill 695 is constitutional. A teacher may voluntarily and knowingly waive his due process rights pursuant to K.S.A. 72-5438 through K.S.A. 72-5443 and K.S.A. 72-5446 by entering into an agreement with the board of education to participate in a supplemental salary plan. Cited herein: K.S.A. 60-2101; 72-5437; 72-5438; 72-5443; 72-5446. RLN

Opinion No. 86-13

State Departments; Public Officers and Employees—State Moneys—Security for Deposit of State Moneys. Joan Finney, State Treasurer, Topeka, February 6, 1986.

K.S.A. 1985 Supp. 75-4218 provides that all state bank accounts shall be secured by a pledge of securities owned by each bank receiving a deposit. The term "securities" is defined by K.S.A. 75-4201(p)(1) to include direct obligations of, or obligations that are insured by, the United States government or one of its agencies. By virtue of 12 U.S.C. § 2001 *et seq.*, federal land banks, land bank associations, production credit associations, intermediate credit banks and banks for cooperatives are "federally chartered instrumentalities." This term has been interpreted by courts in Kansas and elsewhere as not raising them to the level of federal agencies. Accordingly, under K.S.A. 75-4201 as it now reads, obligations of these federally chartered instrumentalities may not be pledged to secure the deposit of state funds in Kansas banks. However, due to a 1983 amendment to K.S.A. 1984 Supp. 19-1402, such obligations may be used as security for the deposit of *municipal* funds. Cited herein: K.S.A. 1985 Supp. 9-1402; K.S.A. 75-4201; K.S.A. 1985 Supp. 75-4218; L. 1983, ch. 47, § 3; 12 U.S.C. §§ 2011, 2012, 2031, 2033, 2071, 2072, 2091, 2093, 2121, 2122, 2155, 2157. JSS

Opinion No. 86-14

Automobiles and Other Vehicles—Driving Under Influence of Alcohol and Other Drugs—Alcohol and Drug Safety Action Fund Under Control of Municipal Court. Robert A. Thiessen, Administrative Judge for the Municipal Court for the City of Wichita, Wichita, February 6, 1986.

K.S.A. 1985 Supp. 8-1008 creates an alcohol and drug safety action fund for each court which enforces the provisions of K.S.A. 1985 Supp. 8-1567 or a municipal ordinance patterned after the statute. In the case of the municipal court of the city of Wichita, the fund is administered by the administrative judge. Insofar as the court itself has been designated as a community-based alcohol and drug safety action program by the administrative judge of the 18th Judicial

District [pursuant to K.S.A. 1985 Supp. 8-1008(b)], money from the fund may be expended by the court for personnel, equipment and facilities necessary to carrying out the provisions of this statute. In the absence of such designation by the administrative judge of the judicial district, the municipal court would be limited to the 10 percent expenditure limit included in subsection (e) of the statute, as noted in Attorney General Opinion No. 85-68. Cited herein: K.S.A. 1985 Supp. 8-1008, 8-1567. JSS

Opinion No. 86-15

Cities and Municipalities—Miscellaneous Provisions—Investments of Public Moneys by Governmental Subdivisions.

Banks and Banking—Banking Code; Deposit of Public Moneys—Designation of Depositories for Municipal Funds. Robert J. Watson, City Attorney, Overland Park, February 6, 1986.

K.S.A. 1985 Supp. 9-1401 requires the governing body of any municipality to designate the financial institutions which may serve as depositories of its funds. Eligible institutions include those which have home offices located in the county in which all or part of the municipality is located, provided that satisfactory security can be obtained for the deposits. This statute applies to active funds, which are those of which the governing body makes immediate and regular use, and does not apply to moneys which are not immediately required for the purposes for which they were collected. Such "idle funds" may be invested only in the manner set out at subsection (b) of K.S.A. 1985 Supp. 12-1675. Provided such conditions are met, a municipality may invest its idle funds regardless of whether the particular financial institution has been designated as a depository under K.S.A. 1985 9-1401. Cited herein: K.S.A. Supp. 1985 9-1401; 12-1675; L. 1982, ch. 52, § 1; L. 1983, ch. 47 § 2. JSS

Opinion No. 86-16

Taxation—Listing Property for Taxation—Oil and Gas Property as Personality; Property Held by Federal Land Bank Exempt From Taxation. Representative Gayle Mollenkamp, 118th District, Russell Springs, February 6, 1986.

A federal land bank is exempt from federal, state and municipal taxation, except for taxes on real property held by such a bank. Accordingly, a land bank is not liable for either income or severance tax on oil and gas which is produced on land which it owns, or on royalty interests, leaseholds, or wells which it owns. However, mineral interests which have not been severed are considered as real property, and so may be taxed. Cited herein: K.S.A. 79-329; 79-420; 79-501; 79-1411a; 79-1439; 79-32,110; 79-4217; 12 U.S.C. §§ 2011, 2055; U.S. Const., Art. VI, para. 2, cl. 3. JSS

ROBERT T. STEPHAN
Attorney General

Doc. No. 003931

State of Kansas

DEPARTMENT OF ADMINISTRATION
DIVISION OF PURCHASES

NOTICE TO BIDDERS

Sealed bids for items hereinafter listed will be received by the Director of Purchases, State Office Building, Topeka, until 2 p.m., CST or DST, whichever is in effect on the date indicated, and then will be publicly opened. Interested bidders may call (913) 296-2377 for additional information.

MONDAY, MARCH 3, 1986

#26651 Supplement

Kansas State University, Manhattan and other state agencies—VETERINARY (ANIMAL)
PHARMACEUTICALS

#27014

Department of Social and Rehabilitation Services, Topeka—JANITORIAL SERVICE, Hutchinson

#64667

University of Kansas Medical Center, Kansas City—4-DOOR SEDAN, Hays

#64674

Kansas State University, Manhattan—GRAIN DRILL, various locations

TUESDAY, MARCH 4, 1986

#A-5487

Fort Hays State University, Hays—PROVIDE ROOFING SYSTEM REPAIRS, McCartney Hall

#26992

Statewide—HAND TOOLS AND MISCELLANEOUS HARDWARE

#26995

Statewide—APRIL (1986) MEAT PRODUCTS

#27016

University of Kansas Medical Center, Kansas City—NEPHELOMETRIC TESTS

#27019

Kansas State University, Manhattan—MARCH (1986) MEAT PRODUCTS

#27020

University of Kansas Medical Center, Kansas City—MAINTENANCE UNIFORM RENTAL SERVICE

#27021

State Board of Agriculture, Topeka—FARM CREDIT COUNSELING FOR FACTS PROGRAM

#64679

Department of Transportation, Hutchinson—LUMINAIRES, Wichita

#64680

Department of Transportation, Norton—COMMUNICATIONS CONTROL CENTER CONSOLES

#64681

Department of Transportation, various locations—TRUCKS

#64683

Department of Transportation, Chanute—PLANT MIX BITUMINOUS MIXTURE COMMERCIAL GRADE, Iola

#64684

Department of Transportation, Chanute—AS-1 AGGREGATE

#64686

Department of Transportation, Salina—STEEL SIGN POSTS

#64687

Department of Transportation, Salina—FORK LIFT

#64688

Department of Transportation, various locations—LOADER-BACKHOE

WEDNESDAY, MARCH 5, 1986

#A-5284

Parsons State Hospital and Training Center, Parsons—REROOF RESEARCH BUILDING

#A-5285

Parsons State Hospital and Training Center, Parsons—REROOF ARBOR HALL

#27012

Statewide—REFRIGERANT

#64690

University of Kansas, Lawrence—HPLC PUMP

#64691

Department of Transportation, Hutchinson—MOW HIGHWAY RIGHT-OF-WAY, I-135, Wichita

#64692

Department of Transportation, various locations—PREASSEMBLED RADIO EQUIPMENT SHELTER

#64693

Kansas State Penitentiary, Lansing—PARTS AND MATERIALS FOR INSTALLATION OF CABLE TV SYSTEM

#64694

Department of Transportation, Hutchinson—COMMERCIAL GRADE READY MIX CONCRETE

#64695

Kansas State University, Manhattan—TRANSPORT AND DISPOSE OF PCB TRANSFORMERS

#64700

Youth Center at Atchison, Atchison—VEHICLES

#64701

Department of Social and Rehabilitation Services, Topeka—VINYL FILM, Kansas City

#64702

Kansas Fish and Game Commission, Pratt—LUMBER, BOLTS, NUTS AND WASHERS, various locations

#64703

Kansas State University, Manhattan—PLAIN PAPER COPIER

#64707

University of Kansas, Lawrence—DISPLAY TERMINAL

THURSDAY, MARCH 6, 1986

#A-5398 and #A-5498

Emporia State University, Emporia—ROOFING SYSTEMS REPLACEMENT—PROJECT "A" SINGULAR HALL, PROJECT "B" BEACH MUSIC HALL

#27013

University of Kansas, Lawrence; University of Kansas Medical Center, Kansas City; and Kansas State University, Manhattan—ELECTRICAL SUPPLIES

#64708

Fort Hays State University, Hays—WHEELCHAIR PLATFORM LIFT

#64716

Kansas Public Employees Retirement System, Topeka—RECORDS MICROFILMING

#64718

University of Kansas, Lawrence—VIDEO EQUIPMENT

#64719

Department of Transportation, Topeka—
LUMINARIES, various locations

#64720

Department of Transportation, various
locations—CUTTER REPAIR PARTS

#64722

University of Kansas, Lawrence—
MICROCOMPUTER

#64733

Department of Administration, Division of Budget,
Topeka and Emporia State University,
Emporia—COPIER

FRIDAY, MARCH 7, 1986

#A-5269

Larned State Hospital, Larned—REPAINTING
ELEVATED WATER TOWER

#A-5442

Kansas State School for the Deaf, Olathe—REROOF
KING MEMORIAL BUILDING

#64471-A

Department of Transportation, Topeka—
AGGREGATE FOR COVER MATERIAL, Horton

#64723

University of Kansas, Lawrence—GRAPHIC
SYSTEM—IBM-AT COMPATIBLE

#64724

Pittsburg State University, Pittsburg—
MICROCOMPUTER—APPLE COMPATIBLE

#64725

University of Kansas Medical Center, Kansas
City—DATA ACQUISITION SYSTEM

#64726

Wichita State University, Wichita—UPGRADE OF
COMPUWORD PROCESSING SYSTEM

#64727

University of Kansas, Lawrence—ACCESS
CONTROL SOFTWARE

#64728

University of Kansas, Lawrence—VIDEO
EQUIPMENT

#64729

University of Kansas, Lawrence—LIQUID
SCINTILLATION COUNTER

#64730

Department of Revenue, Topeka—MOBILE
STORAGE SHELVING

#64732

Larned State Hospital, Larned—JANITORIAL AND
TOILETRIES

TUESDAY, MARCH 11, 1986

#27015

University of Kansas Medical Center, Kansas City
and other state agencies—DIALYSIS SUPPLIES

WEDNESDAY, MARCH 12, 1986

#27011

University of Kansas, Lawrence; Kansas State
University, Manhattan; and Kansas Highway Patrol,
Topeka—COMMERCIAL COMPRESSED GASES

FRIDAY, MARCH 21, 1986

Department of Social and Rehabilitation Services,
Topeka—KANSAS AUTOMATED ELIGIBILITY
SYSTEM

NICHOLAS B. ROACH
Director of Purchases

Doc. No. 003939

State of Kansas

DEPARTMENT OF TRANSPORTATION**NOTICE TO CONSULTING ENGINEERS**

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

Jewell—28-45 K-2893-01/RS 1093(16)—Replacement of curb and gutter and side street returns from K-14 to the north city limits of Jewell, except two blocks (Custer to Lincoln).

Norton—283-69 K-2896-01/F 021-3(16)—Reconstruction of U.S. 283 in Norton from the Burlington Northern Railroad tracks to the old Rock Island Railroad tracks.

Firms expressing interest in these projects must respond in writing and complete the Consulting Engineers Qualification Questionnaire (if not already prequalified) by March 20, 1986.

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 qualification 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. 003942

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, until 10 a.m., March 18, 1986, and then publicly opened:

DISTRICT ONE—Northeast

Douglas—23 C-1803-01—County road, 2.0 miles west of Eudora, then south, 3.3 miles, grading. (Federal Funds)

Douglas—23 C-2119-01—County road, 3.0 miles south of Eudora, then west, 0.3 mile, grading and bridge. (Federal Funds)

Johnson—46 U-0571-01—75th Street, Nieman Road to Switzer Road in Shawnee, 0.4 mile, grading and surfacing. (Federal Funds)

Lyon—56 C-1820-01—County road, 1.1 miles south of Emporia and 1.5 miles east of K-57, then south, 0.2 mile, grading and bridge. (Federal Funds)

Nemaha—63-66 K-1829-02—Bridge over Nemaha Lake spillway, bridge removal. (Federal Funds)

Osage—70 K-1314-03—Melvern Lake State Park, overlay. (State Funds)

Osage—70 C-0155-01—County road, east city limits

(continued)

of Olivet, then southwest, 0.8 mile, grading. (Federal Funds)

Osage—70 C-1558-01—County road, 0.7 mile north of Melvern, then north, 0.2 mile, grading and bridge. (Federal Funds)

Pottawatomie—75 C-1914-01—County road, 3.7 miles east and 7.1 miles north of Olsburg, then north, 0.1 mile, grading and bridge. (Federal Funds)

Riley—81 U-0831-02—New K-18, east to U.S. 24 in Manhattan, 1.8 miles, grading and surfacing. (State Funds)

Wyandotte—70-105 K-2482-01—I-70, 0.1 mile west of 94th Street, then east to new construction of I-635, 4.8 miles, highway signing and delineation. (Federal Funds)

DISTRICT TWO—Northcentral

Chase—9 C-1865-01—County road, 3.0 miles north of Elmdale, then west, 0.3 mile, bridge replacement. (Federal Funds)

Chase—9 C-1954-01—County road, 1.0 mile south and 3.2 miles east of Matfield Green, then east, 0.6 mile, grading. (Federal Funds)

Geary—40B-31 K-1936-02—U.S. 40B, bridge 35 and Union Pacific Railroad in Junction City, bridge repair. (State Funds)

Marion—56-57 K-0556-01—U.S. 56, junction K-150, then north to Lincolnville, 8.9 miles, grading, bituminous surfacing, seeding and 4 bridges. Bids for seeding on this project will be received only from small business enterprises. (Federal Funds)

Marion—56-57 K-0561-01—U.S. 56, junction FAS 428 Spur east of Canada, then east to U.S. 77, 7.0 miles, grading, seeding and bridge. Bids for seeding on this project will be received only from small business enterprises. (Federal Funds)

Marion—56-57 K-0562-01—U.S. 56, east junction of K-15 to the FAS 428 Spur east of Canada, grading, seeding and bridge. Bids for seeding on this project will be received only from small business enterprises. (Federal Funds)

DISTRICT THREE—Northwest

Gove—32 C-1689-01—County road, 11.0 miles west and 1.0 mile south of Gove, then south, 0.2 mile, bridge replacement. (Federal Funds)

Logan—40-55 K-2319-01—U.S. 40, Smoky Hill River bridge 5, 8.5 miles east of the Wallace-Logan county line, bridge repair. (Federal Funds)

Thomas—97 U-0936-01—Colby, beginning at I-70 and Country Club Drive, then north, 2.043 miles, grading and concrete pavement. (Federal Funds)

Wallace—40-100 K-2320-01—U.S. 40, South Fork Smoky Hill River bridge 4, 3 miles east of the junction of K-27, bridge repair.

DISTRICT FOUR—Southeast

Allen—1 U-0835-01—Iola, North Washington Street at Coon Creek, bridge replacement. (Federal Funds)

Crawford—19 C-1143-01—County road, 2.0 miles east of Pittsburg at K-126, then south, 4.7 miles, surfacing. (Federal Funds)

Franklin—30 U-1002-01—U.S. 59 and 23rd Street in

Ottawa, grading and bituminous sealing. (Federal Funds)

Greenwood—37 K-2495-01—Fall River State Park, overlay. (State Funds)

Labette—50 X-0983-02—Burlington, Northern Railroad crossing at Fourth Street in Oswego, bituminous sealing. (Federal Funds)

Wilson—103 X-1105-02—K-39, Missouri Pacific Railroad crossing at Benedict, 0.200 mile, grading and bituminous surfacing. (Federal Funds)

Woodson—104 K-2496-01—Toronto State Park, overlay. (State Funds)

DISTRICT FIVE—Southcentral

Harvey—40 C-2130-01—North Newton, then north on county road, 0.4 mile, grading and surfacing. (Federal Funds)

Harvey—40 U-0934-01—North Newton, Anderson Avenue from Old U.S. 81 North, 0.4 mile, grading and surfacing. (Federal Funds)

Pratt—76 C-2149-01—County road, 6.3 miles west of Coats, then west, 0.1 mile, bridge replacement. (Federal Funds)

Rice—80 C-2025-01—County road, 1.0 mile east and 2.2 miles south of Lyons, then south, 0.2 mile, bridge replacement. (Federal Funds)

Sedgwick—87 K-1802-03—Cheney State Park, overlay. (State Funds)

Sedgwick—15-87 K-2581-01—K-15, Drainage Canal bridge 184 southbound, 0.35 mile northwest of 31st Street, bridge overlay. (State Funds)

DISTRICT SIX—Southwest

Lane—51 C-1965-01—County road, 2.5 miles north and 8.6 miles east of Dighton, then east, 0.1 mile, bridge replacement. (Federal Funds)

Ness—68 C-2161-01—County road, 6.5 miles east and 2.0 miles north of Ness City, then north, bridge replacement. (Federal Funds)

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

Plans and specifications for the projects 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. 003943

State of Kansas

LEGISLATURE

LEGISLATIVE BILLS INTRODUCED

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

Copies of bills and resolutions are available free of charge from the Legislative Document Room, 145-N State Capitol, Topeka 66612, (913) 296-4096. There is a limit of 25 copies of any one item.

Bills Introduced February 6-12:

- SB 572**, by Committee on Judiciary: An act relating to rights of the terminally ill; enacting the uniform rights of the terminally ill act; repealing K.S.A. 65-28,101, 65-28,102, 65-28,103, 65-28,104, 65-28,105, 65-28,106, 65-28,107, 65-28,108 and 65-28,109.
- SB 573**, by Committee on Assessment and Taxation: An act relating to income taxation; concerning itemized deductions of an individual; concerning penalties for underpayment of estimated tax; amending K.S.A. 79-32,107 and 79-32,120 and repealing the existing sections.
- SB 574**, by Committee on Ways and Means: An act relating to income taxation; concerning itemized deductions and personal exemptions of an individual; concerning penalties for underpayment of estimated tax; amending K.S.A. 79-32,107, 79-32,120 and 79-32,121 and repealing the existing sections.
- SB 575**, by Committee on Ways and Means: An act amending the Kansas retailers' sales tax act; relating to the taxation of telephone services; amending K.S.A. 79-3603 and K.S.A. 1985 Supp. 79-3606 and repealing the existing sections.
- SB 576**, by Committee on Legislative and Congressional Apportionment: An act relating to the enumeration of the residents of the state; making certain requirements in connection therewith; and repealing K.S.A. 11-202 and K.S.A. 1985 Supp. 11-201.
- SB 577**, by Committee on Federal and State Affairs: An act relating to abortion; imposing certain conditions and requirements on abortions performed on minors; prohibiting certain acts and prescribing penalties for violations; amending K.S.A. 21-3407, 38-123 and 38-123b and repealing the existing sections.
- SB 578**, by Committee on Federal and State Affairs: An act concerning corrections; relating to chief physicians for correctional institutions; amending K.S.A. 75-5249 and repealing the existing section.
- SB 579**, by Senator Ehrlich: An act relating to driving under the influence of alcohol or drugs; concerning tests for alcohol or drugs; amending K.S.A. 1985 Supp. 8-1001 and repealing the existing section.
- SB 580**, by Committee on Public Health and Welfare: An act relating to adult care homes; providing for the assessment of civil penalties; amending K.S.A. 39-946 and repealing the existing section.
- SB 581**, by Senator Vidricksen: An act establishing an employee suggestion award program; establishing an employee suggestion award board and providing for the powers, duties and functions thereof; providing for maximum cash awards; and repealing K.S.A. 75-2956b.
- SB 582**, by Senator Vidricksen: An act concerning cities; relating to the boundary lines thereof; amending K.S.A. 12-517 and 12-518 and repealing the existing sections.
- SB 583**, by Committee on Education: An act concerning school districts; relating to contracts of employment between boards of education and certain employees thereof; amending K.S.A. 72-5412a and repealing the existing section.
- SB 584**, by Committee on Ways and Means: An act making and concerning appropriations for the fiscal year ending June 30, 1986, for the commission on civil rights, department of economic development, department of revenue, Kansas soldiers' home, Kansas public employees retirement system, department of education, Kansas state school for the deaf, Pittsburg state university, university of Kansas, university of Kansas medical center, Wichita state university, Kansas state university, state board of regents, board of state fair managers, department of human resources and secretary of state; authorizing certain transfers, imposing certain restrictions and limitations, and directing or authorizing certain receipts and disbursements and acts incidental to the foregoing; amending section 30 of chapter 38 of the 1985 Session Laws of Kansas and repealing the existing section.
- SB 585**, by Senator Johnston: An act concerning wage garnishment; amending K.S.A. 1985 Supp. 60-2310 and repealing the existing section.
- SB 586**, by Senator Allen: An act concerning the prompt payment of commissions to commission salespersons when the contractual relationship terminates.
- SB 587**, by Committee on Judiciary: An act concerning hazing; prohibiting certain acts and providing civil and criminal remedies therefor.
- SB 588**, by Senators Francisco, Ehrlich, Hayden, Montgomery, Mulich, Vidricksen, Walker and Warren: An act relating to adult care homes; providing for the reimbursement of nursing care services.
- SB 589**, by Senator Morris: An act concerning elections; relating to the registration of voters; amending K.S.A. 1985 Supp. 25-2303 and repealing the existing section.
- SB 590**, by Senator Martin: An act concerning professional counselors; prescribing qualifications and requiring licensure; providing for additional members of the behavioral sciences regulatory board; amending K.S.A. 74-7501 and 74-7507 and repealing the existing sections.
- SB 591**, by Senators Gannon, Allen, Johnston, Karr, F. Kerr and Montgomery: An act providing for the award of Kansas displaced farmer education grants to qualified grantees.
- SB 592**, by Senators Gannon, Anderson, Daniels, Hayden, Francisco, Johnston, Karr, Martin, Parrish, Strick and Warren: An act relating to legislative study committees; concerning the membership of certain committees; amending K.S.A. 46-1205 and 46-1209 and repealing the existing sections.
- SB 593**, by Senator Johnston: An act concerning schools; requiring certain proof of a child's identity upon first enrollment in or transfer to a school.
- SB 594**, by Committee on Federal and State Affairs: An act concerning the real estate brokers' and salespersons' license act; relating to certain rights of action; amending K.S.A. 58-3034 and repealing the existing section.
- SB 595**, by Committee on Federal and State Affairs: An act concerning docket fees; relating to the amount and disposition thereof; amending K.S.A. 1985 Supp. 8-2107, 20-362, 28-172a and 32-155b and repealing the existing sections.
- SB 596**, by Senator Karr: An act concerning noxious weeds on federal lands; amending K.S.A. 2-1331 and repealing the existing section.
- SB 597**, by Senator Anderson: An act concerning amusement rides; providing for inspection and regulation thereof.
- SB 598**, by Senator Anderson: An act amending the residential landlord and tenant act; requiring the payment of interest upon certain security deposits; amending K.S.A. 58-2550 and repealing the existing section.
- SB 599**, by Senator Francisco: An act concerning elections; relating to electioneering; amending K.S.A. 25-2430 and repealing the existing section.
- SB 600**, by Senators Langworthy, Bogina, Burke, Francisco, Karr and Parrish: An act concerning motion pictures; relating to trade screenings; amending K.S.A. 51-201 and repealing the existing section.
- SB 601**, by Committee on Education: An act concerning school district finance; imposing limitations on budgets of operating expenses per pupil for the 1986-87 school year; authorizing transfers from the general fund to the inservice education fund; amending K.S.A. 72-7053, 72-7055, 72-7059, 72-7062, 72-7063 and 72-9609, and repealing the existing sections.
- SB 602**, by Senators Winter and Yost: An act concerning elections; relating to campaign finance and the limitations on contributions; amending K.S.A. 25-4153 and repealing the existing section.
- SB 603**, by Senator Winter: An act concerning motor vehicles; relating to the registration thereof.
- SB 604**, by Committee on Judiciary: An act concerning certified public accountants; relating to privileged communications with clients thereof; repealing K.S.A. 1-401.
- SB 605**, by Committee on Judiciary: An act concerning criminal procedure; relating to appeals by the prosecution; amending K.S.A. 22-3602 and repealing the existing section.
- SB 606**, by Senator Steineger: An act concerning railroads; relating to the sounding of whistles; amending K.S.A. 66-2,120 and repealing the existing section.
- SB 607**, by Senator Steineger: An act concerning refuse disposal facilities; relating to the payment of the cost thereof; amending K.S.A. 19-2661 and repealing the existing section.
- SB 608**, by Senators Johnston, Anderson, Daniels, Feleciano, Francisco, Gaines, Gannon, Hayden, Karr, Martin, Mulich, Norvell, Parrish, Steineger and Strick: An act concerning contracts for purchases by the state and governmental subdivisions; concerning purchases from nonresident bidders; amending K.S.A. 75-3740a and repealing the existing section.
- SB 609**, by Senators Talkington, Burke and Johnston: An act establishing the Kansas commission on the bicentennial of the United States constitution.
- SB 610**, by Senator Hayden: An act concerning highways; considerations in selection of projects by secretary of transportation.
- SB 611**, by Committee on Transportation and Utilities: An act concerning taxation of motor-vehicle fuels; terminating subsidy for content of agricultural ethyl alcohol; amending K.S.A. 1985 Supp. 79-3408 and 79-34,141 and repealing the existing sections.
- SB 612**, by Senator Morris: An act concerning procurement procedures for state and local government contracts; relating to preferences for Kansas domiciled bidders in certain cases; amending K.S.A. 75-3740a and repealing the existing section.
- SB 613**, by Senator Steineger: An act concerning business improvement districts; relating to service fees; amending K.S.A. 12-1791 and repealing the existing section.
- SB 614**, by Senator Martin: An act concerning work hour limitations for individuals in certain occupations; prescribing certain powers, duties and functions for the secretary of human resources; providing certain civil penalties for violations thereof.
- SB 615**, by Senators Martin, Anderson, Francisco, Mulich, Steineger, Strick and Warren: An act relating to property taxation; repealing K.S.A. 1985 Supp. 79-1476 to 79-1484, inclusive, and 79-5021 to 79-5037, inclusive, relating to statewide reappraisal of property.
- SB 616**, by Senators Thiessen and Salisbury: An act concerning motor vehicles; height of head lamps; amending K.S.A. 8-1705 and repealing the existing section.
- SB 617**, by Senators Vidricksen and Daniels: An act concerning small business development centers; authorizing certain state financial assistance therefor; making appropriations for the fiscal year ending June 30, 1987.
- SB 618**, by Senators Vidricksen, Allen, Arasmith, Burke, Doyen, Ehrlich, Frey, Gannon, Gordon, Harder, Hayden, Langworthy, Martin, Montgomery, Mulich, Norvell, Reilly, Steineger, Strick, Thiessen, Walker, Werts and Winter: An act concerning a new correctional facility; authorizing certain agreements relating thereto; prescribing certain procedures, limitations and duties relating thereto.
- SB 619**, by Senator Vidricksen: An act relating to surplus property; transferring certain functions to the secretary of corrections and the director of Kansas correctional industries; amending K.S.A. 27-311, 27-314, 75-3738 and K.S.A. 1985 Supp. 75-6601 to 75-6605, inclusive, and repealing the existing sections.
- SB 620**, by Committee on Education: An act concerning vocational education; requiring the adoption of student tuition refund policies by schools and imposing penalties for failure of compliance; amending K.S.A. 72-4430, 72-4431 and 72-4433, and repealing the existing sections.
- SB 621**, by Senator Walker: An act concerning scholarships available to medical students; placing limitations on the awarding thereof; concerning repayment obligations; amending K.S.A. 76-374, 76-376 and 76-377a and K.S.A. 1985 Supp. 76-375 and repealing the existing sections.
- SB 622**, by Committee on Judiciary: An act concerning crimes and criminal procedure; relating to restitution.
- SB 623**, by Senator Frey: An act concerning cities; relating to the removal of unsafe structures; amending K.S.A. 1985 Supp. 12-1755 and repealing the existing section.
- SB 624**, by Senator Frey: An act concerning disposition of certain property; amending K.S.A. 8-1102 and 58-211 and repealing the existing sections.
- SB 625**, by Committee on Public Health and Welfare: An act concerning townships; authorizing rescue services provided through township fire departments; amending K.S.A. 80-1423, 80-1424, 80-1425, 80-1426, 80-1427 and 80-1428 and repealing the existing sections.
- SB 626**, by Senator Ehrlich: An act concerning motor vehicles; registration of county owned or leased vehicles.
- SB 627**, by Senator Francisco: An act relating to countywide retailers' sales taxes; concerning the apportionment and use of revenues therefrom; amending K.S.A. 1985 Supp. 12-192 and repealing the existing section.
- SB 628**, by Committee on Ways and Means: An act concerning community corrections; relating to supplementary grants for certain counties; amending K.S.A. 75-52,109 and repealing the existing section.
- SB 629**, by Senator Reilly: An act concerning county extension councils; relating to the members thereof; amending K.S.A. 2-611 and repealing the existing section.
- SB 630**, by Senators Johnston, Anderson, Daniels, Feleciano, Gaines, Gannon, Hayden, Karr, Martin, Mulich, Norvell, Parrish, Strick and Warren: An act concerning the secretary of social and rehabilitation services; relating to incentives for the employment of assistance recipients; amending K.S.A. 1985 Supp. 39-708c and repealing the existing section.
- SB 631**, by Senators Johnston, Anderson, Daniels, Feleciano, Francisco, Gaines, Gannon, Hayden, Karr, Martin, Mulich, Norvell, Parrish, Steineger, Strick and Warren: An act concerning the interstate compact on agricultural grain marketing; amending K.S.A. 2-3101 and repealing the existing section.
- SB 632**, by Senators D. Kerr, F. Kerr, Martin, Werts and Winter: An act establishing the Kansas business development grant program; authorizing grants and prescribing conditions and limitations therefor; prescribing certain powers, duties and functions for the secretary of economic development.
- SB 633**, by Senators Vidricksen and Ehrlich: An act relating to property taxation; exempting therefrom certain property of veteran's organizations.
- SB 634**, by Senator Winter: An act concerning the workmen's compensation act; relating to definition of employee; amending K.S.A. 1985 Supp. 44-508 and repealing the existing section.
- SB 635**, by Senator Doyen: An act amending the Kansas tort claims act; concerning maximum liability for claims; amending K.S.A. 75-6105 and 75-6111 and repealing the existing sections.
- SB 636**, by Senator Doyen: An act relating to banks and banking; concerning detached auxiliary banking services facilities; amending K.S.A. 1985 Supp. 9-1111 and repealing the existing section.
- SB 637**, by Senator Parrish: An act concerning school districts; relating to the adoption of prime time programs; requiring the state board of education to prescribe a pilot program thereon.
- SB 638**, by Senator Ehrlich (by request): An act concerning unified school districts; relating to the authority of boards of education to close or change the use of school buildings; amending K.S.A. 72-8213 and repealing the existing section.
- SB 639**, by Senator Ehrlich: An act concerning the health care provider insurance availability act; eliminating the mandatory coverage requirement under such act; amending K.S.A. 1985 Supp. 40-3401, 40-3402 and 40-3404 and repealing the existing sections; and also repealing K.S.A. 40-3416.

(continued)

- HB 2844**, by Representative Wilbert: An act concerning pawnbrokers and precious metal dealers; relating to regulation thereof; amending K.S.A. 16-714 and 16-719 and K.S.A. 1985 Supp. 16-718 and repealing the existing sections.
- HB 2845**, by Representatives Barkis and Teagarden: An act concerning libraries; relating to tax levies for support thereof; amending K.S.A. 12-1247 and repealing the existing section.
- HB 2846**, by Committee on Federal and State Affairs: An act concerning juveniles; relating to certain records; amending K.S.A. 1985 Supp. 38-1506 and 38-1607 and repealing the existing sections.
- HB 2847**, by Representative Harper: An act relating to roads and highways; providing for the reconstruction and maintenance of a certain roadway, as part of state highway system.
- HB 2848**, by Representatives Acheson, Duncan, Harper, Patterson and Williams: An act relating to income taxation; excluding amounts received as social security benefits from adjusted gross income; amending K.S.A. 79-32,117 and repealing the existing section.
- HB 2849**, by Representatives Chronister, Acheson, Apt, Aylward, Baker, Barr, Buehler, C. Campbell, Debaun, Eckert, Flottman, Fox, Freeman, Friedeman, Goossen, Graeber, Guldner, Hassler, Laird, Lowther, D. Miller, Moomaw, Nichols, B. Ott, K. Ott, Polson, Pottorf, Ramirez, Roenbaugh, Rolfs, Sallee, Sand, Shore, Smith, Walker and Williams: An act concerning worthless checks; providing certain civil remedies; amending K.S.A. 61-2703, 61-2706 and 61-2713 and repealing the existing sections.
- HB 2850**, by Representatives Heinemann, Acheson, Adam, Apt, Aylward, Baker, Barr, Blumenthal, Bowden, Brady, Branson, Buehler, K. Campbell, Charlton, Chronister, Cribbs, Cromwell, Crumbaker, Dean, DeBaun, Dillon, Dyck, Eckert, Flottman, Fox, Fry, Fuller, Gjerstad, Graeber, Green, Grotewiel, Guldner, Hamm, Hassler, Hayden, Helgerson, Holmes, Jenkins, King, Kline, Louis, Mayfield, R.D. Miller, Mollenkamp, Moomaw, Neufeld, Nichols, O'Neal, K. Ott, Peterson, Pottorf, Ramirez, Rezac, Roe, Roenbaugh, Sand, Shore, Shriver, Snowbarger, Solbach, Sughrue, Walker, Webb, Wilbert, Williams and Wisdom: An act concerning hazardous waste; relating to the disposal of small quantities of hazardous waste.
- HB 2851**, by Committee on Judiciary: An act concerning domestic relations; relating to division of property in actions for divorce, annulment or separate maintenance; amending K.S.A. 1985 Supp. 60-1610 and repealing the existing section.
- HB 2852**, by Representatives Shore, Bideau, Brown, Bryant, Bunten, C. Campbell, K. Campbell, Dillon, Dyck, Eckert, Flottman, Foster, Fox, Freeman, Fuller, Goossen, Graeber, Green, Guldner, Harper, Holmes, King, Knopp, Long, Louis, D. Miller, Mollenkamp, Moomaw, Neufeld, O'Neal, K. Ott, Patrick, Polson, Roe, Roenbaugh, Rolfs, Roper, Sand, Schmidt, Sifers, Snowbarger, Spaniol, Sprague, Vancrum, Wilbert, Wisdom and Wunsch: An act concerning motor vehicles; relating to the design of license plates; amending K.S.A. 1985 Supp. 8-147 and repealing the existing section.
- HB 2853**, by Representatives Shore, Guldner, Neufeld, Sand, Sifers and Williams: An act relating to motor vehicles; concerning the inspection of vehicle identification numbers; amending K.S.A. 1985 Supp. 8-116a and repealing the existing section.
- HB 2854**, by Representative Neufeld: An act relating to compensation and salaries of certain state elected officers; amending K.S.A. 1985 Supp. 46-137a, 75-3111a and 75-31201 and repealing the existing sections.
- HB 2855**, by Representatives Vancrum, Francisco, Snowbarger, Baker, Bowden, Fuller, King, B. Ott, K. Ott, Pottorf, Spaniol, Walker, Webb and Williams: An act concerning certain liens on real property; requiring trust funds to pay certain claims and providing penalties for violations.
- HB 2856**, by Representative Laird: An act concerning the Kansas public employees retirement system; relating to normal retirement date; amending K.S.A. 74-4914 and repealing the existing section.
- HB 2857**, by Representative Laird: An act concerning the Kansas public employees retirement system; relating to benefit increases for members receiving long-term disability benefits.
- HB 2858**, by Representative Laird: An act concerning the Kansas police and firemen's retirement system; relating to crediting of military service.
- HB 2859**, by Representative K. Ott: An act relating to city and countywide retailers' sales taxes; concerning the disposition of revenue received therefrom by cities; amending K.S.A. 1985 Supp. 12-192 and repealing the existing section.
- HB 2860**, by Committee on Insurance (by request): An act concerning insurance; relating to mandated health insurance coverage; report required; assessment of social and financial impact.
- HB 2861**, by Committee on Local Government: An act concerning libraries; relating to the levy of taxes therefor; amending K.S.A. 12-1220 and repealing the existing section.
- HB 2862**, by Committee on Local Government: An act relating to cities and counties; concerning the zoning regulation of certain types of housing; amending K.S.A. 19-2938 and repealing the existing section.
- HB 2863**, by Committee on Local Government: An act suspending and establishing statutory fund and aggregate property tax levy limitations for certain taxing subdivisions; amending K.S.A. 79-1973 and 79-1974 and repealing the existing sections.
- HB 2864**, by Representatives Guldner, Heinemann, Moomaw, Neufeld, Patterson and Shore: An act relating to motor vehicles; concerning registration of snowmobiles; amending K.S.A. 1985 Supp. 8-126 and 8-127 and repealing the existing sections.
- HB 2865**, by Representatives Moomaw, Crumbaker, Guldner, Holmes, R. D. Miller, Mollenkamp, Neufeld, Roenbaugh and Shore: An act concerning fish and game; relating to the hunting of certain animals; amending K.S.A. 32-110a and 32-178 and K.S.A. 1985 Supp. 32-179 and repealing the existing sections; also repealing K.S.A. 32-177.
- HB 2866**, by Representative Roenbaugh (by request): An act declaring the English language to be the official state language.
- HB 2867**, by Representatives Sughrue, Adam, Blumenthal, Bowden, Branson, C. Campbell, Charlton, Cribbs, Dillon, Francisco, Fry, Green, Grotewiel, Harder, Hensley, Jarchow, Johnson, Justice, Lacey, Leach, Love, Luzzati, Mainey, Peterson, Reardon, Rezac, Roper, Rosenau, Rummels, Schmidt, Sutter, Webb, Whiteman and Wisdom: An act concerning the department on aging; relating to funding services provided by area agencies on aging; creating the area agencies on aging services fund; providing for administration thereof.
- HB 2868**, by Representative Graeber (by request): An act concerning district attorneys; establishing the office of district attorney in the first judicial district; amending K.S.A. 22a-107 and repealing the existing section.
- HB 2869**, by Representative Graeber: An act concerning extradition of certain persons; relating to custody and expenses thereof.
- HB 2870**, by Representatives Neufeld, Bryant, Buehler, Eckert, Freeman, Friedeman, Graeber, Guldner, Harper, Holmes, Hoy, King, Long, Louis, Mollenkamp, Moomaw, Nichols, B. Ott, K. Ott, Roenbaugh, Sallee, Shore, Smith, Spaniol, Vancrum, Williams and Wunsch: An act reducing the number of persons employed by the state during the fiscal year ending June 30, 1987, by limiting the filling of certain positions which become vacant during such fiscal year.
- HB 2871**, by Representatives Helgerson and Grotewiel: An act concerning utilities; establishing the residential utility customer office.
- HB 2872**, by Representatives Moomaw and R.D. Miller (by request): An act concerning watershed districts; relating to the powers and duties thereof; amending K.S.A. 24-1209 and repealing the existing section.
- HB 2873**, by Committee on Judiciary: An act concerning the Kansas code for care of children; relating to the removal of children from the custody of their parents.
- HB 2874**, by Committee on Judiciary: An act concerning the Kansas code for care of children; relating to issuance of restraining orders against perpetrators of abuse in lieu of removing children from their homes because of abuse.
- HB 2875**, by Representatives Rosenau and Smith: An act repealing K.S.A. 12-1610c, 12-1610d, 12-1610e, 12-1610f and 12-1610g, relating to the League of Kansas Municipalities.
- HB 2876**, by Representatives Barkis, Adam, Blumenthal, Bowden, Brady, K. Campbell, Charlton, Francisco, Fry, Gjerstad, Grotewiel, Harder, Helgerson, Hensley, Justice, Love, Luzzati, Peterson, Rosenau, Solbach, Turquist, Weaver, Webb, Whiteman and Wisdom: An act relating to health care providers; concerning reports of certain information relating thereto; amending K.S.A. 65-28,121 and 65-28,122 and repealing the existing sections.
- HB 2877**, by Committee on Local Government: An act concerning water districts; relating to the qualifications of the manager thereof; amending K.S.A. 19-3510 and repealing the existing section.
- HB 2878**, by Representative Rezac: An act relating to motor vehicles; concerning headlamps; amending K.S.A. 8-1703 and repealing the existing section.
- HB 2879**, by Representatives Barkis, Blumenthal, Bowden, Brady, K. Campbell, Charlton, Cribbs, Francisco, Fry, Grotewiel, Harder, Helgerson, Hensley, Justice, Love, Luzzati, Peterson, Solbach, Turquist, Weaver, Webb, Whiteman and Wisdom: An act concerning medical malpractice liability actions; relating to settlement conferences.
- HB 2880**, by Representatives Barkis, Brady, Cribbs, Francisco, Grotewiel, Harder, Helgerson, Hensley, Justice, Luzzati, Peterson, Turquist, Weaver, Webb, Whiteman and Wisdom: An act concerning health care provider liability insurance; relating to termination of coverage under certain circumstances; amending K.S.A. 1985 Supp. 40-3403 and 40-3413 and repealing the existing sections.
- HB 2881**, by Representatives Barkis, Harder, Justice, Love and Peterson: An act concerning the state board of healing arts; relating to members, officers and staff; amending K.S.A. 65-2004, 65-2005, 65-2809, 65-2811, 65-2811a, 65-2814, 65-2818, 65-2823, 65-2844, 65-2855, 65-2878, 65-2895, 65-2896, 65-2896d, 65-28,100, 65-2903, 65-2904, 65-2905 and 65-2911 and repealing the existing sections.
- HB 2882**, by Representatives Barkis, Bowden, Brady, Charlton, Cribbs, Fry, Gjerstad, Harder, Helgerson, Justice, Luzzati, Solbach, Turquist, Weaver, Webb, Whiteman and Wisdom: An act concerning health care provider insurance; relating to the health care stabilization fund and premium surcharges; amending K.S.A. 1985 Supp. 40-3403 and 40-3404 and repealing the existing sections.
- HB 2883**, by Representatives Barkis, Bowden, Brady, K. Campbell, Charlton, Fry, Grotewiel, Harder, Helgerson, Hensley, Justice, Luzzati, Peterson, Solbach, Turquist, Weaver and Wisdom: An act concerning health care provider liability insurance; relating to coverage required and providing remedies for failure to comply; amending K.S.A. 60-2809 and K.S.A. 1985 Supp. 40-3402 and 40-3403 and repealing the existing sections.
- HB 2884**, by Committee on Governmental Organization: An act concerning practice of the profession of land surveying; affecting certain exemptions from licensure and certification of authorization requirements; amending K.S.A. 74-7034 and repealing the existing section.
- HB 2885**, by Committee on Governmental Organization: An act officially designating the Kansas advisory committee on Mexican American affairs as the Kansas advisory committee on Hispanic American affairs; amending K.S.A. 72-9510, 74-6501, 74-6504 and 74-6509 and K.S.A. 1985 Supp. 75-5716, and repealing the existing sections.
- HB 2886**, by Committee on Governmental Organization: An act concerning animals; relating to the operation of pounds; amending K.S.A. 47-1701 and 47-1704, and repealing the existing sections.
- HB 2887**, by Representative Francisco: An act concerning fish and game; relating to terms of licenses; amending K.S.A. 1985 Supp. 32-104b and repealing the existing section.
- HB 2888**, by Committee on Public Health and Welfare: An act concerning the uniform controlled substances act; relating to substances included in schedule IV; amending K.S.A. 65-4111 and repealing the existing section.
- HB 2889**, by Representative Littlejohn (by request): An act concerning insurance; relating to professional liability insurance for attorneys.
- HB 2890**, by Representative Littlejohn (by request): An act concerning professional liability insurance for attorneys.
- HB 2891**, by Representative Braden: An act concerning workers' compensation; relating to coverage of persons performing public or community service under certain circumstances; amending K.S.A. 1985 Supp. 44-508 and repealing the existing section.
- HB 2892**, by Representative Rezac: An act concerning agriculture; establishing the farm credit review board; creating the home-quarter purchase fund; providing for the duties and functions of the board.
- HB 2893**, by Committee on Elections: An act relating to political parties; concerning the membership of state party committees; amending K.S.A. 25-3804 and 25-3805 and repealing the existing sections.
- HB 2894**, by Representative O'Neal: An act relating to schools; concerning the participation of students in extracurricular activities.
- HB 2895**, by Representative Hensley: An act concerning biweekly payroll periods for state officers and employees; relating to approval thereof; prescribing certain powers, duties and functions for the secretary of administration; amending K.S.A. 75-5501a and repealing the existing section.
- HB 2896**, by Committee on Ways and Means: An act making and concerning appropriations for the fiscal year ending June 30, 1986, for the state park and resources authority and Kansas fish and game commission; authorizing certain transfers, imposing certain restrictions and limitations, and directing or authorizing certain receipts and disbursements and acts incidental to the foregoing; amending section 29 of chapter 38 of the 1985 Session Laws of Kansas and repealing the existing section.
- HB 2897**, by Representative Williams: An act concerning unified school district No. 259, Sedgwick county; relating to salaries of personnel thereof; making the school district ineligible for state financial aid under certain conditions; imposing certain duties on the state board of education.
- HB 2898**, by Representative Aylward: An act concerning the code for care of children; relating to reintegration of child into family; amending K.S.A. 1985 Supp. 38-1565, 38-1581 and 38-1583 and repealing the existing sections.
- HB 2899**, by Representative Smith: An act amending the uniform controlled substances act; relating to penalties for certain acts; amending K.S.A. 65-4127a and repealing the existing section.
- HB 2900**, by Representative D. Miller: An act concerning cities and counties; relating to the regulation of dangerous animals.
- HB 2901**, by Representatives Guldner, C. Campbell, King, Mollenkamp, Moomaw, Neufeld, K. Ott, Roe, Roenbaugh and Shore: An act concerning enterprise zones; providing for their designation in certain counties; amending K.S.A. 12-17,108 and 12-17,111 and K.S.A. 1985 Supp. 12-17,109 and 12-17,110 and repealing the existing sections.
- HB 2902**, by Representative Guldner: An act establishing the office of ombudsman; fixing the powers and duties thereof.
- HB 2903**, by Representative Cribbs: An act concerning the giving of a worthless check; creating a cause of action for damages for failure to pay after demand thereof.
- HB 2904**, by Representative Graeber (by request): An act concerning school districts; relating to the age of eligibility of children for attendance in kindergarten and first grade; amending K.S.A. 72-1107 and repealing the existing section.
- HB 2905**, by Representative Sallee: An act concerning the state board of agriculture; establishing the division of grain inspection and providing the powers, duties and functions thereof; abolishing the Kansas state grain inspection department and providing for the transfer of the powers, duties, functions and property thereof; amending K.S.A. 34-101, 34-101b, 34-101c, 34-101d, 34-102b, 34-125, 34-227b, 34-230b, 34-235, 34-248a, 34-299, 34-102, 34-103a, 34-106, 34-107, 34-111, 34-112a, 34-113, 34-122, 34-123, 34-124, 34-223, 34-228, 34-230, 34-233, 34-238, 34-249a, 34-251, 34-295a, 34-298, 34-2,100, 34-2,104, 34-2,108 and 34-2,110 and repealing the existing sections; and also repealing K.S.A. 34-101a, 34-102a and 75-1706.
- HB 2906**, by Representative Rolfs: An act concerning bonds of certain conservators; relating to surety thereon; amending K.S.A. 78-101 and repealing the existing section.
- HB 2907**, by Representative Rolfs: An act concerning crimes and punishments; relating to sentencing and the ordering of restitution; amending K.S.A. 1985 Supp. 21-4603 and repealing the existing section.
- HB 2908**, by Representative Jarchow: An act concerning retirement benefits for certain employees of legislative branch; amending K.S.A. 1985 Supp. 46-1302 and repealing the existing section.
- HB 2909**, by Representative Braden: An act relating to improvement districts; concerning powers and authority of such districts; concerning violations of resolutions adopted by such districts and penalties and the enforcement thereof; amending K.S.A. 1985 Supp. 19-2765 and repealing the existing section.

HB 2910, by Representatives Love, Cribbs and Justice: An act relating to minority businesses; authorizing a set-aside program for certain state agency purchases and contracts for letting to minority small businesses; prescribing powers, duties and functions for the departments of administration, transportation and economic development.

HB 2911, by Representatives Love, Cribbs and Justice: An act creating the surety bond guarantee program for minority small contractors; providing guidelines and limitations; authorizing certain fees; creating the small contractors' surety bond guarantee fund; prescribing powers, duties and functions for the secretary of the department of economic development.

HB 2912, by Representative Harper: An act amending the Kansas tort claims act; concerning exceptions from liability; amending K.S.A. 75-6104 and repealing the existing section.

HB 2913, by Representative Acheson: An act relating to income taxation; concerning the taxation of benefits received under the federal social security act; amending K.S.A. 79-32, 117 and repealing the existing section.

HB 2914, by Representative Hayden: An act concerning the uniform commercial code; relating to the sale and purchase of farm products; amending K.S.A. 84-9-307 and repealing the existing section.

HB 2915, by Representatives Hamm, Adam, Barkis, Bowden, Brady, K. Campbell, Charlton, Dean, Francisco, Fry, Grotewiel, Harder, Helgerson, Hensley, Johnson, Justice, Lacey, Leach, Luzzati, Mainey, Reardon, Rezac, Roper, Rosenau, Runnels, Schmidt, Solbach, Sughrue, Sutter, Teagarden, Turquist, Wagon, Weaver, Webb and Wisdom: An act concerning the interstate compact on agricultural grain marketing; amending K.S.A. 2-3101 and repealing the existing section.

HB 2916, by Representatives Barkis, Adam, Bowden, Brady, K. Campbell, Charlton, Francisco, Grotewiel, Hamm, Harder, Helgerson, Hensley, Justice, Leach, Luzzati, Mainey, Roper, Runnels, Schmidt, Shriver, Sughrue, Sutter, Turquist, Wagon, Webb and Wisdom: an act concerning contracts for purchases by the state and governmental subdivisions; concerning purchases from nonresident bidders; amending K.S.A. 75-3740a and repealing the existing section.

HB 2917, by Representative Cribbs: An act concerning childbirth; relating to the selection of persons to deliver the child and the place at which the child is to be delivered.

HB 2918, by Representatives Cloud, DeBaun, Dyck, Fox, Friedeman, Goossen, Guldner, King, R.H. Miller, Neufeld, Rofls, Sand, Smith and Spaniol: An act concerning civil procedure; relating to certain liability claims; placing limitations on attorney fees charged in connection therewith; prescribing the form of judgment to be entered for certain damages awarded therefor.

HB 2919, by Representative Guldner: An act concerning elections; relating to delivery of mail ballots; amending K.S.A. 25-433 and repealing the existing section.

HB 2920, by Representative Guldner: An act concerning elections; relating to absentee ballots; amending K.S.A. 1985 Supp. 25-1120 and repealing the existing section.

HB 2921, by Committee on Local Government: An act concerning public building commissions; relating to petitions in opposition of revenue bond issues; amending K.S.A. 12-1767 and repealing the existing section.

HB 2922, by Representatives Shore, Brown, Bryant, C. Campbell, DeBaun, Flottman, Freeman, Friedeman, Fry, Guldner, Long, Roenbaugh, Sallee and Smith: An act relating to the director of property valuation; concerning the appointment of the director; amending K.S.A. 75-5105 and repealing the existing section.

HB 2923, by Representatives Hensley, Cribbs, Dillon, Green, Jarchow, Justice, Luzzati, Mainey, Peterson, Reardon, Webb and Wisdom: An act relating to property taxation; exempting hand tools therefrom.

HB 2924, by Representative O'Neal: An act concerning crimes, punishments and criminal procedure; relating to restitution; amending K.S.A. 22-3718 and 74-7304 and K.S.A. 1985 Supp. 21-4603, 21-4610 and 22-3717 and repealing the existing sections.

HB 2925, by Representative O'Neal: An act concerning domestic relations; concerning enforcement of maintenance orders; amending K.S.A. 1985 Supp. 60-1613 and repealing the existing section.

HB 2926, by Representatives O'Neal, Guldner, Lowther, Walker and Wunsch: An act concerning school districts; relating to adoption by boards of education of performance-based salary plans for professional employees; authorizing increases in budgets of operating expenses under certain conditions; amending K.S.A. 72-7055 and repealing the existing section.

HB 2927, by Representatives Acheson and Jenkins: An act concerning crimes; relating to disposition of certain moneys received as a result of the commission of a crime.

HB 2928, by Representatives Apt, Hayden and Foster: An act establishing a Kansas wildlife arts series; creating the Kansas wildlife arts council and prescribing the powers and duties thereof; and imposing certain duties upon the division of travel, tourism and film services of the department of economic development for such purposes.

HB 2929, by Representative C. Campbell: An act concerning minors; prohibiting certain acts and providing remedies for violations.

HB 2930, by Representative Dean: An act concerning inmates of county or regional jails; relating to reimbursement of costs of maintenance.

HB 2931, by Representative Dean: An act concerning certain alcohol and drug related traffic offenses; relating to tests for alcohol or drugs; amending K.S.A. 1985 Supp. 8-1001 and 8-1005 and repealing the existing sections.

HB 2932, by Representative Dean: An act requiring an annual accounting of real estate escrow accounts.

HB 2933, by Representative D. Miller: An act concerning insurance; relating to the Kansas life and health insurance guaranty association act; amending K.S.A. 1985 Supp. 40-3002 and 40-3003 and repealing the existing sections.

HB 2934, by Representative R. D. Miller: An act relating to taxation; concerning the imposition of the severance tax upon oil; concerning the rates of the state retailers' sales and compensating taxes; amending K.S.A. 79-3603, 79-3703 and 79-4217 and repealing the existing sections.

HB 2935, by Representative Erne: An act relating to financial institutions; concerning the acceptance of share drafts.

HB 2936, by Representative Erne: An act relating to financial institutions; prohibiting service charges for insufficient funds, checks, drafts or orders under certain circumstances.

HB 2937, by Representative Erne: An act relating to financial institutions; requiring the acceptance of certain items.

HB 2938, by Representative Erne: An act relating to financial institutions; concerning the availability of funds.

HB 2939, by Representative Brown: An act amending the Kansas tort claims act; providing certain exceptions from liability; amending K.S.A. 75-6104 and repealing the existing section.

HB 2940, by Representative Graeber (by request): An act concerning the Kansas public employees retirement system; relating to retirement date for members in school employment; amending K.S.A. 74-4937 and 74-4938 and repealing the existing sections.

HB 2941, by Representative Wunsch: An act concerning district courts; relating to jurisdiction over certain matters.

HB 2942, by Representative Wunsch (by request): An act concerning crimes; relating to justified use of force in defense of one's dwelling; amending K.S.A. 21-3212 and repealing the existing section.

HB 2943, by Representative Hayden: An act concerning credit cards; prohibiting the charging of certain charges and surcharges; amending K.S.A. 16a-2-501 and repealing the existing section.

HB 2944, by Representative Heinemann: An act concerning criminal procedure; relating to preliminary examinations; amending K.S.A. 22-2902 and repealing the existing section.

HB 2945, by Representative Heinemann: An act concerning the crime of eavesdropping; amending K.S.A. 21-4001 and repealing the existing section.

HB 2946, by Representative K. Ott: An act concerning cemetery districts; relating to the detachment and attachment of territory.

HB 2947, by Representative Peterson: An act concerning crimes and punishments;

defining and classifying the crime of causing injury while driving under the influence of alcohol or drugs.

HB 2948, by Representative Roper: An act establishing the Kansas department of interior; prescribing the powers and duties thereof; transferring certain powers, duties and functions of certain state offices and agencies; repealing K.S.A. 74-3301 and 74-4501.

HB 2949, by Representative Hensley: An act concerning the establishment of housing trust funds by boards of county commissioners for repair, rehabilitation and improvement of residential housing; crediting interest on real estate escrow accounts to such funds; prescribing powers, duties and functions in relation thereto.

HB 2950, by Representatives Leach and Schmidt: An act relating to investments of state moneys; authorizing linked deposits to encourage loans at reduced interest rates for eligible small businesses or farming operations; amending K.S.A. 75-4209 and 75-4210 and repealing the existing sections.

HB 2951, by Representatives Hayden, Apt, Baker, Barr, Bideau, Braden, Bryant, Buehler, Buntin, C. Campbell, Chronister, Cloud, Crowell, Duncan, Dyck, Eckert, Flottman, Foster, Freeman, Friedeman, Goossen, Graeber, Guldner, Harper, Hassler, Hoy, Jenkins, King, Kline, Knopp, Littlejohn, Long, R. D. Miller, Mollenkamp, Moomaw, Neufeld, Nichols, O'Neal, K. Ott, Polson, Pottorff, Roe, Roenbaugh, Sand, Shore, Sifers, Walker, Wilbert, Williams and Wunsch: An act concerning economic development in Kansas; establishing a department of commerce thereof; prescribing the powers and duties of such department; amending K.S.A. 74-5002a, 74-5002b, 74-5002c, 74-5002d, 74-5002e, 74-5005, 74-5008a, 74-5008b, 74-5008c, 74-5009, 74-5010a, 74-5032, 74-5034, 74-5035 and 74-5045 and repealing the existing sections.

HB 2952, by Representatives Snowbarger and Spaniol: An act concerning the census or population of the state of Kansas; relating to the enumeration of the residents of the state; making certain requirements in connection therewith; concerning the use of such information; amending K.S.A. 1985 Supp. 11-201 and repealing the existing section.

HB 2953, by Representatives Hayden, C. Campbell, Charlton, Friedeman, Goossen, Grotewiel, R.H. Miller, Sallee, Sand, Smith, Sughrue, Vancrum and Walker: An act concerning alcoholic beverages; relating to transportation in open containers; amending K.S.A. 41-804 and 41-2719 and repealing the existing sections.

HB 2954, by Representative D. Miller: An act concerning professional negotiation between boards of education and professional employees' organizations; providing procedures for final and binding conclusion thereof under certain conditions; amending K.S.A. 72-5411, 72-5413, 72-5421, 72-5423, 72-5426, 72-5428, 72-5428a, 72-5430 and 72-5437, and repealing the existing sections.

HB 2955, by Representative Goossen: An act concerning homes for the aged; providing for the establishment or acquisition thereof by cities; amending K.S.A. 12-4901, 12-4902, 12-4903, 12-4904, 12-4905, 12-4906, 12-4907 and 12-4909 and repealing the existing sections.

HB 2956, by Representatives Barr, Aylward, Baker, Clod, Duncan, Eckert, Fox, Jenkins, Johnson, King, Mayfield, R.D. Miller, R.H. Miller, Nichols, Pottorff, Sand, Smith, Sughrue, Vancrum and Webb: An act concerning animals; relating to qualifications for licensure of certain persons and facilities dealing with animals; amending K.S.A. 47-1705 and 47-1706 and K.S.A. 1985 Supp. 12-4516, 21-4619 and 47-830 and repealing the existing sections.

HB 2957, by Representative Bowden: An act concerning air quality control; relating to the establishment of an air quality control board in Sedgwick county.

HB 2958, by Representative Douville: An act concerning workers' compensation; relating to medical compensation; amending K.S.A. 44-510 and 44-519 and repealing the existing sections.

HB 2959, by Representative K. Ott: An act relating to countywide retailers' sales taxes; concerning the apportionment and use of revenues therefrom; amending K.S.A. 1985 Supp. 12-192 and repealing the existing section.

HB 2960, by Representative Helgerson: An act establishing the state economic development policy committee; providing for the membership and organization thereof; prescribing powers, duties and functions thereof.

HB 2961, by Representatives Aylward, Bideau, Cribbs, DeBaun, Dillon, Eckert, Erne, Freeman, Friedeman, Fry, Harper, Hayden, Holmes, Jenkins, Johnson, Justice, King, Laird, Long, Love, Mollenkamp, Neufeld, O'Neal, B. Ott, Ramirez, Reardon, Roper, Rosenau, Sallee, Sand, Smith, Sutter, Vancrum, Wilbert and Wisdom: An act concerning criminal procedure; relating to appearance bond; amending K.S.A. 22-2802 and repealing the existing section.

HB 2962, by Representatives Patterson and Harper: An act concerning domestic relations; relating to child custody orders in certain actions; amending K.S.A. 1985 Supp. 60-1610 and repealing the existing section.

HB 2963, by Representatives Roenbaugh, Harper, Flottman, Freeman, Jenkins, Mollenkamp, Neufeld, Shore, Smith and Sughrue: An act concerning weights and measures; requiring the testing and inspection of moisture measuring devices; providing for the licensing of service companies; establishing violations and prescribing penalties therefor.

HB 2964, by Representatives Peterson, Dillon, Johnson, Justice, Love, Ramirez, Reardon, Rosenau and Sutter: An act relating to land surveying; concerning engineers; amending K.S.A. 74-7034 and repealing the existing section.

HB 2965, by Representatives Peterson, Dillon, Johnson, Justice, Love, Ramirez, Reardon, Rosenau and Sutter: An act concerning the crime of giving a worthless check; relating to the amount of certain service fees; amending K.S.A. 1985 Supp. 21-3707 and repealing the existing section.

HB 2966, by Representatives Peterson, Dillon, Johnson, Justice, Love, Rosenau and Sutter: An act concerning licensure to carry concealed firearms; amending K.S.A. 1985 Supp. 21-4201 and repealing the existing section.

HB 2967, by Representative Peterson: An act concerning public utilities in certain cities; relating to the composition of board of pension trustees appointed thereby; amending K.S.A. 13-1246a and repealing the existing section.

HB 2968, by Representative Peterson: An act relating to taxing authority of cities; repealing K.S.A. 12-140, relating to the prohibition against cities from levying taxes upon income.

HB 2969, by Representative Peterson: An act concerning the Kansas police and firemen's retirement system; relating to retirement benefits for certain special members.

HB 2970, by Representative Peterson: An act concerning public utilities in certain cities; relating to retirement benefits of retirement pension plan for employees.

HB 2971, by Representative Johnson: An act concerning adoption; relating to consent thereto; amending K.S.A. 1985 Supp. 59-2102 and repealing the existing section.

HB 2972, by Representatives Leach, Barkis, Hamm, Adam, Bowden, K. Campbell, Gjerstad, Green, Harder, Lacey, Rezac, Roper, Schmidt, Solbach, Sughrue, Teagarden, Turquist and Weaver: An act concerning agriculture; establishing an agriculture assistance division within the state department of agriculture; creating the farm foreclosure negotiation board and providing the duties and functions thereof; providing financial and other assistance to certain persons engaged in farming; establishing the farm redemption fund and the farm credit payment adjustment fund; establishing the Kansas reserve program and providing for the disposition of agricultural land acquired by creditors.

HB 2973, by Representatives Bowden, Dillon, Fry, Harder, Love, and Roper: An act concerning motor-vehicle fuel; prohibiting certain sales thereof.

(continued)

HB 2974, by Representative Justice: An act relating to the Kansas civil service act concerning job interviews for positions in the classified service; procedures; amending K.S.A. 1985 Supp. 75-2943 and repealing the existing section.

HB 2975, by Representatives Justice, K. Campbell, Dillon, Graeber, Hensley, Johnson, Love, Luzzati, Peterson, Ramirez, Reardon, Rosenau, Sutter and Wisdom: An act relating to the composition of law enforcement personnel review boards established by cities; requiring appointment of members of the general public.

HB 2976, by Representatives Justice, Hayden, Barkis, Blumenthal, Bowden, Brady, Branson, Charlton, Cribbs, Crowell, Dillon, Erne, Francisco, Fry, Gjerstad, Graeber, Green, Grotewiel, Helgerson, Hensley, Lacey, Leach, Love, Luzzati, Mainey, O'Neal, Peterson, Ramirez, Reardon, Rosenau, Rannels, Sughrue, Sutter, Teagarden, Turnquist, Weaver, Whiteman and Wisdom: An act concerning the investment and management of moneys under the control and supervision of certain state investing agencies; prohibiting certain investments with regard to the Republic of South Africa; amending K.S.A. 12-3718, 12-3724, 40-2307, 40-3406, 58-3066, 65-3431, 68-2311, 74-2913, 74-4515, 74-4921, 75-2527, 75-4205, 75-4209, 75-4254, 76-818 and 76-2473 and K.S.A. 1985 Supp. 32-104m and 44-712 and repealing the existing sections.

HB 2977, by Representative Friedeman: An act concerning fish and game; relating to the use of lead shot.

HB 2978, by Representative Heinemann: An act concerning criminal procedure; relating to appearance before a magistrate after arrest; amending K.S.A. 22-2901 and repealing the existing section.

HB 2979, by Representative Heinemann: An act concerning retirement benefits for certain ambulance attendants; providing eligibility requirements and payment amounts; authorizing reimbursement of public employees retirement fund.

HB 2980, by Representatives Graeber and Jenkins: An act concerning crimes and punishments and procedures relating thereto; defining and classifying certain crimes; providing for a sentence of death for certain crimes under certain circumstances; relating to counsel for persons charged with or convicted of crimes for which a sentence of death may be imposed; concerning the procedure for carrying out a sentence of death; amending K.S.A. 22-4002, 22-4003, 22-4004, 22-4005, 22-4009, 22-4011, 22-4012, 22-4013 and 22-4014 and K.S.A. 1985 Supp. 21-4501, 21-4603, 21-4604, 22-4503, 22-4505, 22-4507 and 22-4511 and repealing the existing sections; also repealing K.S.A. 22-4001 and 22-4010.

HB 2981, by Representative Erne: An act concerning crimes and punishments; defining and classifying the crime of running a roadblock.

HB 2982, by Representatives Whiteman and Duncan: An act concerning compulsory school attendance; relating to certain reports of noncompliance; amending K.S.A. 72-1113 and repealing the existing section.

HB 2983, by Representatives Crowell, Chronister and Patterson: An act relating to roads and highways; authorizing for the construction, improvement and maintenance of certain highways; imposing certain taxes; amending K.S.A. 79-3425, 79-3487, 79-34104, 79-34113, 79-34126, 79-34142 and K.S.A. 1985 Supp. 79-34141 and repealing the existing sections.

HB 2984, by Representative Crowell (by request): An act relating to counties; concerning the filling of vacancies in certain county offices; amending K.S.A. 19-303, 19-504 and 19-1203 and K.S.A. 1985 Supp. 19-804 and repealing the existing sections.

HB 2985, by Committee on Transportation: An act relating to roads and highways; authorizing for the construction, improvement and maintenance of certain highways; imposing certain taxes and authorizing certain loans for the payment of the cost of such construction, improvement and maintenance; amending K.S.A. 79-3408c, 79-3425, 79-3475a, 79-3487, 79-3491a, 79-34104, 79-34118, 79-34126, 79-34142 and K.S.A. 1985 Supp. 79-34141 and repealing the existing sections.

HB 2986, by Representatives Turnquist, Barkis, Bowden, Dillon, Francisco, Harder, Johnson, Schmidt, Solbach and Whiteman: An act concerning crimes; relating to disposition of certain moneys received as a result of the commission of a crime.

HB 2987, by Representatives Turnquist, Barkis, Bowden, Dean, Helgerson, Mainey, Reardon, Rosenau, Weaver and Whiteman: An act creating the state board of insurance rate regulation; prescribing the powers, duties and functions thereof; amending K.S.A. 40-103, 40-1113, 40-1113a, 40-19c07, 40-2215 and 40-3210 and K.S.A. 1985 Supp. 40-102 and repealing the existing sections.

HB 2988, by Representatives Duncan, Reardon, Teagarden and Walker: An act relating to banks and banking; concerning detached auxiliary banking services facilities; amending K.S.A. 1985 Supp. 9-1111 and repealing the existing section.

HB 2989, by Representatives Fry, C. Campbell, Apt, Aylward, Barkis, Barr, Braden, Branson, Brown, Buehler, Bunten, K. Campbell, Crumbaker, DeBaun, Dillon, Eckert, Fox, Friedeman, Gjerstad, Guldner, Hamm, Harper, Hassler, Hayden, Hensley, Holmes, Hoy, Justice, Kline, Knopp, Lacey, Leach, Littlejohn, Long, Love, Lowther, Mainey, Mayfield, R.D. Miller, Mollenkamp, Moomaw, Neufeld, N. Ott, Patterson, Ramirez, Rezac, Roe, Roenbaugh, Rolf, Rannels, Sallee, Sand, Schmidt, Shore, Sifers, Smith, Snowbarger, Sprague, Sughrue, Teagarden, Turnquist, Walker, Wilbert and Wisdom: An act concerning a new correctional facility; authorizing certain agreements relating thereto; prescribing certain procedures, limitations and duties relating thereto.

HB 2990, by Representatives Barkis, Adam, Bowden, Brady, Charlton, Cribbs, Francisco, Green, Grotewiel, Harder, Helgerson, Hensley, Justice, Luzzati, Mainey, Reardon, Rannels, Schmidt, Sughrue, Sutter, Teagarden, Turnquist, Wagon, Webb and Wisdom: An act concerning the secretary of social and rehabilitation services; relating to incentives for the employment of assistance recipients; amending K.S.A. 1985 Supp. 39-708c and repealing the existing section.

HB 2991, by Representatives Barkis, Bowden, Harder, Love, Turnquist and Whiteman: An act concerning the Kansas healing arts act; relating to unprofessional conduct of licensees; amending K.S.A. 65-2837 and repealing the existing section.

HB 2992, by Representative Mainey: An act concerning public employer-employee relations; relating to fair share fee deductions; amending K.S.A. 75-4322, 75-4324 and 75-4332 and repealing the existing sections.

HB 2993, by Representative Mainey: An act relating to the Kansas civil service act; concerning appeals of rates of compensation assigned under the pay plan for the classified service in certain cases; prescribing powers, duties and functions for the state civil service board.

HB 2994, by Representatives Wunsch, Harder, O'Neal and Whiteman: An act relating to the taxation of property; concerning the assessment sales ratio study; amending K.S.A. 1985 Supp. 79-1437 and repealing the existing section.

HB 2995, by Representatives Baker, Barr, Bowden, Buehler, Dean, Graeber, Grotewiel, Nichols and Pottorff: An act concerning the placement of a statue atop the state capitol dome; providing for the selection of such statue; amending K.S.A. 75-2249 and repealing the existing section.

SCR 1636, by Senators Johnston, Anderson, Daniels, Feleciano, Francisco, Gaines, Gannon, Hayden, Karr, Martin, Mulich, Norvell, Parrish, Steineger and Strick: A concurrent resolution directing the Kansas Department of Economic Development to implement a Kansas Product Promotion Program that identifies Kansas products for consumers.

SCR 1637, by Senators Johnston, Anderson, Daniels, Feleciano, Francisco, Gaines, Gannon, Hayden, Karr, Martin, Mulich, Norvell, Parrish, Steineger, Strick and Warren: A concurrent resolution directing state institutions and the Department of Administration, through its Division of Purchases, to purchase Kansas-grown and processed foods for state institutions whenever possible.

SR 1875, by Senators Anderson, Daniels, Feleciano, Francisco, Frey, Gaines, Gannon, Gordon, Harder, Hayden, Karr, F. Kerr, Martin, Mulich, Parrish, Reilly, Salisbury, Strick, Thiessen, Walker, Werts and Winter: A resolution congratulating and commending Lynette Woodard of the Harlem Globetrotters.

SR 1876, by Senator Salisbury: A resolution commending Stormont-Vail Health Services Corporation for administering a \$1.5 million grant awarded to northeast Kansas.

SR 1877, by Senators Gannon, Feleciano, Johnston, Karr and Parrish: A resolution honoring John Cougar Mellencamp for his strong support of rural America.

SR 1878, by Senators Allen, Arasmith, Bogina, Burke, Doyen, Elulich, Frey, Harder, Hoferer, Gordon, D. Kerr, F. Kerr, Langworthy, Montgomery, Salisbury, Talkington, Thiessen, Vidricksen, Walker, Warren, Werts and Yost: A resolution disapproving Executive Reorganization Order No. 21, relating to the state department of agriculture.

HCR 5037, by Committee on Agriculture and Small Business: A concurrent resolution urging the United States Congress to allow the production of leaded gasoline for use in farm equipment.

HCR 5038, by Representatives Blumenthal and Branson: A concurrent resolution directing the secretary of health and environment and the secretary of human resources to make a study concerning the health effects and effect upon the work environment of using video display terminals.

HCR 5039, by Representatives Snowbarger and Spaniol: A proposition to amend section 1 of article 10 of the constitution of the state of Kansas, relating to reapportionment of senatorial and representative districts.

HCR 5040, by Representatives Brady, Barkis, Bowden, K. Campbell, Charlton, Francisco, Grotewiel, Hamm, Harder, Helgerson, Hensley, Johnson, Justice, Lacey, Leach, Luzzati, Mainey, Reardon, Roper, Rosenau, Roy, Rannels, Schmidt, Shriver, Sughrue, Sutter, Turnquist, Wagon and Wisdom: A concurrent resolution directing the Kansas Department of Economic Development to implement a Kansas Product Promotion Program that identifies Kansas products for consumers.

HCR 5041, by Representatives Barkis, Bowden, K. Campbell, Hamm, Harder, Helgerson, Hensley, Justice, Leach, Luzzati, Mainey, Rosenau, Rannels, Sughrue, Sutter, Turnquist, Wagon and Wisdom: A concurrent resolution directing state institutions and the Department of Administration, through its Division of Purchases, to purchase Kansas-grown and processed foods for state institutions whenever possible.

HCR 6182, by Representatives Foster, Acheson, Apt, Aylward, Baker, Barr, Bideau, Braden, Brown, Bryant, Buehler, Bunten, C. Campbell, Chronister, Cloud, Crowell, Crumbaker, DeBaun, Douville, Duncan, Dyck, Eckert, Flottman, Fox, Freeman, Friedeman, Fuller, Goossen, Graeber, Guldner, Harper, Hassler, Hayden, Heinemann, Holmes, Hoy, Jenkins, King, Kline, Knopp, Littlejohn, Long, Louis, Lowther, Mayfield, D. Miller, R. D. Miller, R. H. Miller, Mollenkamp, Moomaw, Neufeld, Nichols, O'Neal, B. Ott, K. Ott, Patrick, Patterson, Polson, Pottorff, Ramirez, Roe, Roenbaugh, Rolf, Sallee, Sand, Shore, Sifers, Smith, Snowbarger, Spaniol, Sprague, Vancrum, Walker, Wilbert, Williams and Wunsch: A resolution honoring the astronauts of the space shuttle Challenger.

HCR 6183, by Representatives Dean, Apt, Bryant, Buehler, C. Campbell, K. Campbell, Eckert, Freeman, Goossen, Hamm, Jenkins, Lacey, Long, Neufeld, Polson, Rezac, Roenbaugh, Sallee, Solbach, Teagarden and Weaver: A resolution commending Sunshine Biscuits, Inc., for producing "Kansas Style Wheat" crackers.

HCR 6184, by Representatives Pottorff, Baker, Cribbs, Dean, Foster, Francisco, Fuller, Grotewiel, Helgerson, K. Ott, Spaniol, Webb and Williams: A resolution congratulating and commending Lynette Woodard of the Harlem Globetrotters.

HCR 6185, by Representative Bowden: A resolution congratulating Garden Plain on its centennial anniversary.

HCR 6186, by Representative Baker: A resolution in recognition of National Distributive Education Clubs of America Week and the Derby Senior High School DECA Chapter.

Doc. No. 003946

State of Kansas

STATE CORPORATION COMMISSION

NOTICE OF MOTOR CARRIER HEARINGS

Applications set for hearing are to be heard at 9:30 a.m. before the State Corporation Commission, State Office Building, 4th Floor, Topeka, 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 66612, (913) 296-3808 or 296-2110.

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

Applications set for March 13, 1986

Application for Certificate of Convenience and Necessity:

Curtis D. Whitaker, dba) Docket No. 149,020 M
Curt's Dozer Service)
Route 2)
Humboldt, KS 66748)

Applicant's Attorney: None

Grain, hay, feed, salt, heavy equipment and machinery, oilfield equipment, materials and supplies, iron and steel, building materials and scrap metal,

Between points and places in Kansas.

Cattle,

Between all points and places in Allen, Woodson, Wilson, Neosho, Bourbon, Coffey and Lyon counties, Kansas.

Application for Transfer of Local Cartage:

Grandview Transfer) Docket No. 117,598 M
 Company, Inc.)
 830 N. Agnes)
 Kansas City, MO 64120) MC ID No. 102542
 TO:
 Express Parcel Service, Inc.
 830 N. Agnes
 Kansas City, MO 64120

Applicant's Attorney; Alex Lewandowski, 1221 Baltimore, Suite 600, Kansas City, MO 64105

General commodities, in local cartage,

Between points and places within the Kansas City, Kansas-Missouri ICC Commercial Zone.

Applications set for March 18, 1986

Application for Certificate of Convenience and Necessity:

Benito P. Nebarez, dba) Docket No. 149,019 M
 Benny's Truckin')
 Box 834, Westridge Apt. 6)
 Lakin, KS 67860)

Applicant's Attorney: None

Grain,

Between all points and places in Morton, Stevens, Seward, Meade, Stanton, Grant, Haskell, Gray, Hamilton, Kearny, Finney, Greeley, Wichita, Scott, Lane, Wallace and Logan counties, Kansas.

Application for Transfer of Certificate of Convenience and Necessity:

Cleo C. Ball) Docket No. 35,526 M
 Route 2, Box 125)
 Belleville, KS 66935) MC ID No. 100371
 TO:

Leo E. and Leon E. Ball, dba
 Ball & Son Movers
 P. O. Box 2
 Belleville, KS 66935

Applicant's Attorney: None

Livestock,

Between all points and places in Kansas within a 15-mile radius of Belleville.

Also,

Between all points and places in Kansas within a 15-mile radius of Belleville, Kansas, on the one hand, and points and places in Kansas within a 50-mile radius of Belleville, Kansas, on the other.

Farm machinery, farm machinery parts and hardware,

Between all points and places in Kansas within a 15-mile radius of Belleville.

Also,

Between all points and places in Kansas within a 15-mile radius of Belleville, Kansas, on the one hand,

and points and places in Kansas within a 50-mile radius of Belleville, Kansas, on the other.

Sand and gravel,

Between all points and places in Kansas within a 15-mile radius of Belleville.

Also,

Between all points and places in Kansas within a 15-mile radius of Belleville, Kansas, on the one hand, and points and places in Kansas within a 50-mile radius of Belleville, Kansas, on the other.

Unprocessed hay, grain and seed,

Between all points and places in Kansas within a 15-mile radius of Belleville.

Also,

Between all points and places in Kansas within a 15-mile radius of Belleville, Kansas, on the one hand, and points and places in Kansas within a 50-mile radius of Belleville, Kansas, on the other.

Processed mill feeds,

Between all points and places in Kansas within a 15-mile radius of Belleville.

Also,

Between all points and places in Kansas within a 15-mile radius of Belleville, Kansas, on the one hand, and points and places in Kansas within a 50-mile radius of Belleville, Kansas, on the other.

Lumber, rock, cement blocks, cement and building materials,

Between all points and places in Kansas within a 15-mile radius of Belleville.

Also,

Between all points and places in Kansas within a 15-mile radius of Belleville, Kansas, on the one hand, and points and places in Kansas within a 50-mile radius of Belleville, Kansas, on the other.

Watermelons,

Between all points and places in Kansas within a 15-mile radius of Belleville.

Also,

Between all points and places in Kansas within a 15-mile radius of Belleville, Kansas, on the one hand, and points and places in Kansas within a 50-mile radius of Belleville, Kansas, on the other.

Frame or metal buildings, houses, barns, sheds, garages, machine shops, box cars and granaries,

Between all points and places in the state of Kansas within a 50-mile radius of Belleville, Kansas, restricted however, to offer or perform no service in the counties of Smith and Osborne.

Application for Extension of Certificate of Convenience and Necessity:

Leo E. and Leon E. Ball,) Docket No. 35,526 M
 dba)
 Ball & Son Movers)
 P. O. Box 2)
 Belleville, KS 66935)

Applicant's Attorney: None

Livestock, farm machinery, farm machinery parts
 (continued)

and hardware, farm products, processed mill feeds, lumber, cement in bags, building materials, buildings, houses, box cars, foundry products and manufactured housing units (mobile homes, house trailers and pre-fab homes) and household goods,

Between all points and places in Republic, Cloud, Ottawa, Saline, McPherson, Washington, Clay, Dickinson, Jewell, Mitchell, Lincoln, Ellsworth, Rice, Marshall, Riley, Geary, Morris, Smith, Osborne, Russell, Barton, Nemaha, Pottawatomie, Harvey, Reno, Phillips, Rooks, Ellis, Norton and Graham counties, Kansas, on the one hand, and on the other, all points and places in the state of Kansas.

Application for Transfer of Contract Carrier Permit:

Robert D. McKee) Docket No. 139,831 M
725 Atherton)
Maize, KS 67101) MC ID No. 117538
TO:
R. D. McKee, Inc.
5360 N. Broadway
Wichita, KS 67219

Applicant's Attorney: Clyde Christey, Southwest Plaza Building, Suite 202, 3601 W. 29th, Topeka, KS 66614

Meat, meat products, meat by-products and articles distributed by packing houses,

Between points in Ford County, Kansas, on the one hand, and points and places in the state of Kansas, on the other hand. Under contract with Hy-Plains Dressed Beef, Inc., of Dodge City, Kansas.

Application for Certificate of Convenience and Necessity:

R. D. McKee, Inc.) Docket No. 149,021 M
5360 N. Broadway)
Wichita, KS 67219)

Applicant's Attorney: Clyde Christey, Southwest Plaza Building, Suite 202, 3601 W. 29th, Topeka, KS 66614

Food and related products,

Between all points and places in the state of Kansas.

Application for Abandonment of Certificate of Convenience and Necessity:

Barton Transfer &) Docket No. 19,142 M
Storage, Inc.)
118 N. Mead)
Wichita, KS 67202) MC ID No. 100062

Applicant's Attorney: None

Applications set for March 20, 1986

Application for Extension of Certificate of Convenience and Necessity:

Tom Snell, dba) Docket No. 142,131 M
Tom Snell Trucking)
106½ N. Main)
Ellinwood, KS 67526) MC ID No. 102989

Applicant's Attorney: Clyde Christey, Southwest Plaza Building, Suite 202, 3601 W. 29th, Topeka, KS 66614

Grain, hay, dry feed, dry feed ingredients, salt, dry fertilizer and seeds,

Between points and places in Kansas west of U.S. Highway 77.

Also,

Between points and places in Kansas west of U.S. Highway 77, on the one hand, and points and places in the state of Kansas, on the other hand.

Livestock,

Between points and places in Lincoln, Ellis, Russell, Rush, Barton, Ellsworth, Rice, Pawnee, Stafford and Reno counties, Kansas.

Also,

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

Application for Certificate of Convenience and Necessity:

Buddy Dean Hopper, dba) Docket No. 149,022 M
B & T Service Center)
Route 1, I-70 & K-232)
Wilson, KS 67490)

Applicant's Attorney: None

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

Between all points and places in Ellsworth, Ellis, Russell, Saline and Lincoln counties, Kansas.

Applications set for March 25, 1986

Application for Extension of Certificate of Convenience and Necessity:

C & M Cartage, Inc.) Docket No. 136,695 M
1 Woodswether Road)
Kansas City, KS 66118) MC ID No. 105376

Applicant's Attorney: None

General commodities (except classes A and B explosives, household goods as defined by the ICC Commission, commodities in bulk and commodities which, because of size and weight, require special equipment),

Between all points and places in Kansas.

Application for Certificate of Convenience and Necessity:

Richard H. Long, Jr., dba) Docket No. 149,023 M
 Rick's Auto Service)
 201 S. Main)
 Benton, KS 67017)

Applicant's Attorney: None

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

Between all points and places in Sedgwick, Butler and Harvey counties, Kansas:

Also,
 Between all points and places in Sedgwick, Butler and Harvey counties, Kansas, on the one hand, and all points and places in the state of Kansas, on the other.

Application for Extension of Certificate of Convenience and Necessity:

Martin Trucking, Inc.) Docket No. 113,621 M
 P. O. Box M)
 Hugoton, KS 67951) MC ID No. 118128

Applicant's Attorney: Charles Briscoe, Suite 304, Capitol Tower, 400 W. 8th, Topeka, KS 66603

Non-toxic, non-hazardous dry commercial waste in bulk,

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

Application for Certificate of Convenience and Necessity:

Ronnie's Tow Service, Inc.) Docket No. 149,451 M
 441 S. 71st)
 Kansas City, KS 66111)

Applicant's Attorney: None.

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

Between all points and places in Wyandotte, Johnson and Leavenworth counties, Kansas.

Also,
 Between all points and places in Wyandotte, Johnson and Leavenworth counties, Kansas, on the one hand, and all points and places in the state of Kansas, on the other.

Application for Certificate of Convenience and Necessity:

Darrell E. Unrein, dba) Docket No. 149,025 M
 Vernie's Trux-N-Equip.)
 I-70 & 183 Highway)
 Hays, KS 67601) MC ID No. 115092

Applicant's Attorney: None.

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

Between all points and places in Ellis County, Kansas.

Also,

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

Application for Certificate of Convenience and Necessity:

Tom R. Tribble, dba) Docket No. 149,024 M
 Pro-Tow Wrecker Service)
 14831 Locust)
 Olathe, KS 66062)

Applicant's Attorney: None.

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

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

Also,

Between all points and places in Johnson, Wyandotte, Leavenworth, Douglas, Franklin and Miami counties, Kansas, on the one hand, and all points and places in the state of Kansas, on the other.

Applications set for March 27, 1986

Application for Extension of Certificate of Convenience and Necessity:

Wynne Transport Service,) Docket No. 85,067 M
 Inc.)
 2222 N. 11th)
 Omaha, NE 68110) MC ID No. 100601

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

Petroleum and petroleum products,

Between the Kansas counties of Phillips, McPherson, Wyandotte, Johnson, Doniphan, Butler, Sedgwick, Cowley and Montgomery.

Also,

Between the Kansas counties of Phillips, McPherson, Wyandotte, Johnson, Doniphan, Butler, Sedgwick, Cowley and Montgomery, on the one hand, and on the other, points in Kansas.

Application to Transfer Certificate of Convenience:

Walley K. Winstead, dba) Docket No. 137,254 M
 Winstead's 24-Hour)
 Wrecker Service &)
 Auto Sales)
 782 Cherokee St.)
 Leavenworth, KS 66048) MC ID No. 109381

Applicant's Attorney: None

(continued)

Wrecked and disabled vehicles,

(Published in the KANSAS REGISTER, February 20, 1986.)

Between all points and places in Leavenworth, Wyandotte, Johnson, Jefferson and Atchison counties, Kansas.

Also,

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

Application for Extension of Certificate of Convenience and Necessity:

Michael W. Kidwell, dba) Docket No. 137,254 M
Winstead's 24-Hour)
Wrecker Service)
782½ Cherokee St.)
Leavenworth, KS 66048)

Applicant's Attorney: None

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

Between all points and places in Leavenworth, Wyandotte, Johnson, Jefferson and Atchison counties, Kansas.

Also,

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

Application for Certificate of Convenience and Necessity:

Hansen Refrigerated) Docket No. 149,026 M
Movements, Inc.)
Route 5, P. O. Box 402)
Fremont, NE 68025) MC ID No. 118024

Applicant's Attorney: None

General commodities (except classes A and B explosives, commodities in bulk and household goods),

Between all points and places in the state of Kansas.

WILLIAM E. GREEN
Administrator
Transportation Division

Doc. No. 003940

HOUSE BILL No. 2424

AN ACT concerning the board of accountancy; relating to qualifications for admission to certified public accountant examination; amending K.S.A. 1-302a and repealing the existing section.

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

Section 1. K.S.A. 1-302a is hereby amended to read as follows: 1-302a. (a) An applicant for admission to the examination required in K.S.A. 1-302, and amendments thereto, must submit evidence satisfactory to the board of accountancy of at least one of the following:

(1) A baccalaureate, master's or higher academic degree from a college or university recognized by the board or completion of coursework which consists of at least 124 semester hours and which is the equivalent of a baccalaureate degree as attested to by a college or university recognized by the board and, in either case, with a concentration in accounting; or

(2) A baccalaureate, master's or higher academic degree from a college or university recognized by the board, without regard to course of study completed, and evidence that the applicant has completed two years of practical public accounting experience.

(b) The board of accountancy may define by rules and regulations the term "concentration in accounting," as the same is to be applied each place such term occurs in K.S.A. 1-302a this section and K.S.A. 1-302b, and amendments thereto.

(c) The board, by rule and regulation, may provide for admittance to an examination of persons who will be graduated from a college or university, or can provide evidence of completion of equivalent coursework from a college or university and who are otherwise qualified, all as provided in this section, within 90 days after the examination to which admitted, but no report on the examination of any such person shall be made unless such person shall be so graduated or has completed equivalent coursework as attested to by a college or university as provided in this section.

Sec. 2. K.S.A. 1-302a 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 January 30, 1986.

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

APPROVED February 12, 1986.

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 12th day of February, 1986.

JACK H. BRIER
Secretary of State.

(SEAL)

(Published in the KANSAS REGISTER, February 20, 1986.)

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

Notice is hereby given that, pursuant to Section 3.01 of the Trust Indenture dated April 1, 1980, \$1,210,000 principal amount of the bonds are called for redemption April 1, 1986 at the redemption price of 100 percent of the principal amount being redeemed plus accrued interest thereon to the redemption date.

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

- Due April 1, 1987: 135, 140
Due April 1, 1988: 180, 185
Due April 1, 1989: 198, 215, 217
Due April 1, 1990: 241, 250, 275
Due April 1, 1991: 304, 317, 319
Due April 1, 1992: 336, 343, 379, 383
Due April 1, 1993: 412, 418, 421, 426
Due April 1, 1994: 458, 459, 460, 461, 495

Due April 1, 2011

Table with 6 columns of serial numbers for bonds due April 1, 2011, ranging from 519 to 1073.

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

Due April 1, 2011: R-27
Due April 1, 2011: R-46

The serial number of the registered bond to be partially redeemed in the amount of \$10,000 is as follows:

Due April 1, 2011: R-39

The serial number of the registered bond to be partially redeemed in the amount of \$30,000 is as follows:

Due April 1, 2011: R-45

Payment of the redemption price of the bearer bonds and the registered bonds to be redeemed will be made at Security Bank of Kansas City, One Security Plaza, Kansas City, KS 66117.

Notice is hereby given that on and after April 1, 1986, interest on the bonds hereby called for redemption shall cease to accrue.

SECURITY BANK OF KANSAS CITY,
KANSAS, TRUSTEE

Doc. No. 003927

(Published in the KANSAS REGISTER, February 20, 1986.)

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

Notice is hereby given that, pursuant to Section 3.01 of the Trust Indenture dated April 1, 1980, \$1,450,000 principal amount of the bonds are called for redemption April 1, 1986 at the redemption price of 100 percent of the principal amount being redeemed plus accrued interest thereon to the redemption date.

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

- Due April 1, 1987: 77, 94
Due April 1, 1988: 106, 109
Due April 1, 1989: 123, 131, 138
Due April 1, 1990: 147, 148, 164
Due April 1, 1991: 176, 191, 192
Due April 1, 1992: 209, 215, 225, 233
Due April 1, 1993: 247, 263, 265, 269
Due April 1, 1994: 287, 285, 307, 308, 326

Due April 1, 2011

Table with 6 columns of serial numbers for bonds due April 1, 2011, ranging from 363 to 526.

(continued)

(Published in the KANSAS REGISTER, February 20, 1986.)

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

Notice is hereby given that, pursuant to Section 3.01 of the Trust Indenture dated April 1, 1980, \$975,000 principal amount of the bonds are called for redemption April 1, 1986 at the redemption price of 100 percent of the principal amount being redeemed plus accrued interest thereon to the redemption date.

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

- Due April 1, 1987: 60
- Due April 1, 1988: 64
- Due April 1, 1989: 84, 86
- Due April 1, 1990: 107, 110
- Due April 1, 1991: 130, 135
- Due April 1, 1992: 137, 146, 152
- Due April 1, 1993: 174, 181, 185
- Due April 1, 1994: 187, 198, 210

Due April 1, 2011

225	487	825	1082	1413	1668
229	514	838	1100	1423	1679
237	526	841	1106	1478	1694
239	529	851	1111	1481	1701
250	546	854	1116	1483	1716
251	553	859	1132	1484	1717
258	585	876	1137	1487	1723
270	586	883	1189	1499	1747
282	590	895	1191	1516	1764
286	592	921	1198	1526	1780
295	594	924	1199	1528	1794
322	601	926	1204	1533	1798
323	645	929	1235	1538	1805
339	651	935	1245	1549	1816
360	658	939	1251	1553	1824
367	663	950	1267	1570	1826
368	668	960	1269	1578	1827
372	677	979	1312	1583	1828
374	696	994	1315	1587	1831
376	715	995	1319	1623	1860
379	727	998	1328	1625	1863
425	732	1004	1339	1629	1873
429	741	1005	1352	1642	1877
437	743	1006	1364	1643	1881
439	752	1011	1365	1644	1882
444	753	1033	1390	1653	1883
446	775	1043	1401	1655	1913
463	796	1075	1403	1657	1923
478	805	1081	1411	1659	

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

- Due April 1, 2011: R-62
- Due April 1, 2011: R-66

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

530	907	1255	1709	2114	2565
531	908	1262	1718	2117	2610
533	914	1281	1723	2122	2638
534	918	1284	1725	2134	2656
547	920	1288	1726	2148	2666
551	921	1298	1733	2155	2694
552	923	1301	1759	2184	2708
554	969	1304	1767	2193	2721
559	971	1305	1771	2196	2738
560	974	1309	1772	2200	2742
561	988	1315	1774	2204	2747
600	993	1323	1782	2212	2755
601	998	1334	1808	2215	2769
605	1001	1336	1810	2262	2786
614	1020	1339	1812	2269	2790
649	1027	1351	1814	2270	2791
650	1029	1355	1821	2307	2801
654	1044	1359	1828	2334	2802
659	1058	1368	1832	2342	2814
666	1059	1376	1849	2360	2815
667	1083	1379	1853	2361	2845
676	1095	1424	1857	2372	2853
685	1096	1438	1858	2381	2854
687	1097	1439	1861	2386	2855
688	1107	1450	1868	2395	2861
710	1109	1451	1889	2396	2886

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

- Due April 1, 2011: R-37, R-39, R-41, R-53

The serial number of the registered bond to be partially redeemed in the amount of \$10,000 is as follows:

- Due April 1, 2011: R-47

The serial number of the registered bond to be partially redeemed in the amount of \$60,000 is as follows:

- Due April 1, 2011: R-45

Payment of the redemption price of the bearer bonds on the registered bonds to be redeemed will be made at Security Bank of Kansas City, One Security Plaza, Kansas City, KS 66117.

Notice is hereby given that on and after April 1, 1986, interest on the bonds hereby called for redemption shall cease to accrue.

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

Doc. No. 003929

Due April 1, 2011: R-72

The serial number of the registered bond to be partially redeemed in the principal amount of \$10,000 is as follows:

Due April 1, 2011: R-73

Payment of the redemption price of the bearer bonds and the registered bonds to be redeemed will be made at Security Bank of Kansas City, One Security Plaza, Kansas City, KS 66117.

Notice is hereby given that on and after April 1, 1986, interest on the bonds hereby called for redemption shall cease to accrue.

SECURITY BANK OF KANSAS CITY,
KANSAS, TRUSTEE

Doc. No. 003928

State of Kansas
ABSTRACTERS' BOARD OF EXAMINERS

PERMANENT ADMINISTRATIVE
REGULATIONS
(Effective May 1, 1986)

Article 3.—ABSTRACT BONDS

85-3-2. Abstract bonds. Prior to the issuance of a license, each applicant shall file a bond in the amount of \$25,000.00 with the secretary of the abstracters' board of examiners and in each county in which the applicant intends to do business. (Authorized by K.S.A. 1984 Supp. 74-3901; implementing K.S.A. 58-2802; effective, T-86-8, April 1, 1985; effective May 1, 1986.)

Article 4.—ABTRACTER'S LICENSE FEE

85-4-1. The annual fee for each abstracter's license shall be \$25.00. (Authorized by K.S.A. 1984 Supp. 74-3901; implementing K.S.A. 58-2801; effective, T-86-8, April 1, 1985; effective May 1, 1986.)

Article 6.—INSURANCE

85-6-1. Insurance. Prior to the issuance of a license, each applicant shall file with the secretary of the abstracters' board of examiners an errors and omissions insurance policy in an amount of not less than \$25,000.00 and with a deductible of not more than \$2,500.00. This policy shall be effective throughout the term of the license. (Authorized by K.S.A. 1984 Supp. 74-3901; implementing K.S.A. 58-2802; effective, T-86-8, April 1, 1985; effective May 1, 1986.)

Article 7.—EXAMINATION FEE

85-7-1. Examination fee. The fee for examination shall be \$25.00. (Authorized by K.S.A. 1984 Supp. 74-3901; implementing K.S.A. 58-2805; effective, T-86-8, April 1, 1985; effective May 1, 1986.)

JOANNE CLARKE
Executive Secretary

Doc. No. 003921

State of Kansas

PARK AND RESOURCES AUTHORITY

PERMANENT ADMINISTRATIVE
REGULATIONS
(Effective May 1, 1986)

Article 1.—GENERAL PROVISIONS

33-1-20. Quiet hours. Quiet hours shall be observed between the hours of 11:00 p.m. and 6:00 a.m. Persons with knowledge or probable cause to believe that their acts will alarm, anger or disturb others and who engage in noisy conduct between those hours, may be removed from the park and may be subject to the penalties provided by law. (Authorized by and implementing K.S.A. 1984 Supp. 74-4510; effective May 1, 1986.)

33-1-21. Special events. (a) Special events where 25 or more persons are reasonably expected to attend, and gatherings of 15 or more persons where cereal malt or alcoholic beverages are present or gatherings of 2 or more persons where a keg or container designed to hold three gallons or more of cereal malt or alcoholic beverages is present, shall be prohibited unless written permission has been granted by the director of the park and resources authority or the director's designated representative. Written requests for special events shall be submitted on a prescribed form available from the Topeka office, Kansas park and resources authority, or from a state park office. Written requests for special events shall be received by the director, Topeka office of the Kansas park and resources authority, not later than 72 hours before the event. Response to requests will be made within 24 hours or by not later than the first work day following the day of the request.

(b) The public shall not be charged any fee by the sponsor of the event unless the director of the park and resources authority or the director's designated representative has approved in writing the proposed schedule of fees. The director or the director's designated representative shall have authority to revoke permission and require removal of any equipment upon failure of the sponsor to comply with terms and conditions of the permission or with other state park rules and regulations. Any violation shall constitute a separate violation for each calendar day in which it occurs. (Authorized by and implementing K.S.A. 1984 Supp. 74-4510; effective May 1, 1983; amended May 1, 1986.)

LYNN BURRIS, JR.
Director

Doc. No. 003920

State of Kansas

BOARD OF INDIGENTS' DEFENSE SERVICES**PERMANENT ADMINISTRATIVE REGULATIONS**

(Effective May 1, 1986)

Article 2.—TERMS DEFINED

105-2-1. Definitions. Unless the context otherwise requires, terms used in K.A.R. 105-1-1 *et seq.*, forms and instructions shall have the following meanings:

(a) Board means the state board of indigents' defense services.

(b) Director means the state director of indigents' defense services appointed by the board.

(c) District means judicial district.

(d) Legal representation means representation of indigent defendants by a qualified and effective attorney, as well as transcript preparation and other related defense services by investigators, expert witnesses and others when requested by the attorney and approved by the court.

(e) Panel means the list of qualified attorneys in a county who are eligible for appointment to represent indigent defendants.

(f) Public defender means an attorney selected and employed on full-time basis by the board to provide quality legal representation to indigent defendants pursuant to K.S.A. 1984 Supp. 22-4501 *et seq.*

(g) State appellate defender means an attorney selected and employed on a full-time basis by the board to provide appellate representation to indigent defendants in the appellate courts of Kansas.

(h) Trial counsel means an attorney or public defender appointed under the terms of these regulations to provide legal representation to indigent defendants in the district courts of Kansas and as provided by K.A.R. 105-3-9.

(i) Conflicts attorney office means the office established by the board to provide indigent felony and related defense services in the district courts of Shawnee and Geary counties for cases which cannot be handled by the third judicial district public defender office or the eighth judicial district public defender office due to potential conflicts of interest. (Authorized by K.S.A. 1984 Supp. 22-4522; implementing K.S.A. 1984 Supp. 22-4522; effective May 1, 1984; amended May 1, 1985; amended, T-86-33, Oct. 23, 1985; effective May 1, 1986.)

Article 3.—APPOINTED ATTORNEYS

105-3-8. Continued representation by trial counsel. (a) In any class A, B or C felony which is appealed to the appellate courts of Kansas, the trial counsel may represent the defendant on appeal if:

(1) the trial counsel has submitted a written request to the trial court judge and the director setting forth the reasons for the need to continue with the case;

(2) the trial court judge has approved the request in writing; and

(3) the director has approved the request based upon the board's policies and guidelines governing such requests.

(b) Claims for compensation for appellate work performed by trial counsel shall be subject to review and approval by the director. (Authorized by K.S.A. 1984 Supp. 22-4507 and 22-4522; implementing K.S.A. 1984 Supp. 22-4507; effective, T-86-33, Oct. 23, 1985; effective May 1, 1986.)

105-3-9. Duties of trial counsel following sentencing. (a) In order to protect a convicted defendant's right to appeal, it shall be the duty of each trial counsel to:

(1) file a motion for modification of sentence pursuant to K.S.A. 1984 Supp. 21-4603(3), when appropriate;

(2) file a motion for release on appeal bond pursuant to K.S.A. 22-2804(2), when appropriate;

(3) file a notice of appeal in a timely manner;

(4) upon filing the notice of appeal, obtain a court order for the trial transcript, and a transcript of any pretrial or posttrial proceedings from which a claim of error may arise;

(5) upon filing the notice of appeal, obtain an order from the district court appointing the state appellate defender as counsel for the appeal; and

(6) submit a draft of the docketing statement required by Supreme Court Rule 2.041 to the appellate defender within 10 days of the filing of the notice of appeal.

(b) Requests for compensation for services set forth in subsection (a) shall be included in the claim filed with the board. (Authorized by K.S.A. 1984 Supp. 22-4507 and 22-4522; implementing K.S.A. 1984 Supp. 22-4507; effective, T-86-33, Oct. 23, 1985; effective May 1, 1986.)

105-3-10. Appointments generally. Each court appointment funded by the board shall be made in accordance with the rules and regulations adopted by the board for providing legal defense services for indigent persons as prescribed by the board. (Authorized by K.S.A. 1984 Supp. 22-4501, 22-4507 and 22-4522; implementing K.S.A. 1984 Supp. 22-4507 and 22-4522; effective, T-86-33, Oct. 23, 1985; effective May 1, 1986.)

Article 5.—ATTORNEY COMPENSATION

105-5-6. Maximum compensation; non-tried cases.

(a) Each appointed attorney shall be compensated for time expended in representing indigent defendants and other indigent persons at the hourly rate prescribed in K.A.R. 105-5-2. Except as provided in K.A.R. 105-5-8, compensation shall not exceed \$400 in the following cases:

(1) class A, B, and C felony cases in the trial court which are not submitted to a judge or jury, including services at a preliminary hearing and sentencing, if applicable;

(2) class D and E felony cases in the trial court that have not been submitted to a judge or jury and in

which there have been six hours or more spent in court in defense of the indigent defendant, including services at a preliminary hearing and sentencing, if applicable.

(b) Except as provided in K.A.R. 105-5-8 and K.A.R. 105-5-6(a), compensation to appointed attorneys shall not exceed \$250 in the following types of cases:

(1) class D and E felony cases in the trial court which are not submitted to a judge or jury, including services at a preliminary hearing and sentencing, if applicable;

(2) habeas corpus cases as authorized by K.S.A. 1984 Supp. 22-4506;

(3) cases filed pursuant to K.S.A. 60-1507;

(4) habeas corpus cases as authorized by K.S.A. 22-2710;

(5) habeas corpus cases as authorized by K.S.A. 1984 Supp. 22-3428; and

(6) habeas corpus cases as authorized by K.S.A. 59-2917.

(c) Except as provided in K.A.R. 105-5-8, compensation shall not exceed \$100 in the following types of cases:

(1) representation of grand jury witnesses determined to be indigent and called to testify pursuant to K.S.A. 22-3009;

(2) representation of indigent persons committed to custody as material witnesses pursuant to K.S.A. 1984 Supp. 22-2805;

(3) probation revocation hearings; and

(4) motions to modify sentence pursuant to K.S.A. 1984 Supp. 21-4603. (Authorized by K.S.A. 1984 Supp. 22-4507 and 22-4522; implementing K.S.A. 1984 Supp. 22-3716 and K.S.A. 1984 Supp. 22-4507; effective May 1, 1984; amended May 1, 1985; amended May 1, 1986.)

Article 7.—INVESTIGATIVE, EXPERT OR OTHER SERVICES

105-7-2. Claims. (a) Claims for compensation for investigative, expert or other services provided to an indigent defendant shall be made on a form approved by the board. The claims shall be signed by the payee and the judge prior to transmittal to the board. Claims for investigative, expert or other services shall include a timesheet detailing time expended in the performance of these services and any compensation received for the same services from any other source.

(b) Exceptions. Claims for expert services rendered at the request of a public defender office shall be excluded from the provisions of this regulation. (Authorized by K.S.A. 1984 Supp. 22-4507 and 22-4522; implementing K.S.A. 1984 Supp. 22-4507 and 22-4508; effective May 1, 1984; amended May 1, 1985; amended May 1, 1986.)

Article 8.—COURT REPORTERS—TRANSCRIPTS

105-8-1. Generally. (a) When an attorney appointed to represent an indigent defendant at trial determines that a transcript or partial transcript of the

trial will be necessary to prosecute an appeal, the attorney shall request a court order for the transcript. Attorneys shall order complete transcripts only when absolutely necessary for the appeal, in accordance with supreme court rules.

(b) Each court order for a transcript shall be made on a form approved by the board. A copy of the order shall be mailed to the board promptly, after being signed and approved by a judge. The order shall specify whether a full or partial transcript is to be prepared. (Authorized by K.S.A. 1984 Supp. 22-4507 and 22-4522; implementing K.S.A. 1984 Supp. 22-4505, 22-4507, 22-4509 and 22-4512a; effective May 1, 1984; amended May 1, 1986.)

Article 10.—SYSTEMS FOR PROVIDING LEGAL DEFENSE SERVICES FOR INDIGENT PERSONS

105-10-1. Public defender system at the trial level.

(a) The public defender office shall provide indigent felony and related defense services at the trial level in the following districts and in all other counties which are served by one of the following public defender offices by mutual agreement between the district administrative judge for that county and the board:

- (1) the third judicial district;
- (2) the eighth judicial district;
- (3) the eighteenth judicial district; and
- (4) the twenty-eighth judicial district.

(b) The conflicts attorney office shall provide indigent felony and related defense services at the trial level for those cases in Shawnee and Geary counties which cannot be handled by the third judicial district public defender office or the eighth judicial district public defender office due to potential conflicts of interest.

(c) In the public defender districts designated above, the trial court shall appoint the public defender to provide felony defense services in all felony and other cases set forth in K.A.R. 105-1-1(a) with the following exceptions:

- (1) when K.A.R. 105-10-2 requires the appointment of the state appellate defender;
- (2) when a conflict of interest will not permit the public defender to represent the defendant and the conflicts attorney office is not available; or
- (3) when the public defender withdraws from the case as provided in K.A.R. 105-21-3.

(d) When one of the exceptions stated above prevents the appointment of the public defender, the court shall appoint an attorney as provided in K.A.R. 105-3-1 on a form approved by the board. (Authorized by K.S.A. 1984 Supp. 22-4501 and 22-4522; implementing K.S.A. 1984 Supp. 22-4503 and 22-4522; effective, T-86-33, Oct. 23, 1985; effective May 1, 1986.)

105-10-2. Public defender system for appeals. (a) The state appellate defender office shall provide defense services in the appellate courts of Kansas for all indigent appeals taken from cases described in subsection (b) in all district courts of Kansas.

(b) the court shall appoint the state appellate de-

(continued)

fender to provide appellate representation to persons determined to be indigent in the following cases:

- (1) all felony appeals;
 - (2) appeals from the denial of a motion pursuant to K.S.A. 60-1507;
 - (3) appeals from the denial of a petition for a writ of habeas corpus pursuant to K.S.A. 22-2710; and
 - (4) appeals pursuant to K.S.A. 1984 Supp. 38-1681(b).
- (c) The state appellate defender office may represent a defendant in an appeal on a question reserved by the prosecution pursuant to K.S.A. 22-3602(b)(3). (Authorized by K.S.A. 1984 Supp. 22-4501 and 22-4522; implementing K.S.A. 1984 Supp. 22-4505, 22-4506 and 38-1681; effective, T-86-33, Oct. 23, 1985; effective May 1, 1986.)

RONALD E. MILES
Director

Doc. No. 003906

State of Kansas

REAL ESTATE COMMISSION

PERMANENT ADMINISTRATIVE REGULATIONS (Effective May 1, 1986)

Article 1.—EXAMINATION AND REGISTRATION

86-1-5. Fees. (a) Each applicant shall pay a fee in an amount equal to the actual cost of the examination and the administration thereof to the testing service designated by the commission.

(b) The commission shall collect the following fees:

(1) For an original salesperson's license, an amount, based on an annual amount of \$25.00, prorated to the nearest whole month for the period of time from date of licensure until the renewal date determined by the schedule contained in K.A.R. 86-1-4;

(2) For an original broker's or associate broker's license, an amount, based on an annual amount of \$40.00, prorated to the nearest whole month for the period of time from date of licensure until the renewal date determined by the schedule contained in K.A.R. 86-1-4;

(3) For renewal of a salesperson's license, an amount, based on an annual amount of \$25.00;

(4) For renewal of a broker's or associate broker's license, an amount, based on an annual amount of \$40.00;

(5) For reinstatement of a license which has been deactivated or which has been canceled pursuant to K.S.A. 58-3047(d), and amendments thereto, or by reason of termination of a salesperson or associate broker, an amount of \$15.00; and

(6) For reinstatement of all licenses canceled pursuant to K.S.A. 58-3047(e), and amendments thereto, an amount of \$15.00 for each license canceled or \$100 for all licenses canceled, whichever is less. (Authorized by K.S.A. 74-4202(b); implementing K.S.A. 58-3063, as amended by 1985 SB 105; effective Jan. 1,

1966; amended, E-73-30, Sept. 28, 1973; amended Jan. 1, 1974; amended, E-74-50, Sept. 13, 1974; amended May 1, 1975; amended, E-81-18, July 16, 1980; amended May 1, 1981; amended May 1, 1982; amended May 1, 1983; amended, T-86-10, May 1, 1985; amended May 1, 1986.)

86-1-10. Approval of courses of instruction; procedure. (a) Definition of school. As used in this regulation, "school" means an institution, school, association or agency which is qualified under subsection (h) of K.S.A. 58-3046a, and amendments thereto, to offer courses of education.

(b) Request for course approval; notification of approval or disapproval; changes; correspondence courses. To request commission approval of a course of education required by K.S.A. 58-3046a, and amendments thereto, each school shall:

(1) Appoint a coordinator to supervise the course; and

(2) Submit all information required by the commission for course and instructor approval at least 45 days prior to the first scheduled class session. The information shall include the following:

(A) A completed application for course registration form which has been obtained from the commission;

(B) an application for real estate instructor, completed in accordance with subsection (c) of this regulation;

(C) the procedure for keeping of attendance records; proposed dates and times of the course offering; total amount of attendance fee; total number of class sessions; time spent per session; total hours in the course; and

(D) a course syllabus, including a detailed course outline and course objectives.

Within 15 working days of receipt of request for approval, the commission shall notify the school, in writing, of its decision to approve or disapprove the course. Each notice of approval of a course shall stipulate the number of hours of credit to be given for attending the course. If the commission requires additional time to reach a decision, the commission shall notify the school, in writing, that the course is under review. The notice shall state the date by which the commission expects to complete its review.

Each school shall notify the commission, in writing, at least 15 days prior to a significant change in a course approved by the commission. Such changes include changes in coordinator, instructor, name or location of school, dates and times the course is offered, and fees charged to students.

Nothing in this regulation shall preclude the commission from approving substitution of an instructor to teach an approved course, provided the instructor meets the qualifications in subsection (c) of this regulation.

Each school offering a correspondence course shall, to the extent applicable, meet all other standards prescribed by the commission and shall require that at least 50 per cent of the passing grade of its correspondence students be based on scores obtained by proctored examinations.

(c) Request for instructor approval; notification of

approval or disapproval. Each individual desiring to teach a course approved by the commission shall submit an application for instructor approval obtained from the commission. The application shall contain a resume, outlining the applicant's specialized preparation, training and experience which qualifies the applicant to instruct the course. Each instructor shall be required to show evidence both of knowledge of the curriculum and ability to effectively instruct.

(1) Knowledge of the subject matter shall be shown by meeting at least one of the following requirements:

(A) Holding a college degree in real estate or a college degree in law, business or another academic area directly related to the course which the applicant intends to instruct;

(B) having at least three years of experience in the professional area of real estate directly related to the course which the applicant intends to instruct; or

(C) passing an instructor's examination approved by the commission.

(2) Ability to effectively instruct shall be shown by meeting at least one of the following requirements:

(A) Completion, within the preceding two years, of a commission-approved course of study for instructors designed to develop ability to communicate;

(B) holding a current teaching certificate issued by a state department of education or an equivalent agency in another jurisdiction;

(C) holding a four-year college or university degree in the field of education; or

(D) having successfully demonstrated the ability to teach in schools, seminars or in an equivalent setting.

Within 15 working days of receipt of an application for instructor approval, the commission shall notify the school coordinator, in writing, of its decision to approve or disapprove the instructor. If the commission requires additional time to reach a decision, the commission shall notify the school coordinator, in writing, that the application is under review. The notice shall state the date by which the commission expects to complete its review.

(d) Registration of approved courses; application for renewal. The commission shall register approved courses. Registration of a course shall expire at the end of the calendar year. The commission shall notify each school by November 1 that an application for renewal of courses and instructors is due and send the necessary forms to the school.

(e) Responsibilities of coordinator. The coordinator appointed by each school shall be responsible for regular and consistent evaluation of courses and instructors. When a school uses an instructor to teach an approved course for the first time, the coordinator shall ask each student in the course to complete an instructor evaluation form. Both student and coordinator evaluations shall be submitted to the commission.

Subsequent evaluations of instructors may be completed at the discretion of the coordinator and may be used to measure any changes in the quality of the instructor.

The coordinator shall supply additional student and

coordinator evaluations of specific instructors upon request of the commission.

(f) Issuance of certificates; maintenance of records. Each school shall issue a certificate of completion to each student who successfully completes a course approved by the commission and shall give or mail the certificate to the student. Each school shall use certificate forms approved by the commission.

A certificate shall not be issued to any student who was absent more than 10 per cent of the classroom hours scheduled for any course required under subsection (a), (b), (d)(1) or (d)(2) of K.S.A. 58-3046a and amendments thereto. A certificate shall not be issued to any student who was absent during any portion of the classroom hours scheduled for any course required under subsection (c) and (d)(3) of K.S.A. 58-3046a and amendments thereto.

(i) Each school shall maintain, at their business address, records of students successfully completing a course approved by the commission for a minimum of three years. Attendance records shall be kept current and available for inspection by commission representatives upon request.

(g) Advertising. Schools shall not advertise a course as meeting the educational requirements of the Kansas Real Estate Brokers' and Salespersons' License Act prior to placing verification of commission approval on file at the school. Schools shall not advertise that an instructor will teach a course approved by the commission prior to placing verification of approval of the instructor for the course on file at the school. Schools, or agents of schools, shall not guarantee that successful completion of a course will result in the student's passing of a real estate licensing examination. (Authorized by K.S.A. 74-4202(b); implementing K.S.A. 58-3046a, as amended by 1985 SB 107; effective T-83-32, Oct. 25, 1982; effective May 1, 1983; amended May 1, 1984; amended, T-86-31, Sept. 24, 1985; amended May 1, 1986.)

86-1-11. Minimum curricula and standards for course. (a) The commission shall register each course approved under subsection (a) of K.S.A. 58-3046a and amendments thereto under the title "Principles of Real Estate." The commission shall provide a course syllabus which shall be used by each school offering the course.

(b) The commission shall register each course approved under subsection (b) of K.S.A. 58-3046a and amendments thereto under the title "Broker Pre-License Course." The commission shall provide a course syllabus which shall be used by each school offering the course.

(c) Additional instruction required by subsection (c) of K.S.A. 58-3046a and amendments thereto shall be courses approved by the commission and may include instruction in real estate finance, real estate law, real estate appraisal, real estate investment, and real estate management. Courses dealing with other subject matters may be approved by the commission. Total instruction time of approved courses shall be not less than two hours.

(continued)

(d) Instruction required by subsection (d) of K.S.A. 58-3046a and amendments thereto shall include 24 hours of instruction designated by the commission as required hours and 26 elective hours selected by the licensee from courses approved by the commission under subsection (c) of this regulation. (Authorized by K.S.A. 74-4202(b); implementing K.S.A. 58-3046a, as amended by 1985 SB 107; effective, T-86-31, Sept. 24, 1985; effective May 1, 1986.)

86-1-12. Monitoring courses; withdrawal of approval. (a) Approved courses and instructors may be monitored by the commission through classroom visitations, with or without prior notice, and by survey of course participants.

(b) Commission evaluation of an instructor shall address whether or not the approved course syllabus is adequately covered. If the commission determines that the instructor's presentations do not reflect current real estate knowledge or allow the student to meet objectives of the course, the evaluation report shall specify these deficiencies. The evaluation may include a rating of the instructor's knowledge of the subject matter and ability to effectively instruct.

(c) A written report shall be furnished to the school coordinator regarding any unsatisfactory evaluation of an instructor. If an instructor receives a second unsatisfactory evaluation, the instructor's approval to teach the course may be withdrawn. Written notification of this action shall be given to the school coordinator and the instructor. The notification shall outline the reasons for withdrawal of approval. If the school coordinator and instructor show satisfactory evidence that deficiencies have been corrected, the commission may reinstate approval of the instructor to teach the course.

(d) When approval of an instructor is withdrawn, the school may assign another approved instructor to teach the course. If another instructor is not designated to teach the course, approval of the course shall be withdrawn for any subsequent offerings of the course by the school.

(1) The commission may also withdraw course approval for falsification of attendance records, failure to maintain reasonable standards, or failure to comply with any provision of this regulation, K.A.R. 86-1-10, or K.S.A. 58-3046a and amendments thereto.

(2) Withdrawal of course approval during class sessions then in process shall not affect credit given to students who are attending the course. The commission may reinstate approval of a course upon satisfactory evidence that deficiencies have been corrected. (Authorized by K.S.A. 74-4202(b); implementing K.S.A. 58-3046a, as amended by 1985 SB 107; effective, T-86-31, Sept. 24, 1985; effective May 1, 1986.)

86-1-13. Submission of evidence of course attendance. Each applicant and licensee shall submit to the commission a certificate of completion for each course for which credit is requested to meet any requirement of K.S.A. 58-3046a and amendments thereto. (Authorized by K.S.A. 74-4202(b); implementing K.S.A. 58-3046a, as amended by 1985 SB 107; effective, T-86-31, Sept. 24, 1985; effective May 1, 1986.)

86-1-14. Approval of courses offered by institutions in another state. Courses offered by an institution in another state may be approved for credit toward any requirement of K.S.A. 58-3046a and amendments thereto if the institution qualifies under subsection (h) thereof. Any school in another state which offers courses that are approved by the real estate commission of the state in which the school is located may be approved as a "similar institution" under subsection (h)(6) thereof. (Authorized by K.S.A. 74-4202(b); implementing K.S.A. 58-3046a, as amended by 1985 SB 107; effective, T-86-31, Sept. 24, 1985; effective May 1, 1986.)

Article 2.—AUTHORITY OF COMMISSION; PROCEDURE

86-2-4. Conference adjudicative hearing procedure. (a) Each conference adjudicative hearing shall be conducted in accordance with the provisions of sections 34 to 35, inclusive, of the Kansas administrative procedure act, L. 1984, ch. 313.

(b) A conference adjudicative hearing may be used for the following types of action:

(1) Revocation, suspension or restriction of a license or censure of a licensee if the licensee has been convicted of a felony or has entered a plea of guilty to a felony charge;

(2) revocation, suspension or restriction of a license or censure of a licensee if the licensee has been finally adjudicated and found to be guilty of refusing to show, sell or lease any real estate to a qualified purchaser or lessee because of such purchaser's or lessee's race, color, religion, national origin, sex or ethnic group;

(3) suspension of a license for the period of disability if a licensee has been declared incompetent by a court of competent jurisdiction;

(4) revocation, suspension or restriction of a license or censure of a licensee when the license has been obtained by false or fraudulent representation;

(5) revocation, suspension or restriction of a license or censure of a licensee for violation of the Kansas real estate brokers' and salespersons' license act or of the rules and regulations promulgated thereunder when no material issue of fact is involved; or

(6) revocation, suspension or restriction of a license or censure of a licensee for violation of the Kansas real estate brokers' and salespersons' license act or of the rules and regulations promulgated thereunder when there is a disputed issue of material fact related to the matter and the parties agree to a conference adjudicative hearing. (Authorized by K.S.A. 74-4202(b); implementing L. 1984, Ch. 313, Sec. 13; effective, T-86-31, Sept. 24, 1985; effective May 1, 1986.)

86-2-5. Summary adjudicative proceedings. (a) Each summary adjudicative proceeding shall conform to the provisions of sections 37 to 41, inclusive, of the Kansas administrative procedure act, L. 1984, ch. 313.

(b) A summary adjudicative proceeding may be used when an application for a license or renewal of a license has been filed with the proper form and fee and the commission refuses to issue or renew the license for one of the following reasons:

(1) The applicant failed to meet the education requirements of K.S.A. 58-3046a and amendments thereto;

(2) the applicant failed to submit the application within the time period prescribed by subsection (d) of K.S.A. 58-3039 and amendments thereto or subsection (b) of K.S.A. 58-3045 and amendments thereto;

(3) the applicant failed to meet the experience requirement for a broker's license as provided by subsection (c) of K.S.A. 58-3039 and amendments thereto;

(4) the applicant made a false statement of material fact on the application;

(5) the applicant failed to provide proof that the applicant's reputation is one of honesty, trustworthiness, integrity and competence to transact the business of broker or salesperson in a manner that safeguards the public interest; or

(6) matters considered by the commission as provided by K.S.A. 58-3043 and amendments thereto.

(c) A summary adjudicative proceeding may be used to suspend or revoke a license when the fee for issuance, renewal or reinstatement of the license was paid by an insufficient fund check. (Authorized by K.S.A. 74-4202(b); implementing L. 1984, Ch. 313, Sec. 13; effective, T-86-31, Sept. 24, 1985; effective May 1, 1986.)

86-2-6. Emergency adjudicative proceedings. The commission may utilize emergency adjudicative proceedings when necessary as provided in section 36 of the Kansas administrative procedure act. Such proceedings shall conform to the provisions of L. 1984, ch. 313, Sec. 36. (Authorized by K.S.A. 74-4202(b); implementing L. 1984, Ch. 313, Sec. 36; effective, T-86-31, Sept. 24, 1985; effective May 1, 1986.)

86-2-7. Informal disposition of complaint by agreement. (a) When the commission has information indicating that a person may be engaging in a practice that involves a violation of the Kansas real estate brokers' and salespersons' license act or rules and regulations adopted thereunder, the commission and the affected person may agree to dispose of such matter on an informal, nonadjudicatory basis if the commission deems the public interest will be fully safeguarded thereby.

(b) In determining whether the public interest will be fully safeguarded through such informal administrative action, the commission shall consider:

(1) The nature and gravity of the alleged violation;

(2) the prior record and good faith of the person involved; and

(3) other factors, including, when appropriate, adequate assurance of voluntary compliance.

(c) Each agreement executed pursuant to this regulation shall provide for full restitution to any injured party and shall contain, in addition to an appropriate order, an admission of proposed findings of fact and conclusions of law submitted by the commission and a waiver of further procedural steps and of all rights to seek judicial review or otherwise to challenge or contest the validity of the order. Such other terms as the commission finds necessary to protect the public interest shall also be included in such agreement.

(d) A violation of any agreement entered into pursuant to this regulation shall be deemed a violation of the Kansas real estate brokers' and salespersons' license act. (Authorized by K.S.A. 74-4202(b); implementing L. 1984, ch. 313, Sec. 5; effective, T-86-31, Sept. 24, 1985; effective May 1, 1986.)

Article 3.—PERSONS HOLDING LICENSES; DUTIES

86-3-20. Reinstatement of deactivated license. (a) Any license which has been deactivated for a continuous period of more than two years and not more than five years, and which has not been suspended or revoked, shall be reinstated if the applicant:

(1) Complies with the requirements of K.S.A. 58-3046a and amendments thereto for the immediately preceding license period;

(2) submits evidence, satisfactory to the commission, of attendance at courses of instruction approved by the commission that total six additional hours of instruction for each full year that the license has been on deactivated status;

(3) pays the fee for reinstatement prescribed in K.S.A. 58-3063 and amendments thereto; and

(4) files an application for reinstatement obtained from the commission.

(b) Any license which has been deactivated for a continuous period of more than five years shall be reinstated only if the applicant complies with the requirements of subsection (a) of this regulation and, in addition, meets the examination requirement for an original applicant.

(c) Accumulated hours of instruction which were reported to the commission prior to January 1, 1983, as provided by subsection (e) of K.S.A. 58-3046a and amendments thereto, shall not be used to meet the requirements of subsection (a)(2) of this regulation. (Authorized by K.S.A. 74-4202(b); implementing K.S.A. 58-3049, as amended by 1985 SB 107; effective, T-86-31, Sept. 24, 1985; effective May 1, 1986.)

GENE YOCKERS
Director

Doc. No. 003922

State of Kansas

DEPARTMENT OF CORRECTIONS

PERMANENT ADMINISTRATIVE
REGULATIONS
(Effective May 1, 1986)

Article 6.—GOOD TIME CREDITS

44-6-136. Delinquent time lost on parole (DTLOP). (a) Delinquent time lost on parole shall be computed from the date on which the secretary's parole violation warrant, the conditional release violation warrant, or parole officer's arrest and detain order was issued to the date of the service of the warrant as shown on the warrant. This information shall be entered by the arresting officer on the back of the signed warrant. If the warrant is issued after confinement, no DTLOP shall be accrued. DTLOP shall be added to the controlling maximum date and the conditional release date shall be adjusted by that same amount.

(b) Delinquent time lost on parole shall only accumulate during the period of time in which the offender is classified as an absconder. Once the initial warrant has been served, delinquent time shall stop accumulating and time after service of the warrant shall not be considered when the sentences are adjusted for delinquent time lost on parole. Credit shall therefore be allowed for any time spent in jail awaiting disposition on revocation hearings.

(c) If, after the parolee or conditional releasee is located, the parole or conditional release is continued without revocation, no delinquent time lost on parole shall be shown.

(d) The arresting officer shall endorse, on the back of the parole violation warrant, the conditional release violation warrant, or the arrest and detain order, the date of service, arrest and incarceration. (Authorized by K.S.A. 75-5251, 75-5210; implementing K.S.A. 22-3427, 75-5210, 75-5251, K.S.A. 1984 Supp. 21-4608, 22-3717; effective, T-84-32, Nov. 23, 1983; effective May 1, 1984; amended, T-86-5, March 22, 1985; amended May 1, 1986.)

Article 7.—PROGRAMS AND
ACTIVITIES

44-7-107. Volunteer services and the criteria for volunteers. (a) Each principal administrator shall establish a program of volunteer services by citizens to provide inmates with the opportunity of expanding and developing the scope of their relationships with diverse groups of individuals. Admission of each volunteer shall be subject to approval by the principal administrator on a continuous basis.

(b) Any individual interested in becoming a volunteer shall contact the principal administrator or designee of the correctional institution or facility to obtain and complete a volunteer application form.

(c) Each principal administrator shall designate a staff member to be responsible for the coordination of the volunteer program including interviewing poten-

tial volunteers, and screening, training, and orientation of volunteers.

(1) The screening process for volunteers shall include photographing and a security clearance, and may include fingerprinting at the discretion of the principal administrator.

(2) The training of volunteers shall include a thorough briefing on all relevant principal administrator's orders and secretary of corrections' rules and regulations, and on the exact procedures the volunteer is to follow in order to enter the institution or facility.

(3) The orientation process for volunteers shall include specific information on the volunteer program with special emphasis placed on the guidelines and techniques to be followed in counseling the inmates. The department's publication entitled "volunteer information guidelines" and assignments to specific areas in the institution or facility shall be distributed to each volunteer. Violation of any order, regulation or procedure or any statute may result in a barring of the volunteer from the institution or facility and in possible criminal prosecution.

(4) No volunteer shall be admitted to a correctional institution or facility without prior authorization and display of two forms of identification, one of which shall contain a photograph.

(5) The principal administrator shall be responsible for notifying the other institutions and facilities, and the secretary of corrections, of any volunteer or volunteers who have been barred from the institution or facility. This notice shall cite the reason or reasons for barring the individual or individuals and shall be given within seven days from the date of action. (Authorized by and implementing K.S.A. 75-5210, 75-5251; effective May 1, 1980; amended May 1, 1984; amended May 1, 1986.)

Article 9.—PAROLE

44-9-104. Categories of supervision. (a) The length of time that a parolee may remain on intensive supervision shall be based on the progress and adjustment made by the parolee to parole supervision. Any parolee assigned to intensive supervision by the Kansas parole board as a special condition of parole shall only be removed from that status by the secretary of corrections or the secretary's designee.

(b) Close supervision shall mean a minimum of two personal contacts and one collateral contact per month. The personal contacts shall be at least two weeks apart unless activity in the case requires additional contact.

(c) Regular supervision shall mean a minimum of one personal contact per month, unless activity in the case requires additional contact.

(d) Reduced supervision.

(1) Reduced supervision I requires a minimum of one contact each six months.

(2) Reduced supervision II requires a minimum of one contact each year. (Authorized by K.S.A. 75-5251; implementing K.S.A. 75-5216, 75-5217, and K.S.A. 1984 Supp. 22-3717; effective May 1, 1980; amended May 1, 1984; amended May 1, 1986.)

Article 11.—COMMUNITY CORRECTIONS

44-11-125. Chargebacks; deductions from grant.

(a) Chargebacks for each calendar quarter shall be computed by the department of corrections within 60 days after the close of the quarter and subtracted from a subsequent quarterly grant payment to the planning unit.

(b) For commitments for the offense of aggravated juvenile delinquency, the chargebacks shall be assessed against the county from which the juvenile was originally committed. (Authorized by and implementing K.S.A. 75-5294, 75-52,104, 75-52,105; effective May 1, 1981; amended, T-84-6, March 29, 1983; amended May 1, 1984; amended May 1, 1986.)

Article 12.—CONDUCT AND PENALTIES

44-12-306. Threatening or intimidating any person. (a) An inmate shall not threaten or intimidate, either directly or indirectly:

- (1) Any employee of the department of corrections or any of its facilities;
- (2) any employee of any contractor;
- (3) any state official, volunteer, or person on the premise or functioning as part of the correctional program or criminal justice system;
- (4) any official visitor; or
- (5) another inmate. This rule shall specifically prohibit conditional threats or intimidation. Violation of section (a) of this rule shall be a class I offense.

(b) A civilized warning by the inmate that the inmate may properly use legal process to enforce rights or redress wrongs, including use of the inmate grievance procedure, shall not be considered a violation of this rule. (Authorized by and implementing K.S.A. 75-5210; effective May 1, 1980; amended May 1, 1984; amended May 1, 1986.)

44-12-601. Mail. (a) Definitions.

(1) Legal mail means mail which effects the inmate's right of access to the courts or legal counsel. It includes letters between the inmate and the inmate's lawyer, a judge, a clerk of a court, any lawyer, or any intern or employee of legal services for prisoners.

(2) Official mail means any mail to an official of the state or federal government who has authority to control, or to obtain or conduct an investigation of, the custody or conditions of confinement of the inmate.

(3) Privileged mail means any mail between the inmate and the inmate's doctor.

(4) Censor means to remove or change any part or all of the correspondence or literature.

(5) Read means to read the contents of correspondence or literature to ascertain the content.

(6) Inspect means to open, shake out, look through, feel or otherwise check for contraband without reading or censoring.

(b) Inmates shall comply with the mail procedures and restrictions established by the order of the institution director or facility supervisor. Failure to comply with mail procedures or restrictions, or circumventing or attempting to circumvent mail procedures or re-

strictions by any means, shall be prohibited. Any delivery of mail through an employee, volunteer, teacher, or any other person who is not authorized to perform functions related to the established mail handling system shall be prohibited.

(c) Contraband. Except as provided in subsection (r), items identified as contraband items shall be removed from any incoming mail and returned at state expense to the sender. The mail officer shall give the inmate written notification of this action. The notice shall include a list of the items returned, the date, and the name of the sender to whom they were returned. Items which are illegal under Kansas or U.S. law shall be seized and held as evidence for other law enforcement officers.

(d) Direct communication with officials. Outgoing official or legal mail sent by any inmate shall not be opened. However, if any inmate threatens or terrorizes any person through such mail, subsequent mail, including official or legal mail, from the inmate to the person threatened or terrorized may, at the request of that person, be read and censored for a time period and to the extent necessary to remedy the abuse.

(e) Incoming mail which is clearly identified as legal, official, or privileged mail shall be opened only in the inmate's presence. Such mail shall be inspected for contraband but shall not be read or censored.

(f) Violation of mail regulations of the department of corrections, orders of the principal administrator, or the laws of Kansas or the United States may result in an investigation. Additional mail restrictions, sufficient to prevent the continuation or reoccurrence of the violation, may be placed upon the offender.

(g) Incoming or outgoing privileged mail shall not be censored or read unless a previous abuse of the right, or other good cause, is shown and documented.

(h) Funds sent to inmates shall be in the form of a money order, a cashier's check, or a certified check.

(i) All incoming or outgoing mail, other than legal, official or privileged mail, may be inspected at any time. Such mail may be read and censored only when there is a reasonable belief that there is a threat to institutional safety, order or security, or to the safety and security of public officials or the general public, or when there is reasonable belief the mail is being used in furtherance of illegal activities. Such mail may also be censored if it is obscene and the addressee, or the responsible parent or guardian of any addressee who is a minor, has filed with the principal administrator a written complaint regarding previous correspondence and a request that future correspondence be stopped.

(j) When any communication to or from an inmate is censored, the following procedures shall be conducted:

(1) The inmate shall be given a written notice of the censorship and the reason therefore without disclosing the censored material.

(2) The inmate shall be given the name and address of the sender of incoming mail or the addressee of outgoing mail and the date the item was received in the mail room.

(3) The author of that letter shall be given a reasonable opportunity to protest that decision.

(continued)

(4) Complaints shall be referred to a prison official other than the person who originally disapproved the correspondence.

(k) Incoming bulk mail shall not be delivered unless each piece is individually addressed to the inmate by conviction name.

(l) Outgoing letters, first class, may be sent to as many people and to whomever the inmate chooses.

(m) Outgoing mail shall bear only the full conviction name and address of the sender and the name and address of the intended recipient. No other words, drawings, or messages shall be placed on the outside of the envelope or package except words describing the mail as being legal, official, privileged, or intended to aid postal officials in delivery of the item.

(n) The facility shall provide reasonable amounts of free writing paper and envelopes to all inmates except those in a work release facility or employed by private industry. Inmates may also purchase stationery from the inmate canteen. The facility shall pay postage for the initial two pieces of first class domestic mail weighing one ounce or less each, per week, for each individual inmate except those in a work release facility or employed by private industry. Any such domestic mail in excess of two pieces per week shall be paid by the inmate. All postage for legal and official mail shall be paid by the institution or facility except for inmates in a work release facility or employed by private industry. The facility shall not pay postage for inmate groups or organizations.

(o) Inmates shall not correspond with any minor whose parent or guardian has filed a written objection to the correspondence with the institution director or facility supervisor. The inmate shall be notified of the objection when it is received, but need not be informed of the exact contents of the objection.

(p) Publications.

(1) Inmates may receive books, newspapers, and periodicals except that inmates at the reception center for evaluation purposes may receive newspaper publications only. Only those books, newspapers, or periodicals that are received directly from the publisher or a vendor shall be accepted.

(2) The procedures for censorship of mail listed in subsection (j) of this regulation shall be used for censorship of publications.

(3) Inmates shall have the option of mailing censored publications out of the facility at their own expense, or discarding them.

(4) Publications which are obscene or otherwise illegal, or which meet the test for censorship of mail in subsection (i) of this regulation, shall not be allowed into the facility.

(5) On transfer between institutions or facilities, the inmate shall arrange change of address for newspapers and periodicals. Newspapers and periodicals shall not be forwarded for more than 30 days after the date of transfer.

(q) Packages. A procedure for the handling of packages, both incoming and outgoing, shall be established by order of the principal administrator.

(r) Each principal administrator may permit inmates to receive not more than two special holiday

packages in November or December of each year. These packages shall be processed as follows:

(1) Inmates shall be given written notice of the number and types of items which are authorized to be included in these packages.

(2) Inmates shall be responsible for notifying persons sending packages to them of authorized contents.

(3) The principal administrator may destroy or donate to a charitable organization any unauthorized non-food items included in the packages. However, the inmate may elect to forward the items to another address, at the inmate's expense, within three days after being notified of receipt of the unauthorized items.

(4) The principal administrator may destroy or donate to a charitable organization any unauthorized commercially prepared and packaged food items included in the packages. All homemade foods, fruits, and commercially packaged food not in its original packing shall be destroyed.

(s) Violation of this regulation shall be a class II offense. (Authorized by and implementing K.S.A. 75-5210; effective May 1, 1980; amended May 1, 1981; amended May 1, 1984; amended May 1, 1986.)

Article 13.—DISCIPLINARY PROCEDURE

44-13-303. Nature of hearing in class IV offense cases. (a) Class IV offense cases shall be heard by a hearing officer qualified to hear class II and III offense cases.

(b) The class IV offense shall be treated as a minor offense and therefore shall have significantly less process and review in the fact finding, disposition and review procedures. It shall be conducted in accordance with K.A.R. 44-13-407 and recorded in accordance with K.A.R. 44-13-504. (Authorized by and implementing K.S.A. 75-5210; effective May 1, 1980; amended May 1, 1981; amended, T-83-23, Aug. 11, 1982; amended, T-84-6, May 1, 1983; amended May 1, 1984; amended May 1, 1986.)

44-13-401. Hearing within certain time. (a) Except as otherwise provided in this section, the administrative hearing, by the disciplinary board or hearing officer of the institution, to determine the guilt or innocence and impose a penalty shall be held not less than seven nor more than 30 days from the date of the first hearing, subject to authorized continuances. The inmate may waive the seven day delay period and be heard at the next regular disciplinary session or as soon thereafter as the case can be heard.

(b) If the offense occurs while the inmate is at the state reception and diagnostic center or Kansas correctional vocational training center, a work release center, a pre-release center, or an honor camp, the disciplinary board hearing shall be held no sooner than 24 hours after service of the notice of charge.

(c) In class IV offense cases, the final hearing may be held no earlier than 24 hours, nor later than seven working days after service of the notice of charge, subject to authorized continuances. (Authorized by and implementing K.S.A. 75-5210; effective May 1,

1980; amended May 1, 1981; amended May 1, 1984; amended May 1, 1985; amended May 1, 1986.)

44-13-403. First hearing and taking pleas. (a) A first hearing shall be held no more than four days, excluding Saturdays, Sundays and holidays, following the receipt of notice of charge by the inmate. This hearing may be conducted by the hearing officer or by the board, when the board meets to conduct disciplinary hearings. The first hearing may be combined with personal service of the disciplinary report.

(b) At the first hearing, the presiding officer shall read the disciplinary report to the inmate, including the date, nature of offense, the reporting officer's name, and a synopsis of the observation. The presiding officer shall assure that the inmate understands the charges and that a copy was received by the inmate. The officer shall explain the possible penalties.

(c) Counsel or counsel substitute, if available pursuant to K.A.R. 44-13-408, shall be permitted to be with the inmate at the first hearing in the following cases:

(1) All class I cases;

(2) class II cases where the inmate is unable to prepare or present a defense as described in K.A.R. 44-13-408(b).

Counsel shall not be permitted in other kinds of cases.

(d) If the inmate is disruptive or is deliberately refusing to be present, the hearing may proceed *in absentia* and the record shall indicate reasons for the inmate's absence. The inmate's counsel shall be permitted to be present.

(e) The presiding officer shall assure that the inmate has counsel in class I and certain class II offense cases if counsel is requested and available.

(f) The presiding officer shall advise the inmate of the inmate's rights to a hearing, and to counsel in class I and certain class II offense cases, pursuant to K.A.R. 44-13-408, and of other procedural due process rights.

(g) The presiding officer shall then ask the inmate to plead guilty, not guilty, or no contest, and shall take the plea if the presiding officer is assured that it is made knowledgeably and without threat or promise of reward to the inmate. If the inmate refuses to plead, the hearing officer shall enter a plea of not guilty. A plea of no contest shall be treated in the same manner as a plea of guilty.

(h) The hearing officer may, in class I, II and III cases, upon a plea of guilty or no contest, make a finding of guilty and conduct a sentencing hearing and impose sentence. In class I cases, the hearing officer may refer the case to the disciplinary board for disposition and sentencing.

(i) If the hearing officer finds at the first hearing that the case must be dismissed, the officer may dismiss the charge on the officer's own motion or on motion of either party. The hearing officer shall give a brief explanation on the record. (Authorized by and implementing K.S.A. 75-5210; effective May 1, 1980; amended May 1, 1981; amended, T-83-23, Aug. 11, 1982; amended, T-84-6, May 1, 1983; amended May 1, 1984; amended May 1, 1985; amended May 1, 1986.)

44-13-406. Disposition. (a) The disposition shall be rendered by the board or hearing officer in an official session with the inmate present unless otherwise provided by law or regulation. The disposition shall be made without unreasonable delay following the final hearing, preferably at the conclusion of the hearing.

(b) The disciplinary board or hearing officer may:

(1) Designate the minimum and maximum penalty;

(2) impose a flat sentence, within the limits set in the disciplinary code;

(3) designate only the minimum within the limits set out in the disciplinary code, in which case the maximum shall be that shown in the code. If not a flat sentence, the case shall be reviewed, after the minimum penalty has been served, by the principal administrator or the principal administrator's designee;

or

(4) order the sentences for two or more rule violations to be served on a concurrent or consecutive basis. If the disciplinary board or hearing officer makes no specific order in this regard, the sentences shall be computed on a concurrent basis.

(c) The disciplinary board or hearing officer may suspend all or part of the sentence imposed.

(d) The disciplinary board or hearing officer may make a recommendation regarding classification, housing or assignment to the unit team on a separate form or in a separate space on the disposition form as designated for such purpose.

(e) The charging officer shall be notified promptly of the disposition. (Authorized by and implementing K.S.A. 75-5210; effective May 1, 1980; amended, T-83-23, Aug. 11, 1982; amended, T-84-6, May 1, 1983; amended May 1, 1984; amended, T-86-5, March 22, 1985; amended, May 1, 1986.)

44-13-407. Procedure for conducting the hearing in class IV offense cases. (See also K.A.R. 44-13-303 and 44-13-504.) (a) The hearing officer shall explain the charge, the possible penalties, and the evidence against the inmate.

(b) The inmate shall have the opportunity to respond in the inmate's own defense.

(c) The hearing officer may permit witnesses at its discretion.

(d) No counsel shall be permitted, except as authorized pursuant to K.A.R. 44-13-408 when the inmate is not capable of effectively preparing and presenting a defense.

(e) A summary record shall be made.

(f) No other hearing shall be held in class IV offense cases. (Authorized by and implementing K.S.A. 75-5210; effective May 1, 1980; amended, T-83-23, Aug. 11, 1982; amended, T-84-6, May 1, 1983; amended May 1, 1984; amended May 1, 1985; amended May 1, 1986.)

44-13-408. Representation by counsel or counsel substitute. (a) Any inmate may request services of any staff member to represent the inmate at disciplinary hearings and to question relevant witnesses.

(b) Representation by Legal Services for Prisoners, Inc., or its designee, or by counsel substitute, selected

(continued)

by the inmate and approved by the principal administrator, shall be permitted in class I offense cases. Such representation shall be permitted in other cases only when the hearing officer or disciplinary board finds that the inmate is not capable of effectively collecting and presenting evidence on the inmate's own behalf. If such counsel is not available, the hearing may proceed without legal counsel.

(c) Counsel shall be considered not available in cases in which counsel fails to appear within three days, or if it is determined that counsel will not appear within three days, excluding Saturdays, Sundays, holidays, and authorized continuances.

(d) Counsel substitute shall mean another inmate or a correctional staff member.

(e) Legal Services for Prisoners, Inc. may designate the Kansas university law school defender project or Washburn university legal clinic by general designation for all members and participants of such programs on a continuing basis. When a bona fide conflict of interest exists, Legal Services for Prisoners, Inc., may designate a private attorney, on a case by case basis, with prior written approval by the secretary of corrections.

(f) In a class I case if the inmate is represented by legal counsel, the officer also shall be permitted to have representation by legal counsel. The counsel shall be provided by the staff attorney of the facility if one is on staff, or by a department staff attorney, if available. (Authorized by and implementing K.S.A. 75-5210; effective May 1, 1980; amended, T-83-23, Aug. 11, 1982; amended, T-84-6, May 1, 1983; amended May 1, 1984; amended May 1, 1986.)

44-13-503. Recording the final hearing. (a) The chairperson shall assure that the final hearing is recorded entirely on an electronic tape. If the tape recorder is for some reason accidentally turned off or malfunctions, the chairperson shall later dictate on the tape, or otherwise place in the record, the substance of what occurred while the tape was off and the reason and length of time that it was off. A summary written record shall then be made, briefly stating, in synopsis form, the evidence and testimony as well as the substance of the arguments presented by both sides. The record shall state specifically what evidence was relied upon in making the decision and disposition in the case. The record shall also include a summary statement of the reasons for the disciplinary action. For this purpose, the disciplinary report may be incorporated by reference into the summary record so long as the disciplinary report is readable and adequately shows the reason for the disciplinary action. This summary record shall be either in typewritten form or legibly handwritten.

(b) Preserving the tape until after appeal. The tape recording of the hearing shall be preserved until after the completion of all appeals or until after the time permitted to make an appeal has passed, whichever comes later.

(c) Upon request by the prosecution, or any reviewing authority, the record on the tape shall be typed verbatim, or the tape electronically copied at

the discretion of the person requesting the record, and made available without charge.

(d) Upon request of the inmate, for purposes of making an appeal, the record on the tape shall be electronically copied and provided to the inmate, with a tape player, without charge. (Authorized by and implementing K.S.A. 75-5210; effective May 1, 1980; amended May 1, 1984; amended May 1, 1986.)

44-13-504. Recording the class IV hearing. (See also K.A.R. 44-13-303 and 44-13-407.) The hearing in class IV cases shall be recorded by the making of summary notes. The hearing officer shall be responsible for making these notes following or during the hearing. The summary notes shall show the evidence relied upon and the reason for the disciplinary action. (Authorized by K.S.A. 75-5210; effective May 1, 1980; amended May 1, 1984; amended May 1, 1986.)

44-13-603. Absence from institution. (a) If the inmate is sentenced to disciplinary segregation, restriction to cell, restriction from privileges or extra work, and the inmate is then transferred to the state reception and diagnostic center, out-to-court or to a mental hospital prior to commencing or completing the sentence, that time spent outside the institution shall not be credited against the service of the sentence. Upon return to the institution, the inmate shall serve the remainder of the sentence.

(b) In the event that the inmate is paroled or conditionally released prior to completion of serving the sentence, the inmate shall not be required to complete serving the sentence upon the inmate's subsequent return to the institution. (Authorized by and implementing K.S.A. 75-5210; effective May 1, 1986.)

Article 14.—ADMINISTRATIVE AND DISCIPLINARY SEGREGATION

44-14-305a. Administrative segregation; inmate property management and security. When general orders of the principal administrator permit, the inmate shall be allowed to pack the inmate's own property for storage while the inmate is in segregation. If the inmate is not allowed to pack the inmate's own property, then the property shall be immediately secured by staff and shall be packed and stored as soon as possible thereafter. The property shall not be left with or be packed by another inmate unless directly and constantly observed and closely supervised by appropriate security or unit team personnel. (Authorized by and implementing K.S.A. 75-5210, 75-5251, 75-5252; effective May 1, 1984; amended May 1, 1986.)

44-14-308. Discipline while in administrative segregation. Inmates who commit offenses while in administrative segregation may be charged, given notice and brought before the disciplinary board for hearing. (Authorized by K.S.A. 75-5251, 75-5252; effective May 1, 1980; amended May 1, 1986.)

RICHARD A. MILLS
Secretary of Corrections

Doc. No. 003915

(Editor's note: Pursuant to Section 6 of Article 1 of the Constitution of the State of Kansas, this executive reorganization order will take effect July 1, 1986, unless a resolution disapproving it is adopted by either the Senate or the House of Representatives within 60 days of its transmittal to the legislature. Executive Reorganization Order No. 21 was transmitted to the legislature February 10, 1986.)

EXECUTIVE REORGANIZATION ORDER NO. 21

By Governor John Carlin
Transmitted February 10, 1986

1. In order to consolidate and coordinate the administration, planning and regulation of the state's agricultural resources, there is hereby established within the executive branch of government the department of agriculture, which shall be administered under the direction and supervision of a secretary of agriculture who shall be appointed by the governor, with the consent of the senate as provided in K.S.A. 75-4315b and amendments thereto, and who shall serve at the pleasure of the governor. The secretary of agriculture shall be in the unclassified service under the Kansas civil service act and shall receive an annual salary to be fixed by the governor.

Sec. 2. The secretary of agriculture may appoint, with the consent of the governor, an assistant secretary or secretaries of agriculture, who shall serve at the pleasure of the secretary of agriculture. Any such assistant secretary of agriculture shall be in the unclassified service under the Kansas civil service act and shall receive an annual salary fixed by the secretary of agriculture with the approval of the governor. The secretary of agriculture also may appoint such other staff assistants and employees as are necessary to enable the secretary to carry out the duties of the office. Except as otherwise provided in this order and in K.S.A. 75-2935 and amendments thereto, such staff assistants and employees shall be within the classified service under the Kansas civil service act. The assistant secretary or secretaries of agriculture and such other staff assistants and employees shall be within the office of the secretary of agriculture and shall have such powers, duties and functions as are assigned to them by the secretary or are prescribed by law. Such assistant secretary or secretaries of agriculture, staff assistants and employees shall act for and exercise the powers of the secretary of agriculture to the extent authority to do so is delegated by the secretary of agriculture.

Sec. 3. (a) On July 1, 1986, the state board of agriculture created by K.S.A. 74-503 and amendments thereto, and the office of secretary of the state board of agriculture created by K.S.A. 74-503 and amendments thereto, are hereby abolished.

(b) Except as otherwise provided by this order, all of the powers, duties and functions of the existing state board of agriculture and the existing secretary of the state board of agriculture are hereby transferred to

and conferred and imposed upon, respectively, the department of agriculture and the secretary of agriculture established by this order.

(c) Except as otherwise provided by this order, the department of agriculture and the secretary of agriculture established by this order shall be the successor in every way, respectively, to the powers, duties and functions of the state board of agriculture and the secretary of agriculture in which the same were vested prior to the effective date of this order. Every act performed in the exercise of such powers, duties and functions by or under the authority of the department of agriculture or the secretary of agriculture established by this order, respectively, shall be deemed to have the same force and effect as if performed by the state board of agriculture or the secretary of the state board of agriculture, respectively, in which such powers, duties and functions were vested prior to the effective date of this order.

(d) Except as otherwise provided by this order, whenever the state board of agriculture, or words of like effect, is referred to or designated by a statute, contract or other document, such reference or designation shall be deemed to apply to the department of agriculture established by this order.

(e) Except as otherwise provided by this order, whenever the secretary of the state board of agriculture, or words of like effect, is referred to or designated by a statute, contract or other document, such reference or designation shall be deemed to apply to the secretary of agriculture established by this order.

(f) All rules and regulations of the state board of agriculture or the secretary of the state board of agriculture in existence on the effective date of this order shall continue to be effective and shall be deemed to be duly adopted rules and regulations of the secretary of agriculture established by this order until revised, amended, revoked or nullified pursuant to law.

(g) All orders and directives of the state board of agriculture or the secretary of the state board of agriculture in existence on the effective date of this order shall continue to be effective and shall be deemed to be orders and directives of the department of agriculture and the secretary of agriculture established by this order, respectively, until revised, amended or nullified pursuant to law.

(h) On the effective date of this order, the secretary of agriculture shall succeed to whatever right, title or interest the state board of agriculture has acquired in any real property in this state, and the secretary shall hold the same for and in the name of the state of Kansas. On and after the effective date of this order, whenever any statute, contract, deed or other document concerns the power or authority of the state board of agriculture or the secretary of the state board of agriculture to acquire, hold or dispose of real property or any interest therein, the secretary of agriculture shall succeed to such power or authority.

(i) The department of agriculture and the secretary of agriculture established by this order, respectively, shall be continuations of the state board of agriculture and the secretary of the state board of agriculture.

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Sec. 4. (a) There is hereby created within and as a part of the department of agriculture created by this order the Kansas agriculture commission which shall be composed of 12 members elected as provided in K.S.A. 74-502 and 74-503 and amendments to these sections for the state board of agriculture as such board was constituted previous to the effective date of this order. Each member of the Kansas agriculture commission shall serve for a term of three years and until a successor is elected and qualified. Whenever a vacancy occurs on the commission, the governor shall appoint a successor with like qualifications who shall serve until the second Wednesday of January next succeeding the date of such appointment. Members of the state board of agriculture created by K.S.A. 74-503 and amendments thereto, which board is abolished by this order, shall continue in office as members of the Kansas agriculture commission until the expiration of the terms for which they were elected to the state board of agriculture and until their successors are elected and qualified. Members of such commission shall be actively engaged in agriculture in this state for at least five years immediately preceding their election. The members of such commission shall elect a chairperson and vice-chairperson, who shall serve for a term of one year. Such commission shall meet on the second Wednesday of January and at least once in each other quarter. Special meetings may be called by the chairperson of such commission or a majority of the members of such commission. It shall be the duty of the Kansas agriculture commission to serve in an advisory capacity to the secretary of agriculture. The commission shall aid the secretary in determining policies and plans relating to the department of agriculture.

(b) Members of the Kansas agriculture commission attending meetings of such commission, or attending a subcommittee meeting thereof authorized by such commission, shall be paid compensation, subsistence allowances, mileage and other expenses as provided in K.S.A. 75-3223 and amendments thereto. Amounts paid under this section shall be from appropriations to the department of agriculture upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the secretary of agriculture.

Sec. 5. (a) There is hereby created the state fair board. The board shall consist of eleven members, of which one member shall be the secretary of agriculture created by this order and 10 members shall be appointed by the governor as provided in this subsection (a). Within 30 days after the effective date of this order, the governor shall appoint six members of the state fair board from the members of the Kansas agriculture commission created by this order. Members appointed from the Kansas agriculture commission to be members of the state fair board shall serve for terms of two years and until their successors are appointed and qualified, except that the six members first appointed shall be appointed for terms as follows: Three members for a term ending on the second Wednesday in January, 1987, and three members for a term ending on the second Wednesday in January, 1988. Within 30 days after the effective date of this order, the governor

shall appoint two members of the state fair board from a list of at least six names submitted by the Kansas chamber of commerce and industry, which members shall serve for terms of two years and until their successors are appointed and qualified, except that the two members first appointed shall be appointed for terms as follows: One member for a term ending the second Wednesday in January, 1987, and one member for a term ending the second Wednesday in January, 1988. Within 30 days after the effective date of this order, the governor shall appoint two members of the state fair board from a list of at least six names submitted by the travel industry association of Kansas, which members shall serve for terms of two years and until their successors are appointed and qualified, except that the two members first appointed shall be appointed for terms as follows: One member for a term ending the second Wednesday in January, 1987, and one member for a term ending the second Wednesday in January, 1988. The appointive members of the board shall serve until a successor is appointed and qualified. Whenever a vacancy shall occur on the board, the governor shall appoint a successor of like qualifications for the remainder of the term. The governor may remove any member of the board for cause. The members of the state fair board shall elect their own chairperson, who shall serve for a term of one year or until the expiration of such member's term, whichever is sooner. The board shall meet at least once in each quarter. Special meetings may be called by the chairperson or a majority of the members of the board. Members of the state fair board attending meetings of such board, or attending a subcommittee meeting thereof authorized by such board, shall be paid compensation, subsistence allowances, mileage and other expenses as provided in K.S.A. 75-3223 and amendments thereto. It shall be the duty of all members of the Kansas agriculture commission to advise the state fair board and to attend and participate in the activities of the state fair held in accordance with K.S.A. 2-201 and amendments thereto. Amounts paid under this section shall be paid from appropriations to the state fair board upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the director of the state fair or a person designated by the director.

(b) The state fair board shall appoint a director of the state fair, who shall be in the unclassified service under the Kansas civil service act and shall serve at the pleasure of the state fair board. The director of the state fair shall appoint, within available appropriations, such assistants and employees as may be necessary to carry out the provisions of law and this order. All of such assistants and employees shall be in the classified service under the Kansas civil service act.

Sec. 6. The state fair board created by this order is hereby attached to the department of agriculture. All budgeting, purchasing and related management functions of the state fair shall be administered under the direction and supervision of the state fair board. All vouchers for expenditures and all payrolls of the state fair board shall be approved by the director of the state fair or a person designated by the director.

Sec. 7. (a) On the effective date of this order, the board of state fair managers created by K.S.A. 74-520 and amendments thereto, and the office of secretary-treasurer of the board of state fair managers created by K.S.A. 74-521 and amendments thereto, are hereby abolished.

(b) All the powers, duties and functions of the existing board of state fair managers and the existing secretary-treasurer of the board of state fair managers are hereby transferred to and conferred and imposed upon, respectively, the state fair board and the director of the state fair established by this order.

(c) The state fair board and the director of the state fair established by this order shall be the successor in every way, respectively, to the powers, duties and functions of the board of state fair managers and the secretary-treasurer of the board of state fair managers in which the same were vested prior to the effective date of this order. Every act performed in the exercise of such powers, duties and functions by or under the authority of the state fair board or the director of the state fair established by this order, respectively, shall be deemed to have the same force and effect as if performed by the board of state fair managers or the secretary-treasurer of the board of state fair managers, respectively, in which such powers, duties and functions were vested prior to the effective date of this order.

(d) Except as otherwise provided in this order, whenever the board of state fair managers, or words of like effect, is referred to or designated by a statute, contract or other document, such reference or designation shall be deemed to apply to the state fair board established by this order.

(e) Except as otherwise provided in this order, whenever the secretary-treasurer of the board of state fair managers, or words or like effect, is referred to or designated by a statute, contract or other document, such reference or designation shall be deemed to apply to the director of the state fair established by this order.

(f) All rules and regulations of the board of state fair managers or the secretary-treasurer of the board of state fair managers in existence on the effective date of this order shall continue to be effective and shall be deemed to be duly adopted rules and regulations of the director of the state fair established by this order until revised, amended, revoked or nullified pursuant to law.

(g) All orders and directives of the board of state fair managers or the secretary-treasurer of the board of state fair managers in existence on the effective date of this order shall continue to be effective and shall be deemed to be orders and directives of the state fair board and the director of the state fair established by this order, respectively, until revised, amended or nullified pursuant to law.

(h) On the effective date of this order, the director of the state fair shall succeed to whatever right, title or interest the board of state fair managers has acquired in any real property in this state, and the director shall hold the same for and in the name of the state of Kansas. On and after the effective date of this order,

whenever any statute, contract, deed or other document concerns the power or authority of the board of state fair managers or the secretary-treasurer of the board of state fair managers to acquire, hold or dispose of real property or any interest therein, the director of the state fair shall succeed to such power or authority.

(i) The state fair board and the director of the state fair established by this order, respectively, shall be continuations of the board of state fair managers and the secretary-treasurer of the board of state fair managers.

Sec. 8. There is hereby established within and as a part of the department of agriculture an office of policy and planning, the head of which shall be the director of policy and planning. Under the supervision of the secretary of agriculture, the director of policy and planning shall administer the office of policy and planning. The director of policy and planning, who shall be appointed by the secretary of agriculture and who shall serve at the pleasure of the secretary, shall be in the unclassified service under the Kansas civil service act.

Sec. 9. There is hereby established within and as a part of the department of agriculture a division of water resource administration and regulation, the head of which shall be the director of water resource administration and regulation. Under the supervision of the secretary of agriculture, the director of water resource administration and regulation shall administer the division of water resource administration and regulation. The director of water resource administration and regulation shall be appointed by the secretary of agriculture and shall be in the classified service under the Kansas civil service act.

Sec. 10. (a) On the effective date of this order, the division of water resources of the state board of agriculture created by K.S.A. 74-506a and amendments thereto, and the office of the chief engineer of the division of water resources of the state board of agriculture created by K.S.A. 74-506d and amendments thereto, are hereby abolished.

(b) All of the powers, duties and functions of the existing division of water resources of the state board of agriculture and the existing office of chief engineer of the division of water resources of the state board of agriculture are hereby transferred to and conferred and imposed upon, respectively, the division of water resource administration and regulation and the director of water resource administration and regulation established by this order.

(c) The division of water resource administration and regulation and the director of water resource administration and regulation established by this order shall be the successor in every way, respectively, to the powers, duties and functions of the division of water resources of the state board of agriculture and the chief engineer of the division of water resources of the state board of agriculture in which the same were vested prior to the effective date of this order. Every act performed in the exercise of such powers, duties and functions by or under the authority of the division of water resource administration and regulation or the

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director of water resource administration and regulation established by this order, respectively, shall be deemed to have the same force and effect as if performed by the division of water resources of the state board of agriculture or the chief engineer of the division of water resources of the state board of agriculture, respectively, in which such powers, duties and functions were vested prior to the effective date of this order.

(d) Except as otherwise provided in this order, whenever the division of water resources of the state board of agriculture, or words of like effect, is referred to or designated by a statute, contract or other document, such reference or designation shall be deemed to apply to the division of water resource administration and regulation.

(e) Except as otherwise provided in this order, whenever the chief engineer of the division of water resources of the state board of agriculture, or words of like effect, is referred to or designated by a statute, contract or other document, such reference or designation shall be deemed to apply to the director of water resource administration and regulation.

(f) All rules and regulations of the chief engineer of the division of water resources of the state board of agriculture in existence on the effective date of this order shall continue to be effective and shall be deemed to be the rules and regulations of the director of water resource administration and regulation established by this order until revised, amended, revoked or nullified pursuant to law.

(g) All orders and directives of the chief engineer of the division of water resources of the state board of agriculture in existence on the effective date of this order shall continue to be effective and shall be deemed to be orders and directives of the division of water resource administration and regulation and the director of water resource administration and regulation established by this order, respectively, until revised, amended or nullified pursuant to law.

(h) On the effective date of this order, the secretary of agriculture shall succeed to whatever right, title or interest the division of water resources of the state board of agriculture has acquired in any real property in this state, and the secretary shall hold the same for and in the name of the state of Kansas. On and after the effective date of this order, whenever any statute, contract, deed or other document concerns the power or authority of the division of water resources of the state board of agriculture or the chief engineer of the division of water resources of the state board of agriculture to acquire, hold or dispose of real property or any interest therein, the secretary of agriculture shall succeed to such power or authority.

(i) The division of water resource administration and regulation and the director of water resource administration and regulation established by this order, respectively, shall be continuations of the division of water resources of the state board of agriculture and the office of the chief engineer of the division of water resources of the state board of agriculture.

Sec. 11. There is hereby established within and as a part of the department of agriculture a division of

inspections, the head of which shall be the director of inspections. Under the supervision of the secretary of agriculture, the director of inspections shall administer the division of inspections. The director of inspections shall be appointed by the secretary of agriculture and shall be in the classified service under the Kansas civil service act.

Sec. 12. (a) On the effective date of this order, all of the powers and duties of the Kansas state grain inspection department created by K.S.A. 75-1701 and amendments thereto and the director of the Kansas state grain inspection department provided for by K.S.A. 75-1701 and amendments thereto, are hereby abolished.

(b) All of the powers, duties and functions of the existing Kansas state grain inspection department and the existing office of director of the Kansas state grain inspection department are hereby transferred to and conferred and imposed upon, respectively, the department of agriculture and the secretary of agriculture established by this order.

(c) The department of agriculture and the secretary of agriculture established by this order shall be the successor in every way, respectively, to the powers, duties and functions of the Kansas state grain inspection department and the director of the Kansas state grain inspection department in which the same were vested prior to the effective date of this order. Every act performed in the exercise of such powers, duties and functions by or under the authority of the department of agriculture or the secretary of agriculture established by this order, respectively, shall be deemed to have the same force and effect as if performed by the Kansas state grain inspection department or the director of the Kansas state grain inspection department, respectively, in which such powers, duties and functions were vested prior to the effective date of this order.

(d) Except as otherwise provided in this order, whenever the Kansas state grain inspection department, or words of like effect, is referred to or designated by a statute, contract or other document, such reference or designation shall be deemed to apply to the department of agriculture established by this order.

(e) Except as otherwise provided in this order, whenever the director of the Kansas state grain inspection department, or words of like effect, is referred to or designated by a statute, contract or other document, such reference shall be deemed to apply to the secretary of agriculture established by this order.

(f) All rules and regulations of the director of the Kansas state grain inspection department in existence on the effective date of this order shall continue to be effective and shall be deemed to be duly adopted rules and regulations of the secretary of agriculture established by this order until revised, amended, revoked or nullified pursuant to law.

(g) All orders and directives of the director of the Kansas state grain inspection department in existence on the effective date of this order shall continue to be effective and shall be deemed to be orders and directives of the department of agriculture and the secre-

tary of agriculture established by this order, respectively, until revised, amended or nullified pursuant to law.

(h) On the effective date of this order, the secretary of agriculture shall succeed to whatever right, title or interest the director of the Kansas state grain inspection department has acquired in any real property in this state, and the secretary shall hold the same for and in the name of the state of Kansas. On and after the effective date of this order, whenever any statute, contract, deed or other document concerns the power or authority of the Kansas state grain inspection department or the director of the Kansas state grain inspection department to acquire, hold or dispose of real property or any interest therein, the secretary of agriculture shall succeed to such power or authority.

(i) The department of agriculture and the secretary of agriculture established by this order, respectively, shall be continuations of the Kansas state grain inspection department and the director of the state grain inspection department.

Sec. 13. (a) On the effective date of this order, all of the powers and duties of the division of weights and measures and the state sealer provided for by K.S.A. 1985 Supp. 83-205 and amendments thereto, are hereby abolished.

(b) All of the powers, duties and functions of the existing division of weights and measures and the existing state sealer are hereby transferred to and conferred and imposed upon, respectively, the department of agriculture and the secretary of agriculture established by this order.

(c) The department of agriculture and the secretary of agriculture established by this order shall be the successor in every way, respectively, to the powers, duties and functions of the division of weights and measures and the state sealer in which the same were vested prior to the effective date of this order. Every act performed in the exercise of such powers, duties and functions by or under the authority of the department of agriculture or the secretary of agriculture established by this order, respectively, shall be deemed to have the same force and effect as if performed by the division of weights and measures or the state sealer, respectively, in which such powers, duties and functions were vested prior to the effective date of this order.

(d) Except as otherwise provided in this order, whenever the division of weights and measures, or words of like effect, is referred to or designated by a statute, contract or other document, such reference or designation shall be deemed to apply to the department of agriculture established by this order.

(e) Except as otherwise provided in this order, whenever the state sealer, or words of like effect, is referred to or designated by a statute, contract or other document, such reference or designation shall be deemed to apply to the secretary of agriculture established by this order.

(f) All rules and regulations of the state sealer in existence on the effective date of this order shall continue to be effective and shall be deemed to be duly adopted rules and regulations of the secretary of

agriculture established by this order until revised, amended, revoked or nullified pursuant to law.

(g) All orders and directives of the state sealer in existence on the effective date of this order shall continue to be effective and shall be deemed to be orders and directives of the department of agriculture and the secretary of agriculture established by this order, respectively, until revised, amended or nullified pursuant to law.

(h) On the effective date of this order, the secretary of agriculture shall succeed to whatever right, title or interest the state sealer has acquired in any real property in this state, and the secretary shall hold the same for and in the name of the state of Kansas. On and after the effective date of this order, whenever any statute, contract, deed or other document concerns the power or authority of the division of weights and measures or the state sealer or deputy state sealers to acquire, hold or dispose of real property or any interest therein, the secretary of agriculture shall succeed to such power or authority.

(i) The department of agriculture and the secretary of agriculture established by this order, respectively, shall be continuations of the division of weights and measures and the state sealer.

Sec. 14. (a) On the effective date of this order, all of the powers and duties of the state dairy commissioner provided for by K.S.A. 75-1401 and amendments thereto, are hereby abolished.

(b) All of the powers, duties and functions of the existing office of the state dairy commissioner are hereby transferred to and conferred and imposed upon the department of agriculture and the secretary of agriculture established by this order.

(c) The department of agriculture and the secretary of agriculture established by this order shall be the successor in every way, respectively, to the powers, duties and functions of the state dairy commissioner which the same were vested prior to the effective date of this order. Every act performed in the exercise of such powers, duties and functions by or under the authority of the department of agriculture or the secretary of agriculture established by this order, respectively, shall be deemed to have the same force and effect as if performed by the state dairy commissioner in which such powers, duties and functions were vested prior to the effective date of this order.

(d) Except as otherwise provided in this order, whenever the office of the state dairy commissioner, or words of like effect, is referred to or designated by a statute, contract or other document, such reference or designation shall be deemed to apply to the department of agriculture established by this order.

(e) Except as otherwise provided in this order, whenever the state dairy commissioner, or words of like effect, is referred to or designated by a statute, contract or other document, such reference shall be deemed to apply to the secretary of agriculture established by this order.

(f) All rules and regulations of the state dairy commissioner in existence on the effective date of this order shall continue to be effective and shall be

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deemed to be duly adopted rules and regulations of the secretary of agriculture established by this order until revised, amended, revoked or nullified pursuant to law.

(g) All orders and directives of the state dairy commissioner in existence on the effective date of this order shall continue to be effective and shall be deemed to be orders and directives of the department of agriculture and the secretary of agriculture established by this order, respectively, until revised, amended or nullified pursuant to law.

(h) On the effective date of this order, the secretary of agriculture shall succeed to whatever right, title or interest the state dairy commissioner has acquired in any real property in this state, and the secretary shall hold the same for and in the name of the state of Kansas. On and after the effective date of this order, whenever any statute, contract, deed or other document concerns the power or authority of the state dairy commissioner to acquire, hold or dispose of real property or any interest therein, the secretary of agriculture shall succeed to such power or authority.

(i) The department of agriculture and the secretary of agriculture established by this order, respectively, shall be continuations of the office of the state dairy commissioner and the state dairy commissioner.

Sec. 15. On the effective date of this order, the state grain advisory commission created by K.S.A. 34-121 and amendments thereto is hereby attached to the department of agriculture and from and after the effective date of this order shall be within the department of agriculture as a part thereof. All budgeting, purchasing and related management functions of the state grain advisory commission shall be administered under the direction and supervision of the secretary of agriculture as a part of the department of agriculture. All vouchers for expenditures and all payrolls of the state grain advisory commission shall be approved by the secretary of agriculture or a person designated by the secretary.

Sec. 16. There is hereby established within and as a part of the department of agriculture a division of market development, the head of which shall be the director of market development. Under the supervision of the secretary of agriculture, the director of market development shall administer the division of market development. The director of market development shall be appointed by the secretary of agriculture and shall be in the classified service under the Kansas civil service act.

Sec. 17. (a) On the effective date of this order, the division of markets of the state board of agriculture created by K.S.A. 74-530 and amendments thereto, and the office of director of marketing created by K.S.A. 74-533 and amendments thereto, are hereby abolished.

(b) All the powers, duties and functions of the existing division of markets of the state board of agriculture and the existing director of marketing are hereby transferred to and conferred and imposed upon, respectively, the department of agriculture and the secretary of agriculture established by this order.

(c) The department of agriculture and the secre-

tary of agriculture established by this order shall be the successor in every way, respectively, to the powers, duties and functions of the division of markets of the state board of agriculture and the director of marketing in which the same were vested prior to the effective date of this order. Every act performed in the exercise of such powers, duties and functions by or under the authority of the department of agriculture or secretary of agriculture established by this order, respectively, shall be deemed to have the same force and effect as if performed by the division of markets of the state board of agriculture or the director of marketing, respectively, in which such powers, duties and functions were vested prior to the effective date of this order.

(d) Except as otherwise provided in this order, whenever the division of markets of the state board of agriculture, or words of like effect, is referred to or designated by a statute, contract or other document, such reference or designation shall be deemed to apply to the department of agriculture established by this order.

(e) Except as otherwise provided in this order, whenever the director of marketing, or words of like effect, is referred to or designated by a statute, contract or other document, such reference or designation shall be deemed to apply to the secretary of agriculture established by this order.

(f) All rules and regulations of the division of markets of the state board of agriculture or the director of marketing in existence on the effective date of this order shall continue to be effective and shall be deemed to be duly adopted rules and regulations of the secretary of agriculture established by this order until revised, amended, revoked or nullified pursuant to law.

(g) All orders and directives of the division of markets of the state board of agriculture or the director of marketing in existence on the effective date of this order shall continue to be effective and shall be deemed to be orders and directives of the department of agriculture and the secretary of agriculture established by this order, respectively, until revised, amended or nullified pursuant to law.

(h) On the effective date of this order, the secretary of agriculture shall succeed to whatever right, title or interest the division of markets of the state board of agriculture has acquired in any real property in this state, and the secretary shall hold the same for and in the name of the state of Kansas. On and after the effective date of this order, whenever any statute, contract, deed or other document concerns the power or authority of the division of markets of the state board of agriculture or the director of marketing to acquire, hold or dispose of real property or any interest therein, the secretary of agriculture shall succeed to such power or authority.

(i) The department of agriculture and the secretary of agriculture established by this order, respectively, shall be continuations of the division of markets of the state board of agriculture and the director of marketing.

Sec. 18. There is hereby established within and as

a part of the department of agriculture a division of plant health, the head of which shall be the director of plant health. Under the supervision of the secretary of agriculture, the director of plant health shall administer the division of plant health. The director of plant health shall be appointed by the secretary of agriculture and shall be in the classified service under the Kansas civil service act.

Sec. 19. (a) On the effective date of this order, the noxious weeds division of the state board of agriculture created by K.S.A. 2-1315 and amendments thereto, and the director of the noxious weeds division created by K.S.A. 2-1315 and amendments thereto, are hereby abolished.

(b) All the powers, duties and functions of the existing noxious weeds division of the state board of agriculture and the existing director of the noxious weeds division are hereby transferred to and conferred and imposed upon, respectively, the department of agriculture and the secretary of agriculture established by this order.

(c) The department of agriculture and the secretary of agriculture established by this order shall be the successor in every way, respectively, to the powers, duties and functions of the noxious weeds division of the state board of agriculture and the director of the noxious weeds division in which the same were vested prior to the effective date of this order. Every act performed in the exercise of such powers, duties and functions by or under the authority of the department of agriculture or the secretary of agriculture established by this order, respectively, shall be deemed to have the same force and effect as if performed by the noxious weeds division of the state board of agriculture or the director of the noxious weeds division, respectively, in which such powers, duties and functions were vested prior to the effective date of this order.

(d) Except as otherwise provided in this order, whenever the noxious weeds division of the state board of agriculture, or words of like effect, is referred to or designated by a statute, contract or other document, such reference or designation shall be deemed to apply to the department of agriculture established by this order.

(e) Except as otherwise provided in this order, whenever the director of the noxious weeds division, or words of like effect, is referred to or designated by a statute, contract or other document, such reference or designation shall be deemed to apply to the secretary of agriculture established by this order.

(f) All rules and regulations of the noxious weeds division of the state board of agriculture or the director of the noxious weeds division in existence on the effective date of this order shall continue to be effective and shall be deemed to be duly adopted rules and regulations of the secretary of agriculture established by this order until revised, amended, revoked or nullified pursuant to law.

(g) All orders, directives of the noxious weeds division of the state board of agriculture or the director

of the noxious weeds division in existence on the effective date of this order shall continue to be effective and shall be deemed to be orders and directives of the department of agriculture and the secretary of agriculture established by this order, respectively, until revised, amended or nullified pursuant to law.

(h) On the effective date of this order, the secretary of agriculture shall succeed to whatever right, title or interest the noxious weeds division of the state board of agriculture has acquired in any real property in this state, and the secretary shall hold the same for and in the name of the state of Kansas. On and after the effective date of this order, whenever any statute, contract, deed or other document concerns the power or authority of the noxious weeds division of the state board of agriculture or the director of the noxious weeds division to acquire, hold or dispose of real property or any interest therein, the secretary of agriculture shall succeed to such power or authority.

(i) The department of agriculture and the secretary of agriculture established by this order, respectively, shall be continuations of the noxious weeds division of the state board of agriculture and the director of the noxious weeds division.

Sec. 20. The secretary of agriculture shall appoint a chief attorney for the department of agriculture, who shall serve at the pleasure of the secretary. The chief attorney shall be in the unclassified service under the Kansas civil service act and shall receive an annual salary fixed by the secretary of agriculture, with the approval of the governor. The secretary of agriculture also may appoint additional attorneys for the department of agriculture. Such additional attorneys shall be in the unclassified service under the Kansas civil service act, shall receive an annual salary fixed by the secretary of agriculture, with the approval of the governor, and shall be subject to assignment and reassignment of duties within the department of agriculture as may be determined by the chief attorney.

Sec. 21. (a) The secretary of agriculture may organize the department of agriculture in the manner the secretary deems most efficient, so long as the same is not in conflict with the provisions of this order or with the provisions of law, and the secretary may establish policies governing the transaction of business of the department and the administration of each of the divisions within the department. The chief administrative officer of each division of the department shall perform such duties and exercise such powers as the secretary of agriculture may prescribe and such duties and powers as are prescribed by law. Such chief administrative officers shall act for and exercise the powers of the secretary of agriculture to the extent authority to do so is delegated by the secretary of agriculture.

(b) Except as otherwise provided in this order, and subject to the Kansas civil service act, the chief administrative officer of each division of the department of agriculture shall appoint all subordinate officers and employees of such officer's division, subject to the

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approval of the secretary, and all such subordinate officers and employees shall be within the classified service of the Kansas civil service act. Personnel of each such division shall perform such duties and exercise such powers as the chief administrative officer of their division to the extent authority to do so is delegated by such administrative officer.

Sec. 22. The secretary of agriculture may create advisory boards, commissions or committees with the approval of the governor, and members of any such board, commission or committee shall be appointed by the secretary. Any such advisory board, commission or committee so created shall be within the department of agriculture as a part thereof. Such advisory boards, commissions or committees shall consult with and advise the secretary, the assistant secretary or secretaries, or the chief administrative officer of any division designated by the secretary, with reference to the management, control and operation of any program under the jurisdiction of the department or with reference to any law administered by the department or any division thereof. Members of any advisory board, commission or committee created under authority of this section attending meetings thereof, or attending a subcommittee meeting thereof authorized by such board, commission or committee, shall be paid amounts provided in subsection (e) of K.S.A. 75-3223 and amendments thereto. All vouchers for expenditures and all payrolls of each advisory board, commission or committee shall be approved by the presiding officer thereof and the secretary of agriculture or a person or persons designated by the secretary.

Sec. 23. Except as otherwise provided in this order, on the effective date of this order, officers and employees who, immediately prior to such date, were engaged in the performance of powers, duties or functions of any state agency or office which is abolished by this order, or which becomes a part of the department of agriculture, or the powers, duties and functions of which are transferred to the secretary of agriculture, and who, in the opinion of the secretary of agriculture, are necessary to perform the powers, duties and functions of the department of agriculture, shall be transferred to, and shall become officers and employees of the department. Any such officer or employee shall retain all retirement benefits and all rights of civil service which had accrued to or vested in such officer or employee prior to the effective date of this order. The service of each such officer and employee so transferred shall be deemed to have been continuous. All transfers and any abolition of personnel positions in the classified service under the Kansas civil service act shall be in accordance with civil service laws and any rules and regulations adopted thereunder.

Sec. 24. (a) When any conflict arises as to the disposition of any power, function or duty or the unexpended balance of any appropriation as a result of any abolition, transfer, attachment or change made by or under authority of this order, such conflict shall be

resolved by the governor, whose decision shall be final.

(b) The department of agriculture shall succeed to all property and records which were used for or pertain to the performance of the powers, duties and functions transferred to the secretary of agriculture. Any conflict as to the proper disposition of property or records arising under this section, and resulting from the transfer, attachment or abolition of any state agency, or all or part of the powers, duties and functions thereof, shall be determined by the governor, whose decision shall be final.

Sec. 25. The secretary of agriculture shall have the legal custody of all records, memoranda, writings, entries, prints, representations or combinations thereof of any act, transaction, occurrence or event of the department of agriculture and any agency or office abolished or transferred thereto under this order.

Sec. 26. (a) No suit, action or other proceeding, judicial or administrative, lawfully commenced, or which could have been commenced, by or against any state agency mentioned in this order, or by or against any officer of the state in such officer's official capacity or in relation to the discharge of such officer's official duties, shall abate by reason of the governmental reorganization effected under the provisions of this order. The court may allow any such suit, action or other proceeding to be maintained by or against the successor of any such state agency or any officer affected.

(b) No criminal action commenced or which could have been commenced by the state shall abate by the taking effect of this order.

Sec. 27. Prior to the convening of the 1987 session of the legislature, the secretary of agriculture shall submit a written report to the governor and to the legislature, containing specific recommendations for possible consolidation or transfer of powers, duties or functions within the department of agriculture.

Sec. 28. The secretary of agriculture and the department of agriculture shall have offices and facilities in Topeka and such other locations throughout the state as are necessary.

Sec. 29. The secretary of agriculture shall keep a seal which shall be surrounded by the words "Secretary of Agriculture, Department of Agriculture" which shall be of such diameter and with such device as the governor and the secretary of agriculture may prescribe, an impression of which shall be filed in the office of secretary of state.

Sec. 30. (a) On the effective date of this order, the balance of all funds appropriated and reappropriated to any of the state agencies abolished by this order is hereby transferred to the department of agriculture and shall be used only for the purpose for which the appropriation was originally made.

(b) On the effective date of this order, the liability for all accrued compensation or salaries of officers and employees who, immediately prior to such date, were engaged in the performance of powers, duties or functions of any state agency or office abolished by

this order, or which becomes a part of the department of agriculture established by this order, or the powers, duties and functions of which are transferred to the secretary of agriculture provided for by this order, shall be assumed and paid by the department of agriculture established by this order.

Sec. 31. All of the provisions of this order shall take effect and have the force of general law on July 1, 1986, unless disapproved by either house of the legislature as provided by subsection (c) of section 6 of article 1 of the constitution of Kansas, and unless so

disapproved, this order is to be published as and with the acts of the legislature and the statutes of this state.

DONE At The Capitol in Topeka
Under the Great Seal of the
State of Kansas this 10th day
of February, 1986.

BY THE GOVERNOR
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