

KANSAS REGISTER



State of Kansas

JACK H. BRIER
Secretary of State

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PHONE: 913/296-3489

State of Kansas

**DEPARTMENT OF REVENUE
LIQUOR LAW REVIEW COMMISSION**

NOTICE OF MEETING

The Liquor Law Review Commission Subcommittee on On Premises will meet at 7:30 a.m. Monday, April 28, in the secretary's conference room, Department of Revenue, 2nd Floor, State Office Building, Topeka.

JEFF ELLIS
Chairman

Doc. No. 004155

State of Kansas

**STATE HISTORICAL SOCIETY
HISTORIC SITES BOARD OF REVIEW**

NOTICE OF MEETING

The Kansas Historic Sites Board of Review will meet at 10 a.m. Saturday, May 10, in the classroom at the Kansas Museum of History, 6425 S.W. 6th, Topeka.

The following properties will be evaluated for nomination to the National Register of Historic Places and the Register of Historic Kansas Places:

Edward Carroll House, 334 5th Ave.,
Leavenworth, Leavenworth County
Merritt H. Insley House, 602 Seneca St.,
Leavenworth, Leavenworth County
Pusch-Randall House, 1000 Elm St., Marysville,
Marshall County

The following properties will be evaluated for nomination to the Register of Historic Kansas Places:

Dudley Wiggins House, 840 W. 21st, Lawrence,
Douglas County
Robert H. Hazlett House, 115 S. Washington,
El Dorado, Butler County
Benedict Meyer Log Cabin, Threshing Bee
Grounds on K-4, Meriden vicinity, Jefferson
County
Dr. William C. Harkey House, 224 E. Main,
Gardner, Johnson County
Log House, Thomas Park, Oswego, Labette
County
Kincaid-Crocker Opera House, 8th and Main,
Pleasanton, Linn County

JOSEPH W. SNELL
Executive Director

Doc. No. 004131

State of Kansas

ATTORNEY GENERAL

Opinion No. 86-53

United States Constitution—Amendments—Rights and Immunities of Citizens; Taking of Property Without Due Process. Senator Wint Winter, Jr., 2nd District, Lawrence, and Representative Dale Sprague, 73rd District, McPherson, April 14, 1986.

1986 Senate Bill No. 696, which would enact the Family Farm Rehabilitation Act, does not constitute a "taking" of property which must be compensated under the Due Process Clause of the 14th Amendment to the United States Constitution. A lender's security interest is preserved under the bill, and a farmer seeking to invoke the bill's protection from foreclosure must annually pay an amount which is equivalent to that which the lender would receive if the land were sold at its present fair market value and the proceeds invested at current rates. Given decisions of the United States Supreme Court which permit such action by a state in the exercise of its police powers during a time of distress in the agricultural economy, in our opinion 1986 Senate Bill No. 696 is constitutional. Cited herein: 1986 Senate Bill No. 696; 1986 House Bill No. 2691; U.S. Const., 14th Amend. JSS

Opinion No. 86-54

State Departments; Public Officers and Employees—Salaries and Assistants; Miscellaneous Provisions—Fees and Moneys Paid Into State Treasury by State Agencies.

Agriculture—Kansas Wheat Act—Disposition of Tax Moneys. David E. Frey, Assistant Administrator, Kansas Wheat Commission, Manhattan, April 14, 1986.

Whether the Wheat Commission is designated a "fee agency" is not determinative of whether it should be required to pay 20 percent of the taxes it collects pursuant to K.S.A. 1985 Supp. 2-2608 into the state general fund. The statutes require the Wheat Commission to make that contribution, and the legislature has authority under Article 11, Section 4 of the Kansas Constitution to enact such a requirement. JLM

ROBERT T. STEPHAN
Attorney General

Doc. No. 004153

State of Kansas

DEPARTMENT ON AGING**REQUEST FOR PROPOSALS FOR
IN-HOME NUTRITION PROGRAMS**

The Kansas Department on Aging is currently accepting proposals for in-home nutrition programs funded by state resources for the program period July 1, 1986 through June 30, 1987. Complete proposals must be submitted by May 15.

The In-Home Nutrition Program provides home-delivered meals containing at least one-third of the current recommended dietary allowance to income eligible homebound individuals age 60 or older once a day, five or more days a week. Programs may be funded in all areas of the state; however, priority will be given to maintaining services in areas currently served by the program.

Organizations interested in receiving a formal request for proposal should contact Jan Stegelman, R.D., Nutrition Specialist, Kansas Department on Aging, 610 W. 10th, Topeka 66612, (913) 296-4986.

JOYCE V. ROMERO
Secretary of Aging

Doc. No. 004152

State of Kansas

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

Notice is hereby given of the commencement of negotiations for a contract for air and water balancing of the mechanical system for the chemistry-biochemistry building at Kansas State University, Manhattan.

Interested individuals or firms in the balancing field must be certified by the National Environmental Balancing Bureau or the Associated Air Balance Council and must be engaged in balancing work on a full-time basis. Balance agencies which are of the same parent company as the designers or contractors of a particular project will not be considered for that project. Submit qualifications with letter of interest.

Any additional information, questions or expressions of interest should be directed to Myron Reed, Division of Architectural Services, 625 Polk, Topeka 66603, (913) 233-9367, by May 9, 1986.

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

Doc. No. 004149

State of Kansas

KANSAS WATER AUTHORITY**NOTICE OF MEETING CANCELLATION**

The May meeting of the Kansas Water Authority has been cancelled. The next meeting will be held on June 16 and 17.

H. PHILIP MARTIN, Chairman
Kansas Water Authority

Doc. No. 004154

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, MAY 5, 1986

#26991-A

University of Kansas Medical Center, Kansas City—
MEDICAL GASES

#27118

Department of Health and Environment, Topeka
and Department of Social and Rehabilitation Services,
Topeka—PAPANICOLAU SCREENING

#27119

University of Kansas Medical Center, Kansas City—
ANIMAL BEDDING

#27124

University of Kansas, Lawrence—PRINTING INK

#27128

Statewide—FAMILY PLANNING PHARM-
ACEUTICALS AND SUPPLIES

#65330

Department of Transportation, Topeka—SEALANT
CRACK, HOT APPLIED

#65338

Kansas State University, Manhattan—GRAPHIC
ARTS SUPPLIES

#65346

Kansas State University, Manhattan—FIRE
EQUIPMENT

TUESDAY, MAY 6, 1986

#A-5319

Topeka State Hospital, Topeka—REPLACE STEAM
HEATING COILS RAPAPORT—JARRETT AND
EASTMAN BUILDINGS

#64592-A

Department of Human Resources, various
locations—MICROCOMPUTER SYSTEM

#65343

Fort Hays State University, Hays—
COMMUNICATIONS CONTROLLER FOR IBM
4381-M1

#65344

University of Kansas Medical Center, Kansas City—
FURNISH AND INSTALL SURGICAL LIGHTING

#65345

Topeka State Hospital, Topeka—DINING TABLES

#65355

Kansas Technical Institute, Topeka—MODEM
INTERFACE AND D.G. MEMORY UPGRADE

#65356

Kansas State University, Manhattan—
MICROCOMPUTER PLOTTER AND TERMINALS

#65357

Department of Social and Rehabilitation Services,
Topeka—WHEELCHAIR, Winfield

#65358

Kansas State University, Manhattan—MAILING
EQUIPMENT

#65359

Kansas State University, Manhattan—VACUUM
APPARATUS

#65360

University of Kansas, Lawrence—CENTRIFUGE
ROTOR**WEDNESDAY, MAY 7, 1986**

#A-5342

Department of Transportation, Topeka—REROOF
SUB-AREA BUILDING (DOT 2-2012), Concordia

#A-5356

Department of Transportation, Topeka—METAL
STORAGE BUILDING, DISTRICT 5, AREA 4
OFFICE AND SHOP, Great Bend

#27116

University of Kansas Medical Center, Kansas City—
HIGH EFFICIENCY AIR FILTERS, FILTER
MEDIA AND DISPOSABLE

#27127

Winfield State Hospital and Training Center,
Winfield—BABY FOOD

#65337

Kansas State University, Manhattan—SALE OF
USED EQUIPMENT AND MATERIALS

#65361

University of Kansas, Lawrence—VIDEO
EQUIPMENT

#65365

Kansas State University, Manhattan—MOBILE
HOME

#65366

State Park and Resources Authority, Topeka—
SCANNING MONITOR RADIOS

#65406

University of Kansas Medical Center, Kansas City—
RECORDER**THURSDAY, MAY 8, 1986**

#A-5499

Kansas Fish and Game Commission, various
locations—BOAT HOUSE CONSTRUCTION

#27120

Osawatomie State Hospital, Osawatomie—SILVER
RECOVERY SERVICE AND EQUIPMENT

#65371

University of Kansas, Lawrence—SPECIALTY
GLASSWARE ITEMS

#65372

Kansas State University, Manhattan—PAPER BAGS

#65373

Wichita State University, Wichita—
STEREOMICROSCOPE/ACCESSORIES

#65378

University of Kansas, Lawrence—ENGINE
ANALYZER AND STAND

#65379

University of Kansas, Lawrence—ELECTRICAL
WIRE

#65380

Department of Transportation, various locations—
MATERIAL SPREADERS**FRIDAY, MAY 9, 1986**

#27126

University of Kansas Medical Center, Kansas City—
SMALL ANIMAL FEED

#64726-A

Wichita State University, Wichita—UPGRADE OF
COMPUWORD WORD PROCESSING SYSTEM

#65391

Department of Transportation, Topeka—
SURVEYOR'S SUPPLIES

#65392

University of Kansas, Lawrence—AIR FILTERS
AND MEDIA

#65397

Kansas Fish and Game Commission, Pratt—
BINDERS AND TABS

#65400

University of Kansas Medical Center, Kansas
City—MICROSCOPE

#65401

University of Kansas Medical Center, Kansas
City—LAB BALANCE

#65402

Kansas State University, Manhattan—RESEARCH
MICROSCOPE

#65403

Kansas State University, Manhattan—MICROFILM-
READER-PRINTER

#65404

University of Kansas Medical Center, Kansas City—
CONSUMER TELEPHONE SURVEY

#65405

University of Kansas Medical Center, Kansas City—
SCIENTIFIC EQUIPMENT**MONDAY, MAY 12, 1986**

#65374

Department of Human Resources, Topeka—
CONTINUOUS MAILERS—K-BEN 44 AND 45

#65381

University of Kansas Medical Center, Kansas City—
CONTINUOUS FORMS—"TEMPORARY PATIENT
SUMMARY"**TUESDAY, MAY 27, 1986**

#27129

Youth Center at Beloit, Beloit—LEASE OF LAND,
Mitchell County**WEDNESDAY, MAY 28, 1986**

#65407

Norton State Hospital, Norton—
TELECOMMUNICATIONS SYSTEMSNICHOLAS B. ROACH
Director of Purchases

Doc. No. 004157

State of Kansas

COFFEY COUNTY, KANSAS**REQUEST FOR BIDS**

Sealed bids will be received by the Coffey County Commissioners in the Commission Chambers of the Courthouse, Burlington, at 2 p.m. D.S.T. Monday, May 5, for the construction of the parking lot at the courthouse. Plans may be secured from Ossmann & Associates, Architects, 921 Topeka Blvd., Topeka 66612-1693, (913) 233-6406.

CARL G. OSSMANN
Architect

Doc. No. 004132

State of Kansas

SOCIAL AND REHABILITATION SERVICES**NOTICE OF MEETING**

The Department of Social and Rehabilitation Services will meet at 9 a.m. Tuesday, May 6, in the Staff Development Training Center, 2700 W. 6th, Topeka. The scheduled agenda includes:

- Solicit public input in regard to proposals concerning temporary administrative regulations.
- Preliminary overview of legislation passed in 1986 session.
- Preliminary discussion of possible budget guidelines for the agency for fiscal year 1988.
- Present proposed social services block grant plan.
- General discussion concerning budget issues related to fiscal years 1987 and 1988.

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. 004158

State of Kansas

KANSAS INSURANCE DEPARTMENT**PERMANENT ADMINISTRATIVE
REGULATIONS**

(Effective May 1, 1986)

The complete text of the following regulations has not been published because of its length and the resulting cost of publication. Copies of the complete text of any of the following regulations may be obtained by contacting Richard D. Brock, Kansas Insurance Department, 420 S.W. 9th, Topeka 66612, (913) 296-3071.

The following regulations were amended to incor-

porate a citation to the statutory section or sections being implemented or interpreted as required by K.S.A. 77-416; other amendments are editorial in nature to meet current standards of organization, style, orthography and grammar:

40-1-1	40-1-3	40-1-5	40-1-8	40-1-9	40-1-10
40-1-12	40-1-13	40-1-15	40-1-16	40-1-17	40-1-19
40-1-20	40-1-22	40-1-28	40-1-29	40-1-30	40-1-31
40-1-32	40-1-33	40-1-35	40-2-7	40-2-8	40-2-9
40-2-12	40-2-13	40-2-14	40-2-15	40-2-16	40-2-17
40-3-1	40-3-5	40-3-6	40-3-7	40-3-8	40-3-9
40-3-10	40-3-11	40-3-12	40-3-13	40-3-15	40-3-17
40-3-18	40-3-19	40-3-20	40-3-21	40-3-22	40-3-23
40-3-24	40-3-25	40-3-26	40-3-27	40-3-28	40-3-29
40-3-30	40-3-31	40-3-32	40-3-34	40-3-35	40-3-36
40-3-37	40-3-38	40-3-39	40-3-40	40-3-41	40-4-2
40-4-3	40-4-4	40-4-12	40-4-13	40-4-17	40-4-18
40-4-22	40-4-23	40-4-26	40-4-27	40-4-28	40-4-29
40-4-30	40-4-31	40-4-32	40-4-33	40-4-35	40-4-36
40-5-6	40-5-7	40-5-8	40-5-9	40-5-10	40-5-102
40-5-103	40-5-104	40-5-105	40-5-106	40-5-107	40-5-108
40-5-109	40-5-110	40-5-111	40-7-1	40-7-5	40-7-6
40-7-7	40-7-9	40-7-10	40-7-11	40-7-13	40-7-19
40-8-2	40-8-6	40-8-7	40-8-8	40-8-10	40-8-11
40-9-1	40-9-118	40-9-120	40-9-121	40-9-122	40-9-123
40-9-124	40-10-1	40-10-2	40-10-5	40-10-6	40-10-10
40-10-14	40-11-12	40-12-1	40-12-4	40-12-5	40-12-6
40-12-7	40-12-8	40-12-10	40-12-11	40-12-12	40-12-13
40-12-14	40-12-15	40-12-16	40-12-17	40-12-18	40-13-1
40-13-2	40-13-3	40-13-5	40-13-6	40-13-7	40-13-9
40-13-10	40-13-11	40-13-12	40-13-13	40-13-15	40-13-16
40-13-17	40-13-20	40-13-23	40-13-24	40-13-26	40-14-1
40-14-3	40-14-4	40-14-5	40-14-6	40-14-7	40-14-8
40-15-1	40-15-2	40-15-3	40-15-4	40-15-5	40-15-6
40-15-7	40-15a-1	40-15b-1			

40-1-34. Unfair claim settlement practices. This regulation adopts the N.A.I.C.'s Unfair Claims Settlement Practices Model Regulation, June, 1976 edition, and amends the regulation by adding Section 1 and the first sentence of Section 2 as provisions of the N.A.I.C. Model Regulation which are not adopted. These additions do not, however, change the substance of the existing regulation since Section 1 and the first sentence of Section 2 are duplicative of statutory language.

40-2-10. Same; deficiency reserves; requirements. This regulation is amended by removing the prohibition against life insurance companies setting up retroactive deficiency reserves for any block of business written prior to June 30, 1959.

40-2-11. Life insurance policies; "wholesale" or "franchise" plan; requirements. This regulation is amended to exclude application of the consumer credit insurance regulations.

40-2-18. Annuities; mortality tables; permits and prohibitions; effective dates. This regulation adopts the N.A.I.C. model regulation for recognizing a new annuity mortality table for use in determining reserve liabilities for annuities.

40-3-2. Foreign stock or mutual fire and casualty companies; deposit requirements. This regulation is amended to clarify the articles of Chapter 40, Kansas Statutes Annotated, to which the deposit requirements of this regulation apply.

40-3-14. Mutual fire and tornado insurance companies; extended coverage endorsement. This regulation is amended to remove the distinction between farm

and non-farm property from the definition of "extended coverage endorsement."

40-3-16. Fire and casualty insurance policies and applications; "warranties" prohibited. This regulation is amended to include a definition of the term "warranty."

40-4-1. Accident and health insurance; individual policies; rate filings; requirements. This regulation is amended by adopting by reference the June, 1983 edition of the N.A.I.C.'s guidelines for filing of rates for individual health insurance forms.

40-4-21. Accident and health insurance; reserve standards for individual policies. This regulation has been amended by adopting by reference the June, 1985 edition of the N.A.I.C.'s reserve standards for individual health insurance policies.

40-4-25. Accident and sickness insurance standards for benefits; purpose. This regulation is amended to clarify the regulations to which the phrase "these regulations" refers.

40-4-34. Accident and health insurance; coordination of benefits; guidelines. This regulation is amended by adopting sections 4 and 5 of the June, 1984 edition of the N.A.I.C. Coordination of Benefits Guidelines that are currently in effect on a temporary basis.

40-9-119. Same; applicability. This regulation is being amended to clarify the regulations to which the phrase "these regulations" refers.

40-9-125. Same; enforcement procedures. This regulation is amended to specify that the certificate of compliance must be submitted annually with the annual statement.

40-12-9. Impound of stock sale proceeds; when required; impound agent; certificates of no lien. This regulation is amended by deleting the phrase "a reasonable time" and replacing it with a two year time limit.

40-12-19. Directors' resolution as to fairness of price; commissioner's approval. This regulation is amended by including K.S.A. 40-205 as an authorizing statute and removing "in the judgement of its board of directors" from subsection (2).

40-14-9. Same; disclosure of annual percentage rate. This regulation deletes a repetition of the federal truth-in-lending act.

40-15-8. Variable annuity or separate accounts; agents' procedure for obtaining licenses. This regulation is amended to clarify which regulations in Article 7 are included in the reference to K.A.R. 40-7-1 *et seq.*

The following regulations have been revoked: 40-1-25, 40-1-26, 40-1-27, 40-2-3, 40-2-4, 40-2-5, 40-2-6, 40-4-19.

FLETCHER BELL
Commissioner of Insurance

Doc. No. 004147

State of Kansas

KANSAS INSURANCE DEPARTMENT KANSAS CITIZENS COMMITTEE ON LEGAL LIABILITY

NOTICE OF MEETING

The Kansas Citizens Committee on Legal Liability will meet at 1:30 p.m. Tuesday, May 6, in the third floor conference room of the Kansas Insurance Department, 420 S.W. 9th, Topeka.

FLETCHER BELL
Commissioner of Insurance

Doc. No. 004140

State of Kansas

CONSUMER CREDIT COMMISSIONER

NOTICE OF HEARING ON PROPOSED ADMINISTRATIVE REGULATIONS

The office of the Consumer Credit Commissioner will conduct a public hearing at 10 a.m. Thursday, May 8, at 217 S.E. 4th, fourth floor, Topeka, on temporary and permanent regulation 75-6-24. All interested parties may present oral or written comments at the hearing. The proposed change in this regulation would have no fiscal impact.

The regulation to be adopted is as follows:

75-6-24. Adjustment in dollar amounts. (a) The dollar amounts of \$300 and \$1,000 in K.S.A. 16a-2-401 (2) and any amendments thereto shall be changed to ~~\$570 and \$1,000~~ \$600 and \$2,000.

(b) This regulation shall be effective on and after July 1, 1986. (Authorized by and implementing K.S.A. 16a-2-401a; effective, E-79-9, April 20, 1978; effective May 1, 1979; amended, E-81-15, June 25, 1980; amended May 1, 1981; amended, T-83-16, July 1, 1982; amended May 1, 1983; amended, T-85-18, July 1, 1984; amended May 1, 1985; amended, T-_____, _____.)

75-6-24. Adjustment in dollar amounts. The dollar amounts of \$300 and \$1,000 in K.S.A. 16a-2-401(2) and any amendments thereto shall be changed to ~~\$570 and \$1,000~~ \$600 and \$2,000. (Authorized by and implementing K.S.A. 16a-2-401a; effective, E-79-9, April 20, 1978; effective May 1, 1979; amended, E-81-15, June 25, 1980; amended May 1, 1981; amended, T-83-16, July 1, 1982; amended May 1, 1983; amended, T-85-18, July 1, 1984; amended May 1, 1985; amended, T-_____, _____; amended May 1, 1986.)

JUDITH K. STRINGER
Consumer Credit Commissioner

Doc. No. 004141

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 project:

Johnson—635-46 K-2134-04/IR 635-3(322)—replacement of bridge #016 over westbound I-35 and the railroad in Johnson County.

Firms expressing interest in these projects must respond in writing and complete the Consulting Engineers Qualification Questionnaire (if not already prequalified) by May 1, 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. 004118

State of Kansas

CONSUMER CREDIT COMMISSIONER

NOTICE OF HEARING ON
PROPOSED ADMINISTRATIVE REGULATIONS

The office of the Consumer Credit Commissioner will conduct a public hearing at 10:30 a.m. Thursday, May 8, at 217 S.E. 4th, fourth floor, Topeka, on temporary regulation 75-6-26. All interested parties may present oral or written comments at the hearing. The proposed change in this regulation would have no fiscal impact.

The regulation to be adopted is as follows:

75-6-26. Federal Truth-in-lending act requirements. Any creditor who, in the ordinary course of business, regularly extends or offers to extend consumer credit shall disclose to the consumer the information required by title I of the consumer protection act (public law 90-321; 82 stat. 146), as amended and any regulations issued pursuant to this act as of ~~March 15, 1985~~ **March 25, 1986.** (Authorized by and implementing K.S.A. 16a-6-117; effective, E-82-16, Aug. 12, 1981; amended T-83-2, Jan. 7, 1982; amended T-83-6, April 14, 1982; amended T-84-10, May 25, 1983; amended, T-85-15, May 3, 1984; amended, T-86-12, May 1, 1985; amended, T-_____, _____.)

JUDITH K. STRINGER
Consumer Credit Commissioner

Doc. No. 004142

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., May 15, 1986, and then publicly opened:

DISTRICT ONE—Northeast

Atchison—3 C-1654-01—County road, 2.4 miles west and 2.9 miles south of Muscotah on the Atchison-Jackson county line, then south, 0.2 mile, bridge replacement. (Federal Funds)

Jefferson—59-44 M-1417-01—U.S. 59, Lawrence Street in Oskaloosa, north 0.8 mile to end of concrete pavement, patching. (State Funds)

Johnson—46 U-0902-01—Metcalfe Avenue at Tomahawk Creek in Overland Park, 0.2 mile, bridge replacement. (Federal Funds)

Leavenworth—52 C-1451-01—County road, 6.5 miles north of Tonganoxie, then north, 0.1 mile, bridge replacement. (Federal Funds)

Lyon—99-56 K-2907-01, K-99, 1.6 miles north of I-35, then north, 1.3 miles, overlay. (State Funds)

Marshall—58 C-1988-01—County road, 7.5 miles south and 2.6 miles west of Frankfort, then west, 0.2 mile, bridge replacement. (Federal Funds)

Nemaha—66 C-2409-01—County road, 3.2 miles east and 3.0 miles south of Corning, bridge repair. (Federal Funds)

Nemaha—66 C-2410-01—County road, 5.0 miles west and 2.8 miles south of Wetmore, 0.1 mile, bridge replacement. (Federal Funds)

DISTRICT TWO—Northcentral

Clay—14 C-2010-01—County road, 3.0 miles south and 3.8 miles west of Clay Center, then west, 0.1 mile, bridge replacement. (Federal Funds)

McPherson—56-59 M-1377-01—U.S. 56, beginning at Eby Street, then east to FAS 319 in McPherson, 1.7 miles, patching. (State Funds)

Ottawa—18-72 M-1409-01—K-18, FAS 2039 north to FAS 748, patching. (State Funds)

Saline—85 C-1785-01—County road in Gypsum, then east, 0.2 mile, bridge replacement. (Federal Funds)

Saline—70-85 M-1406-01—I-70, Lincoln-Saline county line east 9.9 miles, overlay. (State Funds)

Saline—140-85 M-1408-01—K-140, through to interchange of K-135/K-140, patching. (State Funds)

DISTRICT THREE—Northwest

Decatur—20 C-2005-01—County road, 2.0 miles south and 4.6 miles west of Oberlin, then west, 0.1 mile, bridge replacement. (Federal Funds)

Ellis—70-26 M-1412-01—I-70, Ellis-Trego county line east 1.8 miles to I-70/K-247 interchange, 1.8 miles, milling. (State Funds)

Russell—70-84 M-1410-01—I-70, Ellis-Russell county line east 4.0 miles, slurry seal. (State Funds)

Russell—70-84 M-1411-01—I-70, Russell-Ellsworth county line west 7.4 miles to Union Pacific Railroad, recycling. (State Funds)

Sherman—91 C-1627-01—County road, 2.0 miles west and 5.8 miles north of Goodland, then north, 0.1 mile, bridge replacement. (Federal Funds)

Trego—70-98 M-1413-01—I-70, old U.S. 40 east 6.5 miles to Trego-Ellis county line, milling. (State Funds)

DISTRICT FOUR—Southeast

Allen—1 C-1779-01—County road, 1.4 miles north and 0.7 mile east of Gas City, then east, 0.2 mile, bridge replacement. (Federal Funds)

Cherokee—160-11 K-2044-01—U.S. 160, bridges 16, 17, 18, and 19 east of K-126, bridge replacements. (Federal Funds)

Coffey—16 C-0830-01—County road, 7.2 miles south of Waverly, then south, 1.5 miles, grading. (Federal Funds)

Miami—61 C-1637-01—County road, 4.5 miles south of Paola, then southeast, 0.1 mile, bridge repair. (Federal Funds)

DISTRICT FIVE—Southcentral

Butler—96-8 K-1879-01—K-96, 1.0 mile east of Leon then east to 1.0 mile west of Keighley, 5.9 miles, grading, surfacing and bridge. (State Funds)

Harvey—135-40 M-1416-01—I-135, north junction of I-135/K-15 south 4.3 miles, milling and overlay. (State Funds)

Kiowa—49 C-2155-01—County road, 2.0 miles west and 3.5 miles north of Greensburg, then north, 0.1 mile, bridge replacement. (Federal Funds)

Reno—78 U-0906-01—4th Street at Cow Creek diversion in Hutchinson, 0.2 mile, bridge replacement. (Federal Funds)

Reno—78 U-1026-01—4th and K-61; 5th and Adams; 11th and Adams in Hutchinson, intersection improvements. (Federal Funds)

Rice—80 C-1610-01—County road, 5.7 miles east of Sterling, then north, 4.0 miles, surfacing. (Federal Funds)

Rice—80 C-2024-01—County road, 0.3 mile north of Little River, then north, 0.2 mile, bridge replacement. (Federal Funds)

Sedgwick—235-87 K-2515-02—I-235, beginning at the junction of U.S. 54, then north and east to Broadway, 8.1 miles, signing. (Federal Funds)

Sumner—96 C-1863-01—County road, 8.0 miles west of Mulvane, then west, 0.2 mile, bridge replacement. (Federal Funds)

DISTRICT SIX—Southwest

Ford—56-29 K-2441-01—U.S. 56, 1 mile west of K-129 to the east junction of U.S. 283, 6.0 miles, overlay and widening. (Federal Funds)

Meade—54-60 K-2793-01—U.S. 54, west city limits of Meade, then east to the end of 4-lane highway, 1.8 miles, recycling. (State Funds)

Proposals will be issued upon request to all prospective bidders who have been prequalified by the Kansas Department of Transportation on the basis of

financial condition, available construction equipment, and experience. Also, a statement of unearned contracts (Form No. 284) must be filed. There will be no discrimination against anyone regardless of race, religion, color, sex, physical handicap, national origin or ancestry in the award of contracts.

Plans and specifications for the 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. 004119

(Published in the KANSAS REGISTER, April 24, 1986.)

**NOTICE OF BOND SALE
GENERAL OBLIGATION STREET BONDS
OF THE
CITY OF HARPER, KANSAS**

The city of Harper, Kansas will receive sealed bids at the office of the City Clerk, City Building, 201 W. Main, Box 337, Harper, KS 67058, until 7:30 p.m. local time on April 28, 1986 for \$251,294.71 par value general obligation street bonds of the city, at which time and place such bids will be publicly opened. No oral or auction bids will be considered.

The series A, 1986 bonds will be dated May 1, 1986 and shall mature on November 1 in each of the years and in the amounts set forth below. Such bonds shall consist of fully registered certificated bonds, each in the denomination of \$5,000 or integral multiples thereof, except bond no. 1 in the denomination of \$6,294.71. Interest will be payable semiannually commencing May 1, 1987 and each November 1 and May 1 thereafter. The principal of, and premium, if any, on the bonds shall be payable in lawful money of the United States of America at the principal office of the Treasurer of the State of Kansas (the paying agent and the bond registrar) to the registered owners thereof upon presentation of the bonds for payment and cancellation. Interest on the bonds shall be payable in lawful money of the United States of America, by check or draft of the paying agent to the registered owners appearing on the books maintained by the bond registrar as of the 15th day of the month next preceding the interest payment dates (the record dates). The fees of the bond registrar for registration and transfer of the the bonds shall be paid by the city.

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

Principal Amount	Maturity Date
\$ 6,294.71	November 1, 1987
5,000.00	November 1, 1987
20,000.00	November 1, 1988
20,000.00	November 1, 1989
25,000.00	November 1, 1990
25,000.00	November 1, 1991
25,000.00	November 1, 1992
30,000.00	November 1, 1993
30,000.00	November 1, 1994
30,000.00	November 1, 1995
35,000.00	November 1, 1996

(continued)

Interest Rates

Proposals will be received on the bonds bearing such rate or rates of interest as may be specified by the bidder. The same rate shall apply to all bonds of the same maturity. Each interest rate specified shall be in an even multiple of 1/8 or 1/20 of 1 percent. The difference between the highest and lowest rates specified in any bid shall not exceed 2.5 percent. No interest rate shall exceed the maximum interest rate allowed by Kansas law, said rate being 2 percent above the 20 bond index of tax exempt municipal bonds published by Credit Markets in New York, New York on Monday next preceding the day on which the bonds are sold, plus 2 percent, and no bid of less than par and accrued interest will be considered. Bids for less than the entire issue of bonds will not be considered.

Bid Form and Good Faith Deposit

Bids shall be submitted on the official bid form furnished by the city and shall be addressed to Bill Hacker, City Clerk, City Hall, 201 W. Main, Box 337, Harper, KS 67058, and shall be plainly marked BOND BID. All bids must state the total interest and cost of the bid, the premium, if any, the net interest cost of the bid, and the average annual interest rate, all certified by the bidder to be correct. Each bid must be accompanied by a certified or cashier's check equal to 2 percent of the total amount of the bid, and shall be payable to Treasurer, City of Harper, Kansas. In the event a bidder whose bid is accepted shall fail to carry out his contract of purchase, said deposit shall be retained by the city as liquidated damages. The checks of unsuccessful bidders will be returned promptly.

Award of Bids

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

Delivery of Bonds

The bonds, duly printed, executed and registered, will be furnished and paid for by the city, and the bonds will be sold subject to the unqualified approving opinion of William P. Timmerman, bond counsel, of Wichita, Kansas. The number, denomination of bonds, and names of the initial registered owners to be initially printed on the bonds shall be submitted in writing by the successful bidder to the bond registrar no later than May 15, 1986. The purchaser will be furnished with a complete transcript of proceedings evidencing the authorization and issuance of the bonds, and the usual closing proofs, which will include a certificate that there is no litigation pending or threatened at the time of delivery of the bonds affect-

ing their validity. Payment for the bonds shall be made in immediately available funds. Delivery of the bonds will be made to the successful bidder on or before June 28, 1986, at any bank in the state of Kansas or Kansas City, Missouri, at the expense of the city. Delivery elsewhere will be made at the expense of the purchaser.

Legal Opinion

Bids shall be conditioned upon the unqualified approving opinion of William P. Timmerman, bond counsel, Wichita, Kansas, a copy of which opinion will be printed on the reverse side of each bond and a manually signed original will be furnished without expense to the purchaser of the bonds at the delivery thereof. The cost of this legal opinion and the expense of printing the bonds will be paid by the city. Said legal opinion will state in part substantially that the bonds will constitute general obligations of the city, payable as to both principal and interest in part from the collection of special assessments which have been levied on benefited property, but any portion of said specially assessed part not so paid, and the remainder of said principal and interest, will be payable from ad valorem taxes which may be levied without limitation as to rate or amount upon all of the taxable tangible property within the territorial limits of the city; and that, under existing law, the interest on said bonds is exempt from present federal income taxation and the bonds are exempt from intangible personal property taxes levied by Kansas cities, counties and townships.

Purpose of Issue

The bonds are being issued for the purpose of constructing certain street improvements in the city of Harper, Kansas.

Assessed Valuation

Assessed valuation for the city of Harper, Kansas, a second class city, for the year 1985, are as follows:

Equalized assessed valuation of taxable, tangible property	\$4,196,368
Tangible valuation of motor vehicles	\$1,044,954
Motor vehicle inventory valuation	\$ 104,679
Total equalized assessed tangible valuation	\$5,346,001

Outstanding bonded debt of the city, including notes and this bond issue, is \$778,367, and \$289,917 in temporary notes will be picked up by this issue.

Official Statement

Additional copies of this notice of bond sale or further information may be received from William P. Timmerman, Bond Counsel, 400 N. Woodlawn, Suite 208, Wichita, KS 67208, (316) 685-7212, the city's bond counsel.

Dated April 11, 1986.

CITY OF HARPER, KANSAS
By Bill Hacker
City Clerk

Doc. No. 004133

(Published in the KANSAS REGISTER, April 24, 1986.)

**NOTICE OF BOND SALE
\$140,000
GENERAL OBLIGATION
SEWAGE DISPOSAL PLANT BONDS
OF THE
CITY OF MORAN, KANSAS**

The city of Moran, Kansas will receive sealed bids at the office of the City Clerk, City Hall, Moran, Kansas, until 7:30 p.m. C.D.T., Monday, May 5, 1986, for \$140,000 par value general obligation sewage disposal plant bonds of the city, at which time and place such bids will be publicly opened. No oral or auction bids will be considered.

The series 1986 bonds will be dated as of June 1, 1986, and shall mature on September 1 in each of the years and in the amounts set forth below. Such bonds shall consist of fully registered certificated bonds, each in the denomination of \$5,000 or integral multiples thereof not exceeding the principal amount of bonds maturing in each year. Interest will be payable semiannually, commencing March 1, 1987, and each September 1 and March 1 thereafter. The principal of, and premium, if any, on the bonds shall be payable in lawful money of the United States of America at the principal office of the Treasurer of the State of Kansas (the paying agent and the bond registrar) to the registered owners thereof upon presentation of the bonds for payment and cancellation. Interest on the bonds shall be payable in lawful money of the United States of America by check or draft of the paying agent to the registered owners appearing on the books maintained by the bond registrar as of the preceding February 15 and August 15 (the record dates). The fees of the bond registrar for registration and transfer of the bonds shall be paid by the city.

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

Principal Amount	Maturity Date
\$ 5,000	September 1, 1987
5,000	September 1, 1988
5,000	September 1, 1989
5,000	September 1, 1990
5,000	September 1, 1991
10,000	September 1, 1992
10,000	September 1, 1993
10,000	September 1, 1994
10,000	September 1, 1995
10,000	September 1, 1996
10,000	September 1, 1997
10,000	September 1, 1998
15,000	September 1, 1999
15,000	September 1, 2000
15,000	September 1, 2001

Interest Rates

Proposals will be received on the bonds bearing such rate or rates of interest as may be specified by the bidder. The same rate shall apply to all bonds of the same maturity. Each interest rate specified shall be in an even multiple of 1/8 or 1/20 of 1 percent. No interest rate shall exceed the maximum interest rate allowed by Kansas law, said rate being the 20 bond index of tax-exempt municipal bonds published by

Credit Markets in New York, New York, on Monday next preceding the day on which the bonds are sold (April 28, 1986), plus 2 percent, and no bid of less than par and accrued interest will be considered. Bids for less than the entire issue of bonds will not be considered.

Bid Form and Good Faith Deposit

Bids shall be submitted on the official bid form furnished by the city, and shall be addressed to the city at City Hall, Moran, KS 67735, Attention: Tracy Mann, City Clerk, and shall be plainly marked BOND BID. All bids must state the total interest cost of the bid, the premium, if any, the net interest cost of the bid, and the average annual interest rate, all certified by the bidder to be correct, and the city will be entitled to rely on the certificate of correctness of the bidder. Each bid must be accompanied by a certified or cashier's check equal to 2 percent of the total amount of the bid, and shall be payable to Treasurer, City of Moran, Kansas. In the event a bidder whose bid is accepted shall fail to carry out his contract of purchase, said deposit shall be retained by city as liquidated damages. The checks of unsuccessful bidders will be returned promptly.

Award of Bids

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

Delivery of the Bonds

The bonds, duly printed, executed and registered, will be furnished and paid for by the city, and the bonds will be sold subject to the unqualified approving opinion of William P. Timmerman, bond counsel, of Wichita, Kansas, under the existing law. The number, denomination of bonds, and names of the initial registered owners to be initially printed on the bonds shall be submitted in writing by the successful bidder to the bond registrar not later than May 26, 1986. The purchaser will be furnished with a complete transcript of proceedings evidencing the authorization and issuance of the bonds, and the usual closing proofs, which will include a certificate that there is no litigation pending or threatened at the time of delivery of the bonds affecting their validity. Payment for the bonds shall be made in immediately available funds. Delivery of the bonds will be made to the successful bidder on or before June 15, 1986, at any bank in the state of Kansas or Kansas City, Missouri, at the expense of the city. Delivery elsewhere will be made at the expense of the purchaser.

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Pending Federal Legislation Concerning Tax Exempt Obligations

On December 17, 1985, the U.S. House of Representatives passed H.R. 3838, the Tax Reform Act of 1985. The Bill presently is pending in the Senate. The Bill in its present form imposes additional requirements which must be satisfied in order for interest on obligations issued by or on behalf of states and local governments to be exempt from federal income taxation. Such requirements generally are effective for all obligations issued after December 31, 1985, and thus, if the Bill becomes law in its present form, would be applicable to the bonds.

The Bill is subject to change, and if it becomes law may contain requirements which differ from those contained in the Bill in its present form. Therefore, there can be no assurance that the city will be able to comply with such requirements. The failure or inability of the city to comply with the requirements of the Bill could jeopardize the tax exempt status of the bonds from their date of issuance. Bondholders should be aware that in such event, the bonds are not callable, nor will the interest rate on the bonds be adjusted to reflect the loss of the tax exemption.

Subsequent to adoption of the Bill, the U.S. House of Representatives passed House Resolution 335, which states, in substance, that it was the sense of the House of Representatives that the chairman and ranking member of the House Committee on Ways and Means be instructed, in conjunction with the Secretary of the Treasury and the chairman and ranking member of the Senate Committee on Finance, to make public an agreed-upon statement which would have the effect of postponing the effective date of selected items of the Bill. In addition, the U.S. Senate passed Senate Resolution 281, which provides, in substance, that it was the sense of the Senate that the effective date of the Bill should be delayed.

On March 14, 1986, a joint statement was made by Chairman Dan Rostenkowski, D-Ill., House Committee on Ways and Means; Chairman Bob Packwood, R-Ore., Senate Committee on Finance; Rep. John J. Duncan, ranking member of the Committee on Ways and Means; Sen. Russel Long, Ranking Member of the Committee on Finance; and Secretary of the Treasury James A. Baker III, with respect to the effective dates of certain provisions of the Comprehensive Tax Reform Legislation (H.R. 3838) being considered by Congress. Excerpts of such joint statement are as follows:

"It is not our intent, however, to restrict the ability of States and Local Governments to finance their direct governmental operations or to force States to change their existing practices governing financing of those operations while tax reform legislation is pending. Therefore, we are endorsing a postponement, until September 1, 1986 (or the date of enactment of Tax Reform Legislation, if earlier) of any application of the provisions and restrictions listed below to Bonds that under present law are not (I) Industrial Development Bonds, (II) Bonds that would be IDBs if Section 501(C)(3) organizations were nonexempt persons engaged in trades or businesses, (III) Student Loan Bonds, (IV) Mortgage Subsidy Bonds, or (V) Other private ('Consumer') Loan Bonds for which tax-exemption is permitted. In addition, this action does not apply to so-called pension Bonds or to Bonds which involve payments by private parties for the use of Bond-financed prop-

erty and which would be IDBs if such payments were used to pay debt service. The provisions and restrictions to which this action applies are:

- (1) The definition of nonessential function bond and new unified volume cap contained in H.R. 3838;
- (2) Any extension of arbitrage rebate restrictions, and any other new arbitrage restrictions, other than the method of determining bond yield (i.e., The reversal of the decision in *State of Washington v. Commissioner*);
- (3) Any new restrictions on early issuance of these Bonds (i.e., provisions requiring certain expenditures within certain periods);
- (4) Any new restrictions on advance refunding of Bonds which were originally issued before 1986, other than a limitation on the temporary period for refunding Bond proceeds to 30 days and the method of determining Bond Yield (listed in item (2), above);
- (5) Any extension of information reporting requirements to these Bonds; and
- (6) Any treatment of interest on these Bonds as a minimum tax preference item under H.R. 3838 as passed by the House."

In reliance upon the joint statement, if the bonds are issued prior to September 1, 1986, or the date of enactment of tax reform legislation, if earlier, the city does not intend to comply with the provision of the Bill for which the effective date was postponed.

Legal Opinion and Tax Exemption

All legal matters relating to the authorization and issuance of the bonds are subject to the approving opinion of William P. Timmerman, Wichita, Kansas, as bond counsel, whose approving opinion will be printed on the bonds and an original of which will be delivered at closing to the purchaser of the bonds.

Purpose of Issue

The bonds are being issued for the purpose of constructing improvements to the sewage disposal plant in the city of Moran, Kansas.

Assessed Valuation

Assessed valuation figures for the city of Moran, Kansas, for the year 1985, are as follows:

Equalized assessed valuation of taxable, tangible property	\$ 883,845
Tangible valuation of motor vehicles	\$ 368,537
Equalized assessed tangible valuation for computation of bonded debt limitations	\$1,252,382

Bond Indebtedness

The total bonded indebtedness of the city of Moran, Kansas, at the date hereof, including this \$140,000 proposed issue of bonds, is \$140,000. The city will retire \$140,000 of outstanding temporary notes (not included in debt above) from the proceeds of the bonds and monies on hand.

Official Statement

Additional copies of this notice of bond sale, copies of the city's official statement relating to the bonds, or further information may be received from Mid-Continent Municipal Investments, Inc., 333 Century Plaza Building, Wichita, KS 67202, (316) 262-5161, the city's financial consultants.

Dated April 15, 1986.

CITY OF MORAN, KANSAS
By Tracy Mann
City Clerk

Doc. No. 004143

(Published in the KANSAS REGISTER, April 24, 1986.)

**NOTICE OF BOND SALE
\$300,000**

**GENERAL OBLIGATION BONDS
SERIES 1986**

**OF UNIFIED SCHOOL DISTRICT NO. 202
WYANDOTTE COUNTY, KANSAS
(general obligation bonds payable from
unlimited ad valorem taxes)**

Sealed Bids

Sealed bids will be received by the undersigned, Clerk of the Board of Education of Unified School District No. 202, Wyandotte County, Kansas, on behalf of the board at 1800 S. 55th, Kansas City, Kansas, until 7:30 p.m. Central Daylight Time, Tuesday, May 6, 1986, for the purchase of \$300,000 principal amount of general obligation bonds, series 1986, of the school district hereinafter described. All bids will be publicly opened and read at said time and place and will be acted upon by the governing body immediately thereafter.

Bond Details

The bonds will consist of fully registered bonds in the denomination of \$5,000 or any integral multiple thereof, dated May 1, 1986, and becoming due serially on November 1 in the years as follows:

Year	Principal Amount
1987	\$ 50,000
1988	55,000
1989	60,000
1990	65,000
1991	70,000

The bonds will bear interest from the date thereof at rates to be determined when the bonds are sold as hereinafter provided, which interest will be payable semiannually on May 1 and November 1 in each year, beginning on May 1, 1987.

Place of Payment and Bond Registration

The principal of and interest on the bonds will be payable in lawful money of the United States of America by check or draft of the Treasurer of the State of Kansas, Topeka, Kansas (the paying agent and bond registrar), to the registered owners thereof whose names are on the registration books of the bond registrar as of the 15th day of the month preceding each interest payment date. The bonds will be registered pursuant to a plan of registration approved by the school district and the Attorney General of the State of Kansas. The bonds may be registered as fully registered certificated bonds or uncertificated (book entry) bonds at the option of each registered owner.

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

The type and denominations of the bonds and the names, addresses and social security or taxpayer

identification numbers of the registered owners shall be submitted in writing by the successful bidder to the school district and bond registrar at least two weeks prior to the closing date.

Conditions of Bids

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

Basis of Award

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

Authority, Purpose and Security

The bonds are being issued pursuant to K.S.A. 12-5401, as amended, for the purpose of paying the cost of certain asbestos control and removal improvements. The bonds and the interest thereon will constitute general obligations of the school district, payable from ad valorem taxes which may be levied without limitation as to rate or amount upon all the taxable tangible property, real and personal, within the territorial limits of the school district.

Legal Opinion

The bonds will be sold subject to the unqualified approving opinion of Gaar & Bell, bond counsel, Overland Park, Kansas, whose approving legal opinion as to the validity of the bonds will be furnished and paid for by the school district, printed on the bonds, and delivered to the successful bidder as and when the bonds are delivered. The legal opinion will

(continued)

state that in the opinion of bond counsel, under existing law, the interest on the bonds is exempt from present federal income taxation.

Delivery and Payment

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

Pending Federal Legislation Concerning Tax Exempt Obligations

On December 17, 1985, the U.S. House of Representatives passed H.R. 3838, the Tax Reform Act of 1985. The Bill presently is pending in the Senate. The Bill in its present form imposes additional requirements which must be satisfied in order for interest on obligations issued by or on behalf of states and local governments to be exempt from federal income taxation. Such requirements generally are effective for all obligations issued after December 31, 1985, and thus, if the Bill becomes law in its present form, would be applicable to the bonds.

The Bill is subject to change, and if it becomes law may contain requirements which differ from those contained in the Bill in its present form. Therefore, there can be no assurance that the school district will be able to comply with such requirements. The failure or inability of the school district to comply with the requirements of the bill could jeopardize the tax exempt status of the bonds from their date of issuance. Holders should be aware that in such event, the bonds are not callable, nor will the interest rate on the bonds be adjusted to reflect the loss of the tax exemption.

On March 14, 1986, a joint statement was issued by key congressional leadership and the Secretary of the Treasury with respect to the postponement, until September 1, 1986 (or the date of enactment of tax reform legislation, if earlier), of certain provisions of the Bill. In reliance upon the joint statement, if the bonds are issued prior to September 1, 1986, or the date of enactment of tax reform legislation, if earlier, the school district does not intend to comply with the provisions of the Bill for which the effective date was postponed.

Good Faith Deposit

Each bid shall be accompanied by a cashier's or certified check drawn on a bank located in the United States of America in the amount of \$6,000 payable to the order of the school district to secure the school district from any loss resulting from the failure of the successful bidder to comply with the terms of his bid. No interest will be paid upon the successful bidder's

good faith check. Said check shall be returned to the bidder if his bid is not accepted. If a bid is accepted, said check will be held by the school district until the bidder shall have complied with all of the terms and conditions of this notice, at which time the check will be returned to the successful bidder or paid to his order at the option of the school district. If a bid is accepted but the school district shall fail to deliver the bonds to the bidder in accordance with the terms and conditions of this notice, said check will be returned to the bidder. If a bid is accepted but the bidder defaults in the performance of any of the terms and conditions of this notice, the proceeds of such check will be retained by the school district as and for liquidated damages.

CUSIP Numbers

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

Bid Forms

All bids must be made on forms which may be procured from the clerk of the board. No additions or alterations in such forms shall be made and any erasures may cause rejection of any bid. The school district reserves the right to waive irregularities and to reject any and all bids.

Submission of Bids

Bids must be submitted in sealed envelopes addressed to the undersigned clerk of the board, and marked "Proposal for the Purchase of General Obligation Bonds." Bids may be submitted by mail or delivered in person to the undersigned at 1800 S. 55th, Kansas City, KS 66406, and must be received by the undersigned prior to 7:30 p.m. Central Daylight Time, on May 6, 1986.

Assessed Valuation and Indebtedness

The total assessed valuation of the taxable tangible property within the school district for the year 1985 is as \$58,501,526. The total general obligation indebtedness of the school district as of the date of the bonds, including the bonds being sold, is \$300,000.

Additional Information

Additional information regarding the bonds may be obtained from the clerk or superintendent of the school district.

Dated April 22, 1986.

UNIFIED SCHOOL DISTRICT NO. 202
WYANDOTTE COUNTY, KANSAS

Dr. T. Larry Thacker
Clerk of the Board of Education
1800 S. 55th
Kansas City, KS 66106
(913) 287-7500

Doc. No. 004150

State of Kansas

STATE BOARD OF EXAMINERS
IN OPTOMETRY

NOTICE OF EXAMINATION

Pursuant to K.S.A. 74-1504, the Kansas State Board of Examiners in Optometry will examine applicants for certificates of optometric registration June 7-10 at the Howard Johnson Motel, Hereford Room, 3839 S. Topeka Blvd., Topeka. For additional information call (913) 367-4989.

HAROLD A. FRIEDEN, O.D.
Secretary-Treasurer

Doc. No. 004130

(Published in the KANSAS REGISTER, April 24, 1986.)

AMENDED
NOTICE OF CALL FOR REDEMPTION
TO THE HOLDERS OF
CITY OF HALSTEAD, KANSAS
WATERWORKS IMPROVEMENT
REVENUE BONDS
SERIES 1976
DATED JANUARY 1, 1976

Notice is hereby given that pursuant to the provisions of Section 3 of Ordinance 609 of the city of Halstead, Kansas, the above mentioned serial bonds numbered 27 to 49 maturing in the years 1993, 1994, 1995 and 1996 have been called for redemption and payment on May 1, 1986 at the offices of the State Treasurer of Kansas, P.O. Box 737, Topeka 66601.

On such redemption date, there shall become due and payable on each of the above mentioned bonds the redemption price thereof equal to 103 percent of the principal amount of each bond together with interest accrued to the redemption date (upon the presentation and surrender of each such bond and all appertenant coupons). Interest shall cease to accrue on the bonds on and after May 1, 1986, and interest coupons maturing after May 1, 1986 shall be void.

THE SOUTHWEST NATIONAL BANK
OF WICHITA, KANSAS
AS TRUSTEE FOR THE
CITY OF HALSTEAD, KANSAS
By Todd H. Duncan
Trust Department

Doc. No. 004151

(Published in the KANSAS REGISTER, April 24, 1986.)

SENATE BILL No. 690

AN ACT concerning the department on aging; establishing an information and referral network to assist persons with Alzheimer's and related diseases.

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

Section 1. (a) The secretary of aging shall establish an information and referral network through the existing toll-free telephone system to assist persons with Alzheimer's and related diseases, their relatives and friends and other persons in obtaining information about and access to services available for persons with Alzheimer's and related diseases. The telephone system shall be designed to permit any person in the state to place a toll-free call into the network.

(b) The secretary of aging shall establish within the department on aging an information and referral network under subsection (a) and research national, state and local information on Alzheimer's and related diseases and disseminate this information through the information and referral network. The secretary of aging shall publicize the existence and purpose of the toll-free telephone network established by this section and the telephone number of such network.

(c) In establishing the information and referral network under this section, the secretary of aging shall:

- (1) Develop policies and procedures to document requests for assistance and monitor follow-up on such requests;
 - (2) develop policies and procedures to maintain confidentiality of requests for assistance;
 - (3) provide as part of the toll-free telephone network a call-forward system to assist in providing access to information;
 - (4) seek the cooperation and assistance of area agencies on aging in disseminating information and making referrals under this section;
 - (5) develop and periodically update a resource file of information to answer requests and expedite referrals; and
 - (6) assure that staff be trained in the area of Alzheimer's disease and related diseases on an ongoing basis.
- (d) This section shall be part of and supplemental to the Kansas act on the aging.

Sec. 2. This act shall take effect and be in force from and after its publication in the Kansas register.

I hereby certify that the above BILL originated in the SENATE, and passed that body March 12, 1986.

SENATE concurred in HOUSE amendments April 3, 1986.
ROBERT V. TALKINGTON
President of the Senate.
LU KENNY
Secretary of the Senate.

Passed the HOUSE as amended April 2, 1986.
MIKE HAYDEN
Speaker of the House.
GENEVA SEWARD
Chief Clerk of the House.

APPROVED April 11, 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 11th day of April, 1986.

JACK H. BRIER
Secretary of State.

(SEAL)

(Published in the KANSAS REGISTER, April 24, 1986.)

SENATE BILL No. 492

AN ACT authorizing and directing the Kansas turnpike authority to study the feasibility of constructing a turnpike project or a freeway including the methods of financing thereof; prescribing the location thereof; and concerning appropriations for the fiscal years ending June 30, 1986, and June 30, 1987, for such purposes.

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

Section 1. The Kansas turnpike authority is hereby authorized and directed to study the feasibility of constructing a turnpike project or freeway to commence and connect with the Kansas turnpike at the city of Wichita or a point between such city and the Kansas-Oklahoma border; thence proceeding in an easterly and southeasterly direction to a point on the Kansas-Oklahoma border providing the most feasible connection with Interstate 44 in the vicinity of Joplin, Missouri.

Such study shall include recommendations for alternative routes between such points and the feasibility of each.

The study of the feasibility of such project shall be based upon the use of existing right-of-way where possible, and in addition shall include, but not be limited to:

(a) An estimate of the total cost of such project, including those items defined as costs by K.S.A. 68-2093 and amendments thereto;

(b) a determination of the extent to which the project can be financed by the collection of tolls or by alternative methods of finance;

(c) the interest rate at which any revenue bonds authorized could be issued;

(d) a projection of the potential traffic volume on such project;

(e) an estimate of the amount of tolls and other revenues to be derived from the project which would be required to finance or guarantee the financing of such project solely from the tolls and revenues;

(f) an estimate of the cost differential between the construction of such turnpike project or freeway as a two-lane road or highway and its construction as a four-lane road or highway;

(g) an estimate of the revenues differential which would be derived from the operation of such turnpike project or freeway if constructed as a two-lane road or highway or if constructed as a four-lane road or highway; and

(h) such other data deemed necessary by the authority for a determination of the project's feasibility.

For the purpose of conducting such study, the Kansas turnpike authority is hereby authorized to employ such consulting engineers, traffic engineers, legal and financial experts and such other employees and agents as deemed necessary. In addition to the purposes for which expenditures are authorized for fiscal years ending June 30, 1986, and June 30, 1987, from the state highway fund by section 2(a) of chapter 22 of the 1985 Session Laws of Kansas or any appropriations act of the 1986 regular session of the legislature, expenditures are hereby authorized and directed to be made for the purpose of paying the cost of the feasibility study prescribed by this section, except that the total amount of expenditures for such purpose during fiscal years ending June 30, 1986, and June 30, 1987, shall not exceed \$250,000.

The feasibility study required herein shall be completed by December 31, 1986, and the authority shall submit a report of the findings and recommendations thereon to the governor and the 1987 session of the legislature.

If the Kansas turnpike authority shall find that the construction of such project is feasible and shall recommend that such project be constructed, the expenditures made by the authority in conducting the feasibility study required herein shall be regarded as a part of the cost of such project and shall be reimbursed to the state treasurer, for the credit of the state highway fund, out of the proceeds of revenue bonds or other sources of financing utilized to pay the cost of such project.

Sec. 2. This act shall take effect and be in force from and after its publication in the Kansas register.

I hereby certify that the above BILL originated in the SENATE, and passed that body March 5, 1986.

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

Passed the HOUSE April 4, 1986.

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

APPROVED April 14, 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 15th day of April, 1986.

(SEAL) JACK H. BRIER
Secretary of State

(Published in the KANSAS REGISTER, April 24, 1986.)

SENATE BILL No. 669

AN ACT concerning architectural services for state agencies; relating to required services and fees for project architects; amending K.S.A. 75-1254, 75-1259 and 75-1263 and repealing the existing sections.

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

Section 1. K.S.A. 75-1254 is hereby amended to read as follows: 75-1254. (a) Whenever a negotiating committee is not convened in accordance with K.S.A. 75-1253, and amendments thereto; for a proposed project for the construction of a building or for major repairs or improvements to a building for a state agency, the secretary of administration shall:

(1) Conduct discussions with at least three firms regarding the proposed project, determine the architectural services desired for such project, and negotiate a contract with one of such firms as project architect for the desired architectural services for all phases of the project which are authorized by appropriations therefor at a rate of compensation not in excess of those specified in K.S.A. 75-1263, and amendments thereto;

(2) undertake to provide all or part of the architectural services for such project, including the construction administration services as described in K.S.A. 75-1260 and amendments thereto; or

(3) designate a qualified employee of the state agency or institution for which the project is being constructed, or of the state agency which controls and supervises the operation and management of such institution, to provide all or part of such services for the project; for the purposes of providing such architectural services, such employee shall be known as the agency architect for the project.

(b) The employee of such agency designated as the agency architect for the project shall be a licensed architect under the provisions of K.S.A. 74-7001 to 74-7035, inclusive, and amendments thereto; and shall be found by the secretary of administration to be qualified to perform all of the architectural services for the particular project, including the construction administration services as described in K.S.A. 75-1260, and amendments thereto.

(c) The secretary of administration or the agency architect for the project, as the case may be, shall prepare required schematic drawings, working drawings, plans and specifications and other provide the preliminary design services, construction contract documents, bidding services and construction administration services as described in K.S.A. 75-1260, and amendments

thereto; for each phase of the project for which no firm is employed as project architect.

Sec. 2. K.S.A. 75-1259 is hereby amended to read as follows: 75-1259. (a) The project architect employed by the secretary of administration to prepare the ~~working drawings, plans and specifications and all other contract construction~~ documents shall submit all ~~such~~ construction documents to the secretary of administration and the state agency for which the project is being constructed. All ~~such~~ construction documents prepared by the project architect shall be approved by the secretary of administration and the state agency prior to submitting the same to the director of purchases to solicit bids thereon.

(b) The review of ~~such working drawings, plans and specifications and other contract the construction~~ documents by the secretary of administration and the state agency under this section shall be limited to ensuring only that such documents do not change the project description approved under K.S.A. 75-1255 and amendments thereto and that the same comply with the standards established under K.S.A. 75-3783, and amendments thereto; by the secretary of administration with the advice of the state building advisory commission for the planning, design and construction of buildings and major repairs and improvements to buildings for state agencies.

(c) If the ~~working drawings, plans and specifications and other contract construction~~ documents are prepared by the secretary of administration, the same shall be submitted to and approved by the state agency prior to submission to the director of purchases. If the ~~working drawings, plans and specifications and other contract construction~~ documents are prepared by an agency architect as provided in K.S.A. 75-1254; and amendments thereto; the same shall be submitted to, reviewed and approved by the secretary of administration under this section prior to submission to the director of purchases.

Sec. 3. K.S.A. 75-1263 is hereby amended to read as follows: 75-1263. (a) ~~Except as otherwise provided in subsection (c), fees paid to firms employed as project architect to provide architectural services shall not exceed the following:~~

(1) When the firm provides ~~schematic drawing and preliminary design services, working drawing, construction documents, bidding services and the construction administration services~~ specified in K.S.A. 75-1260; and amendments thereto; the maximum shall be: Seven percent (7%) of that portion of the estimated cost of the project not exceeding ~~one million dollars (\$1,000,000); six and twenty-five one-hundredths percent (6.25%) \$1,000,000; 6.25% of that portion of the estimated cost of the project exceeding one million dollars (\$1,000,000) \$1,000,000 but not exceeding two million dollars (\$2,000,000); five and one-half percent (5.5%) \$2,000,000; 5.5% of that portion of the estimated cost of the project exceeding two million dollars (\$2,000,000) \$2,000,000 but not exceeding three million dollars (\$3,000,000) \$3,000,000. The fees to be paid for any project for which the estimate of cost exceeds three million dollars (\$3,000,000) \$3,000,000 shall be negotiated between the firm selected and the negotiating committee, but shall not exceed five percent (5%) 5% on that portion of the estimated cost of the project exceeding three million dollars (\$3,000,000) \$3,000,000.~~

(2) When a prior project architect, the secretary of administration or any agency architect as provided in K.S.A. 75-1254; and amendments thereto; provides ~~schematic preliminary design services and the project architect provides working drawings construction documents, bidding services and construction administration services, the maximum established under subsection (a)(1) above shall be reduced by twenty-five percent (25%) 25%.~~

(3) When a prior project architect, the secretary of administration or an agency architect as provided in K.S.A. 75-1254; and amendments thereto; provides ~~schematic preliminary design services, bidding services and construction administration services, the maximum established under subsection (a)(1) above shall be reduced by forty-five percent (45%) 45%.~~

(b) If the proposed project includes remodeling of existing construction, a fee of not to exceed ~~four percent (4%) 4%~~ of that part of the estimated cost of the project which is designated as remodeling may be added to the fees otherwise authorized under this section.

(c) For purposes of computing the project architect's maximum fees, the estimated cost of the project shall be that provided in the original program cost estimate for the project ~~and. The estimated cost of the project shall not be reduced or increased without the prior approval of the negotiating committee which approved the project description under K.S.A. 75-1255 and amendments thereto. The project architect's maximum fee shall not be reduced or increased as a result of change orders except that the project architect shall may be paid a fee not to exceed the fees prescribed in subsection (a)(1) above for services rendered if additional fees as a result of change orders or alternates are initiated by the state or for additional services which are the result of changes in the scope or program of the project or construction circumstances beyond the control of the project architect or the state. Any increase in the fees paid to a project architect above the previously established maximum for the project shall receive the prior approval of the negotiating committee which approved the project description under K.S.A. 75-1255 and amendments thereto.~~

(d) Fees of project architects shall be paid from appropriations for the particular project for which the project architect is employed and in no case shall the amount appropriated for a project be exceeded for any increase in a project architect's fees. The secretary of administration shall report to the joint committee on state building construction all actions relating to any increase under subsection (c) in the fees paid to a project architect above the previously established maximum for the project.

Sec. 4. K.S.A. 75-1254, 75-1259 and 75-1263 are hereby repealed.

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

I hereby certify that the above BILL originated in the SENATE, and passed that body March 12, 1986.

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

Passed the HOUSE April 3, 1986.

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

APPROVED April 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 14th day of April, 1986.

(SEAL) JACK H. BRIER
Secretary of State.

(Published in the KANSAS REGISTER, April 24, 1986.)

(Published in the KANSAS REGISTER, April 24 1986.)

SENATE BILL No. 763

AN ACT concerning a certain claim against the state; making and concerning appropriations for the fiscal years ending June 30, 1986, and June 30, 1987; directing disbursement thereof subject to certain conditions.

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

Section 1. (a) There is appropriated from the state general fund for the fiscal years specified the following amounts for payment in full satisfaction of all claims against the state in the case of City of Kansas City, Kansas, and Board of Public Utilities of Kansas City, Kansas v. State of Kansas, State Board of Regents, University of Kansas, and University of Kansas Medical Center, Case No. 83C 1228, filed in the district court of Wyandotte county, Kansas, which arose from a dispute as to liability for electric power usage by the university of Kansas medical center, for the following claimant:

	Fiscal Year 1986	Fiscal Year 1987
Board of Public Utilities, c/o Harold T. Walker, city attorney, and Kathryn Pruessner Peters, assistant city attorney, Municipal Office Building, One Civic Center Plaza, Kansas City, Kansas 66101	\$500,000	\$1,020,000

(b) The payment of the amounts under this section to the claimant named in this section shall be for settlement and in full satisfaction of any and all claims giving rise to such civil action as stated in any settlement agreement of the parties or any judgment entered in such civil action by agreement of the parties to the dispute. Payment of the amounts under this section shall be made in accordance with any settlement agreement or judgment. When final payment is made in accordance with the settlement agreement or judgment, a written release in full satisfaction of all claims against the state of Kansas, any state agency and any officers and employees of the state of Kansas arising from this civil action shall be secured by the attorney general and the case dismissed with prejudice or any judgment entered therein shall be fully satisfied.

(c) The director of accounts and reports is hereby authorized and directed to draw warrants on the state treasurer in favor of the claimant specified in this act, upon vouchers duly executed by the claimant or the legal representative or duly authorized agent of the claimant.

Sec. 2. This act shall take effect and be in force from and after its publication in the Kansas register.

I hereby certify that the above BILL originated in the SENATE, and passed that body April 8, 1986.

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

Passed the HOUSE April 9, 1986.

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

APPROVED April 17, 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 17th day of April, 1986.

(SEAL) JACK H. BRIER
Secretary of State.

SENATE BILL No. 382

AN ACT relating to insurance; providing for refund of unearned surcharge from health care stabilization fund; concerning professional liability insurance to be maintained by health care providers; concerning the amount of premium surcharge levied under the health care stabilization fund; amending K.S.A. 40-2602 and K.S.A. 1985 Supp. 40-3402, 40-3403 and 40-3404 and repealing the existing sections.

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

Section 1. K.S.A. 40-2602 is hereby amended to read as follows: 40-2602. For the purpose of this act: (a) "Insurance premium finance company" means a person engaged in the business of entering into insurance premium finance agreements under this act.

(b) "Premium finance agreement" means an agreement by which an insured or prospective insured promises to pay to a premium finance company the amount advanced or to be advanced under the agreement to an insurer or to an insurance agent in payment of premium on an insurance contract insuring against the perils of fire, extended coverage, marine and inland marine as defined in article 9 of chapter 40 of the Kansas Statutes Annotated, as amended and amendments thereto, and insuring against casualty losses as defined in article 11 of chapter 40 of the Kansas Statutes Annotated and acts amendatory thereof amendments thereto, together with a service charge as authorized and limited by this act.

(c) "Licensee" means an insurance premium finance company holding a license issued by the commissioner under this act.

(d) "Commissioner" as used in this act means the commissioner of insurance of the state of Kansas.

(e) "Premium" for purposes of this act shall include the annual premium surcharge for the health care stabilization fund.

Sec. 2. K.S.A. 1985 Supp. 40-3403 is hereby amended to read as follows: 40-3403. (a) For the purpose of paying damages for personal injury or death arising out of the rendering of or the failure to render professional services by a health care provider, self-insurer or inactive health care provider subsequent to the time that such health care provider or self-insurer has qualified for coverage under the provisions of this act, there is hereby established the health care stabilization fund. The fund shall be held in trust in a segregated fund in the state treasury. The commissioner shall administer the fund or contract for the administration of the fund with an insurance company authorized to do business in this state.

(b) (1) There is hereby created a board of governors. The board of governors shall provide:

(A) Technical assistance with respect to administration of the fund;

(B) such expertise as the commissioner may reasonably request with respect to evaluation of claims or potential claims;

(C) advice, information and testimony to the appropriate licensing or disciplinary authority regarding the qualifications of a health care provider.

(2) The board shall consist of 13 persons appointed by the commissioner of insurance, as follows: (A) The commissioner of insurance, or the designee of the commissioner, who shall act as chairperson; (B) one member appointed from the public at large who is not affiliated with any health care provider; (C) three members licensed to practice medicine and surgery in Kansas who are doctors of medicine; (D) three members who are representatives of Kansas hospitals; (E) two members licensed to practice medicine and surgery in Kansas who are doctors of osteopathic medicine; (F) one member licensed to practice chiropractic in Kansas; and (G) two members of other categories of health care providers. Meetings shall be called by the chairperson or by a written notice signed by three members of the board. The board, in addition to other duties imposed by this act, shall study and evaluate the operation of the fund and make such recommendations to the legislature as may be appropriate to ensure the viability of the fund.

(3) The board shall be attached to the insurance department and shall be within the insurance department as a part thereof. All budgeting, purchasing and related management functions of

the board shall be administered under the direction and supervision of the commissioner of insurance. All vouchers for expenditures of the board shall be approved by the commissioner of insurance or a person designated by the commissioner.

(c) Subject to subsections (d), (e) and (g), the fund shall be liable to pay: (1) Any amount due from a judgment or settlement which is in excess of the basic coverage liability of all liable resident health care providers or resident self-insurers for any such injury or death arising out of the rendering of or the failure to render professional services within or without this state; (2) any amount due from a judgment or settlement which is in excess of the basic coverage liability of all liable nonresident health care providers or nonresident self-insurers for any such injury or death arising out of the rendering or the failure to render professional services within this state. In no event shall the fund be obligated for claims against nonresident health care providers or nonresident self-insurers who have not complied with this act or for claims against nonresident health care providers or nonresident self-insurers that arose outside of this state; (3) any amount due from a judgment or settlement against a resident inactive health care provider for any such injury or death; (4) any amount due from a judgment or settlement against a nonresident inactive health care provider for any injury or death arising out of the rendering or failure to render professional services within this state. In no event shall the fund be obligated for claims against: (A) Nonresident inactive health care providers who have not complied with this act; or (B) nonresident inactive health care providers for claims that arose outside of this state, unless such health care provider was a resident health care provider or resident self-insurer at the time such act occurred; (5) reasonable and necessary expenses for attorney fees incurred in defending the fund against claims; (6) any amounts expended for reinsurance obtained to protect the best interests of the fund purchased by the commissioner, which purchase shall be subject to the provisions of K.S.A. 75-3738 to 75-3744, inclusive, and amendments thereto but shall not be subject to the provisions of K.S.A. 75-4101 and amendments thereto; (7) reasonable and necessary actuarial expenses incurred in administering the act, which expenditures shall not be subject to the provisions of K.S.A. 75-3738 to 75-3744, inclusive, and amendments thereto; (8) annually to the plan or plans, any amount due pursuant to subsection (a)(3) of K.S.A. 40-3413, and amendments thereto; and (9) reasonable and necessary expenses incurred by the insurance department and the board of governors in the administration of the fund; and (10) return of any unearned surcharge.

(d) All amounts for which the fund is liable pursuant to paragraphs (1), (2), (3) or (4) of subsection (c) of this section shall be paid promptly and in full if less than \$300,000, or if \$300,000 or more, by installment payments of \$300,000 or 10% of the amount of the judgment including interest thereon, whichever is greater, per fiscal year, the first installment to be paid within 60 days after the fund becomes liable and each subsequent installment to be paid annually on the same date of the year the first installment was paid, until the claim has been paid in full. Any attorney's attorney fees payable from such installment shall be similarly prorated.

(e) In no event shall the fund be liable to pay in excess of \$3,000,000 pursuant to any one judgment or settlement against any one health care provider relating to any injury or death arising out of the rendering of or the failure to render professional services from and after July 1, 1984, subject to an aggregate limitation for all judgments or settlements arising from all claims made in any one fiscal year in the amount of \$6,000,000 for each provider.

(f) A health care provider shall be deemed to have qualified for coverage under the fund: (1) On and after the effective date of this act if basic coverage is then in effect; (2) subsequent to the effective date of this act, at such time as basic coverage becomes effective; or (3) upon qualifying as a self-insurer pursuant to K.S.A. 40-3414 and amendments thereto.

(g) Notwithstanding the provisions of K.S.A. 40-3402 and amendments thereto, if the board of governors determines that an individual health care provider presents a material risk of significant future liability to the fund, the board of governors is authorized by a vote of a majority of the members thereof, after

notice and an opportunity for hearing, to terminate the liability of the fund for all claims against the health care provider for damages for death or personal injury arising out of the rendering of or the failure to render professional services after the date of termination. The date of termination shall be 30 days after the date of the determination by the board of governors. The board of governors, upon termination of the liability of the fund under this subsection (g), shall notify the licensing or other disciplinary board having jurisdiction over the health care provider involved of the name of the health care provider and the reasons for the termination.

Sec. 3. K.S.A. 1985 Supp. 40-3402 is hereby amended to read as follows: 40-3402. (a) A policy of professional liability insurance approved by the commissioner and issued by an insurer duly authorized to transact business in this state in which the limit of the insurer's liability is not less than \$200,000 per occurrence, subject to not less than a \$600,000 annual aggregate for all claims made during the policy period, shall be maintained in effect by each resident health care provider as a condition to rendering professional service as a health care provider in this state, unless such health care provider is a self-insurer or is a person who is engaged under the supervision of the clinical faculty member of the university of Kansas school of medicine, in a postgraduate training program approved by the state board of healing arts and operated by the university of Kansas medical center and is insured pursuant to K.S.A. 40-3414, and amendments thereto. Such policy shall provide as a minimum coverage for claims made during the term of the policy which were incurred during the term of such policy or during the prior term of a similar policy. *Any insurer offering such policy of professional liability insurance to any health care provider may offer to such health care provider a policy as prescribed in this section with deductible options. Such deductible shall be within such policy limits.*

(1) Each insurer providing basic coverage shall within 30 days after the premium for the basic coverage is received by the insurer or within 30 days from the effective date of this act, whichever is later, notify the commissioner that such coverage is or will be in effect. Such notification shall be on a form approved by the commissioner and shall include information identifying the professional liability policy issued or to be issued, the name and address of all health care providers covered by the policy, the amount of the annual premium, the inception and expiration dates of the coverage and such other information as the commissioner shall require. A copy of the notice required by this subsection shall be furnished the named insured.

(2) In the event of termination of basic coverage by cancellation, nonrenewal, expiration or otherwise by either the insurer or named insured, notice of such termination shall be furnished by the insurer to the commissioner, the state agency which licenses, registers or certifies the named insured and the named insured. Such notice shall be provided no less than 30 days prior to the effective date of any termination initiated by the insurer or within 10 days after the date coverage is terminated at the request of the named insured and shall include the name and address of the health care provider or providers for whom basic coverage is terminated and the date basic coverage will cease to be in effect. No basic coverage shall be terminated by cancellation or failure to renew by the insurer unless such insurer provides a notice of termination as required by this subsection.

(3) Any professional liability insurance policy issued, delivered or in effect in this state on and after the effective date of this act shall contain or be endorsed to provide basic coverage as required by subsection (a) of this section. Notwithstanding any omitted or inconsistent language, any contract of professional liability insurance shall be construed to obligate the insurer to meet all the mandatory requirements and obligations of this act. The liability of an insurer for claims made prior to July 1, 1984, shall not exceed those limits of insurance provided by such policy prior to July 1, 1984.

(b) Unless a nonresident health care provider is a self-insurer, such provider shall not render professional service as a health care provider in this state unless such provider maintains coverage in effect as prescribed by subsection (a) of this section,

(continued)

except such coverage may be provided by a nonadmitted insurer who has filed the form required in paragraph (1) of subsection (b) of this section.

(1) Every insurance company authorized to transact business in this state, that is authorized to issue professional liability insurance in any jurisdiction, shall file with the commissioner, as a condition of its continued transaction of business within this state, a form prescribed by the commissioner declaring that its professional liability insurance policies, wherever issued, shall be deemed to provide at least the insurance required by this subsection when the insured is rendering professional services as a nonresident health care provider in this state. Any nonadmitted insurer may file such a form.

(2) Every nonresident health care provider who is required to maintain basic coverage pursuant to this subsection shall pay the surcharge levied by the commissioner pursuant to subsection (a) of K.S.A. 40-3404 and amendments thereto directly to the commissioner and shall furnish to the commissioner the information required in paragraph (1) of subsection (a) of this section.

(c) Every health care provider that is a self-insurer or the university of Kansas medical center for persons who are engaged under the supervision of the clinical faculty member of the university of Kansas school of medicine in a postgraduate training center approved by the state board of healing arts and operated by the university of Kansas medical center shall pay the surcharge levied by the commissioner pursuant to subsection (a) of K.S.A. 40-3404 and amendments thereto directly to the commissioner and shall furnish to the commissioner the information required in paragraph (1) of subsection (a) of this section.

Sec. 4. K.S.A. 1985 Supp. 40-3404 is hereby amended to read as follows: 40-3404. (a) Except for any health care provider whose participation in the fund has been terminated pursuant to subsection (g) of K.S.A. 40-3403 and amendments thereto, the commissioner shall levy an annual premium surcharge on each health care provider who has obtained basic coverage and upon each self-insurer for each fiscal year. Such premium surcharge shall be an amount equal to a percentage of the annual premium paid by the health care provider for the basic coverage required to be maintained as a condition to coverage by the fund by subsection (a) of K.S.A. 40-3402 and amendments thereto. The annual premium surcharge upon each self-insurer, except for the university of Kansas medical center, shall be an amount equal to a percentage of the amount such self-insurer would pay for basic coverage as calculated in accordance with rating procedures approved by the commissioner pursuant to K.S.A. 40-3413 and amendments thereto. The annual premium surcharge upon the university of Kansas medical center for persons who are engaged, under the supervision of the clinical faculty member of the university of Kansas school of medicine, in a postgraduate training program approved by the state board of healing arts and operated by the university of Kansas medical center shall be an amount equal to a percentage of an assumed aggregate premium of \$600,000.

(b) In the case of a resident health care provider who is not a self-insurer, the premium surcharge shall be collected in addition to the annual premium for the basic coverage by the insurer and shall not be subject to the provisions of K.S.A. 40-252, 40-1113 and 40-2801 *et seq.*, and amendments to these sections. The amount of the premium surcharge shall be shown separately on the policy or an endorsement thereto and shall be specifically identified as such. Such premium surcharge shall be due and payable by the insurer to the commissioner within 30 days after the annual premium for the basic coverage is received by the insurer, but in the event basic coverage is in effect at the time this act becomes effective, such surcharge shall be based upon the unearned premium until policy expiration and annually thereafter. Within 15 days immediately following the effective date of this act, the commissioner shall send to each insurer information necessary for their compliance with this subsection. The certificate of authority of any insurer who fails to comply with the provisions of this subsection shall be suspended pursuant to K.S.A. 40-222 and amendments thereto until such insurer shall pay the annual premium surcharge due and payable to the commissioner. In the case of a nonresident health care provider

or a self-insurer, the premium surcharge shall be collected in the manner prescribed in K.S.A. 40-3402 and amendments thereto.

(c) The premium surcharge shall be an amount deemed sufficient by the commissioner to fund anticipated claims based upon reasonably prudent actuarial principles. In setting the amount of such surcharge, the commissioner: (1) May require any health care provider who has paid a surcharge for less than 24 months to pay a higher surcharge than other health care providers; and (2) shall require that any health care provider who is insured by a policy of professional liability insurance with deductibles pay a surcharge based on an amount equal to a percentage of the annual amount of premium that would have been paid by the health care provider for basic coverage required to be maintained by the fund as provided by K.S.A. 40-3402 and amendments thereto without any deductibles; and (3) shall amortize any anticipated deficiencies in the fund over a reasonable period of time.

Sec. 5. K.S.A. 40-2602 and K.S.A. 1985 Supp. 40-3402, 40-3403 and 40-3404 are hereby repealed.

Sec. 6. This act shall take effect and be in force from and after its publication in the Kansas register.

I hereby certify that the above BILL originated in the SENATE, and passed that body January 30, 1986.

SENATE adopted Conference Committee report April 2, 1986.

ROBERT V. TALKINGTON

President of the Senate.

LU KENNEY

Secretary of the Senate.

Passed the HOUSE as amended March 21, 1986.

HOUSE adopted Conference Committee report April 1, 1986.

MIKE HAYDEN

Speaker of the House.

GENEVA SEWARD

Chief Clerk of the House.

APPROVED April 17, 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 17th day of April, 1986.

JACK H. BRIER

Secretary of State.

(SEAL)

(Published in the KANSAS REGISTER, April 24, 1986.)

HOUSE BILL No. 2791

AN ACT authorizing the state board of regents to dedicate certain real property to the public and the city of Emporia, Kansas, for street, road or highway purposes and to sell certain real estate in Lyon county; imposing conditions thereon.

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

Section 1. (a) The state board of regents is hereby authorized to dedicate to the public and to the city of Emporia, Kansas, for the use of the public and the city for street, road or highway purposes, the following described tract of land which is located in the city of Emporia, Kansas, is owned by the state, is under the custody and control of the state board of regents and is comprised of approximately 0.25 acres over and upon a tract of land located in the Northwest Quarter of Section 10, Township 19 South, Range 11 East of the 6th Principal Meridian, Lyon County, Kansas, and being more particularly described as follows: Beginning at the NE corner of Twelfth Avenue and Merchant Street said point being 33 1/3 feet north of and 130 rods east of the SW corner of said quarter, thence north 286.67 feet, thence east 10 feet, thence southeasterly a distance of 130.98 feet to a point 156.67 feet north of and 26 feet east of the point of beginning, thence southeasterly a distance of 131.24 feet to a point 31.67 feet north of and 66 feet east of the point of beginning, thence southeasterly a distance of 22.67 feet to a point 14.67 feet north of and 81 feet east of the point of beginning, thence east 30 feet, thence south 14.67 feet to the north line of Twelfth Avenue, thence west 111 feet to the point of beginning, containing 10,967.87 square feet, more or less.

(b) Each such dedication shall be submitted to the attorney general for approval as to form before becoming effective. A copy of the dedication instrument shall be filed with the secretary of state.

Sec. 2. The state board of regents is hereby authorized and empowered, for and on behalf of Emporia state university, to sell and convey all of the rights, title and interest in the following described real estate located in Lyon county, Kansas: The west half of lot 2 except the north 110 feet in the Normal Addition to the city of Emporia, according to the recorded plat thereof in Lyon county, Kansas, commonly known as 136 W. 12th Avenue, Emporia, Kansas. Conveyance of such rights, title and interest in such real estate shall be executed in the name of the state board of regents by its chairperson and executive officer. When the sale is made, the proceeds thereof shall be paid to the Emporia state university memorial union corporation to be used for renovation of the memorial union on the campus.

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 February 20, 1986.

HOUSE concurred in SENATE amendments April 1, 1986.

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

Passed the SENATE as amended March 27, 1986.

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

APPROVED April 11, 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 11th day of April, 1986.

(SEAL)
JACK H. BRIER
Secretary of State.

(Published in the KANSAS REGISTER, April 24, 1986.)

HOUSE BILL No. 2741

AN ACT concerning insurance; relating to investments of insurance companies; amending K.S.A. 40-2a17 and 40-2b17 and repealing the existing sections.

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

Section 1. K.S.A. 40-2a17 is hereby amended to read as follows: 40-2a17. Any insurance company other than life heretofore or hereafter organized under any law of this state may invest with the direction or approval of a majority of its board of directors or authorized committee thereof, any of its funds, or any part thereof in bonds or other evidences of indebtedness issued, assumed, or guaranteed by the international bank for reconstruction and development; or by, the inter-American development bank or by the African development bank.

Sec. 2. K.S.A. 40-2b17 is hereby amended to read as follows: 40-2b17. Any life insurance company heretofore or hereafter organized under any law of this state may invest by loans or otherwise, with the direction or approval of a majority of its board of directors or authorized committee thereof, any of its funds, or any part thereof in bonds or other evidences of indebtedness issued, assumed or guaranteed by the international bank for reconstruction and development; or by, the inter-American development bank or by the African development bank.

Sec. 3. K.S.A. 40-2a17 and 40-2b17 are hereby repealed.

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

I hereby certify that the above BILL originated in the HOUSE, and passed that body February 25, 1986.

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

Passed the SENATE March 27, 1986.

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

APPROVED April 10, 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 10th day of April, 1986.

(SEAL)
JACK H. BRIER
Secretary of State.

(Published in the KANSAS REGISTER, April 24, 1986.)

HOUSE BILL No. 2725

AN ACT concerning certain township and fire district fire departments; relating to rescue service and emergency care; amending K.S.A. 80-1546 and 80-1903 and repealing the existing sections.

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

New Section 1. (a) As used in this section:

(1) "Rescue service" means a service which provides emergency care by qualified personnel through a township or fire district fire department.

(2) "Emergency care" means the services provided after the onset of a medical condition manifesting itself by acute symptoms of sufficient severity such that the absence of immediate medical attention could reasonably be expected to: (A) Place the patient's health in serious jeopardy; (B) seriously impair bodily functions; or (C) result in serious dysfunction of any bodily organ or part.

(3) "Qualified personnel" means any individual who holds a certificate as a crash injury management technician, an emergency medical technician, an emergency medical technician-intermediate or a mobile intensive care technician, as these terms are defined in K.S.A. 65-4301, and amendments thereto.

(4) "Township" means any township which has established a fire department pursuant to K.S.A. 80-1901 *et seq.* and amendments thereto.

(5) "Fire district" means any fire district which has established a fire department pursuant to K.S.A. 80-1540 *et seq.* and amendments thereto.

(b) The township board or governing body of the fire district may authorize the township or fire district fire department to provide rescue service as a township or fire district function, within or without the township or fire district, or may contract with any person or governmental entity for the furnishing of rescue service and upon such terms and conditions, and for such compensation as may be agreed upon which shall be payable from the township general fund or the fire fund or the fire district fund.

(c) The township board or governing body of the fire district may establish charges to persons receiving rescue service inside or outside of such township or fire district. The charges so made and received shall be deposited in the general funds of the township or fire district, and the same may be used in addition to funds received under the tax levies authorized by K.S.A. 80-1903, and amendments thereto and K.S.A. 80-1546 and amendments thereto.

(d) Qualified personnel providing rescue service shall be compensated in the same manner as other fire department employees and volunteers as provided by K.S.A. 80-1904, and amendments thereto and by K.S.A. 1985 Supp. 80-1544 and amendments thereto.

Sec. 2. K.S.A. 80-1903 is hereby amended to read as follows: 80-1903. The township board of any such township shall have power to levy a tax not exceeding the limitation prescribed by K.S.A. 79-1962, and amendments thereto, upon all taxable tangible property within such township, for the purpose of paying the expense of *providing rescue service and* equipping, operating, and maintaining such fire department or contracting with another fire department for the furnishing of *rescue service or fire protection; and which said. Such* tax levy shall be in addition to all other tax levies authorized or limited by law. In any county having a population of more than ~~one hundred fifty thousand (150,000)~~ 150,000 and less than ~~two hundred fifty thousand (250,000)~~ 250,000 the township levy herein authorized shall not exceed the limitation prescribed therefor by K.S.A. 79-1962, and amendments thereto, on all taxable tangible property of the township, for the purposes specified in this section. ~~Said~~ The tax levy shall be in addition to all other tax levies authorized or limited by law.

Sec. 3. K.S.A. 80-1546 is hereby amended to read as follows: 80-1546. The governing body of the fire district shall have the power to levy a tax not to exceed three (3) mills upon the dollar of the assessed valuation of all property, real and personal, having a tax situs in the district, for the purpose of paying the expenses of

providing rescue service and operating and maintaining a fire department and other legal expenses of the fire district which tax levy shall be in addition to all other tax levies authorized or limited by law, but no other levies for fire department purposes shall be made on such property.

In any such fire district located in any county having a population of not less than ~~one hundred fifty thousand (150,000)~~ 150,000 and not more than ~~one hundred eighty thousand (180,000)~~ 180,000, such tax levy may be made in an amount not to exceed seven (7) mills on such property, but no levy in excess of three (3) mills shall be made under the authority of this section until the governing body of the fire district shall have adopted a resolution authorizing the making of the levy in an amount not to exceed seven (7) mills. Such resolution shall be published once each week for two (2) consecutive weeks in a newspaper of general circulation in the township or townships in which ~~said~~ the fire district is located. If, within ~~sixty (60)~~ 60 days following publication of the resolution, a petition in opposition thereto, signed by not less than ~~five percent (5%)~~ 5% of the registered voters of the fire district, is filed with the county election officer, no levy in excess of three (3) mills shall be made unless and until the authority to levy the tax in an amount not to exceed seven (7) mills is approved by a majority of the electors voting thereon at the next primary or general election, or if such primary or general election does not take place within ~~sixty (60)~~ 60 days after the date the petition was filed, at a special election to be called by the governing body of the fire district by resolution. Such election shall be held at the usual place of holding elections and shall be conducted by the officers or persons provided by law for holding elections in such township or townships. If no petition in opposition to the resolution authorizing the making of the levy in an amount not to exceed seven (7) mills is filed in accordance with the foregoing provisions of this paragraph, or if ~~said~~ the petition is filed and a majority of the electors vote in favor of ~~said~~ the levy, the governing body of the fire district shall be authorized to make an annual levy under the provisions of this section in an amount not to exceed seven (7) mills thereafter.

Sec. 4. K.S.A. 80-1546 and 80-1903 are hereby repealed.

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

I hereby certify that the above BILL originated in the HOUSE, and passed that body March 12, 1986.

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

Passed the SENATE April 2, 1986.

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

APPROVED April 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 14th day of April, 1986.

JACK H. BRIER
(SEAL) Secretary of State.

(Published in the KANSAS REGISTER, April 24, 1986.)

HOUSE BILL No. 3060

AN ACT concerning the city of Halstead, Kansas; authorizing the creation of a flood control improvements fund.

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

Section 1. (a) The governing body of the city of Halstead, Kansas, may establish, by adoption of an ordinance, a flood control improvements fund. The ordinance establishing such fund, and any amendments thereto, may provide for the budgeted transfer of moneys from other city funds lawfully available for improvement purposes to the flood control improvements fund, including moneys in the city's federal general revenue sharing fund and general fund. The governing body of the city is hereby authorized to levy a tax upon all tangible taxable property within the city to finance any flood control improvements authorized pursuant to K.S.A. 12-635 to 12-646a, inclusive, and amendments thereto. Revenue derived from such levy shall be deposited in the flood control improvements fund. Any general property tax specifically levied for the use of such fund shall be authorized by ordinance adopted under the provisions of section 5 of article 12 of the Kansas constitution.

(b) Moneys in the flood control improvements fund may be used to finance, in whole or in part, any flood control improvement authorized pursuant to K.S.A. 12-635 to 12-646a, inclusive, and amendments thereto, and any other costs or expenses incurred thereunder. The ordinance may provide that disbursements from such fund may be made for engineering and other advance flood control improvement plans and studies and that reimbursements may be made to the fund from bond proceeds, special assessments or state or federal aid available for the completed project.

(c) Except for such reimbursed expenses, no moneys shall be credited to such special fund except as may be budgeted annually, or transferred by the annual budget from other funds. Such fund shall not thereafter be subject to the provisions of K.S.A. 79-2925 to 79-2937, inclusive, and amendments thereto. In making the budget of the city, the amounts credited to, and the amount on hand in, such special fund and the amount expended therefrom shall be shown thereon for the information of the taxpayers of the city. Moneys in such fund may be invested in accordance with the provisions of K.S.A. 10-131, and amendments thereto, with interest thereon credited to such fund.

(d) If the governing body of the city determines that money which has been transferred to such special fund or any part thereof is not needed for the purposes for which so transferred, the governing body, by adoption of a resolution, may transfer such amount not needed to the general or other fund from which it was derived and such transfer and expenditure thereof shall be subject to the budget requirement provisions of K.S.A. 79-2925 to 79-2937, inclusive, and amendments thereto.

Sec. 2. This act shall take effect and be in force from and after its publication in the Kansas register.

I hereby certify that the above BILL originated in the HOUSE, and passed that body March 11, 1986.

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

Passed the SENATE April 2, 1986.

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

APPROVED April 17, 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 17th day of April, 1986.

(SEAL) JACK H. BRIER
Secretary of State.

(Published in the KANSAS REGISTER, April 24, 1986.)

HOUSE BILL No. 3008

AN ACT concerning insurance; relating to insurance agents and insolvent insurers; unearned premiums and contractual obligations.

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

Section 1. (a) Subject to the limitations specified in K.S.A. 40-2906 and amendments thereto, an insurance agent shall have the right to offset unearned premiums for their insureds on payment of the agent's account to an insolvent insurer as defined in K.S.A. 40-2903 and amendments thereto.

(b) The provisions of any contract between an insurance agent and an insolvent insurer shall apply for the duration of all policies in effect and until all accounts are settled with the insolvent insurer.

Sec. 2. This act shall take effect and be in force from and after its publication in the Kansas register.

I hereby certify that the above BILL originated in the HOUSE, and passed that body March 11, 1986.

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

Passed the SENATE April 2, 1986.

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

APPROVED April 14, 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 14th day of April, 1986.

(SEAL) JACK H. BRIER
Secretary of State.

(Published in the KANSAS REGISTER, April 24, 1986.)

HOUSE BILL No. 2762

AN ACT concerning the Topeka public building commission; relating to the transfer of title and issuance of bonds for the financing of the Shawnee county jail.

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

Section 1. (a) Within 10 days after the effective date of this act, the Topeka public building commission shall initiate action to transfer and within 60 days shall transfer to the board of county commissioners of Shawnee county the title and all interest in property acquired by such commission for the purpose of constructing the Shawnee county adult detention facility located in Topeka, Kansas in Block A, Lot 1 Holliday subdivision No. 2.

(b) At the time of the transfer of the record title, Shawnee county shall agree to perform the obligations and responsibilities of the Topeka public building commission with respect to the outstanding Topeka public building commission revenue bonds series 1985 (Shawnee county, Kansas, jail facility) dated November 1, 1985, in the aggregate principal amount of \$15,937,000 issued by the commission to pay the cost of the facility as if the bonds were issued by Shawnee county and Shawnee county shall so notify the bond holders and bond underwriters and hold harmless the Topeka public building commission from any and all obligations or liabilities arising out of such bond issue.

(c) When pending litigation concerning the amount of money to be paid by the Topeka public building commission for the condemnation and taking of the real estate to be transferred under this section is finally determined and final judgment is entered therein, Shawnee county shall pay any such judgment.

(d) Language incorporating the provisions of subsections (b) and (c) shall be included in the deed or other instrument making the transfer of title.

Sec. 2. (a) The board of county commissioners of Shawnee county is hereby authorized to issue general obligation bonds of the county in an amount not to exceed \$20,000,000 for the purpose of constructing, furnishing and equipping a county jail. The proceeds of such bonds also may be used to purchase land and any improvements thereon from the Topeka public building commission as a site for such jail. The board of county commissioners shall enter into any agreement necessary to cancel all lease agreements entered into with the Topeka public building commission concerning a county jail prior to the effective date of this act.

(b) Bonds issued pursuant to this section shall be exempt from any statutory limitation on bonded indebtedness and shall not be included in computing the total bonded indebtedness of the county.

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 March 11, 1986.

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

Passed the SENATE April 2, 1986.

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

APPROVED April 17, 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 17th day of April, 1986.

JACK H. BRIER
Secretary of State.

(Published in the KANSAS REGISTER, April 24, 1986.)

HOUSE BILL No. 2838

AN ACT relating to banks and banking; concerning certain examinations of banks after a receiver has been appointed; amending K.S.A. 9-1912 and 9-2007 and repealing the existing sections; also repealing K.S.A. 9-1913.

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

Section 1. K.S.A. 9-1912 is hereby amended to read as follows: 9-1912. (a) At least once in each six months the commissioner shall examine every bank or trust company in the hands of a receiver and shall file a copy of such examination report with the clerk of the district court of the county wherein such bank or trust company is located. Every receiver shall submit the records and affairs of such bank or trust company to an examination by the commissioner or the commissioner's assistant and examiners whenever the receiver is requested to do so.

(b) *The provisions of subsection (a) shall not apply if the federal deposit insurance corporation or its successor is appointed as receiver of a bank or trust company.*

Sec. 2. K.S.A. 9-2007 is hereby amended to read as follows: 9-2007. ~~The bank commissioner shall examine each and every bank in the hands of a receiver at least once in each six months, until its affairs shall be wound up, and shall file a copy of each such examination with the clerk of the district court in the county where such bank is located. Receivers of all insolvent banks shall make reports to the bank commissioner in the same manner as is required of other banks, and shall cause such statements to be published in like manner. Any receiver of an insolvent bank who shall fail to comply with the provisions of this section, or who shall neglect or refuse to submit the affairs of such bank to an examination by the bank commissioner or the commissioner's deputy, subsection (a) of K.S.A. 9-1912, and amendments thereto or who shall violate violates any of the provisions of this act relating to the examination of banks, shall be subject to the same penalties provided for officers or employees of banks.~~

Sec. 3. K.S.A. 9-1912, 9-1913 and 9-2007 are hereby repealed.

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

I hereby certify that the above BILL originated in the HOUSE, and passed that body February 28, 1986.

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

Passed the SENATE April 2, 1986.

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

APPROVED April 17, 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 17th day of April, 1986.

JACK H. BRIER
Secretary of State.

(Published in the KANSAS REGISTER, April 24, 1986.)

HOUSE BILL No. 2837

AN ACT concerning banks and banking, relating to the change of name thereof.

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

Section 1. A bank corporation shall not change its name until such name change has been submitted to and approved by the state banking board.

Sec. 2. This act shall take effect and be in force from and after its publication in the Kansas register.

I hereby certify that the above BILL originated in the HOUSE, and passed that body February 28, 1986.

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

Passed the SENATE March 27, 1986.

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

APPROVED April 9, 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 9th day of April, 1986.

(SEAL) JACK H. BRIER
Secretary of State.

(Published in the KANSAS REGISTER, April 24, 1986.)

HOUSE BILL No. 2663

AN ACT relating to the Kansas act on credentialing, concerning the procedure of credentialing of health care personnel; amending K.S.A. 65-5001, 65-5002, 65-5003, 65-5004, 65-5005, 65-5006, 65-5007 and 65-5009 and repealing the existing sections.

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

Section 1. K.S.A. 65-5001 is hereby amended to read as follows: 65-5001. As used in this act unless the context requires otherwise, the following words and phrases shall have the meanings respectively ascribed to them herein:

(a) "Credentialing" or "credentialed" means the formal recognition of professional or technical competence through the process of registration or licensure or other statutory regulation.

(b) "Certification" means the process by which a nongovernmental agency or association or the federal government grants recognition to an individual who has met certain predetermined qualifications specified by the nongovernmental agency or association or the federal government.

(c) "Registration" means the process by which the state identifies and lists on an official roster those persons who meet predetermined qualifications and who will be the only persons permitted to use a designated title.

(d) "Licensure" means a method of regulation by which the state grants permission to persons who meet predetermined qualifications to engage in an occupation or profession, and that to engage in such occupation or profession without a license is unlawful.

(e) "Health care personnel" means those persons whose principal functions, customarily performed for remuneration, are to render services, directly or indirectly, to individuals for the purpose of:

- (1) Preventing physical, mental or emotional illness;
 - (2) detecting, diagnosing and treating illness;
 - (3) facilitating recovery from illness; or
 - (4) providing rehabilitative or continuing care following illness;
- and who are qualified by training, education or experience to do so.

(f) "Council" means the statewide health coordinating council created by K.S.A. 65-4705 and amendments thereto.

(g) "Secretary" means the secretary of health and environment.

Sec. 2. K.S.A. 65-5002 is hereby amended to read as follows: 65-5002. (a) Health care personnel seeking to be credentialed by the state shall submit a credentialing application to the secretary upon forms approved by the secretary. The application shall be accompanied by an application fee of \$1,000. The secretary shall not accept a credentialing application unless such application is accompanied by the application fee and is signed by less than one hundred (100) or more Kansas resident proponents of credentialing the health care occupation or profession seeking to be credentialed. All credentialing applications accepted by the secretary shall be referred to the council for review and recommendation in accordance with the provisions of this act and rules and regulations adopted by the secretary. The application fee established under this subsection (a) shall apply to every group of health care personnel which submits a credentialing application to the secretary on and after the effective date of this act and to every group of health care personnel which has not filed both a notice of intention and a fully answered application before the effective date of this act.

(b) The secretary shall remit all moneys received from fees under this section to the state treasurer at least monthly. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount thereof in the state treasury to the credit of the state general fund.

Sec. 3. K.S.A. 65-5003 is hereby amended to read as follows: 65-5003. (a) A separate technical committee shall be appointed by the chairperson of the council to examine and investigate each credentialing application referred by the secretary. Not more than seven (7) Seven persons shall be appointed to each technical committee and such persons shall be appointed for a term of one year. The chairperson of each technical committee shall be a member of the council and shall be appointed by the chairperson of the council. Three members of the technical committee shall be health care personnel currently credentialed under the laws of this state. Four members of the technical committee shall be consumers of health care as defined by K.S.A. 65-4702 and amendments thereto. No member of the technical committee shall have a direct economic or personal interest in the credentialing or noncredentialing of health care personnel whose application for credentialing will be reviewed by the technical committee. If a member of the technical committee has a direct economic or personal interest in the credentialing or noncredentialing of health care personnel whose application for credentialing will be reviewed by the technical committee or otherwise has a conflict of interest concerning the credentialing or noncredentialing of health care personnel whose application for credentialing will be reviewed by the technical committee, the chairperson of the council shall replace such member on the technical committee by appointing a new member to the technical committee. The new member shall serve for the remainder of the term of the original member. A vacancy on the technical committee shall be filled by appointment by the chairperson of the council for the remainder of the unexpired term of the vacant position.

(b) As soon as possible after appointment of its members, each technical committee shall organize and review the any credentialing application assigned to it by the council chairperson. Each The technical committee shall conduct fact-finding hearings and shall otherwise investigate the credentialing application.

(c) The technical committee shall attempt to obtain evidence and testimony from persons in support of the application and

(continued)

from persons opposed to the application, but evidence and testimony shall not be limited only to such persons. All interested persons shall have an opportunity to give evidence and testimony subject to such reasonable conditions as may be established by the technical committee in the conduct of the hearing and subject to applicable rules and regulations established under this act. A notice of all meetings of the technical committee shall be published in the Kansas register at least 30 days prior to the day of the meeting. The notice shall state the time and place of the meeting.

(e) (d) The technical committees committee shall make findings in an objective, unbiased manner based on the criteria established in K.S.A. 65-5006 and amendments thereto. Credentialing applicants shall have the burden of bringing forth evidence upon which findings may be made and shall have the burden of proving by clear and convincing evidence that the health care provider occupation or profession should be credentialed by the state. The evidence required to sustain this burden of proof shall be more than hypothetical examples or testimonials. Each The technical committee shall detail its findings in a report and shall file the report with the council. The technical committee shall complete hearings and shall file a report for any applicant group of health care personnel that has begun the process.

(e) A If the technical committee determines after consideration of the evidence and testimony that all the criteria established by law or by rules and regulations for credentialing have not been met and that credentialing is not appropriate, the technical committee may shall recommend that an application for credentialing be denied. If a the technical committee determines after consideration of the evidence and testimony that clear and convincing evidence has been presented that an occupational or professional group of health care personnel has met all the criteria established by law or by rules and regulations for credentialing and that should be credentialed credentialing by the state, is appropriate, the technical committee shall recommend the application for credentialing be approved. If the technical committee recommends that the application for credentialing be approved, there shall be included in the committee's report a recommendation of the level or levels of credentialing, and such recommendation shall be based upon a finding by the technical committee, stated in the report, that all criteria established by law or by rules and regulations for the recommended level or levels of credentialing have been met. This recommendation shall be based on the criteria established in K.S.A. 65-5007 and amendments thereto.

Sec. 4. K.S.A. 65-5004 is hereby amended to read as follows: 65-5004. (a) Upon receipt of a the technical committee's report, the chairperson of the council shall arrange for a meeting of the council to review and discuss the report. The council shall apply the criteria established in K.S.A. 65-5006 and 65-5007, and amendments to these sections, in making its review and report.

(b) If the council determines after consideration of the report of the technical committee and the evidence and testimony presented to the technical committee that all the criteria established by law or by rules and regulations for credentialing have not been met and that credentialing is not appropriate, the council shall recommend that an application for credentialing be denied. If the council determines that clear and convincing evidence which was more than hypothetical examples or testimonials was presented to the technical committee that the applicant occupational or professional group of health care personnel should be credentialed by the state, that the applicant occupational or professional group of health care personnel has met all the criteria established by law or by rules and regulations for credentialing and that credentialing by the state is appropriate, the council shall recommend that the occupational or professional group of health care personnel be credentialed. If the council recommends credentialing, there shall be included in the council's report a recommendation of the level or levels of credentialing, and such recommendation shall be based upon a finding by the council, stated in the report, that all criteria established by law or by rules and regulations concerning the recommended level or levels of credentialing have been met.

(c) Upon completion of its review the council shall submit its own report, together with the technical committee's report, to the secretary. The council's report shall include its findings and recommendations.

Sec. 5. K.S.A. 65-5005 is hereby amended to read as follows: 65-5005. (a) As soon as possible Within 120 days after receiving the reports report and recommendations of the council and of the technical committee which examined relating to a credentialing application, the secretary shall prepare a final report for the legislature. In preparing the final report, the secretary shall apply the criteria established by K.S.A. 65-5006 and 65-5007 and amendments to these sections. The final report shall be submitted to the speaker of the house of representatives, to the president of the senate and to the chairpersons of the committees on public health and welfare for consideration by their respective committees. The secretary shall include the reports of the technical committee and the council in the final report prepared for submission to the legislature. The secretary need not be bound by the recommendations of a technical committee or of the council.

(b) If the secretary determines after consideration of the reports of the technical committee and the council and the evidence and testimony presented to the technical committee that all criteria established by law or by rules and regulations for credentialing have not been met and that credentialing is not appropriate, the secretary may shall recommend that no legislative action be taken on a credentialing application. If the secretary determines that clear and convincing evidence which was more than hypothetical examples or testimonials was presented to the technical committee that the applicant occupational or professional group of health care personnel should be credentialed by the state, that the applicant occupational or professional group of health care personnel has met all the criteria established by law or by rules and regulations for credentialing and that credentialing by the state is appropriate, the secretary shall recommend that the occupational or professional group of health care personnel be credentialed. If the secretary recommends that an occupational or professional group of health care personnel be credentialed, the secretary shall recommend: (1) The level or levels of credentialing, and such recommendation shall be based upon a finding by the secretary, stated in the report, that all criteria established by law or by rules and regulations concerning the recommended level or levels of credentialing have been met; (2) an agency to be responsible for the credentialing process and the level or levels of credentialing; and (3) such matters as the secretary deems appropriate for possible inclusion in legislation relating to the recommendation for credentialing.

(c) No group of health care personnel shall be credentialed except by an act of the legislature. The final report of the secretary and the reports and recommendations of the technical committee and the council shall constitute recommendations to the legislature and shall not be binding upon the legislature. The legislature may dispose of such recommendations and reports as it deems appropriate.

Sec. 6. K.S.A. 65-5006 is hereby amended to read as follows: 65-5006. (a) The technical committees committee appointed pursuant to K.S.A. 65-5003 and amendments thereto, the council and the secretary shall apply the following criteria to each credentialing application:

(1) The unregulated practice of the occupation or profession can harm or endanger the health, safety or welfare of the public and the potential for such harm is recognizable and not remote or dependent upon tenuous argument;

(2) the practice of the occupation or profession requires specialized skill and training an identifiable body of knowledge or proficiency in procedures, or both, acquired through a formal period of advanced study or training, and the public needs and will benefit by assurances of initial and continuing occupational or professional ability;

(3) if the practice of the occupation or profession is performed, for the most part, under the direction of other health care personnel or inpatient facilities providing health care services, such arrangement is not adequate to protect the public

from persons performing noncredentialed functions and procedures;

(3) (4) the public is not effectively protected from harm by certification of members of the occupation or profession or by means other than credentialing;

(5) the effect of credentialing of the occupation or profession on the cost of health care to the public is minimal;

(6) the effect of credentialing of the occupation or profession on the availability of health care personnel providing services provided by such occupation or profession is minimal;

(7) the scope of practice of the occupation or profession is identifiable;

(8) the effect of credentialing of the occupation or profession on the scope of practice of other health care personnel, whether or not credentialed under state law, is minimal; and

(9) nationally recognized standards of education or training exist for the practice of the occupation or profession and are identifiable.

(b) Reports of the technical committees committee, the council and the secretary shall include specific findings on the criteria set forth in subsection (a). No report of the technical committee, the council or the secretary shall recommend credentialing of any occupational or professional group of health care personnel unless all the criteria set forth in subsection (a) have been met.

Sec. 7. K.S.A. 65-5007 is hereby amended to read as follows: 65-5007. (a) All recommendations of the technical committees committee, the council and the secretary, which relate to the level or levels of credentialing regulation of a particular group of health care personnel, shall be consistent with the policy that the least regulatory means of assuring the protection of the public is preferred and shall be based on criteria alternatives which include, from least regulatory to most regulatory, the following:

(1) Statutory regulation, other than registration or licensure, by the creation or extension of statutory causes of civil action, the creation or extension of criminal prohibitions or the creation or extension of injunctive remedies is the appropriate level when this level will adequately protect the public's health, safety or welfare.

(a) (2) Registration is the appropriate level of regulation for occupational or professional groups of health care personnel when it is found that the public's health, safety or welfare can be protected when statutory regulation under paragraph (a)(1) is not adequate to protect the public's health, safety or welfare and when registration will adequately protect the public health, safety or welfare by identifying practitioners who possess certain minimum occupational or professional skills so that members of the public may have a substantial basis for relying on the services of such practitioners. Registration is the appropriate level of regulation unless it can be shown that registration will not adequately protect the public's health, safety or welfare.

(b) (3) Licensure is the appropriate level of regulation for when statutory regulation under paragraph (a)(1) and registration under paragraph (a)(2) is not adequate to protect the public's health, safety or welfare and when the occupational or professional groups of health care personnel who to be licensed perform functions not ordinarily performed by persons in other occupations or professions and when protection of the public's health, safety or welfare cannot be accomplished by a lesser degree of regulation.

(b) Reports of the technical committee, the council and the secretary shall include specific findings on the criteria set forth in subsection (a). No report of the technical committee, the council or the secretary shall recommend the level or levels of credentialing of any occupational or professional group of health care personnel unless all the criteria set forth in subsection (a) for the recommended level or levels of credentialing have been met.

Sec. 8. K.S.A. 65-5009 is hereby amended to read as follows: 65-5009. (a) The secretary shall provide all necessary professional and clerical services to the technical committees committee and to the council. Records of all official actions and minutes of all business coming before the technical committees commit-

tee and the council shall be kept. The secretary shall be the custodian of all records, documents and other property of the technical committees committee and the council.

(b) The council shall advise and consult with the secretary on the administration of the provisions of this act and the adoption of rules and regulations. The secretary may shall adopt such rules and regulations as are necessary to implement the provisions of this act including, but not limited to, rules and regulations establishing the policies and procedures to be followed by the technical committee and the council in the consideration of credentialing applications under this act.

(c) Members of the technical committees committee appointed pursuant to K.S.A. 65-5003 and amendments thereto shall be paid subsistence allowances, mileage and other expenses as provided in K.S.A. 75-3223 and amendments thereto when in attendance at a meeting of a the technical committee authorized by the council.

New Sec. 9. Except as otherwise provided in this act, the review of an application for credentialing commenced prior to the effective date of this act shall be governed by the provisions of this act which apply to that part of the review of such application which was not completed prior to the effective date of this act. The secretary shall authorize an original application for credentialing filed prior to the effective date of this act, to be amended to address the standards and criteria established under this act. Nothing in this section shall be construed to require the filing of a new application with the secretary.

Sec. 10. K.S.A. 65-5001, 65-5002, 65-5003, 65-5004, 65-5005, 65-5006, 65-5007 and 65-5009 are hereby repealed.

Sec. 11. This act shall take effect and be in force from and after its publication in the Kansas register.

I hereby certify that the above BILL originated in the HOUSE, and passed that body February 19, 1986.

HOUSE concurred in SENATE amendments April 4, 1986.

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

Passed the SENATE as amended April 2, 1986.

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

APPROVED April 18, 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 18th day of April, 1986.

JACK H. BRIER
Secretary of State.

(SEAL)

(Published in the KANSAS REGISTER, April 24, 1986.)

HOUSE BILL No. 3013

AN ACT concerning the assessment and taxation of certain property of public utilities; amending K.S.A. 79-5a01 and repealing the existing section.

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

Section 1. K.S.A. 79-5a01 is hereby amended to read as follows: 79-5a01. (a) As used in this act, the terms "public utility" or "public utilities" shall mean every individual, company, corporation, association of persons, lessees or receivers that now or hereafter are in control, manage or operate a business of:

(1) A railroad or railroad corporation if such railroad or railroad corporation owns or holds, by deed or other instrument, an interest in right-of-way, track, franchise, roadbed or trackage in this state;

(2) transmitting to, from, through or in this state telegraphic messages;

(3) transmitting to, from, through or in this state telephonic messages;

(4) transporting or distributing to, from, through or in this state natural gas, oil or other commodities in pipes or pipelines, or engaging primarily in the business of storing natural gas in an underground formation;

(5) generating, conducting or distributing to, from, through or in this state electric power;

(6) transmitting to, from, through or in this state water if for profit or subject to regulation of the state corporation commission;

(7) transporting to, from, through or in this state cargo or passengers by means of any vessel or boat used in navigating any of the navigable watercourses within or bordering upon this state.

(b) The terms "public utility" or "public utilities" shall not include: (1) Rural water districts established under the laws of the state of Kansas; or (2) any individual, company, corporation, association of persons, lessee or receiver which is engaged in the business of selling or leasing telephonic equipment, products or services and (A) which is not regulated by either the state corporation commission or the federal communications commission as to the price of such equipment, products or services or (B) which does not offer telephone service to the public under tariffs approved by the state corporation commission or the federal communications commission; even if such individual, company, corporation, association of persons, lessee or receiver is a subsidiary of or affiliated with a public utility providing telephone service to the public; or (3) the nonregulated portion of a public utility's telephone service operation where that activity is conducted separately from its public utility telephone service operation or separate books and records or accounts are maintained for such nonregulated operations; or (4) any individual, company, corporation, association of persons, lessee or receiver owning or operating an oil or natural gas production gathering line which is situated within one county in this state and does not cross any state boundary line; or (5) (3) any individual, company, corporation, association of persons, lessee or receiver owning any vessel or boat operated upon the surface of any manmade waterway located entirely within one county in the state.

New Sec. 2. The provisions of this act shall be applicable to all taxable years commencing after December 31, 1985.

Sec. 3. K.S.A. 79-5a01 is hereby repealed.

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

I hereby certify that the above BILL originated in the HOUSE, and passed that body March 11, 1986.

HOUSE concurred in SENATE amendments April 1, 1986.

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

Passed the SENATE as amended March 27, 1986.

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

APPROVED April 10, 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 10th day of April, 1986.

JACK H. BRIER
Secretary of State.

(SEAL)

(Published in the KANSAS REGISTER, April 24, 1986.)

HOUSE BILL No. 2893

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.

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

Section 1. K.S.A. 25-3804 is hereby amended to read as follows: 25-3804. The state committee of each party shall consist of ~~twenty-two (22)~~ 22 members elected by each congressional district committee; the chairperson and vice-chairperson of each of the congressional district committees; the president of the political parties' official state organization for women; the chairperson of the political parties' official state organization for young persons; the representatives elected to the national committee by the respective state committees; and, as to the respective parties with which each is affiliated, the following: The president of the senate or a senator of the same party designated by the president, the majority leader of the senate or a senator of the same party designated by the majority leader, the speaker of the house of representatives or a member of the house of the same party designated by the speaker, the majority leader of the house of representatives or a member of the house of the same party designated by the majority leader, the minority leader of each house, or a member of the same house and party designated by such minority leader, the assistant minority leader of each house or a member of the same house and party designated by such minority leader, one member appointed by the governor and one member appointed by each United States senator. When the majority leader and minority leader of each house have been selected under K.S.A. 46-142 et seq. and any amendments thereto, such officers shall serve in lieu of the previous majority leader and minority leader on the state committee and state executive committee. When the majority party candidates for president of the senate and speaker of the house of representatives have been nominated under K.S.A. 46-142 et seq. and amendments thereto, such candidates shall serve in lieu of the named officers on the state committee and state executive committee. Wherever in article 38, chapter 25 of Kansas Statutes Annotated the words chairman or vice-chairman occur, the same shall mean chairperson or vice-chairperson.

Sec. 2. K.S.A. 25-3805 is hereby amended to read as follows: 25-3805. The state committee of each party shall organize by electing a chairperson, a vice-chairperson, secretary and treasurer. Each person elected to the office of chairperson, vice-chairperson, secretary or treasurer of the state committee shall thereupon become a member of the state committee with full voting rights as such a member or shall retain membership and voting rights if such person is a member of the state committee at the time of such person's election. A meeting for such purpose, to be held at Topeka, Kansas, not sooner than all of the district party

committee organization meetings required to be held under K.S.A. 25-3803 have been held and not later than ~~one hundred twenty (120)~~ 120 days after each general election, shall be called by the state party chairperson, or if the chairperson fails to do so for any reason, by the state party vice-chairperson. Such meetings shall be called by mailing a notice to each member and alternate member of the state committee at least ~~ten (10)~~ 10 days before the date of the meeting. The person calling such meeting shall serve as temporary chairperson thereof. When the ~~twenty-two (22)~~ 22 members are elected by each congressional district committee, there shall also be elected an alternate for each. Alternate members shall represent their respective regular member in the absence of the regular member. No member of the state committee shall be represented by proxy at its meetings.

The executive committee of each state party committee shall consist of the state chairperson, state vice-chairperson, state secretary, state treasurer, the representatives elected to the national committee by the respective state committees, *the president of the political parties' official state organization for women, the chairperson of the political parties' official state organization for young persons* and the chairperson and vice-chairperson of each of the congressional district committees. In addition, as to the respective parties with which each is affiliated, the president of the senate or a senator of the same party designated by the president, the majority leader of the senate or a senator of the same party designated by the majority leader, the speaker of the house of representatives or a member of the house of the same party designated by the speaker, the majority leader of the house of representatives or a member of the house of the same party designated by the majority leader, the minority leader of each house, or a member of the same house and party designated by such minority leader, the assistant minority leader of each house or a member of the same house and party designated by such assistant minority leader, a person designated by each United States senator and a person designated by the governor shall be members of the executive committee. The state chairperson shall be chairperson of the executive committee.

Sec. 3. K.S.A. 25-3804 and 25-3805 are hereby repealed.

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

I hereby certify that the above BILL originated in the HOUSE, and passed that body March 11, 1986.

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

Passed the SENATE March 26, 1986.

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

APPROVED April 9, 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 9th day of April, 1986.

(SEAL) JACK H. BRIER
Secretary of State.

(Published in the KANSAS REGISTER, April 24, 1986.)

HOUSE BILL No. 2790

AN ACT concerning county and township roads; relating to city connecting links; repealing K.S.A. 68-506e.

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

Section 1. K.S.A. 68-506e is hereby repealed.

Sec. 2. This act shall take effect and be in force from and after its publication in the Kansas register.

I hereby certify that the above BILL originated in the HOUSE, and passed that body February 26, 1986.

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

Passed the SENATE March 26, 1986.

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

APPROVED April 9, 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 9th day of April, 1986.

(SEAL) JACK H. BRIER
Secretary of State.

(Published in the KANSAS REGISTER, April 24, 1986.)

HOUSE BILL No. 2955

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.

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

Section 1. K.S.A. 12-4901 is hereby amended to read as follows: 12-4901. As used in this act: (a) "City" means any incorporated city in the state of Kansas;

(b) "home for the aged" means a building or buildings and the appurtenances to be used as a home for aged persons, and such other persons as the governing body of the city shall direct; and shall include ~~personal care homes, boarding homes, and nursing homes~~ adult care homes;

(c) "adult care home" shall have the meaning ascribed thereto under K.S.A. 39-923 and amendments thereto;

(e) (d) "person" means an individual, corporation, association, partnership or any organization.

Sec. 2. K.S.A. 12-4902 is hereby amended to read as follows: 12-4902. The governing body of any such city may establish a home for the aged and acquire a site for and construct and equip a building or buildings and appurtenances for such purpose; ~~Provided, That or may acquire by gift or purchase an existing adult care home to be used as a home for the aged.~~ No such home shall be established or acquired if it would cause a duplication of any similar facility then located within such municipality unless the governing body finds, upon sufficient evidence, that such existing facility is inadequate to meet the needs of the residents of such city and the proposed home or home to be acquired would not substantially compete therewith. Such home for the aged shall be established or acquired by ordinance and such ordinance shall not take effect until ~~sixty (60)~~ 60 days after it

(continued)

is published in the official city paper. ~~Provided, That~~ If within ~~said sixty (60) 60~~ days a petition signed by a number of electors of the city equal to not less than ~~five percent (5%) 5%~~ of the number of electors who voted at the last preceding regular city election shall be filed in the office of the clerk of such city demanding that such ordinance be submitted to a vote of the electors it shall not take effect until submitted to a referendum and approved by a majority of the electors voting thereon. Such election shall be called, noticed, and the proposition stated on the ballot in like manner as charter ordinances are required to be submitted to a vote of the electors under the provisions of subsection (3) of section 5 of article 12 of the constitution of the state of Kansas, and ~~said the ordinance~~, if approved by the electors, shall take effect in like manner as charter ordinances under ~~said the~~ subsection (3).

The ordinance establishing ~~said the~~ home for the aged shall state the total estimated cost, ~~if any~~, and the amount of revenue bonds, ~~if any~~, that are to be issued to pay the cost of the acquisition of the site for, construction and equipment of the home for the aged ~~or of the acquisition of an existing adult care home to be used as a home for the aged~~, and the total amount of such revenue bonds to be issued shall not exceed ~~two million dollars (\$2,000,000) \$2,000,000~~.

Sec. 3. K.S.A. 12-4903 is hereby amended to read as follows: 12-4903. Any such city which establishes ~~or acquires~~ a home for the aged under this act is hereby empowered to issue and sell revenue bonds in payment of part of the cost ~~or existing debt~~ of such home for the aged, to fix by ordinance such rates, fees and charges for the use thereof or services therefrom as may be reasonable and necessary, and to provide for the manner of collecting and disbursing such revenues.

Sec. 4. K.S.A. 12-4904 is hereby amended to read as follows: 12-4904. Revenue derived from the operation of the home for the aged shall be paid into the treasury of the city and ~~kept deposited~~ in a separate fund, ~~and, except that if the city governing body has appointed a board of trustees to supervise the operation of the home as provided in K.S.A. 12-4909 and amendments thereto, revenues shall be paid into the treasury of the board of trustees and deposited in a separate fund~~. Revenues shall be used only for the purpose of paying the cost of operation, maintenance, and repair of such home for the aged, providing an adequate depreciation fund, and paying the principal of, and the interest upon the revenue bonds. Such revenue bonds are hereby made a lien on the revenues produced by such home for the aged ~~but~~, shall not be general obligations of the city issuing the same but shall contain recitals stating the authority under which such bonds are issued, that they are issued in conformity with the provisions, restrictions and limitations of that authority, that such bonds and the interest thereon are to be paid by the issuing city from the revenues derived from the rates, fees and charges herein mentioned and not from any other fund or source, that the same have been registered in the offices of the clerk of the city and the ~~auditor of the state of Kansas state treasurer~~, respectively, and that ~~said the~~ bonds are negotiable. All such bonds when registered and issued, as herein provided, shall import absolute verity and shall be conclusive in favor of all persons purchasing such bonds that all proceedings and conditions precedent have been had and performed to authorize the issuance thereof and may be issued in addition to the statutory limit of bonded indebtedness of the city. The provisions of K.S.A. ~~10-1206 and 10-1207~~ and amendments thereto, shall apply to revenue bonds issued under this act.

Sec. 5. K.S.A. 12-4905 is hereby amended to read as follows: 12-4905. Provision shall be made by appropriate ordinance by the governing body of the city establishing ~~or acquiring~~ the home for the aged for the payment of ~~said~~ revenue bonds by fixing rates, fees or charges for the use or services rendered by such home for the aged, which rates, fees or charges shall be sufficient to pay the cost of the operation, repair and maintenance of the home for the aged, provide an adequate depreciation fund, and pay the principal of and the interest upon ~~said the~~ bonds when due.

Sec. 6. K.S.A. 12-4906 is hereby amended to read as follows: 12-4906. The governing body of any city which has established

~~or acquired~~ a home for the aged under the authority of this act is hereby authorized to make an annual tax levy for the maintenance and repair of ~~said the~~ home and to pay a portion of the principal and interest on bonds issued by such city under the authority of K.S.A. 12-1774, and amendments thereto.

Sec. 7. K.S.A. 12-4907 is hereby amended to read as follows: 12-4907. All moneys received from the sale of the revenue bonds herein authorized, together with all moneys received by donation, gift, bequest or otherwise, shall be placed by the city in a special fund which shall be known as the "home for the aged fund" ~~and said the~~ fund may be used for the purpose of establishing ~~or acquiring~~ a home for the aged ~~or for the payment of existing debt on an acquired home as in this act provided~~. Whenever sufficient moneys are available in ~~said the~~ fund, the governing body of ~~said the~~ city may proceed to acquire the site by gift or purchase and let the contract for such building or buildings and the equipment therefor ~~or to acquire by gift or purchase an existing adult care home to be used as a home for the aged~~. No building shall be erected or constructed until the plans and specifications have been made therefor and adopted by the governing body of the city and bids advertised for according to law as for other city buildings.

Sec. 8. K.S.A. 12-4909 is hereby amended to read as follows: 12-4909. Every home for the aged established under this act and not leased by the governing body as provided under K.S.A. ~~15-1145 12-4911 and amendments thereto~~, shall be operated under the supervision of ~~said the~~ governing body and shall be for the benefit of all the inhabitants of such city, ~~except that for an existing adult care home acquired by a city by gift or purchase to be used as a home for the aged, the governing body may appoint a board of trustees to supervise the operation of the home for the aged~~. The governing body of the city is hereby authorized to promulgate and adopt rules and regulations pertaining to the operation of the home for the aged. The governing body ~~or, if a board of trustees has been appointed, the board of trustees~~ shall appoint a responsible and qualified person who shall at all times be in charge of the home and who shall be known as the administrator, and such other employees as is deemed necessary for the proper and adequate care of the residents in the home.

Sec. 9. K.S.A. 12-4901, 12-4902, 12-4903, 12-4904, 12-4905, 12-4906, 12-4907 and 12-4909 are hereby repealed.

Sec. 10. This act shall take effect and be in force from and after its publication in the Kansas register.

I hereby certify that the above BILL originated in the HOUSE, and passed that body March 10, 1986.

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

Passed the SENATE April 2, 1986.

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

APPROVED April 18, 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 18th day of April, 1986.

JACK H. BRIER
Secretary of State.

(SEAL)

(Published in the KANSAS REGISTER, April 24, 1986.)

HOUSE BILL No. 3015

AN ACT concerning pharmacists; providing for the licensure thereof; amending K.S.A. 2-2207, 7-121b, 40-1126, 47-501, 60-513d, 60-2609, 65-636, 65-1626, 65-1627, 65-1627a, 65-1627b, 65-1627c, 65-1627e, 65-1627f, 65-1627g, 65-1627h, 65-1628, 65-1628a, 65-1631, 65-1632, 65-1633, 65-1634, 65-1636, 65-1637, 65-1637a, 65-1638, 65-1641, 65-1643, 65-1644, 65-1652, 65-2891, 65-4909, 74-1603, 74-1604, 74-1605 and 74-1608 and K.S.A. 1985 Supp. 40-3401 and repealing the existing sections.

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

Section 1. K.S.A. 2-2207 is hereby amended to read as follows: 2-2207. (A) The penalties provided for violations of ~~K.S.A. 2-2203 (a) subsection (a) of K.S.A. 2-2203 and amendments thereto~~ shall not apply to —: (1) Any carrier while engaged in transporting an agricultural chemical within this state, if such carrier ~~shall~~, upon request, ~~permit~~ *permits* the secretary or ~~his or her~~ *the secretary's* designated representative or agent to copy all records showing the transactions in and movement of the products; (2) public officials of this state and the federal government engaged in the performance of their official duties; (3) the manufacturer or shipper of an agricultural chemical for experimental use only (a) by or under the supervision of any agency of this state or of the federal government authorized by law to conduct research in the field of agricultural chemicals, or (b) by others if the agricultural chemical is not sold and if the container thereof is plainly and conspicuously marked "for experimental use only not to be sold," together with the manufacturer's name and address: ~~Provided, however, That~~. If a written permit has been obtained from the secretary, or an authorized representative of the secretary, an agricultural chemical may be sold for experiment purposes subject to such restrictions and conditions as may be set forth in the permit.

(B) No article shall be deemed in violation of this act when consigned for export to a foreign country, and when prepared or packed according to the specifications or directions of the purchaser. If not so exported all of the provisions of this act shall apply.

(C) This act shall not limit or abridge in any manner the right of any pharmacist ~~registered~~ *licensed* in the state of Kansas to sell chemicals and drugs in broken packages in compliance with the Kansas pharmacy laws.

Sec. 2. K.S.A. 7-121b is hereby amended to read as follows: 7-121b. Whenever a civil action is commenced by filing a petition or whenever a pleading shall state a claim in a district court for damages for personal injuries or death arising out of the rendering of or the failure to render professional services by any health care provider, compensation for reasonable attorneys' fees to be paid by each litigant in the action shall be approved by the judge prior to final disposition of the case by the district court. Compensation for reasonable attorneys' fees for services performed in an appeal of a judgment in any such action to the court of appeals shall be approved by the chief judge or by the presiding judge of the panel hearing the case. Compensation for reasonable attorneys' fees for services performed in an appeal of a judgment in any such action to the supreme court shall be approved by the departmental justice for the department in which the appeal originated. In approving such compensation, the judge or justice shall examine the same and make such determination considering the nature and difficulty of the issues involved in the case and the time reasonably necessary to prepare and present the same. As used in this section: (a) "Health care provider" means a person licensed to practice any branch of the healing arts, a person who holds a temporary permit to practice any branch of the healing arts, a person engaged in a postgraduate training program approved by the state board of healing arts, a licensed medical care facility, a health maintenance organization, a licensed dentist, a licensed professional nurse, a licensed practical nurse, a licensed optometrist, a registered podiatrist, a ~~registered~~ *licensed* pharmacist, a professional corporation organized pursuant to the professional corporation law of Kansas by persons who are authorized by such law to form such a corporation and who are health care providers as defined by this subsection, a registered physical therapist or an officer, employee or agent thereof acting in the course and scope of his

or her employment or agency; and (b) "professional services" means those services which require licensure, registration or certification by agencies of the state for the performance thereof.

Sec. 3. K.S.A. 40-1126 is hereby amended to read as follows: 40-1126. (a) Every insurer providing professional liability insurance to a health care provider, a person engaged in any technical profession, as defined by K.S.A. 74-7003 and amendments thereto, any attorney admitted to practice before the supreme court of this state or any certified public accountant licensed to practice by the board of accountancy shall report to the commissioner of insurance: (1) Any claim or action for damages for personal injuries or loss claimed to have been caused by error, omission, or negligence in performance of such insured's professional services or based on a claimed performance of professional services without consent, if the claim resulted in: (i) A final judgment in any amount; (ii) a settlement in any amount; (iii) a final disposition not resulting in payment on behalf of the insured; and (2) the amount of premiums charged for professional liability insurance of the types described in clause (1) of subsection (a) for the past calendar year, which shall be reported as separate items so that each such type may be distinguished from premiums charged for other types of insurance.

(b) Reports of the information required by clause (2) of subsection (a) shall be filed with the commissioner of insurance annually on or before March 1; reports of the information required by clause (1) of subsection (a) shall be filed with the commissioner of insurance no later than ~~thirty~~ (30) 30 days following the results of a claim set out in items (i), (ii) or (iii) of clause (a).

(c) As used in K.S.A. 40-1126 to 40-1128, inclusive, or amendments thereto, the term "health care provider" means a person licensed to practice the healing arts or engaged in a postgraduate training program approved by the state board of healing arts, a person who holds a temporary permit to practice any branch of the healing arts, a licensed dentist, a licensed professional nurse, a licensed practical nurse, a licensed optometrist, a ~~registered~~ *licensed* pharmacist, a licensed medical care facility, a health maintenance organization issued a certificate of authority by the commissioner of insurance, a registered podiatrist, a professional corporation organized pursuant to the professional corporation law of Kansas by persons who are authorized by such law to form such a corporation and who are health care providers as defined by this ~~section~~ *subsection*, a registered physical therapist or a community mental health center or mental health clinic licensed by the secretary of social and rehabilitation services.

Sec. 4. K.S.A. 1985 Supp. 40-3401 is hereby amended to read as follows: 40-3401. As used in this act the following terms shall have the meanings respectively ascribed to them herein:

(a) "Applicant" means any health care provider;

(b) "Basic coverage" means a policy of professional liability insurance required to be maintained by each health care provider pursuant to the provisions of subsection (a) or (b) of K.S.A. 40-3402 and amendments thereto;

(c) "Commissioner" means the commissioner of insurance;

(d) "Fiscal year" means the year commencing on the effective date of this act and each year, commencing on the first day of that month, thereafter;

(e) "Fund" means the health care stabilization fund established pursuant to subsection (a) of K.S.A. 40-3403 and amendments thereto;

(f) "Health care provider" means a person licensed to practice any branch of the healing arts by the state board of healing arts, a person who holds a temporary permit to practice any branch of the healing arts issued by the state board of healing arts, a person engaged in a postgraduate training program approved by the state board of healing arts, a medical care facility licensed by the department of health and environment, a health maintenance organization issued a certificate of authority by the commissioner of insurance, an optometrist licensed by the board of examiners in optometry, a podiatrist registered by the state board of healing arts, a pharmacist ~~registered~~ *licensed* by the state board of pharmacy, a licensed professional nurse who is

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licensed by the board of nursing and certified as a nurse anesthetist by the American association of nurse anesthetists, a professional corporation organized pursuant to the professional corporation law of Kansas by persons who are authorized by such law to form such a corporation and who are health care providers as defined by this subsection, a Kansas not-for-profit corporation organized for the purpose of rendering professional services by persons who are health care providers as defined by this subsection (f), a dentist certified by the state board of healing arts to administer anesthetics under K.S.A. 65-2899 and amendments thereto, a physical therapist registered by the state board of healing arts, or a mental health center or mental health clinic licensed by the secretary of social and rehabilitation services, except that health care provider does not include (1) any state institution for the mentally retarded or (2) any state psychiatric hospital;

(g) "Inactive health care provider" means a person or other entity who purchased basic coverage or qualified as a self-insurer on or subsequent to the effective date of this act but who, at the time a claim is made for personal injury or death arising out of the rendering of or the failure to render professional services by such health care provider, does not have basic coverage or self-insurance in effect solely because such person is no longer engaged in rendering professional service as a health care provider;

(h) "Insurer" means any corporation, association, reciprocal exchange, inter-insurer and any other legal entity authorized to write bodily injury or property damage liability insurance in this state, including workmen's compensation and automobile liability insurance, pursuant to the provisions of the acts contained in article 9, 11, 12 or 16 of chapter 40 of Kansas Statutes Annotated;

(i) "Plan" means the operating and administrative rules and procedures developed by insurers and rating organizations or the commissioner to make professional liability insurance available to health care providers;

(j) "Professional liability insurance" means insurance providing coverage for legal liability arising out of the performance of professional services rendered or which should have been rendered by a health care provider;

(k) "Rating organization" means a corporation, an unincorporated association, a partnership or an individual licensed pursuant to K.S.A. 40-930 or 40-1114, or both sections, and amendments to those sections to make rates for professional liability insurance;

(l) "Self-insurer" means a health care provider who has qualified as a self-insurer pursuant to K.S.A. 40-3414 and amendments thereto or the university of Kansas medical center for persons who are engaged, under the supervision of the clinical faculty member of the university of Kansas school of medicine, in a postgraduate training program approved by the state board of healing arts and operated by the university of Kansas medical center;

(m) "Medical care facility" means the same when used in the health care provider insurance availability act as the meaning ascribed to that term in K.S.A. 65-425 and amendments thereto, except that as used in the health care provider insurance availability act such term, as it relates to insurance coverage under the health care provider insurance availability act, also includes any director, trustee, officer or administrator of a medical care facility;

(n) "Mental health center" means a mental health center licensed by the secretary of social and rehabilitation services under K.S.A. 75-3307b and amendments thereto, except that as used in the health care provider insurance availability act such term, as it relates to insurance coverage under the health care provider insurance availability act, also includes any director, trustee, officer or administrator of a mental health center;

(o) "Mental health clinic" means a mental health clinic licensed by the secretary of social and rehabilitation services under K.S.A. 75-3307b and amendments thereto, except that as used in the health care provider insurance availability act such term, as it relates to insurance coverage under the health care provider insurance availability act, also includes any director, trustee, officer or administrator of a mental health clinic;

(p) "State institution for the mentally retarded" means Norton state hospital, Winfield state hospital and training center, Parsons state hospital and training center and the Kansas neurological institute;

(q) "State psychiatric hospital" means Larned state hospital, Osawatomie state hospital, Rainbow mental health facility and Topeka state hospital.

Sec. 5. K.S.A. 47-501 is hereby amended to read as follows: 47-501. For the purpose of this act:

(A) The term "Livestock remedy" shall mean and include means all drugs, combinations of drugs, and combinations of drugs and other ingredients, proprietary medicines and preparations which are prepared or compounded (1) for the treatment, mitigation, prevention or cure of any disease or ailment of any animal except man, (2) (other than feeds) to affect the structure or any function of the body of any animal except man; ~~Provided, however, That~~ The term "livestock remedy" is not intended to include drugs or preparations compounded at the request of the purchaser by a registered licensed pharmacist or prescribed by registered veterinarians, after diagnosis of animals, and vaccines, serums; and bacterins.

(B) The term "Person" shall include means all individuals, associations, partnerships, agents, and corporations.

(C) The term "Secretary" shall mean means the secretary of the state board of agriculture.

(D) The term "Animal" shall include means any animate being endowed with the power of voluntary action other than man.

Sec. 6. K.S.A. 60-513d is hereby amended to read as follows: 60-513d. As used in K.S.A. 60-513 and 60-513b, and amendments to such statutes, the term "health care provider" shall mean means a person licensed to practice any branch of the healing arts, a person who holds a temporary permit to practice any branch of the healing arts, a person engaged in a postgraduate training program approved by the state board of healing arts, a licensed medical care facility, a health maintenance organization, a licensed dentist, a licensed professional nurse, a licensed practical nurse, a licensed optometrist, a registered podiatrist, a professional corporation organized pursuant to the professional corporation law of Kansas by persons who are authorized by such law to form such a corporation and who are health care providers as defined by this section, a registered licensed pharmacist or a registered physical therapist.

Sec. 7. K.S.A. 60-2609 is hereby amended to read as follows: 60-2609. (a) Whenever judgment is entered on a claim in any action for recovery of damages for personal injury or death arising out of the rendering of or the failure to render professional services by any health care provider, the court may include in such judgment a requirement that the damages awarded be paid in whole or in part by installment or periodic payments, and any installment or periodic payment upon becoming due and payable under the terms of any such judgment shall constitute a separate judgment upon which execution may issue. Any judgment ordering any such payments shall specify the amount of each payment, the interval between payments and the number of payments to be paid under the judgment. For good cause shown, the court may modify such judgment with respect to the amount of such payments and the number of payments to be made or the interval between payments, but the total amount of damages awarded by such judgment shall not be subject to modification in any event.

(b) As used in this section, "health care provider" means a person licensed to practice any branch of the healing arts, a person who holds a temporary permit to practice any branch of the healing arts or a person engaged in a postgraduate training program approved by the state board of healing arts, a licensed medical care facility, a health maintenance organization, a licensed dentist, a licensed professional nurse, a licensed practical nurse, a licensed optometrist, a registered podiatrist, a registered licensed pharmacist, a professional corporation organized pursuant to the professional corporation law of Kansas by persons who are authorized by such law to form such a corporation and who are health care providers as defined by this subsection, a registered physical therapist or an officer, employee or agent thereof

acting in the course and scope of his or her employment or agency.

Sec. 8. K.S.A. 65-636 is hereby amended to read as follows: 65-636. It shall be unlawful for any person, who is not legally licensed as a registered pharmacist, by the Kansas state board of pharmacy, or any person, firm or corporation, who does not have in his or its continuous employ, at each place of business, a duly registered pharmacist licensed by the Kansas state board of pharmacy, to take, use, or exhibit the title "drugstore," "pharmacy" or "apothecary" or any combination of such titles, or any title or description of like import, or any other term designed to take the place of such title.

Sec. 9. K.S.A. 65-1626 is hereby amended to read as follows: 65-1626. For the purposes of this act:

(a) "Administer" means the direct application of a drug, whether by injection, inhalation, ingestion or any other means, to the body of a patient or research subject by:

(1) A practitioner or pursuant to the lawful direction of a practitioner, or

(2) the patient or research subject at the direction and in the presence of the practitioner.

(b) "Agent" means an authorized person who acts on behalf of or at the direction of a manufacturer, distributor or dispenser but shall not include a common or contract carrier, public warehouseman or employee of the carrier or warehouseman when acting in the usual and lawful course of the carrier's or warehouseman's business.

(c) "Board" means the state board of pharmacy created by K.S.A. 74-1603 and amendments thereto.

(d) "Brand exchange" means the dispensing of a different drug product of the same dosage form and strength and of the same generic name than the brand name drug product prescribed.

(e) "Brand name" means the registered trademark name given to a drug product by its manufacturer, labeler or distributor.

(f) "Deliver" or "delivery" means the actual, constructive or attempted transfer from one person to another of any drug whether or not an agency relationship exists.

(g) "Dispense" means to deliver prescription medication to the ultimate user or research subject by or pursuant to the lawful order of a practitioner.

(h) "Dispenser" means a practitioner or pharmacist who dispenses prescription medication.

(i) "Distribute" means to deliver (other than by administering or dispensing) any drug.

(j) "Distributor" means a person who distributes a drug.

(k) "Drug" means (1) articles recognized in the official United States pharmacopoeia, or other such official compendiums of the United States, or official national formulary, or any supplement of any of them; (2) articles intended for use in the diagnosis, cure, mitigation, treatment or prevention of disease in man or other animals; (3) articles (other than food) intended to affect the structure or any function of the body of man or other animals; and (4) articles intended for use as a component of any articles specified in clause (1), (2) or (3) of this paragraph; but does not include devices or their components, parts or accessories, except that the term "drug" shall not include amygdalin (laetrile) or any livestock remedy, as defined in K.S.A. 47-501 and amendments thereto, if such livestock remedy has been registered in accordance with the provisions of article 5 of chapter 47 of the Kansas Statutes Annotated.

(l) "Generic name" means the established chemical name or official name of a drug or drug product.

(m) (1) "Institutional drug room" means any location where prescription-only drugs are stored and from which prescription-only drugs are administered or dispensed and which is maintained or operated for the purpose of providing the drug needs of:

(A) Inmates of a jail or correctional institution or facility.

(B) Residents of a juvenile detention facility, as defined by the Kansas code for care of children and the Kansas juvenile offenders code.

(C) Students of the Kansas technical institute, a public or

private university or college, a community junior college or any other institution of higher learning which is located in Kansas.

(D) Employees of a business or other employer.

(2) "Institutional drug room" does not include:

(A) Any registered pharmacy.

(B) Any office of a practitioner.

(C) A location where no prescription-only drugs are dispensed and no prescription-only drugs other than individual prescriptions are stored or administered.

(n) "Medical care facility" shall have the meaning provided in K.S.A. 65-425 and amendments thereto, except that the term shall also include facilities licensed under the provisions of K.S.A. 75-3307b and amendments thereto except community mental health centers and facilities for the mentally retarded.

(o) "Manufacture" means the production, preparation, propagation, compounding, conversion or processing of a drug either directly or indirectly by extraction from substances of natural origin, independently by means of chemical synthesis or by a combination of extraction and chemical synthesis and includes any packaging or repackaging of the drug or labeling or relabeling of its container, except that this term shall not include the preparation or compounding of a drug by an individual for the individual's own use or the preparation, compounding, packaging or labeling of a drug by: (1) A practitioner or a practitioner's authorized agent as an incident to such practitioner's administering or dispensing of a drug in the course of the practitioner's professional practice, (2) a practitioner, by a practitioner's authorized agent or under a practitioner's supervision for the purpose of, or as an incident to, research, teaching or chemical analysis and not for sale or (3) a pharmacist or the pharmacist's authorized agent acting under the direct supervision of the pharmacist for the purpose of, or as an incident to, the dispensing of a drug by the pharmacist.

(p) "Person" means individual, corporation, government, governmental subdivision or agency, partnership, association or any other legal entity.

(q) "Pharmacist" means any natural person registered licensed under this act to practice pharmacy.

(r) "Pharmacist in charge" means the pharmacist who is responsible to the board for a registered establishment's compliance with the laws and regulations of this state pertaining to the practice of pharmacy, manufacturing of drugs and the distribution of drugs. The pharmacist in charge shall supervise such establishment on a full-time or on a part-time basis. Nothing in this definition shall relieve other pharmacists or persons from their responsibility to comply with state and federal laws and regulations.

(s) "Pharmacy," "drug store" or "apothecary" means premises, laboratory, area or other place (1) where drugs are offered for sale where the profession of pharmacy is practiced and where prescriptions are compounded and dispensed; or (2) which has displayed upon it or within it the words "pharmacist," "pharmaceutical chemist," "pharmacy," "apothecary," "drugstore," "druggist," "drugs," "drug sundries" or any of these words or combinations of these words or words of similar import either in English or any sign containing any of these words; or (3) where the characteristic symbols of pharmacy or the characteristic prescription sign "Rx" may be exhibited. As used in this subsection, "premises" refers only to the portion of any building or structure leased, used or controlled by the registrant licensee in the conduct of the business registered by the board at the address for which the registration was issued.

(t) "Practitioner" means a person licensed to practice medicine and surgery, dentist, podiatrist, veterinarian, scientific investigator or other person licensed, registered or otherwise authorized by law to administer, prescribe and use prescription-only drugs in the course of professional practice or research.

(u) "Prescription" means, according to the context, either a prescription order or a prescription medication.

(v) "Prescription medication" means any drug, including label and container according to context, which is dispensed pursuant to a prescription order.

(w) "Prescription-only drug" means any drug required by the

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federal or state food, drug and cosmetic act to bear on its label the legend "Caution: Federal law prohibits dispensing without prescription."

(x) "Prescription order" means: (1) An order to be filled by a pharmacist for prescription medication issued and signed by a practitioner in the authorized course of his or her professional practice or (2) an order transmitted to a pharmacist through word of mouth, note, telephone or other means of communication directed by such practitioner.

(y) "Probation" means the practice or operation under a temporary *license*, registration or permit or a conditional *license*, registration or permit of a business or profession for which a *license*, registration or permit is granted by the board under the provisions of the pharmacy act of the state of Kansas requiring certain actions to be accomplished or certain actions not to occur before a regular *license*, registration or permit is issued.

(z) "Retail dealer" means a person selling at retail nonprescription drugs which are prepackaged, fully prepared by the manufacturer or distributor for use by the consumer and labeled in accordance with the requirements of the state and federal food, drug and cosmetic acts. Such nonprescription drugs shall not include: (1) A controlled substance, (2) a drug the label of which is required to bear substantially the statement "Caution: Federal law prohibits dispensing without prescription" or (3) a drug intended for human use by hypodermic injection.

(aa) "Secretary" means the executive secretary of the board.

Sec. 10. K.S.A. 65-1627 is hereby amended to read as follows: 65-1627. (a) The board may revoke, suspend, place in a probationary status or deny a renewal of any ~~registration~~ *license* of any pharmacist upon a finding that:

(1) The ~~registration~~ *license* was obtained by fraudulent means;

(2) the ~~registrant~~ *licensee* has been convicted of felony and the board determines, after investigation, that such person has not been sufficiently rehabilitated to warrant the public trust;

(3) the ~~registrant~~ *licensee* is found by the board to be guilty of gross immorality;

(4) the ~~registrant~~ *licensee* is addicted to the liquor or drug habit to such a degree as to render the ~~registrant~~ *licensee* unfit to practice the profession of pharmacy;

(5) the ~~registrant~~ *licensee* has violated a provision of the federal or state food, drug and cosmetic act;

(6) the ~~registrant~~ *licensee* is found by the board to have filled a prescription not in strict accordance with the directions of the practitioner;

(7) the ~~registrant~~ *licensee* is found to be mentally or physically incapacitated to such a degree as to render the ~~registrant~~ *licensee* unfit to practice the profession of pharmacy;

(8) the ~~registrant~~ *licensee* has violated any of the provisions of the pharmacy act of the state of Kansas or any rule and regulation adopted by the board pursuant to the provisions of such pharmacy act;

(9) the ~~registrant~~ *licensee* has failed to comply with the requirements of the board relating to the continuing education of pharmacists; or

(10) the ~~registrant~~ *licensee* as a pharmacist in charge or consultant pharmacist under subsection (c) or (d) of K.S.A. 65-1648 and amendments thereto has failed to comply with the requirements of subsection (c) or (d) of K.S.A. 65-1648 and amendments thereto.

(b) The board may suspend, revoke, place in a probationary status or deny a renewal of any retail dealer's permit issued by the board when information in possession of the board discloses that such operations for which the permit was issued are not being conducted according to law or the rules and regulations of the board.

(c) The board may revoke, suspend, place in a probationary status or deny a renewal of the registration of a pharmacy upon a finding that: (1) Such pharmacy has been operated in such manner that violations of the provisions of the pharmacy act of the state of Kansas or of the rules and regulations of the board have occurred in connection therewith; (2) the owner or any pharmacist employed at such pharmacy is convicted, subsequent to such owner's acquisition of or such employee's employment at

such pharmacy, of a violation of the pharmacy act or uniform controlled substances act of the state of Kansas, or the federal or state food, drug and cosmetic act; or (3) the owner or any pharmacist employed by such pharmacy has fraudulently claimed money for pharmaceutical services.

(d) A registration to manufacture or to distribute at wholesale a drug or a registration for the place of business where any such operation is conducted may be suspended, revoked, placed in a probationary status or the renewal of such registration may be denied by the board upon a finding that the registrant or the registrant's agent: (1) Has materially falsified any application filed pursuant to or required by the pharmacy act of the state of Kansas; (2) has been convicted of a felony under any federal or state law relating to the manufacture or distribution of drugs; (3) has had any federal registration for the manufacture or distribution of drugs suspended or revoked; (4) has refused to permit the board or its duly authorized agents to inspect the registrant's establishment in accordance with the provisions of K.S.A. 65-1629 and amendments thereto; or (5) has failed to keep, or has failed to file with the board or has falsified records required to be kept or filed by the provisions of the pharmacy act of the state of Kansas or by the board's rules and regulations.

(e) All proceedings pursuant to this section shall be conducted in accordance with the provisions of the Kansas administrative procedure act and the act for judicial review and civil enforcement of agency actions.

Sec. 11. K.S.A. 65-1627a is hereby amended to read as follows: 65-1627a. The board shall have jurisdiction of the proceedings to revoke, suspend, place in a probationary status or deny a renewal of any *license*, registration or permit issued by the board under the provision of the pharmacy act of the state of Kansas. The petition for the revocation, suspension, placing in a probationary status or denial of a renewal of a *license*, registration or permit may be filed: (a) By the attorney general in all cases; (b) by the district or county attorney of the county in which the ~~registrant~~ *licensee*, or permit holder resides or in which a place of business or place of professional practice of such person is located; or (c) by a regularly employed attorney of the board. ~~Said~~ The petition shall be filed in the office of the executive secretary of the board.

The board and the person holding the *license* permit or registration may enter into a stipulation which shall be binding upon the board and such person entering into the stipulation, and the board may enter its enforcement order based upon such stipulation without the necessity of filing any formal charges or holding hearings in the proceedings.

Sec. 12. K.S.A. 65-1627b is hereby amended to read as follows: 65-1627b. (a) The board may direct the attorney general, the district or county attorney or its regularly employed attorney to file such petition against the *licensee*, registrant or permit holder upon its own motion, or it may give such direction upon the sworn statement of some person who resides in the county in which a place of business or place of professional practice of such person is located.

(b) The attorney general shall comply with such directions of the board and prosecute the action on behalf of the state, but the district or county attorney of any county where the *licensee*, registrant or permit holder has operated a place of business or place of professional practice, at the request of the attorney general or the board, shall appear and prosecute such action.

Sec. 13. K.S.A. 65-1627c is hereby amended to read as follows: 65-1627c. The following rules shall govern the form of the petition in such cases: (a) The board shall be named as plaintiff and the person who holds the *license*, registration or permit as defendant. (b) The charges against the person who holds the *license*, registration or permit shall be stated with reasonable definiteness. (c) Amendments may be made as in ordinary actions in the district court. (d) All allegations shall be deemed denied, but the person who holds the *license*, registration or permit may plead to the petition if he or she such person so desires.

Sec. 14. K.S.A. 65-1627e is hereby amended to read as follows: 65-1627e. Notice of the filing of such petition, together with a copy thereof, and of the time and place of the hearing,

shall be served upon the *licensee*, registrant or permit holder at least ~~twenty (20)~~ 20 days before the hearing. Notice may be served by any person specially appointed by the executive secretary of the board. ~~Said~~ The service may be made either upon the *licensee*, registrant or permit holder personally, or by leaving at ~~his or her~~ such person's usual place of residence or by certified mail with return receipt to the *licensee*, registrant or permit holder's last known address.

Sec. 15. K.S.A. 65-1627f is hereby amended to read as follows: 65-1627f. (a) The board shall not be bound by technical rules of procedure, but shall give the parties reasonable opportunity to be heard and to present evidence, and shall act reasonably without partiality. Affidavits may be received in evidence in the discretion of the board. The board shall have the power to subpoena witnesses, compel their attendance in the same manner and to the same extent as the district courts of the state. Depositions may be used by either party. Upon the completion of any hearing held hereunder, the board shall have the power to enter an order of revocation, suspension, probation or denial of the renewal of a *license*, registration or permit. The *license*, registrant or permit holder shall not engage in the activity authorized by such *license*, registration or permit after a *license*, registration or permit is revoked or the renewal thereof denied or during the time for which it is suspended. If a *license*, registration or permit is suspended or placed on probation, the suspension or probation shall be for a definite period of time to be fixed by the board, and the *license*, registration or permit shall be reinstated and any limitations or conditions thereon removed upon the expiration of such period if all annual renewal fees have been paid. If such *license*, registration or permit is revoked, such revocation shall be for all time, except that at any time after the expiration of one ~~(1)~~ year, application may be made for reinstatement of any *license*, registrant or permit holder whose *license*, registration or permit shall have been revoked, and such application shall be addressed to the executive secretary of the board. The board may promulgate such rules and regulations concerning notice and hearing of such application as are deemed necessary.

(b) The board is authorized and empowered to designate and appoint an attorney or other employee of the board to serve as hearing officer in any proceeding coming before the board to take testimony and prepare findings of fact and recommendations to the board. The board may designate and appoint not less than three ~~(3)~~ members of the board to serve as a committee to hear any matter coming before the board, to conduct all proceedings in relation thereto and to take testimony and prepare findings of fact and make recommendations to the board. Any committee so appointed shall include the member of the general public serving on the board.

(c) All orders entered in any proceeding shall be the action of the board with a quorum present at such meeting.

(d) Any individual who ~~deems himself or herself~~ aggrieved by an order of the board shall have the right to apply in writing for a rehearing within ~~ten (10)~~ 10 days from date of notification of the board action. The board may grant a rehearing in such cases upon questions of fact where such application for rehearing alleges sufficient new or additional evidence to warrant the same. The board shall decide within ~~ten (10)~~ 10 days after receipt of such application whether or not to grant a rehearing and shall notify the applicant forthwith of the decision. If the board decides to grant a rehearing, such rehearing shall be held and a decision on rehearing rendered within ~~fifteen (15)~~ 15 days after the board's decision to grant a rehearing.

Sec. 16. K.S.A. 65-1627g is hereby amended to read as follows: 65-1627g. In case the *licensee*, registrant or permit holder fails to appear, either in person or by counsel, at the time and place designated in the notice, the board, after receiving satisfactory evidence of the truth of the charges, shall order the *license*, registration or permit revoked, suspended, placed on probation or the renewal thereof denied as it may determine.

Sec. 17. K.S.A. 65-1627h is hereby amended to read as follows: 65-1627h. (a) If the order is adverse to the *licensee*, registrant or permit holder, the costs shall be charged to such person as in ordinary civil actions in the district court, but if the board is

the unsuccessful party, the costs shall be paid out of any money in the state board of pharmacy fee fund. Witness fees and costs may be taxed according to the statutes applicable in the district courts.

(b) All costs accrued at the instance of the state, when it is the successful party, and which the attorney general certifies cannot be collected from the *licensee*, registrant or permit holder, shall be paid out of any available funds in the state treasury to the credit of the board.

Sec. 18. K.S.A. 65-1628 is hereby amended to read as follows: 65-1628. If any application for any *license*, registration or permit shall be refused or the renewal thereof denied or if any *license*, registration or permit shall be suspended, revoked or placed on probation, the board shall notify the person affected in writing of its decision and order and the reasons therefor.

Any person to whom the board has refused to issue or renew a *license*, registration or permit, or whose *license*, registration or permit has been suspended, revoked or placed on probation may file, within ~~sixty (60)~~ 60 days after receipt of the copy of the decision and order of the board, or, if a rehearing has been applied for and granted, within ~~thirty (30)~~ 30 days after receipt of the copy of the decision and order of the board on rehearing, a petition in the district court of the county in which such person resides or in case it is a corporation, in the district court of the county where the place of business of such corporation is located, which court shall have jurisdiction to reverse, vacate or modify the decision and order complained of, if upon consideration of the records such court is of the opinion that such decision and order was unlawful or unreasonable. The *state* board of pharmacy of Kansas shall be the defendant, and such petition shall set forth the errors complained of. Unless waived, process shall be served upon the executive secretary of the board, or in the event of ~~his or her~~ absence of the executive secretary, upon any member of the board, or by leaving a copy at the office of the board. Upon such service or waiver, the board shall file, with its answer, a transcript of the records of the board, and the original papers or transcripts thereof, and a certified transcript of all evidence adduced upon the hearing before the board in the proceedings complained of, which shall be filed in the court.

No proceedings to vacate, reverse or modify a final order rendered by the board shall operate to stay the execution or effect thereof, unless the district court, upon application and three ~~(3)~~ days' notice to the board, shall allow such stay.

Sec. 19. K.S.A. 65-1628a is hereby amended to read as follows: 65-1628a. In the event the *licensee*, registrant or permit holder appeals, the only bond required shall be one running to the state, in an amount to be fixed by the court for the payment of the costs both before the board and in the district court, and ~~said~~ the bond shall be approved by the clerk of the district court. The giving of such a bond by the *licensee*, registrant or permit holder shall not operate to stay the order of the board or restore the right of ~~said~~ the *licensee*, registrant or permit holder to engage in the profession or business for which the *license*, registration or permit was issued or remove any condition upon engaging therein pending such appeal, unless the district court, upon application and three ~~(3)~~ days' notice to the board, shall allow such stay.

Sec. 20. K.S.A. 65-1631 is hereby amended to read as follows: 65-1631. (a) It shall be unlawful for any person to practice as a pharmacist in this state, unless such person is ~~registered~~ licensed by the board as a pharmacist. Every applicant for examination and ~~registration~~ licensure as a pharmacist shall be of good moral character and temperate habits, a graduate of a school or college of pharmacy or department of a university recognized and approved by the board, and shall file proof satisfactory to the board, substantiated by proper affidavits, of a minimum of one year of pharmaceutical experience, acceptable to the board, under the supervision of a ~~registered~~ pharmacist and shall pass an examination by the board. Pharmaceutical experience as required in this section shall be under the supervision of a ~~registered~~ licensed pharmacist and shall be predominantly related to the dispensing of prescription medication, compounding prescriptions, preparing pharmaceutical preparations, and keep-

(continued)

ing records and making reports required under the state and federal statutes.

(b) All applications for examinations shall be made on a form to be prescribed and furnished by the board and shall be filed with the board at least 10 days before any meeting of the board at which examinations are to be held. Each application must be accompanied by an examination fee fixed by the board as provided in K.S.A. 65-1645, and any amendments thereto. The examination fee established by this section immediately prior to the effective date of this act shall continue in effect until a different examination fee is fixed by the board by rules and regulations as provided in K.S.A. 65-1645, and any amendments thereto.

(c) The board is authorized to adopt rules and regulations relating to the grades which an applicant must receive in order to pass the examination.

(d) Notwithstanding the preceding provisions of this section, the board may in its discretion register license as a pharmacist, without examination, any person who is duly registered or licensed by examination in some other state, provided that such person shall produce evidence satisfactory to the board of having had the required education and training and is possessed of good character and morals, as required of applicants for registration licensure under the provisions of the pharmacy act of this state. Persons of good character and morals who have become registered or licensed as pharmacists by examination in other states shall be required to satisfy only the requirements which existed in this state at the time they become registered or licensed in such other states. The provisions of this subsection shall apply only if the state in which the person is registered or licensed grants, under like conditions, reciprocal registrations or licenses as pharmacists, without examination, to pharmacists duly registered or licensed by examination in this state.

(e) In the event that the applicant desiring reciprocal registration licensure has not been subject to laws requiring continuing education as a condition of renewal, such applicant shall be required to satisfy the board through a competency examination of the applicant's knowledge and ability to meet Kansas standards for registration licensure as a pharmacist.

(f) No applicant who has taken the examination for registration licensure given by the board and has failed to complete it successfully shall be considered for registration licensure by reciprocity within one year of the date such applicant sat for the examination.

(g) All applicants for reciprocal registration licensure shall file their applications on a form to be prescribed and furnished by the board and such application shall be accompanied by a fee of \$250.

(h) In determining moral character under this section, the board shall take into consideration any felony conviction of such person, but such conviction shall not automatically operate as a bar to registration licensure.

(i) All applicants for reciprocal registration licensure or for examination who graduate from a school or college of pharmacy outside the United States shall submit information to the board, as specified by rules and regulations, and this information shall be accompanied by an evaluation fee of not to exceed \$250 as fixed by the board by rules and regulations, which evaluation fee shall be in addition to any other fee paid by the applicant under the pharmacy act of the state of Kansas.

(j) Every registered pharmacist holding a valid registration as a pharmacist in effect on the day preceding the effective date of this act shall be deemed to be a licensed pharmacist under this act, and such person shall not be required to file an original application hereunder for a license.

Sec. 21. K.S.A. 65-1632 is hereby amended to read as follows: 65-1632. (a) Each registration license as a pharmacist issued by the board shall expire on June 30 following the date of issuance. Each application for renewal of a registration license as a pharmacist shall be made on a form prescribed and furnished by the board. Except as otherwise provided in this subsection, the application, when accompanied by the renewal fee and received by the executive secretary of the board on or before the date of expiration of the certificate of registration license, shall

have the effect of temporarily renewing the applicant's registration license until actual issuance or denial of the renewal registration. If at the time of filing a proceeding is pending before the board which may result in the suspension, probation, revocation or denial of the applicant's registration license, the board may by preliminary order in such proceeding declare that the application for renewal shall not have the effect of temporarily renewing such applicant's registration license. Every registered licensed pharmacist shall pay to the secretary of the board annually between July 1 and August 1 a renewal fee of not less than \$40 nor more than \$60, as fixed by the board by rules and regulations. The renewal fee fixed by the board under this section immediately prior to the effective date of this act shall continue in effect until a different renewal fee is fixed by the board by rules and regulations as provided under this section.

(b) The board may deny renewal of any registration license of a pharmacist on any ground which would authorize the board to deny an initial application for registration licensure or on any ground which would authorize the board to suspend, revoke or place on probation a registration license previously granted. All administrative proceedings pursuant to this section shall be conducted in accordance with the provisions of the Kansas administrative procedure act.

(c) The payment of the renewal fee by a person who is a holder of a registration license as a pharmacist shall entitle the person to renewal of registration license if no grounds exist for denying the renewal of the registration license and if the person has furnished satisfactory evidence to the board that the person has successfully complied with the rules and regulations of the board relating to continuing professional education. These educational requirements shall be fixed by the board at not less than 10 clock hours nor more than 20 clock hours of an annual educational program approved by the board. The maximum number of continuing education hours required by the board to meet the requirements for cancellation of inactive status registration licensure and renewal of registration license under subsection (d) or reinstatement of registration license because of nonpayment of fees under subsection (e) shall not exceed 30.

(d) The payment of the renewal fee by the person who is a holder of a registration license as a pharmacist but who has not complied with the continuing education requirements fixed by the board, if no grounds exist for denying the renewal of the registration license other than that the person has not complied with the continuing education requirements fixed by the board, shall entitle the person to inactive status registration licensure by the board. No person holding an inactive status registration license from the board shall engage in the practice of pharmacy in this state. Upon furnishing satisfactory evidence to the board of compliance with the continuing education requirements fixed by the board and upon the payment to the board of all applicable fees, a person holding an inactive status registration license from the board shall be entitled to cancellation of the inactive status registration license and to renewal of registration licensure as a pharmacist.

(e) If the renewal fee for any pharmacist's registration license has not been paid by August 1 of any year, the registration license is hereby declared void, and no registration license shall be reinstated except upon payment of the required renewal fee plus a penalty equal to the renewal fee and proof satisfactory to the board of compliance with the continuing education requirements fixed by the board. Payment of the renewal fee plus a penalty equal to the renewal fee and the submission of proof satisfactory to the board of compliance with the continuing education requirements fixed by the board shall entitle the registration license to be reinstated. The nonpayment of renewal fees by a registered licensed pharmacist for a period not exceeding three years shall not deprive the pharmacist of the right to renew the registration license upon the payment of any unpaid fees and penalties.

Sec. 22. K.S.A. 65-1633 is hereby amended to read as follows: 65-1633. Every registered pharmacist who changes residential address shall within 30 days thereof by letter notify the executive secretary of the board of such change, and upon

receipt of the notice the executive secretary shall make the proper alterations in the register record kept for that purpose.

Sec. 23. K.S.A. 65-1634 is hereby amended to read as follows: 65-1634. Every person holding a license, registration or permit under the pharmacy act of the state of Kansas who engages in the sale of drugs, medicines, chemicals, and poisons shall be responsible for the quality of all such drugs, medicines, chemicals and poisons which he or she such person may sell, compound or put up except when sold in the original and unbroken pack, package, box or other container of the manufacturer. If any person shall intentionally adulterate or mislabel intentionally adulterates or mislabels any drugs, medicines, chemicals or poisons, or cause causes the same to be adulterated or mislabeled or exposed for sale knowing the same to be adulterated or mislabeled, such person shall be guilty of a class A misdemeanor.

Sec. 24. K.S.A. 65-1636 is hereby amended to read as follows: 65-1636. Except as otherwise provided in this act, the sale and distribution of drugs shall be limited to pharmacies operating under registrations as required by this act, and the actual sale or distribution of drugs shall be made by a registered pharmacist or other persons acting under his or her the immediate personal direction and supervision of the pharmacist.

Sec. 25. K.S.A. 65-1637 is hereby amended to read as follows: 65-1637. In every store, shop or other place defined in this act as a "pharmacy" there shall be a registered pharmacist in charge and the compounding and putting up of prescriptions shall be limited to registered pharmacists only. Except as otherwise provided by the pharmacy act of this state, when a pharmacist is not in attendance at a pharmacy, the premises shall be enclosed and secured. Prescription orders may be written, oral or telephonic. Blank forms for written prescription orders may have two signature lines. The first signature line shall state: "Dispense as written _____" The second signature line shall state: "Brand exchange permissible _____" Prescriptions shall only be filled or refilled in accordance with the following requirements:

(a) All prescriptions shall be filled in strict conformity with any directions of the prescriber, except that a pharmacist who receives a prescription order for a brand name drug product may exercise brand exchange with a view toward achieving a lesser cost to the purchaser unless:

(1) The prescriber, in the case of a prescription signed by the prescriber and written on a blank form containing two signature lines, signs the first signature line following the statement "dispense as written _____" or

(2) the prescriber, in the case of a prescription signed by the prescriber, writes in his or her the prescriber's own handwriting "dispense as written" on the prescription, or

(3) the prescriber, in the case of a prescription other than one in writing signed by the prescriber, expressly indicates the prescription is to be dispensed as communicated, or

(4) the federal food and drug administration has determined that a drug product of the same generic name is not bioequivalent to the prescribed brand name prescription medication.

(b) Prescription orders shall be recorded in writing by the pharmacist and the record so made by the pharmacist shall constitute the original prescription to be dispensed by the pharmacist. This record, if telephoned by other than the physician shall bear the name of the person so telephoning. Nothing in this paragraph shall be construed as altering or affecting in any way laws of this state or any federal act requiring a written prescription order.

(c) No prescription shall be refilled, if it contains a statement that it is not to be refilled.

(d) If any prescription order contains a provision that the prescription may be refilled a specific number of times within or during any particular period, such prescription shall not be refilled except in strict conformity with such requirements.

(e) If a prescription order contains a statement that during any particular time the prescription may be refilled at will, there shall be no limitation as to the number of times that such prescription may be refilled except that it may not be refilled after the expiration of the time specified.

(f) Any pharmacist who exercises brand exchange and dispenses a less expensive drug product shall not charge the purchaser more than the regular and customary retail price for the dispensed drug.

Nothing contained in this section shall be construed as preventing a pharmacist from refusing to fill or refill any prescription if in his or her the pharmacist's professional judgment and discretion such pharmacist is of the opinion that it should not be filled or refilled.

Sec. 26. K.S.A. 65-1637a is hereby amended to read as follows: 65-1637a. (a) An institutional drug room shall be under the supervision of a registered pharmacist or a practitioner, who may be retained on a part-time basis and who shall be responsible for recordkeeping and storage of drugs by such drug room. For the purposes of this section, "practitioner" means any person licensed to practice medicine and surgery.

(b) The board shall adopt such rules and regulations relating to record-keeping and storage of drugs by institutional drug rooms as necessary for proper control of drugs by such drug rooms.

(c) This section shall be part of and supplemental to the pharmacy act of the state of Kansas.

Sec. 27. K.S.A. 65-1638 is hereby amended to read as follows: 65-1638. A registered pharmacist shall have the right to keep and sell, subject to such restrictions as may be provided by law, all drugs and poisons listed in the national formulary, the United States pharmacopoeia and other standard pharmaceutical and medical works of recognized utility, but nothing in the pharmacy act of the state of Kansas shall be construed to protect any registered pharmacist who violates or in any way abuses this trust from the penalties for violations of the laws relating to the sale or distribution of drugs.

Nothing in the pharmacy act of the state of Kansas shall prohibit pharmacists from repackaging poisons according to applicable state and federal packaging and labeling laws. The sale of poisons shall conform to applicable state and federal laws.

Sec. 28. K.S.A. 65-1641 is hereby amended to read as follows: 65-1641. A person holding a registration license as a pharmacist shall display conspicuously such registration license in that part of the place of business in which such person is engaged in the profession of pharmacy, and which is usually occupied by the public or which is visible to the public. It shall be unlawful for any registered licensed pharmacist to permit such registration license to be displayed in any place of business unless such pharmacist is actively engaged in the profession of pharmacy in such place of business.

Sec. 29. K.S.A. 65-1643 is hereby amended to read as follows: 65-1643. On and after the effective date of this act, it shall be unlawful:

(a) For any person to operate, maintain, open or establish any pharmacy within this state without first having obtained a registration from the board. Each application for registration of a pharmacy shall indicate the person or persons desiring the registration, including the pharmacist in charge, as well as the location, including the street name and number, and such other information as may be required by the board to establish the identity and exact location of the pharmacy. The issuance of a registration for any pharmacy shall also have the effect of permitting such pharmacy to operate as a retail dealer without requiring such pharmacy to obtain a retail dealer's permit. On evidence satisfactory to the board: (1) That the pharmacy for which the registration is sought will be conducted in full compliance with the law and the rules and regulations of the board; (2) that the location and appointments of the pharmacy are such that it can be operated and maintained without endangering the public health or safety; (3) that the pharmacy will be under the supervision of a registered pharmacist, a registration shall be issued to such persons as the board shall deem qualified to conduct such a pharmacy.

(b) For any person to manufacture within this state any drugs except under the personal and immediate supervision of a registered pharmacist or such other person or persons as may be approved by the board after an investigation and a determination

(continued)

by the board that such person or persons is qualified by scientific or technical training or experience to perform such duties of supervision as may be necessary to protect the public health and safety; and no person shall manufacture any such drugs without first obtaining a registration so to do from the board. Such registration shall be subject to such rules and regulations with respect to requirements, sanitation and equipment, as the board may from time to time adopt for the protection of public health and safety.

(c) For any person to distribute at wholesale any drugs without first obtaining a registration so to do from the board.

(d) For any person to sell or offer for sale at public auction or private sale in a place where public auctions are conducted, any drugs without first having obtained a registration from the board so to do, and it shall be necessary to obtain the permission of the board in every instance where any of the products covered by this section are to be sold or offered for sale.

(e) For any person to in any manner distribute or dispense samples of any drugs without first having obtained a permit from the board so to do, and it shall be necessary to obtain permission from the board in every instance where the samples are to be distributed or dispensed. Nothing in this subsection shall be held to regulate or in any manner interfere with the furnishing of samples of drugs to duly licensed practitioners, to pharmacists or to medical care facilities.

(f) Except as otherwise provided in this subsection (f), for any person operating a store or place of business to sell, offer for sale or distribute any drugs to the public without first having obtained a registration or permit from the board authorizing such person so to do. No retail dealer who sells 12 or fewer different nonprescription drug products shall be required to obtain a retail dealer's permit under the pharmacy act of the state of Kansas or to pay a retail dealer new permit or permit renewal fee under such act. It shall be lawful for a retail dealer who is the holder of a valid retail dealer's permit issued by the board or for a retail dealer who sells 12 or fewer different nonprescription drug products to sell and distribute nonprescription drugs which are prepackaged, fully prepared by the manufacturer or distributor for use by the consumer and labeled in accordance with the requirements of the state and federal food, drug and cosmetic acts. Such nonprescription drugs shall not include: (1) A controlled substance; (2) a drug product the label of which is required to bear substantially the statement: "Caution: Federal law prohibits dispensing without prescription"; or (3) a drug product intended for human use by hypodermic injection; but such a retail dealer shall not be authorized to display any of the words listed in subsection (s) of K.S.A. 65-1626 and amendments thereto, for the designation of a pharmacy or drugstore.

(g) For any person to sell any drugs manufactured and sold only in the state of Kansas, unless the label and directions on such drugs shall first have been approved by the board.

(h) For any person to operate an institutional drug room without first having obtained a registration to do so from the board. Such registration shall be subject to the provisions of K.S.A. 65-1637a and amendments thereto and any rules and regulations adopted pursuant thereto.

(i) For any person to be a pharmacy intern without first obtaining a registration to do so from the board, in accordance with rules and regulations adopted by the board, and paying a pharmacy intern registration fee of \$25 to the board.

Sec. 30. K.S.A. 65-1644 is hereby amended to read as follows: 65-1644. The board may issue duplicate licenses, registrations or duplicate permits upon return of the original, or upon a sworn statement that the original has been lost or destroyed, and has not been given away or disposed of to some other person. Applications for such duplicate licenses, registrations and permits and the affidavits required by this section shall be made on forms furnished by the board. The fee for the issuance of a duplicate registration or permit shall be ~~one dollar and twenty-five cents (\$1.25)~~ \$1.25 for permits, and ~~ten dollars (\$10)~~ \$10 for certificates of registration.

Sec. 31. K.S.A. 65-1652 is hereby amended to read as follows: 65-1652. (a) No person reporting to the board of pharmacy under oath and in good faith any information such person may

have relating to alleged incidents of malpractice or the qualifications, fitness or character or a registered pharmacist shall be subject to a civil action for damages as a result of reporting such information.

(b) Any state, regional or local association of registered pharmacists and the individual members of any committee thereof, which in good faith investigates or communicates information pertaining to the alleged incidents of malpractice or the qualifications, fitness or character of any ~~registered~~ pharmacist to the board of pharmacy or to any committee or agent thereof, shall be immune from liability in any civil action, that is based upon such information or transmittal of information if the investigation and communication was made in good faith and did not represent as true any matter not reasonably believed to be true.

(c) This section shall be a part of and supplemental to the pharmacy act of the state of Kansas.

Sec. 32. K.S.A. 65-2891 is hereby amended to read as follows: 65-2891. (a) Any health care provider who in good faith renders emergency care or assistance at the scene of an emergency or accident including treatment of a minor without first obtaining the consent of the parent or guardian of such minor shall not be liable for any civil damages for acts or omissions other than damages occasioned by gross negligence or by willful or wanton acts or omissions by such person in rendering such emergency care.

(b) Any health care provider may render in good faith emergency care or assistance, without compensation, to any minor requiring such care or assistance as a result of having engaged in competitive sports, without first obtaining the consent of the parent or guardian of such minor. Such health care provider shall not be liable for any civil damages other than damages occasioned by gross negligence or by willful or wanton acts or omissions by such person in rendering such emergency care.

(c) Any health care provider may in good faith render emergency care or assistance during an emergency which occurs within a hospital or elsewhere, with or without compensation, until such time as the physician employed by the patient or by his or her the patient's family or by his or her guardian assumes responsibility for such patient's professional care. The health care provider rendering such emergency care shall not be held liable for any civil damages other than damages occasioned by negligence.

(d) Any provision herein contained notwithstanding, the ordinary standards of care and rules of negligence shall apply in those cases wherein emergency care and assistance is rendered in any physician's or dentist's office, clinic, emergency room or hospital with or without compensation.

(e) As used in this section the term "health care provider" shall mean means any person licensed to practice any branch of the healing arts, licensed dentist, licensed optometrist, licensed professional nurse, licensed practical nurse, registered podiatrist, ~~registered~~ licensed pharmacist and registered physical therapist, and any physician's assistant who has successfully completed an American medical association approved training program and has successfully completed the national board examination for physicians' assistants of the American board of medical examiners, any person who has successfully completed an approved emergency service program as defined by K.S.A. 65-2891a and amendments thereto, any mobile intensive care technician who has successfully completed an approved training program required by K.S.A. 65-4308 and amendments thereto, any person who holds a valid certificate for the successful completion of a course in first aid offered by the American red cross, by the American heart association or by the mining enforcement and safety administration of the bureau of mines of the department of interior and any person engaged in a postgraduate training program approved by the state board of healing arts.

Sec. 33. K.S.A. 65-4909 is hereby amended to read as follows: 65-4909. (a) There shall be no liability on the part of and no action for damages shall arise against any state, regional or local association of health care providers, any state, regional or local association of licensed adult care home administrators or any organization delegated review functions by law, and the individual members of any committee thereof (whether or not such

individual members are health care providers or licensed adult care home administrators), which in good faith investigates or communicates information regarding the quality, quantity or cost of care being given patients by health care providers or being furnished residents of adult care homes for any act, statement or proceeding undertaken or performed within the scope of the functions and within the course of the performance of the duties of any such association, organization or committee if such association, organization or committee or such individual member thereof acted in good faith and without malice.

(b) As used in this section, "health care provider" means a person licensed to practice any branch of the healing arts or engaged in a postgraduate training program approved by the state board of healing arts, licensed dentist, licensed professional nurse, licensed practical nurse, licensed optometrist, registered podiatrist, registered licensed pharmacist or registered physical therapist.

Sec. 34. K.S.A. 74-1603 is hereby amended to read as follows: 74-1603. (a) There is hereby created a state board of pharmacy which shall consist of six members, five of whom shall be registered licensed pharmacists, and one of whom shall be a representative of the general public.

(b) Vacancies occurring on the board other than by expiration of term shall be filled for the unexpired term in the same manner as the original appointment was made. No person who has been appointed to and qualified for two terms of three years as a member of the board of pharmacy shall be eligible to be appointed as a member of the board. ~~Members of the state board of pharmacy immediately prior to the effective date of this act shall continue as members of the board and shall hold their respective offices until their terms expire and their respective successors are appointed and qualified.~~

(c) ~~On and after July 1, 1984,~~ The office of the state board of pharmacy shall be located in the city of Topeka, Kansas.

Sec. 35. K.S.A. 74-1604 is hereby amended to read as follows: 74-1604. The governor shall appoint the members of the board and such members shall serve for terms of three (3) years and until their successors are appointed and qualified. ~~The governor shall appoint the representative of the general public within thirty (30) days after the effective date of this act.~~

No pharmacist shall be eligible for appointment as a member of the board unless (a) such pharmacist has been registered as a pharmacist in Kansas for at least five years and (b) such pharmacist has been a resident of the state and actively employed in or engaged in the practice of pharmacy in Kansas for at least five years immediately preceding the date of his or her appointment.

Sec. 36. K.S.A. 74-1605 is hereby amended to read as follows: 74-1605. Upon the expiration of the term of any registered pharmacist, the state pharmaceutical association shall submit to the governor a list of registered pharmacists who meet the qualifications established by K.S.A. 74-1604 and amendments thereto, for membership on the board containing the names of not less than three (3) times the number of registered pharmacists to be appointed to the board. In making appointments to the board, the governor shall give consideration to such list of persons. Within ~~thirty (30)~~ 30 days after their appointments, appointees to the board shall each take and subscribe to the oath prescribed by law for state officers, which shall be filed in the office of the secretary of state.

Sec. 37. K.S.A. 74-1608 is hereby amended to read as follows: 74-1608. The board shall hold at least four (4) meetings each year for the transaction of such business as may legally come before it. The board shall hold at least one meeting each year for the purpose of examining applicants for registration licensure as pharmacists. Due notice of all meetings shall be given each member at least ~~ten (10)~~ 10 days prior to the date fixed for the meeting except that such notice shall not be required in those cases where a member of the board shall file a written waiver of notice with the executive secretary. The board shall make such reports of its activities as are required by K.S.A. 75-3044 to 75-3048, inclusive, or any acts amendatory thereof or supplemental thereto amendments to such statutes.

New Sec. 38. (a) Whenever registered pharmacist, or words

of like effect, is referred to or designated by a statute, rule and regulation, contract or other document in reference to a pharmacist registered under the pharmacy act of the state of Kansas, such reference or designation shall be deemed to apply to a licensed pharmacist under this act.

(b) This section shall be part of and supplemental to the pharmacy act of the state of Kansas.

Sec. 39. K.S.A. 2-2207, 7-121b, 40-1126, 47-501, 60-513d, 60-2609, 65-636, 65-1626, 65-1627, 65-1627a, 65-1627b, 65-1627c, 65-1627e, 65-1627f, 65-1627g, 65-1627h, 65-1628, 65-1628a, 65-1631, 65-1632, 65-1633, 65-1634, 65-1636, 65-1637, 65-1637a, 65-1638, 65-1641, 65-1643, 65-1644, 65-1652, 65-2891, 65-4909, 74-1603, 74-1604, 74-1605 and 74-1608 and K.S.A. 1985 Supp. 40-3401 are hereby repealed.

Sec. 40. This act shall take effect and be in force from and after June 1, 1986, and its publication in the Kansas register.

I hereby certify that the above BILL originated in the HOUSE, and passed that body March 6, 1986.

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

Passed the SENATE March 31, 1986.

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

APPROVED April 11, 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 11th day of April, 1986.

(SEAL) JACK H. BRIER
Secretary of State.

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