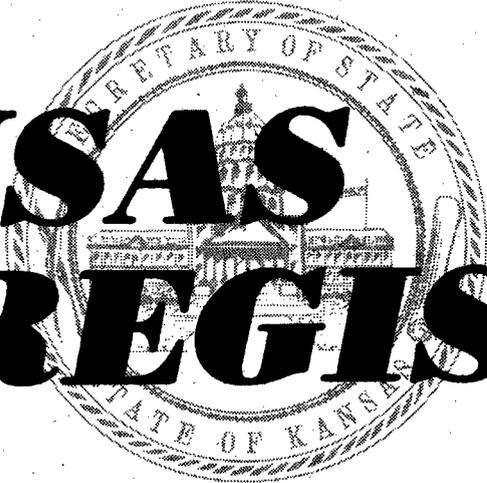


KANSAS REGISTER



State of Kansas

JACK H. BRIER
Secretary of State

Vol. 5, No. 18

May 1, 1986

Pages 681-728

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JACK H. BRIER
Secretary of State
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Topeka, KS 66612-1594



PHONE: 913/296-3489

State of Kansas

BOARD OF TECHNICAL PROFESSIONS**NOTICE OF MEETING**

The State Board of Technical Professions will meet at 8:30 a.m. Thursday, May 8, in the board office, 214 W. 6th, Room 202, Topeka. The meeting is open to the public.

BETTY ROSE
Executive Secretary

Doc. No. 004189

State of Kansas

**STATE BANK COMMISSIONER
STATE BANKING BOARD****NOTICE OF MEETING**

The State Banking Board will meet at 10 a.m. Monday, May 19, in the conference room of the State Banking Department, 700 Jackson, Suite 300, Topeka. The board reviews matters coming before it relating to its supervisory authority set forth in K.S.A. 98-1801 *et seq.*

EUGENE T. BARRETT, JR.
State Bank Commissioner

Doc. No. 004170

State of Kansas

**DEPARTMENT OF HUMAN RESOURCES
KANSAS COUNCIL ON EMPLOYMENT
AND TRAINING****NOTICE OF MEETING**

The Kansas Council on Employment and Training will meet from 9 a.m. to 2 p.m. Friday, May 2, in the Pozez Education Center, Stormont-Vail Regional Medical Center, 1500 S.W. 10th, Topeka.

The meeting agenda includes:

1. Individualized Competency-Based Instruction.
2. KCET position on SDA's negotiating for use of 8 percent administration funds.
3. Bylaw amendments.
4. Governor's letter to council related to \$1 million for dislocated farmers.
5. Policy on deobligating and redistributing carry-over funds for inmate training program mandated by the legislature.
6. Subcommittee reports.

The meeting is open to the public.

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

Doc. No. 004180

State of Kansas

**SOCIAL AND REHABILITATION SERVICES
KANSAS TASK FORCE ON
PERMANENCY PLANNING****NOTICE OF MEETING**

The Kansas Task Force on Permanency Planning will meet at 10 a.m. Friday, May 9, in Hearing Room 2, Kansas Judicial Center, 301 W. 10th, Topeka.

ROBERT C. BARNUM
Chairman, Kansas Task Force on
Permanency Planning

Doc. No. 004186

State of Kansas

**SOCIAL AND REHABILITATION SERVICES
CHILDREN AND YOUTH
ADVISORY COMMITTEE****NOTICE OF MEETING**

The Children and Youth Advisory Committee will meet at 10 a.m. Monday, May 12, in the Judicial Administrator's conference room, Judicial Center, 301 W. 10th, Topeka.

STEPHEN CLEGG, JR.
Chairman, Children and Youth
Advisory Committee

Doc. No. 004187

State of Kansas

**DEPARTMENT OF HUMAN RESOURCES
KANSAS COUNCIL ON EMPLOYMENT
AND TRAINING****NOTICE OF DISLOCATED WORKER
SUBCOMMITTEE MEETING**

The Kansas Council on Employment and Training (KCET) Dislocated Worker Subcommittee will meet at 7:30 p.m. Thursday, May 1, in the second floor conference room, 512 W. 6th, Topeka.

The committee will discuss the recently funded Dislocated Farmer Project and hear a short presentation from Marcia Schuley, Director of the Older Kansans' Employment Program in Manhattan.

The meeting is open to the public.

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

Doc. No. 004190

State of Kansas

DEPARTMENT OF ADMINISTRATION

STATE EMPLOYEES HEALTH
CARE COMMISSION

NOTICE OF MEETING

The Kansas State Employees Health Care Commission will meet at 1:30 p.m. Tuesday, May 13, in the third floor conference room, Insurance Department, 420 S.W. 9th, Topeka.

ALDEN K. SHIELDS
Chairman

Doc. No. 004192

State of Kansas

STATE CORPORATION COMMISSION

NOTICE TO INTRASTATE COMMON
AND CONTRACT MOTOR CARRIERS

Effective May 20, 1986, the State Corporation Commission shall require prefiled testimony in all intrastate common and contract motor carrier dockets where the applicant is represented by counsel. The commission directs attention to K.A.R. 82-1-229, which requires that the testimony shall be filed at least 10 days prior to the hearing.

MICHAEL LENNEN
Chairman

Doc. No. 004184

State of Kansas

LEGISLATURE

LEGISLATIVE BILLS INTRODUCED

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

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

Bills Introduced April 10-23:

SB 764, by Committee on Ways and Means: An act relating to the issuance of general obligation bonds by certain unified school districts; validating and confirming certain proceedings for the issuance of such bonds and any bonds issued thereunder.

SB 765, by Committee on Ways and Means: An act relating to the issuance of general obligation bonds by certain unified school districts; validating and confirming certain proceedings for the issuance of such bonds and any bonds issued thereunder.

SB 766, by Committee on Ways and Means: An act relating to the issuance of general obligation bonds by certain unified school districts; validating and confirming certain proceedings for the issuance of such bonds and any bonds issued thereunder.

SB 767, by Committee on Ways and Means: An act relating to the issuance of general obligation bonds by certain unified school districts; validating and confirming certain proceedings for the issuance of such bonds and any bonds issued thereunder.

SB 768, by Committee on Ways and Means: An act concerning the state park and resources authority; relating to powers thereof; amending K.S.A. 74-4510 and amendments thereto.

SB 769, by Committee on Ways and Means: An act relating to the issuance of general obligation bonds by certain cities; validating and confirming certain proceedings for the issuance of such bonds and any bonds issued thereunder.

SB 770, by Committee on Federal and State Affairs: An act concerning cigarettes and tobacco products; relating to tax stamps; amending K.S.A. 1985 Supp. 79-3311 and repealing the existing section.

SB 771, by Committee on Ways and Means: An act concerning the membership of the Kansas water authority; amending K.S.A. 74-2622, as amended by section 1 of 1986 Senate Bill No. 119, and repealing the existing section.

HB 3153, by Committee on Ways and Means: An act authorizing the conveyance of certain real property owned by the university of Kansas to the Kansas university endowment association and authorizing the acceptance and conveyance of certain real property owned by the Kansas university endowment association to the university of Kansas.

HB 3154, by Committee on Federal and State Affairs: An act concerning crimes and punishments; relating to the crime of unlawful use of weapons; amending K.S.A. 1985 Supp. 21-4201 and repealing the existing section.

HB 3155, by Committee on Ways and Means: An act concerning reserve officers' training corps programs; amending K.S.A. 74-3261 and repealing the existing section.

HB 3156, by Committee on Ways and Means: An act relating to the issuance of general obligation bonds by certain cities; validating and confirming certain proceedings for the issuance of such bonds and any bonds issued thereunder.

HB 3157, by Committee on Federal and State Affairs: An act concerning anatomical gifts; requiring hospitals to develop protocols for identifying potential organ and tissue donors; requiring that next of kin of deceased be informed of the option to donate organs and tissues of the deceased.

HB 3158, by Committee on Ways and Means: An act authorizing the secretary of social and rehabilitation services to convey to the Kansas department of transportation certain property located in Shawnee county, Kansas.

HB 3159, by Committee on Ways and Means: An act concerning the farm assistance, counseling and training referral program; amending K.S.A. 74-545 and repealing the existing section.

HB 3160, by Committee on Ways and Means: An act concerning motor vehicles; requirement for use of safety belts.

HB 3161, by Committee on Ways and Means: An act making and concerning appropriations for the fiscal years ending June 30, 1986, June 30, 1987, June 30, 1988, June 30, 1989, and June 30, 1990; authorizing certain transfers and fees, imposing certain restrictions and limitations, and directing or authorizing certain receipts, disbursements, capital improvements and acts incidental to the foregoing; amending section 3 of chapter 28 of the 1985 Session Laws of Kansas, section 4 of 1986 Senate Bill No. 522, and section 7 of 1986 Senate Bill No. 524 and repealing the existing sections; also repealing section 18 of 1986 Senate Bill No. 584.

HB 3162, by Committee on Ways and Means: An act relating to the financing of highways; relating to the taxation of motor fuels for the purpose of providing revenues therefor; concerning rates of taxes; prescribing fees for trip permits for interstate motor fuel users; providing for the allocation and distribution of proceeds of motor fuel taxes; amending K.S.A. 79-34.118, 79-34.142 and 79-34.143 and K.S.A. 1985 Supp. 79-34.141 and repealing the existing sections; and also repealing K.S.A. 79-34.147 and 79-34.148.

HB 3163, by Committee on Ways and Means: An act concerning taxation of motor-vehicle fuels; concerning the taxation of motor-vehicle fuels containing agricultural ethyl alcohol; amending K.S.A. 1985 Supp. 79-3408 and 79-34.141 and repealing the existing sections.

SR 1912, by Senators Gaines, Burke, Doyen, Feliciano, Francisco, Harder, Reilly, Steineger, Talkington, Thiessen and Warren: A resolution in memory of John C. Weeks.

SR 1913, by Senator Frey: A resolution designating the week beginning May 18, 1986, as "Kansas Tourism Week."

SR 1914, by Senator Doyen: A resolution congratulating the City of Tescott on its Centennial anniversary.

SR 1915, by Senator Winter: A resolution making specific exceptions to the limitations prescribed by subsection (e) of the house and senate.

HCR 5056, by Representative Apt: A concurrent resolution urging hospitals in Kansas to provide parents of newborns with palm prints and footprints of the newborn.

HCR 5057, by Committee on Agriculture and Small Business: A concurrent resolution relating to federal grain grade standards.

HCR 5058, by Representatives Braden and Barkis: A concurrent resolution relating to the 1986 regular session of the legislature; extending such session beyond ninety calendar days; and providing for adjournment thereof.

HCR 5059, by Representatives Apt, Adam, Knopp, O'Neal, Pottorff and Rolfs: A concurrent resolution congratulating and encouraging the Community Leadership Program and the Statewide Leadership Program for their development of leadership among the people of Kansas.

HR 6263, by Representative Smith: A resolution commending the Goodyear Tire & Rubber Company—Topeka plant for 41 years of contributions to the City of Topeka, Shawnee County and the State of Kansas.

HR 6264, by Representatives Wisdom, Dillon, Johnson, Justice, Love, Peterson, Ramirez, Reardon, Rosenau and Sutter: A resolution congratulating and commending Central Baptist Theological Seminary of Kansas City, Kansas, on its 85th anniversary.

HR 6265, by Representative Pottorff: A resolution congratulating and commending the Wichita Southeast High School girls' basketball team and its coach, Doug Kinley, on winning the 1986 Class 6A State Basketball Championship in Kansas.

HR 6266, by Representative Flottman: A resolution commending the City of Winfield for its celebration of the 125th anniversary of the statehood of Kansas.

HR 6267, by Representative Hamm: A resolution encouraging the Kansas Fish and Game Commission to develop raptor management programs.

HR 6268, by Representatives Laird and Barr: A resolution congratulating and commending the Shawnee Heights High School girls' basketball team and its coach, Mark Henry, on winning the 1986 Class 5A State Basketball Championship in Kansas.

HR 6269, by Representatives Love, Cribbs and Justice: A resolution congratulating and commending William "Chief" Price on being inducted into the Kansas State High School Activities Association Hall of Fame.

HR 6270, by Representative Snowbarger: A resolution congratulating and commending Tomahawk Elementary School, Olathe, Kansas, on being selected as a finalist in the Elementary School Recognition Program.

HR 6271, by Representative Roenbaugh: A resolution congratulating the City of Rozell on its Centennial anniversary.

HR 6272, by Representative C. Campbell: A resolution congratulating the City of Tescott on its Centennial anniversary.

HR 6273, by Representative Runnels: A resolution designating the week beginning May 18, 1986, as "Kansas Tourism Week."

HR 6274, by Representative Hayden: A resolution in memory of George Van Riper.

HR 6275, by Representative C. Campbell: A resolution congratulating the City of Beverly on its Centennial anniversary.

HR 6276, by Representative Roenbaugh: A resolution congratulating the City of Lewis on its Centennial anniversary.

HR 6277, by Representative Roenbaugh: A resolution congratulating the City of Macksville on its Centennial anniversary.

HR 6278, by Representative Fuller: A resolution commemorating the Dun and Bradstreet Corporation on its 100th anniversary of doing business in Kansas.

Doc. No. 004191

State of Kansas

ATTORNEY GENERAL

Opinion No. 86-55

Counties and County Officers—Clerk of District Court—Exemption from Limitations Imposed by County Home Rule Powers. Theodore J. Nichols, Harper County Attorney, Harper, April 17, 1986.

A county may not exempt itself by charter resolution from limitations imposed by K.S.A. 1985 Supp. 19-1322, subsection (a), which establishes limits on the tax the clerk of the district court shall impose as a filing fee for the benefit of the county law library. Such resolution would violate the limitation placed on the home rule powers a county is authorized to exercise under K.S.A. 1985 Supp. 19-101a, subsection (a)(3), that "counties may not affect the courts located therein." Cited herein: K.S.A. 19-101; K.S.A. 1985 Supp. 19-101a; K.S.A. 19-1310; K.S.A. 1985 Supp. 19-1322; K.S.A. 20-101; Kan. Const., Art. 3, § 1; Art. 12, § 5. BPA

Opinion No. 86-56

Forestry, Fish and Game—Fish Hatchery Revenue Bonds—Disposition of Bond Proceeds. Representative Larry E. Erne, 7th District, Coffeyville, April 17, 1986.

The proceeds of revenue bonds issued under the provisions of K.S.A. 1985 Supp. 32-603 may be used for research and testing of water quality at the new state fish hatchery. Cited herein: K.S.A. 1985 Supp. 32-601, 32-603, 32-606. TRH

Opinion No. 86-57

Intoxicating Liquors and Beverages—Cereal Malt Beverages—License Fees; Private Clubs.

Intoxicating Liquors and Beverages—Licensing and Regulation of Clubs—License Fees. Joseph A. Roth, Chase County Clerk, Cottonwood Falls, April 17, 1986.

Collection of the license fee authorized by K.S.A. 41-2702 for any cereal malt beverage licenses issued to class B private clubs does not conflict with the provisions of K.S.A. 41-2622. RH

Opinion No. 86-58

State Departments; Public Officers and Employees—Social and Rehabilitation Services—Licensing of Psychiatric Hospitals.

Public Health—Hospitals and Other Facilities; Licensing Inspection and Regulation. Peter Rinn, Chief Counsel, Department of Social and Rehabilitation Services, Topeka, April 17, 1986.

A facility such as Behavioral Medicine Center of Parsons, Kansas, which provides services to patients primarily diagnosed as having psychiatric or drug and alcohol abuse related problems, should be licensed as a psychiatric hospital pursuant to K.S.A. 1985 Supp. 75-3307b. JLM

Opinion No. 86-59

Automobiles and Other Vehicles—Driving Under Influence of Alcohol or Drugs; Related Provisions—Tests for Alcohol or Drugs; Weight to be Given Evidence.

Automobiles and Other Vehicles—Uniform Act Regulating Traffic; Rules of the Road—Driving Under the Influence of Alcohol or Drugs; Conviction Defined. Michael G. Glover, City Prosecutor, Lawrence, April 17, 1986.

Kansas laws pertaining to driving under the influence of alcohol allow conviction when the accused's blood or breath alcohol test (BAT) registers less than .10 as long as other supporting evidence is available. A conviction under a similar statute in another state may be considered for sentencing purposes. Cited herein: K.S.A. 1985 Supp. 8-1005; 8-1567. JLM

Opinion No. 86-60

Corporations—Miscellaneous Provisions—Reservation of Exclusive Right to Corporate Name; Reservation of the Name "Kansas, Inc." Senator Wint Winter, Jr., 2nd District, Lawrence, April 22, 1986.

Reservation of the name "Kansas, Inc." for a corporate name does not preclude the legislature from using this name in 1986 House Bill No. 2960. K.S.A. 17-7402 prevents other corporations from registering with the secretary of state under names that have been reserved. The fact that Kansas, Inc. has been reserved as the official name of a future corporation is of no consequence because the entity created by H.B. 2960 is in fact an agency of the state and is not required to register as a corporation. In addition, corporate name reservation does not prevent another entity from using that name outside its official registration. Furthermore, the right to the name "Kansas," used alone without any descriptive words, belongs to the people of the state. A private corporation, therefore, cannot adopt the name "Kansas, Inc." as such use would be in derogation of existing public rights to that name. RLN

Opinion No. 86-61

State Departments; Public Officers and Employees—Kansas Tort Claims Act—Application to Kansas Boiler Advisory Board.

State Departments; Public Officers and Employees—Department of Human Resources—Creation of Advisory Boards. Larry E. Wolgast, Secretary, Department of Human Resources, Topeka, April 22, 1986.

The Kansas Boiler Advisory Board was created pursuant to K.S.A. 75-5724, which authorizes the secretary of human resources, with the approval of the governor, to create advisory boards. Such boards are "within the department of human resources as a part thereof." Accordingly, for purposes of the Kansas Tort Claims Act, K.S.A. 75-6101 *et seq.*, the members of the board are "employees" of a governmental entity, and so are covered by the provisions thereof. JLM

ROBERT T. STEPHAN
Attorney General

Doc. No. 004177

State of Kansas

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

A public hearing will be conducted at 9 a.m. Friday, May 16, in the meeting room at the Topeka Fire Department, 324 S.E. Jefferson, Topeka, to consider the adoption of proposed rules and regulations of the Emergency Medical Services Council.

All interested parties may submit written comments prior to the hearing to the Chairman of the Emergency Medical Services Council, 111 W. 6th, Topeka 66603-3805. All interested parties will be given a reasonable opportunity at the hearing to present their views, orally, in regard to the adoption of the proposed regulations. In order to give all parties an opportunity to express their views, it may be necessary to request each participant to limit oral presentation to five minutes.

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

The text of the proposed regulations follows. The fiscal impact statement is available from the Bureau of Emergency Medical Services at the address above.

109-3-1. Application for certificate of authority to provide manual cardiac defibrillation or authorization to provide electrocardiographic monitoring. Each operator shall provide: (a) the name and address of the medical advisor and a letter from the medical advisor accepting the responsibilities prescribed by the university of Kansas school of medicine and K.A.R. 109-3-4;

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

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

(d) such other information as the director may determine is necessary to carry out the provisions of 1986 S.B. 542. This information shall be submitted on forms provided by the director. (Authorized by and implementing 1986 S.B. 542; effective, T-_____, _____.)

109-3-2. Certificate of authority to provide manual cardiac defibrillation. Each operator holding a certificate of authority shall: (a) have at least one licensed type II vehicle equipped with a monitor/defibrillator with two-channel cassette recording capability. Until expiration of the certificate of authority, the vehicle shall be staffed by qualified personnel as defined in K.A.R. 109-3-3 on a daily basis, 24 hours per day;

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

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

(d) submit a cardiac arrest report on forms provided

by the director to the university of Kansas school of medicine within 14 days of each cardiac arrest event;

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

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

(g) accept responsibility for sponsoring the training program and the monthly drills prescribed by K.A.R. 109-3-3. (Authorized by and implementing 1986 S.B. 542; effective, T-_____, _____.)

109-3-3. Qualified personnel. (a) An emergency medical technician or emergency medical technician-intermediate shall be considered "qualified personnel" as defined in 1986 S.B. 542 after successful completion of a 26-hour training program prescribed and approved by the university of Kansas school of medicine and a written and practical examination prescribed and approved by the director. All "qualified personnel" shall participate in a monthly drill supervised by the medical advisor or the advisor's authorized representative. Any "qualified personnel" designation may be withdrawn at any time by the director. Such a designation shall automatically expire upon completion of the demonstration program.

(b) Only individuals listed on the staff roster of a service holding a certificate of authority as defined in 1986 S.B. 542 shall be designated as "qualified personnel." (Authorized by and implementing 1986 S.B. 542; effective, T-_____, _____.)

109-3-4. Authorization to perform electrocardiographic monitoring. Each operator authorized to provide electrocardiographic monitoring shall: (a) have at least one licensed type II vehicle equipped with a monitor with a strip recording capability. Until the expiration of the demonstration program, the vehicle shall be staffed on a daily basis, 24 hours per day, by emergency medical technicians or emergency medical technicians-intermediate who have completed a 5-hour program in cardiac monitoring prescribed and approved by the university of Kansas school of medicine;

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

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

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

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

(f) accept responsibility for sponsoring the training program prescribed in this regulation. (Authorized by and implementing 1986 S.B. 542; effective, T-_____, _____.)

DAVID NACHTIGAL
Chairman

Doc. No. 004178

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 12, 1986

#27130

Statewide—PRINTED PLASTIC BAGS

#27133

Statewide—DESKTOP COMPUTER SYSTEMS—
AT COMPATIBLE

#27144

Statewide—WORK GLOVES

#65411

Department of Revenue, Topeka—TAX STAMPS

#65412

Department of Social and Rehabilitation Services,
Topeka—WHEELCHAIRS, Horton

#65413

Department of Social and Rehabilitation Services,
Topeka—VIDEO EQUIPMENT

#65414

University of Kansas, Lawrence—AIRPLANE
REPAIRS

#65415

Department of Administration, Division of
Information Systems and Communications, Topeka—
MAINFRAME COMPUTER SOFTWARE MONITOR

#65416

University of Kansas, Lawrence—COPIER

#65417

Kansas State University, Manhattan—NETWORK
ANALYZER

#65420

Department of Transportation, various
locations—AGRICULTURAL EQUIPMENT

#65421

Department of Transportation, various
locations—SNOW PLOWS

#65422

University of Kansas, Lawrence—
MICROCOMPUTER—COMPAQ COMPATIBLE

#65423

Topeka State Hospital, Topeka—DINING TABLES

#65496

Kansas State University, Manhattan—GRAIN

TUESDAY, MAY 13, 1986

#A-5320

Topeka State Hospital, Topeka—REPLACE
EXTERIOR DOORS, Eastman, Jarrett and Boisen
buildings

#A-5338

Department of Transportation, Topeka—
CONSTRUCT OFFICE AND SHOP BUILDING,
Wichita

#27132

Department of Administration, Building and
Grounds Services, Topeka—CAFETERIA SERVICE,
State Office Building

#65388

University of Kansas Medical Center, Kansas City—
SALE OF USED EQUIPMENT, Wichita

#65389

Fort Hays State University, Hays—SALE OF USED
COMPUTER EQUIPMENT

#65427

Kansas Technical Institute, Salina—ENGINEER'S
OPTICAL SCALE THEODOLITE WITH TRIPOD

#65428

Kansas State University, Manhattan—LOCAL
MULTIPLEXERS AND BOARD

#65429

Kansas State University, Manhattan—
MICROCOMPUTER AND WORD PROCESSING
PERIPHERALS

#65430

Kansas State University, Manhattan—VACUUM
APPARATUS

#65438

Kansas State University, Manhattan—PHYSICS
RESEARCH EQUIPMENT

#65439

Kansas State Industrial Reformatory,
Hutchinson—BUNK BEDS

#65440

University of Kansas Medical Center, Kansas
City—MEMORY EXPANSION AND SOFTWARE

#65443

University of Kansas, Lawrence—MICROSCOPE

WEDNESDAY, MAY 14, 1986

#A-5276

Osawatomie State Hospital, Osawatomie—REPLACE
ELECTRICAL CONDUITS, Building "A," Adair
Section

#A-5327

Kansas Neurological Institute, Topeka—REPLACE
CHILLER AND CONDENSING UNITS, Sunflower
Lodge

#27139

University of Kansas Medical Center, Kansas
City—FROZEN JUICES

#27143

Department of Transportation, Topeka—ANTENNAS
AND COMPONENT PARTS

#65387

University of Kansas, Lawrence and Kansas State
University, Manhattan—SALE OF USED
EQUIPMENT

#65442

University of Kansas Medical Center, Kansas
City—SOFTWARE

#65444

University of Kansas, Lawrence—LAB APPARATUS

#65454

Wichita State University, Wichita—
SPECTROMETER ATTACHMENTS

#65455

University of Kansas Medical Center, Kansas
City—GAMMA COUNTER

#65456

Youth Center at Atchison, Atchison—DORM
FURNITURE

#65457

University of Kansas, Lawrence—
SPECTROFLUOROMETER

#65465

University of Kansas, Lawrence—FARM
TRACTORS

(continued)

#65466

Department of Transportation, various locations—WATER TANKS

#65467

University of Kansas, Lawrence—MICROCOMPUTER—IBM AT COMPATIBLE

#65468

University of Kansas, Lawrence—LASER PRINTER—D.E.C. COMPATIBLE

#65469

University of Kansas, Lawrence—GAS CHROMATOGRAPH WORKSTATION

THURSDAY, MAY 15, 1986

#65472

Fort Hays State University, Hays—SLUICE GATE

#65473

Larned State Hospital, Larned—MEAT

#65474

Kansas State University, Manhattan—ELECTRICAL WIRING PROJECT, Wichita

#65477

Department of Social and Rehabilitation Services, Topeka—INSTALLATION OF CONTROLLER ON CHILLER, Salina

#65484

Statewide—USED VEHICLES

#65487

Kansas State University, Manhattan—KABSU SUPPLIES

#65488

Kansas State University, Manhattan—HPLC DETECTOR

#65493

Kansas State University, Manhattan—LAB APPARATUS

FRIDAY, MAY 16, 1986

#65483

Kansas State University, Manhattan—LAB INCUBATOR

#65485

Kansas State University, Manhattan—GAMMA DETECTOR

#65486

University of Kansas, Lawrence—CHEMISTRY ANALYZER

#65495

Department of Human Resources, Topeka—CONTINUOUS MAILERS

MONDAY, MAY 19, 1986

#27134

Department of Revenue, Topeka—CIGARETTE STAMPS (HEAT APPLIED)

WEDNESDAY, MAY 21, 1986

#65441

University of Kansas, Lawrence—CARPET

THURSDAY, MAY 22, 1986

#27135

Kansas Fish and Game Commission, Pratt—KANSAS FISH AND GAME MAGAZINE PUBLICATION—"KANSAS WILDLIFE"

FRIDAY, MAY 30, 1986

#27138

Winfield State Hospital and Training Center, Winfield—LEASE OF LAND, Cowley County

NICHOLAS B. ROACH
Director of Purchases

Doc. No. 004188

State of Kansas

STATE CORPORATION COMMISSION

NOTICE OF MOTOR CARRIER HEARINGS

Applications set for hearing are to be heard at 9:30 a.m. before the State Corporation Commission, State Office Building, 4th Floor, Topeka, unless otherwise noticed.

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

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

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

Applications set for May 22, 1986

Renoticed Application for Transfer of Certificate of Convenience and Necessity:

Carl E. Phillips, dba) Docket No. 136,060 M
Gene Phillips Trucking)
Route 2, Box 106B)
Newkirk, OK 74647) MC ID No. 106553

TO:
Wilcox & Sons, Inc.
P.O. Box 774
Garden City, KS 67846

Applicant's Attorney: John Jandera, 1610 S.W. Topeka Blvd., Topeka, KS 66612

Grain and dry fertilizer,

Between points in Sumner, Cowley, Butler and Chautauqua counties, Kansas, on the one hand, and on the other, all points in Kansas.

Lime,

Between points in Cowley County, Kansas, on the one hand, and on the other, all points in Kansas.

Dry feed,

Between points in Cowley County, Kansas, on the one hand, and on the other, all points in Kansas.

Renoticed Application for Extension and Consolidation of Certificate of Convenience and Necessity:

Wilcox & Sons, Inc.) Docket No. 81,988 M
P.O. Box 774) MC ID No. 119877
Garden City, KS 67846) Docket No. 136,060 M
) MC ID No. 106554

Applicant's Attorney: John Jandera, 1610 S.W. Topeka Blvd., Topeka, KS 66612

Grain,

Between all points and places in the state of Kansas.

Salt, dry fertilizer, feed and feed ingredients and lime,

Between Greeley, Wichita, Scott, Lane, Ness, Rush,

Barton, Rice, McPherson, Marion, Chase, Lyon, Coffey, Anderson, Linn, Hamilton, Kearny, Finney, Hodgeman, Pawnee, Stafford, Reno, Harvey, Butler, Greenwood, Woodson, Allen, Bourbon, Stanton, Grant, Haskell, Gray, Ford, Edwards, Kiowa, Pratt, Kingman, Sedgwick, Elk, Wilson, Neosho, Crawford, Morton, Stevens, Seward, Meade, Clark, Comanche, Barber, Harper, Sumner, Cowley, Chautauqua, Montgomery, Labette and Cherokee counties, Kansas, on the one hand, and on the other, all points and places in Kansas.

Application for Abandonment of Contract Carrier Permit:

Margaret Ross, dba) Docket No. 80,522 M
George W. Ross)
P.O. Box 185)
Scott City, KS 67871) MC ID No. 100326

Applicant's Attorney: None

Application for Certificate of Convenience and Necessity:

Arrow Stage Lines, Inc.) Docket No. 149,825 M
720 E. Norfolk Ave.)
Norfolk, NE 68701)

Applicant's Attorney: None

Passengers and their baggage, in charter party and special operation,

Between all points and places in Kansas.

Application for Transfer of Certificate of Convenience and Necessity:

Bulk Carriers, Inc.) Docket No. 85,288 M
P.O. Box 423)
Auburn, NE 68305) MC ID No. 100764

TO:

Petroleum Carriers Co., Inc.
5104 W. 14th
Sioux Falls, SD 57101

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

Anhydrous ammonia,

From the terminal located on the Ammonia Pipeline of Mid-America Pipeline Company located at or near Conway, Kansas, to points and places in Kansas.

From the Pipeline of Mapco located approximately 4 miles north of Clay Center, Kansas on Kansas Hwy. 15, to points and places in the state of Kansas.

Application for Extension of Certificate of Convenience and Necessity to Re-Describe the Authority:

Petroleum Carriers Co.,) Docket No. 85,288 M
Inc.)
5104 W. 14th)
Sioux Falls, SD 57101) MC ID No. 101219

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

Anhydrous ammonia,

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

Application for Transfer of Certificate of Convenience and Necessity:

Lawrence Hedge, dba) Docket No. 56,567 M
Hedge Water Hauling Co.)
115 S. 5th Ave.)
Hill City, KS 67642) MC ID No. 100580

TO:
Jerry Fellhoelter, dba
Jerry's Tank Service
401 N. Broadway
Plainville, KS 67663

Applicant's Attorney: None

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

Between all points and places in Phillips, Rooks, Ellis, Trego, Graham, Norton, Decatur, Sheridan, Gove, Rawlins, Thomas and Wallace counties, Kansas.

Application for Extension of Certificate of Convenience and Necessity:

Gerald A. Harrington, dba) Docket No. 86,514 M
Harrington Trucking)
Route 1, Box 144)
Conway Springs, KS 67031) MC ID No. 124731

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

Fertilizer (except anhydrous ammonia),

Between points and places in Hodgeman, Edwards, Gray, Ford, Kiowa, Meade, Clark, Rice, Harvey, Stafford, Reno, Pratt, Sedgwick, Kingman, Barber, Harper, Sumner, Butler, Cowley, Comanche, Finney, Ness and Pawnee counties.

Also,

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

Applications set for May 27, 1986

Application for Certificate of Convenience and Necessity:

Ben C. Holthaus, dba) Docket No. 149,824 M
Holthaus Truck Line)
Route 1)
Seneca, KS 66538)

Applicant's Attorney: None

Feeds, seeds, grain and livestock,

Between all points and places in the state of Kansas.

(continued)

Application for Certificate of Convenience and Necessity:

Greg K. Moody and) Docket No. 149,826 M
Milton K. Moody, dba)
Moody's Salvage &)
Auto Sales)
Route 1, Box 107)
Holton, KS 66436)

Applicant's Attorney: None

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

Between points and places in the counties of Jackson, Nemaha, Brown, Doniphan, Atchison, Jefferson, Douglas, Shawnee, Riley, Marshall, Pottawatomie, Wabaunsee and Leavenworth.

Also,

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

Application for Extension of Certificate of Convenience and Necessity:

Unruh Grain, Inc.) Docket No. 89,333 M
P.O. Box 95)
Copeland, KS 67837) MC ID No. 101028

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

Grain, feed, feed ingredients, fertilizer (except anhydrous ammonia), machinery, building materials and tires,

Between points and places in Kansas on and west of U.S. Interstate Hwy. 135 and U.S. Hwy. 81.

Also,

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

Application for Certificate of Convenience and Necessity:

Wedman Ford Mercury,) Docket No. 149,827 M
Inc.)
Hwy. 160 & 281 South)
Medicine Lodge, KS 67104)

Applicant's Attorney: None

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

Between all points and places in Barber County, Kansas.

Also,

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

Application for Extension of Certificate of Convenience and Necessity:

L. B. White) Docket No. 27,414 M
920 S. Cherry)
Wellington, KS 67152) MC ID No. 100184

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

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

Between all points and places in the state of Kansas.

Application for Certificate of Convenience and Necessity:

David Hilker, dba) Docket No. 149,828 M
David Hilker Trucking)
Box 877)
Cimarron, KS 67835)

Applicant's Attorney: Eugene Hiatt, 627 S. Topeka Blvd., Topeka, KS 66603-3294

Livestock,

Between all points and places in Gray, Ford, Finney, Kearney, Grant and Haskell counties, Kansas, on the one hand, and all points and places in the state of Kansas, on the other hand.

Grain,

Between all points and places west of Hwy. 81, on the one hand, and all points and places in the state of Kansas, on the other hand.

Fertilizer,

Between all points and places in Ford, Finney and Haskell counties, Kansas, on the one hand, and all points and places west of Hwy. 283, on the other hand.

Applications set for May 29, 1986

Application for Extension of Certificate of Convenience and Necessity:

Kenneth Augustine, dba) Docket No. 137,253 M
Augustine & Son)
P.O. Box 2756)
Salina, KS 67401) MC ID No. 106182

Applicant's Attorney: None

Dry bulk fertilizer, feed and feed ingredients,
Between all points and places in Kansas.

Application for Contract Carrier Permit:

G.M.C. Transport, Inc.) Docket No. 149,829 M
711 S. 3rd)
Box 67)
Leavenworth, KS 66048)

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

Petroleum products,

Between all refineries and pipeline terminals in

Kansas, on the one hand, and all points and places in Kansas, on the other. Under contract with Charles R. Wood Oil Co., Inc., of Leavenworth, Kansas.

Application for Transfer of Certificate of Convenience and Necessity:

Emporia Moving & Storage, Inc.) Docket No. 137,957 M
315 Constitution)
Emporia, KS 66801) MC ID No. 118046
TO:
M & M "Jest" Truckin', Inc.
Route 5, Box 833
Emporia, KS 66801

Applicant's Attorney: John Richeson, 2nd and Main, P.O. Box 7, Ottawa, KS 66067

Household goods,

Between all points and places in the state of Kansas.

Application for Transfer of Certificate of Convenience and Necessity:

Hoover's Inc.) Docket No. 100,023 M
Greenleaf, KS 66943) MC ID No. 101313
TO:
Girton Propane Service, Inc.
P.O. Box 606
1156 Bridge
Clay Center, KS 67432

Applicant's Attorney: Erle Francis, 714 Capitol Federal Bldg., 700 Kansas Ave., Topeka, KS 66603-3881

Unprocessed grain and soybeans,

Between all points and places in the counties of Clay, Marshall, Nemaha, Pottawatomie and Washington counties, Kansas.

Also,

Between all points and places in the counties of Clay, Marshall, Nemaha, Pottawatomie and Washington counties, Kansas, on the one hand, and all points and places in Kansas, on the other.

Application for Extension of Certificate of Convenience and Necessity:

Dale Hermon, dba) Docket No. 149,017 M
Hermon Farms)
15320 Moonlight Road)
Olathe, KS 66061) MC ID No. 124358

Applicant's Attorney: None

Feed and feed ingredients,

Between all points and places east of U.S. Hwy. 75.

Also,

Between all points and places east of U.S. Hwy. 75, on the one hand, and on the other, all points and places in the state of Kansas.

Application for Extension of Certificate of Convenience and Necessity:

Charles Robison,) Docket No. 149,459 M
Delton Robison and)
Doyle Robison, dba)
Robison Farms)
Route 1)
Scandia, KS 66966) MC ID No. 124021

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

Dry farm produce, including but not limited to grain, feed and feed ingredients, fertilizer and fertilizer ingredients and salt

Between all points and places in Kansas.

Livestock,

Between points and places in Republic, Jewell, Washington, Cloud, Mitchell, Osborne and Smith counties, Kansas.

Also,

Between all points and places in the above named counties, on the one hand, and all points and places in Kansas, on the other.

Application for Extension of Certificate of Convenience and Necessity:

Bless Trucking, Inc.) Docket No. 39,786 M
517 O'Laughlin St.)
P.O. Box 590)
Lakin, KS 67860) MC ID No. 100417

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

Livestock,

Between points and places in Wallace, Logan, Gove, Greeley, Wichita, Scott, Lane, Ness, Hamilton, Kearny, Finney, Hodgeman, Stanton, Grant, Haskell, Gray and Seward counties.

Also,

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

WILLIAM E. GREEN
Administrator
Transportation Division

Doc. No. 004185

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26-4-1 through 26-4-3	Amended	Hearings and Appeals	493, 494
26-5-1 through 26-5-7	New	In-Home Nutrition Program	494, 495
26-6-1 through 26-6-8	New	Employment Program	495, 496

AGENCY 28: DEPARTMENT OF HEALTH AND ENVIRONMENT
(Summary of text)

Regulation number	Action	Subject	Register page	
28-1-2	Amended	Diseases	524	
28-1-4	Amended		524	
28-1-6	Amended		524	
28-1-13	Amended		524	
28-1-18	Amended		524	
28-3-1 through 28-3-4	Revoked		Hearings	524
28-3-6	New			524
28-3-7	New			524
28-4-75 through 28-4-90	Revoked		Maternal and Child Health	526
28-4-92	Amended			524
28-4-115	Amended		525	
28-4-117	Amended		525	
28-4-118	Amended		525	
28-4-119a	Revoked		526	
28-4-120	Amended		525	
28-4-122 through 28-4-131	New		524, 525	
28-4-250 through 28-4-266	Revoked		527	
28-4-268 through 28-4-280	New		525, 526	
28-4-316	Amended		526	
28-4-317	Amended		526	
28-4-401 through 28-4-405	Amended		527	
28-4-405a	Amended		527	
28-4-405b	Amended		527	
28-4-406	Amended		527	

28-4-407	Amended		527
28-4-408	New		527
28-4-424	Revoked		527
28-4-425	Revoked		527
28-4-426	Amended		526
28-4-428	Amended		526
28-4-430	Amended		526
28-4-431	Amended		526
28-4-432	Revoked		527
28-4-433	Revoked		527
28-4-440	Amended		526
28-4-441	Amended		526
28-15-35	Amended	Applications for Permits; Domestic Water Supply	527
28-15-36	Amended		527
28-15-37	Amended		527
28-16-28	Revoked	Water Pollution Control	527
28-16-28a	Revoked		527
28-16-28b	New		527
28-16-28f			
28-16-56a	New		527
28-16-89	Amended		527
28-16-94	Amended		527
28-16-95	Amended		527
28-16-97	Amended		527
28-17-2	Revoked	Division of Vital Statistics	527
28-17-7 through 28-17-9	Amended		527, 528
28-17-13	Amended		528
28-17-15	Amended		528
28-17-16	Amended		528
28-19-14	Amended	Ambient Air Quality Standards and Air Pollution Control	528
28-19-14a	Amended		528
28-19-16	Amended		528
28-19-16b	Amended		528
28-19-16d	Amended		528
28-19-16g	Amended		528
28-19-16i	Amended		528
28-19-16l	Amended		528
28-19-17	Amended		528
28-19-17a	Amended		528
28-19-17b	Amended		528
28-19-18	Amended		528
28-19-18a	Amended		528
28-19-18b	Amended		528
28-19-18c	Amended		528
28-19-18e	Revoked		528
28-19-31	Amended		528
28-19-63	Amended		528
28-19-64	Amended		528
28-19-67	Amended		528
28-19-68	Amended		528
28-19-69	Amended		528
28-19-71	New		528
28-19-83	New		528
28-19-84	New		528
28-19-85	Amended		528
28-19-96			
28-19-97	Revoked		528
28-19-98	Amended		528
28-19-98a	New		528
28-19-99	Amended		528
28-19-100	Amended		528
28-19-103			
28-19-104	New		528
28-19-105	New		528
28-19-105a	New		528
28-19-106	New		528
28-19-109			
28-19-110	Reserved		
28-19-118			
28-19-119	New		528
28-19-121			
28-19-122	Reserved		
28-19-123	New		528
28-19-125			
28-19-126	Reserved		528
28-19-127	New		528
28-19-131	New		528

Regulation Number	Action	Subject	Register page
28-19-132	Reserved		528
28-19-133 through 28-19-141	New		528
28-19-142 through 28-19-148	Reserved		
28-19-149	New		528
28-19-150	Amended		528
28-19-151	Amended		528
28-19-163 through 28-19-199	Reserved		
28-23-81 through 28-23-89	New	Sanitation; Food, Drug Establishments	528
28-31-1 through 28-31-6	Amended	Hazardous Waste Management Standards and Regulations	529
28-31-8 through 28-31-10	Amended		529
28-34-3	Revoked	Hospitals	
28-34-3a	New		530
28-34-4	Revoked		
28-34-4a	New		530
28-34-9	Revoked		
28-34-9a	New		530
28-34-18	Revoked		
28-34-18a	New		530
28-34-29	Revoked		
28-34-29a	New		530
28-34-32	Revoked		
28-34-32a	New		530
28-34-62	Revoked		
28-34-62a	New		530
28-35-175 through 28-35-200	Revoked	Radiation	532
28-35-175a	New		530
28-35-176a	New		530
28-35-177a	New		530
28-35-178a	New		530
28-35-178e			
28-35-178h	New		530
28-35-178i	New		530
28-35-179a	New		530
28-35-180a	New		530
28-35-181a through 28-35-181r			530, 531
28-35-182a	New		531
28-35-182e			
28-35-183a	New		532
28-35-184a	New		532
28-35-185a	New		532
28-35-186a	New		532
28-35-187a	New		532
28-35-188a	New		532
28-35-189a	New		532
28-35-190a	New		532
28-35-191a	New		532
28-35-192a	New		532
28-35-192g			
28-35-193a	New		532
28-35-194a	New		532
28-35-195a	New		532
28-35-196a	New		532
28-35-196b	New		532
28-35-197a	New		532
28-35-198a	New		532
28-35-199a	New		532
28-35-200a	New		532
28-35-223b	New		532, 533
28-35-223d			
28-35-231b	New		533
28-39-77a	New	Licensure of Adult Care Homes	533
28-39-87	Amended	Underground Injection Control Regulations	533
28-46-1 through 28-46-42	Amended		533
28-48-1	New	Spill Reporting Regulations	533
28-48-2	New		
28-51-100 through 28-51-112	New	Home Health Agency Regulations	533, 534

AGENCY 30: DEPARTMENT OF SOCIAL AND REHABILITATION SERVICES (Summary of text)

Regulation number	Action	Subject	Register page
30-4-36	Amended	Public Assistance Program	600
30-4-39	Amended		600
30-4-41	Amended		600
30-4-53	Amended		600
30-4-56	Amended		601
30-4-57	Amended		601
30-4-62	Amended		601
30-4-78	Amended		601
30-4-85a	Amended		601
30-4-90	Amended		601
30-4-96	Amended		601
30-4-100	Amended		601
30-4-101	Amended		601
30-4-102	Amended		601
30-4-106	Amended		601
30-4-108	Amended		601
30-4-109	Amended		601
30-4-111	Amended		601
30-4-112	Amended		601
30-4-120	Amended		602
30-4-122a	Amended		602
30-4-130	Amended		602
30-4-140	Amended		602
30-5-58	Amended	Provider Participation, Scope of Services, and Reimbursement for the Medicaid (Medical Assistance) Program	602
30-5-59	Amended		602
30-5-60	Amended		602
30-5-62	Amended		602
30-5-65			
30-5-67	Amended		602
30-5-68	Amended		602
30-5-70	Amended		602
30-5-71	Amended		602
30-5-73	Amended		602
30-5-74	Revoked		603
30-5-81	Amended		603
30-5-81b	Amended		603
30-5-81q	Amended		603
30-5-81t			
30-5-84	Amended		603
30-5-84a	Amended		604
30-5-86	Amended		604
30-5-86a	Amended		604
30-5-86b	New		604, 605
30-5-86d			
30-5-88	Amended		605
30-5-89	Amended		605
30-5-89a	Amended		605
30-5-90	Amended		605
30-5-90a	Revoked		605
30-5-91	Revoked		605
30-5-92	Amended		605
30-5-94	Amended		605
30-5-100	Amended		605
30-5-101	Amended		606
30-5-101a	Amended		606
30-5-102	Amended		606
30-5-102a	Amended		606
30-5-103	Amended		606
30-5-103a	Amended		606
30-5-104	Amended		606
30-5-105	Amended		606
30-5-105a	Amended		606
30-5-106	Amended		606
30-5-108			
30-5-108a	Amended		606
30-5-110	Amended		606
30-5-110a	Amended		606
30-5-111	Amended		606
30-5-151	Amended		606
30-5-156	Amended		606

(continued)

30-5-160	Amended		606	40-1-20	Amended		646
through				40-1-22	Amended		646
30-5-162				40-1-25	Revoked		647
30-5-169	Amended		606	through			
30-6-39	Amended	Medical Assistance Program—	606	40-1-27			
30-6-50	Amended	Clients' Eligibility for	606	40-1-28	Amended		646
30-6-55	Amended	Participation	606, 607	through			
through				40-1-35			
30-6-57				40-2-3	Revoked	Life Insurance	647
30-6-63	New		607	through			
30-6-65	Amended		607	40-2-6			
30-6-73	Amended		607	40-2-7	Amended		646
30-6-74	Amended		607	through			
30-6-78	Amended		607	40-2-16			
30-6-103	Amended		607	40-2-17	New		646
30-6-105	Amended		607, 608	40-2-18	New		646
through				40-3-1	Amended	Fire and Casualty	646
30-6-113				40-3-2	Amended	Insurance	646
30-6-140	Amended		608	40-3-5	Amended		646, 647
30-7-30	Amended	Complaints, Appeals and	608	through			
30-7-35	Amended	Fair Hearings	608	40-3-32			
30-7-40	Amended		608	40-3-34	Amended		646
30-7-54	Amended		608	through			
30-10-1a	Amended	Adult Care Home Program	608	40-3-41			
through		of the Medicaid (Medical		40-4-1	Amended	Accident and Health	646, 647
30-10-1c		Assistance) Program		through		Insurance	
30-10-1e	Revoked		608	40-4-4			
30-10-7	Amended		608	40-4-12	Amended		646
30-10-9	Amended		608	40-4-13	Amended		646
30-10-11	Amended		608	40-4-17	Amended		646
30-10-17	Amended		609	40-4-18	Amended		646
30-10-18	Amended		609	40-4-19	Revoked		647
30-10-21	Amended		609	40-4-21	Amended		646, 647
30-10-24	Amended		609	through			
30-10-26	Amended		609	40-4-23			
30-12-16	Amended	Services for the Blind	609	40-4-25	Amended		646, 647
30-12-22	Amended		610	through			
30-22-10	Amended	Licensing of Psychiatric Hospitals	610	40-4-36			
		and Community Mental Health		40-5-6	Amended	Credit Insurance	646
		Centers and Facilities for the		through			
		Mentally Retarded and Facilities		40-5-10			
		for Handicapped Persons		40-5-102	Amended		646
30-41-1	Amended	Licensing of Non-Medical	610	through			
30-41-6b	Amended	Community Based Agencies	610	40-5-111			
30-41-6d	Amended	Providing Services to	610	40-7-1	Amended	Agents	646
30-41-6e	Amended	Handicapped Adults	610	40-7-5	Amended		646
30-41-6h	Amended		610	through			
30-41-7b	Amended		610	40-7-7			
30-41-7h	Amended		610	40-7-9	Amended		646
30-44-1	Revoked	Support Enforcement	610	through			
30-45-1	New	Youth Services	610, 611	40-7-11			
through				40-7-13	Amended		646
30-45-4				40-7-19	Amended		646

AGENCY 33: PARK AND RESOURCES AUTHORITY

Regulation number	Action	Subject	Register page
33-1-20	New	General Provisions	243
33-1-21	Amended		243

AGENCY 36: DEPARTMENT OF TRANSPORTATION

Regulation number	Action	Subject	Register page
36-13-32	Amended	School Bus Transportation	282
36-16-1	Amended	Highway Relocation Assistance	284

AGENCY 40: INSURANCE DEPARTMENT
(Summary of text)

Regulation number	Action	Subject	Register page			
40-1-1	Amended	General	646	40-12-1	Amended	
40-1-3	Amended		646	40-12-4	Amended	
40-1-5	Amended		646	through		
40-1-8	Amended		646	40-12-19		
through				40-13-1	Amended	Insider Stock Trading
40-1-10				through		
40-1-12	Amended		646	40-13-3		
40-1-13	Amended		646	40-13-5	Amended	
40-1-15	Amended		646	through		
through				40-13-7		
40-1-17				40-13-9	Amended	
40-1-19	Amended		646	through		
				40-13-13		

40-13-15 through 40-13-17	Amended		646
40-13-20	Amended		646
40-13-23	Amended		646
40-13-24	Amended		646
40-13-26	Amended		646
40-14-1	Amended		646
40-14-3 through 40-14-9	Amended	Insurance Premium Finance Companies	646, 647
40-15-1 through 40-15-8	Amended	Variable Annuities or Separate Accounts	646, 647
40-15a-1	Amended	Variable Life Insurance	
40-15b-1	Amended	Universal Life Insurance	

AGENCY 44: DEPARTMENT OF CORRECTIONS

Regulation number	Action	Subject	Register page
44-6-136	Amended	Good Time Credits	250
44-7-107	Amended	Programs and Activities	250
44-9-104	Amended	Parole	250
44-11-125	Amended	Community Corrections	251
44-12-306	Amended	Conduct and Penalties	251
44-12-601	Amended		251
44-13-303	Amended	Disciplinary Procedure	252
44-13-401	Amended		252
44-13-403	Amended		253
44-13-406 through 44-13-408	Amended		254
44-13-503	Amended		254
44-13-504	Amended		254
44-13-603	New		254
44-14-305a	Amended	Administrative and Disciplinary Segregation	254
44-14-308	Amended		254

AGENCY 45: KANSAS PAROLE BOARD

Regulation number	Action	Subject	Register page
45-1-1	Amended	Meaning of Terms	427
45-2-1 through 45-2-6	Revoked	Good Time Credits	427
45-4-4 through 45-4-7	Amended	Parole Hearings	427, 428
45-4-9	Amended		428
45-4-11	Revoked		428
45-4-12	Revoked		428
45-5-1	Revoked	Initial Hearings	428
45-6-1 through 45-6-3	Amended	Dockets	428
45-6-4	Revoked		428
45-6-5	Amended		428
45-6-6	Revoked		428
45-7-1 through 45-7-5	Amended	Parole Release	428, 429
45-8-1	Revoked	Parole Eligibility; In Absentia	430
45-9-1	Amended	Parole Violators	430
45-9-2	New		430
45-9-3	New		430
45-10-1	Amended	Conditional Release	430
45-11-1	Amended	Discharge	431
45-14-1	Amended	Executive Clemency	431
45-16-1	Amended	Orders of Restitution	431
45-16-2	Amended		431
45-16-3	New		431
45-16-4	New		431

AGENCY 47: MINED-LAND CONSERVATION AND RECLAMATION BOARD

Regulation number	Action	Subject	Register page
47-1-4	Amended	General	337
47-2-7	Revoked	Meaning of Terms	337
47-2-17	Revoked		337
47-2-44	Revoked		337

47-2-53	Amended		337
47-2-53a	New		337
47-2-75	Amended		337
47-3-2	Amended	Application for Mining Permit	338
47-3-3	Revoked		338
47-3-3a	New		338
47-3-4	Revoked		339
47-3-21	Revoked		339
47-3-40	Revoked		339
47-3-42	Amended		339
47-4-14	Amended	Public Hearings	340
47-4-15	Amended		340
47-6-3	Amended	Permit Review	341
47-6-4	Amended		341
47-6-5	Revoked		341
47-6-6	Amended		341
47-7-2	Amended	Coal Exploration	342
47-8-2	Revoked	Bonding Procedures	342
47-8-9	Amended		342
47-8-9a	Revoked		342
47-8-10	Revoked		342
47-9-1	Amended	Performance Standards	343
47-9-3	Revoked		343
37-9-4	New		343
47-10-1	Amended	Underground Mining	343
47-11-8	Amended	Small Operator Assistance Program	344
47-12-4	Amended	Lands Unsuitable for Surface Mining	344
47-15-1a	Amended	Inspections and Enforcement	345

AGENCY 63: BOARD OF MORTUARY ARTS

Regulation number	Action	Subject	Register page
63-1-1	Amended	Embalming; Continuing Education of Embalmers and Funeral Directors	102
63-1-3	Amended		103
63-1-8	Amended		104
63-1-12	Amended		104
63-2-15	Amended	Funeral Directing	105
63-3-20	Amended	Preparation and Transportation of Bodies; Burial in Mausoleums; Funeral Establishments	105
63-4-1	Amended	Fees	105

AGENCY 67: BOARD OF HEARING AID EXAMINERS

Regulation number	Action	Subject	Register page
67-7-4	New	Inspections	102

AGENCY 68: BOARD OF PHARMACY

Regulation number	Action	Subject	Register page
68-1-1b	Amended	Registration and Examination of Pharmacists	286
68-1-2	Amended		286
68-2-12a	Amended	Drugstores	286
68-2-21	New		286
68-4-5	Revoked	Manufacturers	286
68-5-9	Revoked	General Rules	286
68-5-14	Amended		286
68-11-1	Amended	Fees	286
68-20-9	Amended	Controlled Substances	287

AGENCY 71: DENTAL BOARD

Regulation number	Action	Subject	Register page
71-1-14	Amended	General Rules	287
71-4-1 through 71-4-3	Amended	Continuing Education Requirements	289, 290

AGENCY 74: BOARD OF ACCOUNTANCY

Regulation number	Action	Subject	Register page
74-5-202	Amended	Code of Professional Conduct	285
74-5-203	Amended		285
74-5-404	Revoked		285

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AGENCY 81: OFFICE OF THE SECURITIES COMMISSIONER

Regulation number	Action	Subject	Register page
81-2-1	Amended	Filing, Fees, Forms	379
81-5-2	Amended	Exemptions	379
81-11-2 through 81-11-12	Amended	Administrative Procedure	380-382
81-36-1	Revoked	Economic Development by	382
81-36-2	Revoked	Cities; Revenue Bonds	382

AGENCY 82: STATE CORPORATION COMMISSION

Regulation number	Action	Subject	Register page
82-1-214	Amended	Rules of Practice and Procedure	346
82-3-101	Amended	Production and Conservation of Oil and Gas	346
82-3-106	Amended		348
82-3-108	Amended		349
82-3-111	Amended		350
82-3-114	Amended		350
82-3-130	Amended		351
82-3-135	Amended		351
82-3-139	New		351
82-3-200 through 82-3-208	Amended		352-354
82-3-304	Amended		355
82-3-312	Amended		355
82-3-313	New		355
82-3-400	Amended		355
82-3-401	Amended		356
82-3-410	Amended		357
82-4-19a	New	Motor Carriers of Persons and Property	357
82-4-27c	Amended		357
82-4-27d	Revoked		357
82-4-27e	New		357
82-4-27f	New		358
82-4-46	Amended		358
82-4-49a	Revoked		358
82-4-49b through 82-4-49e	New		358, 359
82-9-6	Amended	Railroad Rates	359

AGENCY 85: ABSTRACTERS' BOARD OF EXAMINERS

Regulation number	Action	Subject	Register page
85-3-2	New	Abstract Bonds	243
85-4-1	New	Abstracter's License Fee	243
85-6-1	New	Insurance	243
85-7-1	New	Examination Fee	243

AGENCY 86: REAL ESTATE COMMISSION

Regulation number	Action	Subject	Register page
86-1-5	Amended	Examination and Registration	246
86-1-10	Amended		246
86-1-11 through 86-1-14	New		247, 248
86-2-4 through 86-2-7	New	Authority of Commission; Procedure	248, 249
86-3-20	New	Persons Holding Licenses; Duties	249

AGENCY 88: BOARD OF REGENTS

Regulation number	Action	Subject	Register page
88-3-1	Amended	Guidelines for the Determination of Residency for Fee Purposes	432
88-3-2	Amended		432
88-3-4	Amended		432
88-3-8	Amended		432
88-12-1 through 88-12-8	New	Guidelines for Participation in the Regents Voluntary Reduced Service Program	433
88-13-1	Amended	Student Assistance Programs	434
88-13-4	Amended		434

88-13-11	Amended	Authorization of Non-Public Institutions of Postsecondary Education to Confer Degrees	435
88-16-1a	Amended		435

AGENCY 91: DEPARTMENT OF EDUCATION

Regulation number	Action	Subject	Register page
91-1-27a	New	Certificate Regulations	553
91-1-27b	New		553
91-1-28	Amended		554
91-1-30	Amended		554
91-1-32a	New		555
91-1-34	Amended		555
91-1-52	Amended		556
91-1-62	Amended		557
91-1-64	Revoked		557
91-1-83	Amended		557
91-1-84	Revoked		557
91-1-91	Amended		557
91-1-93	Revoked		558
91-1-93a	New		558
91-1-94 through 91-1-100	Revoked		560
91-1-107 through 91-1-109	Revoked		560
91-1-110a	New		560
91-1-111	Revoked		560
91-1-120 through 91-1-122	Amended		560, 561
91-1-127 through 91-1-129	Revoked		561
91-1-131	Amended		561
91-1-133	Revoked		562
91-1-134	Revoked		562
91-1-136	Revoked		562
91-1-140	Revoked		562
91-1-145	Amended		562
91-1-148a	New		562
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(Published in the KANSAS REGISTER, May 1, 1986.)

NOTICE OF BOND SALE
\$773,000
GENERAL OBLIGATION BONDS
SERIES A, 1986
OF THE
CITY OF COFFEYVILLE, KANSAS
 (general obligation bonds payable
 from unlimited ad valorem taxes)

Sealed Bids

Sealed bids will be received by the undersigned, City Clerk of the City of Coffeyville, Kansas, on behalf of the governing body at the City Hall, 7th and Walnut, Coffeyville, Kansas, until 7:30 p.m. Central Time on Monday, May 12, 1986, for the purchase of \$773,000 principal amount of general obligation bonds, series A, 1986, of the city 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. No oral or auction bids will be considered.

Bond Details

The bonds will consist of fully registered bonds in denominations of \$5,000 or any integral multiple thereof, except one bond in the denomination of \$8,000, dated May 1, 1986, and becoming due serially on October 1 in the years as follows:

Year	Principal Amount
1987	\$53,000
1988	65,000
1989	80,000
1990	80,000
1991	80,000
1992	80,000
1993	80,000
1994	85,000
1995	85,000
1996	85,000

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 April 1 and October 1 in each year, beginning on April 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 city and the Attorney General of the State of Kansas.

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

The number and denominations of the bonds and

the names, addresses and social security or taxpayer identification numbers of the registered owners shall be submitted in writing by the successful bidder to the city and bond registrar at least two weeks prior to the closing date.

Redemption of Bonds Prior to Maturity

The bonds shall become due without option of prior payment.

Conditions of Bids

Proposals will be received on the bonds bearing such rate or rates of interest, not exceeding five different interest rates, 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 1/8 or 1/20 of 1 percent. The repetition of a rate will not constitute one of said maximum number of rates. 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. The difference between the highest rate specified and the lowest rate specified shall not exceed 3 percent. No bid of less than the entire par value of the bonds and accrued interest thereon to the date of delivery will be considered and no supplemental interest payments will be authorized. Each bid shall specify the total interest cost to the city during the life of the bonds on the basis of such bid, the premium, if any, offered by the bidder, and the net interest cost to the city on the basis of such bid, 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 shall also specify the average annual net interest rate to the city on the basis of such bid.

Basis of Award

The award of the bonds will be made on the basis of the lowest net interest cost to the city, which will be determined by subtracting the amount of the premium bid, if any, from the total interest cost to the city. If there is any discrepancy between the net interest cost and the average annual net interest rate specified, the specified net interest cost shall govern and the interest rates specified in the bid shall be adjusted accordingly. If two or more proper bids providing for identical amounts for the lowest net interest cost are received, the governing body shall determine which bid, if any, shall be accepted, and its determination shall be final. The city reserves the right to reject any and 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. 13-1038 *et seq.*, and K.S.A. 12-685 *et seq.*, as amended, for the purpose of paying the cost of certain street improvements in the city. The bonds and the interest thereon will constitute general obligations of the city, payable from ad valorem taxes which may be levied without limitation as to rate or amount upon all the taxable tangible property, real and personal, within the territorial limits of the city.

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 the 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.

On March 14, 1986, a joint statement was issued by key congressional leadership and the Secretary of the Treasury of the United States concerning a delay in the effective date of certain provisions of the bill. The city has relied on the joint statement in issuance of the bonds.

Legal Opinion and Tax Exemption

The bonds will be sold subject to the legal opinion of Gaar & Bell, Wichita, Kansas, bond counsel, whose approving legal opinion as to the validity of the bonds will be furnished and paid for by the city, printed on the bonds, and delivered to the successful bidder as and when the bonds are delivered. Said opinion will state that in the opinion of bond counsel, 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.

Delivery and Payment

The city will pay for printing the bonds and will deliver the same properly prepared, executed and registered without cost to the successful bidder on or before June 19, 1986, 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 city.

Good Faith Deposit

Each bid shall be accompanied by a cashier's or certified check drawn on a bank located in the United States of America equal to 2 percent of the total

amount of the bid payable to the order of the city. If a bid is accepted, said check or the proceeds thereof will be held by the city until the bidder shall have complied with all of the terms and conditions of this notice. If a bid is accepted but the city shall fail to deliver the bonds to the bidder in accordance with the terms and conditions of this notice, said check or the proceeds thereof will be returned to the bidder. If a bid is accepted but the bidder defaults in the performance of any of the terms and conditions of this notice, the proceeds of such check will be retained by the city as and for liquidated damages. No interest will be paid upon the successful bidder's good faith check.

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 city.

Bid Forms

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

Submission of Bids

Bids must be submitted in sealed envelopes addressed to the undersigned city clerk, and marked "Bond Bid." Bids may be submitted by mail or delivered in person to the undersigned at the City Hall and must be received by the undersigned prior to 7:30 p.m. Central Time on May 12, 1986.

Official Statement

The city has prepared a preliminary official statement, copies of which may be obtained from the city clerk or from the financial adviser. Upon the sale of the bonds, the city will adopt the final official statement and will furnish the successful bidder with a reasonable number of copies thereof without additional cost upon request. Additional copies may be ordered by the successful bidder at his expense.

Assessed Valuation and Indebtedness

The total assessed valuation of the taxable tangible property within the city for the year 1985 is as follows:

Equalized assessed valuation of taxable tangible property	\$26,415,336
Tangible valuation of motor vehicles	\$ 6,758,200
Equalized assessed tangible valuation for computation of bonded debt limitations	\$33,173,536

The total general obligation indebtedness of the city as of the date of the bonds, including the bonds being sold, is \$1,473,000. Temporary notes in the principal amount of \$140,000 will be retired out of proceeds of the bonds and other available funds.

(continued)

Additional Information

Additional information regarding the bonds may be obtained from the city clerk, or from the financial adviser, Stifel, Nicolaus & Company, Incorporated, 111 S. Main, Wichita, KS 67202, Attention: Steven F. Randle, (316) 264-6321.

Dated April 14, 1986.

CITY OF COFFEYVILLE, KANSAS

By Stacey Johnston, City Clerk

City Hall

7th and Walnut

Coffeyville, KS 67337

(316) 251-7000

Doc. No. 004171

(Published in the KANSAS REGISTER, May 1, 1986.)

NOTICE OF BOND SALE

\$720,000

**GENERAL OBLIGATION IMPROVEMENT
BONDS OF THE CITY OF
GARDEN CITY, KANSAS**

The city of Garden City, Kansas will receive sealed bids at the office of the City Clerk, City Administration Center, 301 N. 8th, Garden City, Kansas, until 1:30 p.m. C.D.S.T., Wednesday, May 14, 1986, for \$720,000 par value general obligation improvement 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 as of May 1, 1986, and shall mature on November 1 in each of the years and in the amounts set forth below. Such bonds will 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 semi-annually, 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 bond registrar) to the registered owners thereof upon presentation of the bonds for payment and cancellation. Interest on the bonds shall be payable in lawful money of the United States of America, by check or draft of the paying agent to the registered owners appearing on the books maintained by the bond registrar as of the 15th day of the month next preceding the interest payment dates (the record dates). The fees of the bond registrar for registration and transfer of the bonds shall be paid by the city.

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

Principal Amount	Maturity Date
\$50,000	November 1, 1987
50,000	November 1, 1988
55,000	November 1, 1989
55,000	November 1, 1990
55,000	November 1, 1991
55,000	November 1, 1992

55,000	November 1, 1993
55,000	November 1, 1994
55,000	November 1, 1995
55,000	November 1, 1996
35,000	November 1, 1997
35,000	November 1, 1998
35,000	November 1, 1999
35,000	November 1, 2000
40,000	November 1, 2001

Redemption

Bonds maturing November 1, 1997, and thereafter, are subject to a call for redemption and payment prior to their respective maturities at the option of the city on and after November 1, 1996, in whole at any time or in part in integral multiples of \$5,000 in inverse order of maturity, and by lot within maturities, on any interest payment date thereafter, at par, together with accrued interest thereon to date of redemption, without premium.

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

Interest Rate

Proposals will be received on the bonds bearing such rate or rates of interest, as may be specified by the bidder. The same rate shall apply to all bonds of the same maturity. Each interest rate specified shall be in an even multiple of 1/8 or 1/20 of 1 percent. The difference between the highest and lowest interest rates specified in any bid shall not exceed 3.5 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 the Credit Markets in New York, New York on the Monday next preceding the day on which the bonds are sold (May 12, 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 301 N. 8th, P.O. Box 499, Garden City, KS 67846, Attention: Tim Knoll, 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 par amount of the bid, and shall be payable to Treasurer, City of Garden City, 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 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 approving opinion of Winton M. Hinkle, P.A., bond counsel, of Wichita, Kansas. The number, denomination of bonds, and the names of the initial registered owners to be initially printed on the bonds shall be submitted in writing by the successful bidder to the bond registrar not later than June 6, 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 threatening 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 27, 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.

On December 17, 1985, the United States House of Representatives passed H.R. 3838, the Tax Reform Act of 1985. The bill, which presently is pending in the United States Senate, contains a number of requirements which generally are effective for all state and local obligations issued after December 31, 1985, and if the bill becomes law in its present form would be applicable to the bonds. The city will covenant to comply with the requirements of the provisions of the bill to maintain the tax-exempt status of the bonds. The opinion of bond counsel will state under existing laws and regulations, the interest on the bonds is exempt from federal income taxation and, assuming continued compliance by the city with such covenant, interest on the bonds would continue to be exempt from federal income taxation if the bill becomes law in its present form, except that for taxable years beginning after 1987, the interest on the bonds would be included in adjusted net gain for purposes of the minimum tax imposed on property and casualty insurers under Section 1023 of the bill.

Legal Opinion

Bids shall be conditioned upon the approving opin-

ion of Winton M. Hinkle, P.A., 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 the legal opinion and the expense of printing the bonds and legal opinion will be paid by the city. Said legal opinion will state in part that bonds will constitute general obligations of the city, payable as to both principal and interest from ad valorem taxes which may be levied without limitation as to rate or amount upon all of the taxable tangible property within the territorial limits of the city; and that, under existing law, the interest on said bonds is exempt from present federal income taxation and the bonds are exempt from intangible personal property taxes levied by Kansas cities, counties and townships.

Purpose of Issue

The bonds are being issued for the purpose of constructing certain internal improvements in the city of Garden City, Kansas.

CUSIP Identification Numbers

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

Assessed Valuation

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

Equalized assessed valuation of taxable tangible property	\$63,497,210.00
Tangible valuation of motor vehicles	13,045,000.00
Tangible valuation of motor vehicle dealers' inventory	1,399,780.00
Equalized assessed tangible valuation for computation of bonded debt limitations	77,941,990.00

Bonded Indebtedness

The total bonded indebtedness of the city of Garden City, Kansas, at the date hereof, including this \$720,000 proposed issue of bonds, is \$8,545,000. The city has temporary notes outstanding in the amount of \$1,342,770, of which \$886,335 will be retired from the proceeds of the bonds and certain other funds.

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 the office of the City Clerk, Garden City, Kansas, or Stern Brothers & Co., the city's financial consultant.

Dated April 9, 1986.

CITY OF GARDEN CITY, KANSAS
By Tim Knoll, City Clerk

Doc. No. 004172

(Published in the KANSAS REGISTER, May 1, 1986.)

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

**Serial Bonds Due December 1, 1986-1996
Term Bonds Due December 1, 2010**

Notice is hereby given that \$465,000 principal amount of the bonds, as listed below, are called for redemption on June 1, 1986, at the redemption price of 100 percent of the principal amount being redeemed plus accrued interest thereon to the redemption date.

The serial numbers of the coupon bonds at \$5,000 each to be redeemed in full are as follows:

202	576	895	1645	3100
242	608	1025	2965	3128
300	651	1072	2988	3157
343	686	1156	2996	3184
381	730	1240	3015	3212
407	764	1324	3029	3225
443	810	1456	3044	3240
471	835	1492	3058	3268
507	862	1576	3072	3296
537	876	1597	3088	3324

The serial numbers of the registered bonds to be redeemed in whole or in part and the principal amounts to be redeemed are as follows:

Bond Number	Total Principal	Amount Called
R-82	\$ 25,000	\$ 5,000
R-7	100,000	100,000
R-370	40,000	40,000
R-372	25,000	25,000
R-375	500,000	45,000

On June 1, 1986, all bonds designated for redemption will become due and payable upon presentation thereof to the office of the paying agent.

Coupon bonds with the December 1, 1986 coupon and all subsequent coupons attached should be presented to the office of the paying agent.

Continental Illinois National Bank
and Trust Company of Chicago
Attn: Corporate Trust Operations
30 N. LaSalle St., 16th Floor
Chicago, IL 60697

Registered bonds should be presented to the paying agent, Continental Illinois National Bank and Trust Company at the following address:

Continental Illinois National Bank
and Trust Company of Chicago
Attn: Corporate Trust Operations
30 N. LaSalle St., 16th Floor
Chicago, IL 60697.

Each holder whose bond has been redeemed in part will receive a new bond for the unredeemed portion. Interest on the bonds or portions of bonds called for redemption will cease to accrue on June 1, 1986.

Coupons for June 1, 1986 should be detached and presented in the usual manner.

Under the provisions of the Interest and Dividend Tax Compliance Act of 1983, paying agents making payments of interest or principal on corporate securities or making payments of principal on municipal securities may be obligated to withhold a 20 percent tax from remittances to individuals who have failed to furnish the paying agent with a valid taxpayer identification number. Holders of the above described securities who wish to avoid the imposition of this tax should submit certified taxpayer identification numbers when presenting their securities for collection.

Dated April 30, 1986.

By: Continental Illinois National Bank
and Trust Company of Chicago, Trustee

Doc. No. 004156

(Published in the KANSAS REGISTER, May 1, 1986.)

SENATE BILL No. 740

AN ACT relating to electric public utilities; concerning service territories of retail electric suppliers; amending K.S.A. 66-1,172, 66-1,174 and 66-1,176 and repealing the existing sections.

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

Section 1. K.S.A. 66-1,172 is hereby amended to read as follows: 66-1,172. (a) Subject to the provisions of this act, the corporation commission shall cause the state to be divided into electric service territories. Within each such territory, only one (4) retail electric supplier shall provide retail electric service, and any such territory established for a retail electric supplier pursuant to this section shall be certified to such retail electric supplier by the commission and such area shall be provided retail electric service exclusively by such supplier. Each retail electric supplier shall continue to have the right to serve all customers being served by it on the effective date of this act, except that such suppliers, by agreement approved by the commission, may otherwise provide for electric service to such customers.

(1) In all existing dual certified service territories the boundaries of the certified territory of each retail electric supplier shall be set at a line or lines substantially equidistant between such supplier's existing distribution lines and the nearest existing distribution line or lines of any other retail electric supplier in every direction, and the commission shall certify to each retail electric supplier such area which, in its entirety, is located substantially in closer proximity to its existing distribution lines than to the nearest existing distribution lines of other retail electric suppliers except that where a retail electric supplier has, on the effective date of this act, an existing distribution line located in dual certified service territory adjacent to the boundary of another retail electric supplier's single certified service territory, the boundary between the certified territories of the two retail electric suppliers shall be set at a line substantially equidistant between the existing single certified service territory boundary of the one retail electric supplier and the nearest existing distribution line of the other retail electric supplier.

(2) The single certified service territories of all retail electric suppliers certificated on the effective date of this act shall remain unchanged subject to the provisions of subsections (a)(3), (a)(4) and (a)(5).

(3) When a municipal retail electric supplier, on the effective date of this act, is the only retail supplier serving electricity within the boundaries of a single service territory certified on the effective date of this act, it shall be granted a single certified territory, the boundaries of which shall be established ~~one-half~~ ^{(4) 1/2} mile in every direction from its existing distribution lines, but no such territory shall extend beyond any boundaries of such original, single certified service territory.

(4) When a retail electric supplier, other than a municipal supplier, on the effective date of this act, is providing electric service within a single service territory then certified to it and a municipal retail electric supplier also is providing electric service in the same single certified service territory, the municipal retail electric supplier shall be granted a single certified service territory, the boundaries of which shall be established substantially equidistant between existing distribution lines of the two retail electric suppliers, but the municipal electric supplier's single certified service territory so designated shall not extend more than ~~one-half~~ ^(1/2) 1/2 mile in any direction from its distribution lines or beyond any of the original single certified service territory boundary.

(5) All single certified service territories or parts thereof existing on the effective date of this act, not assigned to a municipal retail electric supplier under provisions of this act as described in subsection (a)(3) or (a)(4) shall be retained as a single certified service territory by the originally certified retail electric supplier.

(b) The commission shall cause to be prepared, no later than June 30, 1979, maps of uniform scale to show, accurately and clearly, the boundaries of the electric service territory of each retail electric supplier, as established under subsection (a) of this section. If the commission has authorized or required electric service territories to be established pursuant to agreements of retail electric suppliers, and any retail electric supplier fails to reach agreement with any other retail electric supplier concerning the boundaries of their respective electric service territories, the commission shall have the power to fix the boundaries, for the purpose of determining the electric service territory of any retail electric supplier. Such power shall include the right to hold public hearings and in any such hearing, the commission shall consider all relevant facts including the following conditions, as they existed on the effective date of this act:

(1) The proximity of existing distribution lines of the retail electric suppliers involved;

(2) which supplier was first furnishing retail electric service, and the age of existing facilities in the area; and

(3) the prevention of duplicate electric lines and facilities furnishing retail electric service within such territory.

(c) *Notwithstanding any other provision of this act or the act of which this act is amendatory, from and after the effective date of this act and prior to July 1, 1987, each retail electric supplier shall continue to have the right to serve all customers being served by it within its certified territory as the same existed on the effective date of this act and no changes in the certified territory of any retail electric supplier shall be made during such period without the agreement of the suppliers involved and upon approval by the commission.*

The provision of this subsection shall apply to any certified territory of a retail electric supplier annexed into a city when the annexation ordinance required of K.S.A. 12-523 for any such territory has not taken effect by publication in the official city newspaper on or before the effective date of this act.

Sec. 2. K.S.A. 66-1,174 is hereby amended to read as follows: 66-1,174. (a) *Notwithstanding the provisions of subsection (b) of this section, from and after the effective date of this act and prior to July 1, 1987, each retail electric supplier shall continue to have the right to serve all customers being served by it within its certified territory as the same existed on the effective date of this act, subject to any regulations of the commission applicable thereto, regardless of whether such territory has been annexed by and included within the corporate limits of a city and no changes in such certified territory shall be made during such period without the agreement of the suppliers involved and upon approval by the commission.*

(b) A municipally owned or operated retail electric supplier shall be subject to commission jurisdiction as a public utility, as defined in K.S.A. 66-104, with respect to all operations within its certified territory extending more than three (3) miles beyond its corporate limits. A municipal retail electric supplier shall be subject to regulation by the commission in matters relating to the right to serve in the territory within three (3) miles of the

corporate city boundary, except that the commission shall have no jurisdiction concerning such retail electric supplier within its corporate limits.

Sec. 3. K.S.A. 66-1,176 is hereby amended to read as follows: 66-1,176. (a) *Except as otherwise provided in subsection (b), all rights of a retail electric supplier to provide electric service in an area annexed by a city shall terminate ~~one hundred eighty (180)~~ 180 days from the date of annexation, unless said such electric supplier is then holding a valid franchise for service in said the area granted by the annexing city. Said Such period of ~~one hundred eighty (180)~~ 180 days shall be extended to ~~two hundred ten (210)~~ 210 days from the date of annexation if a franchise is granted to said the retail electric supplier pursuant to referendum conducted according to applicable franchise laws of the state of Kansas within said such period of ~~two hundred ten (210)~~ 210 days. In the event said service rights are terminated pursuant to this section, the commission shall certify such annexed area as a single certified territory to the supplier holding a franchise for or then providing retail electric service in the city immediately prior to the annexation.*

(b) *From and after the effective date of this act and prior to July 1, 1987, each retail electric supplier shall continue to have the right to serve all customers being served by it within its certified territory as the same existed on the effective date of this act, subject to regulations of the commission applicable thereto, even though such territory has been annexed by and included within the corporate limits of a city and no changes in such certified territory shall be made during such period without the agreement of the suppliers involved and upon approval by the commission.*

New Sec. 4. If any part or parts of this act are held to be invalid or unconstitutional by any court, it shall be conclusively presumed that the legislature would have enacted the remainder of this act without such invalid or unconstitutional part or parts.

Sec. 5. K.S.A. 66-1,172, 66-1,174 and 66-1,176 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 April 8, 1986.

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

Passed the HOUSE April 11, 1986.

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

APPROVED April 23, 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 23rd day of April, 1986.

(SEAL) JACK H. BRIER
Secretary of State.

(Published in the KANSAS REGISTER, May 1, 1986.)

SENATE BILL No. 462

AN ACT concerning property taxation; authorizing the appointment of advisory hearing panels to assist county boards of equalization in hearing taxpayer appeals resulting from statewide reappraisal; authorizing the state board of tax appeals to conduct business without a quorum; amending K.S.A. 74-2433 and K.S.A. 1985 Supp. 79-1602 and repealing the existing sections.

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

Section 1. K.S.A. 1985 Supp. 79-1602 is hereby amended to read as follows: 79-1602. The county board thus constituted, or a majority of the members thereof, may on and after January 15 of each year, meet at any time that such board may deem necessary. All meetings of such board shall be held in a suitable place in the county courthouse. Such board shall on the first business day in April of each year meet for the purpose of inquiring into the valuation of real property and shall, on May 15 or the next following business day if such date shall fall on a day other than a regular business day, meet for the purpose of inquiring into the valuation of tangible personal property in the county, and shall review the appraisal rolls of the county as to accuracy, completeness and uniformity of appraisal, and shall make such changes in the appraisal of property as shall be necessary in order to secure uniform and equal application to all property.

In all cases where it shall become necessary to increase the appraised value of specific tracts or individual items of real or personal property, except where the appraised value of a class or classes of property in any area or areas of the county is raised by a general order of the state board of tax appeals applicable to all property in such class or classes for the purpose of equalization, the county clerk shall, at least 10 days prior to hearing, mail or cause to be mailed a notice to the person to be affected thereby at such person's post-office address as shown by the assessment rolls, stating in substance that it is proposed to increase the assessment of such specific tracts or individual items of such person's real or personal property, and fixing the time and place when a hearing thereon will be had.

The board shall hear and determine any appeal made by any taxpayer as to the valuation of any property in the county which may be made to the board by the owner of such property or such owner's agent or attorney, and shall perform the duties prescribed in this section. The session of the board held for the purpose of considering the valuation of real property shall commence not later than the first business day in April and shall remain in session until the last business day in April, during which time the board may adjourn from time to time as may be necessary, and at the expiration of the last business day in April, the board shall adjourn until May 5, when it shall again reconvene for the purpose of hearing appeals from persons who have been notified by the county clerk of pending changes in the valuation of their real property as provided above, but such adjourned session shall not continue for more than 10 days, after which the board shall adjourn sine die, which adjournment must be taken on or before May 15, or if such day shall fall on Sunday, then such final adjournment shall be taken on May 16 and the board shall have no authority to be in session thereafter. After such final adjournment the board shall not change the appraised or assessed valuation of the real property of any person, except for the correction of clerical errors as authorized by law, or reduce the aggregate amount of the appraised or assessed valuation of the taxable real property of the county.

The session of the board held for the purpose of considering the valuation of personal property shall commence not later than May 15 or the next following business day if such date shall fall on a day other than a regular business day and shall remain in session until the last business day in May, during which time the board may adjourn from time to time as may be necessary, and at the expiration of the last business day in May, the board shall adjourn until June 5, when it shall again reconvene for the purpose of hearing appeals from persons who have been notified by the county clerk of pending changes in the valuation of their personal property as provided above, but such adjourned session shall not continue for more than 10 days, after which the board shall adjourn sine die, which adjournment must be taken on or before June 15, or if such day shall fall on Sunday, then such final

adjournment shall be taken on June 16 and the board shall have no authority to be in session thereafter. After such final adjournment the board shall not change the appraised or assessed valuation of the personal property of any person, except for the correction of clerical errors as authorized by law or reduce the aggregate amount of the appraised or assessed valuation of the taxable personal property of the county.

The board shall provide for sufficient evening and Saturday meetings during the sessions hereinbefore prescribed for the performance of its duties as shall be necessary to hear all parties making requests for such evening or Saturday meetings.

In order to more efficiently and effectively hear and determine appeals by taxpayers or their representatives which may result from valuations of real property due to the statewide program of reappraisal of real property, the county board of equalization of Johnson county may appoint an advisory hearing panel to accomplish such purpose. Any such panel or panels shall have a membership composed of persons having experience in the field of real property appraisal and valuation and shall perform such duties and functions as may be prescribed by the county board to provide assistance in the making of its determinations relating to such taxpayer appeals. No person who has performed an appraisal of any real property the reappraised valuation of which is appealed to the county board of equalization shall be eligible to serve as a member of any such panel with respect to a hearing on the appeal of such valuation of such property. The director of property valuation shall prescribe guidelines governing the composition and duties of such panels.

Sec. 2. K.S.A. 74-2433 is hereby amended to read as follows: 74-2433. There is hereby created a state board of tax appeals, referred to in this act as the board. The board shall be composed of five members who shall be appointed by the governor, subject to confirmation by the senate as provided in K.S.A. 75-4315b and amendments thereto. Not more than three members of the board shall be of the same political party. Members of the board shall be residents of the state and one shall be appointed from each of the five congressional districts of Kansas. The members of the board shall be selected with special reference to training and experience for duties imposed by this act. Members shall hold office for terms of four years. If a vacancy occurs on the board, the governor shall appoint a successor to fill the vacancy for the unexpired term. The board shall select one of its members to serve as chairperson. ~~Three chairperson members of the board shall constitute a quorum for the transaction of business and~~ The votes of three members shall be required for any action to be taken by the board. Meetings may be called by the chairperson and shall be called on request of a majority of the members of the board and when otherwise prescribed by statute.

Any member of the state board of tax appeals may be removed by the governor for cause, after public hearing and at least 10 days' notice.

The state board of tax appeals shall have no capacity or power to sue or be sued.

Sec. 3. K.S.A. 74-2433 and K.S.A. 1985 Supp. 79-1602 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 SENATE, and passed that body February 19, 1986.

SENATE concurred in HOUSE amendments April 7, 1986.
ROBERT V. TALKINGTON
President of the Senate.
LU KENNY
Secretary of the Senate.

Passed the HOUSE as amended April 3, 1986.
MIKE HAYDEN
Speaker of the House.
GENEVA SEWARD
Chief Clerk of the House.

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,

(SEAL) JACK H. BRIER
Secretary of State.

(Published in the KANSAS REGISTER, May 1, 1986.)

SENATE BILL No. 501

AN ACT concerning the uniform controlled substances act; relating to the dispensing of schedule I substances; amending K.S.A. 65-4117 and 65-4123 and repealing the existing sections.

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

Section 1. K.S.A. 65-4117 is hereby amended to read as follows: 65-4117. (a) The board shall register an applicant to manufacture, dispense or distribute controlled substances included in K.S.A. 65-4105, 65-4107, 65-4109, 65-4111 and 65-4113, and amendments to these sections, unless it determines that the issuance of that registration would be inconsistent with the public interest. In determining the public interest, the board shall consider the following factors:

- (1) Maintenance of effective controls against diversion of controlled substances into other than legitimate medical, scientific or industrial channels;
- (2) compliance with applicable state and local law;
- (3) any conviction of the applicant under any federal and state laws relating to any controlled substance;
- (4) past experience in the manufacture, dispensing or distribution of controlled substances and the existence in the applicant's establishment of effective controls against diversion;
- (5) furnishing by the applicant of false or fraudulent material in any application filed under this act;
- (6) suspension or revocation of the applicant's federal registration to manufacture, distribute or dispense controlled substances as authorized by federal law; and
- (7) any other factors relevant to and consistent with the public health and safety.

(b) Registration under subsection (a) does not entitle a registrant to manufacture and distribute controlled substances in schedule I or II other than those specified in the registrations.

(c) Practitioners shall be registered to dispense any controlled substances or to conduct research with controlled substances in schedules II through V if they are authorized to prescribe or to conduct research under the laws of this state;

(d) Pharmacists shall be registered to dispense *schedule I designated prescription substances* and controlled substances in schedules II through V if none of the grounds for revocation, suspension or refusal to renew a registration exist at the time of application.

(e) The board need not require separate registration under this act for practitioners or pharmacists engaging in research with nonnarcotic controlled substances in schedules II through V where the registrant is already registered under this act in another capacity. Practitioners or pharmacists registered under federal law to conduct research with schedule I substances may conduct research with schedule I substances within this state upon furnishing the board evidence of that federal registration.

(f) Compliance by manufacturers and distributors with the provisions of the federal law respecting registration (excluding fees) entitles them to be registered under this act.

Sec. 2. K.S.A. 65-4123 is hereby amended to read as follows: 65-4123. (a) *Except as otherwise provided in K.S.A. 65-4117 and amendments thereto or in this subsection (a), no schedule I controlled substance may be dispensed. The board by rules and*

regulations may designate in accordance with the provisions of this subsection (a) a schedule I controlled substance as a schedule I designated prescription substance. A schedule I controlled substance designated as a schedule I designated prescription substance may be dispensed only upon the written prescription of a practitioner. Prior to designating a schedule I controlled substance as a schedule I designated prescription substance, the board shall find: (1) That the schedule I controlled substance has an accepted medical use in treatment in the United States; (2) that the public health will benefit by the designation of the substance as a schedule I designated prescription substance; and (3) that the substance may be sold lawfully under federal law pursuant to a prescription. No prescription for a schedule I designated prescription substance may be refilled.

(a) (b) Except when dispensed by a practitioner, other than a pharmacy, to an ultimate user, no controlled substance in schedule II may be dispensed without the written prescription of a practitioner. (b) In emergency situations, as defined by the rules and regulations of the board, schedule II drugs may be dispensed upon oral prescription of a practitioner reduced promptly to writing and filed by the pharmacy. ~~Prescriptions shall be retained in conformity with the requirements of K.S.A. 65-4121.~~ No prescription for a schedule II substance may be refilled.

(c) Except when dispensed by a practitioner, other than a pharmacy, to an ultimate user, a controlled substance included in schedule III or IV which is a prescription drug shall not be dispensed without a written or oral prescription of a practitioner. The prescription shall not be filled or refilled more than six months after the date thereof or be refilled more than five times.

(d) A controlled substance shall not be distributed or dispensed other than for a medical purpose. *Prescriptions shall be retained in conformity with the requirements of K.S.A. 65-4121 and amendments thereto.*

Sec. 3. K.S.A. 65-4117 and 65-4123 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 SENATE, and passed that body February 20, 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 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.

(SEAL) JACK H. BRIER
Secretary of State.

(Published in the KANSAS REGISTER, May 1, 1986.)

SENATE BILL No. 471

AN ACT relating to property taxation; exempting farm machinery and equipment held as inventory; exempting mechanic's hand tools.

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

Section 1. It is the purpose of section 2 to promote, stimulate and develop the general welfare, economic development and prosperity of the state of Kansas by fostering the growth and development of agricultural endeavors within the state. Agriculture, as conducted in farming and ranching operations throughout the state, is the primary basis of the Kansas economy. Communities, regions and the state as a whole are materially dependent upon agricultural endeavors and derive substantial financial benefit from the success of Kansas agriculture. Farming and ranching operations require the investment of large sums of capital for the farm machinery and equipment necessary to satisfactorily carry out such endeavors. It is a benefit to agriculture and the economy of the state generally to preserve readily available and affordable farm machinery and equipment within the farming communities of this state. Because of the requirements of substantial capital investment in inventory which, because of the farm economy generally, remains in inventory for more than one tax year, the property tax burden has become a deterrent to the operation of an implement business and, in many instances, an encouragement to abandonment of that business. Kansas, and all its citizens, will benefit from any improvement in the economic environment of Kansas agriculture. The exemption from the ad valorem property tax of farm machinery and equipment held in inventory during more than one tax year will constitute an incentive to agriculture and will improve the general economy of the state. Considering this state's heavy reliance on agriculture, the enhancement of agricultural endeavors is deemed to be a public purpose which will promote the general welfare of the state and be for the benefit of the people of the state.

Sec. 2. The following described property, to the extent specified in this section, shall be exempt from all property or ad valorem taxes levied under the laws of the state of Kansas:

All farm machinery and equipment held in a merchant's inventory which has been listed for tax purposes and taxed in such merchant's inventory in any preceding tax year. The term "farm machinery and equipment" means that personal property which would be exempt pursuant to K.S.A. 79-201j, and amendments thereto, if it was actually and regularly used exclusively in farming and ranching operations. The terms "merchant" and "inventory" shall have the meanings ascribed to them in K.S.A. 79-1001 and amendments thereto.

For the purposes of this section, any farm machinery and equipment, the fair market value of which has been included in the computations pursuant to K.S.A. 79-1001b, and amendments thereto for any prior tax year by the merchant claiming the exemption hereunder, shall be listed by the merchant as exempt property in all succeeding tax years during which the machinery or equipment remains in that merchant's inventory.

The provisions of this section shall apply to all taxable years commencing after December 31, 1985.

Sec. 3. The following described property, to the extent herein specified, shall be and is hereby exempt from all property or ad valorem taxes levied under the laws of the state of Kansas:

All hand tools actually and regularly used exclusively by a mechanic in the construction or repair of machinery and equipment, including motor vehicles.

The provisions of this section shall apply to all taxable years commencing after December 31, 1985.

Sec. 4. The provisions of section 2 of this act shall expire on December 31, 1988.

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

I hereby certify that the above BILL originated in the SENATE, and passed that body February 20, 1986.

SENATE concurred in HOUSE amendments April 12, 1986.

ROBERT V. TALKINGTON

President of the Senate.

LU KENNY

Secretary of the Senate.

Passed the HOUSE as amended April 3, 1986.

MIKE HAYDEN

Speaker of the House.

GENEVA SEWARD

Chief Clerk of the House.

APPROVED April 25, 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 25th day of April, 1986.

JACK H. BRIER

Secretary of State.

(SEAL)

(Published in the KANSAS REGISTER, May 1, 1986.)

SENATE BILL No. 693

AN ACT authorizing and directing the Kansas turnpike authority to study the feasibility of constructing certain turnpike projects or freeways including the methods of financing thereof; prescribing the location thereof; and concerning appropriations for 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 turnpike projects or freeways: (a) To commence and connect with the Kansas turnpike at the city of Wichita and proceeding in a westerly direction to the point where U.S. Highway 50 crosses the Kansas-Colorado border; (b) to commence and connect with the Kansas turnpike at the city of Wichita and proceeding in a westerly and southwesterly direction to the point where U.S. Highway 54 crosses the Kansas-Oklahoma border; and (c) to commence and connect with the Kansas turnpike at the city of Wichita and proceeding in a northwesterly direction to the cities of Hutchinson, Great Bend and Hays.

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

The study of the feasibility of such projects 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 each project, including those items defined as costs by K.S.A. 68-2093 and amendments thereto;

(b) a determination of the extent to which each 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 each project;

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

(f) an estimate of the cost differential between the construction of each 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 each 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 each 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 \$550,000.

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 any of such projects are feasible and shall recommend that any of such projects 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 any 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 April 4, 1986.

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

Passed the HOUSE April 12, 1986.

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

APPROVED April 22, 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 22nd day of April, 1986.

(SEAL) JACK H. BRIER
Secretary of State.

(Published in the KANSAS REGISTER, May 1, 1986.)

SENATE BILL No. 498

AN ACT concerning criminal procedure; relating to violations of fish and game laws; amending K.S.A. 32-155a and K.S.A. 1985 Supp. 22-2202 and repealing the existing sections.

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

Section 1. K.S.A. 1985 Supp. 22-2202 is hereby amended to read as follows: 22-2202. (1) "Appellate court" means the supreme court or court of appeals, depending on the context in which the term is used and the respective jurisdiction of those courts over appeals in criminal cases, as provided in K.S.A. 22-3601 and amendments thereto.

(2) "Appearance bond" means an agreement, with or without security, entered into by a person in custody by which the person is bound to comply with the conditions specified in the agreement.

(3) "Arraignment" means the formal act of calling the defendant before a court having jurisdiction to impose sentence for the offense charged, informing the defendant of the offense with which the defendant is charged, and asking the defendant whether the defendant is guilty or not guilty.

(4) "Arrest" means the taking of a person into custody in order that the person may be forthcoming to answer for the commission of a crime. The giving of a notice to appear is not an arrest.

(5) "Bail" means the security given for the purpose of insuring compliance with the terms of an appearance bond.

(6) "Bind over" means require a defendant to appear and answer before a district judge or associate district judge having jurisdiction to try the defendant for the felony with which the defendant is charged.

(7) "Charge" means a written statement presented to a court accusing a person of the commission of a crime and includes a complaint, information or indictment.

(8) "Complaint" means a written statement under oath of the essential facts constituting a crime, except that a notice to appear issued by a law enforcement officer pursuant to and in compliance with K.S.A. 8-2106 and amendments thereto or a notice to appear issued pursuant to and in compliance with K.S.A. 32-155a and amendments thereto shall be deemed a valid complaint if it is signed by the law enforcement officer.

(9) "Custody" means the restraint of a person pursuant to an arrest or the order of a court or magistrate.

(10) "Detention" means the temporary restraint of a person by a law enforcement officer.

(11) "Indictment" means a written statement, presented by a grand jury to a court, which charges the commission of a crime.

(12) "Information" means a verified written statement signed by a county attorney or other authorized representative of the state of Kansas presented to a court, which charges the commission of a crime. An information verified upon information and belief by the county attorney or other authorized representative of the state of Kansas shall be sufficient.

(13) "Law enforcement officer" means any person who by virtue of office or public employment is vested by law with a duty to maintain public order or to make arrests for violation of the laws of the state of Kansas or ordinances of any municipality thereof or with a duty to maintain or assert custody or supervision over persons accused or convicted of crime, and includes court services officers, parole officers and directors, security personnel and keepers of correctional institutions, jails or other institutions for the detention of persons accused or convicted of crime, while acting within the scope of their authority.

(14) "Magistrate" means an officer having power to issue a warrant for the arrest of a person charged with a crime and includes justices of the supreme court, judges of the court of appeals and judges of district courts.

(15) "Notice to appear" means a written request, issued by a law enforcement officer, that a person appear before a designated court at a stated time and place.

(16) "Preliminary examination" means a hearing before a magistrate on a complaint or information to determine if a felony has been committed and if there is probable cause to believe that the person charged committed it.

(17) "Prosecuting attorney" means any attorney who is authorized by law to appear for and on behalf of the state of Kansas in a criminal case, and includes the attorney general, an assistant attorney general, the county or district attorney, an assistant county or district attorney and any special prosecutor whose appearance is approved by the court. In the case of prosecution for violation of a city ordinance, also, "prosecuting attorney" means the city attorney or any assistant city attorney.

(18) "Search warrant" means a written order made by a magistrate directed to a law enforcement officer commanding the officer to search the premises described in the search warrant and to seize property described or identified in the search warrant.

(19) "Summons" means a written order issued by a magistrate directing that a person appear before a designated court at a stated time and place and answer to a charge pending against the person.

(20) "Warrant" means a written order made by a magistrate directed to any law enforcement officer commanding the officer to arrest the person named or described in the warrant.

Sec. 2. K.S.A. 32-155a is hereby amended to read as follows:

32-155a. (a) Whenever a person is charged by an officer of the Kansas forestry, fish and game commission for any violation of any of the forestry, fish and game laws of this state or the provisions of article 8 of chapter 82a of the Kansas Statutes Annotated or rules and regulations adopted by the Kansas fish and game commission punishable as a misdemeanor and is not immediately taken before a judge of the district court as required or permitted pursuant to K.S.A. 32-155 and 82a-817, and amendments thereto, the officer shall prepare a written citation containing a notice to appear in court, the name and address of the person, the offense charged, the time and place when and where the person shall appear in court and such other pertinent information as may be necessary.

(b) The time specified in the citation must be at least five (5) days after the alleged violation unless the person charged with the violation shall demand an earlier hearing.

(c) The place specified in the citation must be before a judge of the district court within the county in which the offense is alleged to have been committed and who has jurisdiction of the offense and is nearest or most accessible with reference to the place where the alleged violation occurred.

(d) The person charged with the violation may give his or her a written promise to appear in court by signing at least one copy of the written citation prepared by the officer, in which event the officer shall deliver a copy of the citation to the person, and thereupon the officer shall not take the person into physical custody for the violation.

(e) Any officer violating any provisions of this section is guilty of misconduct in office and shall be subject to removal from office.

(f) In the event the form of citation provided for in this section includes information required by law and is signed by the officer preparing the same, then such citation when filed with a court having jurisdiction shall be deemed to be a lawful complaint for the purpose of prosecution under this act.

Sec. 3. K.S.A. 32-155a and K.S.A. 1985 Supp. 22-2202 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 SENATE, and passed that body February 27, 1986.

SENATE concurred in HOUSE amendments April 11, 1986.

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

Passed the HOUSE as amended April 10, 1986.

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

APPROVED April 22, 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 22nd day of April, 1986.

(SEAL) JACK H. BRIER
Secretary of State.

(Published in the KANSAS REGISTER, May 1, 1986.)

SENATE BILL No. 711

AN ACT concerning children; relating to the admissibility of evidence in certain proceedings; amending K.S.A. 1985 Supp. 22-3433, 22-3434 and 60-460 and repealing the existing sections.

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

Section 1. K.S.A. 1985 Supp. 22-3433 is hereby amended to read as follows: 22-3433. (a) In any criminal proceeding or any proceeding pursuant to the Kansas juvenile offender's code in which a child less than 13 years of age is alleged to be a victim of the crime or offense, a recording of an oral statement of the child, made before the proceeding began is admissible in evidence if:

(1) The court determines that the time, content and circumstances of the statement provide sufficient indicia of reliability;

(2) no attorney for any party is present when the statement is made;

(3) the recording is both visual and aural and is recorded on film or videotape or by other electronic means;

(4) the recording equipment is capable of making an accurate recording, the operator of the equipment is competent and the recording is accurate and has not been altered;

(5) the statement is not made in response to questioning calculated to lead the child to make a particular statement or is clearly shown to be the child's statement and not made solely as a result of a leading or suggestive question;

(6) every voice on the recording is identified;

(7) the person conducting the interview of the child in the recording is present at the proceeding and is available to testify or be cross-examined by any party;

(8) each party to the proceeding is afforded an opportunity to view the recording before it is offered into evidence, and a copy of a written transcript transcribed by a certified shorthand reporter is provided to the parties; and

(9) the child is available to testify.

(b) If a recording is admitted in evidence under this section, any party to the proceeding may call the child to testify and be cross-examined, either in the courtroom or as provided by K.S.A. 1985 Supp. 22-3434.

Sec. 2. K.S.A. 1985 Supp. 22-3434 is hereby amended to read as follows: 22-3434. (a) On motion of the attorney for any party to a criminal proceeding or a proceeding pursuant to the Kansas juvenile offender's code in which a child less than 13 years of age is alleged to be a victim of the crime or offense, the court may order that the testimony of the child be taken:

(1) In a room other than the courtroom and be televised by closed-circuit equipment in the courtroom to be viewed by the court and the finder of fact in the proceeding; or

(2) outside the courtroom and be recorded for showing in the courtroom before the court and the finder of fact in the proceeding if: (A) The recording is both visual and aural and is recorded on film or videotape or by other electronic means; (B) the recording equipment is capable of making an accurate recording, the operator of the equipment is competent and the recording is accurate and has not been altered; (C) every voice on the recording is identified; and (D) each party to the proceeding is afforded an opportunity to view the recording before it is shown in the courtroom, and a copy of a written transcript transcribed by a certified shorthand reporter is provided to the parties.

(b) At the taking of testimony under this section:

(1) Only the attorneys for the defendant or *alleged offender*, the state and the child, any person whose presence would contribute to the welfare and well-being of the child and persons necessary to operate the recording or closed-circuit equipment may be present in the room with the child during the child's testimony;

(2) only the attorneys may question the child;

(3) the persons operating the recording or closed-circuit equipment shall be confined to an adjacent room or behind a screen or mirror that permits them to see and hear the child during the child's testimony but does not permit the child to see or hear them; and

(4) the court shall permit the defendant or *alleged offender* to observe and hear the testimony of the child in person, but shall ensure that the child cannot hear or see the defendant or *alleged offender*.

(c) If the testimony of a child is taken as provided by this section, the child shall not be compelled to testify in court during the proceeding.

(d) (1) Any objection by any party to the proceeding to a recording under subsection (a)(2) is inadmissible must be made by written motion filed with the court at least seven days before the commencement of the *trial proceeding*. An objection under this subsection shall specify the portion of the recording which is objectionable and the reasons for the objection. Failure to file an objection within the time provided by this subsection shall constitute waiver of the right to object to the admissibility of the recording unless the court, in its discretion, determines otherwise.

(2) The provisions of this subsection (d) shall not apply to any objection to admissibility for the reason that the recording has been materially altered.

Sec. 3. K.S.A. 1985 Supp. 60-460 is hereby amended to read as follows: 60-460. Evidence of a statement which is made other than by a witness while testifying at the hearing, offered to prove the truth of the matter stated, is hearsay evidence and inadmissible except:

(a) *Previous statements of persons present*. A statement previously made by a person who is present at the hearing and available for cross-examination with respect to the statement and its subject matter, provided the statement would be admissible if made by declarant while testifying as a witness.

(b) *Affidavits*. Affidavits, to the extent admissible by the statutes of this state.

(c) *Depositions and prior testimony*. Subject to the same limitations and objections as though the declarant were testifying in person, (1) testimony in the form of a deposition taken in compliance with the law of this state for use as testimony in the trial of the action in which offered or (2) if the judge finds that the declarant is unavailable as a witness at the hearing, testimony given as a witness in another action or in a preliminary hearing or former trial in the same action, or in a deposition taken in compliance with law for use as testimony in the trial of another action, when (A) the testimony is offered against a party who offered it in the party's own behalf on the former occasion or against the successor in interest of such party or (B) the issue is such that the adverse party on the former occasion had the right and opportunity for cross-examination with an interest and motive similar to that which the adverse party has in the action in which the testimony is offered, but the provisions of this subsection (c) shall not apply in criminal actions if it denies to the accused the right to meet the witness face to face.

(d) *Contemporaneous statements and statements admissible on ground of necessity generally*. A statement which the judge finds was made (1) while the declarant was perceiving the event or condition which the statement narrates, describes or explains, (2) while the declarant was under the stress of a nervous excitement caused by such perception or (3) if the declarant is unavailable as a witness, by the declarant at a time when the matter had been recently perceived by the declarant and while the declarant's recollection was clear and was made in good faith prior to the commencement of the action and with no incentive to falsify or to distort.

(e) *Dying declarations*. A statement by a person unavailable as a witness because of the person's death if the judge finds that it was made (1) voluntarily and in good faith and (2) while the declarant was conscious of the declarant's impending death and believed that there was no hope of recovery.

(f) *Confessions*. In a criminal proceeding as against the accused, a previous statement by the accused relative to the offense charged, but only if the judge finds that the accused (1) when making the statement was conscious and was capable of understanding what the accused said and did and (2) was not induced to make the statement (A) under compulsion or by infliction or threats of infliction of suffering upon the accused or another, or by prolonged interrogation under such circumstances as to render the statement involuntary or (B) by threats or promises concerning action to be taken by a public official with reference to the crime, likely to cause the accused to make such a statement falsely, and made by a person whom the accused reasonably believed to have the power or authority to execute the same.

(g) *Admissions by parties*. As against a party, a statement by the person who is the party to the action in the person's individual or a representative capacity and, if the latter, who was acting in such representative capacity in making the statement.

(h) *Authorized and adoptive admissions*. As against a party, a statement (1) by a person authorized by the party to make a statement or statements for the party concerning the subject of the statement or (2) of which the party with knowledge of the content thereof has, by words or other conduct, manifested the party's adoption or belief in its truth.

(i) *Vicarious admissions*. As against a party, a statement which would be admissible if made by the declarant at the hearing if (1) the statement concerned a matter within the scope of an agency or employment of the declarant for the party and was made before the termination of such relationship, (2) the party and the declarant were participating in a plan to commit a crime or a civil wrong and the statement was relevant to the plan or its subject matter and was made while the plan was in existence and before its complete execution or other termination or (3) one of the issues between the party and the proponent of the evidence of the statement is a legal liability of the declarant, and the statement tends to establish that liability.

(j) *Declarations against interest*. Subject to the limitations of exception (f), a statement which the judge finds was at the time of the assertion so far contrary to the declarant's pecuniary or proprietary interest or so far subjected the declarant to civil or criminal liability or so far rendered invalid a claim by the declarant against another or created such risk of making the declarant an object of hatred, ridicule or social disapproval in the community that a reasonable person in the declarant's position would not have made the statement unless the person believed it to be true.

(k) *Voter's statements*. A statement by a voter concerning the voter's qualifications to vote or the fact or content of the voter's vote.

(l) *Statements of physical or mental condition of declarant*. Unless the judge finds it was made in bad faith, a statement of the declarant's (1) then existing state of mind, emotion or physical sensation, including statements of intent, plan, motive, design, mental feeling, pain and bodily health, but not including memory or belief to prove the fact remembered or believed, when such a mental or physical condition is in issue or is relevant to prove or explain acts or conduct of the declarant or (2) previous symptoms, pain or physical sensation, made to a physician consulted for treatment or for diagnosis with a view to treatment, and relevant to an issue of declarant's bodily condition.

(m) *Business entries and the like*. Writings offered as memoranda or records of acts, conditions or events to prove the facts stated therein, if the judge finds that (1) they were made in the regular course of a business at or about the time of the act, condition or event recorded and (2) the sources of information from which made and the method and circumstances of their preparation were such as to indicate their trustworthiness.

(continued)

If the procedure specified by subsection (b) of K.S.A. 1985 Supp. 60-245a for providing business records has been complied with and no party has required the personal attendance of a custodian of the records or the production of the original records, the affidavit of the custodian shall be prima facie evidence that the records satisfy the requirements of this subsection.

(n) *Absence of entry in business records.* Evidence of the absence of a memorandum or record from the memoranda or records of a business of an asserted act, event or condition, to prove the nonoccurrence of the act or event, or the nonexistence of the condition, if the judge finds that it was the regular course of that business to make such memoranda of all such acts, events or conditions at the time thereof or within a reasonable time thereafter and to preserve them.

(o) *Content of official record.* Subject to K.S.A. 60-461 and amendments thereto, (1) if meeting the requirements of authentication under K.S.A. 60-465 and amendments thereto, to prove the content of the record, a writing purporting to be a copy of an official record or of an entry therein or (2) to prove the absence of a record in a specified office, a writing made by the official custodian of the official records of the office, reciting diligent search and failure to find such record.

(p) *Certificate of marriage.* Subject to K.S.A. 60-461 and amendments thereto, certificates that the maker thereof performed marriage ceremonies, to prove the truth of the recitals thereof, if the judge finds that (1) the maker of the certificates, at the time and place certified as the times and places of the marriages, was authorized by law to perform marriage ceremonies and (2) the certificate was issued at that time or within a reasonable time thereafter.

(q) *Records of documents affecting an interest in property.* Subject to K.S.A. 60-461 and amendments thereto, the official record of a document purporting to establish or affect an interest in property, to prove the content of the original recorded document and its execution and delivery by each person by whom it purports to have been executed, if the judge finds that (1) the record is in fact a record of an office of a state or nation or of any governmental subdivision thereof and (2) an applicable statute authorized such a document to be recorded in that office.

(r) *Judgment of previous conviction.* Evidence of a final judgment adjudging a person guilty of a felony, to prove any fact essential to sustain the judgment.

(s) *Judgment against persons entitled to indemnity.* To prove the wrong of the adverse party and the amount of damages sustained by the judgment creditor, evidence of a final judgment if offered by a judgment debtor in an action in which the debtor seeks to recover partial or total indemnity or exoneration for money paid or liability incurred by the debtor because of the judgment, provided the judge finds that the judgment was rendered for damages sustained by the judgment creditor as a result of the wrong of the adverse party to the present action.

(t) *Judgment determining public interest in land.* To prove any fact which was essential to the judgment, evidence of a final judgment determining the interest or lack of interest of the public or of a state or nation or governmental division thereof in land, if offered by a party in an action in which any such fact or such interest or lack of interest is a material matter.

(u) *Statement concerning one's own family history.* A statement of a matter concerning a declarant's own birth, marriage, divorce, legitimacy, relationship by blood or marriage, race-ancestry or other similar fact of the declarant's family history, even though the declarant had no means of acquiring personal knowledge of the matter declared, if the judge finds that the declarant is unavailable.

(v) *Statement concerning family history of another.* A statement concerning the birth, marriage, divorce, death, legitimacy, race-ancestry, relationship by blood or marriage or other similar fact of the family history of a person other than the declarant if the judge finds that the declarant (1) was related to the other by blood or marriage, or was otherwise so intimately associated with the other's family as to be likely to have accurate information concerning the matter declared, and made the statement as upon information received from the other or from a person related by blood or marriage to the other or as upon repute in the other's family and (2) is unavailable as a witness.

(w) *Statement concerning family history based on statement of another declarant.* A statement of a declarant that a statement admissible under exceptions (u) or (v) was made by another declarant, offered as tending to prove the truth of the matter declared by both declarants, if the judge finds that both declarants are unavailable as witnesses.

(x) *Reputation in family concerning family history.* Evidence of reputation among members of a family, if the reputation concerns the birth, marriage, divorce, death, legitimacy, race-ancestry or other fact of the family history of a member of the family by blood or marriage.

(y) *Reputation — boundaries, general history, family history.* Evidence of reputation in a community as tending to prove the truth of the matter reputed, if the reputation concerns (1) boundaries of or customs affecting, land in the community and the judge finds that the reputation, if any, arose before controversy, (2) an event of general history of the community or of the state or nation of which the community is a part and the judge finds that the event was of importance to the community or (3) the birth, marriage, divorce, death, legitimacy, relationship by blood or marriage, or race-ancestry of a person resident in the community at the time of the reputation, or some other similar fact of the person's family history or of the person's personal status or condition which the judge finds likely to have been the subject of a reliable reputation in that community.

(z) *Reputation as to character.* If a trait of a person's character at a specified time is material, evidence of the person's reputation with reference thereto at a relevant time in the community in which the person then resided or in a group with which the person then habitually associated, to prove the truth of the matter reputed.

(aa) *Recitals in documents affecting property.* Evidence of a statement relevant to a material matter, contained in a deed of conveyance or a will or other document purporting to affect an interest in property, offered as tending to prove the truth of the matter stated, if the judge finds that (1) the matter stated would be relevant upon an issue as to an interest in the property and (2) the dealings with the property since the statement was made have not been inconsistent with the truth of the statement.

(bb) *Commercial lists and the like.* Evidence of statements of matters of interest to persons engaged in an occupation contained in a list, register, periodical or other published compilation, to prove the truth of any relevant matter so stated, if the judge finds that the compilation is published for use by persons engaged in that occupation and is generally used and relied upon by them.

(cc) *Learned treatises.* A published treatise, periodical or pamphlet on a subject of history, science or art, to prove the truth of a matter stated therein, if the judge takes judicial notice, or a witness expert in the subject testifies, that the treatise, periodical or pamphlet is a reliable authority in the subject.

(dd) *Actions involving children.* In a criminal proceeding or a proceeding pursuant to the Kansas juvenile offender's code or in a proceeding to determine if a child is a deprived child under the Kansas juvenile code or a child in need of care under the Kansas code for care of children, a statement made by a child, to prove the crime or that the child is a deprived child juvenile offender or a child in need of care, if:

(1) The child is alleged to be a victim of the crime or offense, a deprived child or a child in need of care; and

(2) the trial judge finds, after a hearing on the matter, that the child is disqualified or unavailable as a witness, the statement is apparently reliable and the child was not induced to make the statement falsely by use of threats or promises.

If a statement is admitted pursuant to this subsection in a trial to a jury, the trial judge shall instruct the jury that it is for the jury to determine the weight and credit to be given the statement and that, in making the determination, it shall consider the age and maturity of the child, the nature of the statement, the circumstances under which the statement was made, any possible threats or promises that might have been made to the child to obtain the statement and any other relevant factor.

Sec. 4. K.S.A. 1985 Supp. 22-3433, 22-3434 and 60-460 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 4, 1986.

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

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.

(SEAL) JACK H. BRIER
Secretary of State.

(Published in the KANSAS REGISTER, May 1, 1986.)

HOUSE BILL No. 2959

AN ACT relating to countywide retailers' sales taxes; concerning the apportionment and use of revenues therefrom; amending K.S.A. 1985 Supp. 12-192 and repealing the existing section.

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

Section 1. K.S.A. 1985 Supp. 12-192 is hereby amended to read as follows: 12-192. (a) All revenue received by any county treasurer from a countywide retailers' sales tax shall be apportioned among the county and each city located in such county in the following manner: (1) One-half of all revenue received by the county treasurer shall be apportioned among the county and each city located in such county in the proportion that the total tangible property tax levies made in such county in the preceding year for all funds of each such governmental unit bear to the total of all such levies made in the preceding year, and (2) except as provided by paragraph (3), $\frac{1}{2}$ of all revenue received by the county treasurer from such countywide retailers' sales tax shall be apportioned among the county and each city located in such county, first to the county that portion of the revenue equal to the proportion that the population of the county residing in the unincorporated area of the county bears to the total population of the county, and second to the cities in the proportion that the population of each city bears to the total population of the county, except that no persons residing within the Fort Riley military reservation shall be included in the determination of the population of any city located within Riley county, or (3) one-half of all revenue received by the county treasurer of Geary county from countywide retailers' sales taxes levied in any year shall be apportioned among the county and each city located in such county, first to the county that portion of the revenue equal to the proportion that the population of the county residing in the unincorporated area of the county less the population residing on a military reservation bears to the total population of the county less the population residing on a military reservation, and second to the cities in the proportion that the population of each city bears to the total population of the county less the population residing on a military reservation. All revenue retained by the county shall be paid into the general fund of the county.

(b) For purposes of subsection (a), the term "total tangible property tax levies" means the aggregate dollar amount of tax

revenue derived from ad valorem tax levies applicable to all tangible property located within each such city or county. The ad valorem property tax levy of any county or city district entity or subdivision shall be included within this term if the levy of any such district entity or subdivision is applicable to all tangible property located within each such city or county.

(c) All revenue apportioned to the several cities of the county shall be paid to the respective treasurers thereof and deposited in the general fund of the city. Whenever the territory of any city is located in two or more counties and any one or more of such counties do not levy a countywide retailers' sales tax, or whenever such counties do not levy countywide retailers' sales taxes at a uniform rate, the revenue received by such city from the proceeds of the countywide retailers' sales tax shall, as an alternative to depositing the same in the general fund, may be used for the purpose of reducing the tax levies of such city upon the taxable tangible property located within the county levying such countywide retailers' sales tax, except when the county which does not levy a countywide sales tax has within its bounds a portion of the Fort Riley military reservation, the city in the county which levies the tax shall be exempt from this requirement. In every other case, all revenue received by a city from the proceeds of a city or countywide retailers' sales tax shall be deposited in the general fund of such taxing subdivision.

(d) Prior to March 1 of each year, the director of taxation shall advise each county treasurer of the revenue collected in such county from the state retailers' sales tax for the preceding calendar year.

Sec. 2. K.S.A. 1985 Supp. 12-192 is hereby repealed.

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

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

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

Passed the SENATE April 4, 1986.

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

APPROVED April 22, 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 22nd day of April, 1986.

(SEAL) JACK H. BRIER
Secretary of State.

(Published in the KANSAS REGISTER, May 1, 1986.)

HOUSE BILL No. 3124

AN ACT concerning health care facilities and services hospital district; amending K.S.A. 80-2550 and 80-2552 and repealing the existing sections.

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

Section 1. K.S.A. 80-2550 is hereby amended to read as follows: 80-2550. As used in this act:

(a) "Board" means a board which is vested with the management and control of a health care facilities and services hospital district;

(b) "health care facilities and services hospital district" means a hospital district;

(1) Which was established under the provisions of article 21 of chapter 80 of Kansas Statutes Annotated prior to the effective date of this act;

(2) in which no hospital is being operated and maintained; and or in which the operation of a hospital has been terminated; and

(3) in which health care facilities and services are being operated and maintained;

(c) "health care facilities and services" means any clinic, long-term-care facility, home for the aged, and emergency medical or ambulance services;

(d) "hospital" means a medical care facility as defined in K.S.A. 65-425 and amendments thereto.

Sec. 2. K.S.A. 80-2552 is hereby amended to read as follows: 80-2552. Any health care facilities and services hospital district existing and operating on the effective date of this act shall be deemed a hospital district to the same extent as though the same were a hospital district in which a hospital is being operated and maintained and shall be controlled, financed, operated, managed and maintained as provided by the general law relating to such hospital districts and shall be subject to the limitations and restrictions provided by such general law. The determination of the number of members of any existing health care facilities and services hospital district, the method of selection and the terms, qualifications, organization, meetings and compensation thereof shall be as provided by the general law relating to boards of hospital districts in which a hospital is being operated and maintained and every such board of an existing health care facilities and services hospital district shall have the same powers, duties and functions that are prescribed by law for boards of hospital districts in which a hospital is being operated and maintained.

Sec. 3. K.S.A. 80-2550 and 80-2552 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 April 3, 1986.

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

Passed the SENATE April 11, 1986.

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

APPROVED April 25, 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 25th day of April, 1986.

(SEAL)

JACK H. BRIER
Secretary of State.

(Published in the KANSAS REGISTER, May 1, 1986.)

HOUSE BILL No. 2635

AN ACT relating to state moneys; concerning the investment thereof; amending K.S.A. 75-4201 and repealing the existing section.

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

Section 1. K.S.A. 75-4201 is hereby amended to read as follows: 75-4201. As used in this act, unless the context otherwise requires:

(a) "Treasurer" means state treasurer.

(b) "Controller" means director of accounts and reports.

(c) "Board" means the pooled money investment board.

(d) "Bank" means a state or national bank or trust company doing business within the state of Kansas.

(e) "State moneys" means all moneys in the treasury of the state or coming lawfully into the possession of the treasurer.

(f) "Custodial moneys" means state moneys deposited with the treasurer which, in the written opinion of the attorney general, are required by contract, bequest or law to be segregated from other bank accounts.

(g) "Special moneys" means moneys which are required to be or are deposited in a custodial bank account or a fee agency account by the state or any agency thereof.

(h) "State bank account" means state or special moneys deposited in a designated bank in accordance with the provisions of this act.

(i) "Active account" means a state bank account which (1) is payable or withdrawable, in whole or in part, on demand, and (2) is in a bank not having an inactive account.

(j) "Inactive account" means a state bank account which is not payable on demand but shall not include custodial accounts.

(k) "Time deposit, open account" means a state bank account which is a deposit, other than a time certificate of deposit, with respect to which there is in force a written contract which provides that neither the whole nor any part of such deposit may be withdrawn, by check or otherwise, prior to the date of maturity or the expiration of the period of notice which must be given by the board in writing.

(l) "Custodial account" means a state bank account of custodial moneys.

(m) "Fee agency account" means a state bank account of any state agency consisting of fees, tuition or charges authorized by law prior to remittance to the state treasurer.

(n) "Disbursement" means a payment of any kind whatsoever made from the state treasury or from any active account, except transfer of state or special moneys between or among active accounts and inactive accounts or either or both of them.

(o) "Interest period" means three months commencing on the date an inactive account is initially deposited, and each three months thereafter, and in the case of time deposit, open accounts means the period of the deposit but not exceeding three months.

(p) "Securities" means any one or more of the following:

(1) Direct obligations of, or obligations that are insured as to principal and interest by, the United States government or any agency thereof and obligations and securities of United States sponsored corporations which under federal law may be accepted as security for public funds.

(2) Kansas municipal bonds which are general obligations of the municipality issuing the same.

(3) Revenue bonds of any agency or arm of the state of Kansas.

(4) Revenue bonds of any municipality, as defined by K.S.A. 10-101, and amendments thereto, within the state of Kansas or bonds issued by a public building commission as authorized by K.S.A. 12-1761, and amendments thereto, if approved by the state bank commissioner, except (A) bonds issued under the provisions of K.S.A. 12-1740 et seq., and amendments thereto, unless such bonds are rated at least MIG-1 or Aa by Moody's

Investors Service or AA by Standard & Poor's Corp. and (B) bonds secured by revenues of a utility which has been in operation for less than three years: Any expense incurred in connection with granting approval of revenue bonds shall be paid by the applicant for approval.

(5) Temporary notes of any municipal corporation or quasi-municipal corporation within the state of Kansas which are general obligations of the municipal corporation or quasi-municipal corporation issuing the same.

(6) Warrants of any municipal corporation or quasi-municipal corporation within the state of Kansas the issuance of which is authorized by the state board of tax appeals and which are payable from the proceeds of a mandatory tax levy.

(7) Bonds of any municipal or quasi-municipal corporation of the state of Kansas which have been refunded in advance of their maturity and are fully secured as to payment of principal and interest thereon by deposit in trust, under escrow agreement with a bank, of direct obligations of, or obligations the principal of and the interest on which are unconditionally guaranteed by, the United States of America. A copy of such escrow agreement shall be furnished to the treasurer.

(8) All of such securities shall be current as to interest according to the terms thereof.

(9) Whenever a bond is authorized to be pledged as a security under this section, such bond shall be accepted as a security if: (i) In the case of a certificated bond, it is assigned, delivered or pledged to the holder of the deposit for security; (ii) in the case of an uncertificated bond, registration of a pledge of the bond is authorized by the system and the pledge of the uncertificated bond is registered; or (iii) in a form approved by the attorney general, which assures the availability of the bond proceeds pledged as a security for public deposits.

Sec. 2. K.S.A. 75-4201 is hereby repealed.

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

I hereby certify that the above BILL originated in the HOUSE, and passed that body April 3, 1986.

HOUSE concurred in SENATE amendments April 12, 1986.

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

Passed the SENATE as amended April 11, 1986.

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

APPROVED April 25, 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 25th day of April, 1986.

(SEAL)

JACK H. BRIER
Secretary of State.

(Published in the KANSAS REGISTER, May 1, 1986.)

HOUSE BILL No. 3016

AN ACT concerning the employment security law; relating to expenditures from special employment security fund; amending K.S.A. 1985 Supp. 44-716a and repealing the existing section.

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

Section 1. K.S.A. 1985 Supp. 44-716a is hereby amended to read as follows: 44-716a. (a) There is hereby created in the state treasury a special fund to be known as the special employment security fund. All interest and penalties collected under the provisions of the Kansas employment security law shall be paid into this fund. No such moneys shall be expended or available for expenditure in any manner which would permit their substitution for (, or a corresponding reduction in), federal funds which in the absence of such moneys would be available to finance expenditures for the administration of the employment security law. Nothing in this section shall prevent such moneys from being used as a revolving fund, to cover expenditures (, necessary and proper under the law), for which federal funds have been duly requested but not yet received, subject to the charging of such expenditures against such funds when received. Except as otherwise authorized by this section, the moneys in this fund may be used by the secretary of human resources only for the payment of costs of administration which are found not to have been properly and validly chargeable against federal grants (, or other funds), received for or in the employment security administration fund. *In addition to the other purposes for which expenditures may be made from the special employment security fund as authorized by this section, moneys from this fund may be used to finance activities as deemed necessary by the secretary of human resources for the efficient operation of activities under or the administration of the employment security law, except that (1) no moneys shall be used for such purposes unless the secretary has determined that no other funds are available or can be properly used to finance expenditures for such purposes and (2) expenditures during any fiscal year for such purposes shall not exceed \$100,000 except upon approval of the state finance council acting on this matter which is hereby characterized as a matter of legislative delegation and subject to the guidelines prescribed by subsection (c) of K.S.A. 75-3711c and amendments thereto.* No expenditures of this fund shall be made except on written authorization by the governor and the secretary of human resources.

(b) The director of accounts and reports is hereby directed to draw warrants upon the state treasurer against the money in the special employment security fund for the use and purposes as herein specified upon vouchers, approved by the secretary of human resources, and accompanied by the written authorization of the governor and the secretary of human resources. The moneys in this fund are hereby specifically made available to replace, within a reasonable time, any moneys received by this state pursuant to section 302 of the federal social security act, as amended, which, because of any action or contingency, have been lost or have been expended for purposes other than, or in amounts in excess of, those necessary for the proper administration of the employment security law. The moneys in this fund shall be continuously available to the secretary of human resources for expenditure in accordance with the provisions of this section and shall not lapse at any time or be transferred to any other fund, except as otherwise authorized in subsection (c).

(c) In addition to expenditures authorized by this section, the director of accounts and reports may transfer funds from the special employment security fund to the accounting services recovery fund as provided in K.S.A. 75-3728b and 75-6212, 75-6210 and any amendments to such sections thereto.

Sec. 2. K.S.A. 1985 Supp. 44-716a is hereby repealed.

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

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

(continued)

HOUSE concurred in SENATE amendments April 8, 1986.

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

Passed the SENATE as amended April 4, 1986.

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

APPROVED April 22, 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 22nd day of April, 1986.

(SEAL) JACK H. BRIER
Secretary of State.

(Published in the KANSAS REGISTER, May 1, 1986.)

HOUSE BILL No. 3058

AN ACT concerning traffic citations; amending K.S.A. 1985 Supp. 8-2106 and repealing the existing section.

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

Section 1. K.S.A. 1985 Supp. 8-2106 is hereby amended to read as follows: 8-2106. (a) ~~When a person is stopped by a police officer for any violation of any provision of the uniform act regulating traffic on highways, which violation is a misdemeanor or a traffic infraction and is not required to be taken before a judge of the district court, the A police officer may prepare and deliver to the a person a written traffic citation if the police officer stops the person for a violation of:~~

(1) ~~The uniform act regulating traffic on highways, which violation is a misdemeanor or a traffic infraction and is not required to be taken before a judge of the district court;~~

(2) K.S.A. 21-3610, 21-3610a, 21-3722, 21-3724, 21-3725, 40-3104, 40-3106, 41-715, 41-724, 41-804, 41-2719, 41-2720, 41-2721, 47-607, 66-1,111, 66-1,129, 66-1,139, 66-1,140, 66-273, 66-1314, 66-1324, 66-1325, 66-1330, 66-1331, 66-1332, 68-2104, 68-2106 or subsection (b) of K.S.A. 79-34,122, and amendments thereto;

(3) K.S.A. 31-155 and amendments thereto involving transportation of bottle rockets;

(4) K.S.A. 66-1314 or 66-1328, and amendments thereto, and any rules and regulations adopted pursuant thereto;

(5) any rules and regulations adopted pursuant to K.S.A. 2-1212, 68-2001 or 31-146, and amendments thereto; or

(6) any rules and regulations adopted pursuant to K.S.A. 31-133 and amendments thereto relating to transportation of materials or fuel.

(b) The citation shall contain a notice to appear in court, the name and address of the person, the state registration number of the person's vehicle, if any, the offense charged, the time and place when and where the person shall appear in court, and any other pertinent information.

(b)(c) The time specified in the notice to appear shall be at least five days after the alleged violation unless the person charged with the violation demands an earlier hearing.

(e)(d) The place specified in the notice to appear shall be before a judge of the district court within the county in which the offense is alleged to have been committed.

(d)(e) Except in the circumstances to which subsection (d) of K.S.A. 8-2104 and amendments thereto apply, in the discretion of the police officer, a person charged with a misdemeanor may give written promise to appear in court by signing at least one copy of the written citation prepared by the police officer, in

which event the police officer shall deliver a copy of the citation to the person and shall not take the person into physical custody.

(e)(f) When a person is charged with a traffic infraction, the notice to appear shall provide a place where the person may make a written entry of appearance, waive the right to a trial and plead guilty or no contest. The notice to appear shall provide a space where the police officer shall enter the appropriate fine specified in the uniform fine schedule contained in K.S.A. 1984 1985 Supp. 8-2118 and amendments thereto for the violation charged and court costs in the amount provided by law. If the notice to appear does not do so, the police officer shall provide a person charged with a traffic infraction a form explaining the person's right to appear and right to a trial, the person's right to pay the appropriate fine and court costs prior to the appearance date, and that failure to either pay such fine and court costs or appear at the specified time may result in suspension of the person's driver's license. The police officer shall provide the person with the address of the court to which the written entry of appearance, waiver of trial, plea of guilty or no contest and payment of fine and court costs shall be mailed.

(f)(g) Any officer violating any of the provisions of this section is guilty of misconduct in office and shall be subject to removal from office.

(h) In the event the form of citation provided for in this section includes information required by law and is signed by the officer preparing the same, then such citation when filed with a court having jurisdiction shall be deemed to be a lawful complaint for the purpose of prosecution for the violation specified.

Sec. 2. K.S.A. 1985 Supp. 8-2106 is hereby repealed.

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

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

HOUSE concurred in SENATE amendments April 8, 1986.

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

Passed the SENATE as amended April 4, 1986.

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

APPROVED April 23, 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 23rd day of April, 1986.

(SEAL) JACK H. BRIER
Secretary of State.

(Published in the KANSAS REGISTER, May 1, 1986.)

HOUSE BILL No. 3053

AN ACT concerning counties; relating to the issuance of bonds for road construction and repair; amending K.S.A. 68-1103, 68-1106 and 68-1111 and repealing the existing sections.

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

Section 1. K.S.A. 68-1103 is hereby amended to read as follows: 68-1103. (a) Whenever the board of county commissioners of any county shall determine that it is necessary to build or repair any bridge or culvert, the county's share of the cost of which shall be less than the sum of ~~one hundred sixty thousand dollars (\$160,000)~~ \$250,000, the board shall appropriate an amount equal to its share and shall immediately make all contracts for labor, material and all other expense necessary for the construction or repair of such work in the manner provided by law or shall make and let a contract for the construction or the repair thereof, but the amount appropriated shall not exceed the county engineer's estimated cost to the county for ~~said~~ the work.

In any county having a population of more than ~~twenty-five thousand (25,000)~~ 25,000 and containing two (2) or more cities of the second class, the board of county commissioners shall determine the necessity of building or repairing any bridge or bridges; shall pass a resolution declaring that such a necessity exists and shall immediately build such bridge or bridges at a cost to be determined by the county engineer's estimate of not to exceed ~~fifty thousand dollars (\$50,000)~~ \$100,000 per bridge and appropriate money therefor. The levy for such purpose shall not exceed two (2) mills upon the assessed valuation of the county.

(b) In any such county or counties where there has been constructed prior to the passage of this act or shall be hereafter constructed any bridge or bridges which shall have been destroyed or rendered impassable, or shall be hereafter destroyed or rendered impassable by flood, high water, fire or other casualty, or where there is any bridge or bridges condemned by the board of county commissioners and the county engineer as unsafe and inadequate to meet the demands of present day traffic and ~~said~~ the bridge or bridges are more than ~~thirty (30)~~ 30 years old, then such board of county commissioners may immediately thereafter repair and reconstruct such bridge or bridges; may adopt a resolution finding and determining a necessity for such repair or reconstruction and may at once proceed to repair or rebuild the same at a cost to be determined by the county engineer's estimate not exceeding ~~one hundred sixty thousand dollars (\$160,000)~~ \$250,000 per bridge and shall appropriate a sufficient amount of money therefor, or if there be not a sufficient amount of money therefor in the proper funds of the county, such board is hereby authorized and empowered to issue bonds or warrants of ~~said~~ the county to pay the costs for the work herein provided for. Any bonds issued under the authority of the foregoing provision of this section shall not be subject to any limitation on the bonded indebtedness of ~~said~~ the county. *In Jewell county, bonds also may be issued for the construction and repair of roads in accordance with the provisions of this subsection.*

(c) Such board is hereby authorized and empowered to levy and collect taxes for the purpose herein named or for the purpose of retiring any warrants that have been issued, which shall not exceed two (2) mills upon the assessed valuation of the county.

(d) Under the provisions of this section those bridges which are situated across any stream on any county road are hereby declared to have a preference over the bridges on other roads and shall be repaired and reconstructed before any other bridges are repaired and reconstructed.

Sec. 2. K.S.A. 68-1106 is hereby amended to read as follows: 68-1106. Whenever the board of county commissioners of any county ~~shall determine~~ determines that it is necessary to build or repair any bridge, the county's share of the cost of which shall exceed the sum of ~~\$160,000~~ \$250,000, it shall pass a resolution declaring such construction or repairs a necessity. If there are not sufficient moneys in the appropriate funds of the county to pay the county's share of such cost, the board of county commissioners may authorize the issuance of bonds of the county therefor. The resolution declaring it necessary to build or repair such bridge shall specify the amount of any bonds proposed to be issued for the payment of the cost thereof and shall be published

once each week for two consecutive weeks in the official county newspaper.

If, within 30 days after the last publication of such resolution, a petition signed by 5% of the legally qualified electors of the county ~~shall be~~ is presented to the board of county commissioners requesting that the question of building or repairing such bridge and the issuance of bonds of the county in payment of the cost thereof be submitted to a vote of the qualified electors of the county, the board of county commissioners shall call an election on the question of building or repairing such bridge and issuing bonds of the county in payment of the cost thereof. ~~In the event~~ If no sufficient petition is filed within the prescribed time or, in the event a special election is called and held and a majority of the votes cast on the proposition submitted shall be in favor thereof, the board of county commissioners may proceed to make such construction or repairs and shall provide for the payment of the cost thereof out of appropriate funds of the county or, if specified in the resolution authorizing the same, by the issuance of bonds of the county in the amount so specified. Such bonds shall be issued in the manner prescribed in the general bond law. Nothing in this section shall apply to any bridge work or bond issue therefor under the provisions of K.S.A. 68-1401 to 68-1405, inclusive, and amendments thereto.

In any county having a population of more than 300,000, bonds issued under the authority of this section shall not be subject to any limitation on the bonded indebtedness of such county, but the annual principal amount of bonds issued in any fiscal year under the authority of this section and K.S.A. 68-1103, and amendments thereto, shall not, in the aggregate, exceed \$3,000,000.

Sec. 3. K.S.A. 68-1111 is hereby amended to read as follows: 68-1111. All plans for the construction or repair of highway bridges and culverts, the estimated cost of which does not exceed the sum of ~~one hundred thousand dollars (\$100,000)~~ \$200,000, shall be submitted to the county engineer for ~~his or her~~ approval. ~~But~~ If the estimated cost thereof exceeds the sum of ~~one hundred thousand dollars (\$100,000)~~ then \$200,000, such plans and estimates, before ~~being finally adopted~~ final adoption, shall be submitted to the state transportation engineer for ~~his or her~~ approval.

The state transportation engineer shall ~~at once~~ examine and return the same with ~~his or her~~ the engineer's approval or with such changes and modifications as ~~he or she~~ the engineer may require noted thereon, with ~~his or her~~ the reasons therefor. The plans shall be changed to conform to the requirements of the state transportation engineer, and shall ~~then~~ be adopted by the board of county commissioners and all work done in accordance therewith. No contract shall be legal and binding on the county unless the plans and estimates of cost have been approved by the county engineer or the state transportation engineer, as provided in this section. All estimates for bridges and culverts shall be made separately from the dirt approaches thereto. On low-water bridges with roadways ~~eighteen (18)~~ 18 feet or more in width no guardrail shall be required unless the county board deems it necessary.

Sec. 4. K.S.A. 68-1103, 68-1106 and 68-1111 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 11, 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 3, 1986.

ROBERT V. TALKINGTON

President of the Senate.

LU KENNEY

Secretary of the Senate.

(continued)

APPROVED April 23, 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 23rd day of April, 1986.

(SEAL) JACK H. BRIER
Secretary of State.

(Published in the KANSAS REGISTER, May 1, 1986.)

HOUSE BILL No. 3137

AN ACT concerning cities and counties; relating to the issuance of mortgage revenue bonds; amending K.S.A. 1985 Supp. 12-5222 and repealing the existing section.

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

Section 1. K.S.A. 1985 Supp. 12-5222 is hereby amended to read as follows: 12-5222. In addition to powers which a city or county may now have, cities and counties shall have all powers necessary to accomplish the purposes of this act including, but not limited to, the following:

(a) To acquire, and to contract and enter into advance commitments to acquire, home mortgage loans owned by lending institutions at such prices and upon such other terms and conditions determined by such city or county or such other person as it may designate as its agent;

(b) to make and execute contracts with lending institutions for the origination and servicing of home mortgage loans on behalf of a city or county and to pay the reasonable value of services rendered in accordance with such contracts;

(c) to make loans to lenders to enable such lenders to make home mortgage loans in accordance with this act;

(d) to establish, by rules or regulations, by ordinances relating to any issuance of bonds or in any financing documents relating to such issuance, such standards and requirements applicable to the purchase of home mortgage loans or the origination of home mortgage loans or loans to lenders as such city or county deems necessary or desirable to effectuate the public purposes of this act;

(e) to issue its bonds to defray, in whole or in part (1) the costs of acquiring or originating home mortgage loans or making loans to lenders in order to enable them to make home mortgage loans for homes to be occupied by mortgagors; (2) the costs of studies and surveys, insurance premiums, underwriting fees, legal, accounting and marketing services incurred in connection with the issuance and sale of such bonds, including amounts required to establish reasonably necessary bond and interest reserve accounts, and trustee, custodian and rating agency fees; and (3) such other costs as are reasonably related to the foregoing;

(f) to authorize the sale or other disposition of any home mortgage loan, in whole or in part, upon such terms, at such prices and times, and from time to time, as may be necessary to assure that the revenues and receipts to be derived with respect to the home mortgage loans, together with any insurance proceeds, funds held in reserve accounts and earnings thereon, shall produce and provide revenues and receipts at least sufficient to provide for the prompt payment of the principal of, redemption premiums, if any, and interest at maturity of all bonds issued pursuant to this act;

(g) to pledge any revenues and receipts to be received from or in connection with any home mortgage loans to the punctual payment of bonds authorized under this act, and the interest and redemption premiums, if any, thereon;

(h) to mortgage, pledge or grant security interests in any home mortgage loans, notes or other property in favor of the holder or holders of bonds issued therefor;

(i) to issue its bonds for the purpose of refunding, in whole or in part at any time, bonds theretofore issued by such municipality under authority of this act pursuant to the constitution or laws of the state of Kansas to finance the origination or acquisition of mortgage loans for one to four family residences;

(j) to appoint or designate a bank or trust company either within or without the state to serve as trustee or custodian for the benefit of the bondholders and to delegate and assign thereto, insofar as it may lawfully do so, its rights, duties and responsibilities with respect to carrying out and enforcing the terms and provisions of its residential housing finance plan;

(k) to provide for and authorize the use and disposition of any funds remaining in the possession of the city or county, or trustee or custodian designated by such city or county, following payment and retirement of any bonds issued pursuant to this act;

(l) to make and execute contracts and other instruments necessary or convenient to the exercise of any of the powers granted herein.

Sec. 2. K.S.A. 1985 Supp. 12-5222 is hereby repealed.

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

I hereby certify that the above BILL originated in the HOUSE, and passed that body April 3, 1986.

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

Passed the SENATE April 9, 1986.

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

APPROVED April 24, 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 25th day of April, 1986.

(SEAL) JACK H. BRIER
Secretary of State.

(Published in the KANSAS REGISTER, May 1, 1986.)

HOUSE BILL No. 3096

AN ACT concerning psychologists; providing for the licensure thereof; amending K.S.A. 17-2707, 40-2,104, 40-2,105, 40-2,111, 60-1617, 65-4003, 65-5201, 74-5301, 74-5302, 74-5310, 74-5310a, 74-5315, 74-5316, 74-5317, 74-5318, 74-5319, 74-5320, 74-5321, 74-5322, 74-5323, 74-5324, 74-5325, 74-5326, 74-5327, 74-5328, 74-5329, 74-5331, 74-5332, 74-5333, 74-5334, 74-5335, 74-5337, 74-5339, 74-5340, 74-5344, 74-7501 and 74-7507 and K.S.A. 1985 Supp. 22-3302, 22-3428a, 38-1522, 38-1637 and 39-1402 and repealing the existing sections; and also repealing K.S.A. 65-4003d.

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

Section 1. K.S.A. 17-2707 is hereby amended to read as follows: 17-2707. As used in this act, unless the context clearly indicates that a different meaning is intended, the following words mean:

(a) "Professional corporation," a corporation organized under this act.

(b) "Professional service," the type of personal service rendered by a person duly licensed by this state as a member of any of the following professions, each paragraph constituting one type:

- (1) A certified public accountant;
- (2) An architect;
- (3) An attorney-at-law;
- (4) A chiropractor;
- (5) A dentist;
- (6) An engineer;
- (7) An optometrist;
- (8) An osteopathic physician or surgeon;
- (9) A physician, surgeon or doctor of medicine;
- (10) A veterinarian;
- (11) A podiatrist;
- (12) A pharmacist;
- (13) A land surveyor;
- (14) A certified licensed psychologist;
- (15) A specialist in clinical social work;
- (16) A registered physical therapist;
- (17) A landscape architect;
- (18) A registered professional nurse.

(c) "Regulating board," the board or state agency which is charged with the licensing and regulation of the practice of the profession which the professional corporation is organized to render.

(d) "Qualified person":

(1) Any natural person licensed to practice the same type of profession which any professional corporation is authorized to practice; or

(2) the trustee of a trust which is a qualified trust under subsection (a) of section 401 of the internal revenue code of 1954, as amended, or of a contribution plan which is a qualified employee stock ownership plan under subsection (a) of section 409A of the internal revenue code of 1954, as amended.

Sec. 2. K.S.A. 1985 Supp. 22-3302 is hereby amended to read as follows: 22-3302. (1) At any time after the defendant has been charged with a crime and before pronouncement of sentence, the defendant, the defendant's counsel or the prosecuting attorney may request a determination of the defendant's competency to stand trial. If, upon the request of either party or upon the judge's own knowledge and observation, the judge before whom the case is pending finds that there is reason to believe that the defendant is incompetent to stand trial the proceedings shall be suspended and a hearing conducted to determine the competency of the defendant.

(2) If the defendant is charged with a felony, the hearing to determine the competency of the defendant shall be conducted by a district or associate district judge.

(3) The court shall determine the issue of competency and may impanel a jury of six persons to assist in making the determination. The court may order a psychiatric or psychological examination of the defendant. To facilitate the examination, the court may: (a) Commit the defendant to any appropriate state, county or private institution for examination and report to the court except that the court shall not commit the defendant to a state institution unless, prior to such commitment, the director of a local county or private institution recommends to the court and

to the secretary of social and rehabilitation services that examination of the defendant should be performed at a state institution; (b) designate any appropriate psychiatric or psychological clinic, mental health center or other psychiatric or psychological facility to conduct the examination while the defendant is in jail or on pretrial release; or (c) appoint two qualified licensed physicians or certified licensed psychologists, or one of each, to examine the defendant and report to the court. If the court commits the defendant to an institution for the examination, the commitment shall be for not more than 60 days or until the examination is completed, whichever is the shorter period of time. No statement made by the defendant in the course of any examination provided for by this section, whether or not the defendant consents to the examination, shall be admitted in evidence against the defendant in any criminal proceeding. Upon notification of the court that a defendant committed for psychiatric or psychological examination under this subsection has been found competent to stand trial, the court shall order that the defendant be returned not later than five days after receipt of the notice for proceedings under this section. If the defendant is not returned within that time, the county in which the proceedings will be held shall pay the costs of maintaining the defendant at the institution or facility for the period of time the defendant remains at the institution or facility in excess of the five-day period.

(4) If the defendant is found to be competent, the proceedings which have been suspended shall be resumed. If the proceedings were suspended before or during the preliminary examination, the judge who conducted the competency hearing may conduct a preliminary examination or, if a district magistrate judge was conducting the proceedings prior to the competency hearing, the judge who conducted the competency hearing may order the preliminary examination to be heard by a district magistrate judge.

(5) If the defendant is found to be incompetent to stand trial, the court shall proceed in accordance with K.S.A. 22-3303 and amendments thereto.

(6) If proceedings are suspended and a hearing to determine the defendant's competency is ordered after the defendant is in jeopardy, the court may either order a recess or declare a mistrial.

(7) The defendant shall be present personally at all proceedings under this section.

Sec. 3. K.S.A. 1985 Supp. 22-3428a is hereby amended to read as follows: 22-3428a. (1) Any person found not guilty because of insanity who remains in the state security hospital or a state hospital for over one year pursuant to a commitment under K.S.A. 1982 Supp. 22-3428 and amendments thereto shall be entitled annually to request a hearing to determine whether or not the person continues to be dangerous to the person's self or others or a substantial danger to the property of others: The request shall be made in writing to the district court of the county where the person is hospitalized and shall be signed by the committed person or the person's counsel. When the request is filed, the court shall give notice of the request to: (a) The county or district attorney of the county in which the person was originally ordered committed, and (b) the chief medical officer of the state security hospital or state hospital where the person is committed. The chief medical officer receiving the notice or the officer's designee, shall conduct a mental examination of the person and shall send to the district court of the county where the person is hospitalized and to the county or district attorney of the county in which the person was originally ordered committed a report of the examination within 20 days from the date when notice from the court was received. Within five days after receiving the report of the examination, the county or district attorney receiving it may file a motion with the district court that gave the notice, requesting the court to change the venue of the hearing to the district court of the county in which the person was originally committed, or the court that gave the notice on its own motion may change the venue of the hearing to the district court of the county in which the person was originally committed. Upon receipt of that motion and the report of the mental examination or upon the court's own motion, the court shall transfer the hearing to the district court specified in the motion

(continued)

and send a copy of the court's records of the proceedings to that court.

(2) After the time in which a change of venue may be requested has elapsed, the court having venue shall set a date for the hearing, giving notice thereof to the county or district attorney of the county, the committed person and the person's counsel. If there is no counsel of record, the court shall appoint a counsel for the committed person. The committed person shall have the right to procure, at the person's own expense, a mental examination by a physician or *certified licensed* psychologist of the person's own choosing. If a committed person is financially unable to procure such an examination, the aid to indigent defendants provisions of article 45 of chapter 22 of the Kansas Statutes Annotated shall be applicable to that person. A committed person requesting a mental examination pursuant to K.S.A. 1982 Supp. 22-4508 and amendments thereto may request a physician or *certified licensed* psychologist of the person's own choosing and the court shall request the physician or *certified licensed* psychologist to provide an estimate of the cost of the examination. If the physician or *certified licensed* psychologist agrees to accept compensation in an amount in accordance with the compensation standards set by the board of supervisors of panels to aid indigent defendants, the judge shall appoint the requested physician or *certified licensed* psychologist; otherwise, the court shall designate a physician or *certified licensed* psychologist to conduct the examination. Copies of each mental examination of the committed person shall be filed with the court at least five days prior to the hearing and shall be supplied to the county or district attorney receiving notice pursuant to this section and the committed person's counsel.

(3) At the hearing the committed person shall have the right to present evidence and cross-examine the witnesses. The court shall receive all relevant evidence, including the written findings and recommendations of the chief medical officer of the state security hospital or state hospital where the person is under commitment, and shall determine whether the committed person continues to be a danger to the person's self or others or a substantial danger to the property of others. At the hearing the court may make any order that a court is empowered to make pursuant to subsections (3), (4) and (5) of K.S.A. 22-3428 and amendments thereto. If the court finds the committed person is no longer dangerous to the person's self or others or a substantial danger to the property of others, the court shall order the person discharged; otherwise, the person shall remain committed or be conditionally released.

(4) Costs of a hearing held pursuant to this section shall be assessed against and paid by the county in which the person was originally ordered committed.

Sec. 4. K.S.A. 1985 Supp. 38-1522 is hereby amended to read as follows: 38-1522. (a) When any of the following persons has reason to suspect that a child has been injured as a result of physical, mental or emotional abuse or neglect or sexual abuse, the person shall report the matter promptly as provided in subsection (c): Persons licensed to practice the healing arts or dentistry; persons licensed to practice optometry; persons engaged in postgraduate training programs approved by the state board of healing arts; *certified licensed* psychologists; licensed professional or practical nurses examining, attending or treating a child under the age of 18; teachers, school administrators or other employees of a school which the child is attending; chief administrative officers of medical care facilities; persons licensed by the secretary of health and environment to provide child care services or the employees of persons so licensed at the place where the child care services are being provided to the child; licensed social workers; firefighters; emergency medical services personnel; mediators appointed under K.S.A. 1985 Supp. 23-602 and amendments thereto; and law enforcement officers. The report may be made orally and shall be followed by a written report if requested. When the suspicion is the result of medical examination or treatment of a child by a member of the staff of a medical care facility or similar institution, that staff member shall immediately notify the superintendent, manager or other person in charge of the institution who shall make a written report forthwith. Every written report shall contain, if

known, the names and addresses of the child and the child's parents or other persons responsible for the child's care, the child's age, the nature and extent of the child's injury (including any evidence of previous injuries) and any other information that the maker of the report believes might be helpful in establishing the cause of the injuries and the identity of the persons responsible for the injuries.

(b) Any other person who has reason to suspect that a child has been injured as a result of physical, mental or emotional abuse or neglect or sexual abuse may report the matter as provided in subsection (c).

(c) Reports made pursuant to this section shall be made to the state department of social and rehabilitation services. When the department is not open for business, the reports shall be made to the appropriate law enforcement agency. On the next day that the state department of social and rehabilitation services is open for business, the law enforcement agency shall report to the department any report received and any investigation initiated pursuant to subsection (a) of K.S.A. 1984 1985 Supp. 38-1524 and amendments thereto. The reports may be made orally or, on request of the department, in writing.

(d) Any person required by this section to report an injury to a child and who has reasonable cause to suspect that a child died from injuries resulting from physical, mental or emotional abuse or neglect or sexual abuse shall notify the coroner or appropriate law enforcement agency of that suspicion.

(e) Reports of child abuse or neglect by persons employed by or of children of persons employed by the state department of social and rehabilitation services shall be made to the appropriate law enforcement agency.

(f) Willful and knowing failure to make a report required by this section is a class B misdemeanor.

Sec. 5. K.S.A. 1985 Supp. 38-1637 is hereby amended to read as follows: 38-1637. (a) For the purpose of this section, a respondent is incompetent for hearing when charged as a juvenile offender and, because of mental illness or defect, is unable:

(1) To understand the nature and purpose of the proceedings; or

(2) to make or assist in making a defense.

(b) Whenever the words "competent," "competency," "incompetent" and "incompetency" are used without qualification in this code, they shall refer to the respondent's competency or incompetency, as described in subsection (a).

(c) (1) At any time after the respondent has been charged with an act which, if the respondent is found to have committed, would result in adjudication as a juvenile offender and before adjudication, the respondent, the respondent's attorney or the county or district attorney may request a determination of the respondent's competency for hearing. If, upon the request of either party or upon one's own knowledge and observation, the judge before whom the case is pending finds that there is reason to believe that the respondent is incompetent for hearing, the proceedings shall be suspended and a hearing conducted to determine the competency of the respondent.

(2) All proceedings under this section shall be in the court in which the case is pending. The court shall determine the issue of competency and may order a psychiatric or psychological examination of the respondent. To facilitate the examination, the court may: (A) Appoint two qualified licensed physicians or *certified licensed* psychologists, or one of each to examine the respondent or (B) designate a private psychiatric or psychological facility or public mental health center to conduct the examination and report to the court. If either physician or psychologist, the private psychiatric facility or the public mental health center determines that further examination is necessary, the court may commit the respondent for not more than 60 days to any appropriate state, county or private institution for examination and appropriate report to the court. For good cause shown, the commitment may be extended for another 60 days. No statement made by the respondent in the course of any examination provided for by this section, whether the examination is with or without the consent of the respondent, shall be admitted in evidence against the respondent in any hearing.

(3) If the respondent is found to be competent, the proceedings which have been suspended shall be resumed.

(4) If the respondent is found to be incompetent, the respondent shall be committed for treatment and shall remain subject to the further order of the court.

(5) The respondent shall be present personally at all proceedings under this section.

(6) A respondent who is found to be incompetent shall be committed for treatment to any appropriate state, county or private institution during the continuance of that condition. Upon application of the respondent and in the discretion of the court, the respondent may be released to any appropriate private institution upon terms and conditions prescribed by the court.

(7) When reasonable grounds exist to believe that a respondent who has been adjudged incompetent is now competent, the court in which the case is pending shall conduct a hearing to determine the respondent's present mental condition. Reasonable notice of the hearings shall be given to the county or district attorney, the respondent and the respondent's attorney of record, if any. If the court, following the hearing, finds the respondent to be competent, the proceedings pending against the respondent shall be resumed.

Sec. 6. K.S.A. 1985 Supp. 39-1402 is hereby amended to read as follows: 39-1402. (a) Any person who is licensed to practice any branch of the healing arts, a ~~certified~~ licensed psychologist, the chief administrative officer of a medical care facility, an adult care home administrator, a licensed social worker, a licensed professional nurse and a licensed practical nurse, who has reasonable cause to believe that a resident is being or has been abused or neglected, or is in a condition which is the result of such abuse or neglect or is in need of protective services, shall report immediately such information or cause a report of such information to be made in any reasonable manner to the department of social and rehabilitation services.

(b) The report made pursuant to subsection (a) shall contain the name and address of the person making the report and of the caretaker caring for the resident, the name and address of the involved resident, information regarding the nature and extent of the abuse, neglect or exploitation, the name of the next of kin of the resident, if known, and any other information which the person making the report believes might be helpful in an investigation of the case and the protection of the resident.

(c) Any other person having reasonable cause to suspect or believe that a resident is being or has been abused or neglected, or is in a condition which is the result of such abuse or neglect or is in need of protective services may report such information to the department of social and rehabilitation services.

(d) Notice of the requirements of this act and the department to which a report is to be made under this act shall be posted in a conspicuous place in every adult care home and adult family home in this state.

(e) Any person required to report information or cause a report of information to be made under subsection (a) who knowingly fails to make such report or cause such report to be made shall be guilty of a class B misdemeanor.

Sec. 7. K.S.A. 40-2,104 is hereby amended to read as follows: 40-2,104. Notwithstanding any provision of an individual or group policy or contract of health and accident insurance, delivered within the state whenever such policy or contract shall provide for reimbursement for any service within the lawful scope of practice of a duly ~~certified~~ licensed psychologist within the state of Kansas, the insured, or any other person covered by the policy or contract shall be allowed and entitled to reimbursement for such service irrespective of whether it was provided or performed by a duly licensed physician or a duly ~~certified~~ licensed psychologist.

Sec. 8. K.S.A. 40-2,105 is hereby amended to read as follows: 40-2,105. Unless refused in writing, every insurer, which issues any group policy of accident and sickness, medical or hospital expense insurance which provides for reimbursement or indemnity for services rendered to a person covered by such policy in a medical care facility, must provide for reimbursement or indemnity under such policy which shall be limited to not less than ~~thirty (30)~~ 30 days per year when such person is confined for treatment of alcoholism, drug abuse or nervous or mental conditions in a medical care facility licensed under the provisions of

K.S.A. 1978 Supp. 65-429 and amendments thereto or a treatment facility for alcoholics licensed under the provisions of K.S.A. 1978 Supp. 65-4014 and amendments thereto, a treatment facility for drug abusers licensed under the provisions of K.S.A. 1978 Supp. 65-4605 and amendments thereto, a community mental health center or clinic licensed under the provisions of K.S.A. 75-3307b and amendments thereto or a psychiatric hospital licensed under the provisions of K.S.A. 75-3307b and amendments thereto. Unless refused in writing, such policy shall also provide for reimbursement or indemnity of the costs of treatment of such person for alcoholism, drug abuse or nervous or mental conditions, limited to not less than ~~one hundred percent (100%)~~ 100% of the first ~~one hundred dollars (\$100)~~ \$100 and ~~eighty percent (80%)~~ 80% of the next ~~five hundred dollars (\$500)~~ \$500 in any year, in ~~said~~ the facilities hereinbefore enumerated when confinement therein is not necessary for ~~said~~ the treatment or by a physician licensed or psychologist ~~certified~~ licensed to practice under the laws of the state of Kansas.

Sec. 9. K.S.A. 40-2,111 is hereby amended to read as follows: 40-2,111. As used in K.S.A. 40-2,111 through 40-2,113, and amendments thereto: (a) "Adverse underwriting decision" means: Any of the following actions with respect to insurance transactions involving insurance coverage which is individually underwritten:

- (1) A declination of insurance coverage;
- (2) a termination of insurance coverage;
- (3) an offer to insure at higher than standard rates, with respect to life, health or disability insurance coverage; or
- (4) the charging of a higher rate on the basis of information which differs from that which the applicant or policyholder furnished, with respect to property or casualty insurance coverage.

(b) "Declination of insurance coverage" means a denial, in whole or in part, by an insurance company or agent of requested insurance coverage.

(c) "Health care institution" means any medical care facility, adult care home, drug abuse and alcoholic treatment facility, home-health agency certified for federal reimbursement, mental health center or mental health clinic licensed by the secretary of social and rehabilitation services, kidney disease treatment center, county, city-county or multicounty health departments and health-maintenance organization.

(d) "Health care provider" means any person licensed to practice any branch of the healing arts, licensed dentist, licensed professional nurse, licensed practical nurse, advanced registered nurse practitioner, licensed optometrist, registered physical therapist, licensed social worker, registered physicians' assistant, licensed podiatrist or ~~certified~~ licensed psychologist.

(e) "Institutional source" means any natural person, corporation, association, partnership or governmental or other legal entity that provides information about an individual to an agent or insurance company, other than:

- (1) An agent;
- (2) the individual who is the subject of the information; or
- (3) a natural person acting in a personal capacity rather than a business or professional capacity.

(f) "Insurance transaction" means any transaction involving insurance, but not including group insurance coverage, primarily for personal, family or household needs rather than business or professional needs.

(g) "Medical-record information" means personal information which:

- (1) Relates to an individual's physical or mental condition, medical history or medical treatment; and
- (2) is obtained from a health care provider or health care institution, from the individual, or from the individual's spouse, parent or legal guardian.

(h) "Termination of insurance coverage" or "termination of an insurance policy" means either a cancellation, nonrenewal or lapse of an insurance policy, in whole or in part, for any reason other than:

- (1) The failure to pay a premium as required by the policy; or
- (2) at the request or direction of the insured.

(continued)

Sec. 10. K.S.A. 60-1617 is hereby amended to read as follows: 60-1617. (a) *Family counseling*. Upon motion by any party or on the court's own motion, the court may order at any time prior to or subsequent to the alteration of the parties' marital status that the parties and any of their children be interviewed by a psychiatrist, ~~certified~~ licensed psychologist or other trained professional in family counseling, approved by the court, for the purpose of determining whether it is in the best interests of any of the parties' children that the parties and any of their children have counseling with regard to matters of custody and visitation. The court shall receive the written opinion of the professional, and the court shall make the opinion available to counsel upon request. Counsel may examine as a witness any professional consulted by the court under this section. If the opinion of the professional is that counseling is in the best interests of any of the children, the court may order the parties and any of the children to obtain counseling. Neither party shall be required to obtain counseling pursuant to this section if the party objects thereto because the counseling conflicts with sincerely held religious tenets and practices to which any party is an adherent.

(b) *Costs*. The costs of the counseling shall be taxed to either party as equity and justice require.

Sec. 11. K.S.A. 65-4003 is hereby amended to read as follows: 65-4003. For the purposes of this act:

(1) "Alcoholic" means an individual who habitually lacks self-control as to the use of alcoholic beverages or uses alcoholic beverages to the extent that the individual's health is substantially impaired or endangered or the individual's social or economic function is substantially disrupted;

(2) "private treatment facility" means a private agency providing facilities for the care or lodging of alcoholics meeting the standards prescribed in K.S.A. 65-4013 and amendments thereto, and licensed under K.S.A. 65-4014 and amendments thereto, for the treatment of alcoholics or intoxicated individuals or individuals incapacitated by alcohol;

(3) "public treatment facility" means a treatment facility owned and operated by the state of Kansas or any political subdivision thereof and licensed by the secretary under K.S.A. 65-4014 and amendments thereto, as an appropriate place for the care and treatment of alcoholic or intoxicated individuals or individuals incapacitated by alcohol;

(4) "treatment facility" means a public or private treatment facility, but such term shall not include a licensed medical care facility, a licensed adult care home, a facility licensed under the provisions of K.S.A. 75-3307b and amendments thereto, a community-based alcohol and drug safety action program certified under K.S.A. 8-1008 and amendments thereto and performing only those functions for which the program is certified to perform under K.S.A. 8-1008 and amendments thereto or a psychologist or physician who treats in the usual course of the psychologist's or physician's professional practice alcoholics or intoxicated individuals or individuals incapacitated by alcohol and are not exclusively engaged in the usual course of the individual's professional practice in treating such individuals;

(5) "committee" means the Kansas citizens' committee on alcohol and other drug abuse;

(6) "department" means the department of social and rehabilitation services;

(7) "emergency service patrol" means a patrol established under K.S.A. 65-4056 and amendments thereto;

(8) "incapacitated by alcohol" means that an individual, as the result of the use of alcohol, is unconscious or has impaired judgment so that (a) such individual is incapable of realizing and making a rational decision with respect to such individual's need for treatment; or (b) such individual lacks sufficient understanding or capacity to make or communicate responsible decisions concerning either such individual's well-being or estate;

(9) "disabled individual" means an individual who has been adjudicated disabled pursuant to K.S.A. 59-3002 *et seq.*, and amendments thereto;

(10) "intoxicated individual" means an individual whose mental or physical functioning is substantially impaired as a result of the use of alcohol;

(11) "treatment" means the broad range of emergency, outpatient, intermediate and inpatient services and care, including

diagnostic evaluation, medical, psychiatric, psychological, and social service care, vocational rehabilitation and career counseling, which may be extended to alcoholics and intoxicated individuals;

(12) "patient" means an individual who is a voluntary patient; a proposed patient or an involuntary patient;

(13) "voluntary patient" means an individual who is voluntarily receiving care or treatment at a treatment facility other than by order of any court;

(14) "proposed patient" means an individual for whom an application pursuant to K.S.A. 65-4032 and amendments thereto has been filed;

(15) "involuntary patient" means an alcoholic or an individual incapacitated by alcohol who is receiving care or treatment under an order of a district court;

(16) "other facilities for care or treatment" means any mental health clinic, medical care facility, nursing home, physician or any other institution or individual authorized or licensed by law to give care or treatment to any patient;

(17) "physician" means an individual licensed to practice medicine and surgery as provided by the Kansas healing arts act;

(18) "head of the treatment facility" means the administrative director of a treatment facility;

(19) "care or treatment" means such necessary services as are in the best interests of the physical and mental health of the patient;

(20) "discharge" means the final and complete release from care or treatment, by either an order of a district court pursuant to K.S.A. 65-4042 and amendments thereto or a treatment facility;

(21) "convalescent" describes the status of any patient who has not been discharged, but who is permitted by the head of the treatment facility to live apart from a treatment facility;

(22) the various terms defined in K.S.A. 59-3002 and amendments thereto for obtaining a guardian or conservator, or both, mean the same herein as they do in that act;

(23) "law enforcement officer" means any individual who by virtue of office or public employment is vested by law with a duty to maintain public order or to make arrests for crimes; whether that duty extends to all crimes or is limited to specific crimes;

(24) "person" means any individual, firm, partnership, corporation, company, association, or joint stock association, and the legal successor thereof;

(25) "governmental unit" means the state, or any county, municipality or other political subdivision thereof; or any department, division, board or other agency of any of the foregoing;

(26) "secretary" means the secretary of social and rehabilitation services;

(27) "state institution" means any institution within the department of social and rehabilitation services which offers alcoholism treatment programs; and

(28) "psychologist" means an individual authorized to practice psychology as provided by the ~~Kansas certification licensure~~ *act of the state of Kansas*.

Sec. 12. K.S.A. 65-5201 is hereby amended to read as follows: 65-5201. For the purposes of this act:

(a) "Approved private treatment facility" means a private agency providing facilities for the care or lodging of drug abusers meeting the standards prescribed in K.S.A. 65-4603 and amendments thereto and K.S.A. 65-4607 and amendments thereto for the treatment of drug abusers or persons incapacitated by drugs;

(b) "approved public treatment facility" means a treatment facility owned and operated by the state of Kansas or any political subdivision thereof and approved by the secretary, pursuant to K.S.A. 65-4603 and amendments thereto and K.S.A. 65-4607 and amendments thereto;

(c) "treatment facility" means an approved public or private treatment facility, but such term shall not include a licensed medical care facility, a licensed adult care home or a facility licensed under the provisions of K.S.A. 75-3307b and amendments thereto, or a ~~certified~~ licensed psychologist or a person licensed to practice medicine or surgery if such psychologist or person licensed to practice medicine or surgery treats in the usual course of their professional practice drug abusers or per-

sons incapacitated by drugs and are not exclusively engaged in the usual course of their professional practice in treating such persons;

(d) "committee" means the Kansas citizens' committee on alcohol and other drug abuse;

(e) "department" means the department of social and rehabilitation services;

(f) "disabled person" means a person who has been adjudicated disabled pursuant to K.S.A. 59-3002 *et seq.*, and amendments thereto;

(g) "intoxicated person" means a person whose mental or physical functioning is substantially impaired as a result of the use of drugs;

(h) "treatment" means the broad range of emergency, outpatient, intermediate, and inpatient services and care, including diagnostic evaluation, medical, psychiatric, psychological, and social service care, vocational rehabilitation and career counseling, which may be extended to drug abusers and intoxicated persons;

(i) "patient" means a person who is a voluntary patient, a proposed patient, or an involuntary patient;

(j) "voluntary patient" means a person who is voluntarily receiving care or treatment at a treatment facility other than by order of any court;

(k) "proposed patient" means a person for whom an application pursuant to K.S.A. 65-5207 and amendments thereto has been filed;

(l) "involuntary patient" means a person incapacitated by drugs who is receiving care or treatment under an order of a district court;

(m) "other facilities for care or treatment" means any mental health clinic, medical care facility, nursing home, physician or any other institution or individual authorized or licensed by law to give care or treatment to any patient;

(n) "physician" means a person licensed to practice medicine and surgery under the Kansas healing arts act;

(o) "head of the treatment facility" means the administrative director of a treatment facility;

(p) "care or treatment" means such necessary services as are in the best interests of the physical and mental health of the patient;

(q) "discharge" means the final and complete release from care or treatment, by either an order of a district court pursuant to K.S.A. 65-5217 and amendments thereto or a treatment facility;

(r) "convalescent" shall describe the status of any patient who has not been discharged, but who is permitted by the head of the treatment facility to live apart from a treatment facility;

(s) the various terms defined in K.S.A. 59-3002 and amendments thereto for obtaining a guardian or conservator, or both, mean the same herein as they do in that act;

(t) "law enforcement officer" means any person who, by virtue of office or public employment, is vested by law with a duty to maintain public order or to make arrests for crimes, whether that duty extends to all crimes or is limited to specific crimes;

(u) "governmental unit" means the state, or any county, municipality, or other political subdivision thereof; or any department, division, board or other agency of any of the foregoing;

(v) "secretary" means the secretary of social and rehabilitation services;

(w) "drug abuser" means a person who habitually lacks self-control as to the use of drugs or uses drugs to the extent that such person's health is substantially impaired or endangered or such person's social or economic function is substantially disrupted, but such term shall not include a person who habitually lacks self-control in the use of alcohol;

(x) "incapacitated by drugs" means that a person, as a result of use of drugs, is unconscious or has impaired judgment so that such person (1) is incapable of realizing and making a rational decision with respect to the need for treatment; or (2) lacks sufficient understanding or capacity to make or communicate responsible decisions concerning either such person's well-being or estate;

(y) "state institution" means any institution within the de-

partment of social and rehabilitation services which offers drug and alcoholism treatment programs;

(z) "drug" means the following: (1) The same as the term controlled substance in K.S.A. 65-4101 and amendments thereto; and (2) fluorocarbons, toluene and volatile hydrocarbon solvents; and

(aa) "psychologist" means a certified licensed psychologist, as defined by K.S.A. 74-5302 and amendments thereto.

Sec. 13. K.S.A. 74-5301 is hereby amended to read as follows: 74-5301. This act shall be known and may be cited as the certification licensure of psychologists act of the state of Kansas.

Sec. 14. K.S.A. 74-5302 is hereby amended to read as follows: 74-5302. For the purpose of this act the following definitions shall apply: (a) the "Practice of psychology" means the application of established principles of learning, motivation, perception, thinking, and emotional relationships to problems of behavior adjustment, group relations, and behavior modification, by persons trained in psychology. The application of such principles includes, but is not restricted to, counseling and the use of psychological remedial measures with persons, in groups or individually, having adjustment or emotional problems in the areas of work, family, school, and personal relationships; measuring and testing personality, intelligence, aptitudes, public opinion, attitudes; and skills; and the teaching of such subject matter; and the conducting of research on problems relating to human behavior, except that in all cases involving the care of the sick and ill as defined by the laws of this state, the primary responsibility devolves upon those licensed under the Kansas healing arts act.

(b) The term "Represents himself oneself to be a psychologist" means that a person engages in the practice of psychology for a fee, monetary or otherwise, or holds himself oneself out to the public by any title or description of services incorporating the word "psychologic," "psychological," "psychologist," or "psychology," and under such title or description offers to render or renders services to individuals, corporations, or the public for a fee, monetary or otherwise.

(c) The term "Board" means the behavioral sciences regulatory board created by K.S.A. 74-7501 and amendments thereto.

(d) The term "certificate" "License" means a certificate of registration license as a psychologist issued by the board.

(e) The term "certified" "Licensed psychologist" means a person certified licensed by the board under the provisions of this act.

Sec. 15. K.S.A. 74-5310 is hereby amended to read as follows: 74-5310. The board shall issue a certificate license as a psychologist to any person who pays a fee prescribed by the board, not in excess of one hundred dollars (\$100) \$100, which shall not be refunded, who either satisfied satisfies the board as to his such person's training and experience after a thorough review of his such person's credentials or who passes a satisfactory examination in psychology. Provided, That Any person so paying said the fee must also submit evidence verified by oath and satisfactory to the board that he such person: (a) Is at least twenty-one (21) 21 years of age; (b) is of good moral character; (c) has received the doctor's degree based on a program of studies in content primarily psychological from an educational institution having a graduate program with standards consistent with those of the state universities of Kansas, or the substantial equivalent of such program in both subject matter and extent of training; and (d) has had at least two (2) years of supervised experience, a significant portion of which shall have been spent in rendering psychological services satisfying the board's approved standards for the psychological service concerned.

Sec. 16. K.S.A. 74-5310a is hereby amended to read as follows: 74-5310a. In case of a lost or destroyed certificate of registration license of a psychologist, and upon satisfactory proof of the loss or destruction thereof, the behavioral sciences regulatory board may issue a duplicate, charging a fee not in excess of \$20 for such duplicate certificate of registration license.

Sec. 17. K.S.A. 74-5315 is hereby amended to read as follows: 74-5315. The board may grant a certificate license without examination to any person who, at the time of application, is

(continued)

licensed or certified by a board of psychology examiners of another state provided that if the requirements of such state for such certification or licensure were substantially the equivalent of the requirements of this act.

Sec. 18. K.S.A. 74-5316 is hereby amended to read as follows: 74-5316. The board may grant a ~~certificate~~ license without examination, valid for a period not to exceed ~~ninety (90)~~ 90 days in one calendar year; to a ~~certifiable~~ nonresident psychologist ~~who could be licensed in this state and~~ who is temporarily employed to come into the state to render psychological services, the fee for which shall be ~~fifteen dollars (\$15)~~ \$15.

Sec. 19. K.S.A. 74-5317 is hereby amended to read as follows: 74-5317. (a) Whoever desires to obtain a ~~certificate of registration~~ license shall apply to the board in writing, on forms prepared and furnished by the board. Each application shall contain proof of the particular qualifications required of the applicant, shall be verified by the applicant under oath or affirmation, and shall be accompanied by the required fee.

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

Sec. 20. K.S.A. 74-5318 is hereby amended to read as follows: 74-5318. On or before the first day of April of alternate years, commencing in 1968, the board shall mail to every psychologist ~~certified licensed~~ in Kansas, an application blank for renewal, which shall contain space for insertion of information as required for the application blank under K.S.A. 74-5317 and amendments thereto, addressing the same in accordance with the post office address given at the last previous registration renewal.

Sec. 21. K.S.A. 74-5319 is hereby amended to read as follows: 74-5319. Upon receipt of such application blank, a ~~registrant~~ licensee shall fill out, sign and forward the application to the board, together with a renewal fee fixed by rules and regulations of the board of not to exceed \$200. Upon receipt of such application and fee, the board shall issue a renewal ~~certificate of registration~~ license for the period commencing on the date on which the ~~certificate~~ license is issued and expiring on June 30 of the next even-numbered year. Initial ~~registrations~~ licenses shall thus be for the current biennium of registration.

Sec. 22. K.S.A. 74-5320 is hereby amended to read as follows: 74-5320. Applications for renewal of ~~registration~~ license must be made biennially on or before the first day of July and if not so made an additional fee of ~~one dollar (\$1)~~ \$1 for each ~~thirty (30)~~ 30 days of delay beyond the first day of July shall be added to the regular renewal fee.

Sec. 23. K.S.A. 74-5321 is hereby amended to read as follows: 74-5321. Should any psychologist who has failed to ~~register~~ renew a license continue to represent ~~himself~~ oneself as a psychologist beyond the first day of November ~~November 1~~, thereafter ~~he~~ such psychologist shall be in violation of this act and ~~his~~ the psychologist's license may be suspended or revoked by the board in accordance with the provisions of K.S.A. 74-5324 and amendments thereto.

Sec. 24. K.S.A. 74-5322 is hereby amended to read as follows: 74-5322. Upon the first day of November ~~November 1~~ of each year, or within ~~twenty (20)~~ 20 days thereafter, the board shall publish and cause to be mailed to each psychologist ~~registered~~ licensed under this act in Kansas, a list of duly ~~registered~~ licensed psychologists in this state. The annual listing will be contingent upon the payment of all fees due, including the renewal fee.

Sec. 25. K.S.A. 74-5323 is hereby amended to read as follows: 74-5323. The confidential relations and communications between a ~~certified licensed~~ psychologist and ~~his~~ the psychologist's client are placed on the same basis as provided by law for those between an attorney and ~~his~~ the attorney's client. Nothing in this act shall be construed to require such privileged communications to be disclosed.

Sec. 26. K.S.A. 74-5324 is hereby amended to read as follows: 74-5324. The ~~certificate~~ license of any psychologist may be

suspended or revoked by the board upon proof that the psychologist: (a) Has been convicted of a felony involving moral turpitude; or (b) has been guilty of fraud or deceit in connection with his services rendered as a psychologist or in establishing his qualifications under this act; or (c) has aided or abetted a person, not a ~~certified licensed~~ psychologist, in representing ~~himself~~ such person as a psychologist in this state; or (d) has been guilty of unprofessional conduct as defined by rules and regulations established by the board; or (e) has been guilty of negligence or wrongful actions in the performance of his duties.

Sec. 27. K.S.A. 74-5325 is hereby amended to read as follows: 74-5325. After a hearing as provided in K.S.A. 74-5333 and amendments thereto, the board may suspend the ~~certificate~~ license of any psychologist for a period not to exceed one year on evidence that the psychologist is incapable of performing his duties in the best interest of the public. If at the end of one year of continuous suspension, evidence is presented that the incapacity remains, the suspension may be continued for a period of one year.

Sec. 28. K.S.A. 74-5326 is hereby amended to read as follows: 74-5326. The board shall have jurisdiction of the proceedings to revoke or suspend the ~~certificate~~ license of any psychologist ~~certified licensed~~ under this act. The petition for the revocation or suspension of a ~~certificate~~ license may be filed: (a) By the attorney general in all cases; (b) by the county attorney of the county in which the ~~certified licensed~~ psychologist resides or has practiced; or (c) an attorney employed by the board. ~~Said~~ The petition shall be filed in the office of the secretary of the board.

Sec. 29. K.S.A. 74-5327 is hereby amended to read as follows: 74-5327. The board may direct the attorney general, the county attorney, or its attorney, to file such petition against ~~said~~ ~~certified~~ the licensed psychologist upon its own motion, or it may give such direction upon the sworn statement of some person who resides in the county where the ~~certified licensed~~ psychologist practices.

Sec. 30. K.S.A. 74-5328 is hereby amended to read as follows: 74-5328. The attorney general shall comply with such directions of the board and prosecute ~~said~~ the action on behalf of the state, but the county attorney of any county where a ~~certified licensed~~ psychologist has practiced, at the request of the attorney general, or of the board, shall appear and prosecute such action.

Sec. 31. K.S.A. 74-5329 is hereby amended to read as follows: 74-5329. The following rules shall govern the form of the petition in such cases: (a) The board shall be named as plaintiff and the ~~certified licensed~~ psychologist as defendant. (b) The charges against the ~~certified licensed~~ psychologist 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 ~~certified licensed~~ psychologist may plead to the petition if he so desires.

Sec. 32. K.S.A. 74-5331 is hereby amended to read as follows: 74-5331. 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 ~~certified licensed~~ psychologist at least ~~twenty (20)~~ 20 days before ~~said~~ the hearing. The notice may be served by any sheriff, or constable or by any person specially appointed by the chairperson of the board. Such service may be made either upon the ~~certified licensed~~ psychologist personally or by leaving at such person's usual place of residence.

Sec. 33. K.S.A. 74-5332 is hereby amended to read as follows: 74-5332. No ~~certificate~~ license of any psychologist shall be suspended or revoked until after notice and opportunity for hearing in accordance with the provisions of the Kansas administrative procedure act.

Sec. 34. K.S.A. 74-5333 is hereby amended to read as follows: 74-5333. No ~~certified licensed~~ psychologist shall engage in practice after a ~~certificate~~ the psychologist's license is revoked or during the time for which it is suspended.

Sec. 35. K.S.A. 74-5334 is hereby amended to read as follows: 74-5334. In case the ~~certified licensed~~ psychologist fails to appear, either in person or by counsel, at the time and place designated in ~~said~~ the notice, the board after receiving satisfac-

tory evidence of the truth of the charges, shall order the license revoked or suspended as it may determine.

Sec. 36. K.S.A. 74-5335 is hereby amended to read as follows: 74-5335. If the order is adverse to the ~~certified licensed~~ psychologist, the costs shall be charged to ~~him~~ *such psychologist* 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 treasury to the credit of the board. Witness fees and costs may be taxed according to the statutes prevailing in the district courts.

Sec. 37. K.S.A. 74-5337 is hereby amended to read as follows: 74-5337. At any time within ~~thirty (30)~~ 30 days after the entry of the order of the board, either party shall have the right to appeal to the district court in the county where the ~~certified licensed~~ psychologist resides or is practicing. The filing of a notice in writing of the intention to take such an appeal with the chairperson of the board within ~~thirty (30)~~ 30 days after the entry of the order shall be sufficient notice to the adverse party of the intention to appeal. The chairperson of the board shall forthwith file a ~~duly~~ certified transcript of all pleadings upon which the cause was tried before the board, ~~and same~~ *the transcript* shall be filed in the office of the clerk of the district court of the proper county, and this shall complete the appeal. The trial in the district court upon such appeal shall be had upon the issues joined as presented upon the evidence and exhibits introduced before the board, and certified by the chairperson of the board.

Sec. 38. K.S.A. 74-5339 is hereby amended to read as follows: 74-5339. After one year from the date of a revocation of a license, an application for reinstatement may be made to the board, and it may order such reinstatement. The board shall prescribe by rules and regulations a reinstatement fee of not to exceed \$200.

Sec. 39. K.S.A. 74-5340 is hereby amended to read as follows: 74-5340. ~~After July 1, 1968,~~ It shall be unlawful, without a valid, existing ~~certificate~~ license as a psychologist issued by the board for any person to represent ~~himself oneself~~ to be a psychologist as defined in K.S.A. 74-5302 and amendments thereto.

Sec. 40. K.S.A. 74-5344 is hereby amended to read as follows: 74-5344. Nothing contained in this act shall be construed: (a) To prevent qualified members of other professional groups such as, but not limited to, ministers, Christian Science practitioners, social workers, and sociologists from doing work of a psychological nature consistent with their training and consistent with any code of ethics of their respective professions so long as they do not hold themselves out to the public by any title or description of services incorporating the words "psychologic," "psychological," "psychologist," or "psychology";

(b) in any way to restrict any person from carrying on any of the aforesaid activities in the free expression or exchange of ideas concerning the practice of psychology, the application of its principles, the teaching of such subject matter and the conducting of research on problems relating to human behavior if such person does not represent such person or such person's services in any manner prohibited by this act;

(c) to limit the practice of psychology or use of official title on the part of a person in the employ of a federal, state, county or municipal agency, or other political subdivision, or a duly chartered educational institution, or a not-for-profit corporation insofar as such practice is a part of the duties of such person's salaried position, and insofar as such practice is performed solely on behalf of such person's employer, or insofar as such person is engaged in public speaking with or without remuneration;

(d) to limit the practice of psychology or services of a student, intern or resident in psychology pursuing a degree in psychology in a school, college, university or other institution, with educational standards consistent with those of the state universities of Kansas if such practice or services are supervised as a part of such person's degree program. Nothing contained in this section shall be construed as permitting such persons to offer their services as psychologists to any other person and to accept remuneration for such psychological services other than as specifically excepted herein, unless they have been ~~certified licensed~~ under the provisions of this act;

(e) to prevent the employment, by a person, association,

partnership or a corporation furnishing psychological services for remuneration, of persons not ~~certified licensed~~ as psychologists under the provisions of this act to practice psychology if such persons work under the supervision of a psychologist or psychologists ~~certified licensed~~ under the provisions of this act and if such persons are not in any manner held out to the public as psychologists ~~certified licensed~~ under the provisions of this act;

(f) to restrict the use of tools, tests, instruments or techniques usually denominated "psychological" so long as the user does not represent ~~himself oneself~~ to be a psychologist;

(g) to permit persons ~~certified licensed~~ as psychologists to engage in the practice of medicine as defined in the laws of this state, nor to require such ~~certified licensed~~ psychologists to comply with the Kansas healing arts act as amended;

(h) to restrict the use of the term "social psychologist" by any person who has received a doctoral degree in sociology or social psychology from an institution whose credits in sociology or social psychology are acceptable by a school or college as defined in this act, and who has passed comprehensive examination in the field of social psychology as a part of the requirements for the doctoral degree or has had equivalent specialized training in social psychology;

(i) to restrict the practice of psychology by a person who is certified as a school psychologist by the state department of education so long as such practice is conducted as a part of the duties of employment by a unified school district or as part of an independent evaluation conducted in accordance with K.S.A. 72-963, and amendments thereto, including the use of the term "school psychologist" by such person in conjunction with such practice;

(j) to permit persons ~~certified licensed~~ as psychologists to engage in the practice of optometry as defined in the laws of this state.

Sec. 41. K.S.A. 74-7501 is hereby amended to read as follows: 74-7501. (a) There is hereby created a behavioral sciences regulatory board consisting of seven members appointed by the governor. The membership of the board shall be as follows: Two members of the board shall be ~~certified licensed~~ psychologists; two members of the board shall be licensed to engage in the practice of social work; and three members of the board shall be from and represent the general public. Each member of the board shall be a citizen of the United States and a resident of this state.

(b) The term of office of each member of the board shall be four years, except that the term of office of the members appointed to the first board shall be as follows: Three members shall be appointed for terms of two years, three members shall be appointed for terms of three years and one member shall be appointed for a term of four years. The governor shall designate the term of office for each member appointed to the first board. No member of the board shall be appointed for more than two successive terms. Upon the expiration of a member's term of office, the governor shall appoint a qualified successor. Each member shall serve until a successor is appointed and qualified. Whenever a vacancy occurs in the membership of the board prior to the expiration of a term of office, the governor shall appoint a qualified successor to fill the unexpired term. The governor may remove any member of the board for misconduct, incompetency or neglect of duty.

(c) The board shall organize annually at its first meeting subsequent to June 30 and shall select from its members a chairperson and a vice-chairperson. Other meetings shall be held as the board designates. Four members of the board shall constitute a quorum for the transaction of business.

(d) The board may appoint an executive secretary who shall be in the unclassified service of the Kansas civil service act and shall receive an annual salary fixed by the board, subject to approval by the governor. The board may employ clerical personnel and other assistants, all of whom shall be in the classified service under the Kansas civil service act. The board may make and enter into contracts of employment with such professional personnel as necessary, in the board's judgment, for the performance of its duties and functions and the execution of its powers.

(continued)

(e) Members of the behavioral sciences regulatory board attending meetings of the board, or attending a subcommittee meeting thereof authorized by the board, shall be paid compensation, subsistence allowances, mileage and other expenses as provided in K.S.A. 75-3223 and amendments thereto.

Sec. 42. K.S.A. 74-7507 is hereby amended to read as follows: 74-7507. The behavioral sciences regulatory board shall have the following powers, duties and functions for the purpose of administering the provisions of this act, the provisions of the ~~certification~~ licensure of psychologists act of the state of Kansas and the provisions of K.S.A. 75-5346 to ~~75-5361~~ 75-5362, inclusive, and amendments thereto:

(a) Recommend to the appropriate district or county attorneys prosecution for violations of this act, the provisions of the ~~certification~~ licensure of psychologists act of the state of Kansas, or the provisions of K.S.A. 75-5346 to ~~75-5361~~ 75-5362, inclusive, and amendments thereto;

(b) compile and publish annually a list of the names and addresses of all persons who are ~~certified~~ or licensed under the provisions of this act, the provisions of the ~~certification~~ licensure of psychologists act of the state of Kansas or the provisions of K.S.A. 75-5346 to ~~75-5361~~ 75-5362, inclusive, and amendments thereto;

(c) prescribe the form and contents of examinations required under the provisions of this act, the provisions of the ~~certification~~ licensure of psychologists act of the state of Kansas or the provisions of K.S.A. 75-5346 to ~~75-5361~~ 75-5362, inclusive, and amendments thereto;

(d) enter into contracts necessary to administer the provisions of this act, the provisions of the ~~certification~~ licensure of psychologists act of the state of Kansas or the provisions of K.S.A. 75-5346 to ~~75-5361~~ 75-5362, inclusive, and amendments thereto;

(e) adopt an official seal;

(f) adopt and enforce rules and regulations for professional conduct of persons ~~certified~~ licensed under the provisions of the ~~certification~~ licensure of psychologists act of the state of Kansas or licensed under the provisions of K.S.A. 75-5346 to ~~75-5361~~ 75-5362, inclusive, and amendments thereto;

(g) adopt and enforce rules and regulations establishing requirements for the continuing education of persons ~~certified~~ licensed under the provisions of the ~~certification~~ licensure of psychologists act of the state of Kansas or licensed under the provisions of K.S.A. 75-5346 to ~~75-5361~~ 75-5362, inclusive, and amendments thereto;

(h) adopt rules and regulations establishing classes of social work specialties which will be recognized for licensure under the provisions of K.S.A. 75-5346 to ~~75-5361~~ 75-5362, inclusive, and amendments thereto;

(i) adopt rules and regulations establishing procedures for examination of candidates for ~~certification~~ licensure under the ~~certification~~ licensure of psychologists act of the state of Kansas and licensure under the provisions of K.S.A. 75-5346 to ~~75-5361~~ 75-5362, inclusive, and amendments thereto, and for issuance of such certificates and such licenses;

(j) adopt such other rules and regulations as may be necessary for the administration of this act, the ~~certification~~ licensure of psychologists act of the state of Kansas and the provisions of K.S.A. 75-5346 to ~~75-5361~~ 75-5362, inclusive, and amendments thereto, and to carry out the purposes thereof;

(k) appoint an executive secretary and other employees as provided in K.S.A. 74-7501 and amendments thereto; and

(l) exercise such other powers and perform such other functions and duties as may be prescribed by law.

New Sec. 43. (a) Whenever certified psychologist, or words of like effect, is referred to or designated by a statute, rule and regulation, contract or other document in reference to a psychologist certified under the certification of psychologists act of the state of Kansas, such reference or designation shall be deemed to apply to a licensed psychologist under the licensure of psychologists act of the state of Kansas.

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

Sec. 44. K.S.A. 17-2707, 40-2,104, 40-2,105, 40-2,111, 60-1617, 65-4003, 65-4003d, 65-5201, 74-5301, 74-5302, 74-5310,

74-5310a, 74-5315, 74-5316, 74-5317, 74-5318, 74-5319, 74-5320, 74-5321, 74-5322, 74-5323, 74-5324, 74-5325, 74-5326, 74-5327, 74-5328, 74-5329, 74-5331, 74-5332, 74-5333, 74-5334, 74-5335, 74-5337, 74-5339, 74-5340, 74-5344, 74-7501 and 74-7507 and K.S.A. 1985 Supp. 22-3302, 22-3428a, 38-1522, 38-1637 and 39-1402 are hereby repealed.

Sec. 45. 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 11, 1986.

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

Passed the SENATE April 1, 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.

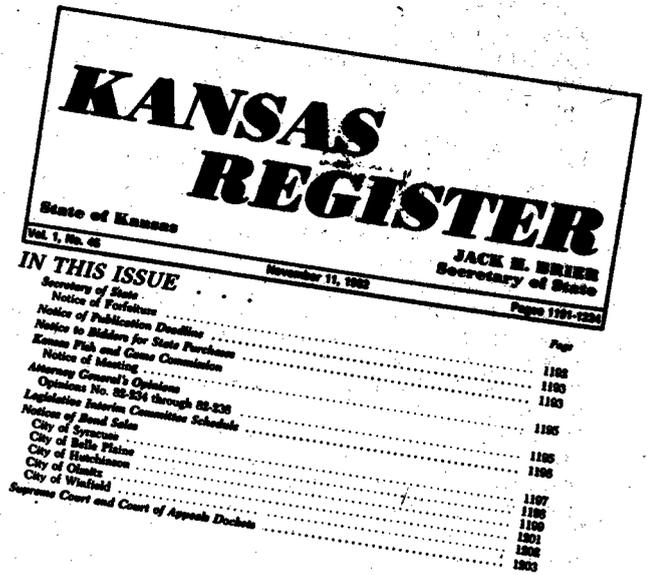
IN TESTIMONY WHEREOF, I have hereunto subscribed my name and affixed my official seal, this 18th day of April, 1986.

JACK H. BRIER
Secretary of State.

(SEAL)

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