

KANSAS REGISTER

State of Kansas

BILL GRAVES
Secretary of State

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February 19, 1987

Pages 201-248

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State of Kansas
**DEPARTMENT OF ADMINISTRATION
 EMPLOYEE AWARD BOARD**

NOTICE OF MEETING

The Employee Award Board will meet at 1:30 p.m. Tuesday, February 24, in the Division of Purchasing, Room 102-N, Landon State Office Building, 900 S.W. Jackson, Topeka.

DEBRA L. MILLER
 Chairperson

Doc. No. 005061

State of Kansas
**DEPARTMENT OF HUMAN RESOURCES
 PRIVATE INDUSTRY COUNCIL**

NOTICE OF MEETING

The Private Industry Council for Service Delivery Area II of the Job Training Partnership Act will meet at 1:30 p.m. Thursday, February 26, at the ESSI Building, 1309 Topeka Blvd., Topeka.

CHARLES J. HERNANDEZ, JR.
 SDA II PIC Manager

Doc. No. 005072

State of Kansas
**SOCIAL AND REHABILITATION SERVICES
 ADULT SERVICES ADVISORY COUNCIL**

NOTICE OF MEETING

The Adult Services Advisory Council will meet from 10:30 a.m. to 12:30 p.m. Tuesday, March 3, at the SRS Staff Development Training Center, Feldman Building, State Complex West, 2700 W. 6th, Topeka.

JANET SCHALANSKY
 Acting Commissioner of
 Adult Services

Doc. No. 005071

State of Kansas
KANSAS WATER AUTHORITY

NOTICE OF MEETING

A conference telephone call meeting of the Kansas Water Authority has been scheduled for noon Friday, February 27, to discuss the rank-ordering of recommendations contained in the Kansas Water Plan.

Persons wishing to attend or participate may do so at the Kansas Water Office, 109 S.W. 9th, Suite 200, Topeka, or 702 S. Broadway, Larned.

H. PHILIP MARTIN
 Chairman

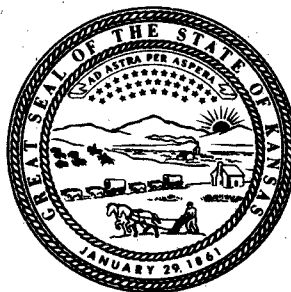
Doc. No. 005069

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PUBLISHED BY
 BILL GRAVES
 Secretary of State
 2nd Floor, State Capitol
 Topeka, KS 66612-1594



Phone: (913) 296-3489

State of Kansas

BOARD OF ACCOUNTANCY**PUBLIC NOTICE**

Effective February 23, the Board of Accountancy offices will be located in Suite 907, Landon State Office Building, 900 S.W. Jackson, Topeka 66612-1220. The telephone number will remain the same, (913) 296-2162.

GLENDIA SHERMAN
Board Secretary

Doc. No. 005060

State of Kansas

OFFICE OF THE GOVERNOR**EXECUTIVE ORDER NO. 87-93****OFFER OF REWARD**

WHEREAS, Walter J. Halferty, age 39, of Morton County, Kansas, was shot and killed at his home in rural Morton County, Kansas on December 21, 1986; and

WHEREAS, said killing appears to have been a heinous crime and homicide in violation of the laws of the State of Kansas.

NOW, THEREFORE, by virtue of the authority vested in me by K.S.A. 75-113, I, Mike Hayden, Governor of the State of Kansas, do hereby offer a reward of five thousand dollars (\$5,000.00) for information leading to the apprehension and conviction of the perpetrator(s) of this crime.

This document shall be filed with the Secretary of State as Executive Order No. 87-93, and shall become effective immediately.

Dated February 6, 1987.

MIKE HAYDEN
Governor
Attest: BILL GRAVES
Secretary of State

Doc. No. 005057

State of Kansas

OFFICE OF THE GOVERNOR**EXECUTIVE ORDER NO. 87-94****ESTABLISHING AND PROVIDING FOR MEMBERSHIP OF THE CABINET**

WHEREAS, the Constitution of the State of Kansas vests supreme executive power in the Governor; and

WHEREAS, the Constitution of the State of Kansas authorizes the Governor to require information be provided the Governor from officers of the executive department upon any subject relating to their respective duties; and

WHEREAS, the State of Kansas has adopted a cabinet form of executive organization for major functions of state government; and

WHEREAS, it is right and proper that the Governor establish the Cabinet and provide for its membership.

NOW, THEREFORE, pursuant to the authority vested in me as Governor and chief executive of the State of Kansas, I hereby establish the Cabinet. The Cabinet shall be composed of the following secretaries or their duly authorized representatives (in case of absence from time to time):

1. The Governor
2. The Lieutenant Governor
3. The Secretary of Administration
4. The Secretary of Aging
5. The Secretary of Agriculture
6. The Secretary of Commerce
7. The Secretary of Corrections
8. The Secretary of Health and Environment
9. The Secretary of Human Resources
10. The Secretary of Revenue
11. The Secretary of Social and Rehabilitation Services
12. The Secretary of Transportation

The Governor shall chair the Cabinet. The Secretary of Administration shall serve as vice-chair and preside in the absence of the Governor.

The Cabinet shall meet on call of the Governor at such time and place as may be established by the Governor. Each member of the Cabinet shall serve without additional compensation.

The Governor shall appoint a Secretary of the Cabinet, who shall prepare minutes, organize the agenda and coordinate the meetings of the Cabinet, at the direction of the Governor.

The Director of the Budget, the Director of the Water Office, and the President of Kansas, Inc., or their duly authorized representatives (in case of absence from time to time), shall attend all meetings of the Cabinet, and shall advise and assist the Cabinet in their discussions, deliberations and assignments, as may be determined by the Governor.

Expenses of the Cabinet members, if any, shall be paid by the agency of which the member of the Cabinet is the head; or in the case of a duly authorized representative, of which he or she is employed.

This document shall be filed with the Secretary of State as Executive Order No. 87-94; shall be effective immediately and shall replace Executive Order No. 80-41 which is hereby rescinded.

Dated February 11, 1987.

MIKE HAYDEN
Governor
Attest: BILL GRAVES
Secretary of State

Doc. No. 005058

State of Kansas
DEPARTMENT OF ADMINISTRATION
DIVISION OF ARCHITECTURAL SERVICES

**NOTICE OF COMMENCEMENT
 OF NEGOTIATIONS
 FOR TECHNICAL SERVICES**

Notice is hereby given of the commencement of negotiations for a contract for aerial mapping services to map the main campus of Kansas State University, Manhattan. The project has been divided into two phases—the first phase (ground control and aerial photography) to be completed in March, 1987; the second phase (line maps) to be completed by August, 1987.

Additional information, questions or expressions of interest should be directed to Mark Taussig, Facilities Planning Office, Dykstra Hall, Manhattan 66506, (913) 532-6377, prior to March 6.

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

Doc. No. 005059

State of Kansas
SOCIAL AND REHABILITATION SERVICES

NOTICE OF MEETING

The Department of Social and Rehabilitation Services will meet at 9 a.m. Tuesday, March 3, in the Staff Development Training Center, 2700 W. 6th, Topeka.

The scheduled agenda includes:

- Initiate budget discussions for fiscal year 1989 for all SRS programs and service areas.
- Adopt weatherization plan.
- Solicit public input on fiscal year 1989 budget.
- Announce public input period for development of temporary administrative regulations.

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

ROBERT C. HARDER
 Secretary of Social and
 Rehabilitation Services

Doc. No. 005070

State of Kansas
DEPARTMENT OF TRANSPORTATION
NOTICE TO CONSULTING ENGINEERS

The Kansas Department of Transportation is seeking a qualified engineering firm for plan production for the following project:

Hodgeman—283-42 K-3030-01—replace curb and gutter, sidewalks and entrances through Jetmore; mill and replace 3" of bituminous surface on the south 2,200 feet.

Firms expressing interest in this project must respond in writing and complete the Consulting Engineers Qualification Questionnaire (if not already pre-qualified) by March 5.

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

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

HORRACE B. EDWARDS
 Secretary of Transportation

Doc. No. 005036

State of Kansas
DEPARTMENT OF TRANSPORTATION

NOTICE TO CONTRACTORS

Notice is hereby given that sealed proposals for the construction of road and bridge work in the following Kansas counties will be received at the office of the Chief of Construction and Maintenance, K.D.O.T., Topeka, until 10 a.m. C.S.T. March 19, 1987, and then publicly opened:

DISTRICT ONE—Northeast

Brown—7 C-2028-01—County road, 2.7 miles south of Robinson, then south 0.2 mile, bridge replacement. (Federal Funds)

Johnson—635-46 K-2134-04—I-635 and I-35 Interchange, grading, surfacing and bridge. (Federal Funds)

Nemaha—66 C-0649-01—County road, 5.8 miles south of Seneca, then south, 0.2 mile, bridge replacement. (Federal Funds)

Osage—70 K-1314-03—Melvern Lake State Park road, 1.0 mile, overlay. (State Funds)

Riley—77-81 K-2814-01—U.S. 77, Mill Creek bridge 39, 1.6 miles north of the junction of U.S. 24, bridge repair. (Federal Funds)

Wabaunsee—70-99 K-1399-01—I-70, eastbound lane over the Chicago, Rock Island and Pacific Railroad bridge 19 and eastbound lane of Mill Creek bridge 21, bridge widening. (Federal Funds)

DISTRICT TWO—Northcentral

Anderson—31-2 K-0113-01—K-31, 3.0 miles west of Garnett, then east and southeast, 1.2 miles, grading, surfacing and bridge. (Federal Funds)

Cloud—15 C-1858-01—County road, 0.9 mile south and 4.3 miles west of Concordia, then west, 0.1 mile, bridge replacement. (Federal Funds)

Marion—56-57 K-0561-02—U.S. 56, FAS 428 spur east of Canada, east to U.S. 77, 7.2 miles, surfacing. (Federal Funds)

Marion—56-57 K-0562-02—U.S. 56, east junction of K-15 to FAS 428 spur east of Canada, 6.9 miles, surfacing. (Federal Funds)

Republic—36-79 M-1464-01—U.S. 36, abandoned Chicago, Burlington and Quincy Railroad bridge 18, 11 miles east of U.S. 81, bridge removal. (State Funds)

Washington—101 C-1884-01—County road, 2.0 miles east and 9.0 miles south of Haddam, then south, 0.2 mile, bridge replacement. (Federal Funds)

DISTRICT THREE—Northwest

Logan—83-55 K-2895-01—U.S. 83, Front Street north to 8th Street in Oakley, 0.6 mile, grading and surfacing. (State Funds)

Saline—82 C-1587-01—County road, 6.0 miles north and 7.0 miles east of Plainville, then east, 0.2 mile, bridge replacement. (Federal Funds)

Trego/Gove/Thomas/Sherman—70-106 K-2972-01—I-70, various interchanges from WaKeeney west to the state line, signing. (Federal Funds)

DISTRICT FOUR—Southeast

Allen—1 C-2496-01—County road, 0.75 mile west of Humboldt, then west and south, 3.0 miles, surfacing. (Federal Funds)

Cherokee—69-11 K-0173-03—U.S. 69, Little Shawnee Creek bridge 11, 1.7 miles north of K-96, bridge replacement. (Federal Funds)

Crawford—126-19 X-1034-02—Burlington Northern crossing south of Beulah, grading and surfacing. (Federal Funds)

Elk—160-25 M-1470-01—U.S. 160, 1.8 miles east of the east city limits of Elk Falls, then east, slide repair. (State Funds)

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

Labette—59-50 M-1465-01—U.S. 59, east of Missouri-Kansas-Texas Railroad bridge 6, northwest of Oswego, 0.1 mile, drainage. (State Funds)

Labette—96-50 X-0988-02—Burlington Northern crossing west of Altamont, grading and surfacing. (Federal Funds)

Montgomery—160-63 M-1466-01—U.S. 160, east end of bridge 30 at the north junction of U.S. 169, slide repair. (State Funds)

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

DISTRICT FIVE—Southcentral

Barber—4 C-2248-01—County road, Lake City, then east, 0.2 mile, bridge replacement. (Federal Funds)

Butler—8 C-2348-01—County road, 3.5 miles north and 1.1 miles west of Benton, 0.3 mile, bridge replacement. (Federal Funds)

Reno—78 C-1764-01—County road, 8.0 miles west of Nickerson, then south, 0.2 mile, bridge replacement. (Federal Funds)

Reno—78 U-0947-01—Second Avenue at Harsha

Canal in Hutchinson, 0.1 mile, bridge replacement. (Federal Funds)

Rush—96-83 K-2815-01—K-96, Walnut Creek Drainage bridge 25, 1.4 miles east of the Ness-Rush county line, bridge repair. (Federal Funds)

Sedgwick—87 U-1047-01—Elmwood Drive over Dry Creek in Wichita, bridge replacement. (Federal Funds)

Sedgwick—87 U-1059-01—18th Street at Little Arkansas River in Wichita, 0.1 mile, grading, surfacing and bridge. (Federal Funds)

Sedgwick—135-87 M-1469-01—I-135, bridges 2, 6, 7 and 12 in Wichita, 3.1 miles, bridge overlay. (State Funds)

DISTRICT SIX—Southwest

Meade—54-60 K-2902-01—U.S. 54, Cedar Street east to State Street in Meade, 0.7 mile, overlay. (State Funds)

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

Each bidder shall file a sworn statement executed by or on behalf of the person, firm, association or corporation submitting the bid, certifying that such person, firm, association or corporation has not, either directly or indirectly, entered into any agreement, participated in any collusion, or otherwise taken any action in restraint of free competitive bidding in connection with the submitted bid. This sworn statement shall be in the form of an affidavit executed and sworn to by the bidder before a person who is authorized by the laws of the state to administer oaths. The required form of the affidavit will be provided by the state to each prospective bidder. Failure to submit the sworn statement as part of the bid-approval package will make the bid nonresponsive and not eligible for award consideration.

Plans and specifications for the projects may be examined at the office of the respective county clerk or at the K.D.O.T. district office responsible for the work.

HORACE B. EDWARDS
Secretary of Transportation

Doc. No. 005074

State of Kansas

**DEPARTMENT OF ADMINISTRATION
DIVISION OF PURCHASES**
NOTICE TO BIDDERS

Sealed bids for the following items will be received by the Director of Purchases, Landon State Office Building, 900 Jackson, Room 102, Topeka, until 2 p.m. C.S.T. on the date indicated, and then will be publicly opened. Interested bidders may call (913) 296-2377 for additional information.

MONDAY, MARCH 2, 1987

- #26417
Statewide—3M MICROFILM SUPPLIES
#26608
Kansas State Fair—PRIZE RIBBONS, ROSETTES AND BANNERS
#26706
Kansas State University—FERTILIZER
#27474
University of Kansas Medical Center—MARCH (1987) MEAT PRODUCTS
#27509-Rebid
Kansas Fish and Game Commission—HEAVY EQUIPMENT WORK, Cedar Bluff Wildlife Area, Trego County
#68282
Kansas State University—PICKUP, Colby
#68283
Kansas State University—TANDEM DISK
#68284
Osawatomie State Hospital—CLINICAL ANALYZER
#68285
Adjutant General's Department—CARPET, Salina
#68289
Kansas State University—TWO-WAY RADIO EQUIPMENT
#68312
University of Kansas—PAPER, PRINTING AND BINDING

TUESDAY, MARCH 3, 1987

- #27516
Statewide—APRIL (1987) MEAT PRODUCTS
#27583
Statewide—AUTOMOTIVE SPARK PLUGS
#27584
Kansas Correctional Industries—DISINFECTANT (CATIONIC GERMICIDE)
#68279
Department of Administration—VAN BUREN PARKING PROJECT FINANCING
#68295
Department of Social and Rehabilitation Services—HANDICAPPED VAN MODIFICATIONS, Salina
#68328
Department of Social and Rehabilitation Services—SALE OF VINYL FIBER THIN

WEDNESDAY, MARCH 4, 1987

- #A-5632
Department of Transportation—REROOF (COMPLETE REPLACEMENT), District Office Building, Salina

#A-5674

Pittsburg State University—WHITESITT HALL ROOF REPLACEMENT PHASE II (Revised—1st Rebid)

#A-5678

Kansas State University—PROVIDE STANDBY ELECTRICAL GENERATING SYSTEM, Derby Food Service Center, on campus

#27524

University of Kansas—April (1987) MEAT PRODUCTS

#27569

Statewide—HAND TOOLS AND MISCELLANEOUS HARDWARE

#68301

Adjutant General's Department—ROAD ROCK, Salina

#68304

Department of Administration, Division of Accounts and Reports—EMULATOR BOARDS

#68305

University of Kansas—MICROCOMPUTER

#68306

Emporia State University—TRACTOR

#68307

Governor's Office—MINI-VAN (LEASE)

THURSDAY, MARCH 5, 1987

- #A-4579, A-5701 and A-5702
Emporia State University—ROOFING SYSTEMS REPLACEMENT, various buildings on campus
#A-5253
Department of Corrections—STEAM LINES REPLACEMENT—PHASE II, Hutchinson
#26952
Kansas State Industrial Reformatory—BURIAL SERVICES
#27474
University of Kansas Medical Center—APRIL (1987) MEAT PRODUCTS
#68290
Department of Administration, Bureau of Telecommunications—TELECOMMUNICATIONS SYSTEM, Kansas City

#68311

Kansas Highway Patrol—STATION WAGON

#68313

Emporia State University—PICKUP

#68314

University of Kansas—LAB OVEN

#68315

Kansas State University—VET/LAB EQUIPMENT

#68320

University of Kansas Medical Center—HPLC SYSTEM

#68321

Pittsburg State University—ASPHALT REPAIR, Student Health Center

#68335

Pittsburg State University—DISMANTLE AND REMOVE STRUCTURAL STEEL BOOK STACK ASSEMBLY

FRIDAY, MARCH 6, 1987

- #67903-A
Department of Administration, Division of General Services—LOCAL AREA NETWORK
#68331
University of Kansas Medical Center—STEAM AUTOCLAVE TAPE

#68332

University of Kansas—WORKSTATION—NBI
COMPATIBLE

MONDAY, MARCH 9, 1987

#27570

Statewide—REFRIGERANT

#68322

Kansas State Penitentiary—PLUMBING FIXTURES
AND ACCESSORIES

#68333

Kansas State Penitentiary—DRYWALL MATERIALS

NICHOLAS B. ROACH

Director of Purchases

Doc. No. 005073

State of Kansas

BOARD OF EDUCATION

**NOTICE OF HEARING ON THE
MIGRANT EDUCATION STATE PLAN**

The Kansas State Board of Education will conduct a public hearing at 1:30 p.m. Tuesday, March 10, in Room 121 of the Kansas State Education Building, 120 E. 10th, Topeka, to consider the proposed Kansas Migrant Education State Plan for fiscal year 1988.

The Migrant Education Program is identified as a state operated program under Public Law 97-35, specifically designed to provide special educational services for migratory children of migratory agricultural workers or migratory fishers.

Approximately \$2.9 million will be appropriated to Kansas migrant education for fiscal year 1988. The plan will be implemented to serve a minimum of 3,000 students in 30 regular programs and 10 summer educational programs.

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

All interested persons will be given a reasonable opportunity to present their views or arguments at the hearing, either orally or in writing, on the plan. Individuals or organizations that cannot appear at the hearing may submit to the secretary of the board, at least five days before the hearing, their views regarding the proposed plan. All comments received will be considered by the board. The hearing shall be conducted in compliance with the public hearing procedures of the board.

DR. HAROLD L. BLACKBURN
Commissioner of Education

Doc. No. 005062

State of Kansas

BOARD OF EDUCATION

**NOTICE OF HEARINGS
CONCERNING EDUCATION OF
THE HANDICAPPED**

The Kansas State Board of Education will conduct a public hearing at 1:30 p.m. Tuesday, March 10, in Room 121 of the Kansas State Education Building, 120 E. 10th, Topeka, to consider the proposed Kansas State Plan for Title VI-B, Education of the Handicapped Act for fiscal year 1988. In addition, the board also will conduct a public hearing at 1:30 p.m. Monday, March 16, in Room 222 of the Central Vocational Building, 324 N. Emporia, Wichita, to consider the plan.

The proposed plan is a compliance document which provides assurance that Kansas policies and procedures are in compliance with the Education of All Handicapped Children Act, P.L. 94-142, as amended. To be eligible for funding, a state must file a plan with the Office of Special Education Programs, U.S. Department of Education. Most of the content of the Kansas VI-B, E.H.A. Plan for fiscal year 1988 has been approved by the board in the form of regulations or the State Plan for Special Education. The plan also includes procedures for administration of Title VI-B funds.

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

All interested persons will be given a reasonable opportunity to present their views or arguments at the hearing, either orally or in writing, in regard to the plan. Individuals or organizations that cannot appear at the hearing may submit written comments to the secretary of the board. All comments received will be considered by the board. The hearing shall be conducted in compliance with the public hearing procedures of the board.

DR. HAROLD L. BLACKBURN
Commissioner of Education

Doc. No. 005063

State of Kansas

BOARD OF EDUCATION

**NOTICE OF HEARING
ON PROPOSED
ADMINISTRATIVE REGULATIONS**

The Kansas State Board of Education will conduct a public hearing at 1:30 p.m. Tuesday, March 10, in Room 121 of the Kansas State Education Building, 120 E. 10th, Topeka, to consider proposed changes in State Board Regulation 91-1-93a.

Under the proposed amendments, three alternatives are provided by which an individual may acquire an endorsement in a special education area. Specifically, an individual may receive an endorsement if he or she

(continued)

has completed a regular education program at the level for which special education endorsement is sought, if he or she has completed specified components of a regular education program, or if he or she has two years of teaching experience in the area of special education for which endorsement is sought.

A copy of the proposed regulation is being mailed to chief school administrators in the state and may be reviewed in their offices by interested persons. Also a copy of the proposed regulation and its fiscal impact statement may be obtained by contacting the secretary of the board prior to the date of the hearing.

All interested persons will be given a reasonable opportunity to present their views or arguments at the hearing, either orally or in writing, in regard to the proposed regulation. Individuals or organizations that cannot appear at the hearing may submit written comments to the secretary of the board. All comments received will be considered by the board. The hearing shall be conducted in compliance with the public hearing procedures of the board.

The proposed amendments to the regulation are as follows:

91-1-93a. Special education.(a) (1) Each applicant for ~~a one of the special education subject area endorsement~~ *endorsements* shall have successfully completed a state-approved program in at least one of the following special education subject areas: behavior disorders; early childhood handicapped; gifted; hearing impaired; learning disabilities; mentally retarded; physically impaired; severely multiply handicapped or visually impaired. Each applicant shall be recommended by a teacher education institution.

(2) Each applicant shall have successfully completed: (A) a state-approved program to teach regular education students at the level for which the special education subject area endorsement application is submitted, except any applicant for an endorsement to teach early childhood handicapped or severely multiply handicapped may substitute an undergraduate degree in occupational therapy, speech-language pathology, child development, nursing or another related field; or

(B) *a professional education component that allows students to acquire:*

(i) *knowledge of human development and learning;*
(ii) *knowledge of regular education foundations;*
(iii) *knowledge of interpersonal relations and multicultural education;*

(iv) *knowledge of teaching methodology for fields or subjects at the level or levels for which the initial special education subject area endorsement application is submitted; and*

(v) *ability to apply the requirements of paragraph (2)(B)(i) through (iv) to teaching nonexceptional pupils; or*

(C) *two years of recent accredited experience in the special education subject area for which the endorsement application is submitted.*

(3) *An applicant who has completed an approved special education subject area program in another state and does not meet the requirements of paragraph (2)(A), (B) or (C) shall be issued a one-year*

provisional endorsement if recommended by a Kansas accredited teacher education institution that has a state-approved program in the subject area for which endorsement is sought.

(A) *The applicant shall file a deficiency plan with the recommending teacher education institution to complete the requirements of paragraph (2)(A) or (B).*

(B) *Provisional endorsement may be renewed for two additional one-year endorsements if progress is made each year toward completing the requirements for full endorsement and the applicant receives the recommendation of the teacher education institution.*

(b) *Provisional endorsement for applicants who have not completed a state-approved special education subject area program.*

(1) ~~Upon written request from an administrator of an accredited or approved educational agency to a teacher education institution, provisional endorsement in one of the special education subject areas listed in subsection (a) may be recommended by a teacher education institution that has a state-approved program in the special education subject area for which the provisional endorsement application is submitted. An applicant shall be issued a provisional endorsement, valid for one year, upon receiving the recommendation of a teacher education institution and completing the following:~~

(2) ~~Each applicant for a provisional endorsement shall have successfully completed:~~

(A) the requirements of paragraphs (c) (2);

(B) the requirements of:

(i) paragraphs (c)(4) and (5); or

(ii) (c)(6), (7) and (8); and

(C) at least one of the placements required by paragraph (c)(14).

(3) ~~Provisional endorsement shall be for one year. With verification of successful experience during that year, the individual may be recommended for yearly renewal of the provisional endorsement~~

(2) *Provisional endorsement may be renewed yearly for a maximum of three additional years if with the recommendation of the teacher education institution and progress is made each year toward completing the requirements for full endorsement in the area.*

(c) An approved special education subject area program shall require students to complete a course of study allowing the students to:

(1) Acquire knowledge of special education foundations. The course of study shall allow students to acquire the ability to:

(A) explain the relationship of special education to regular education;

(B) describe contributions of other disciplines to the identification, classification, treatment and education of exceptional pupils;

(C) identify contributors to the growth and improvement of special education knowledge and practices;

(D) describe types of instructional arrangements for exceptional pupils;

(E) explain the impact that state and national legislation, litigation and professional and parent organi-

zations have upon the development of special education programs;

(F) describe the roles that teachers, other professionals and parents assume in providing instruction and other services for exceptional and nonexceptional pupils;

(G) explain commonalities and differences among special education areas in terms of etiology, diagnosis, characteristics, treatment/instructional approaches and post-school status;

(H) explain the manner in which a code of ethical conduct applies to continued development of professional skills, responsibility for the welfare of those served, sharing knowledge with others and cooperative efforts with colleagues; and

(I) describe ways to use past and present literature to improve performance as a professional special educator.

(2) Acquire knowledge of the concepts used to establish etiology, identify characteristics of exceptionality and select instructional and intervention strategies. The course of study shall allow students to acquire the ability to:

(A) describe procedures used to identify and classify variance from normal standards in social, communication, cognitive, motor and affective behaviors;

(B) describe contributions of family, biological and environmental factors to the origins of variant behaviors;

(C) explain the procedures used to screen and diagnose, and the manner in which these are related to selection of an instructional and intervention plan;

(D) give examples of behavioral performance profiles; and

(E) compare the similarities and differences among instructional and intervention strategies and describe the basis for the selection of strategies and the manner in which the effectiveness of strategies is determined.

(3) Acquire the ability to apply and report the results of preinstructional assessment procedures. The course of study shall allow students to acquire the ability to:

(A) select and use formal and informal measurement instruments commensurate with a pupil's developmental level;

(B) score and interpret norm and criterion-referenced tests of academic achievement;

(C) modify or construct measurement devices when other instruments are not applicable;

(D) collect and analyze performance information through systematic observations and recordings of social and academic behaviors;

(E) use task analysis or similar procedures to determine the effectiveness of a pupil's problem-solving strategy;

(F) evaluate the impact of a present placement on a pupil's presenting problems; and

(G) present a report of assessment results.

(4) Acquire the ability to relate instructional content and media to pupil needs. The course of study shall allow students to acquire the ability to:

(A) select instructional content that enables pupils to acquire knowledge and skills in areas such as liter-

acy, self-care, personal growth, career preparation and social competence;

(B) select media to attain instructional goals and objectives; and

(C) explain the relationship between pupil failure and inappropriate behavior, and content and media that are too easy or difficult.

(5) Acquire the ability to use assessment data to plan and implement instructional methodology. The course of study shall allow students to acquire the ability to:

(A) establish goals and objectives from assessment information;

(B) develop the scope and sequence of learning activities for pupil attainment of instructional goals and objectives;

(C) apply computer and related technology to instructional processes;

(D) vary instructional format and schedule to enhance pupil performance;

(E) select and apply specialized methods; and

(F) provide a pupil with information about performance results for the purpose of enhancing continued progress and the development of self-evaluation skills.

(6) Acquire the ability to plan learning environments. The course of study shall allow students to acquire the ability to:

(A) arrange the instructional setting to enhance pupil performance;

(B) ensure pupil access to necessary instructional media;

(C) designate areas for specific pupil activities; and

(D) use visual displays consistent with instructional goals and objectives.

(7) Acquire knowledge of processes to establish constructive pupil-teacher and pupil-pupil interpersonal relationships. The course of study shall allow students to acquire the ability to:

(A) explain the impact of cultural, social, affective and other pupil variables upon interpersonal relationships;

(B) describe methods to establish and maintain communication with a pupil;

(C) model behavior appropriate to specific circumstances, such as anger, affection, humor, honesty;

(D) explain how communication methods are used to support pupil efforts to achieve; and

(E) develop a plan to enable exceptional and non-exceptional pupils to understand that both groups have needs in common and needs that are unique to individuals.

(8) Acquire the ability to implement individual and group behavior management procedures. The course of study shall allow students to acquire the ability to:

(A) observe and record pupil performance on instructional and related objectives;

(B) apply appropriate expectations and consequences for pupil performance;

(C) plan programs to increase appropriate and decrease inappropriate pupil behaviors; and

(continued)

(D) involve pupils in the development of group and self-management plans.

(9) Acquire the ability to establish a program evaluation plan. The course of study shall allow students to acquire the ability to:

(A) develop measurement strategies consistent with instructional objectives;

(B) calculate the effects of the program upon individual pupil performance and use them to determine total program effectiveness;

(C) use evaluation results to maintain or change an instructional program;

(D) communicate evaluation results to administrators, other teachers, parents and members of the community; and

(E) develop a system to follow the progress of pupils who no longer need special education and related services.

(10) Acquire knowledge of ~~and ability to apply the~~ principles related to development of cooperative and supportive relationships with colleagues. The course of study shall allow students to acquire the ability to:

(A) model communication, consultation and problem-solving skills that can be used to provide regular and special educators with knowledge of instructional and management procedures for exceptional pupils;

(B) develop a plan to communicate program needs to others;

(C) describe the manner in which suggestions from others can be used for program improvement;

(D) explain procedures for planning and implementing staff development activities; and

(E) participate as a member of an interdisciplinary team in activities related to planning, implementing and evaluating instructional and related programs for a pupil.

(11) Acquire knowledge of procedures to involve parents in planning and implementing instructional and related programs. The course of study shall allow students to acquire the ability to:

(A) model consultation and communication skills that can be used in individual and group parent conferences;

(B) develop a plan to instruct parents in methods for implementing a home-based teaching and management plan for their child;

(C) locate and describe community services for exceptional pupils and their parents; and

(D) explain parental rights and responsibilities that are described in state and federal statutes and regulations.

(12) Acquire knowledge of general management, supervisory and regulatory functions. The course of study shall allow students to acquire the ability to:

(A) describe the state special education plan to colleagues and members of the community;

(B) explain procedural due process rights to others;

(C) apply the knowledge and abilities required by paragraphs (3) through (9) of this regulation in developing, implementing and evaluating an individualized education program;

(D) explain the role of paraprofessionals and volunteers in an instructional program; and

(E) describe a local educational agency's policies and procedures for providing special education and related services; and

(13) Acquire knowledge of procedures used in regular classroom, resource, self-contained, hospital and homebound, special school, residential center and other instructional placements and the ability to describe operational variables or characteristics that discriminate among types of instructional placements.

(14) ~~Acquire~~ *Apply* the knowledge and abilities required by paragraphs (1) through (13) of this regulation in a minimum of two of the placements common to the ~~exceptionality special education subject area.~~

~~(d) Programs for applicants who choose to add a level or levels to an exceptionality area endorsement in addition to the level approved for certification to teach nonexceptional pupils shall require students to complete a course of study allowing the student to:~~ *Programs for applicants who choose to add a level to an existing provisional or full special education subject area endorsement or to include an additional level in a plan of study for provisional or full endorsement in a special education subject area shall require students to complete a course of study allowing the students to:*

(1) Acquire the ability to apply level-relevant knowledge and skills of the exceptionality area to level-associated curriculum and instructional methods. The course of study shall allow students to acquire the ability to:

(A) describe the impact of exceptionality upon cognitive, affective, social and motor domains;

(B) assess pupil performance before and after an instructional unit;

(C) plan instructional experiences that are appropriate in scope and sequence; and

(D) select instructional methods and media that function to increase pupil growth in knowledge and skills.

(2) ~~Acquire~~ *Apply* the knowledge and abilities required by paragraphs (d)(1)(A) through (d)(1)(D) of this regulation in one of the placements common to the ~~exceptionality special education subject area at the level for which the endorsement is added. (Authorized by and implementing Kansas Constitution, Article 6, Section 2(a) of the Kansas Constitution; effective May 1, 1985; amended July 12, 1985; amended June 11, 1986; amended March 11, 1987.)~~

DR. HAROLD L. BLACKBURN
Commissioner of Education

Doc. No. 005064

State of Kansas

SECRETARY OF STATE

NOTICE OF FORFEITURE

In accordance with K.S.A. 17-7510, the articles of incorporation of the following corporations organized under the laws of the state of Kansas and the authority of the following foreign corporations to do business in the state of Kansas were forfeited on January 15, 1987 for failure to file an annual report and pay the annual franchise tax, as required by the Kansas General Corporation Code.

Corporations forfeited January 15, 1987 for failure to file an annual report:

Cooperative Marketing Act

Bit-O-Gold Cheese, Inc., Springfield, MO.
Cooperative Farmers Union Elevator Company,
Marquette, KS.
Farmers Nitrite Association, Oswego, KS.

Domestic for Profit

Aarons & Matthews, Inc., Prairie Village, KS.
Abilene Iron & Metal, Inc., Abilene, KS.
Act One, Ltd., Lawrence, KS.
Advanced Tech, Inc., Washington, KS.
ALWCO, Inc., Shawnee, KS.
Amber Waves, Inc., Dodge City, KS.
Arch Watson Enterprises, Inc., Coffeyville, KS.
Art Beardsley, Inc., Belleville, KS.
Associated Abatement, Inc., Manhattan, KS.
ATC West, Inc., Shawnee Mission, KS.
Baker Oil Well Service, Inc., Codell, KS.
BC, Inc. Wichita, KS.
Bel-Isle, Inc., Topeka, KS.
Bell Enterprises, Inc., Olathe, KS.
Bell Real Estate, Inc., Kansas City, KS.
Bergman Construction Company, Inc., Topeka, KS.
Bernard's Family Shoe Store, Inc., Pratt, KS.
Billy Oil, Inc., Buffalo, KS.
Bishop Engineering, Inc., Hutchinson, KS.
B & K Auto Supply, Inc., Wichita, KS.
Blasi Tire Center, Inc., Wichita, KS.
Bolton Oil Co., Burlington, KS.
Boylan & Company, Leawood, KS.
B/R Business Services, Inc., Lake Quivira, KS.
Bridwell Oil, Inc., Wichita, KS.
Burke Energy Corporation, Hutchinson, KS.
Burton Pharmacy, Inc., Russell, KS.
Cameron Oil Corporation, Hays, KS.
Cardco, Inc., Wichita, KS.
Cardiopulmonary & Laboratory Services, Inc.,
Wichita, KS.
CASAT, Inc., Emporia, KS.
Central States Energy Corporation, Santa Fe, NM.
Central Transport, Inc., Great Bend, KS.
Charles G. Casey Associates, Inc., Wichita, KS.
Cherokee Basin Perforators, Inc., Coffeyville, KS.
Chowning-Logan, Inc., Coffeyville, KS.
C. & J. Truck Service, Inc., Bonner Springs, KS.
Classic Homes Realty, Inc., Pittsburg, KS.
Coast to Coast Transportation, Inc., Emporia, KS.

Commercial Refrigeration & Heating of Topeka,
Inc., Topeka, KS.
Comprehensive Financial Planning Corp.,
Wichita, KS.
Computer Consultants, Inc., Mission, KS.
Computer Resources of Lubbock, Inc.,
Hutchinson, KS.
Consolidated Natural Resources, Inc., Hays, KS.
Cowboy Casino, Inc., Hutchinson, KS.
C. W. & Associates, Inc., Caney, KS.
C & W Oil Producers, Inc., Shawnee Mission, KS.
Dalico, Inc., Wichita, KS.
Dan's Cafe, Inc., Hays, KS.
David H. Fisher, Topeka, KS.
D & E Investment Co., Inc., Coffeyville, KS.
The Dermatology Clinic Building, Inc.,
Wichita, KS.
Design Drafting Services, Inc., Kansas City, KS.
Detco Trailers, Inc., Kansas City, KS.
Dixie Well Service, Inc., Great Bend, KS.
Dough'n Around, Inc., Overland Park, KS.
D.S.B. Co., Inc., Leawood, KS.
Dupont Enterprises, Inc., Chase, KS.
Electrical Connector Company, Inc.,
Shawnee Mission, KS.
Encore of Overland Park, Inc., Overland Park, KS.
Enterprising Basics, Inc., Rantoul, KS.
Erectors & Fabricators, Inc., Tonganoxie, KS.
Farm and Ranch Realty, Inc., Colby, KS.
F. B. Leasing, Inc., El Dorado, KS.
Fields Productions, Inc., Wichita, KS.
Financial Corporation, S. Hutchinson, KS.
Fisher Aviation, Inc., McPherson, KS.
Five Aces, Inc., Yates Center, KS.
Flatland Enterprises, Inc., Salina, KS.
Flint Hills Broadcast Network Corporation,
El Dorado, KS.
Fowler-Oburn Sales Company, Inc.,
Shawnee Mission, KS.
Friday's, Inc., Topeka, KS.
General Productivity Corporation, Olathe, KS.
G & H Pearl Farms, Inc., St. Mary's, KS.
GMW Leasing, Inc., Wichita, KS.
Golden Rule Construction, Inc., Wichita, KS.
Gracies, Inc., Wichita, KS.
Grow America Incorporated, Overland Park, KS.
Harris Optical Shoppes, Ltd., Mission, KS.
Hasada Industries, Inc., Liberal, KS.
Hester and Associates, Inc., Wichita, KS.
Hibbard Oil Co., Inc., Toronto, KS.
Highland Restaurants, Inc., Topeka, KS.
Hillcrest Investments, Inc., Colby, KS.
Hi Tec Corporation, Salina, KS.
H & J Magnetics, Inc., Wichita, KS.
H & M Distributors, Inc., Great Bend, KS.
Hoffman Electric Co., Inc., Pratt, KS.
Home & Cabinet Designs, Inc., Wichita, KS.
Hospital Surgical Center of Topeka, Inc.,
Topeka, KS.
Houx Manufacturing, Incorporated, Olathe, KS.
I-Lier, Inc., Topeka, KS.
Indian Creek Center, Inc., Overland Park, KS.

(continued)

- Industrial Heat & Controls, Inc., Coffeyville, KS.
 Insurance Placement Services, Inc., Leawood, KS.
 Integrated Systems Engineering, Inc., Wichita, KS.
 Jan-Dec., Inc., Topeka, KS.
 Jane Ward Co., Inc., Lakewood, CO.
 Jencast, Inc., S. Coffeyville, OK.
 Jencast Products, Inc., Coffeyville, KS.
 Jim Goodwin Roofing, Inc., Kansas City, KS.
 Jimwal, Inc., Lawrence, KS.
 J & J Metals, Inc., Lenexa, KS.
 J.J. Nelson Co., Inc., Wichita, KS.
 John E. Pinkerton, Inc., Paola, KS.
 John T. McCune General Contractor, Incorporated,
 Overland Park, KS.
 Jones Development, Inc., Coffeyville, KS.
 J. Riggs West of Hutchinson, Inc., Manhattan, KS.
 Kansas Storms, Inc., Shawnee Mission, KS.
 The Kansouri Pipe Line Company, Inc.,
 Stilwell, KS.
 Kelley Manufacturing Co., Inc., Coffeyville, KS.
 Kelsey Construction, Inc., Wichita, KS.
 Kemp International, Inc., Shawnee, KS.
 Kenwood View Nursing Home, Inc., Salina, KS.
 Kickapoo Production, Inc., Caney, KS.
 Kletchka, Inc., Lawrence, KS.
 K-Mex Restaurant Corporation, Wichita, KS.
 K.M., Inc., of Kansas, Wichita, KS.
 Kope Food Products Inc., Lenexa, KS.
 Kustom Cabinets, Inc., Wichita, KS.
 La Matro Oil Corporation, Derby, KS.
 Landrum, Inc., Elkhart, KS.
 Lasting Impressions, Inc., Shawnee Mission, KS.
 L & B Industrial Services, Inc., Wichita, KS.
 Leisure Tyme, Inc., Wichita, KS.
 Life Products, Inc., Topeka, KS.
 Lightner Motels, Inc., Wichita, KS.
 Lindsborg Specialty Corp., Wichita, KS.
 L.J.B., Inc., Salina, KS.
 LPF Carburetion, Inc., Hutchinson, KS.
 L.P.F. Equipment Company, Inc., Hutchinson, KS.
 Manhattan Truck Sales & Service, Inc.,
 Manhattan, KS.
 Marvin G. Allen Construction, Inc., Olathe, KS.
 Maverick Equipment Group, Inc., Wichita, KS.
 McGuire, Inc., Ulysses, KS.
 Mediation Services, Inc., Ulysses, KS.
 Metro Construction Company, Inc.,
 Overland Park, KS.
 Mid States Vac Incorporated, Atchison, KS.
 Midwest Agri Transportation, Inc., Salina, KS.
 Mid-West Data Center Inc., El Dorado, KS.
 Midwest Thermal Products, Inc., Hesston, KS.
 Mission Office Supply Co., Overland Park, KS.
 M.K.T. Trucking, Inc., Overland Park, KS.
 Mo-Co Enterprises, Inc., Lansing, KS.
 MTW Construction, Inc., Stilwell, KS.
 Nancy Bounds Modeling Agency, Inc.,
 Kansas City, MO.
 Nancy Bounds School of Modeling, Inc.,
 Kansas City, MO.
 Marketing and Consulting Services, Inc.,
 Wichita, KS.
 Norton Drug Stores, Inc., Manhattan, KS.
 Office Concepts, Inc., Lawrence, KS.
 O-K Power Equipment, Inc., Wilmington, DE.
 O-K Power Equipment, Inc., Wilmington, DE.
 Orion, Inc., Lawrence, KS.
 Osage Construction, Inc., Lawrence, KS.
 Osburn Construction, Inc., Bonner Springs, KS.
 Paxton Drug, Inc., Kiowa, KS.
 Petpac Inc., Overland Park, KS.
 Petro Energies, Inc., Burrton, KS.
 Petroleum Products (Midwest) Inc.,
 Hutchinson, KS.
 Phoenix Consulting Corporation, Pittsburg, KS.
 Pla-Mor Skate On, Inc., Olathe, KS.
 P.L. Ross, Inc., Wichita, KS.
 Pogo's of Johnson County, Inc., Overland Park, KS.
 Poplar Industries Corp., Leawood, KS.
 Powell Furniture Service, Inc., Stanley, KS.
 Prairie Homes, Inc., Wichita, KS.
 Precision Transportation, Inc., Prairie Village, KS.
 Professional Building Corporation of Hutchinson,
 Wichita, KS.
 Project Management Consultants, Inc., Topeka, KS.
 Purtec Chemicals, Inc., Mission Woods, KS.
 Rainbow Realty, Inc., Garden City, KS.
 R., B. & S. Inc., Kansas City, KS.
 Riviera Club, Limited of Junction City, Kansas,
 Junction City, KS.
 Robert W. Smith, Inc., Ellinwood, KS.
 Roes' Fine Food, Inc., Logan, KS.
 Ron Dahl Tree Service Inc., Tecumseh, KS.
 R.R.N. Construction, Inc., Olathe, KS.
 Running Boot Ranch, Inc., Arkansas City, KS.
 RX-TRAS, Inc., Gardner, KS.
 S.A.M.S.I., Ltd., Topeka, KS.
 Sandco Marketing, Inc., Overland Park, KS.
 Searles Building, Incorporated, Holton, KS.
 Security Midwest, Inc., Wichita, KS.
 Silvers Electric Co., Inc., Wichita, KS.
 Sirloin Stockade International, Inc., Wichita, KS.
 Softplus, Inc., Lawrence, KS.
 Sommer Seed Co., Inc., Topeka, KS.
 Sommer Seed Service, Inc., Rozel, KS.
 Southwest Asphalt Paving Co., Inc.,
 Kansas City, KS.
 Stereo Factory, Inc., Manhattan, KS.
 Susie Q., Incorporated, Wichita, KS.
 T.A.T.K.M.M. Davis, Inc., Belleville, KS.
 Three-D Ceramic Supply, Inc., Overland Park, KS.
 3-J Ranch, Inc., Jetmore, KS.
 T'NS, Inc., Emporia, KS.
 Torberson Aviation Services Inc.,
 Overland Park, KS.
 Total Fitness Connection, Inc., Kansas City, KS.
 Triple H. Leasing, Inc., WaKeeney, KS.
 Tucker Energies, Inc., St. John, KS.
 Tudor Inns, Inc., Colby, KS.
 Universal Service Agency, Inc., Overland Park, KS.
 U.S.A. Inc., Lebo, KS.
 The Waldorf Co., Inc., Arkansas City, KS.
 Wallace Energy, Inc., Plainville, KS.
 Warren & Company, Inc., Hays, KS.
 Webster Engineering, Inc., Burlington, KS.
 Western Management Company, Overland Park, KS.

Wheeler Construction, Inc., Scott City, KS.
 Whitney Plumbing and Heating, Inc.,
 Osawatomie, KS.
 Wichita Health Club, Inc., Wichita, KS.
 Wight Enterprises, Inc., Wichita, KS.
 W.K.P. Enterprises, Inc., Colwich, KS.
 Yonts Construction Inc., Overland Park, KS.

Foreign for Profit

Adventureland Video, Incorporated, Murray, UT.
 Allegro Investments, Inc., Victoria, TX.
 Alliance Investments Incorporated, Scottsdale, AZ.
 American Termite & Pest Control, Inc.,
 Grandview, MO.
 Beaumont Oil, Inc., Houston, TX.
 Behavioral Health Systems, Inc., Houston, TX.
 Bowsteel of Georgia, Inc., Smyrna, GA.
 The Brass Rail Food Services, Inc. of Houston,
 Chicago, IL.
 Briercroft Service Corporation, Lubbock, TX.
 Cable T.V. Systems, Inc. of Bethany, Excelsior
 Springs, MO.
 The Carey Company, Kansas City, MO.
 Carmack Drilling Co., Grand Junction, CO.
 Century Oil Management Inc., Washington, DE.
 CFS Mortgage Corporation, Omaha, NE.
 Charter American Mortgage Company,
 Mission Hills, KS.
 CITCOR Properties Corporation,
 Oklahoma City, OK.
 Conn Chemicals Engineering Co., Inc., Tucson, AZ.
 Copeland Brothers Construction Company, Inc.,
 Raytown, MO.
 Corporate Records Systems, Inc., Kansas City, MO.
 Daseke Projects Corporation, Dallas, TX.
 Diversified Resources Limited, Denver, CO.
 Drill Stem Testers, Inc., Denver, CO.
 DRL Operating, Inc., Denver, CO.
 Eastern American Energy Corporation, Aurora, CO.
 EBCO Auctioneers, Incorporated,
 Oklahoma City, OK.
 Energex, Inc., Denver, CO.
 Energy Credit Corporation, Albuquerque, NM.
 E. T. Technologies, Inc., Salt Lake City, UT.
 Excel Cattle and Land Co., Dumas, TX.
 Family Medicine Clinics, Inc., Medford, OK.
 Finalco, Incorporated, McLean, VA.
 Gem Creations, Ltd., Chicago, IL.
 Golden Eagle Petroleum Company, Tualatin, OR.
 Headington Oil Company, Dover, DE.
 Helget, Inc., Omaha, NE.
 HJ Franchise Systems, Inc., Fairfield, NJ.
 Hofmann Technical Services, Inc.,
 Laguna Nigul, CA.
 Intercontinental Dynamics Corporation,
 Englewood, NJ.
 Interval Resorts Marketing, Ltd., Dillon, CO.
 JACON Enterprises Inc., Kansas City, MO.
 Jayhawk Petroleum, Inc., Coffeyville, KS.
 Jim & Jack Oilfield Service, Inc., Elkhart, KS.
 J. M. Resources Incorporated, Denver, CO.
 Joanne Waers, Incorporated, Kansas City, MO.

Jonas & Erickson Software Technology, Inc.,
 Dallas, TX.
 Kearney Air Service, Inc., Kearney, NE.
 Kwik Pantry Food Stores, Inc., Fort Worth, TX.
 The L & N Company, Dallas, TX.
 Maintain Inc., Leon, KS.
 Marketing One Securities, Inc., Sacramento, CA.
 Materialman Supply, Inc., Grandview, MO.
 Mattco Securities Corporation, Los Angeles, CA.
 McNeil & Milliken, Inc., Kansas City, MO.
 Medical Screening Services, Inc., St. Louis, MO.
 Mercer Diversified Securities, Inc., Houston, TX.
 MHA Financial Corp., Braintree, MA.
 Miami Ready Mix, Inc., North Miami, OK.
 Napoleon Steel, Inc., Ft. Lauderdale, FL.
 National Order Buying Company of St. Joseph,
 Missouri, S. St. Joseph, MO.
 N.C. Rolfson & Sons, Inc., Bismarck, ND.
 Oklahoma Brick Corporation, Oklahoma City, OK.
 Oklahoma Natural Resources, Inc., Woodward, OK.
 Pacer Sales, Inc., Lenexa, KS.
 Pan-Agra, Inc., Amarillo, TX.
 Penn Valley Medical Group, Inc., Kansas City, MO.
 Petroleum Products, Inc., Hutchinson, KS.
 Petro-Source Securities, Inc., Denver, CO.
 Phil Jacobs Bldg. Corp., Kansas City, MO.
 Piedmont Transport Services, Inc. of North
 Carolina, Winston-Salem, NC.
 Power Corporation, Flint, MI.
 P.S.I. Hydraulics, Inc., Livonia, MI.
 PTS Corporation, Bloomington, IN.
 Quality Mailing Equipment, Inc., Kansas City, MO.
 Rachalk Production, Inc., Irving, TX.
 RHM Liquidating Corp., Chicago, IL.
 River Oaks Communities, Inc., Englewood, CO.
 River Oaks Homes, Inc., Boaz, AL.
 Robberson Steel & Bridge Company,
 Oklahoma City, OK.
 Robert R. Price Operating, Inc., Tulsa, OK.
 Round Table Investment Group, Inc.,
 N. Vancouver, British Columbia, Canada.
 Royal Resources Corporation, Wilmington, DE.
 SAGA Corporate Foodservices, Inc.,
 Menlo Park, CA.
 Santa Fe Engineers, Inc., Topeka, KS.
 Saticom Enterprises Inc., Enid, OK.
 Scaffold Builders, Inc., Baton Rouge, LA.
 Scandinavian Design, Inc., Natick, MA.
 Scandinavian Gallery, Inc., Natick, MA.
 Scientific Leasing, Inc., Wilmington, DE.
 Scope Exploration, Inc., Tulsa, OK.
 Shoppers Bonanza Advertising, Inc., Calabasas, CA.
 Southwest Mortgage & Investment, Inc.,
 Carson City, NV.
 Sunbelt Energy Corporation, Wilmington, DE.
 SYNDEX Securities Corporation, Irving, TX.
 SYSCO Corporation, Dover, DE.
 Tandem Management Services, Inc.,
 Newport Beach, CA.
 Termac Gathering Company, Inc., Houston, TX.
 Trapper Resources, Inc., Calgary, Alberta, Canada.
 Unique Travel Planners, Inc., Wichita, KS.

(continued)

Ventech Engineers, Inc., Pasadena, TX.
 Ward Proctor, Inc., Oklahoma City, OK.
 Weskem, Inc., Chicago, IL.
 Wolf Data Services, Inc., Holland, MI.
 Yankee Exploration, Inc., Cohasset, MA.

Limited Partnership

Quail Meadows Properties, L.P., Tulsa, OK.

Professional Association

Benjamin J. Neill, P.A., Overland Park, KS.
 Billingsley & Billingsley, D.D.S., P.A.,
 Shawnee Mission, KS.
 Charles A. Waltz, M.D., P.A., Leavenworth, KS.
 Claudia A. Lawn, M.D., P.A., Wichita, KS.
 Dr. James C. Bolin, D.O., P.A., Merriam, KS.
 Ethan E. Bickelhaupt, M.D., P.A., Perry, KS.
 George Dermesropian, M.D., P.A., Atchison, KS.
 Herbert R. Hess, Jr., P.A., Hutchinson, KS.
 J. Warren Hildreth, P.A., Wamego, KS.
 Lake, Draemel & Allen, Chartered, Salina, KS.
 Luther L. Fry, M.D., P.A., Garden City, KS.
 Mindano U. Beltran Professional Association,
 Elkhart, KS.
 Montgomery County Anesthesia Associates, P.A.,
 Coffeyville, KS.
 Robert W. Wright, M.D., Chartered,
 Kansas City, KS.
 Rodney L. Hancock, P.A., Salina, KS.
 Ronald L. Fiegel, O.D., P.A., Wichita, KS.

Corporations forfeited January 15, 1987 for failure to correct and return an annual report:

Domestic for Profit

Adoption Auto, Inc., Wichita, KS.
 AEGIS Services, Inc., Mulvane, KS.
 Air-O, Inc., Atchison, KS.
 Alandale, Inc., Topeka, KS.
 Ashley Farms, Ltd., Merriam, KS.
 Baker & Sons Construction, Inc., Wichita, KS.
 Banning's Manufactured Housing, Inc.,
 Dodge City, KS.
 Bar Enterprises Corporation, Wichita, KS.
 Bar Mill Iron Land & Cattle Company, Inc.,
 Hutchinson, KS.
 Benson Benefits, Inc., Overland Park, KS.
 Boysen Agri-Services Corporation,
 Overland Park, KS.
 Boysen Enterprises, Inc., Overland Park, KS.
 B and N Builders, Incorporated, Lenexa, KS.
 Bobby Love, Inc., Kansas City, KS.
 Catalina Construction, Inc., Overland Park, KS.
 The Clay Cupboard, Ltd., Topeka, KS.
 Dale Products, Inc., Hutchinson, KS.
 East Star, Inc., Garden City, KS.
 Energy Recovery Systems, Inc., Overland Park, KS.
 Evans Ranch and Farm, Inc., Oakley, KS.
 Fellini's, Inc., Topeka, KS.
 Graham Ranch, Inc., Grainfield, KS.
 Grayfield's, Inc., Topeka, KS.
 Hanna Hardware, Inc., Overland Park, KS.
 H.E.L.P. Services Inc., Gardner, KS.
 The Idea Tree Co., Lindsborg, KS.

J.W. Financial Services, Inc., Emporia, KS.
 Kansas Photo, Inc., Prairie Village, KS.
 KFTS, Inc., Fort Scott, KS.
 Koch-Hill Corporation, Wichita, KS.
 K-MOCO, Inc., Wichita, KS.
 Leavenworth Furniture Mart, Inc., Lawrence, KS.
 Medcheck, Inc., Wichita, KS.
 Northland Oil Co., Kansas City, MO.
 ODIE, Inc., Salina, KS.
 Oil Country Sales, Inc., Chanute, KS.
 The Old Whatchamacallit Club, Inc.,
 Valley Falls, KS.
 Optima Inc., Lawrence, KS.
 Rayl and Borsdorf, Inc., Strong City, KS.
 Republic Investment & Production Corp.,
 Houston, TX.
 Richmond Improvement, Inc., Richmond, KS.
 Robert-Gay Energy Drilling, Inc., Hutchinson, KS.
 Robert-Gay Energy Enterprises Inc.,
 Hutchinson, KS.
 Sandpiper Bay, Inc., Wichita, KS.
 Sentry Investment, Inc., Topeka, KS.
 714, Inc., Topeka, KS.
 Smith Tool Company, Ltd., Newton, KS.
 Southwest Kansas Publications, Inc., Ulysses, KS.
 Stop Chemical Company, Inc., Topeka, KS.
 Superior Wireline Service, Inc., Independence, KS.
 TLC Heat Products, Inc., Pittsburg, KS.
 Trees, Inc., Topeka, KS.
 Tri-County Feedlot, Inc., Delavan, KS.

Domestic Not for Profit

A.T. & S.F. Employee's Benefit Association,
 Topeka, KS.
 First Baptist Church, Satanta, KS.
 Fraternal Order of Police, Kansas City, Kansas,
 Kansas City, KS.
 Hi Plains Gravel Grinders, Inc., WaKeeney, KS.
 Kansas Pork Producers Council, Inc.,
 Manhattan, KS.
 Prairiefest, Inc., Hutchinson, KS.
 Topeka Genealogical Society, Topeka, KS.

Foreign for Profit

Central Plains Leasing, Inc., Kearney, NE.
 CL Simon Inc., Kansas City, KS.
 D.M. Data Corporation, Marlton, NJ.
 Equinox Oil Company, Inc., Tulsa, OK.
 Feyline Presents, Inc., Topeka, KS.
 Mobil Auto Club, Inc., N. Suburban, IL.
 MO-TE Drilling Co., Inc., Farmington, NM.
 Pacemaker Driver Service, Inc., Indianapolis, IN.
 Shannon, Strobel & Weaver Constructors &
 Engineers, Auburn, AL.
 Vulcan Engineering Co., Helena, AL.

Corporations forfeited January 15, 1987 for failure to submit a certificate of good standing with the annual report:

Foreign for Profit

Affholder Inc., Chesterfield, MO.
 All-American Bottling Corporation,
 Coral Gables, FL.

Ansell-Simplex Ticket Co., Northbrook, IL.
 A & W Beverages, Inc., San Francisco, CA.
 Cambridge Related Assets, Inc., Houston, TX.
 CMC Electronics, Inc., Eatontown, NJ.
 Econo-Therm Energy Systems Corporation,
 Tulsa, OK.
 Electronic Data Systems Federal Corporation,
 Reno, NV.
 ETI of North America, Inc., Overland Park, KS.
 Foto's Copies, Inc., Kansas City, MO.
 Hrubetz Oil Company, Dallas, TX.
 Kansiana Properties Corp., New York, NY.
 Lloyd's All Beverage Control, Inc.,
 Independence, MO.
 L. Texas Petroleum, Inc., Lafayette, LA.
 Lynx Properties Corp., New York, NY.
 Okie Oil, Inc., Drumright, OK.
 Payne & Keller Company, Houston, TX.
 Rocky Mountain Spring Water, Ltd.,
 Kansas City, KS.
 Sierra Telcom Services, Inc., Santa Fe, NM.
 Textile Associates, Inc., Overland Park, KS.

BILL GRAVES
 Secretary of State

Doc. No. 005050

(Published in the KANSAS REGISTER, February 19, 1987.)

HOUSE BILL No. 2072

AN ACT relating to the committee on ways and means of the house of representatives; concerning the changing of the name of such committee; amending K.S.A. 46-134a, 46-137b, 46-912, 46-915, 46-925, 46-1004, 46-1202, 46-1268, 46-1701, 46-1702, 75-435, 75-3214, 75-3708, 75-3709, 75-3715, 75-3718a, 75-3739 and K.S.A. 1986 Supp. 75-129 and 75-3717 and repealing the existing sections.

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

Section 1. K.S.A. 46-134a is hereby amended to read as follows: 46-134a. The ~~committees~~ committee on ways and means of the senate and the committee on appropriations of the house of representatives of the legislature of the state of Kansas shall be continuing committees of the legislature during the terms for which the members are appointed and shall hold meetings as may be necessary until the convening of the next regular session of the legislature. In the event of a vacancy on the senate committee on ways and means, a successor shall be appointed as members of senate committees are appointed, and in the event of a vacancy on the house committee on ways and means appropriations the speaker of the house shall appoint a successor.

At any time following the adjournment of the legislature in each odd-numbered year and until the convening of the ensuing session of the legislature in even-numbered years each such committee or subcommittees thereof may, on call of the chairperson, meet and visit the various institutions for the purpose of acquiring information concerning the conditions, needs, and requirements of said such institutions.

Any member of such committees or subcommittees attending a meeting authorized by this section, shall receive compensation and travel expenses and subsistence expenses or allowances as provided in K.S.A. 75-3212 and amendments thereto.

All vouchers of any member of each committee on ways and means and all expense vouchers shall be approved by the chairperson or vice-chairperson thereof. Compensation, allowances and expenses authorized under this section shall be paid from funds specifically appropriated for such purpose or, in the absence of such specific appropriation, from funds appropriated for legislative expense.

Sec. 2. K.S.A. 46-137b is hereby amended to read as follows: 46-137b. (a) In addition to the compensation provided for by

K.S.A. 46-137a and 75-3212, and amendments thereto, and any other statute, and except as otherwise provided by subsection (b):

(1) The president of the senate and the speaker of the house of representatives shall each receive an allowance in the amount of \$8,285 per annum, payable monthly, during their terms of office as speaker and president, which compensation shall be for additional services performed in connection with discharging the duties assigned to the respective positions;

(2) the speaker pro tem of the house of representatives, the vice president of the senate, the assistant majority leaders of the senate and house of representatives and the assistant minority leaders of the senate and house of representatives shall each receive an allowance in the amount of \$4,228 per annum payable monthly during their respective terms of office which compensation shall be for additional services performed in connection with discharging the duties assigned to the respective positions;

(3) the chairperson of each of the senate and house committees on ways and means and the chairperson of the house committee on appropriations shall each receive an allowance in the amount of \$6,663 per annum, payable monthly during their respective terms of office, which compensation shall be for additional services performed in connection with discharging the duties assigned to the respective positions; and

(4) the majority and minority leaders of the senate and the house of representatives shall each receive an allowance in the amount of \$7,474 per annum, payable monthly during their respective terms of office, which compensation shall be for additional services performed in connection with discharging the duties assigned to the respective positions.

(b) Whenever the rates of compensation of the pay plan for persons in the classified service under the Kansas civil service act are increased, for payroll periods chargeable to fiscal years commencing after June 30, 1986, the annual compensation of officers of the legislature specified in subsection (a) shall be increased by an amount, adjusted to the nearest dollar, computed by multiplying the average of the percentage increases in all monthly steps of such pay plan by the annual compensation of such officers as prescribed by subsection (a) or amounts computed in accordance with this subsection and which are in effect on the effective date of such increase in the rates of compensation of the pay plan for persons in the classified service under the Kansas civil service act.

Sec. 3. K.S.A. 46-912 is hereby amended to read as follows: 46-912. There is hereby established the joint committee on special claims against the state which shall have 13 members consisting of five members of the senate and eight members of the house of representatives. The representative members shall be appointed by the speaker, and the senator members shall be appointed by the senate committee on organization, calendar and rules. Not less than two representative members and two senator members shall be attorneys licensed to practice law in the state of Kansas. Not less than one representative member shall be a member of the house committee on ways and means appropriations and not less than one senator member shall be a member of the senate committee on ways and means. In the biennium commencing with the convening of the regular session of the legislature in 1979, and in the biennium commencing with the convening of the regular session of the legislature each four years thereafter, the chairperson of the joint committee shall be a representative member designated by the speaker of the house of representatives. In the biennium commencing with the convening of the regular session of the legislature in 1981, and in the biennium commencing with the regular session of the legislature each four years thereafter, the senate committee on organization, calendar and rules shall designate a senator member to be the chairperson of the joint committee. If a chairperson shall die, resign or otherwise be incapable of serving as chairperson for the full two-year period, a successor shall be designated to fill the unexpired portion of such period in the same manner as the original chairperson was selected. The members appointed from each house shall include minority party representation thereon. The joint committee shall meet in the interim between legisla-

(continued)

tive sessions on the call of the chairperson as authorized by the legislative coordinating council. Any seven members of the joint committee shall constitute a quorum. Any action of such joint committee may be taken by an affirmative vote of a majority of the members present, if a quorum is present.

The provisions of article 12 of chapter 46 of the Kansas Statutes Annotated, and amendments thereto, applicable to special committees shall apply to the joint committee on special claims against the state to the extent the same do not conflict with the specific provisions of this act applicable to such committee.

Sec. 4. K.S.A. 46-915 is hereby amended to read as follows: 46-915. The joint committee on special claims against the state shall make determination of all claims submitted to it and a copy of its determination and recommendations shall be submitted to the claimant within ~~twenty (20)~~ 20 days after the joint committee makes its determination. Whenever the joint committee shall determine that the state should pay any amount to any claimant it shall recommend that an award be made in the amount so determined. All recommendations for awards shall be included in a bill or bills which shall be introduced in the name of the joint committee in either house of the legislature and referred to the committee on ways and means of ~~that the senate if introduced in the senate or the committee on appropriations of the house if introduced in the house of representatives~~ for report and recommendations as on other bills referred to it. In determining amounts of awards for claims for injury, death and disability, the joint committee may use the workmen's compensation act as a guide, where applicable. No award shall be recommended for payment to any claimant unless the claimant has submitted a written application therefor which has been verified by the claimant and acknowledged before a notary public or other officer authorized by law to administer oaths.

Sec. 5. K.S.A. 46-925 is hereby amended to read as follows: 46-925. Any payment made pursuant to this act shall be reported to the director of accounts and reports along with appropriate documentation thereof as may be required by such director. The director of accounts and reports shall compile and maintain a report of all such payments and shall submit the same to the ~~committees committee~~ on ways and means of the senate and ~~the committee on appropriations of the house of representatives~~ and to the joint committee on special claims against the state at least ~~ten (10)~~ 10 days prior to the convening of the regular session of the legislature.

Sec. 6. K.S.A. 46-1004 is hereby amended to read as follows: 46-1004. (a) The following investigating committees are authorized to exercise the powers of compulsory process in connection with any authorized subject of inquiry, study or investigation at any time without further authorization:

The legislative coordinating council, the legislative budget committee, the standing committee on ways and means of ~~either the senate, the standing committee on appropriations of the house, the legislative post audit committee or any committee which is specifically granted powers of compulsory process by legislative enactment or by concurrent resolution of the legislature or any authorized subcommittee of any such committee or said the council.~~

(b) When the legislature is in session, or adjourned for not more than ~~thirty (30)~~ 30 days, the following investigating committees are authorized to exercise the powers of compulsory process in connection with any authorized subject of inquiry, study or investigation:

(1) Any standing, special or select committee of the house of representatives, when authorized by the speaker; or

(2) Any standing, special or select committee of the senate, when authorized by the president.

(c) The following investigating committees are authorized to exercise the powers of compulsory process in connection with any authorized subject of inquiry, study or investigation only when specifically authorized to do so by the legislative coordinating council:

(1) Any special or select committee appointed by the legislative coordinating council, except the legislative budget committee; or

(2) The joint committee on special claims against the state or

the joint committee on administrative rules and regulations; or

(3) Any investigating committee as described in subsection (c) or subsection (d) of K.S.A. 46-1001 *and amendments thereto* when no specific statute or resolution of the legislature authorizes the exercise by such committee of compulsory process.

(d) The limitations of subsections (b) and (c) do not apply to subsection (a). The limitations of subsection (b) do not apply to subsection (c) and the limitations of subsection (c) do not apply to subsection (b).

Sec. 7. K.S.A. 46-1202 is hereby amended to read as follows: 46-1202. The legislative coordinating council shall have general authority over all legislative services and such authority shall be exercised by such council as it shall determine, except as otherwise provided by chapter 46 of Kansas Statutes Annotated. The legislative coordinating council shall represent the legislature when the legislature is not in session. The legislative coordinating council may adopt and amend rules applicable to its affairs or to the meetings and activities of special committees, standing committees or advisory committees, except that such rules shall not apply to standing committees meeting while the legislature is in session. When the legislature is not in session, the legislative coordinating council shall govern the mechanics and procedure of all legislative committee work and activities, except that of the interstate cooperation commission, legislative post-audit committee, state finance council and the ways and means ~~committees of the house of representatives and of the senate and the committee on appropriations of the house of representatives~~ when meeting under authority of K.S.A. 46-134a *and amendments thereto*. A majority vote of five ~~(5)~~ members of the legislative coordinating council shall be required for any action of the council, except that action relating solely to one house of the legislature may be authorized by the unanimous vote of the members of the legislative coordinating council who are members of such house of the legislature.

Sec. 8. K.S.A. 46-1208 is hereby amended to read as follows: 46-1208. (a) There is hereby established the legislative budget committee which shall consist of seven ~~(7)~~ members of the legislature appointed by the legislative coordinating council for terms ending on the first day of the regular legislative session in odd-numbered years. In making such appointments, preference shall be given to members of the ways and means ~~committees of the house of representatives and committee of the senate and the committee on appropriations of the house of representatives.~~ At least two ~~(2)~~ of the members shall be of the minority party, at least one of whom shall be a senator and at least one of whom shall be a representative. The ~~chairman~~ *chairperson* and the ~~vice-chairman~~ *vice-chairperson* of the legislative budget committee shall be appointed by the legislative coordinating council.

(b) During and between sessions of the legislature the legislative budget committee shall compile fiscal information and shall make a continuous study of the state budget, revenues and expenditures. The legislative budget committee shall also ascertain facts and make recommendations to the legislature and to the houses thereof concerning the state budget, the revenues and expenditures of the state, and of the organization and functions of the state, its departments, subdivisions and agencies with a view of reducing the cost of state government and securing greater efficiency and economy.

(c) Provisions of this act applicable to special committees shall apply to the legislative budget committee to the extent that the same do not conflict with the specific provisions of this act applicable to the legislative budget committee.

Sec. 9. K.S.A. 46-1701 is hereby amended to read as follows: 46-1701. (a) There is hereby created the joint committee on state building construction which shall be within the legislative branch of state government and which shall be composed of three senators and three members of the house of representatives. The three senate members shall be the chairperson of the committee on ways and means of the senate, or a member of the committee on ways and means of the senate appointed by the chairperson, a senator appointed by the president and a senator appointed by the minority leader. The three representative members shall be the chairperson of the committee on ~~ways and means appropriations~~ of the house of representatives, or a

member of the committee on ways and means appropriations of the house of representatives appointed by the chairperson, a representative appointed by the speaker and a representative appointed by the minority leader.

(b) All members of the joint committee on state building construction shall serve for terms ending on the first day of the regular legislative session in odd-numbered years. The joint committee shall organize annually and elect a chairperson and vice-chairperson in accordance with this subsection. After June 30 in odd-numbered years, the chairperson shall be one of the representative members of the joint committee elected by the members of the joint committee and the vice-chairperson shall be one of the senate members elected by the members of the joint committee. After June 30 in even-numbered years, the chairperson shall be one of the senate members of the joint committee elected by the members of the joint committee and the vice-chairperson shall be one of the representative members of the joint committee elected by the members of the joint committee. The chairperson and vice-chairperson of the joint committee shall serve in such capacities until July 1 of the ensuing year. The vice-chairperson shall exercise all of the powers of the chairperson in the absence of the chairperson. If a vacancy occurs in the office of chairperson or vice-chairperson, a member of the joint committee, who is a member of the same house as the member who vacated the office, shall be elected by the members of the joint committee to fill such vacancy. Within 30 days after the effective date of this act, the joint committee shall reorganize and elect a chairperson and a vice-chairperson in accordance with the provisions of this act.

(c) A quorum of the joint committee on state building construction shall be four. All actions of the joint committee shall be taken by a majority of all of the members of the joint committee.

(d) The joint committee on state building construction may meet at any time and at any place within the state on the call of the chairperson.

(e) The provisions of the acts contained in article 12 of chapter 46 of the Kansas Statutes Annotated, and amendments thereto, applicable to special committees shall apply to the joint committee on state building construction to the extent that the same do not conflict with the specific provisions of this act applicable to the joint committee.

(f) In accordance with K.S.A. 46-1204 and amendments thereto, the legislative coordinating council may provide for such professional services as may be requested by the joint committee on state building construction.

(g) The joint committee on state building construction may introduce such legislation as it deems necessary in performing its functions.

Sec. 10. K.S.A. 46-1702 is hereby amended to read as follows: 46-1702. In addition to other powers and duties authorized or prescribed by law or by the legislative coordinating council, the joint committee on state building construction shall:

(a) Study all five-year capital improvement and facilities plans and capital improvement budget estimates which are submitted to the joint committee by state agencies in accordance with K.S.A. 75-3717b and amendments thereto and the reports on such budget estimates submitted to the joint committee by the state building advisory commission;

(b) Make recommendations on all such five-year capital improvement and facilities plans and capital improvement budget estimates to the ways and means committees of the house of representatives and committee of the senate and the committee on appropriations of the house of representatives;

(c) Study the progress and results of all capital improvement projects for the construction of buildings or for major repairs or improvements to buildings for state agencies; and

(d) Make an annual report to the legislative coordinating council as provided in K.S.A. 46-1207, and amendments thereto, and such special reports to committees of the house of representatives and senate as are deemed appropriate by the joint committee.

Sec. 11. K.S.A. 1986 Supp. 75-129 is hereby amended to read as follows: 75-129. There is hereby established the governor's residence advisory commission to be composed of eight mem-

bers as follows: (a) The secretary of administration; (b) the executive secretary of the Kansas historical society; (c) the chairperson of the senate committee on ways and means; (d) the minority leader of the senate or a senator of the same party designated by the minority leader; (e) the chairperson of the house of representatives committee on ways and means appropriations; (f) the minority leader of the house of representatives or a house member of the same party designated by the minority leader; (g) the governor's spouse or a person designated by the governor; and (h) the president of the friends of cedar crest association or an officer of such association designated by the president. The secretary of administration shall serve as chairperson of the governor's residence advisory commission.

Sec. 12. K.S.A. 75-435 is hereby amended to read as follows: 75-435. The secretary of state shall review annually all fees which are collected by the secretary of state and which are fixed by statute to determine whether such fees are sufficient to cover the costs of the services and materials for which such fees are imposed. During the first week of each regular session of the legislature, the secretary of state shall submit any recommendations for changes in such fees to the chairpersons of the committees committee on ways and means of the legislature senate and the committee on appropriations of the house of representatives.

Sec. 13. K.S.A. 75-3214 is hereby amended to read as follows: 75-3214. The provisions of this act shall constitute authority for the director of accounts and reports to pay claims for compensation, allowances and expenses incurred by legislative members of the senate committee on ways and means committee and the house committee on appropriations traveling or meeting pursuant to K.S.A. 46-134a at any time during the fiscal year commencing July 1, 1987, and for all such compensation, allowances and expenses incurred thereafter and amendments thereto.

Sec. 14. K.S.A. 75-3708 is hereby amended to read as follows: 75-3708. There is hereby created the state finance council consisting of nine (9) members. The members of the finance council shall be (1) the governor, (2) the president of the senate, (3) the speaker of the house of representatives, (4) the majority floor leader of the senate, (5) the minority floor leader of the senate, (6) the chairman chairperson of the senate committee on ways and means, (7) the majority floor leader of the house of representatives, (8) the minority floor leader of the house of representatives, and (9) the chairman chairperson of the house of representatives committee on ways and means appropriations. The governor shall be the chairman chairperson and the secretary of administration shall be the secretary of the council but shall not be a member of such council.

Sec. 15. K.S.A. 75-3709 is hereby amended to read as follows: 75-3709. In case of a vacancy in the office of the governor, president of the senate, speaker of the house of representatives, the majority or minority floor leader of the senate, or the majority or minority floor leader of the house of representatives, his or her such officers successor shall be a member of the finance council. In the event of a vacancy in said the council in case of:

(1) Chairman (a) The chairperson of the senate committee on ways and means, the president of the senate shall appoint a successor from the membership of such committee; and

(2) (b) the chairman chairperson of the house of representatives committee on ways and means appropriations, the speaker of the house shall appoint a successor from the membership of such committee.

Sec. 16. K.S.A. 75-3715 is hereby amended to read as follows: 75-3715. The director of the budget shall:

(1) (a) Keep in continuous touch with the operations, plans and needs of state agencies, and with the sources and amounts of revenue and other receipts of the state;

(2) (b) analyze the quantity and quality of services rendered by each agency, and the needs for such services and for any new services;

(3) (c) prepare under the supervision of the incoming governor, the budget report for submission to the legislature;

(continued)

- (4) (d) prepare a legislative measure or measures reflecting the incoming governor's budget;
- (5) (e) consider and act on applications for transfers between appropriations of the same agency as provided by law;
- (6) (f) survey such work programs and periodical allotment requests submitted by state agencies as are required by this act;
- (7) (g) report to the governor and to the incoming governor on the operation of the budget system and advise and assist the governor, incoming governor, state finance council, legislature and its ways and means and appropriations committees on request, concerning any matters relating to the budget; and
- (8) (h) Provide management analysis service to state agencies.

Sec. 17. K.S.A. 1986 Supp. 75-3717 is hereby amended to read as follows: 75-3717. (a) As provided in this section, each state agency, not later than October 1 of each year, shall file with the division of the budget its budget estimates, and all amendments and revisions thereof, in the form provided by the director of the budget, including a full explanation of its requests for any appropriations for the expansion of present services and the addition of new services. Each explanation of a state agency's request for appropriations for the expansion of present services or the addition of new activities shall include an estimate of the anticipated expenditures for the next fiscal year and for each of the three ensuing fiscal years which would be required to support each expansion of present services or addition of new services as requested by the state agency. At the same time as each state agency submits to the division of the budget a copy of its budget estimate, and all amendments and revisions thereof, each such state agency shall submit a copy of such estimate, and all amendments and revisions thereof, directly to the legislative research department for legislative use.

(b) The director of the budget shall require the agencies to submit a sufficient number of copies of their budget estimates, and all amendments and revisions thereof, to such director's office to satisfy the requirements of such office and one additional copy for legislative use which shall be retained in the division of the budget until the budget of the governor is submitted to the legislature. On or before the day that such budget is submitted to the legislature such legislative use copy, posted to reflect the governor's budget recommendations, shall be submitted to the legislative research department for use by the ways and means committee of the senate and the committee on appropriations of the house of representatives. Following presentation of the governor's budget report to the legislature, the legislative research department may request and shall receive detailed information from the division of the budget on the governor's budget recommendations.

(c) The director of the budget may prepare budget estimates for any state agency failing to file a request.

Sec. 18. K.S.A. 75-3718a is hereby amended to read as follows: 75-3718a. The chairman chairperson of the senate ways and means committee and the chairman chairperson of the house of representatives ways and means committee on appropriations shall be entitled to attend, or be represented by another member of such committees, at all hearings on the tentative budget prior to the convening of each regular legislative session. Each such chairman, or his or her chairperson or the representative of such chairperson, shall receive compensation and travel expenses and subsistence expenses or allowances as provided in K.S.A. 75-3212 and amendments thereto.

Sec. 19. K.S.A. 75-3739 is hereby amended to read as follows: 75-3739. In the manner as provided in this act and rules and regulations established thereunder:

(a) All contracts for construction and repairs, and all purchases of and contracts for supplies, materials, equipment and contractual services shall be based on competitive bids, and sales of property shall be to the highest responsible bidder, at an advertised public auction or after advertising for sealed bids in the same manner provided for purchase of property herein as may be determined by the director of purchases, except that competitive bids need not be required: (1) For contractual services where no competition exists; or (2) sales in an established market; or (3) when, in the judgment of the director of purchases,

chemicals and other material for use in laboratories, shop and like experimental studies by state educational institutions may be purchased to the best advantage of the state, or where rates are fixed by law or ordinance; or (4) for items traded in on like items; or (5) when, in the judgment of the director of purchases, an agency emergency requires immediate delivery of supplies, materials or equipment, or immediate performance of services.

The director of purchases shall make a detailed report at least once in each calendar quarter to the legislative coordinating council and the chairpersons of the senate committee on ways and means and the house of representatives committees committee on ways and means appropriations of all emergency purchases under subsection (a)(5).

(b) If the amount of the purchase or sale is estimated to exceed approximately \$5,000, sealed bids shall be solicited by notice published once in the Kansas register not less than 10 days before the date stated therein for the opening of such bids. The director of purchases may also designate a trade journal for such publication. The director of purchases shall also solicit such bids by sending notices by mail to all active prospective bidders known to the director. All bids shall be sealed when received and shall be opened in public at the hour stated in the notice.

(c) All purchases or sales estimated to exceed approximately \$2,000 but not more than \$5,000, shall be made after receipt of sealed bids following at least three days' notice posted on a public bulletin board in the office of the director of purchases. The director of purchases may also solicit sealed bids by mail in such cases in like manner as provided in subsection (b).

(d) All purchases or sales estimated to be approximately \$2,000 or less may be made either upon competitive bids or in the open market, in the discretion of the director of purchases but, so far as practicable, shall be based on at least three competitive bids and recorded as provided in K.S.A. 75-3740, and amendments thereto, except that the director of purchases, with the approval of the secretary of administration, may delegate authority to any state agency to make small purchases or sales of less than \$2,000 either on the open market or under certain prescribed conditions and procedures.

(e) Contracts and purchases shall in all cases be based on specifications fixed by the director of purchases. When deemed applicable and feasible by the director of purchases, such specifications shall include either energy efficiency standards or appropriate life cycle cost formulas, or both, for all supplies, materials, equipment and contractual services to be purchased by the state. The director of purchases may reject a contract or purchase on the basis that a product is manufactured or assembled outside the United States. No such specifications shall be fixed in a manner to effectively exclude any responsible bidder offering comparable supplies, materials, equipment or contractual services.

(f) Notwithstanding anything herein to the contrary, all contracts with independent construction concerns for the construction, improvement, reconstruction and maintenance of the state highway system and the acquisition of rights-of-way for state highway purposes shall be advertised and let as now or hereafter provided by law.

(g) Notwithstanding anything herein to the contrary and except as otherwise provided in this subsection, the director of purchases, with the approval of the secretary of administration, may authorize state agencies to contract for services and materials with other state agencies, or with federal agencies, political subdivisions of Kansas, agencies of other states or subdivisions thereof, or private nonprofit educational institutions, without competitive bids if: (1) The obligations and duties imposed on, and the benefits and privileges to be received by, each state agency which is a proposed party to the contract does not exceed the authority and powers delegated to such state agency by the legislature, including the authority to enter into the contract; (2) the obligations and duties imposed on the state agency required to perform services or supply materials are within the normal scope of duties of the state agency and the competence of the state agency to perform the contracted services and to deliver the prescribed materials is demonstrated to the satisfaction of the director of purchases; and (3) the director of purchases determines that materials are not available from responsible sources

other than state agencies at a lower cost. In addition to the requirements of clauses (1) to (3), inclusive, of this subsection, if a contract for services is financed entirely from moneys derived exclusively from the state general fund, the director of purchases, with the approval of the secretary of administration, may authorize state agencies to enter into such a contract for services with other state agencies, or with federal agencies, political subdivisions of Kansas, agencies of other states or subdivisions thereof, or private nonprofit educational institutions, without competitive bids only if the director of purchases determines that comparable services are not reasonably available from responsible sources other than such agencies at a lower cost.

(h) Except as otherwise specifically provided by law, no state agency shall enter into any lease of real property without the prior approval of the secretary of administration. Such state agency shall submit to the secretary of administration such information relating to any such proposed lease as the secretary may require. The secretary of administration shall either approve, modify and approve or reject any such proposed lease.

(i) Notwithstanding anything in this section to the contrary, sales of retired motor vehicles, mowers, graders and other highway machinery and equipment of the Kansas highway patrol, central motor pool and department of transportation shall be to the highest responsible bidder at either an advertised public auction or by sealed competitive bids or as otherwise authorized by this section. Nothing in this subsection shall preclude a state agency from trading in such vehicles and equipment when authorized to do so by the director of purchases. The motor vehicle and highway equipment sales fee fund is hereby created and shall be utilized by the director of purchases to pay all or part of the expenses of sales authorized by this subsection. Fees for such expenses shall be deducted from the proceeds received from such sales and shall be deposited in the state treasury to the credit of the motor vehicle and highway equipment sales fee fund.

Sec. 20. K.S.A. 46-134a, 46-137b, 46-912, 46-915, 46-925, 46-1004, 46-1202, 46-1208, 46-1701, 46-1702, 75-435, 75-3214, 75-3708, 75-3709, 75-3715, 75-3718a, 75-3739 and K.S.A. 1986 Supp. 75-129 and 75-3717 are hereby repealed.

Sec. 21. This act shall take effect and be in force from and after its publication in the Kansas register.

I hereby certify that the above BILL originated in the HOUSE, and passed that body January 28, 1987.

JAMES D. BRADEN
Speaker of the House.
GENEVA SEWARD
Chief Clerk of the House.

Passed the SENATE February 3, 1987.

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

APPROVED February 12, 1987.

MIKE HAYDEN
Governor.

STATE OF KANSAS
Office of Secretary of State

I, BILL GRAVES, 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 13th day of February, 1987.

(SEAL)

BILL GRAVES
Secretary of State.

State of Kansas

LEGISLATURE

LEGISLATIVE BILLS INTRODUCED

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

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

Bills introduced February 5-11:

House Bills

HB 2190, by Representatives Buehler, Guldner, Apt, Barr, Beauchamp, Bideau, Bryant, Douville, Duncan, Flottman, Gatlin, Hassler, Mead, Roenbaugh and Rosenau: An act concerning actions for divorce, annulment or separate maintenance; relating to division of property; amending K.S.A. 1986 Supp. 60-1610 and repealing the existing section.

HB 2191, by Representatives C. Campbell, Freeman, Roe, Roenbaugh and Smith: An act relating to motor vehicles; concerning weight limitations; amending K.S.A. 1986 Supp. 8-1911 and repealing the existing section.

HB 2192, by Representatives C. Campbell and Roenbaugh: An act relating to motor vehicles; concerning the width of certain loads; amending K.S.A. 1986 Supp. 8-1902 and 8-1911 and repealing the existing sections.

HB 2193, by Committee on Insurance: An act relating to motor vehicle liability insurance; concerning the duty to provide information of liability insurance and proof of financial security; amending K.S.A. 40-3104 and K.S.A. 1986 Supp. 8-1604 and repealing the existing sections.

HB 2194, by Committee on Education: An act concerning the school district equalization act; authorizing the deposit of miscellaneous revenues in the general fund of a school district under certain conditions; amending K.S.A. 1986 Supp. 72-7062 and repealing the existing section.

HB 2195, by Representatives Schauf and Baker: An act relating to registers of deeds; requiring certain proof as a condition to recordation of deeds and instruments conveying title to real estate.

HB 2196, by Committee on Appropriations: An act concerning the state board of tax appeals; relating to the powers and duties thereof; amending K.S.A. 74-2437 and repealing the existing section.

HB 2197, by Committee on Appropriations: An act concerning the county inheritance tax fund; providing for the termination of distributions to counties therefrom; abolishing such fund and disposing of the moneys therein; amending K.S.A. 79-1578 and repealing the existing section.

HB 2198, by Committee on Appropriations: An act relating to transfers from the state general fund to the state highway fund; amending K.S.A. 79-34,147 and repealing the existing section; also repealing K.S.A. 79-34,148.

HB 2199, by Representative Baker: An act relating to the office of extension forestry; powers and duties; amending K.S.A. 76-425d and repealing the existing section.

HB 2200, by Representative Rosenau: An act concerning school district finance; affecting the determination of local effort rate and limitations on budgets per pupil of certain districts.

HB 2201, by Committee on Elections: An act concerning elections; relating to financial reports of constitutional campaigns; repealing K.S.A. 25-4201.

HB 2202, by Representative Amos: An act concerning school bus safety; requiring the development and provision thereof by school districts.

HB 2203, by Representatives Dillon, Adam, Brown, K. Campbell, Francisco, Freeman, Gross, Harper, Justice, Lacey, Laird, Mead, Moomaw, Russell, Sallee, Shore, Smith, Snowbarger, Spaniol, Sutter and Wilbert: An act concerning motor vehicles; requiring certain disclosures; amending K.S.A. 1986 Supp. 8-2427 and repealing the existing section.

HB 2204, by Representatives Dillon, Adam, Brown, K. Campbell, Francisco, Freeman, Gross, Harper, Justice, Lacey, Laird, Mead, Moomaw, Russell, Sallee, Shore, Smith, Spaniol, Sutter and Wilbert: An act relating to motor vehicles; concerning second stage manufacturers.

HB 2205, by Committee on Public Health and Welfare: An act concerning the Kansas soldiers' home; relating to admission thereto; amending K.S.A. 76-1908 and repealing the existing section.

HB 2206, by Committee on Appropriations: An act relating to transfers from the state general fund; relating to the local ad valorem tax reduction fund and the county and city revenue sharing fund; amending K.S.A. 79-2959 and 79-2964 and repealing the existing sections.

HB 2207, by Committee on Appropriations: An act relating to the distribution of transportation aid to school districts; amending K.S.A. 72-7050 and repealing the existing section.

HB 2208, by Committee on Taxation: An act relating to the taxation of certain financial institutions; concerning taxable years thereof; amending K.S.A. 79-1107 and 79-1108 and K.S.A. 1986 Supp. 79-1109 and repealing the existing sections; also repealing K.S.A. 79-1108a.

HB 2209, by Committee on Taxation: An act relating to sales taxation; concerning auditing techniques for final determinations of tax liability thereunder; amending K.S.A. 79-3610 and repealing the existing section.

HB 2210, by Committee on Taxation: An act relating to inheritance tax; concerning fees for the administration thereof; amending K.S.A. 79-1580 and repealing the existing section.

HB 2211, by Committee on Taxation: An act relating to income taxation; defining internal revenue code; amending K.S.A. 79-32,109 and 79-32,117d and K.S.A. 1986 Supp. 79-3296 and 79-32,182 and repealing the existing sections.

HB 2212, by Committee on Taxation: An act relating to sales taxation; concerning exemptions therefrom in enterprise zones; amending K.S.A. 1986 Supp. 79-3606 and repealing the existing section.

HB 2213, by Committee on Taxation: An act relating to sales taxation; exempting sales of property purchased pursuant to the special supplemental food program for women, infants and children; amending K.S.A. 1986 Supp. 79-3606 and repealing the existing section.

HB 2214, by Representative Apt (by request): An act concerning school districts; relating to eligibility of children for attendance in first grade; amending K.S.A. 72-1107 and repealing the existing section.

HB 2215, by Representatives Apt, Lowther and Rolfs: An act concerning the state universities; requiring the establishment of a state university preparatory curriculum for prospective students; affecting entitlement of certain persons to admission; amending K.S.A. 72-116 and Representatives Smith, C. Campbell, Freeman, Harper, Hassler, Laird, Mollenkamp, Roenbaugh, Sallee and Sand: An act concerning fish and game; relating to the issuance of permits and game tags; amending K.S.A. 32-179 and repealing the existing section.

(continued)

HB 2217, by Representatives Smith, Acheson, Barr, C. Campbell, Eckert, Freeman, Guldner, Laird, Mollenkamp and Sallee: An act concerning crimes and punishments; relating to penalties for certain crimes; amending K.S.A. 21-3716 and repealing the existing section.

HB 2218, by Committee on Federal and State Affairs: An act relating to juveniles; concerning certain court records relating thereto; amending K.S.A. 38-1506 and 38-1607 and repealing the existing sections.

HB 2219, by Committee on Federal and State Affairs: An act concerning animal rabies vaccine; prohibiting certain acts and providing penalties therefor; amending K.S.A. 1986 Supp. 21-1213 and repealing the existing section.

HB 2220, by Committee on Federal and State Affairs: An act concerning animals; relating to licensure or registration of certain persons dealing with animals; amending K.S.A. 47-1701, 47-1702, 47-1703, 47-1704, 47-1705, 47-1706, 47-1709, 47-1714, 47-1715 and 47-1716 and K.S.A. 1986 Supp. 12-4516, 21-4619 and 47-830 and repealing the existing sections; also repealing K.S.A. 47-1707 and K.S.A. 1986 Supp. 21-4619a.

HB 2221, by Committee on Appropriations: An act making and concerning appropriations for the fiscal year ending June 30, 1988, for the Kansas public employees retirement system, department of revenue, Kansas lottery and Kansas racing commission; authorizing certain transfers and fees, imposing certain restrictions and limitations, and directing or authorizing certain receipts and disbursements and acts incidental to the foregoing.

HB 2222, by Representative Lowther: An act relating to sales taxation; concerning bonds securing the collection thereof; amending K.S.A. 79-3616 and repealing the existing section.

HB 2223, by Representatives Brown, Amos, Aylward, Dillon, Empson, Fuller, Graeber, Hensley, Laird, R.D. Miller, Snowbarger, Weimer and Wunsch: An act concerning polygraphists; establishing the Kansas board of polygraphists; providing for the licensure and regulation thereof.

HB 2224, by Committee on Appropriations: An act making and concerning appropriations for the fiscal year ending June 30, 1988, for the abstractors' board of examiners, board of accountancy, state bank commissioner, board of barber examiners, behavioral sciences regulatory board, state board of hearing arts, Kansas state board of cosmetology, state department of credit unions, Kansas dental board, state board of mortuary arts, Kansas board of examiners in fitting and dispensing of hearing aids, consumer credit commissioner, board of nursing, board of examiners in optometry, state board of pharmacy, Kansas real estate commission, savings and loan department, office of the securities commissioner of Kansas, state board of technical professions and state board of veterinary examiners; authorizing certain transfers, imposing certain restrictions and limitations, and directing or authorizing certain receipts and disbursements and acts incidental to the foregoing.

HB 2225, by Committee on Appropriations: An act making and concerning appropriations for the fiscal year ending June 30, 1988, for the state library, department of revenue — school district income tax fund, Kansas state school for the visually handicapped, Kansas state school for the deaf, department of education, council on vocational education, and Kansas public broadcasting commission; authorizing certain transfers and fees, imposing certain restrictions and limitations, and directing or authorizing certain receipts and disbursements and acts incidental to the foregoing.

HB 2226, by Crowell and Wagon, Amos, Blumenthal, Bowden, Branson, Brown, Bryant, Duncan, Gatlin, Gross, Harder, Hassler, Helgerson, Hensley, Hoy, Lacey, Leach, Patrick, Ramirez, Roenbaugh, Rosenau, Sader, Sawyer, Sebelius, Snowbarger, Sughrue, Turnquist and Williams: An act providing for the establishment of demonstration projects for in-home care for senior citizens; establishing the in-home care demonstration projects council.

HB 2227, by Representatives Pottorff, Baker, Bowden, Cribbs, Dean, Foster, Francisco, Fuller, Gjerstad, Kennard, Sawyer, Schauf, Webb and Williams: An act concerning counties; relating to the procedure for adopting charter resolutions; amending K.S.A. 19-101b and repealing the existing section.

HB 2228, by Representatives Williams and Sawyer, Baker, Bowden, Cribbs, Dean, Foster, Francisco, Fuller, Gjerstad, Grotewiel, Helgerson, Kennard, Pottorff, Schauf and Webb: An act amending and supplementing the Kansas consumer protection act; providing for the regulation of health spas; establishing certain requirements and prohibitions; prescribing certain penalties; amending K.S.A. 50-624 and repealing the existing section.

HB 2229, by Representatives Williams, Baker and Pottorff: An act providing for the award of professional practice conditional grants to teacher education students.

HB 2230, by Representative Williams: An act concerning the Kansas public employees retirement system; relating to continuation of coverage for retirees under the state health care benefits program; creating the state retiree health care benefits program fund; prescribing certain powers, duties and functions of the board of trustees of the Kansas public employees retirement system; amending K.S.A. 75-6501 and repealing the existing section.

HB 2231, by Representatives Williams, Baker, Ott, Sand, Schauf, Spaniol and Wilbert: An act concerning the Kansas public employees retirement system; relating to retirement date; amending K.S.A. 74-4915 and K.S.A. 1986 Supp. 74-4914 and 74-4937 and repealing the existing sections.

HB 2232, by Representative Williams: An act concerning the Kansas police and firemen's retirement system; relating to service-connected death and disability; amending K.S.A. 74-4952 and repealing the existing section.

HB 2233, by Representatives Williams, Baker, Ott, Sand, Schauf, Spaniol and Wilbert: An act concerning the Kansas public employees retirement system; relating to retirement benefits; prior and participating service; lump-sum death benefit; amending K.S.A. 74-4915 and 74-4938 and K.S.A. 1986 Supp. 74-4969 and repealing the existing sections.

HB 2234, by Representatives Williams, Baker, Ott, Sand, Schauf, Spaniol and Wilbert: An act concerning the Kansas public employees retirement system; relating to retirement benefits; prior and participating service; amending K.S.A. 74-4915 and 74-4938 and K.S.A. 1986 Supp. 74-4902 and repealing the existing sections.

HB 2235, by Representative Moomaw: An act concerning wind-blown dust and soil erosion; relating to special assessments for work involving the planting or cultivating of land; amending K.S.A. 2-2008 and repealing the existing section.

HB 2236, by Representatives Moomaw and Guldner: An act concerning owners of registered vehicles which unlawfully pass school buses; providing for imposition of civil penalties thereon.

HB 2237, by Representative Moomaw: An act concerning watershed districts; relating to the formation thereof; relating to the governing body thereof and the powers and duties of the governing body; amending K.S.A. 24-1204, 24-1210, 24-1211, 24-1212, 24-1216, 24-1217, 24-1218 and 24-1219 and repealing the existing sections.

HB 2238, by Committee on Transportation: An act designating Interstate highway 670 as the Jay Dillingham memorial highway.

HB 2239, by Committee on Transportation: An act relating to railroads; concerning railroad right-of-way; amending K.S.A. 1986 Supp. 66-525 and repealing the existing section.

HB 2240, by Representative Fox: An act relating to forfeiture of certain property and disposition thereof; amending K.S.A. 65-4136 and 65-4156 and K.S.A. 1986 Supp. 65-4135 and repealing the existing sections.

HB 2241, by Representative Fox: An act concerning fish and game; relating to hunting and fishing licenses; amending K.S.A. 32-164b and repealing the existing section.

HB 2242, by Representative Spaniol: An act relating to motor vehicles; requiring the reexamination of certain drivers; amending K.S.A. 8-241 and repealing the existing section.

HB 2243, by Representatives Fuller, Baker, Bowden, Cribbs, Dean, Foster, Gjerstad, Kennard, Pottorff, Sawyer, Schauf and Williams: An act concerning cities and counties; relating to the issuance of revenue bonds; amending K.S.A. 12-1742 and repealing the existing section.

HB 2244, by Representative Apt: An act relating to motor vehicles; concerning certain limitations on restricted licenses; amending K.S.A. 8-237 and repealing the existing section.

HB 2245, by Representative Heinemann: An act concerning qualifications of justices of the supreme court; amending K.S.A. 20-105 and repealing the existing section.

HB 2246, by Representative Sallee: An act relating to the Kansas state grain inspection

department; concerning personnel thereof; amending K.S.A. 34-107, 34-295a, 75-1701, 75-1702, 75-1703 and 75-1706 and repealing the existing sections.

HB 2247, by Representative Francisco (by request): An act concerning crimes and punishments; relating to certain crimes involving firearms; amending K.S.A. 21-4203 and 21-4204 and repealing the existing sections.

HB 2248, by Representative Green: An act relating to motor vehicles; concerning the registration of certain motor vehicles.

HB 2249, by Representatives R. D. Miller and Shriver: An act relating to severance tax; concerning exemptions therefrom for the severance and production of oil; amending K.S.A. 1986 Supp. 79-4217 and repealing the existing section.

HB 2250, by Committee on Pensions, Investments and Benefits: An act concerning the pooled money investment board; relating to repurchase agreements; amending K.S.A. 12-3718, 12-3724, 32-104m, 40-3406, 68-2311, 74-2913, 74-4515, 75-2527, 75-4213, 75-4254, 76-818 and 76-2473 and K.S.A. 1986 Supp. 58-3066, 65-3431, 75-4205 and 79-4804 and repealing the existing sections.

HB 2251, by Representative Knopp: An act amending the income withholding act; relating to computation of arrearages; amending K.S.A. 1986 Supp. 23-4,106 and repealing the existing section.

HB 2252, by Representatives Bideau, Aylward, Beauchamp, Cribbs, Dillon, Eckert, Francisco, Freeman, Fry, Graeber, Harper, Holmes, Jenkins, Johnson, Justice, King, Laird, Long, Love, R. D. Miller, Mollenkamp, Neufeld, O'Neal, Ott, Peterson, Ramirez, Rosenau, Sallee, Sand, Smith, Sutter and Wisdom: An act concerning criminal procedure; relating to appearance bond; amending K.S.A. 1986 Supp. 22-2802 and repealing the existing section.

HB 2253, by Committee on Agriculture and Small Business: An act relating to execution sale of certain agricultural land; amending K.S.A. 1986 Supp. 60-2410 and repealing the existing section.

HB 2254, by Committee on Agriculture and Small Business: An act relating to execution sale of certain agricultural land; requiring creditors to notify defendant owners of the amount they will bid at such sale.

HB 2255, by Representative Beauchamp: An act concerning certain district coroners; amending K.S.A. 40-3401 and 75-6115 and repealing the existing sections.

HB 2256, by Representative Beauchamp: An act concerning the uniform commercial code; concerning termination of a security interest; amending K.S.A. 84-9404 and repealing the existing section.

HB 2257, by Representative Hassler: An act concerning the crime of promoting obscenity; relating to television and cable television; amending K.S.A. 1986 Supp. 21-4301 and repealing the existing section.

HB 2258, by Representative O'Neal: An act concerning civil procedure; relating to depositions; amending K.S.A. 60-230 and repealing the existing section.

HB 2259, by Representative O'Neal: An act concerning civil procedure; relating to comparative negligence; amending K.S.A. 60-258a and repealing the existing section.

HB 2260, by Representative O'Neal: An act concerning crimes and punishments; relating to mandatory sentences for certain crimes; amending K.S.A. 1986 Supp. 21-4603 and 21-4618 and repealing the existing sections.

HB 2261, by Representative R. D. Miller: An act concerning the public disclosure commission; relating to the powers of the commission; requiring an annual report submitted to the secretary of state; amending the reporting requirements; providing for duties of the secretary of state; amending K.S.A. 25-4119a, 25-4148 and 25-4158 and repealing the existing sections.

HB 2262, by Representatives Douville, Blumenthal, Brown, Roenbaugh and Snowbarger: An act concerning the hearing impaired; directing the establishment within Topeka state hospital of a unit to provide inpatient treatment for hearing-impaired persons and the establishment of a regional network serving outpatient community mental health programs for hearing-impaired persons.

HB 2263, by Committee on Taxation: An act relating to sales taxation; exempting sales of property purchased pursuant to community-based mental retardation programs; amending K.S.A. 1986 Supp. 79-3606 and repealing the existing section.

HB 2264, by Representative Apt (by request): An act relating to taxation of motor vehicles; exempting certain specially constructed vehicles therefrom; amending K.S.A. 79-5107 and repealing the existing section.

HB 2265, by Representative Fox: An act concerning watercraft; prohibiting certain acts while under the influence of alcohol or drugs and providing penalties therefor; providing for tests of blood or breath alcohol concentration; amending K.S.A. 82a-810 and repealing the existing section.

HB 2266, by Representative Helgerson: An act concerning elections; relating to the recognition of political parties; amending K.S.A. 25-302a and repealing the existing section.

HB 2267, by Representative Helgerson: An act relating to elections; providing for the copies of registration records; amending K.S.A. 25-2320 and repealing the existing section.

HB 2268, by Representative Helgerson: An act concerning elections; relating to absentee voting; amending K.S.A. 25-1119 and 25-1122 and repealing the existing sections; also repealing K.S.A. 25-1122e.

HB 2269, by Representative Heinemann: An act concerning real property; relating to certain mortgages and deeds of trust.

HB 2270, by Committee on Economic Development: An act concerning the regulation, suspension and control of public utilities and common carriers by the state corporation commission; relating to the provision of radio communication, including cellular radio communication; amending K.S.A. 66-104a, 66-1,143, 66-1,144 and 66-1,145 and repealing the existing sections.

HB 2271, by Representative Kline: An act concerning stormwater management and flood control; authorizing the imposition of a sales tax to pay for certain improvements.

HB 2272, by Committee on Appropriations: An act making and concerning appropriations for the fiscal year ending June 30, 1988, for the commission on civil rights, attorney general, attorney general — Kansas bureau of investigation, Kansas public disclosure commission, governor's department, department of human resources, department of commerce, insurance department, Kansas arts commission, lieutenant governor, state board of tax appeals, secretary of state, Kansas commission on veterans affairs, Kansas soldiers' home, state treasurer and Kansas commission on the bicentennial of the United States constitution; authorizing certain transfers and fees, imposing certain restrictions and limitations, and directing or authorizing certain receipts and disbursements and acts incidental to the foregoing.

HB 2273, by Representative Bowden: An act relating to certain bond elections; concerning electors qualified to vote therein; amending K.S.A. 1986 Supp. 10-120 and repealing the existing section.

HB 2274, by Representative Bowden: An act relating to sales taxation; exempting purchases of adult care homes therefrom; amending K.S.A. 1986 Supp. 79-3606 and repealing the existing section.

HB 2275, by Representative Bowden: An act concerning professional negotiation between boards of education and professional employees' organizations; providing procedures for final and binding conclusion thereof under certain conditions; amending K.S.A. 72-5411, 72-5421, 72-5426, 72-5428, 72-5428a, 72-5430 and 72-5437, and repealing the existing sections.

HB 2276, by Representatives Johnson, Dillon, Justice, Love, Peterson, Ramirez, Reardon, Rosenau, Sutter and Wisdom: An act concerning crimes and punishments; defining and classifying the crime of causing injury while driving under the influence of alcohol or drugs.

HB 2277, by Representatives Johnson, Dillon, Justice, Love, Peterson, Ramirez, Reardon, Rosenau, Sutter and Wisdom: An act concerning crimes and punishments; defining and classifying certain crimes relating to the injury or death of an unborn child.

HB 2278, by Representatives Hamm, Adam, Barkis, Blumenthal, Bowden, Brady, Bronson, K. Campbell, Charlton, Cribbs, Dean, Dillon, Francisco, Fry, Gjerstad, Gross, Grotewiel, Harder, Helgerson, Hensley, Johnson, Justice, Kennard, Lacey, Larkin, Leach, Love, Mainey, Peterson, Reardon, Rezac, Roper, Rosenau, Roy, Russell, Sader, Sawyer, Sebelius, Shriver, Solbach, Sughrue, Sutter, Teagarden, Turnquist, Wagon, Webb and Wells: An act concerning the farm assistance, counseling and training referral program; amending K.S.A. 74-545 and repealing the existing section.

HB 2279, by Representative Patrick: An act relating to income taxation; concerning return filing requirements of individuals and rates of tax imposed upon individuals and corporations; amending K.S.A. 79-3220 and 79-32,110 and repealing the existing sections.

HB 2280, by Representative Patrick: An act concerning mortgage registration fees; concerning exemptions to the requirement thereof; amending K.S.A. 1986 Supp. 79-3102 and repealing the existing section.

HB 2281, by Representative Hensley: An act concerning public employer-employee relations; amending K.S.A. 75-4321 and repealing the existing section.

HB 2282, by Representatives Rezac, Barr, Bowden, Branson, Brown, Charlton, Douville, Fry, Graeber, Gross, Harder, Hassler, Hoy, Jenkins, Lacey, Larkin, Ramirez, Rosenau, Russell, Sader, Sughrue, Vancrum, Wagnon and Whiteman: An act providing for checkoff donation for the purpose of funding the Kansas Silver Haired Legislature.

HB 2283, by Representatives Bryant, Acheson, Bideau, Buehler, C. Campbell, Douville, Freeman, Fuller, Graeber, Guldner, Harper, Hassler, Mead, D. Miller, Neufeld, Rezac, Roe, Roenbaugh, Sallee, Shallenburger, Sifers, Smith, Walker, Wells and Wunsch: An act relating to property taxation; concerning the authority to abate penalties for late filing of statements listing certain property; amending K.S.A. 1986 Supp. 79-1422 and repealing the existing section.

HB 2284, by Representative Smith: An act concerning the state corporation commission; providing for the election of the members thereof; amending K.S.A. 74-601 and repealing the existing section.

HB 2285, by Representative Smith: An act relating to roads and bridges; concerning certain contracts; requiring time limit on the filing of certain reports; amending K.S.A. 68-411 and repealing the existing section.

HB 2286, by Representatives Smith, Barr, Brown and Laird: An act concerning cities; relating to the incorporation thereof; amending K.S.A. 1986 Supp. 15-123 and repealing the existing section.

HB 2287, by Representative Smith: An act concerning crimes and punishments; relating to material or performances harmful to minors; prohibiting certain acts and providing penalties therefor.

HB 2288, by Representative Graeber: An act concerning proceedings pursuant to the Kansas code for care of children; relating to certain records and reports.

HB 2289, by Committee on Education: An act concerning school district finance; authorizing a certain increase in budgets per pupil; imposing conditions; amending K.S.A. 1986 Supp. 72-7055 and repealing the existing section.

HB 2290, by Representative Wells: An act relating to elections; providing for the compensation of judges and clerks; amending K.S.A. 25-2811 and repealing the existing section.

HB 2291, by Representative Lacey: An act concerning criminal procedure; relating to diversion agreements; amending K.S.A. 1986 Supp. 22-2908 and repealing the existing section.

HB 2292, by Representative Lacey: An act concerning fish and game; prohibiting the harassment of hunters and fishermen.

HB 2293, by Representatives Neufeld, Apt, Barkis, Bryant, C. Campbell, Crumbaker, Flottman, Freeman, Gatlin, Guldner, Hamm, Harper, Holmes, Mead, Mollenkamp, Moomaw, Roenbaugh, Sallee and Smith: An act concerning the uniform commercial code; relating to termination statements; amending K.S.A. 84-9-404 and repealing the existing section.

HB 2294, by Representatives Leach and Fry: An act concerning unified school districts; relating to the authority of boards of education to close school buildings; amending K.S.A. 72-8213 and repealing the existing section.

HB 2295, by Representative O'Neal: An act relating to countywide retailers' sales taxes; concerning the apportionment of the proceeds received therefrom; amending K.S.A. 1986 Supp. 12-192 and repealing the existing section; also repealing K.S.A. 1986 Supp. 12-192a and 12-192b.

HB 2296, by Representative Snowbarger: An act concerning certain proceedings to terminate parental rights; relating to counsel for certain persons; amending K.S.A. 38-1129 and repealing the existing section.

HB 2297, by Representative Graeber (by request): An act amending the Kansas parentage act; relating to notice of proceedings thereunder; amending K.S.A. 38-1117 and repealing the existing section.

HB 2298, by Representative Bowden: An act relating to motor carriers; concerning contract motor carriers; rates; amending K.S.A. 66-1,112, 66-1,112f and 66-1,116 and repealing the existing sections.

HB 2299, by Representative Mollenkamp: An act concerning water; relating to the construction of water wells; amending K.S.A. 82a-1203 and 82a-1205 and repealing the existing sections.

HB 2300, by Representatives Hamm, Adam, Barkis, Bowden, Cribbs, Dillon, Francisco, Grotewiel, Hensley, Justice, Lacey, Laird, Larkin, Leach, Mainey, Rezac, Roper, Russell, Sawyer, Sughrue, Sutter, Teagarden, Turnquist, Wells and Wisdom: An act concerning proceedings for collection of debt; providing for notice and an opportunity for a debtor to reinstate mortgage on real property; authorizing time for a debtor to make good on a default for the purchase of personal property.

HB 2301, by Representatives Leach, Branson, Cribbs, Gjerstad, Gross, Hamm, Justice, Kennard, Mainey, Rezac, Rosenau, Roy, Russell, Sader, Shriver, Turnquist, Wells and Wisdom: An act relating to sales and compensating use taxes; concerning the taxation and exemption of certain machinery and equipment; amending K.S.A. 1986 Supp. 79-3603, 79-3606 and 79-3703 and repealing the existing sections.

HB 2302, by Representative Douville: An act relating to motor vehicles; concerning drivers' licenses; amending K.S.A. 8-235 and repealing the existing section.

HB 2303, by Representative Douville: An act relating to liens; concerning the removal of certain vehicles; amending K.S.A. 8-1570 and repealing the existing section.

HB 2304, by Representative Ott (by request): An act relating to industrial and construction equipment or automobiles, trucks or motorcycles or repair parts therefor; providing for contracts to maintain stock; concerning equipment dealerships; amending K.S.A. 16-1002, 16-1003, 16-1004, 16-1005 and K.S.A. 1986 Supp. 16-1201, 16-1202, 16-1203, 16-1204, 16-1205, 16-1207 and 16-1208 and repealing the existing sections.

HB 2305, by Representative O'Neal: An act concerning certain law enforcement officers; relating to qualifications for holding office or for appointment, election or nomination thereto.

HB 2306, by Representative Crowell: An act relating to roads and highways; concerning the sale of certain bonds by the secretary of transportation; amending K.S.A. 68-2304 and repealing the existing section.

HB 2307, by Representatives Justice and Peterson: An act relating to the levy and collection of taxes upon income or earnings by cities; amending K.S.A. 12-140 and repealing the existing section.

HB 2308, by Representatives Leach, Adam, Barkis, Bowden, C. Campbell, Dillon, Fry, Gross, Hamm, Harder, Helgerson, Hensley, Justice, Kennard, Larkin, Mainey, Russell, Sawyer, Wells and Wisdom: An act concerning agricultural land; providing for negotiations through the services of the farm assistance, counseling and training referral program for parties to certain court actions.

HB 2309, by Representatives Baker and Fox: An act relating to the application of open meeting requirements to meetings of members-elect of public bodies; amending K.S.A. 75-4317a and repealing the existing section.

HB 2310, by D. Miller, Amos, Baker, Beauchamp, Bideau, Brown, Bryant, Buehler, Bunten, Dyc, Eckert, Flottman, Foster, Freeman, Guldner, King, Long, Lowther, Mollenkamp, Moomaw, Neufeld, O'Neal, Ott, Patrick, Roe, Rols, Sallee, Schauf, Shore, Sifers, Smith, Snowbarger, Spaniol, Vancrum, Williams and Wunsch: An act concerning the budget of expenditures of the state; relating to the budget report of the governor and consensus revenue estimates; amending K.S.A. 1986 Supp. 75-3721 and repealing the existing section.

HB 2311, by Representative Sawyer: An act amending the homestead property tax refund act; concerning the eligibility of refunds thereunder; amending K.S.A. 79-4504 and 79-4511 and repealing the existing sections.

HB 2312, by Representatives Sawyer, Barkis, Blumenthal, Bowden, Branson, K. Camp-

bell, Charlton, Cribbs, Dillon, Francisco, Fry, Gross, Grotewiel, Harder, Helgerson, Hensley, Justice, Kennard, Lacey, Laird, Leach, Love, Mainey, Reardon, Rezac, Roper, Rosenau, Roy, Russell, Sader, Sebelius, Solbach, Sughrue, Sutter, Teagarden, Turnquist, Webb, Wells, Whiteman and Wisdom: An act relating to insurance; concerning cancellation and nonrenewal of accident and sickness insurance policies; amending K.S.A. 40-2203 and 40-2209 and repealing the existing sections.

HB 2313, by Representatives K. Campbell, Adam, Barkis, Bowden, Brady, Charlton, Cribbs, Gross, Justice, Reardon, Rezac, Russell, Sawyer, Sughrue, Teagarden, Turnquist, Wagnon and Wells: An act concerning prosecutions for felonies; establishing a felony prosecutors division in the office of the attorney general; establishing the position of felony prosecutor in certain judicial districts; amending K.S.A. 19-717 and 19-723 and K.S.A. 1986 Supp. 19-702 and 19-703 and repealing the existing sections.

HB 2314, by Representatives Cribbs, Adam, Barkis, Dean, Grotewiel, Helgerson, Larkin, Leach, Mainey, Reardon, Rezac and Shriver: An act relating to insurance; concerning cancellation or nonrenewal of accident and sickness insurance; disallowing the attainment of certain age as a basis therefor.

HB 2315, by Representative Heinemann: An act concerning the uniform act regulating traffic on highways; relating to penalties for violations thereof; amending K.S.A. 1986 Supp. 8-2204 and repealing the existing section.

HB 2316, by Representative Heinemann: An act relating to motor vehicles; concerning certain moving violations; amending K.S.A. 74-2012 and repealing the existing section.

HB 2317, by Representative Heinemann: An act concerning adoption; relating to social assessments and background information; amending K.S.A. 1986 Supp. 59-2278 and 59-2278a and repealing the existing sections.

HB 2318, by Representative Heinemann: An act relating to drivers' licenses; maintaining negative or print of photograph; amending K.S.A. 1986 Supp. 8-243 and repealing the existing section.

HB 2319, by Representative Heinemann: An act relating to money orders; establishing certain time limitations.

HB 2320, by Representative Heinemann: An act concerning municipal court procedure; relating to release of persons unable to make bond; amending K.S.A. 12-4213 and repealing the existing section.

HB 2321, by Representative Justice: An act concerning the investment and management of moneys under the control and supervision of certain state investing agencies; prohibiting certain investments with regard to the Republic of South Africa; amending K.S.A. 12-3718, 12-3724, 32-104m, 40-2307, 40-3406, 44-712, 68-2311, 74-2913, 74-4515, 74-4921, 75-2527, 75-4209, 75-4254, 76-818 and 76-2473 and K.S.A. 1986 Supp. 58-3066, 65-3431, 75-4205 and 79-4804 and repealing the existing sections.

HB 2322, by Representative Lowther: An act relating to elections; providing for the recount of ballots when using optical scanning systems; amending K.S.A. 25-3107 and repealing the existing section.

HB 2323, by Representative Sprague: An act concerning crimes and punishments; relating to the crime of debt adjusting; amending K.S.A. 21-4402 and repealing the existing section.

HB 2324, by Representatives Lowther, Knopp, D. Miller and Duncan: An act concerning transfers from the state general fund to the state highway fund; making certain reductions and prescribing a termination date therefor; amending K.S.A. 79-34,147 and repealing the existing section; also repealing K.S.A. 79-34,148.

HB 2325, by Representative Lowther: An act concerning motor fuels taxes; amending K.S.A. 1986 Supp. 79-34,141 and repealing the existing section.

HB 2326, by Representative Grotewiel: An act concerning telephone public utilities; relating to method used to determine cost of services.

HB 2327, by Representative Grotewiel: An act concerning certain municipally owned or operated utilities; relating to the jurisdiction of the state corporation commission; amending K.S.A. 66-131a and repealing the existing section.

HB 2328, by Representatives Grotewiel, Barkis, Bowden, Branson, K. Campbell, Charlton, Cribbs, Gjerstad, Gross, Harder, Helgerson, Hensley, Justice, Kennard, Larkin, Roper, Russell, Sader, Sawyer, Sebelius, Turnquist, Wells, Whiteman and Wisdom: An act concerning the monitoring of the environmental impact of nuclear power generation facilities; prescribing powers and duties of the secretary of health and environment; amending K.S.A. 65-3021 and 65-3022 and repealing the existing sections.

HB 2329, by Representative Wisdom: An act relating to motor vehicle insurance; providing for premium reductions for certain persons completing motor vehicle accident prevention courses approved by the state board of education.

HB 2330, by Representative Wisdom: An act concerning actions for divorce, separate maintenance or annulment; amending K.S.A. 1986 Supp. 60-1612 and repealing the existing section.

HB 2331, by Representatives Francisco, Barkis, Bowden, Branson, K. Campbell, Charlton, Cribbs, Dillon, Grotewiel, Hensley, Justice, Kennard, Laird, Mainey, Reardon, Russell, Sader, Sawyer, Sughrue, Sutter, Wagnon, Webb, Wells and Wisdom: An act enacting the consumer savings disclosure and validation act.

HB 2332, by Representatives Grotewiel, Barkis, Blumenthal, Bowden, K. Campbell, Cribbs, Dillon, Gross, Harder, Hensley, Justice, Kennard, Larkin, Leach, Reardon, Roper, Roy, Russell, Sawyer, Sebelius, Sughrue, Sutter, Turnquist, Wagnon, Wells, Whiteman and Wisdom: An act concerning insurance; creating the insurance rate review board and the office of public advocate for insurance rate review and providing for the powers and duties thereof.

HB 2333, by Representatives Laird, Barkis, Blumenthal, Bowden, Brady, Branson, K. Campbell, Charlton, Cribbs, Dillon, Gjerstad, Gross, Grotewiel, Harder, Helgerson, Hensley, Johnson, Justice, Kennard, Lacey, Larkin, Leach, Mainey, Reardon, Rezac, Rosenau, Roy, Russell, Sader, Sawyer, Sebelius, Shriver, Sughrue, Sutter, Wagnon, Webb, Wells, Whiteman and Wisdom: An act concerning the state health care benefits program; relating to continuation of coverage for retirees; amending K.S.A. 75-6501 and repealing the existing section.

HB 2334, by Representative Laird: An act concerning the Kansas public employees retirement system; relating to retirement system for judges; membership thereof; amending K.S.A. 1986 Supp. 20-2601 and repealing the existing section.

HB 2335, by Representatives Laird, Barkis, Bowden, Branson, K. Campbell, Charlton, Cribbs, Dillon, Francisco, Fry, Gjerstad, Harder, Hensley, Johnson, Justice, Kennard, Lacey, Mainey, Reardon, Roper, Russell, Sawyer, Sughrue, Sutter, Turnquist, Wells and Wisdom: An act concerning the Kansas public employees retirement system; relating to retirement date; amending K.S.A. 1986 Supp. 74-4914 and 74-4937 and repealing the existing sections.

HB 2336, by Representatives Laird, Barkis, Bowden, Brady, Branson, K. Campbell, Charlton, Cribbs, Dillon, Francisco, Fry, Gjerstad, Harder, Hensley, Johnson, Justice, Kennard, Lacey, Leach, Mainey, Rosenau, Roy, Russell, Sawyer, Sughrue, Sutter, Turnquist, Wagnon, Webb and Wisdom: An act concerning the Kansas public employees retirement system; relating to retiree dividend payment to certain retirees; amending K.S.A. 74-49,109 and repealing the existing section.

HB 2337, by Representatives Webb, Adam, Barkis, Bowden, Brady, Branson, K. Campbell, Charlton, Cribbs, Dean, Dillon, Francisco, Gjerstad, Grotewiel, Harder, Helgerson, Hensley, Justice, Kennard, Lacey, Mainey, Reardon, Roper, Roy, Russell, Sader, Sawyer, Wagnon, Wells, Whiteman and Wisdom: An act concerning utilities; establishing the residential utility customer office.

HB 2338, by Representatives Baker, Bowden, Dean, Foster, Francisco, Fuller, Gjerstad, Grotewiel, Helgerson, Kennard, Pottorff, Sawyer, Schauf, Spaniol, Webb and Williams: An act relating to property taxation; concerning advisory hearing panels to county boards of equalization; amending K.S.A. 1986 Supp. 79-1602 and repealing the existing section.

HB 2339, by Joint Committee on Administrative Rules and Regulations: An act concerning adult care home administrators; relating to qualifications for admission to examination; amending K.S.A. 65-3504 and repealing the existing section.

HB 2340, by Representatives Spaniol and Baker: An act relating to governmental ethics; application to certain public officers and employees; amending K.S.A. 46-217, 46-221,

(continued)

46-222, 46-225, 46-226, 46-227, 46-228, 46-232, 46-233, 46-235, 46-236, 46-237, 46-238, 46-239, 46-241, 46-242, 46-243, 46-247, 46-269, 46-271, 46-272, 46-286 and repealing the existing sections; and also repealing 75-4301, 75-4302, 75-4303a, 75-4304, 75-4305 and 75-4306.

HB 2341, by Representatives Fuller, Empson, Harper, Hoy, Jenkins, Knopp, Lacey, Ott, Pottorff, Russell, Teagarden, Vancrum and Wagon: An act relating to the community corrections act; concerning charges for certain juveniles; amending K.S.A. 75-52,104 and repealing the existing section.

HB 2342, by Representatives Acheson, Bideau, Buehler, O'Neal, Snowbarger and Walker: An act concerning the employment security law; relating to disqualification for benefits; amending K.S.A. 44-706 and repealing the existing section.

HB 2343, by Representatives Justice, Barkis, Dean, Dillon, Graeber, Grotewiel, Hensley, Johnson, Kennard, Larkin, Leach, Love, Mainey, Ramirez, Reardon, Sader, Sifers and Wisdom: An act relating to the transportation of polychlorinated biphenyls; providing for public notice.

HB 2344, by Representatives Mainey, Adam, Barkis, Bowden, Branson, K. Campbell, Dillon, Francisco, Fry, Gjerstad, Gross, Grotewiel, Harder, Kennard, Larkin, Reardon, Russell, Sughrue, Wagon and Wells: An act concerning the department of social and rehabilitation services; relating to medical assistance; providing for a pilot project for expanded early and periodic screening, diagnosis and treatment services for children and adolescents in certain counties.

HB 2345, by Representatives Laird, Charlton, Cribbs, Hensley, Sawyer, Sughrue and Wisdom: An act concerning the state health care benefits program; relating to continuation of coverage for retirees; amending K.S.A. 75-6501 and K.S.A. 1986 Supp. 75-6508 and repealing the existing sections.

HB 2346, by Representatives Laird, Barkis, Bowden, Branson, K. Campbell, Charlton, Cribbs, Dillon, Fry, Hensley, Johnson, Justice, Lacey, Larkin, Mainey, Rosenau, Russell, Sawyer, Sughrue, Sutter, Turnquist, Wells and Wisdom: An act concerning the Kansas public employees retirement system; relating to retirement benefits; participating service; amending K.S.A. 74-4915 and 74-4938 and repealing the existing sections.

HB 2347, by Representative Laird: An act concerning the retirement system for judges; contributions; amending K.S.A. 1986 Supp. 20-2803 and repealing the existing section.

HB 2348, by Representative Laird: An act concerning law enforcement; relating to appointment, training and authority of reserve officers; amending K.S.A. 21-3110, 74-5602, 74-5604a, 74-5607a, 74-5616 and 74-5617 and K.S.A. 1986 Supp. 74-5605 and repealing the existing sections.

HB 2349, by Representatives Roper, Barkis, Bideau, Bowden, K. Campbell, Charlton, Cribbs, Dillon, Francisco, Fry, Green, Gross, Hamm, Hensley, Lacey, Mainey, Ramirez, Rosenau, Russell, Shriver, Sughrue, Teagarden and Wilbert: An act concerning the Kansas civil service act; relating to veterans' preferences; amending K.S.A. 75-2955 and repealing the existing section.

HB 2350, by Representative Roper: An act establishing a department of natural resources under the direction and supervision of a secretary of natural resources; creating divisions of the department; prescribing powers, duties and functions of the secretary and department; abolishing certain existing state agencies and offices; providing for advisory boards, commissions and committees; transferring certain powers, duties and functions of certain state officers and agencies; effecting certain statutory changes to implement the establishment of the department; amending K.S.A. 19-2803, 19-2873, 19-2894, 32-101, 32-104b, 32-104c, 32-104i, 32-110a, 32-113, 32-125, 32-152, 32-154d, 32-155, 32-155a, 32-155b, 32-158, 32-159, 32-160, 32-164, 32-167, 32-173, 32-174, 32-175, 32-178, 32-179, 32-183, 32-185, 32-201, 32-209, 32-211, 32-214, 32-215, 32-216, 32-224, 32-311, 32-318, 32-320, 32-321, 32-402, 32-403, 32-502, 32-503, 32-504, 32-505, 32-507, 74-3302, 74-3308, 74-3319, 74-4501, 74-4502, 74-4507, 74-4509, 74-4511, 74-4514, 74-4515, 74-4517, 74-4518, 74-4519, 74-4520, 74-4521, 74-4522, 74-4523, 74-4524, 74-4530, 74-4532, 74-4533, 74-4534, 74-4535, 74-4537, 74-45603, 74-6607, 74-6610, 74-6611, 74-6613, 75-3065, 76-112f, 82a-804, 82a-804a, 82a-808, 82a-810a, 82a-814, 82a-815, 82a-816, 82a-818, 82a-819 and 82a-821 and K.S.A. 1986 Supp. 74-4510 and repealing the existing sections; also repealing K.S.A. 32-202, 32-204, 74-2606, 74-2611, 74-3301, 74-3302a, 74-3302b, 74-3302c, 74-3304, 74-3305, 74-3307, 74-4503, 74-4504, 74-4505, 74-4506, 74-4508, 74-4513, 74-4516, 74-4525, 74-4528, 74-4529, 74-4531, 82a-922, 82a-925, 82a-94 and 82a-1424.

HB 2351, by Representatives Shore, Fry, Catlin, Guldner, Hamm, Heinemann, Holmes, Mead, Mollenkamp, Moomaw, Neufeld, Roenbaugh and Sughrue: An act concerning natural gas; relating to the transportation thereof.

HB 2352, by Representatives Graeber, Baker, Bideau, Blumenthal, Brown, Douville, Hassler, Jenkins, Johnson, Ramirez, Sughrue and Wagon: An act relating to income taxation; providing for a deduction from adjusted gross income for in-home care of certain dependents; amending K.S.A. 1986 Supp. 79-32,117 and repealing the existing section.

HB 2353, by Representatives Baker and Spaniol: An act relating to the campaign finance act; providing for reports from publicly funded organizations.

HB 2354, by Representative Heinemann: An act concerning the Kansas public employees retirement system; relating to retirement benefit options; amending K.S.A. 74-4918 and repealing the existing section.

HB 2355, by Representatives Lowther and Pottorff: An act relating to home loans; concerning the disclosure of certain information.

HB 2356, by Representatives Adam, Baker, Barkis, Branson, Gjerstad, Green, Gross, Hensley, Mainey, Roe, Rosenau, Russell, Webb, Whiteman and Wisdom: An act concerning labor and employment; relating to notice required of employer prior to cessation or decrease of operations; prescribing certain penalties for violations thereof.

HB 2357, by Representatives Roy and Acheson: An act concerning cities; relating to business improvement districts; amending K.S.A. 12-1789 and repealing the existing section.

HB 2358, by Representatives Smith, Barr, Brown, Graeber, Green, Hamm, Harper, Laird, Roper, Rosenau and Russell: An act relating to city sewers and sewer systems; concerning special assessments therefor on land annexed by cities.

HB 2359, by Representative Smith: An act concerning civil procedure; relating to redemption of real property; amending K.S.A. 60-2414 and repealing the existing section.

HB 2360, by Representatives Smith, Acheson, Barr, Hensley, Laird, Mainey, Roy, Sebelius and Wagon: An act providing for the establishment of a fair association in Shawnee county; providing for election of a board of directors and executive board; authorizing a county tax levy to fund the operations of the fair association.

HB 2361, by Representatives Brown and Johnson: An act establishing the Kansas advisory council on intergovernmental relations; prescribing the powers and duties thereof.

HB 2362, by Representatives Leach, K. Campbell, Larkin, Webb and Wisdom: An act amending the Kansas income tax act; relating to the determination of an individual's income, personal exemptions, standard and itemized deductions and liability; amending K.S.A. 79-32,110, 79-32,119, 79-32,120 and 79-32,121 and K.S.A. 1986 Supp. 79-32,117 and repealing the existing sections.

HB 2363, by Representatives Leach, K. Campbell, Hensley, Kennard, Russell, Turnquist, Wagon, Webb and Wisdom: An act relating to income taxation; concerning requirements to file returns by individuals; amending K.S.A. 79-3220 and 79-32,110 and repealing the existing sections.

HB 2364, by Representative Long: An act concerning marriage; requiring premarital examinations and tests; providing certain penalties.

HB 2365, by Representative D. Miller: An act amending the Kansas income tax act; concerning the filing requirements, itemized deductions and tax liability of an individual; allowing a windfall tax credit from liability of an individual; amending K.S.A. 79-3220, 79-32,110 and 79-32,120 and repealing the existing sections.

HB 2366, by Representatives Turnquist, Barkis, Adam, K. Campbell, Cribbs, Dillon, Francisco, Gross, Grotewiel, Helgeson, Hensley, Justice, Kennard, Reardon, Roper, Rosenau, Russell, Sawyer, Sebelius, Sughrue, Sutter, Wells, Whiteman and Wisdom: An act concerning insurance; relating to the making of rates; amending K.S.A. 40-927 and 40-112 and repealing the existing sections.

HB 2367, by Representatives Turnquist and Fox, Acheson, Adam, Amos, Aylward, Baker, Barkis, Barr, Blumenthal, Bowden, Brady, Branson, Brown, Buehler, Bunten, C. Campbell, K. Campbell, Charlton, Cribbs, Crumbaker, Dillon, Douville, Freeman, Fry,

Gjerstad, Graeber, Green, Gross, Grotewiel, Hamm, Harder, Harper, Hassler, Hensley, Hoy, Jenkins, Johnson, Justice, Kline, Lacey, Laird, Larkin, Leach, Long, Love, Mainey, R. D. Miller, Ott, Peterson, Ramirez, Reardon, Rezac, Roe, Roper, Rosenau, Roy, Sader, Sebelius, Shriver, Sifers, Snowbarger, Solbach, Spaniol, Sughrue, Sutter, Teagarden, Vancrum, Wagon, Weimer, Wilbert and Wisdom: An act enacting the Kansas rail passenger preservation act.

HB 2368, by Representative Apt: An act enacting the Kansas high school graduate warranty act.

HB 2369, by Representatives Hensley and Webb, Barkis, Charlton, Cribbs, Dean, Dillon, Francisco, Gjerstad, Green, Johnson, Justice, Kennard, Lacey, Laird, Leach, Mainey, Peterson, Reardon, Roper, Rosenau, Roy, Russell, Sawyer, Solbach, Sutter, Wagon, Whiteman and Wisdom: An act concerning the minimum wage and maximum hours law; increasing the minimum wage; amending K.S.A. 44-1203 and repealing the existing section.

HB 2370, by Representatives Hensley, Barkis, Branson, Charlton, Cribbs, Dillon, Gjerstad, Harder, Justice, Kennard, Lacey, Laird, Leach, Mainey, Reardon, Rosenau, Roy, Russell, Sawyer, Sughrue, Sutter, Turnquist, Wagon, Wells, Whiteman and Wisdom: An act amending the homestead property tax refund act; excluding utility costs from household income; adjusting the income eligibility schedule; increasing the maximum property tax refund; amending K.S.A. 79-4502, 79-4508 and 79-4509 and repealing the existing sections.

HB 2371, by Representatives Vancrum and Ramirez: An act concerning attorneys; relating to admission to the bar.

HB 2372, by Representative Vancrum: An act concerning the crime of giving a worthless check; amending K.S.A. 1986 Supp. 21-3707 and repealing the existing section.

HB 2373, by Representative Wunsch: An act prohibiting certain acts with respect to riding with a driver who is under the influence of alcohol or drugs; providing penalties for violations.

HB 2374, by Representatives Wunsch and Douville: An act relating to income taxation; concerning requirements to file returns by individuals; amending K.S.A. 79-3220 and 79-32,110 and repealing the existing sections.

HB 2375, by Representative Wunsch: An act establishing an exemplary school district award program.

HB 2376, by Representatives Jenkins, Bideau, Fuller and O'Neal: An act concerning actions for divorce, separate maintenance and annulment; concerning division of property; amending K.S.A. 1986 Supp. 60-1610 and repealing the existing section.

HB 2377, by Representative Jenkins: An act concerning the firefighters relief act; relating to determination of payments to local associations; authorizing certain adjustments; amending K.S.A. 40-1706 and repealing the existing section.

HB 2378, by Representatives Crowell and Shallenburger: An act relating to roads and highways; authorizing the construction, improvement and maintenance of highways and bridges; authorizing revenue bonds for the payment of the cost of such construction, improvement and maintenance; increasing certain vehicle fuel taxes; apportionment between local units and state; amending K.S.A. 79-3408c, 79-3425, 79-3475a, 79-3487, 79-3491a, 79-34,104, 79-34,118, 79-34,126, 79-34,142 and 79-34,143 and K.S.A. 1986 Supp. 79-34,141 and repealing the existing sections.

HB 2379, by Representative D. Miller: An act concerning telephone directories; concerning listings to be included therein.

HB 2380, by Representatives Sebelius, Barkis, Bowden, Cribbs, Dillon, Francisco, Fry, Gjerstad, Gross, Grotewiel, Helgeson, Hensley, Justice, Kennard, Leach, Mainey, Reardon, Roper, Roy, Russell, Sawyer, Shriver, Sughrue, Sutter, Wagon, Wells and Wisdom: An act relating to insurance; concerning rate making with respect to certain types of insurance; amending K.S.A. 40-927 and 40-1112 and repealing the existing sections.

Senate Bills

SB 153, by Committee on Education: An act relating to state aid payments for educational purposes; deferring certain payments; amending K.S.A. 13-13a30 and 72-6506 and K.S.A. 1986 Supp. 71-605 and repealing the existing sections.

SB 154, by Senator Ehrlich: An act relating to hospital districts; concerning attachment of territory to district; amending K.S.A. 80-2522 and repealing the existing section.

SB 155, by Committee on Local Government: An act concerning cities; authorizing the establishment of a consolidated highway fund.

SB 156, by Committee on Local Government: An act concerning the Kansas tort claims act; relating to the payment of judgments or settlements against municipalities; amending K.S.A. 75-6113 and repealing the existing section.

SB 157, by Senator Vidricksen: An act concerning the campaign finance act; relating to complaints of violations; amending K.S.A. 25-4161 and repealing the existing section.

SB 158, by Senator Anderson: An act relating to lender credit cards; regulating the amount of interest and other charges and fees that may be assessed in lender credit card arrangements; amending K.S.A. 1986 Supp. 16a-2-401 and repealing the existing section; also repealing K.S.A. 16a-2-402.

SB 159, by Committee on Elections: An act concerning elections; relating to mailing of ballots; amending K.S.A. 25-433 and repealing the existing section.

SB 160, by Committee on Elections: An act concerning elections; relating to question submitted elections.

SB 161, by Committee on Ways and Means: An act making and concerning appropriations for the fiscal year ending June 30, 1988, for the youth center at Topeka, youth center at Beloit, youth center at Atchison, Kansas neurological institute, Larned state hospital, Osawatimie state hospital, Parsons state hospital and training center, Rainbow mental health facility, Norton state hospital, Topeka state hospital and Winfield state hospital and training center; authorizing certain transfers, imposing certain restrictions and limitations, and directing or authorizing certain receipts and disbursements and acts incidental to the foregoing.

SB 162, by Committee on Ways and Means: An act relating to state tax levies for institutions; concerning the imposition and disposition thereof; amending K.S.A. 1986 Supp. 76-6b04, 76-6b09 and 79-5109 and repealing the existing sections.

SB 163, by Committee on Ways and Means: An act concerning the Kansas public employees retirement system; concerning transfers of certain employer obligations; amending K.S.A. 74-4939 and repealing the existing section.

SB 164, by Committee on Assessment and Taxation: An act relating to sales and compensating taxes; providing penalties for persons responsible for payment thereof; repealing K.S.A. 1986 Supp. 79-3643.

SB 165, by Committee on Assessment and Taxation: An act relating to taxation; prescribing authority for the secretary of revenue concerning compromise of certain tax liabilities.

SB 166, by Committee on Assessment and Taxation: An act relating to taxation; concerning interest on assessments of tax appealed to the director of taxation and the state board of tax appeals; amending K.S.A. 74-2438 and repealing the existing section.

SB 167, by Senator Winter: An act concerning townships; relating to the limitation on certain tax levies; amending K.S.A. 1986 Supp. 79-1962 and repealing the existing section.

SB 168, by Senator Yost: An act relating to income taxation; concerning the determination of adjusted gross income; amending K.S.A. 1986 Supp. 79-32,117 and repealing the existing section.

SB 169, by Committee on Education: An act concerning community colleges; providing for payments of academic advancement awards thereto; creating the Kansas community college academic advancement fund in the state treasury; imposing certain duties on the state board of education.

SB 170, by Senators Anderson, Daniels, Feliciano, Francisco, Morris and Yost: An act concerning the liquefied petroleum motor fuel tax; relating to unlawful sales; amending K.S.A. 79-3490 and 79-3493 and repealing the existing sections.

SB 171, by Senators Anderson, Daniels, Francisco and Yost: An act concerning cities; relating to the abatement of nuisances; amending K.S.A. 1986 Supp. 12-1617e and repealing the existing section.

SB 172, by Senators Anderson, Daniels, Francisco, Morris and Yost: An act concerning bonds; relating to nonlitigation certificates; amending K.S.A. 10-108a and repealing the existing section.

SB 173, by Committee on Public Health and Welfare: An act relating to communications between patients and personnel of treatment facilities; concerning exceptions to privileged communications; amending K.S.A. 1986 Supp. 65-5603 and repealing the existing section.

SB 174, by Senator Martin: An act relating to public records; eliminating certain limitations on the use of information derived therefrom; amending K.S.A. 45-220 and 74-2012 and repealing the existing sections; also repealing K.S.A. 1986 Supp. 21-3914.

SB 175, by Senator Martin: An act concerning probate procedure; relating to notice of proceedings; requirements thereof; amending K.S.A. 1986 Supp. 59-2208, 59-2209 and 59-2211 and repealing the existing sections.

SB 176, by Senator Anderson: An act creating the small contractors and small businesses revolving loan fund.

SB 177, by Committee on Financial Institutions and Insurance: An act repealing K.S.A. 40-1130 and 40-1131; relating to annual reports to insurance commissioner by product liability insurers.

SB 178, by Senators Mulich, Anderson, Norvell, Reilly, Strick, Thiessen and Warren: An act declaring the English language to be the official state language.

SB 179, by Senators Mulich, Anderson, Martin: An act concerning school districts; relating to school transportation vehicles as therein defined; requiring certain equipment.

SB 180, by Senator Allen: An act concerning the prompt payment of commissions to commission salespersons when the contractual relationship terminates.

SB 181, by Senators Johnston, Anderson, Daniels, Feleciano, Francisco, Gaines, Cannon, Hayden, Karr, Martin, Mulich, Norvell, Parrish, Steineger, Strick and Warren: An act concerning the Kansas criminal code; defining and classifying the crime of adding foreign material to grain.

SB 182, by Committee on Judiciary: An act concerning oil and gas; relating to contracts thereof; requiring certain funds held in trust; providing certain penalties for violations.

SB 183, by Senator Johnston: An act repealing K.S.A. 1986 Supp. 74-2915, providing a surcharge on tickets for certain athletic events.

SB 184, by Senators Ehrlich and Burke, Allen, Anderson, Bogina, Bond, Daniels, Doyen, Feleciano, Gannon, Hayden, Hoferer, Johnston, Karr, Langworthy, Martin, Montgomery, Mulich, Norvell, Parrish, Reilly, Salisbury, Steineger, Strick, Vidricksen and Winter: An act enacting the Kansas rail passenger preservation act.

SB 185, by Senators Ehrlich, Anderson, Daniels, Feleciano, Francisco, Hayden, Johnston, Karr, Martin, Mulich, Reilly, Strick and Vidricksen: An act relating to railroad companies; concerning toilet facilities.

SB 186, by Committee on Assessment and Taxation: An act relating to property taxation; concerning exemptions therefrom for economic development purposes.

SB 187, by Senator Frey (by request): An act repealing K.S.A. 58-312, relating to prohibition of liens or security interests on exempt personal property without joint consent.

SB 188, by Senator Frey (by request): An act concerning civil procedure; relating to sale of real property under execution; amending K.S.A. 1986 Supp. 60-2410 and repealing the existing section.

SB 189, by Senators Burke, Bogina, Bond, Langworthy, Mulich, Reilly, Steineger and Strick: An act designating Interstate highway 670 as the Jay Dillingham memorial highway.

SB 190, by Senator Winter: An act concerning state educational institutions; prohibiting certain acts on the grounds thereof and providing penalties for violations.

SB 191, by Senator Steineger: An act concerning school district finance; affecting the determination of local effort rate and limitations on budgets per pupil of certain districts.

SB 192, by Senator Steineger: An act relating to motor vehicles; concerning sun screening devices; amending K.S.A. 1986 Supp. 8-1749a and 8-2118 and repealing the existing sections.

SB 193, by Senators F. Kerr and Morris: An act concerning motor vehicles; requiring a bond for certain violators of traffic infractions; amending K.S.A. 1986 Supp. 8-2107 and repealing the existing section.

SB 194, by Senator Hayden: An act concerning school districts; authorizing boards of education to adopt supplemental salary plans and to levy ad valorem taxes for effectuation thereof; relating to waivers of certain rights by teachers; amending K.S.A. 72-5445 and 72-5446, and repealing the existing sections.

SB 195, by Senators Steineger, Bogina, Bond, Burke, Langworthy, Martin, Mulich, Reilly and Strick: An act relating to watercraft; requiring proof of sales or compensating tax payment prior to giving an identification number therefor; amending K.S.A. 82a-804 and repealing the existing section.

SB 196, by Committee on Ways and Means: An act making and concerning appropriations for the fiscal year ending June 30, 1988, for the department of revenue—homestead property tax refunds, department of social and rehabilitation services, department of health and environment and department on aging; authorizing certain transfers and fees, imposing certain restrictions and limitations, and directing or authorizing certain receipts and disbursements and acts incidental to the foregoing.

SB 197, by Senator Vidricksen: An act establishing an efficiency in government hotline; providing for the reporting of suspected cases of improper governmental activity and for audits relating thereto; amending K.S.A. 75-2973 and repealing the existing section.

SB 198, by Senators Mulich, Anderson, Feleciano, Francisco, Cannon, Hayden, Johnston, Karr, Martin, Norvell, Steineger and Strick: An act establishing the joint committee on revenue estimates and expenditures.

SB 199, by Committee on Elections: An act concerning elections; relating to the contest of primary elections.

SB 200, by Committee on Ways and Means: An act making and concerning appropriations for the fiscal year ending June 30, 1988, for the adjutant general, state fire marshal, Kansas parole board, department of corrections, state correctional-vocational training center, Kansas correctional institution at Lansing, state industrial reformatory, Kansas state penitentiary, state reception and diagnostic center, corrections ombudsman board and Ellsworth correctional work facility; authorizing certain transfers, imposing certain restrictions and limitations, and directing or authorizing certain receipts and disbursements and acts incidental to the foregoing.

SB 201, by Senator Ehrlich: An act establishing the fish and game commission; providing for the transfer of certain powers, duties, functions, records and property thereto; repealing K.S.A. 74-3301 and 74-3301a.

SB 202, by Committee on Judiciary: An act concerning crimes and punishments; relating to sentencing; amending K.S.A. 1986 Supp. 21-4608 and repealing the existing section.

SB 203, by Committee on Judiciary: An act concerning corrections; relating to sentencing; time served as part of sentence, when; amending K.S.A. 75-5217 and repealing the existing section.

SB 204, by Committee on Local Government: An act concerning the acquisition of land for certain improvements; relating to the costs thereof; amending K.S.A. 12-692 and repealing the existing section.

SB 205, by Senators Yost and Martin, Anderson, Daniels, Feleciano, Francisco, Cannon, Johnston, Karr, Mulich, Norvell, Steineger and Strick: An act creating the agricultural, commercial and residential utility ratepayers' office.

SB 206, by Senators Mulich, Anderson, Hayden, Martin and Steineger: An act concerning school districts; authorizing the development and operation of remedial study programs; provision of state aid.

SB 207, by Senators Feleciano, Anderson, Cannon, Johnston, Karr, Martin, Mulich, Parrish, Strick and Warren: An act concerning certain financial institutions; relating to powers and duties thereof; ownership of reinsurance company; amending K.S.A. 1986 Supp. 9-1101 and 17-5501 and repealing the existing sections.

SB 208, by Senator F. Kerr: An act concerning community colleges; relating to expenditures for scholarships for students thereof; amending K.S.A. 71-203 and repealing the existing section.

SB 209, by Senators Cannon, Doyen, Allen, Anderson, Arasmith, Daniels, Ehrlich,

Francisco, Gordon, Harder, Hayden, Hoferer, Johnston, Karr, F. Kerr, Martin, Montgomery, Morris, Norvell, Parrish, Reilly, Strick, Thiessen, Vidricksen and Warren: An act concerning agriculture; relating to the grain commissions and the soybean commission; providing for certain transfers; amending K.S.A. 1986 Supp. 75-3170a and repealing the existing section.

SB 210, by Senators Johnston, Anderson, Daniels, Feleciano, Francisco, Cannon, Hayden, Karr, Martin, Mulich, Norvell, Parrish, Steineger, Strick and Warren: An act concerning insurance; creating the insurance rate review board and the office of public advocate for insurance rate review and providing for the powers and duties thereof.

SB 211, by Senator Doyen: An act concerning cities and counties; relating to the transient guest tax; repealing K.S.A. 12-1692, 12-1693, 12-1694a, 12-1695 and 12-1699 and K.S.A. 1986 Supp. 12-1694 and 12-1694b.

SB 212, by Senator Allen: An act concerning sports programs conducted by certain nonprofit associations; establishing a negligence standard for certain individuals involved in the conduct of such programs.

SB 213, by Senator Parrish: An act concerning school districts; relating to eligibility of persons for enrollment in and attendance at schools maintained thereby.

SB 214, by Senators Karr, Anderson, Daniels, Francisco, Cannon, Hayden, Johnston, Martin, Mulich, Norvell, Parrish and Strick: An act concerning agriculture; relating to the grain commissions and the soybean commission; providing for the transfer of certain interest; amending K.S.A. 1986 Supp. 75-3170a and repealing the existing section.

SB 215, by Senator Johnston: An act concerning limitations of actions; relating to orders affecting licensure under the administrative procedure act; amending K.S.A. 1986 Supp. 77-512 and repealing the existing section.

SB 216, by Senators Johnston, Anderson, Daniels, Feleciano, Francisco, Gaines, Cannon, Karr, Martin, Mulich, Parrish, Steineger, Strick and Warren: An act amending the uniform consumer credit code; relating to finance charges and notices of changes thereof; amending K.S.A. 1986 Supp. 16a-2-201, 16a-2-202, 16a-2-401 and 16a-3-204 and repealing the existing sections.

SB 217, by Senator Johnston: An act concerning criminal procedure; relating to diversion agreements; amending K.S.A. 1986 Supp. 22-2908 and repealing the existing section.

SB 218, by Senator Johnston: An act relating to the issuance of marriage licenses; requiring consent of judge in certain cases; amending K.S.A. 23-106 and repealing the existing section.

SB 219, by Senators Johnston, Anderson, Daniels, Feleciano, Francisco, Cannon, Karr, Martin, Mulich, Norvell, Parrish, Steineger, Strick and Warren: An act relating to income taxation; relating to personal exemptions of an individual; amending K.S.A. 79-32,121 and repealing the existing section.

SB 220, by Senators Johnston, Anderson, Feleciano, Francisco, Cannon, Karr, Martin, Mulich, Parrish, Steineger and Strick: An act relating to income taxation; concerning requirements to file returns by individuals; amending K.S.A. 79-3220 and 79-32,110 and repealing the existing sections.

SB 221, by Senators Johnston, Anderson, Feleciano, Francisco, Cannon, Hayden, Karr, Martin, Parrish and Steineger: An act concerning elections; relating to the registration of voters.

SB 222, by Committee on Agriculture: An act relating to noxious weeds; concerning noxious weed control districts; amending K.S.A. 2-1315 and repealing the existing section.

SB 223, by Senators Johnston, Anderson, Feleciano, Francisco, Cannon, Karr, Martin, Mulich, Parrish, Strick and Warren: An act concerning appropriations; prohibiting expenditures during fiscal year 1988 for the acquisition of motor vehicles; providing exceptions.

SB 224, by Senators Steineger and Doyen: An act relating to state finance; fixing a limitation upon expenditures and demand transfers from the state general fund in any fiscal year; providing for the adoption of legislative estimates of revenue to such funds and a ceiling upon expenditures and demand transfers therefrom and providing for the transfer of moneys in excess of such limitations; and establishing a joint legislative committee on state revenue estimates and expenditures and prescribing the powers, duties and authority thereof.

SB 225, by Senators Yost, Reilly, Anderson, Bogina, Daniels, Doyen, Ehrlich, Francisco, Gaines, Cannon, Johnston, Martin, Montgomery, Mulich, Steineger, Strick, Thiessen and Warren: An act relating to abortion; concerning abortions performed on minors; imposing certain conditions and requirements thereon; defining and classifying certain crimes; amending K.S.A. 38-123 and 38-133 and repealing the existing sections.

SB 226, by Senator Yost: An act concerning civil procedure; relating to service of summons and petition by mail; amending K.S.A. 1986 Supp. 60-314 and 61-1806 and repealing the existing sections.

SB 227, by Senator Yost: An act concerning the residential landlord and tenant act; relating to the disposition of personal property of tenant upon possession of premises, by landlord; writ of executions; amending K.S.A. 58-2570 and repealing the existing section.

SB 228, by Senator Yost: An act limiting the use of public funds for certain purposes relating to providing or encouraging abortions.

SB 229, by Senators Parrish, Daniels, Johnston and Karr: An act establishing an income tax checkoff for the Kansas foundation for partnerships in education.

SB 230, by Senators Johnston, Anderson, Bond, Feleciano, Francisco, Gaines, Harder, Hoferer, Karr, Norvell, Parrish, Winter and Yost: An act concerning crimes and punishments and procedures relating thereto; providing for mandatory sentences of life imprisonment for persons convicted of premeditated murder under certain circumstances; amending K.S.A. 1986 Supp. 21-4603 and 22-3717 and repealing the existing sections.

SB 231, by Senator Anderson (by request): An act concerning domestic relations; relating to divorce and maintenance; child custody; counseling; amending K.S.A. 60-1607 and 60-1608 and K.S.A. 1986 Supp. 60-1610 and repealing the existing sections.

SB 232, by Senators Mulich, Anderson, Martin, Steineger and Strick: An act concerning insurance; relating to settlement of certain claims for property damage.

SB 233, by Senators Vidricksen and Norvell: An act creating the department of civil air patrol; relating to functions thereof; limitations on expenditures of funds; workers' compensation coverage for members thereof; amending K.S.A. 44-508 and 44-511 and repealing the existing sections.

SB 234, by Senator Ehrlich: An act amending the Kansas automobile injury reparations act; concerning special mobile equipment; amending K.S.A. 40-3103 and repealing the existing section.

SB 235, by Senator Ehrlich: An act concerning the Kansas law enforcement training commission; establishing a program for the training of law enforcement canine teams; amending K.S.A. 74-5601 and 74-5607 and repealing the existing sections.

SB 236, by Senator Ehrlich: An act concerning controlled substances; relating to forfeitures thereof; amending K.S.A. 22-2512 and K.S.A. 1986 Supp. 65-4135 and repealing the existing sections.

Resolutions

HCR 5012, by Representatives Buehler, Brady, C. Campbell, Chronister, Crowell, Duncan, Fox, Freeman, Harper, Hassler, Hoy, King, Knopp, Laird, Littlejohn, Lowther, D. Miller, Ott, Roe, Rolf, Rosenau, Sallee, Walker and Wilbert: A proposition to amend article 14 of the constitution of the state of Kansas by adding a new section thereto, relating to amendment of the constitution by propositions initiated by qualified electors of the state.

HCR 5013, by Representatives Braden and Barks: A concurrent resolution directing the secretary of health and environment to establish a task force concerning sexually transmitted diseases.

HCR 5014, by Representative Justice: A concurrent resolution urging increased levels of activity by the President, Congress and other State Legislatures to bring a rapid end to the racial apartheid system in South Africa.

HR 6014, by Representative Wilbert: A resolution congratulating and commending the Pittsburg State University football team and its coach, Dennis Franchione, on outstanding 1985 and 1986 seasons.

(continued)

HR 6015, by Representative Aylward: A resolution honoring Carl Rundquist.
 HR 6016, by Representative R. D. Miller: A resolution congratulating and commending Gertrude "Trudy" Furney of Russell, Kansas, on being selected the National Art Educator for 1987 in Secondary Education.
 HR 6017, by Representative Beauchamp: A resolution congratulating and commending the Ottawa High School girls' basketball team and its coach, Kelly Krumsick, on winning the Louisburg Invitational Basketball Tournament.
 HR 6018, by Committee on Agriculture and Small Business: A resolution congratulating and commending the Kansas Agricultural Experiment Station on its centennial anniversary.
 SCR 1604, by Committee on Agriculture: A concurrent resolution encouraging all agriculturally dependent states to join with the State of Kansas to promote grain products in all nations.
 SR 1817, by Committee on Agriculture: A resolution congratulating and commending the Kansas Agricultural Experiment Station on its centennial anniversary.
 SR 1818, by Senator Daniels: A resolution in memory of George L. White.
 SR 1819, by Senator Ehrlich: A resolution congratulating and commending Gertrude "Trudy" Furney of Russell, Kansas, on being selected the National Art Educator for 1987 in Secondary Education.

State of Kansas

ATTORNEY GENERAL

Opinion No. 87-19

Waters and Watercourses—Water Districts; Rural Water Districts—Powers of Rural Water Districts; Deletion of the Word "Rural" From Name. Michael G. Norris, Counsel for Rural Water District No. 3 of Johnson County, Overland Park, February 5, 1987.

Rural water districts are entities created by statute and are subdivisions of the state. They have authority only as conferred by the legislature. In the absence of a grant of power to do so, a rural water district may not delete the word "rural" from its name. Cited herein: K.S.A. 60-1401; 60-1403; 82a-612; 82a-616; 82a-619; 82a-619a; 82a-619b; 82a-620. JLM

Opinion No. 87-20

Taxation—Property Valuation, Equalizing Assessments, Appraisers and Assessment of Property—Taxation of Royalty Interest on Oil and Gas Lease. John J. Gillett, Wilson County Attorney, Fredonia, February 5, 1987.

If a person sells his personal property after it has been assessed and before the tax has been paid, an in rem tax lien follows the property into the hands of the purchaser (K.S.A. 79-2110). However, if three or more years pass from the time the tax becomes due and payable to the time the county attempts to enforce the lien, the property owner (purchaser) is no longer liable for the tax. In light of this limitation, even though a lien followed the royalty interest in question upon its sale in 1981, Wilson County is prohibited from collecting any 1981 personal property taxes owing on the royalty interest, as more than three years have passed since the unpaid taxes became due. Wilson County may collect the personal property taxes on the royalty interest owed to the county for the years 1982 to the present. K.S.A. 1986 Supp. 79-1475. Furthermore, penalties may be assessed by the county for the years 1983 to the present. K.S.A. 1986 Supp. 79-1427a. Cited herein: K.S.A. 79-306; 79-329; K.S.A. 1986 Supp. 79-1427a; 79-1475; K.S.A. 79-2110. BPA

Opinion No. 87-21

Taxation—Levy of Taxes—Collection of Judgments Subsequent to Taxpayer's Discharge in Bankruptcy. Douglas F. Martin, Shawnee County Counselor, Topeka, February 5, 1987.

Valid liens which are not otherwise avoidable survive a discharge in bankruptcy and may be executed as provided by law after the proceedings in bankruptcy have come to an end. Judgments which are not liens upon property of the estate may not be enforced against the debtor subsequent to a discharge in bankruptcy. Penalties and interest owed on delinquent taxes are to be treated in the same manner as the tax itself, unless punitive in nature. Cited herein: K.S.A. 79-1703; 11 U.S.C. §§ 101, 301, 302, 303, 362, 507, 523, 524, 944, 1328. JLM

Opinion No. 87-22

Roads and Bridges—County and Township Roads—Maintenance of Township Road Located on State Line. Steve Kraushaar, Marshall County Counselor, Marysville, February 5, 1987.

Kansas law allows for and encourages agreements between the townships and counties for maintenance of the roads. If, however, no agreement can be reached, the county can take over maintenance in the event the township neglects proper care. Cited herein: K.S.A. 68-124, K.S.A. 1986 Supp. 68-506, K.S.A. 68-516a; K.S.A. 1986 Supp. 68-560; K.S.A. 68-561; 68-572; 68-591. JLM

Opinion No. 87-23

Courts—Rules of Supreme Court—Code of Professional Responsibility. Ronald Harper, Acting Secretary, Kansas Department on Aging, Topeka, February 6, 1987.

Since it is the client's intent which governs the distinction between privileged and non-privileged communications, a determination of whether or not information exchanged between attorney and client is privileged requires a case-by-case consideration. To ensure compliance with the dictates of Canon 4 of the Code of Professional Responsibility and K.S.A. 60-426, when a supervising agency requests that an attorney release particular client information for enumerative or evaluative purposes, the attorney may either obtain the client's consent to do so, or, if the client refuses, compile the requested data in a less intrusive manner. If, however, the agency requests the data for purposes of determining a client's financial eligibility or to satisfy funding requirements, the exception to the privilege under DR-4-101(C)(4) would apply, making the aforementioned precautions unnecessary. Cited herein: K.S.A. 45-217; 45-221; 60-426; K.S.A. 1986 Supp. 20-3100, Supreme Court Rule No. 225, DR 4-101. BPA

Opinion No. 87-24

Probate Code—Care and Treatment for Mentally Ill Persons—Definition of Psychologist.

State Boards, Commissions and Authorities—Licensure of Psychologists—Unlicensed and Licensed Psychologists. Mary Ann Gabel, Executive Secretary, Behavioral Sciences Regulatory Board, Topeka, February 6, 1987.

The statutes concerning licensure of psychologists

do not require all persons engaged in the practice of psychology to be licensed (K.S.A. 1986 Supp. 74-5344). The Treatment Act for Mentally Ill Persons, however, specifically defines the term "psychologist" to mean *licensed* psychologist (K.S.A. 1986 Supp. 59-2902(1)). Therefore, persons engaged in the practice of psychology who are not licensed cannot be considered as "psychologists" under the provisions of K.S.A. 59-2901 *et seq.* Cited herein: K.S.A. 1986 Supp. 59-2901; 59-2902; 59-2908; 59-2909; 59-2910; 59-2927a; 59-2928; 59-2929; 74-5302; 74-5310; 74-5344; 74-5348; K.S.A. 74-7502; K.S.A. 1986 Supp. 74-7507; K.A.R. 1986 Supp. 102-1-5; K.A.R. 102-1-11. RLN

Opinion No. 87-25

Laws, Journals and Public Information—Records Open to Public—Law Enforcement Records; Jail Book, Standard Offense Report, Mug Shots. Carla J. Stovall, Crawford County Attorney, Pittsburg, February 9, 1987.

Under the Kansas Open Records Act (KORA), K.S.A. 45-215 *et seq.*, a record which is made, maintained, kept by, or in the possession of a public agency must be open for inspection by any person unless it falls within one of the categories of records which is not required to be disclosed or disclosure of which is specifically prohibited by statute (K.S.A. 45-217(f)(1); 45-221(a)). Records compiled in the process of preventing, detecting or investigating violations of criminal law are not subject to mandatory disclosure (K.S.A. 45-221(a)(10)). A "jail book" which lists persons who are placed in jail and contains information of a general nature is not a criminal investigation record and thus must be open for public inspection. The front page of the standard offense report is also subject to disclosure. Mug shots, however, are criminal investigation records which may be closed to the public. Cited herein: K.S.A. 19-1904; K.S.A. 1986 Supp. 22-4701; K.S.A. 38-1601; 38-1608; 45-215; 45-217; 45-221. RLN

Opinion No. 87-26

Intoxicating Liquors and Beverages—Miscellaneous Provisions—Minimum Markups. John Lamb, Director, Division of Alcoholic Beverage Control, Kansas Department of Revenue, Topeka, February 9, 1987.

In *324 Liquor Corp. v. Duffy*, the Supreme Court of the United States held that the State of New York's statutory scheme for maintenance and control of retail liquor prices was in violation of Section 1 of the Sherman Act. The court also held that New York's pricing system would not be saved under the "state-action exemption" from the antitrust laws (due to the fact that the state did not actively supervise the pricing system) or the 21st Amendment to the United States Constitution (because the asserted state interests were not substantiated and did not suffice to afford such immunity).

In Kansas, distributors are to file current bottle and case prices with the Director of the Division of Alcoholic Beverage Control. The Alcoholic Beverage Control Board is required to establish a minimum markup to be added on to the bottle price on file at the

time of retail sale. The board does not regulate the prices posted by distributors and has not adjusted the markup percentage for distilled spirits for approximately 10 years.

The pricing system for alcoholic liquor sales in Kansas is so closely aligned with that of New York that it too is in violation of antitrust laws. As a practical matter, prices are set by private industry and the state does not "actively" supervise the pricing system. Additionally, the United States Supreme Court held that unsubstantiated claims that the system promotes temperance and protects small liquor retailers are not sufficient to afford immunity under the 21st Amendment. Cited herein: K.S.A. 41-1101; 41-1111; 41-1114; 41-1115; 41-1116; 41-1117; 41-1118; K.A.R. 13-4-2; 15 U.S.C. § 1. JLM

Opinion No. 87-27

Automobiles and Other Vehicles—General Provisions; Registration of Vehicles—Requirements for Acceptance of Registration Application. Rick Bowden, State Representative, 93rd District, Goddard, February 10, 1987.

As a condition precedent to receipt of a motor vehicle registration, K.S.A. 1986 Supp. 8-173 requires payment of all personal property taxes levied against the registrant for the preceding year. The statute does not on its face or in its application create any classification which could give rise to an equal protection challenge under the 14th Amendment. Accordingly, K.S.A. 1986 Supp. 8-173 is valid under the 14th Amendment to the constitution of the United States. Cited Herein: K.S.A. 1986 Supp. 8-173; U.S. Const., 14th Amend. BPA

ROBERT T. STEPHAN
Attorney General

Doc. No. 005068

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, Docking State Office Building, fourth 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, Docking 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."

(continued)

Applications set for March 3, 1987

Renoticed Application for Extension of Certificate of Convenience and Necessity:

Gerald Taliaferro, dba) Docket No. 29,734 M
Holton Livestock Express)
Route 1)
Holton, KS 66436) MC ID No. 100246

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

Livestock, grain, dry feed, dry feed ingredients, fertilizer, seeds, machinery, construction and fencing materials and salt,

Between points and places in Kansas on and east of U.S. 81 and on and east of I-35.

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.

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

Between points and places in Jackson, Nemaha, Pottawatomie, Wabaunsee, Shawnee, Brown, Doniphan, Atchison, Jefferson, Douglas, Johnson, Leavenworth and Wyandotte 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.

Renoticed Application for Extension of Certificate of Convenience and Necessity to Redescribe the Authority:

The Big Six Transport Co.,) Docket No. 54,389 M
Inc.)
Route 2, Box 66)
Galva, KS 67443) MC ID No. 100494

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

Livestock,

Between all points and places in Harvey, McPherson, Pawnee, Reno, Sedgwick, Butler, Chase, Morris, Dickinson, Saline, Marion, Ottawa, Ellsworth, Russell, Rice and Barton counties, Kansas.

Also,

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

Feeds, grain, hay, straw and seed,

Between all points and places in Harvey, Sedgwick, Cowley, Butler, Greenwood, Chase, Morris, Marion, Dickinson, Saline, McPherson, Rice, Reno and Sumner counties, Kansas.

Also,

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

Applications set for March 12, 1987

Application for Certificate of Convenience and Necessity:

William J. Luecke) Docket No. 153,743 M
HC 39, Box 346)
Hays, KS 67601)

Applicant's Attorney: None

Grain, hay, liquid fertilizer, machinery and machinery parts, steel and fence post,

Between all points and places in the state of Kansas.

Application for Abandonment of Contract Carrier Permit:

K.D. Kerns, dba) Docket No. 133,085 M
Kerns Delivery)
7426 S.W. Indian Hills)
Auburn, KS 66402) MC ID No. 112662

Applicant's Attorney: None

Application for Contract Carrier Permit:

Vernon L. Zeller) Docket No. 153,744 M
Route 1, Box 102)
Manhattan, KS 66502)

Applicant's Attorney: Wallace Buck, Jr., 615 Topeka Blvd., Topeka, KS 66603-3286

Agricultural seed,

Between all points and places in Finney County, Kansas.

Also,

Between all points and places in Finney County, Kansas, on the one hand, and all points and places in the state of Kansas, on the other. Under contract with Garst Seed Co., of Garden City, Kansas.

Application for Certificate of Convenience and Necessity:

Irwin Porter, dba) Docket No. 153,739 M
Porter Farms)
Route 1, Box 139)
Quinter, KS 67752)

Applicant's Attorney: None

Grain,

Between all points and places in Gove, Sheridan, Trego and Lane counties, Kansas.

Also,

Between all points and places in Gove, Sheridan, Trego and Lane counties, Kansas, on the one hand, and all points and places in Wyandotte and Saline counties, Kansas, on the other hand.

Applications set for March 17, 1987

Application for Certificate of Convenience and Necessity:

Jack B. Kelly, Inc.) Docket No. 153,747 M
 Route 1, Box 400)
 Amarillo, TX 79106)
 Applicant's Attorney: Joe Weiler, 1610 S.W. Topeka
 Blvd., Topeka, KS 66612

Commodities in bulk,

Between points and places in Kansas.

Application for Certificate of Convenience and Necessity:

Driskel Truck Line, Inc.) Docket No. 153, 745 M
 Route 1, Box 163B)
 Cherryvale, KS 67335)
 Applicant's Attorney: None

Grain, dry feed and livestock,

Between all points and places in Wilson, Greenwood, Butler, Sedgwick, Reno, Rice, Barton, Rush, Ness, Lane, Scott, Montgomery and Neosho counties, Kansas.

Also,

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

Application for Extension of Certificate of Convenience and Necessity:

R. L. Hannah & Sons) Docket No. 145,109 M
 Trucking, Inc.)
 Route 2)
 Harrisonville, MO 64701) MC ID No. 121496
 Applicant's Attorney: Clyde Christey, Southwest
 Plaza Building, Suite 202, 3601 W. 29th, Topeka KS
 66614

Dry commodities in bulk (except cement and flour),

Between points and places in Kansas east of U.S. 81 and I-135.

Also,

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

Salt,

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

Application for Certificate of Convenience and Necessity:

Jimmy Rogers) Docket No. 153,746 M
 Route 1, Box 51)
 Hwy. 54 West)
 Liberal, KS 67901)

Applicant's Attorney: Erle Francis, 714 Capitol
 Federal Building, Topeka, KS 66603

Livestock and unmanufactured agricultural commodities,

Between all points and places in Kansas in the counties of Greeley, Wichita, Scott, Lane, Ness, Rush, Barton, Hamilton, Kearny, Finney, Hodgeman, Pawnee, Stafford, Stanton, Grant, Haskell, Gray, Ford, Edwards, Kiowa, Pratt, Morton, Stevens, Seward, Meade, Clark, Comanche and Barber.

Also,

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

Application for Amendment of Contract Carrier Permit to Redescribe Existing Authority:

Ruan Transport) Docket No. 64,330 M
 Corporation)
 666 Grand Ave.)
 Des Moines, IA 50304) MC ID No. 107007

Applicant's Attorney: Larry Gregg, 3401 S.W.
 Harrison, Topeka, KS 66611

Cement in bulk and in bags,

From Allen County, Kansas, to points and places in Kansas. Under contract with Monarch Cement Co., of Humboldt, Kansas.

Cement in bulk and packages,

From General Portland Cement Co. terminal in Wyandotte County, Kansas, to all points and places in the following Kansas counties: Anderson, Atchison, Brown, Chase, Clay, Coffey, Dickinson, Doniphan, Douglas, Franklin, Geary, Jackson, Jefferson, Johnson, Leavenworth, Linn, Lyon, Marion, Marshall, Miami, Morris, Nemaha, Osage, Pottawatomie, Riley, Shawnee, Wabaunsee, Washington and Wyandotte. Under contract with General Portland Cement Co., of Chicago, Illinois.

Cement in bulk and in bags,

Between Neosho County, Kansas, and points and places in Kansas. Under contract with Ash Grove Lime and Portland Cement Co., of Kansas City, Missouri.

Cement in bulk and in bags,

Between Montgomery County, Kansas, and points and places in Kansas. Under contract with Universal Atlas Cement, Division of United States Steel Corporation, of New York, New York.

Portland pozzolan, in bulk and bags,

From Wyandotte County, Kansas, on the one hand, to points and places in Kansas, on the other. Under contract with Independence Cement Co., of Kansas City, Kansas.

Cement in bulk and bags,

From Wyandotte County, Kansas, on the one hand, to points and places in Kansas, on the other. Under contract with Ash Grove Lime and Portland Cement Co., of Kansas City, Missouri.

(continued)

Portland cement, masonry cement, cement and concrete blocks,

From Bourbon County, Kansas, on the one hand, to points and places in Kansas, on the other. Under contract with Fort Scott Cement Products Co., Inc., of Fort Scott, Kansas.

Pallets,

From all points and places in the state of Kansas to Allen County, Kansas. Under contract with Monarch Cement Co., of Humboldt, Kansas.

From all points and places in the state of Kansas to Neosho and Wyandotte counties, Kansas. Under contract with Ash Grove Cement Co., of Kansas City, Missouri.

Cement in bulk and bags,

From Allen County, Kansas, to all points and places in the state of Kansas. Under contract with General Portland Cement Co., of Chicago, Illinois.

Cement, in bulk and packages,

From General Portland, Inc. terminal in Wyandotte County, Kansas, to all points and places in the following Kansas counties: Anderson, Atchison, Brown, Chase, Clay, Coffey, Dickinson, Doniphan, Douglas, Franklin, Geary, Jackson, Jefferson, Johnson, Leavenworth, Linn, Lyon, Marion, Marshall, Miami, Morris, Nemaha, Osage, Pottawatomie, Riley, Shawnee, Wabunsee, Washington and Wyandotte. Under contract with General Portland, Inc., of Dallas, Texas.

Cement, in bulk and bags,

Between Wilson County, Kansas, and points and places in Kansas. Under contract with General Portland, Inc., of Dallas, Texas.

Cement in bulk and bags,

From Allen County, Kansas, to all points and places in the state of Kansas. Under contract with General Portland, Inc., of Dallas, Texas.

Pallets,

From points and places in Kansas, to Montgomery County, Kansas. Under contract with Universal Atlas Cement, Division of United States Steel Corporation, of Pittsburgh, Pennsylvania.

Application for Amendment to Contract Carrier Permit:

Ruan Transport Corporation) Docket No. 64,330 M
666 Grand Ave.)
Des Moines, IA 50304) MC ID No. 107007

Applicant's Attorney: Larry Gregg, 3401 S.W. Harrison, Topeka, KS 66611

Cement and cement ingredients in bulk and in bag,

From all points in Kansas to all points in Kansas. Under contract with Heartland Cement Co., of Independence, Kansas.

Application for Certificate of Convenience and Necessity:

Douglas F. Hying, dba) Docket No. 153,748 M
Doug's Amoco Service)
345 N. Main)
Haysville, KS 67060)

Applicant's Attorney: None

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

Between all points and places in the state of Kansas.

Application for Transfer of Certificate of Convenience and Necessity:

Melvin L. McGuire, dba) Docket No. 75,126 M
Mel's Motor Company)
211 Edgerton)
Oakley, KS 67748) MC ID No. 100777
TO:

Arthur L. Martin and
Timothy J. Martin, dba
Mel's Motor Company
211 Edgerton
Oakley, KS 67748

Applicant's Attorney: None

Wrecked or disabled vehicles,

Between all points and places within a 25-mile radius of Oakley, Kansas.

Also,

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

Application for Extension of Certificate of Convenience and Necessity to Redescribe the Authority:

Arthur L. Martin and) Docket No. 75,126 M
Timothy J. Martin, dba)
Mel's Motor Company)
211 Edgerton)
Oakley, KS 67748)

Applicant's Attorney: None

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

Between all points and places in Logan, Gove, Sheridan and Thomas counties, Kansas.

Also,

Between all points and places in the above described territory, 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 to Redescribe the Authority:

Wheeler Transport) Docket No. 85,069 M
 Service, Inc.)
 7722 F St.)
 P.O. Box 14248)
 Omaha, NB 68124) MC ID No. 100427

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 in McPherson County, Kansas, to all points in the state of Kansas.

Anhydrous ammonia,

From the pipeline of Mapco located in Clay County, Kansas, to all points in the state of Kansas.

Anhydrous ammonia,

From the storage facilities of Chevron Chemical Company located in Scott County, Kansas, to all points in the state of Kansas.

Petroleum products,

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

Application for Extension of Certificate of Convenience and Necessity:

Wheeler Transport) Docket No. 85,069 M
 Service, Inc.)
 7722 F St.)
 P.O. Box 14248)
 Omaha, NB 68124) MC ID NO. 100427

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

Petroleum products,

Between points in Saline, Sedgwick, Phillips, Wyandotte, Cowley, McPherson and Montgomery counties, Kansas, on the one hand, and on the other, all points and places in Kansas.

WILLIAM E. GREEN
 Administrator
 Transportation Division

Doc. No. 005066

State of Kansas
STATE CORPORATION COMMISSION

NOTICE OF HEARING

The State Corporation Commission has directed that an investigation be instituted and a hearing held to determine the reasonable market demand for gas produced from the following pools for the period extending from April 1, 1987 through September 30, 1987, both inclusive; to determine the deliverability and acreage attributable to each of the wells therein; and to fix gas production percentages and quotas for wells within the pools. Evidence will be received for all aforesaid purposes and for determining and fixing the allowables for each of the wells in the pools in the proration period.

- Beauchamp South Middle Morrow gas pool in Morton and Stanton counties
- Corastone (Lower Wabaunsee) pool in Sumner County
- Fincham-O'Brien-Barby Morrow gas field in Meade County
- Gentzler (Lower Morrow) Mississippi gas pool in Stevens County
- Glick (Mississippi) gas pool in Barber, Comanche and Kiowa counties
- Greenwood gas field in Morton County
- Harding (Indian Cave) gas pool in Barber and Pratt counties
- Harding West gas pool in Barber and Pratt counties
- Hugoton gas field in Finney, Grant, Gray, Hamilton, Haskell, Kearny, Morton, Seward, Stanton, Stevens and Wichita counties
- ILS Southwest (Douglas Sand) gas pool in Barber County
- Komarek Indian Cave gas field in Kingman County
- McKinney East Mississippi gas pool in Clark County
- Negro Creek (Indian Cave) in Kingman County
- Panama-Council Grove gas field in Finney, Grant, Hamilton, Haskell, Kearny, Morton, Seward, Stanton, Stevens and Wichita counties
- Perry Ranch Northwest (Cherokee-Mississippi) gas pool in Comanche County
- Richfield (Morrow Sand) gas pool in Morton County
- Salley (Lower Morrow) gas pool in Seward County
- Sparks (Keyes Sand) gas pool in Stanton and Morton counties
- Sullivan (Douglas) gas pool in Harper County
- Sullivan (Lower Stalnaker) in Harper County
- Sullivan (Upper Stalnaker) gas pool in Harper County
- Wall-Mississippi gas pool in Harvey County
- Zenith-Peace Creek (Mississippi) gas pool in Reno County
- Zerger North East Douglas field in Kingman County

The hearing will be held at 9 a.m. Friday, March 27, at the Holiday Inn Downtown, Palm Room, 250 W. Douglas, Wichita.

All purchasers of gas produced from the pools should furnish to the State Corporation Commission

(continued)

their nominations from the pool for the calendar months included in the proration period.

Questions should be directed to Ann T. Rider, Assistant General Counsel, State Corporation Commission, Conservation Division, 202 W. 1st, Wichita 67202, (316) 263-3238.

JUDITH McCONNELL
Executive Director

Doc. No. 005067

(Published in the KANSAS REGISTER, February 19, 1987.)

**NOTICE OF BOND SALE
UNIFIED SCHOOL DISTRICT 218
MORTON COUNTY, KANSAS
GENERAL OBLIGATION
SCHOOL BUILDING BONDS
SERIES A, 1987
(general obligation bonds payable
from unlimited ad valorem taxes)**

Pursuant to K.S.A. 1986 Supp. 10-106, Unified School District 218 (Elkhart), Morton County, Kansas, will receive sealed bids in the school board office, 150 Wildcat Ave., P.O. Box 999, Elkhart, KS 67950, until 7:30 p.m. C.S.T. on Monday, March 9, 1987, for \$1,825,000 par value general obligation school building bonds, Series A, 1987, of the school district, at which time and place such bids will be publicly opened. No oral or auction bids will be considered.

The Series A, 1987 bonds will be dated April 1, 1987 and shall mature on October 1 in each of the years and in the amounts set forth below. Such bonds shall consist of fully registered certificated bonds each in the denomination of \$5,000 or integral multiples thereof, not exceeding the principal amount of the bonds maturing in each year. Interest will be payable semiannually, commencing April 1, 1988 and each October 1 and April 1 thereafter. The principal and interest, 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 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 school district.

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

Principal Maturing	Maturity Date
\$180,000	October 1, 1988
\$180,000	October 1, 1989
\$180,000	October 1, 1990
\$180,000	October 1, 1991
\$180,000	October 1, 1992
\$185,000	October 1, 1993
\$185,000	October 1, 1994
\$185,000	October 1, 1995

\$185,000

October 1, 1996

\$185,000

October 1, 1997

All of said bonds shall become due without option of prior payment.

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 shall be in an even multiple of 1/8 or 1/20 of 1 percent. The difference between the highest and lowest interest rate shall not exceed 2 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, plus 2 percent, and no bid of less than par plus accrued interest will be considered. Bids for less than the entire issue of bonds will not be considered.

Bid Form and Good Faith Deposit

All bids shall be subject to the terms and conditions contained in this notice of bond sale and must be made on the bid forms which may be obtained from the clerk of the board of the First State Bank of Elkhart, Kansas, or upon equivalent forms. No additions or alterations may be made to such forms and any erasures may cause the rejection of any bid. The school district reserves the right to waive irregularities and to reject any and all bids.

Each bid shall be accompanied by a good faith deposit in the form of a cashier's or certified check in the amount of \$36,500 made payable to the order of Treasurer, U.S.D. 218, Morton County, Kansas. In the event a bidder whose bid is accepted shall fail to carry out his contract of purchase, the amount of said deposit shall be retained by the school district 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 school district reserves the right to reject any and all of the bids and to waive any irregularities. The bonds will be awarded to the bidder whose proposal results in the lowest net interest cost to the school district, and the net interest cost will be determined by deducting the amount of any premiums paid from the aggregate amount of interest upon all of the bonds from their date until their respective maturities. In the event more than one bid is received at the same net interest rate, the successful bidder will be selected by lot.

Delivery of the Bonds

The bonds, duly printed, executed and registered, will be furnished and paid for by the school district, and the bonds will be sold subject to the unqualified approving opinion of Fred W. Rausch, Jr., bond counsel, Topeka, Kansas. The cost of said legal opinion will be paid by the school district. The numbers, denomi-

nations of bonds and the name 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 April 2, 1987. The purchaser will be furnished with a complete transcript of proceedings evidencing the authorization and issuance of the bonds and the usual closing proofs, which will include a certificate that there is no litigation pending or threatened at the time of delivery of the bonds affecting their validity. Payment for the bonds will be made in immediately available funds. Delivery of the bonds will be made to the successful bidder on or about May 8, 1987, at any bank in the state of Kansas or Kansas City, Missouri, at the expense of the school district. Delivery elsewhere will be made at the expense of the purchaser.

Authority and Security for the Bonds

The bonds are being issued pursuant to the provisions of K.S.A. 72-6761 and Chapter 25 and Article 1 of Chapter 10 of the Kansas Statutes Annotated and any acts amendatory thereof and supplemental thereto. The bonds will be general obligations of the school district, payable as to both principal and interest from ad valorem taxes which may be levied without limitation as to rate or amount on all the taxable tangible property within the school district.

The Tax Reform Act of 1986

The Tax Reform Act of 1986, H.R. 3838, became effective on October 22, 1986. The provisions of the Act relating to obligations of state and local governments would generally be effective for obligations issued after August 15, 1986. Certain of these provisions would impose requirements which must be met subsequent to the issuance and delivery of such obligations, including the bonds, in order for the interest thereon to remain exempt from federal income taxation. The school district will covenant to comply with the provisions of the Act and all other applicable federal law, regulations, published rulings and court decisions, in order to preserve the tax-exempt status of the bonds, to the extent such actions can be taken by the governing body of the school district. The failure of the school district to comply with such covenants could adversely affect the tax-exempt status of the bonds. The purchaser of the bonds 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 federal tax exemption.

The Act subjects interest on certain obligations, such as the bonds, in the adjusted net book income of certain corporations for taxable years after 1986 and would include in the calculation of alternative minimum taxable income 50 percent of the excess of a corporation's adjusted net book income (determined without regard to this adjustment and prior to reduction for certain net operating losses). In addition, the Act provides that banks and thrift institutions would be unable to deduct any portion of the interest cost of purchasing or carrying tax-exempt obligations (with certain exceptions) if such interest costs are incurred in taxable years ending after December 31, 1986, with respect to bonds acquired after August 7, 1986.

The Act provides that property and casualty insurance companies would be required for taxable years beginning on or after January 1, 1986 to reduce the amount of their deductible underwriting losses by a percentage of the amount of tax-exempt interest received or accrued on obligations acquired after August 7, 1986. If the amount of this reduction exceeds the amount otherwise deductible as losses incurred, such excess may be includable in income.

Superfund Amendments and Reauthorization Act of 1986

H.R. 2005, the Superfund Amendments and Reauthorization Act of 1986, which was enacted on October 17, 1986, includes among its provisions the imposition of a new environmental tax. Calculation of the tax is to be based generally on a percentage of the corporate alternative minimum taxable income as defined in the 1986 code which would include interest on tax-exempt obligations, including the bonds. The amount of tax is equal to 0.12 percent of the excess of the alternative deduction for the environmental tax over \$2 million. The environmental tax is imposed whether or not the taxpayer is subject to the alternative minimum tax, but is deductible from gross income. The environmental tax is effective for taxable years beginning after 1991. The imposition of this environmental tax could result in additional taxation of interest on the bonds for certain bondowners.

Legal Opinion and Tax Exemption

The bonds will be sold subject to the legal opinion of Fred W. Rausch, Jr., Topeka, Kansas, bond counsel, whose approving legal opinion as to the validity of the bonds will be furnished and paid for by the school district, printed on the bonds and delivered to the successful bidder as and when the bonds are delivered. Said opinion will state that in the opinion of bond counsel, under existing law, and subject to the assumptions and limitations contained therein, the interest on the bonds is exempt from federal income taxation, and the bonds are exempt from intangible personal property taxes levied by Kansas cities, counties and townships.

The school district intends to designate the bonds as qualified project bonds (qualified tax-exempt obligations) for purposes of Section 902(b)(3) of the Act. The school district does not intend to issue bonds in excess of \$10 million during this calendar year.

Purpose of Issue

The bonds are being issued for the purpose of constructing and equipping school buildings within the school district. The total estimated projected cost of said improvements is \$1,845,000, of which \$1,825,000 is being funded by the proceeds of this issue. The balance, \$20,000, will come from the school district's capital outlay levy fund.

CUSIP Identification Numbers

It is anticipated that CUSIP identification numbers will be printed on certificated bonds or assigned to uncertificated bonds, but neither the failure to print such number on any bond nor any error with respect

(continued)

thereto shall constitute cause for failure or refusal by the purchaser thereof to accept delivery of and pay for the bonds in accordance with the terms of the successful bid and this notice of bond sale. All expenses in relation to the assignment and printing of CUSIP numbers on the bonds will be paid for by the school district.

Assessed Valuation

Assessed valuation for Unified School District 218, Morton County, Kansas, for the year 1986, is as follows:

Equalized assessed valuation of taxable tangible property	\$49,950,203
Tangible valuation of motor vehicles	\$ 2,542,026
Equalized assessed tangible valuation for computation of bonded debt limitation ...	\$52,492,229

Bonded Indebtedness

The total bonded indebtedness of the school district, at the date hereof, including this \$1,825,000 issue, is \$1,825,000.

Bond Rating

The school district does not intend to apply for a rating of these bonds.

Additional Information

Additional copies of this notice of bond sale and further information may be received from the clerk of the school district, Claris Alexander, Unified School District 218, P.O. Box 999, Elkhart, KS 67950, and from Jack Hayward, President, First State Bank of Elkhart, 430 Morton St., Elkhart, KS 67950, (316) 697-2101.

Dated February 9, 1987.

UNIFIED SCHOOL DISTRICT 218
MORTON COUNTY, KANSAS
Claris Alexander
Clerk of the Board of Education

Doc. No. 005065

State of Kansas

DEPARTMENT OF HUMAN RESOURCES DIVISION OF EMPLOYMENT

PERMANENT ADMINISTRATIVE REGULATIONS

(Effective May 1, 1987)

Article 1.—MEANING OF TERMS

50-1-1. (Authorized by K.S.A. 1965 Supp. 44-714(a); effective Jan. 1, 1966; amended May 1, 1980; revoked, May 1, 1987.)

50-1-3. Definitions relating primarily to unemployment compensation contributions. (a) Wages paid. Wages paid include both wages actually received by the worker and wages constructively paid. Wages are constructively paid when they are:

(1) credited to the account of or set apart for a worker without any substantial restriction as to the time or manner of payment or condition upon which payment is to be made;

(2) made available so that they may be drawn upon by the worker at any time; or

(3) brought within the worker's own control and disposition, although not then actually reduced to possession.

(b) Market. The term "market" means the place or point where the producer or grower of the commodity customarily parts with economic interest in its future form or destiny.

(c) Newspaper carriers. Newspaper carriers are individuals who purchase newspapers at a wholesale price from the publisher for sale, provide their own means of transportation, pay their own expenses, make their own collections, solicit their own customers, receive no salary, wages or other remuneration from the publisher, are not controlled or directed in the details, means or manner of operation by the publisher and whose earnings are derived solely from the resale of the newspapers at a profit. Newspaper carriers shall not be deemed employees of the publisher within the meaning of the Kansas employment security laws.

(d) Governmental entity. "Governmental entity" means the State of Kansas, its political sub-divisions, and their instrumentalities.

(e) Contributing employer. "Contributing employer", as defined in K.S.A. 44-703(y), includes any governmental entity electing to become a contributing employer, or any employer other than a reimbursing employer or rated governmental employer, which makes payments to the employment security fund as provided by K.S.A. 44-710, as amended.

(f) Reimbursing employer. "Reimbursing employer", as defined in K.S.A. 44-703(x), includes any governmental entity or eligible non-profit organization or groups of organizations which elect to make payments in lieu of contributions to the employment security fund as provided by K.S.A. 44-710(e)(1). (Authorized by and implementing K.S.A. 1985 Supp. 44-703 as amended by L. 1986, ch. 190, § 1, 44-714(a) as amended by L. 1986, ch. 191, § 4; effective Jan. 1, 1966; amended Jan. 1, 1972; amended May 1, 1980; amended May 1, 1983; amended May 1, 1987.)

Article 2.—UNEMPLOYMENT INSURANCE, CONTRIBUTING, REIMBURSING AND RATED GOVERNMENTAL EMPLOYMENT

50-2-1. Rules pertaining to the cash value of remuneration in kind. (a) Board, lodging, and any other forms of payment in kind to a worker that represent remuneration for services in addition to or in lieu of cash payments, constitute wages, unless K.S.A. 1985 Supp. 44-703, L. 1986, ch. 190, § 1(o)(12) shall apply. When payment for services is made partially in kind and deducted from the cash wages otherwise due a worker, the original cash wages due shall constitute the worker's wages.

(b) The value of payments in kind determined by the secretary shall be used to compute contributions due and benefit payments.

(c) A cash value of payments in kind furnished to a worker agreed upon by the worker and his or her employing unit shall be deemed the value of such

payment in kind unless it is less than the value of the payment in kind as specially determined by the secretary, or in the case of board and lodging, less than the value prescribed in subsection (d) of this regulation.

(d) Unless a different rate for board or lodging is determined by the secretary for a particular case, board or lodging furnished in addition to or in lieu of cash wages shall be deemed to have not less than the following values:

Full board and room weekly	\$40.00
Meals, per week	20.00
Per day	3.00
Per meal	1.00
Lodging, per week	20.00
Per day	3.00

(Authorized by K.S.A. 1985 Supp. 44-703(o); as amended by L. 1986, ch. 190, § 1; effective Jan. 1, 1966; amended May 1, 1980; amended, May 1, 1987.)

50-2-10. (Authorized by K.S.A. 44-711(e)(1); effective Jan. 1, 1972; amended Jan. 1, 1974; revoked, May 1, 1987.)

50-2-21. Computation of employer contribution rates. (a) The terms "total wages" and "taxable wages", as used in this regulation, shall refer to all payrolls for contributing employers, reported and received by September 1 following the computation date of June 30, for all employment during the fiscal year ending on the computation date. The certified payroll information as of September 30 that is required for the computation delineated in this section shall be provided by the director of data processing.

(b) Planned yield. The approximate amount of the planned yield for the ensuing calendar year shall be computed as follows:

(1) The planned yield on total wages in column B of schedule III, of K.S.A. 1985 Supp. 44-710a(a)(3), and its amendments, shall be determined by the reserve fund ratio in column A of the same schedule. The reserve fund ratio shall be computed by dividing the total assets of the employment security fund, as of July 31, following the computation date and as certified by the chief of management, by the total payrolls for the preceding fiscal year ended June 30, as certified by the director of data processing.

(2) The average rate of contributions shall be determined by multiplying the ratio of total to taxable payrolls for the preceding fiscal year ended June 30 by the planned yield computed in paragraph (b)(1) of this regulation. In any calendar year in which the taxable wage base changes, the calculation for that calendar year and the following calendar year shall be an estimate of what the taxable wages would have been if the new taxable wage base had been in effect during the preceding fiscal year ending June 30.

(3) The approximate amount of the planned yield for the ensuing calendar year shall be the taxable wages for the previous fiscal year ended June 30, multiplied by the average rate of contributions computed in paragraph (b)(2) of this regulation, rounded to the nearest \$100,000.00.

(c) Estimated yield from ineligible employer accounts.

(1) Estimated contributions for industry-rated employers.

(A) The computation shall be made using a certified tabulation provided by the director of data processing entitled "all accounts except reimbursing—cross classification by rate and industry." The procedure for computing the average contribution rate for all industries and for each industry division shall be identical. The rate of the preceding calendar year for each rate group and the industry division shall be cumulatively multiplied times the taxable wages in each corresponding rate group for the industry division. The cumulative total shall be divided by the total taxable wages in the industry to determine the industry rate. The assigned rate for each industry shall be the sum of 1.0% plus the computed rate or the sum of 1.0% plus the average rate of all employers, whichever is higher. The assigned rate shall not be less than 2.0%.

(B) The average rate for all industries shall be computed by cumulatively multiplying the calculated rate of each industry division times the total taxable wages for that industry division and dividing the cumulative total by the total taxable wages for the industry divisions.

(C) The estimated contributions for each specially rated industry division and all other divisions shall be computed by multiplying the taxable wages for the corresponding industry divisions or all other industry divisions by the appropriate assigned rate.

(2) The total estimated yield for active ineligible accounts shall be the sum of the estimated contributions for industry-rated employers.

(3) Negative balance employers, as defined in K.S.A. 1985 Supp. 44-710a(d), and its amendments, shall pay at the statutory maximum tax rate. In addition, negative balance employers shall be assessed a surcharge based on the size of the employer's negative reserve ratio. The director of data processing shall provide a certified listing of all negative balance employers. The listing shall contain the reserve ratio, number of employers, and taxable wages for the fiscal year ended June 30. Each negative balance employer shall be identified as shown in schedule II of K.S.A. 1985 Supp. 44-710a, and its amendments. The assigned rate shall be the sum of the statutory maximum tax rate plus the applicable surcharge identified in schedule II of K.S.A. 1985 Supp. 44-710a, and its amendments. The estimated contributions of negative balance employers shall be computed by multiplying the taxable wages of all negative balance employers by only the statutory maximum tax rate. The resultant product shall reflect the estimated yield from negative balance employers.

(d) The required yield for eligible employer accounts shall be the approximate amount of the average yield, developed in paragraph (b)(3) of this regulation, less the total estimated yield of active ineligible employer accounts computed in paragraph (c)(2) of this regulation, and less the total estimated yield of nega-

(continued)

tive balance employers computed in paragraph (c)(3) of this regulation.

(e) Rate adjustment for active eligible employer accounts.

(1) A certified array of each active eligible employer account shall be provided by the director of data processing in accordance with schedule I, K.S.A. 1985 Supp. 44-710a, and its amendments. The tabulation shall include:

- (A) The lowest reserve ratio in each rate group;
- (B) the number of employers in each rate group;
- (C) the amount of taxable wages in each rate group;
- (D) the cumulative amount of taxable wages for all accounts from the first through each succeeding rate group; and

(E) the final, total taxable payrolls for the fiscal year ended June 30, for all active eligible employer accounts. In any calendar year in which the taxable wage base changes, the taxable wages used in the calculation for that calendar year and the following calendar year shall be an estimate of what the taxable wages would have been if the new taxable wage base had been in effect during all of the preceding fiscal year ending June 30.

(2) The average rate required shall be the required yield for eligible employer accounts, determined in subsection (d) of this regulation, divided by the total taxable payrolls listed in paragraph (e)(1)(E) of this regulation.

(3) The average rate required shall be divided by the average estimated yield of the array to develop an adjustment factor. The average estimated yield of the array shall be computed by cumulatively multiplying the taxable payrolls in each rate group by the experience factor denoted for each rate group in schedule I, K.S.A. 1985 Supp. 44-710a(2), and its amendments; and dividing by the total taxable payrolls for active accounts. The experience factor for each rate group in schedule I shall be multiplied by the adjustment factor to determine the adjusted tax rate for each rate group, with the statutory maximum as an upper limit.

(4) The taxable payrolls for each rate group shall be multiplied by the adjusted tax rate computed for each rate group to determine the estimated contributions for each rate group.

(A) If the adjusted tax rate reaches the statutory maximum at a rate group numerically lower than group 21, or if the computed rate for any group is higher than the statutory maximum, the adjusted tax rates shall be adjusted further. The estimated additional contribution incurred because of the statutory maximum limit of the unadjustable groups shall be prorated over rate groups other than those that are unadjustable. The taxable payrolls and estimated contributions of the unadjustable groups shall be subtracted, respectively, from the totals of all groups and the balances used in the readjustment.

(B) The readjustment shall be accomplished by dividing the total estimated contributions of the adjustable groups by the total taxable payrolls of the adjustable rate groups to determine the required rate of yield for the groups. The estimated rate of yield for the rate groups shall be computed by cumulatively multi-

plying the experience factor by the corresponding taxable payroll in each rate group and dividing the cumulative total by the total taxable wages of the rate groups. The required rate of yield shall be divided by the estimated rate of yield for the adjustable groups to determine the final adjustment factor.

(C) The experience factors of all rate groups in schedule I shall be multiplied by the final adjustment factor to determine the final effective contribution rates for the eligible contributing employers, limited to the statutory maximum, and those described by paragraph (e)(4)(B) of this regulation.

(f) A computation and listing of the effective employer contribution rates shall be prepared by the chief, research and analysis, and submitted to the executive director. (Authorized by K.S.A. 1985 Supp. 44-714 as amended by L. 1986, ch. 191, §4; implementing K.S.A. 1985 Supp. 44-710a; effective May 1, 1983; amended May 1, 1984; amended May 1, 1987.)

50-2-23. Payments under employers' plans on account of sickness or accident disability. (a) Payment by third parties.

(1) Any third party making a payment on account of sickness or accident disability when the payment is not excluded from the term "wages" under paragraph (2) of K.S.A. 44-703(o) shall be treated as the employer, with respect to the wages, unless the third party promptly notifies the employer for whom the services are normally rendered of the amount of wages paid. Thereafter, the employer, and not the third party, shall be required to report and pay the contributions due with respect to the wages. The written notice shall be provided by the third party promptly following the end of each calendar quarter so the employer for whom services are normally rendered may report the wages and pay contributions when due each quarter. The written notice shall contain the following information:

- (A) The name of the employee paid sick pay; and
- (B) The social security account number of the employee paid the sick pay; and

(C) The total amount of sick pay paid to the employee during the calendar quarter.

(2) A third party making a payment on account of sickness or accident disability to an employee as an agent for the employer or making such a payment directly to the employer shall not be treated as the employer under paragraph (1) with respect to the payment unless the agreement between the third party and the employer so provides. The third party shall not be considered an agent of the employer if the third party bears an insurance risk. If the third party bears no insurance risk and is reimbursed on a cost plus fee basis, the third party shall be considered an agent of the employer whether or not the third party is responsible for making determinations regarding the eligibility of the employer's individual employees for payments. If the third party is paid an insurance premium and is not reimbursed on a cost plus fee basis, the third party shall not be considered an agent of the employer, and shall be treated as the employer as provided in paragraph (1).

(b) Special rules.

(1) For the purposes of paragraph (1) of subsection (a), the last employer for whom the employee worked prior to becoming sick or disabled or for whom the employee was working at the time the employee became sick or disabled shall be deemed to be the employer for whom services are normally rendered, if the employer made contributions on behalf of the employee to the plan or system under which the employee is being paid.

(2) For purposes of subsection (a), when payments on account of sickness or accident disability are made to employees by a third party insurer pursuant to a contract of insurance with a multi-employer plan which is obligated to make payments on account of sickness or accident disability to the employees pursuant to a collective bargaining agreement, and if the third party insurer making the payments complies with the requirements of paragraph (1) of subsection (a) and notifies the plan of the amount of wages paid each employee within the time required for notification of the employer, then the plan, not the third party insurer, shall be required to report and pay the contributions due with respect to the wages. If the plan notifies the employer for whom services are normally rendered of the amount of wages paid each employee within six business days of receipt of the notification, the employer, not the plan, shall be required to report and pay the contributions due with respect to the wages. (Authorized by K.S.A. 44-714 as amended by L. 1986, Ch. 191, Sec. 4; implementing K.S.A. 1985 Supp. 44-703, as amended by L. 1986, Ch. 190, Sec. 1; effective, T-87-40; Dec. 8, 1986; effective, May 1, 1987.)

50-2-24a. Levy and distraint; Requirement of notice before levy. (a) A levy upon the salary, wages or other property of any employer may be made with respect to any unpaid tax as described in K.S.A. 1985 Supp. 44-717, as amended, only after the secretary or the secretary's designee has notified the employer in writing of the secretary's intention to make the levy.

(b) Not less than 10 days before the day of the levy the notice required under subsection (a) shall be:

- (1) made by personal service;
- (2) left at the dwelling, or usual place of abode, or place of business of the employer; or
- (3) sent by first class U.S. mail to the employer's last known address.

(c) If the secretary has made a finding under K.S.A. 44-717(e) that the collection of tax is in jeopardy, the 10-day period provided in subsection (b) shall not be required. (Authorized by K.S.A. 1985 Supp. 44-714 as amended by L. 1986, Ch. 191, Sec. 4; implementing K.S.A. 1985 Supp. 44-717 as amended by L. 1986, Ch. 191, Sec. 5; effective, T-87-40; Dec. 8, 1986; effective, May 1, 1987.)

50-2-24b. Levy and distraint; Service of levy. (a) The levy shall be served upon an employer or third party by personal service or by mail in accordance with the following requirements.

- (1) Personal service.
- (A) Individual service. Service upon an individual,

other than a minor or incapacitated person, shall be made by:

(i) delivering a copy of the notice of levy to the individual personally;

(ii) leaving a copy at the individual's dwelling or usual place of abode with some person of suitable age and discretion then residing there;

(iii) leaving a copy at the business establishment with an officer or employee of the establishment; or

(iv) delivering a copy to an agent authorized by appointment or by law to receive service of process. If the agent is one designated by a statute to receive service, any additional notice required by statute shall be given. If service as prescribed above cannot be made with due diligence, the secretary or the secretary's designee may order service to be made by leaving a copy of the notice of levy at the dwelling house, usual place of abode or business establishment.

(B) Corporations and partnerships. Service upon a domestic or foreign corporation or upon a partnership or other unincorporated association, when by law it may be sued as such, shall be made by delivering a copy of the notice of levy to an officer, partner or resident, managing or general agent of it or them by leaving a copy at any business office with the person in charge or by delivering a copy to any other agent authorized by appointment or required by law to receive service of process. If the agent is one authorized by law to receive service, and if the law so requires, any additional notice required by statute shall be given.

(C) The "certification of service" on the notice of levy form shall be completed by the secretary's representative who serves the levy and the person served shall acknowledge receipt of the certification by signing and dating it.

(2) Service by mail. Upon the direction of the secretary or the secretary's designee, the notice of levy may be served upon a third party holding property of the employer by registered or certified mail to the third party's address. The return receipt shall be the certificate of service of the notice of levy. (Authorized by K.S.A. 1985 Supp. 44-714 as amended by L. 1986, Ch. 191, Sec. 4; implementing K.S.A. 1985 Supp. 44-717 as amended by L. 1986, Ch. 191, Sec. 5; effective, T-87-40; Dec. 8, 1986; effective, May 1, 1987.)

50-2-24c. Levy and distraint; Continuing levy on salary and wages. (a) A levy upon a third party pertaining to the salary, wages or other income payable to or to be received by an employer shall be effective from the date the levy is first made until the liability out of which the levy arose is satisfied.

(b) A levy shall be released promptly when the liability out of which the levy arose is satisfied and the employer and third party shall be promptly notified that the levy has been released. (Authorized by K.S.A. 1985 Supp. 44-714 as amended by L. 1986, Ch. 191, Sec. 4; implementing K.S.A. 1985 Supp. 44-717 as amended by L. 1986, Ch. 191, Sec. 5; effective, T-87-40; Dec. 8, 1986; effective, May 1, 1987.)

50-2-24d. Levy and distraint; Surrender of prop-
(continued)

erty subject to levy. Any person in possession of or obligated with respect to property or rights to property that is subject to levy and upon which a levy has been made shall, upon demand of the secretary, surrender the property or rights or discharge the obligation to the secretary, except the part of the property or rights which is, at the time of the demand, subject to an attachment or execution under any judicial process. (Authorized by K.S.A. 1985 Supp. 44-714 as amended by L. 1986, Ch. 191, Sec. 4; implementing K.S.A. 1985 Supp. 44-717 as amended by L. 1986, Ch. 191, Sec. 5; effective, T-87-40, Dec. 8, 1986; effective, May 1, 1987.)

50-2-24e. Levy and distraint; Enforcement of levy. (a) Any employer who fails or refuses to surrender any property or rights to property that is subject to levy, upon demand by the secretary, shall be subject to proceedings to enforce the amount of the levy.

(b) Any third party who fails or refuses to surrender any property or rights to property subject to levy, upon demand by the secretary, shall be subject to proceedings to enforce the amount of the levy or any lesser amount the third party may owe the employer. A final demand shall be served on any third party who fails or refuses to surrender property. Proceedings shall not be initiated by the secretary until five days after service of the final demand.

(c) When a third party who is in possession of or obligated with respect to property or rights to property that is subject to levy and upon which a levy has been made surrenders the property or rights to property on demand of the secretary or discharges such obligation to the secretary, the third party shall be discharged from any obligation or liability to the delinquent employer with respect to the property or rights to property arising from the surrender or payment to the secretary or the secretary's designee.

(d) Person defined. The term "person," as used in K.S.A. 44-717(e)(2), is an individual, or an officer or employee of a corporation, or a member or employee of a partnership, who is under a duty to surrender the property or rights to property, or to discharge the obligation. (Authorized by K.S.A. 1985 Supp. 44-714 as amended by L. 1986, Ch. 191, Sec. 4; implementing K.S.A. 1985 Supp. 44-717 as amended by L. 1986, Ch. 191, Sec. 5; effective, T-87-40, Dec. 8, 1986; effective, May 1, 1987.)

50-2-24f. Levy and distraint; Production of books. If a levy has been made or is about to be made on any property, or right to property, any third party having custody or control of any books or records that contain evidence or statements relating to the property or right to property subject to levy shall, upon demand of the secretary, produce and exhibit the books or records to the secretary. (Authorized by K.S.A. 1985 Supp. 44-714 as amended by L. 1986, Ch. 191, Sec. 4; implementing K.S.A. 1985 Supp. 44-717 as amended by L. 1986, Ch. 191, Sec. 5; effective, T-87-40, Dec. 8, 1986; effective, May 1, 1987.)

50-2-24g. Levy and distraint; Appraisal of property. Any representative of the secretary seizing prop-

erty shall appraise and set aside to the employer the amount of property declared to be exempt. If the employer objects at the time of the seizure to the valuation fixed by the secretary's representative making the seizure, the secretary shall appoint three disinterested individuals who shall make the valuation. (Authorized by K.S.A. 1985 Supp. 44-714 as amended by L. 1986, Ch. 191, Sec. 4; implementing K.S.A. 1985 Supp. 44-717 as amended by L. 1986, Ch. 191, Sec. 5; effective, T-87-40, Dec. 8, 1986; effective, May 1, 1987.)

50-2-24h. Levy and distraint; Sale of seized property. (a) Notice of seizure. As soon as practical after the seizure of property, notice in writing shall be:

(1) given by the secretary to the employer owning the property and in the case of personal property, any possessor of the property; or

(2) left at the usual place of abode or business of the employer or possessor. If the employer cannot be readily located, or has no dwelling or place of business within the state, the notice may be mailed to the employer's last known address as shown on the Department's records. The notice shall specify the sum demanded, and shall contain a listing of any personal property seized and a description, with reasonable certainty, or any real property seized.

(b) Notice of sale. The secretary shall, as soon as practical after the seizure of the property:

(1) give notice to the employer, in the manner prescribed in subsection (a);

(2) publish a notification in some newspaper published or generally circulated in the county in which the property is seized; and

(3) post a notice at the post office nearest the place where the seizure is made and in at least two other public places. The notice shall specify the property to be sold and the time, place, manner and conditions of the sale. Whenever a levy is made without regard to the 10-day period provided in K.S.A. 44-717(e)(2), public notice of the sale of the property seized shall not be made prior to 10 days following seizure unless the goods seized are perishable.

(c) Sale of indivisible property. If any property subject to levy is not divisible, the whole property shall be sold.

(d) Time and place of sale. The time of sale shall not be less than 10 days nor more than 40 days from the time of giving public notice. The sale may be postponed for good reason as determined by the chief of contributions. The postponement may not be more than 30 days from the original date of the sale. The place of sale shall be within the county in which the property is seized, except by special order of the secretary.

(e) Manner and conditions of sale.

(1) Rules applicable to sale.

(A) The sale shall be conducted by public auction or public sale under sealed bids.

(B) If several items of property are seized, the notice of sale shall state whether:

(i) the items will be offered separately, in groups, or in the aggregate; or

(ii) the property will be offered both separately, in groups and in the aggregate, and sold under whichever method produces the highest aggregate amount.

(C) The announcement of the minimum price determined by the secretary may be delayed until the receipt of the highest bid.

(D) Payment in full may be required at the time of the acceptance of a bid, or in the alternative part of the payment may be deferred for not more than one month.

(E) The sale may be advertised as appropriate in order to attract the largest number of prospective bidders.

(F) The secretary may adjourn the sale from time to time for a period not to exceed one month.

(2) Payment of amount bid.

(A) If payment in full is required at the time of acceptance of a bid and the purchaser fails to do so the secretary shall immediately sell the property again. If the conditions of the sale permit part of the payment to be deferred, and if the part deferred is not paid within the prescribed period, suit may be instituted against the purchaser for the purchase price or the part of it that has not been paid or the sale may be declared by the secretary to be null and void for failure to make full payment of the purchase price and the property may be advertised again and sold.

(B) If the property is readvertised and sold again, the new purchaser shall receive the property or the rights to the property, free and clear of any claim or any right of the defaulting purchaser. The amount paid upon the bid price by the defaulting purchaser shall be forfeited. The amount forfeited shall be applied first to sale expenses and then to the original tax debt. (Authorized by K.S.A. 1985 Supp. 44-714 as amended by L. 1986, Ch. 191, Sec. 4; implementing K.S.A. 1985 Supp. 44-717 as amended by L. 1986, Ch. 191, Sec. 5; effective, T-87-40, Dec. 8, 1986; effective, May 1, 1987.)

50-2-24i. Levy and distraint; Sale of perishable goods. If the secretary determines any property seized is likely to perish or become greatly reduced in price or value by selling it in accordance with 50-2-24h or the property cannot be kept without great expense, the value of such property shall be appraised by the secretary and shall be returned or sold as provided below:

(a) Return to employer. If the employer owning the property can be readily found, the employer shall be given notice of the determination of the appraised value of the property. The property shall be returned to the employer if the employer pays to the secretary an amount equal to the appraised value within the time specified in the notice.

(b) Immediate sale. If the employer does not pay the appraised price of the seized property, the property shall be sold publicly as soon as practical. (Authorized by K.S.A. 1985 Supp. 44-714 as amended by L. 1986, Ch. 191, Sec. 4; implementing K.S.A. 1985 Supp. 44-717 as amended by L. 1986, Ch. 191, Sec. 5; effective, T-87-40, Dec. 8, 1986; effective, May 1, 1987.)

50-2-24j. Levy and distraint; Redemption of prop-

erty. (a) Before sale. Any employer whose property has been the subject of levy shall have the right to pay the amount due, together with the expenses of the proceeding, to the secretary at any time prior to the sale. Upon full payment, the property shall be restored to the employer by the secretary, and all proceedings in connection with the levy on the property shall cease from the time of the payment.

(b) Redemption of real estate after sale.

(1) Period for redemption. The employer whose real property is sold, the heirs, executors, administrators, or any other person having any interest in the property, or having a lien upon it, or any person acting on their behalf, shall be permitted to redeem the property sold, or any particular tract of the property, at any time within 180 days after the sale.

(2) Price. Any property or tract of property may be redeemed upon payment to the purchaser of the amount paid by the purchaser together with accrued interest computed at the rate of 18 percent per annum.

(3) Record of redemption. When any lands are redeemed, an appropriate entry of the redemption shall be made upon the record mentioned in K.A.R. 50-2-24m, and the entry on the record shall be evidence of such redemption. (Authorized by K.S.A. 1985 Supp. 44-714 as amended by L. 1986, Ch. 191, Sec. 4; implementing K.S.A. 1985 Supp. 44-717 as amended by L. 1986, Ch. 191, Sec. 5; effective, T-87-40, Dec. 8, 1986; effective, May 1, 1987.)

50-2-24k. Levy and distraint; Certificate of sale; deed of real property. (a) Certificate of sale. When property is sold, a certificate of sale shall be given by the secretary to the purchaser upon payment in full of the purchase price. The certificate for real property sold shall set forth the legal description of the real property, the name of the defaulting employer, the name of the purchaser, and the price paid.

(b) Deed to real property. When any real property is sold and not redeemed within the time provided, a quit-claim deed to the purchaser of the real property shall be executed by the secretary upon the surrender of the certificate of sale. The deed shall recite the facts set forth in the certificate. (Authorized by K.S.A. 1985 Supp. 44-714 as amended by L. 1986, Ch. 191, Sec. 4; implementing K.S.A. 1985 Supp. 44-717 as amended by L. 1986, Ch. 191, Sec. 5; effective, T-87-40, Dec. 8, 1986; effective, May 1, 1987.)

50-2-24l. Levy and distraint; Legal effect of certificate of sale of personal property and deed of real property. (a) Certificate of sale of property other than real property. In all cases of the sale of property other than real property, the certificate of sale shall have the following legal effect:

(1) As evidence. The certificate shall be prima facie evidence of the right of the secretary to make the sale and conclusive evidence of the regularity of the proceedings in making the sale.

(2) As conveyance. The certificate shall transfer to the purchaser all right, title, and interest of the delinquent employer in and to the property sold.

(3) As authority for transfer of corporate stock. If the

(continued)

property consists of stock, the secretary's certificate shall be notice to any corporation, company, or association of the transfer, and shall be authority for the corporation, company, or association to record the transfer on its books and records in the same manner as if the stocks were transferred or assigned by the party holding the same. The certificate shall be in lieu of any original or prior certificate which shall be void whether canceled or not.

(4) As receipt. If the subject of sale is securities or other evidences of debt, the secretary's certificate shall be a good and valid receipt to the person holding them against any person holding or claiming to hold possession of the securities or other evidences of debt.

(5) As authority for transfer of title to motor vehicle. If the property consists of a motor vehicle, the secretary's certificate shall be notice to any public official charged with the registration of title to motor vehicles of the transfer and shall be authority to the official to record the transfer on the appropriate books and records in the same manner as if the certificate of title to the motor vehicle were transferred or assigned by the party holding it. The certificate shall be in lieu of any original or prior certificate which shall be void whether canceled or not.

(b) Deed of real property.

(1) Deed as evidence. The deed given shall be prima facie evidence of the facts stated in it.

(2) Deed as conveyance of title. If the proceedings of the secretary as set forth have been substantially in accordance with the provisions of law, the deed shall be considered and operate as a conveyance of all the right, title, and interest the delinquent employer had in and to the real property sold at the time the lien of the department attached to it.

(c) Effect on junior encumbrances. A certificate of sale of personal property or a deed to real property shall discharge the property from all liens, encumbrances, and titles over which the lien and levy of the department had priority. (Authorized by K.S.A. 1985 Supp. 44-714 as amended by L. 1986, Ch. 191, Sec. 4; implementing K.S.A. 1985 Supp. 44-717 as amended by L. 1986, Ch. 191, Sec. 5; effective, T-87-40, Dec. 8, 1986; effective, May 1, 1987.)

50-2-24m. Levy and distraint; Records of Sale. (a) Requirement. A record of all sales and redemptions of real property shall be kept by the secretary. The record shall set forth the tax for which any sale was made, the dates of seizure and sale, the name of the employer, all proceedings in making the sale, the amount of expenses, the names of the purchasers and the date of the deed.

(b) Copy as evidence. A copy of the record, or any part thereof, certified by the secretary, shall be evidence in any court of the truth of the facts stated. (Authorized by K.S.A. 1985 Supp. 44-714 as amended by L. 1986, Ch. 191, Sec. 4; implementing K.S.A. 1985 Supp. 44-717 as amended by L. 1986, Ch. 191, Sec. 5; effective, T-87-40, Dec. 8, 1986; effective, May 1, 1987.)

50-2-24n. Levy and distraint; Expense of levy and sale. The secretary shall determine the expenses to be

allowed in all cases of levy and sale. (Authorized by K.S.A. 1985 Supp. 44-714 as amended by L. 1986, Ch. 191, Sec. 4; implementing K.S.A. 1985 Supp. 44-717 as amended by L. 1986, Ch. 191, Sec. 5; effective, T-87-40, Dec. 8, 1986; effective, May 1, 1987.)

50-2-24o. Levy and distraint; Application of proceeds of levy. When the department has an interest in property in the form of a lien arising under the provisions of K.S.A. 44-717(e) and the department receives money through seizure, surrender or sale of the property, or by redemption of the property prior to its sale by the department, the money realized by these actions shall:

(a) First, be applied toward the expenses of the proceedings;

(b) Second, be applied toward the employer's liability; and

(c) Third, be refunded or credited by the secretary upon written application. The application shall state there is a surplus remaining in the hands of the secretary and the applicant is legally entitled to receive it. (Authorized by K.S.A. 1985 Supp. 44-714 as amended by L. 1986, Ch. 191, Sec. 4; implementing K.S.A. 1985 Supp. 44-717 as amended by L. 1986, Ch. 191, Sec. 5; effective, T-87-40, Dec. 8, 1986; effective, May 1, 1987.)

50-2-24p. Levy and distraint; Authority to release levy and return property. (a) Release of levy. It shall be lawful for the secretary to release the levy upon all or part of the property or rights to property subject to levy when the secretary determines that a release will facilitate the collection of the liability. Such a release shall not prevent any subsequent levy.

(b) Return of property. If the secretary determines that a levy has been placed wrongfully upon the property, it shall be lawful for the secretary to return:

(1) the specific property subject to levy;

(2) an amount of money equal to the amount of money levied upon; or

(3) an amount of money equal to the amount of money received by the department from a sale of such property. (Authorized by K.S.A. 1985 Supp. 44-714 as amended by L. 1986, Ch. 191, Sec. 4; implementing K.S.A. 1985 Supp. 44-717 as amended by L. 1986, Ch. 191, Sec. 5; effective, T-87-40, Dec. 8, 1986; effective, May 1, 1987.)

SHELBY SMITH

Acting Secretary of Human Resources

Doc. No. 005053

State of Kansas

CONSUMER CREDIT COMMISSIONER**PERMANENT ADMINISTRATIVE
REGULATIONS**

(Effective May 1, 1987)

Article 6.—CONSUMER CREDIT CODE

75-6-24. Adjustment in dollar amounts. The dollar amounts of \$300 and \$1,000 in K.S.A. 16a-2-401(2) and any amendments thereto shall be changed to \$600 and \$2,000. (Authorized by and implementing K.S.A. 16a-2-401a; effective, E-79-9, April 20, 1978; effective May 1, 1979; amended, E-81-15, June 25, 1980; amended May 1, 1981; amended, T-83-16, July 1, 1982; amended May 1, 1983; amended, T-85-18, July 1, 1984; amended May 1, 1985; amended, T-87-14, July 1, 1986; amended May 1, 1987.)

75-6-28. Non-refundable origination fee. The non-refundable origination fee authorized by K.S.A. 1985 Supp. 16a-2-401, as amended by 1986 HB No. 3018, may be charged by a lender on a real estate loan in addition to the finance charge authorized by K.S.A. 1985 Supp. 16a-2-401, as amended by 1986 HB No. 3018. (Authorized by K.S.A. 16a-6-104 (e) and implementing K.S.A. 1985 Supp. 16a-2-401, as amended by 1986 HB No. 3018; effective, T-87-19, July 1, 1986; amended May 1, 1987.)

JUDITH K. STRINGER
Consumer Credit Commissioner

Doc. No. 005051

State of Kansas

DEPARTMENT OF CORRECTIONS**PERMANENT ADMINISTRATIVE
REGULATIONS**

(Effective May 1, 1987)

Article 5.—INMATE MANAGEMENT

44-5-104. Classification for security. (a) The security classification assigned to each inmate shall determine the security measures which are to be applied to that inmate at any particular time and under various circumstances, according to:

(1) The secretary of corrections' internal management policy and procedure (IMPP) number 011-107, which provides instructions for the classification process and for security designation;

(2) internal management policy and procedure number 012-101, which provides a description of supervision requirements for each security level; and

(3) the general and special orders of the principal administrator at the institution where the inmate is housed.

There shall be three basic security levels to which an inmate may be assigned during that inmate's period of incarceration. The security classification shall determine, in whole or in part, the security procedures applied to the inmate including the type of housing,

area of assignment or activity, and the kind of supervision for maintaining control of that inmate. The level of security shall also partially determine the level of privileges and freedoms allowed to an inmate since the required security measures affect the availability of such privileges and freedoms. The security measures exercised over an inmate at any particular level may be greater, but shall never be less, than those prescribed as applicable to that level of security to which the inmate has been assigned.

(b) The basic levels of security classification are as follows:

- (1) Maximum;
- (2) medium; and
- (3) minimum.

(c) Security classification levels shall be assigned in accordance with the security classification manual, secretary of corrections' internal management policy and procedure (IMPP) 011-107.

(d) Each security classification is defined by the description of security measures applied to inmates with that security classification. The description shall be developed and published in the security manual of the secretary of corrections' internal management policies and procedures, chapter 12.

(e) The institution director or facility supervisor shall establish security procedures to be applied to each security classification, which are appropriate for the operation of their respective institutions or facilities.

(f) Any change in an inmate's security classification shall be based on a recommendation of the program management committee of the institution or facility, consistent with the secretary of corrections' IMPP 011-107. The change in security classification shall be made under the authority and by the order of the principal administrator.

(g) The principal administrator may designate any needed security procedures for temporary or special situations, subject to other regulations of the secretary of corrections, that are not inconsistent with secretary of corrections' IMPP 012-101. (Authorized by and implementing K.S.A. 75-5251, 75-5210, 75-5252; effective May 1, 1980; amended May 1, 1984; amended May 1, 1987.)

44-5-106. Use of force or restraint on inmates. (a) K.S.A. 21-3215, regarding use of force by a law enforcement officer in making an arrest, shall be applied to correctional officers and parole officers in making arrests, preventing escapes, apprehending escapees or parole violators and absconders, and in maintaining security, control, and discipline in the correctional situation.

(b) The use of mechanical restraints on an inmate for punitive purposes shall be prohibited. Mechanical restraints may be used only when necessary in the following instances:

- (1) When transporting the inmate;
- (2) upon the advice of clinical personnel that the inmate may cause injury to self or others, or when, based on the past history or present behavior, it ap-

(continued)

pears likely that the inmate will cause injury to self or others;

(3) when hospitalized outside the correctional security setting; and

(4) when part of authorized practice in routine security procedures applied to an inmate based on the inmate's security classification.

(c) No restraining device shall be applied in a manner which would cause significant physical pain or undue discomfort, restrict blood circulation or breathing, or otherwise injure or incapacitate the inmate beyond the extent necessary to maintain security and control. (Authorized by K.S.A. 75-5251; implementing K.S.A. 21-4609, 75-5252, 75-5210; effective May 1, 1980; amended May 1, 1984; amended May 1, 1987.)

Article 7.—PROGRAMS AND ACTIVITIES

44-7-104. Inmate visitation. (a) Each principal administrator shall promulgate orders to govern inmate communication with family, friends and others through visits to the institution or facility. The following rules and procedures shall be observed by the institutions and facilities in the administration of visits:

(1) A suitable area and reasonable space within the institution or facility shall be provided for inmate visitation. All visits shall be held in this area, except when authorization is granted by the principal administrator to visit an inmate elsewhere. The principal administrator, for reason of security and order of the institution or facility, may direct that a visit be allowed under circumstances where personal contact between the inmate and visitor is not permitted.

(2) Each inmate may make a list of not more than 10 friends or relatives whom he or she desires to have visit him or her in the institution or facility. A married couple living in the same household shall be considered as one eligible visitor. The list of potential visitors, including their full names, relationships to the inmate, residence or mailing address, and telephone numbers, if known, shall be submitted to the principal administrator for his or her approval. Prior to approving the list of visitors, designated officials shall:

(A) Inform the individuals listed that the inmate has requested permission to receive visits from them and ask if they want to make such visits;

(B) furnish to each potential visitor a copy of the principal administrator's orders concerning visits and a copy of the secretary of corrections' IMPP 012-115: search of visitors;

(C) conduct investigations necessary to verify the relationship to the visitor claimed by the inmate and confirm that no reasons exist for disapproving visitation; and

(D) inform the proposed visitors that persons below age 18 may not visit, unless they are members of the immediate family. For the purpose of this section "immediate family" means siblings, step-siblings, children, step-children, grandchildren, and spouse.

(3) Regardless of any visiting list restrictions, visitation, at reasonable times, shall be permitted by an inmate's attorney or clergy, unless a clear abuse of this

privilege has occurred, or unless such a visit may prove dangerous or harmful to the security and order of the institution or facility or the rehabilitation of any inmate. The institution, facility and inmate may be visited at a reasonable time by members of the state legislature, judges of Kansas state courts, members of the Kansas parole board, ombudsman and corrections ombudsman board, and at any time by the attorney general, or the governor. The secretary of corrections, deputy secretary of institutional services, deputy secretary of management services, special agent, chief of security, or the legal counsel shall have full access at any time. Those individuals requesting visits with an inmate, who are not designated on the list or who have not yet been approved for visitation, shall be interviewed and identified by authorized personnel. If the requested visits conform to institutional, facility and departmental requirements, one visit may be approved pending further investigation and approval of subsequent visits. Ex-inmates are prohibited visitation unless approval is given by the principal administrator. Parolees and probationers shall first be approved by the principal administrator and have written authorization from their supervisor prior to visitation. No individual involved in or convicted of any type of narcotic offense shall be permitted to visit an institution or facility without prior approval of the principal administrator. If an inmate refuses to see a particular visitor, the refusal shall be stated in writing and noted in the institution or facility's records.

(4) Visitors in the institution or facility shall:

(A) Wear appropriate attire as described and published by the principal administrator;

(B) not give or receive any written material, article, or merchandise of any sort except in accordance with approved principal administrator's orders or departmental regulations, or with the permission of the principal administrator;

(C) not be permitted to visit more than one inmate at any one visitation time unless the visitor is a member of the immediate family, as defined in K.A.R. 44-5-113(a), of more than one inmate confined in the institution or facility;

(D) sign the institution or facility's register before and after the visitation;

(E) be subject to search, photographing and fingerprinting;

(F) be restricted in visitation rights if institution or facility disturbances occur;

(G) completely fill out the visitors' security check card; and

(H) Not distribute anything inside a correctional institution or facility without written permission from principal administrator.

(5) No individual who was an employee of an institution or facility, or who regularly worked at an institution or facility as an employee of an entity under contract to provide services to the institution or facility, shall be permitted to have visits, in other than a professional capacity, with an inmate for a minimum of one year after such employment terminated. Approval of visits after one year shall be at the discretion of the principal administrator upon application of the

inmate or former employee. In the event the principal administrator disapproves the visits, the principal administrator shall notify the inmate and former employee of the specific reasons for the denial.

(6) Designated personnel shall be present during all visitations and shall supervise visits to the extent appropriate to the nature and privacy of the relationship between the inmate and visitor, and in accordance with maintenance of security and control.

(b) A place shall be provided for private consultation by attorneys and priests or ministers, or other persons having a statutory right of privileged communication to permit confidential conversation. Only those security measures necessary to preserve security shall be permitted to interfere with the consultation. No sound monitoring shall be conducted. Visual monitoring shall be permitted only where necessary to maintain security. (Authorized by and implementing K.S.A. 75-5210, 75-5251, 75-5252 effective May 1, 1980; amended May 1, 1987.)

44-7-105. Education release. The principal administrator may establish a program which extends the limits of confinement for the purpose of providing academic education or vocational training opportunities to selected inmates subject to approval by the secretary of corrections.

(a) Programs shall be described in writing to the secretary detailing:

(1) Type of educational or vocational opportunity and availability of similar programs within the institution or facility;

(2) identifiable need for the program and number of inmates projected for participation;

(3) anticipated costs and method of funding; and

(4) selection criteria for participants.

(b) Program participation shall be available only to inmates assigned minimum security status. (Authorized by and implementing K.S.A. 75-5210, 75-5251, 75-5267; effective May 1, 1980; amended May 1, 1987.)

44-7-108. Private non-prison employment. (a) The principal administrator of any facility designated by the secretary for such a program shall establish a program whereby inmates having a minimum or medium security classification may work at paid employment for a private industry or other business approved by the secretary. The program shall be referred to as private, non-prison employment. The program shall be distinct from any program of employment of inmates by a private business which is leasing space on the premises of the correctional facility. No inmate shall be engaged in the private, non-prison employment program unless minimum wage is paid. Minimum wage shall be state minimum wage unless federal contracts are involved. If federal contracts are involved, minimum wage shall be the higher of the federal or state minimum wage.

(b) All employees of a private, non-prison program business shall be part of and paid by that business. Corrections officers necessary to provide security for inmate workers shall be provided by the correctional facility. (Authorized by and implementing K.S.A. 75-

5251, 75-5210, 75-5211; effective May 1, 1980; amended May 1, 1981; amended May 1, 1984; amended May 1, 1987.)

Article 8.—WORK RELEASE

44-8-114. Eligibility and selection requirements for work release. (a) Participants shall be selected on the basis of the applicant's need and at the discretion of the deputy secretary for institutional services or the deputy secretary's designee.

(b) Participation in the program shall be voluntary.

(c) Each applicant shall have satisfactorily completed at least 30 days in minimum security before becoming eligible, except that for good cause the secretary of corrections may waive this requirement.

(d) Each applicant shall be required to have demonstrated satisfactory adjustment while incarcerated. Any inmate may be excluded from the work release program if the inmate:

(1) has committed serious rule violations;

(2) has a history of assaultive behavior for violent crimes;

(3) has emotional or mental health problems;

(4) has past involvement in organized criminal activities; or

(5) in the opinion of the reviewers, would be a risk to public safety or a discredit to the work release program.

(e) Preference shall be given to residents of the state of Kansas.

(f) Each applicant's physical condition shall be sufficient to allow the applicant to acquire and maintain employment.

(g) Applications shall be accepted from inmates who are within 10 months of the earliest projected parole hearing. Entry into the program shall be restricted to a period within eight months prior to the earliest projected parole hearing. Participants may be required to remain in the program a minimum of three months.

(h) Inmates shall initiate the request for application to work release by contacting their unit team. The principal administrator may disapprove the work release application. The secretary of corrections or the secretary's designee shall make the final decision regarding approval or disapproval.

(i) Criteria for eligibility may be explained and interpreted in the secretary of corrections' internal management policy and procedure 15-101. Inmates shall refer to these for full information. (Authorized by and implementing K.S.A. 75-5210, 75-5251, 75-5267; effective May 1, 1980; amended May 1, 1984; amended May 1, 1987.)

Article 9.—PAROLE

44-9-101. Definitions. The parole officer means the person responsible for the supervision of those individuals released on parole by the Kansas parole board. (Authorized by K.S.A. 75-5251; implementing K.S.A. 75-5214, K.S.A. 1985 Supp. 22-3717 as amended by L. 1986, ch. 136; effective May 1, 1980; amended May 1, 1985; amended May 1, 1987.)

(continued)

44-9-103. Parole supervision. (a) Conditions of parole, as established by the Kansas parole board, shall be explained to the parolee and shall be enforced by the parole officer. After receiving the approval of the parole supervisor, any parole officer may request imposition of a special condition if, at any time during the supervision period, the parole officer determines that the client, or the community, would best be served by the addition of a special condition. A case report requesting the addition of such a condition shall be submitted by the parole officer to the Kansas parole board through the parole services administrator. If the Kansas parole board approves the special condition, the condition shall be prepared in writing, explained to the parolee, and a copy shall be forwarded to the parole services administrator for inclusion in the parolee file. In unusual circumstances, the parole officer may impose a special condition of parole without first receiving prior approval of the Kansas parole board, if failing to take immediate action would place the parolee, the community, or both in danger. The parole officer shall not modify any condition of parole established by the Kansas parole board without authorization from the Kansas parole board.

(b) Assessment of risk and needs. The category and level of supervision under which the parolee will be supervised shall be determined by the score received on the risk and needs assessment form, in accordance with the secretary of corrections internal management policy and procedure (IMPP) 014-101, unless an override is approved by the parole supervisor to change the level of supervision. Reassessment of risk and needs for the parolee shall be completed at six month intervals, or when exceptional circumstances arise. (Authorized by K.S.A. 75-5251; implementing K.S.A. 75-5216, 75-5217; effective May 1, 1980; amended May 1, 1984; amended May 1, 1987.)

Article 12.—CONDUCT AND PENALTIES

44-12-106. Hair standards and appearance. All inmates shall keep their hair neat and clean and follow reasonable health and safety standards. When working in food services, inmates shall wear cook's hats, or nets or both for sanitary purposes. Males working in food services shall not have facial hair in excess of one inch in length and shall keep such hair neat and clean. Violation of this rule shall be a class III offense. (Authorized by and implementing K.S.A. 75-5210; effective May 1, 1980; amended May 1, 1987.)

44-12-304. Disobeying orders. (a) Each inmate shall promptly and respectfully obey any order, directive, or instruction given to the inmate by any employee of the institution or facility, or by an employee of any other agency in charge of the inmate. In case of conflicting orders, the last order shall be obeyed. Violation of this rule shall be a class I offense.

(b) When an order is violated, the specific circumstances surrounding the violation charges shall be included in:

- (1) the disciplinary report bringing the charge;
- (2) the investigation report; and
- (3) if used, the officer's written statement in lieu of

testimony. (Authorized by and implementing K.S.A. 75-5210; effective, May 1, 1980; amended, T-83-23, Aug. 11, 1982; amended, T-84-1, Jan. 5, 1983; amended May 1, 1984; amended May 1, 1987.)

44-12-504. Interference with cell operation and visibility. No inmate shall block or otherwise interfere with the operation of the cell opening and closing mechanism in any way; nor shall any inmate cover his or her cell as to block visibility into the cell, except as allowed by the principal administrator's orders. Violation of this rule shall be a class II offense. (Authorized by and implementing K.S.A. 75-5210; effective May 1, 1980; amended May 1, 1987.)

44-12-1306. Use of restitution. (a) When restitution is used in the disciplinary process the following rules and limitations shall apply:

(1) The amount of and manner of payment of restitution imposed may be appealed in the same manner and to the same extent as any other appeal of sentence in the disciplinary process.

(2) The appropriateness and amount of restitution ordered shall be determined by consideration of the factors set forth in K.A.R. 44-12-1307.

(3) No inmate shall be required to continue payment on any restitution imposed under these rules after the release from incarceration and no portion of the inmate's gate money gratuity as authorized by K.S.A. 75-5211 shall be used toward the payment of such restitution.

(4) Restitution shall continue to be paid out of money earned by the inmate in the work release program, the private nonprison employment program, or any other gainful employment industries program. Restitution payment shall be limited to a reasonable amount and where appropriate shall be made in installments.

(5) The inmate shall be given notice, not later than the beginning of stage A of the final hearing, of the amount of value of the property which will constitute the basis for restitution, and shall be given an opportunity at stage B of the final hearing to present contrary evidence regarding such value. The board or hearing officer shall limit the evidence to a reasonable amount and extent as is appropriate to the nature of the administrative hearing, the level of the offense, and the extent of possible impact on the inmate's resources.

(b) If restitution is to the state, the money shall be deposited to the state general fund. If restitution is to an inmate, the money shall be transferred by the clerk from the account of the inmate payer to the account of the inmate payee after the conclusion of the entire disciplinary process including any appeal. If restitution is to any other person, the disciplinary board or hearing officer shall determine how payment is to be made and the principal administrator or designee shall review the same for approval, conferring with the facility business manager where appropriate. (Authorized by and implementing K.S.A. 75-5210; effective May 1, 1981; amended May 1, 1987.)

Article 13.—DISCIPLINARY PROCEDURE

44-13-101. Disciplinary procedure established, general description of system. (a) The principal administrator of each institution or facility shall establish a disciplinary procedure in accordance with these regulations.

(b) Prosecution by criminal justice agencies in the community is a separate process from this disciplinary procedure and both prosecution and disciplinary procedures may be conducted on matters relating to the same factual situations.

(c) The contract work release center shall not be required to use this disciplinary procedure but may use:

(1) The disciplinary procedures established by the United States bureau of prisons and amendments thereto; or

(2) any other system which is approved by the secretary of corrections and which meets the requirements of the United States constitution as interpreted by the United States supreme court decisions.

(d) Subject to the limitations and guidelines set out in these regulations and subject to the control of the hearing officer or board chairperson exercised within the parameters of the law and these regulations, the inmate shall be entitled:

(1) To receive advance written notice of the charge and a fair hearing by an impartial hearing body;

(2) to be present at the hearing;

(3) to present documentary evidence;

(4) to testify on the inmate's own behalf;

(5) to have witnesses called to testify on the inmate's behalf;

(6) to confront and cross examine witnesses against the inmate; and

(7) to be represented by counsel or counsel substitute in certain serious cases.

(e) The charge may be amended according to the provisions of these regulations.

(f) When an inmate allegedly commits an act covered by criminal law, the case shall be referred to the appropriate law enforcement or prosecutorial agency as provided in K.A.R. 44-13-103.

(g) There shall be four classes of offenses which shall be processed according to the provisions of these regulations.

(h) The disciplinary hearing process shall be structured as follows:

(1) Part I, which is the first hearing, shall include the explanation of the charge and the disciplinary process, and the taking of the plea; and

(2) Part II, which is the final hearing, shall consist of:

(A) Stage A, the fact finding needed to determine guilt or innocence; and

(B) Stage B, the disposition.

(i) At the first hearing, the inmate shall be advised of the nature of the offense and the nature and extent of the possible consequent discipline, the nature of the disciplinary process and the inmate's rights thereunder. In addition, a plea shall be taken from the inmate at the first hearing. If a plea of guilty or no

contest is entered during the first hearing, stage A of the final hearing shall not be required to be conducted in full. In lieu of stage A of the hearing, a finding of guilt may be recorded and the process shall go to final hearing, stage B for disposition. In these cases, stage B may be conducted along with the first hearing. If a plea of not guilty or no plea at all is entered, the process shall go to final hearing, stage A for the finding of guilt or innocence.

(j) (1) The first hearing may be conducted by a hearing officer or by the disciplinary board in class I, II, or III offense cases.

(2) Stage A of the final hearing may be conducted by a hearing officer in class I cases only if the inmate pleads guilty or no contest at the first hearing, and in class II and III cases regardless of the plea. In class I cases where a plea of not guilty or no plea at all is entered, the disciplinary board shall conduct the final hearing, stage A.

(3) Stage B of the final hearing may be conducted by a hearing officer in all class II and III cases and in those class I cases where the plea is "guilty" or "no contest." The principal administrator may require any class I case to be sent to the board for stage B.

(k) A representative of the institution shall be used in class I cases, and may be used in class II and III cases, to assist the officer in presenting the case against the inmate during the disciplinary process.

(l) A complete log of the disciplinary process shall be maintained. This shall consist of at least the case number, inmate name, rule violated, charging officer, and a list of the nature and date of each action taken from start to finish for each case, including those dismissed and those rejected by the shift supervisor.

(m) The disciplinary hearings shall be conducted within a certain time following notice of the charge as established by these rules and regulations. Continuances of the hearing may be granted. Generally, the inmate shall be permitted to be present at both the first and final hearing, except as provided by these regulations.

(n) Representation for the inmate, provided by Legal Services for Prisoners, Inc., or their designee, shall be permitted only under limited conditions established by these regulations.

(o) A summary record shall be made of both the first hearing and the final hearing.

(p) In class I and II offense cases, following an administrative review of the record and any needed adjustments of the disposition by the principal administrator, the inmate may appeal the case to the secretary of corrections on the record. In class III and IV offense cases, an appeal may be made to the principal administrator on the record following an initial review of the record by some person within the facility other than the principal administrator. No appeal to the secretary of corrections shall be permitted.

(q) Nothing in these regulations shall prohibit the assignment or delegation of the disciplinary hearing and review process or any portion of it to the principal administrator of another Kansas state correctional facility for good cause shown and if justice and fairness

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will not thereby be infringed. An assignment or delegation shall not be made except by the secretary of corrections or by the principal administrator with the secretary of corrections' written approval. This restriction shall not prohibit hearings at a receiving institution following a transfer based on a classification decision in the sending institution where the offense occurred in the sending institution.

(r) This regulation is intended to summarize the disciplinary procedure and shall not be construed or interpreted as establishing any rights or procedures which are specifically set forth in article 13. (Authorized by and implementing K.S.A. 75-5210; effective May 1, 1980; amended T-83-23, Aug. 11, 1982; amended, T-84-6, May 1, 1983; amended May 1, 1984; amended, T-85-37, Dec. 19, 1984; amended May 1, 1985; amended May 1, 1987.)

44-13-115. Time limits; extensions. Time limits established for the disciplinary process shall be complied with. Reasonable extensions may be made, after obtaining prior approval of the secretary of corrections or the secretary's designee, in the case of a substantial disruption of order in the facility or where the inmate has been transferred to another location. In the event an inmate has been transferred to another institution, it shall be the responsibility of the principal administrator of the sending institution or facility to apply for approval of the extension. The facts justifying an extension shall be examined and fully documented and approved personally by the principal administrator. (Authorized by and implementing K.S.A. 75-5210; effective May 1, 1984; amended May 1, 1987.)

44-13-201. Disciplinary report and written notice.

(a) A disciplinary proceeding shall be commenced upon making a charge by a disciplinary report. The inmate shall be notified in writing by personal service of a copy of the request upon the inmate, within 24 hours after the issuance of the disciplinary report, excluding Saturdays, Sundays, and holidays. The report shall not be served upon the inmate by the same officer who brought the charge against the inmate unless no other officer is available to personally serve the inmate. Service of the report upon the inmate may be made by summoning the inmate for a first hearing within 24 hours after issuance, excluding Saturdays, Sundays, and holidays, thus combining the service with the explanation and plea taking provided for in the first hearing.

(b) If an inmate is transferred to another institution prior to being notified of the issuance of the disciplinary report, service of the report upon the inmate shall be made within 48 hours after issuance of the report, excluding Saturdays, Sundays, and holidays, in the same manner as provided in subsection (a).

(c) The disciplinary report shall be written within 48 hours of the offense, the discovery of the offense, or the determination following an investigation that the inmate is the suspect in the case and is to be named as defendant. The investigation shall be completed as soon as possible under the existing circumstances. If necessary, pending completion of the investigation, the inmate may be held in administrative segregation

for a certain period pursuant to K.A.R. 44-14-302(b). The report shall be reviewed and approved or disapproved by the shift supervisor based on whether or not the report is sound, adequate and made in proper manner and form. If the charge is dismissed, or the report is otherwise rejected by the shift supervisor, a written explanation shall be made in the record and filed with the report, with a copy given to the officer. The report shall not be destroyed.

(d) The disciplinary report shall constitute a formal statement of the charge and shall be in a form prescribed by the secretary and shall include:

- (1) The name and number of the inmate;
- (2) the institution;
- (3) the signature and title of the writing officer;
- (4) the date and time of the alleged offense;
- (5) the date and time the report is written;
- (6) the nature of the alleged offense;
- (7) the class, title and number of the rule violated;
- (8) the specific rule which is the basis of an attempt, conspiracy or accessory under K.A.R. 44-12-1101;
- (9) the names of known witnesses;
- (10) a brief description of the circumstances and facts of the violation;
- (11) any unusual inmate behavior;
- (12) disposition of any physical evidence; and
- (13) any immediate action taken, including the use of force.

(e) No inmate shall be charged unless the rule or law has been made in writing and published.

(f) If the offending conduct observed is a class II, III, or IV offense, the officer may orally warn or reprimand the inmate instead of writing a report. The oral warning or reprimand shall include officially criticizing the inmate's conduct, notifying the inmate of the violation and cautioning that it shall be discontinued and not repeated. (Authorized by and implementing K.S.A. 75-5210; effective May 1, 1980; amended, T-83-23, Aug. 11, 1982; amended, T-84-6, May 1, 1983; amended May 1, 1984; amended May 1, 1987.)

44-13-405a. Calling witnesses. (a) In determining whether to allow the inmate to call a witness from the prison population or from among prison employees, the disciplinary board or hearing officer shall balance the inmate's interest in avoiding loss of good time and assessment of a fine or placement in disciplinary segregation against the needs of the prison. These needs of the prison include:

- (1) The need to keep the hearing within reasonable time limits;
- (2) the need to prevent the creation of a risk of retaliation and reprisal;
- (3) the need to prevent the undermining of authority;
- (4) the need to limit, to a reasonable level, access to other inmates for the purpose of collecting statements or compiling documentary evidence;
- (5) the need to prevent disruption;
- (6) the need to administer swift punishment;
- (7) the need to avoid irrelevant, immaterial, or unnecessary testimony or evidence;

(8) the need to reduce or prevent security hazards that may be presented in individual cases;

(9) the need to use the disciplinary process as a rehabilitative tool and to modify inmate behavior;

(10) the need to prevent the creation of undue risk to personal or institutional safety;

(11) the need to reduce the chances of seriously inflaming tension, frustration, resentment and antagonism in the relationship between inmates and institution personnel;

(12) the need to correct the behavior of inmates and develop in them a value system in order to foster their eventual return to the community; and

(13) the prompt, efficient and effective resolution of the disciplinary case with accurate and complete fact finding consistent with the level of process required by law for prison disciplinary cases.

(b) The hearing officer or chairperson shall have broad discretion in permitting or denying the witness request. In exercising the discretion, the board or hearing officer shall balance the inmate's requests and wishes against the needs of the prison. The goal of the hearing board or officer shall be to conduct the fact-finding process in a manner leading to the discovery of the truth.

(c) The board or hearing officer shall not abuse the discretion entrusted to them nor interfere with the level of process which is reasonably necessary to find the truth.

(d) If a witness is denied or cannot attend in a timely manner, the chairperson or hearing officer may admit the affidavit of such witness.

(e) If the requested witness is not an employee or inmate at the institution, the chairperson or hearing officer may deny the witness unless critical to determining elemental facts.

(f) The state shall not compel a witness who is neither a prison employee nor an inmate to attend, nor pay expenses for such a witness to attend.

(g) When a request to call a witness is denied, a written explanation shall be made on the record unless it would endanger some person. In such a case, a written explanation shall be made to the principal administrator with a copy to the secretary of corrections for confidential review. (Authorized by and implementing K.S.A. 75-5210; effective May 1, 1984; amended May 1, 1987.)

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

(b) The disciplinary board or hearing officer may:

(1) Designate the minimum and maximum penalty;

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

(3) designate only the minimum within the limits set out in the disciplinary code, in which case the maximum shall be that shown in the code. If not a flat sentence, the case shall be reviewed, after the min-

imum penalty has been served, by the principal administrator or the principal administrator's designee, or

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

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

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

(e) The disciplinary board or hearing officer may make a recommendation, regarding disposition of personal property which has been found to be the subject of a violation of one or more disciplinary rules in accordance with K.A.R. 44-5-111, to the principal administrator on a separate form or in a separate space on the disposition form as designated for such purposes.

(f) The charging officer shall be notified promptly of the disposition. (Authorized by and implementing K.S.A. 75-5210; effective May 1, 1980; amended, T-83-23, Aug. 11, 1982; amended, T-84-6, May 1, 1983; amended May 1, 1984; amended, T-86-4, March 22, 1985; amended May 1, 1986; amended May 1, 1987.)

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

(b) Preserving the tape until after appeal. The tape recording of the hearing shall be preserved until after the completion of the appeal to the Secretary, provided by K.A.R. 44-13-701, in the case of class I and II offenses, or the appeal to the principal administrator, in the case of class III and IV offenses, or until after the time permitted to make an appeal has passed, whichever comes later.

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

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

(d) Upon request of the inmate, for purposes of making an appeal, the record on the tape shall be electronically copied and provided to the inmate, with a tape player, without charge. The tape recording of the hearing and the tape player shall remain the property of the institution or facility and shall be returned promptly by the inmate at the expiration of the time allowed for preparation of an appeal as provided in K.A.R. 44-13-701. Failure to return the tape and tape player by the expiration of this time period or damage to these items may constitute a violation of K.A.R. 44-12-203 or K.A.R. 44-12-208. (Authorized by and implementing K.S.A. 75-5210; effective May 1, 1980; amended May 1, 1984; amended May 1, 1986; amended May 1, 1987.)

44-13-601. Serving sentence. An inmate shall begin serving the sentence immediately upon imposition of sentence by the disciplinary board or hearing officer, except if the principal administrator determines that space in the disciplinary segregation area is not immediately available. If such a determination is made, the sentence shall be served when the space is available. (Authorized by and implementing K.S.A. 75-5210; effective May 1, 1980; amended, T-83-23, Aug. 11, 1982; amended, T-84-6, May 1, 1983; amended May 1, 1984; amended May 1, 1985; amended May 1, 1987.)

44-13-701. Appeal on the record to secretary of corrections in class I and II offense cases only. (a) In class I and II cases, the inmate shall have the right to appeal, on the record to the secretary of corrections, from a final decision made by the disciplinary board, after review of the decision by the principal administrator. The inmate shall be notified of that right of appeal before or immediately following the principal administrator's review.

(b) The appeal shall be initiated by the unit team, upon request by the inmate. The inmate may, on forms provided by the unit team and with their assistance, prepare the inmate's own appeal. The unit team shall assure that the proper forms are included before it is forwarded.

(c) The inmate shall appeal within 15 days of the date of receiving the inmate's copy of the final action.

(d) If the inmate pleads guilty at the hearing, no appeal shall be permitted unless the inmate alleges and shows that:

(1) the inmate was under duress at the time of the plea;

(2) fraud or substantial error was involved in the inmate's plea of guilt; or

(3) the inmate was not advised of the nature of the hearing and the rights the inmate would waive by that plea.

(e) (1) In appeals, each side may write a statement arguing the law and shall serve a copy of the argument on the opposing side.

(2) The inmate shall serve a copy of the argument on the unit team, with the appeal papers, and the argument shall be made part of the appeal record.

Within two working days, the unit team shall forward a copy to the institution's disciplinary administrator so that a responsive argument may be made.

(3) Upon receipt of the inmate's appeal papers and argument, if any, the disciplinary administrator shall forward a copy to the institution's or facility's administrative legal advisor, or if none, to the deputy director for programs. If a responsive argument is then prepared, it shall be delivered to the institution's or facility's disciplinary administrator within six days of receipt of the inmate's appeal papers and argument, if any, by the institution's or facility's administrative legal advisor or deputy director for programs. A copy of the responsive argument shall be served upon the inmate, or the inmate's attorney, within two working days after receipt by the institution's or facility's disciplinary administrator. The responsive argument shall be made a part of the record and forwarded to the secretary of corrections along with the appeal within 15 working days of the inmate's notice of appeal.

(4) All arguments shall identify, on their face, the disciplinary case and number to which they are to be attached. (Authorized by and implementing K.S.A. 75-5210; effective May 1, 1980; amended May 1, 1981; amended, T-84-6, May 1, 1983; amended May 1, 1984; amended May 1, 1987.)

44-13-703. Appeal on the record to the principal administrator of the institution or facility in class III and IV offense cases. (a) In class III and IV offense cases, the inmate shall have a right of appeal to the principal administrator of the institution or facility and shall not have a right of appeal to the secretary of corrections.

(b) The procedure for appeal to the principal administrator of the institution or facility shall be the same as that for appeal to the secretary of corrections in class I and II offense cases.

(c) The principal administrator shall have the same time to answer the appeal as provided for the secretary of corrections in class I and II offense cases. (Authorized by K.S.A. 75-5210, effective May 1, 1980; amended May 1, 1985; amended May 1, 1987.)

Article 14.—ADMINISTRATIVE AND DISCIPLINARY SEGREGATION

44-14-307. Transfer to more restricted area in extreme special cases. In cases involving suicide attempts, or attempts at arson, or other situations where, because the inmate in administrative segregation has access to devices with which to commit suicide, start fires, or otherwise threaten the safety of himself, herself, or others, or he or she becomes an uncontrollable security risk, the inmate may be immediately placed in greater restrictive confinement to prevent him or her from continuing to be a danger to himself, herself, or others. Pursuant to K.A.R. 44-14-305, the inmate shall be given a written statement setting forth the reason why his or her status is being changed. In such cases, the inmate shall be given a review by the administrative segregation review board within 24 hours after receipt of this notice. This review shall consist of the same procedure as used for initial

placement in administrative segregation. The change of status is permitted only for administrative security and control and does not constitute nor shall it be used as punishment. If appropriate, the inmate shall be charged with an offense and receive a disciplinary hearing as quickly as possible within the rules so that his or her case may be clarified. (Authorized by and implementing K.S.A. 75-5251, 75-5252; effective May 1, 1980; amended May 1, 1987.)

44-14-317. Waiver of rights. (a) The inmate shall be permitted to voluntarily waive the right to any time limit or process afforded by these administrative procedure regulations, K.A.R. chapter 44, article 14. The waiver shall be in writing and shall state with specificity the particular time limit or process being waived. The waiver shall be made in the form and manner approved or prescribed by the secretary of corrections and shall be witnessed by one impartial correctional employee. It shall be signed by the inmate and the chairperson of the administrative segregation review board.

(b) The inmate shall be informed of the nature of the time limit or process being waived and of the impact and consequence of the waiver.

(c) The inmate shall be questioned by the board chairperson prior to accepting the waiver to determine if it is knowingly and voluntarily made. (Authorized by and implementing K.S.A. 75-5210, 75-5251, 75-5252; effective May 1, 1987.)

Article 15.—GRIEVANCE PROCEDURE FOR INMATES

44-15-101. Inmate or parolee grievance procedure; informal resolution; formal levels. (a) Throughout this series of regulations comprising the grievance procedure, all references to inmate shall include parolee unless the meaning is clearly to the contrary. References to principal administrator shall include the parole supervisor. The unit team equivalent shall be the parole officer.

(b) Prior to utilizing the grievance procedure, the inmate shall be responsible for attempting to reach an informal resolution of the matter with the personnel who work with the inmate on a direct or daily basis. An inmate in an institution, facility or parole setting shall contact the unit team members for the attempt at informal resolution. That attempt shall be documented. The institution inmate request forms may be used to document this process. If this informal resolution attempt fails, the grievance system may then be used. If an emergency exists and a resolution could not be obtained by going to the unit team, the inmate may go directly into the grievance process.

(c) At each stage all grievances shall be answered in as short a time as possible to insure that delay will not impose additional hardship upon the inmate or unnecessarily prolong a misunderstanding. Grievances of inmates who have since been transferred, paroled, or discharged shall be answered to the extent possible.

(d) The grievance procedure shall incorporate several levels of problem solving to assure solution at the lowest administrative level possible.

(1) Level 1. Inmates in prisons, work release facilities, pre-release facilities and in honor camps shall first submit the grievance report form to the principal administrator of the institution or facility. Parolees shall first submit the form to the regional parole supervisor.

(2) Level 2. If not resolved, the grievance may be next submitted to the office of the secretary of corrections. The secretary of corrections shall respond to the grievance or refer the matter to a deputy secretary of corrections for additional investigation, if necessary, and response to the inmate. Grievances of inmates in prisons, work release facilities, pre-release centers, or at honor camps may be referred by the secretary to the deputy secretary of corrections for institutional services. Grievances of parolees may be referred by the secretary to the deputy secretary of corrections for community services.

(3) Level 3. If requested by the inmate and determined by the secretary of corrections to be appropriate, the matter may be referred to some resource outside the department of corrections for independent review and recommendation. The secretary of corrections shall make the final decision regarding the grievance.

(e) Inmate grievance report forms and appeal forms shall be made available to all inmates. Grievance forms and appeals forms shall be provided in containers in each inmate living unit and on each segregation wing or tier. The unit team shall assist the inmate in obtaining copies of supporting material necessary to complete the grievance if the number of photocopies requested by the inmate is reasonable.

(f) No staff member shall refuse to sign, date and return an inmate request form, an inmate grievance form or a grievance receipt slip showing that the inmate came to that person for assistance.

(g) Each inmate shall be entitled to invoke the grievance procedure. The institution shall insure that the procedure is accessible to mentally impaired and physically handicapped inmates. (Authorized by and implementing K.S.A. 75-5210, 75-5251; effective May 1, 1980; amended May 1, 1984; amended May 1, 1987.)

44-15-203. Ombudsman. The department of corrections grievance procedure is provided for its inmates and parolees, and shall not in any way replace any other complaint system provided by the state ombudsman for corrections. The functions of the ombudsman for corrections are described in writing and made available to inmates. (Authorized by and implementing K.S.A. 75-5210, 75-5251; effective May 1, 1980; amended May 1, 1987.)

RICHARD A. MILLS
Secretary of Corrections

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