

KANSAS REGISTER

State of Kansas

BILL GRAVES
Secretary of State

Vol. 6, No. 21

May 21, 1987

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



Phone: (913) 296-3489

State of Kansas

KANSAS INC.**NOTICE OF MEETING**

The Kansas Inc. Board will meet at 1:30 p.m. Thursday, May 21, in the first floor conference room of Capitol Tower, 400 S.W. 8th, Topeka. The meeting is open to the public.

F. TIM WITSMAN
President

Doc. No. 005406

State of Kansas

FISH AND GAME COMMISSION**NOTICE OF MEETING**

The Kansas Fish and Game Commission will meet at 7 p.m. Friday, May 29, in the Ballroom of the Sheraton Inn, 5500 W. Kellogg, Wichita.

The agenda includes a public hearing on K.A.R. 23-7-7 (furdealers) and several regulations dealing with bonding of vendors, and an update on the 1987 legislative session and any other commission business.

Additional information may be obtained from Kansas Fish and Game Commission Headquarters, Route 2, Box 54A, Pratt 67124, (316) 672-5911.

W. A. CARRIGER, SR.
Chairman

Doc. No. 005402

State of Kansas

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

Notice is hereby given of the commencement of negotiations for contracts for architectural services for the renovation of certain buildings at the Osawatomie State Hospital, Norton State Hospital, and Winfield State Hospital and Training Center into structures capable of housing inmates of the Department of Corrections.

Any questions or expressions of interest should be directed to Dave Schaecher, Architect, Department of Corrections, 404 Landon State Office Building, Topeka 66612, (913) 296-3354, by June 5, 1987.

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

Doc. No. 005392

State of Kansas

**DEPARTMENT OF HUMAN RESOURCES
KANSAS ADVISORY COMMITTEE
ON EMPLOYMENT
OF THE HANDICAPPED****NOTICE OF MEETING**

The Kansas Advisory Committee on Employment of the Handicapped will meet at 2 p.m. Friday, June 5, in the first floor conference room at the Whole Person, Inc., 6301 Rockhill Road, Kansas City, Missouri.

DENNIS R. TAYLOR
Secretary of Human Resources

Doc. No. 005398

State of Kansas

**SOCIAL AND REHABILITATION SERVICES
STATE ECONOMIC OPPORTUNITY OFFICE****REQUEST FOR APPLICATIONS
FOR WEATHERIZATION ASSISTANCE
PROGRAM SUBGRANTEE**

In accordance with the Department of Energy regulations dated January 27, 1984, Part VI, Section 440.15, the State Economic Opportunity Office, a section of Adult Services within the Department of Social and Rehabilitation Services, is accepting applications from public or private nonprofit organizations until June 12 for the purpose of identifying a Weatherization Assistance Program subgrantee to operate the program encompassing a 12-county area including: Rush, Barton, Pawnee, Stafford, Edwards, Kiowa, Pratt, Comanche, Barber, Kingman, Harper and Sumner. The Weatherization Assistance Program provides weatherization services at no cost to eligible low income, elderly, and handicapped persons.

Written requests for applications should be sent no later than June 1 to the State Economic Opportunity Office, 100 N.E., Biddle Building, 2700 S.W. 6th, Topeka 66606.

LOIS A. MARTIN
Administrator

Doc. No. 005378

State of Kansas

KANSAS WATER AUTHORITY

NOTICE OF MEETING

The Kansas Water Authority will meet Monday, June 1, and Tuesday, June 2, at the Holiday Inn, Highway 183 North, Hays.

Committees of the Kansas Water Authority will meet beginning at noon June 1 and will reconvene on Tuesday upon call of the committee chairpersons. The full authority will convene Tuesday afternoon.

One of the main topics of discussion will be confirmation of individuals to fill expired terms on the Basin Advisory Committees.

The specific times and room locations of the authority meeting and committee meetings will be made available to the public prior to the scheduled meetings. This information and an agenda may be obtained by contacting Dotty Kester, 109 S.W. 9th, Suite 200, Topeka 66612-1215, (913) 296-3185.

H. PHILIP MARTIN
Chairman

Doc. No. 005407

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."

Application set for June 2, 1987

Application for Certificate of Convenience and Necessity:

Med-Trends, Inc.) Docket No. 155,576 M
2427 Morningside)
Lawrence, KS 66044)

Applicant's Attorney: Paula Martin, 700 Massachusetts, Suite 303, Lawrence, KS 66044

Passengers and their baggage and general commodities (except class A and B explosives and household goods, commodities in bulk, hazardous materials as defined in 49 C.F.R. § 172.101 and commodities requiring refrigeration),

Between all points and places in Jefferson, Douglas, Shawnee, Leavenworth, Wyandotte, Johnson and

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

Applications set for June 9, 1987

Application for Certificate of Convenience and Necessity:

Rudolph G. Newfield) Docket No. 155,574 M
207 E. 9th)
Peabody, KS 66866)

Applicant's Attorney: None

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

Between all points and places in Marion, Butler and Harvey counties, Kansas.

Also,

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

Application for Certificate of Convenience and Necessity:

Ray C. Breeden, dba) Docket No. 155,575 M
Aaron's Auto &)
Truck Center)
1015 W. North St.)
Salina, KS 67401)

Applicant's Attorney: None

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

Between all points and places in Saline, Dickinson, McPherson, Ellsworth, Lincoln, Ottawa and Clay counties, Kansas.

Application for Abandonment of Certificate of Convenience and Necessity:

Carl H. Allam, dba) Docket No. 136,266 M
Carl Allam Oil Co.)
P.O. Box 471)
Haven, KS 67543) MC ID No. 109350

Applicant's Attorney: None

ALFONZO A. MAXWELL
Administrator
Transportation Division

Doc. No. 005404

State of Kansas

STATE CORPORATION COMMISSION

NOTICE OF HEARING

The State Corporation Commission has issued an order which penalized Production Management Inc. for failure to renew its operator or contractor license as required by K.S.A. 55-155 and K.A.R. 82-3-120.

Pursuant to K.S.A. 55-164, the matter is set for hearing at 1:30 p.m. Friday, June 5, in the hearing room of the Conservation Division, 300 Colorado Derby Building, 202 W. 1st, Wichita.

JAMES E. BROWNE
Assistant General Counsel

Doc. No. 005387

State of Kansas

STATE CONSERVATION COMMISSION

NOTICE OF COMMENCEMENT
OF NEGOTIATIONS FOR
CONSULTING ENGINEERING SERVICES

Notice is hereby given of the commencement of negotiations to obtain a qualified engineering firm for the development of a Phase I stream rehabilitation plan on approximately a five-mile reach of the Black Vermillion River in the Frankfort vicinity.

The rehabilitation plan will include the identification of problem areas, location and dimensions of any proposed excavated channels, estimated yardage of the excavations, types of grade control protection, location and amount of armoring of banks, areas of channel shaping and stabilizing and estimated costs for implementation of the rehabilitation plan.

Upon the availability of funds for Phase II construction of the project and satisfactory performance by the selected firm during Phase I, the firm will receive priority consideration for development of the final engineering design specifications, documents for bidding, and performance of inspections and administration to assure completion in compliance with the approved engineering design and specifications.

To be considered, firms who are licensed to practice engineering in the state of Kansas shall complete and submit four copies of the Statement of Qualifications Form (ASD-E1) to the State Conservation Commission no later than 4 p.m. Friday, June 5.

Requests for a copy of the scope of work, qualification form and questions are to be addressed to the executive director of the State Conservation Commission, 109 S.W. 9th, Room 300, Topeka 66612, (913) 296-3600.

KENNETH F. KERN
Executive Director

Doc. No. 005393

State of Kansas

DEPARTMENT OF TRANSPORTATION

NOTICE TO CONTRACTORS

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.D.T. June 18, 1987, and then publicly opened:

DISTRICT ONE—Northeast

Douglas—23 C-2281-01—County road, 3.0 miles east of Lawrence at old K-10, then south, 4.0 miles, surfacing. (Federal Funds)

Jefferson—4-44 K-3025-02—K-4, Delaware River bridge 20 at Valley Falls, bridge repair. (Federal Funds)

Jefferson—4-44 X-1299-02—Atchison, Topeka and Santa Fe Railway crossing of K-4 southwest of Valley Falls, grading and surfacing. (Federal Funds)

Jefferson—44 C-2276-01—County road, Lecompton Road east of Perry, then north to U.S. 24, 0.5 mile, grading and surfacing. (Federal Funds)

Johnson—46 U-0987-01—Intersection at U.S. 56, 55th and Buena Vista Avenue in Overland Park, 0.1 mile, grading and surfacing. (Federal Funds)

Johnson—46 U-1031-01—71st and Quivira Road in Shawnee, intersection improvement. (Federal Funds)

Marshall—77-58 K-2087-01—U.S. 77, Big Blue River bridge 13, 6.2 miles east of the west junction of K-9, bridge painting. (State Funds)

Marshall—77-58 M-1414-01—U.S. 77, Big Blue River bridge 13, 6.2 miles east to the west junction of K-9, bridge repair. (State Funds)

Osage—35-70 M-1480-01—I-35, Coffey-Osage county line to Osage-Franklin county line, 11.5 miles, patching. (State Funds)

DISTRICT TWO—Northcentral

Dickinson—15-21 M-1490-01—K-15, Chapman Creek drainage bridge 61, 2.4 miles north of K-18, 0.1 mile, bridge overlay. (State Funds)

Ellsworth—141-27 M-1491-01—K-141, 2.2 miles across the Kanapolis dam, shoulders. (State Funds)

Jewell—28-45 K-2893-01—K-28, Columbus to Custer/Lincoln to east city limits of Jewell, 0.4 mile, curb and gutter repair. (State Funds)

McPherson—56-59 K-0574-01—U.S. 56, 0.5 mile east of I-135 east to McPherson-Marion county line, 13.1 miles, grading, surfacing and bridge. (Federal Funds)

McPherson—86-59 K-0577-01—K-86, junction of U.S. 56 and K-86 north to the south city limits of Canton, 0.3 mile, overlay and widening. (Federal Funds)

Republic—79 C-2307-01—County road, 3.0 miles north and 1.7 miles east of Agenda, then east, 0.1 mile, grading. (Federal Funds)

Republic—79 C-2308-01—County road, 3.0 miles north and 1.2 miles east of Agenda, then east, 0.1 mile, grading. (Federal Funds)

Saline—4-85 M-1489-01—K-4, concrete pavement in Gypsum, 0.4 mile, patching. (State Funds)

(continued)

Washington—15E-101 M-1459-01—K-15E, 3.4 miles north of the junction of K-15E and K-243, 0.1 mile, culvert. (State Funds)

DISTRICT THREE—Northwest

Ellis—26 C-2018-01—County road, Washington Street in Ellis, 0.1 mile, bridge replacement. (Federal Funds)

Norton—283-69 K-2896-01—U.S. 283 from Burlington Northern Railroad north to old Rock Island Railroad at Norton, 0.3 mile, grading and surfacing. (State Funds)

Norton—69 U-1055-01—West Washington Street at Robinson Creek in Norton, 0.1 mile, grading, surfacing and bridge. (Federal Funds)

Trego—98 C-2088-01—County Road, 7.0 miles west and 14.5 miles south of WaKeeney, then south, 0.2 mile, bridge replacement. (Federal Funds)

DISTRICT FOUR—Southeast

Anderson—2 C-2451-01—County road, 1.0 mile east of Harris, then north, 0.1 mile, bridge replacement. (Federal Funds)

Chautauqua—166-10 K-0171-02—U.S. 166, Middle Caney Creek 10, 0.4 mile south of the south city limits of Sedan, 0.2 mile, bridge replacement. (Federal Funds)

Cherokee—11 U-1069-01—8th Street and Grant Avenue in Baxter Springs, 0.1 mile, bridge replacement. (Federal Funds)

Coffey—75-16 M-1479-01—U.S. 75, 2.6 miles north of New Strawn north to the junction of I-35, 8.7 miles, shoulder. (State Funds)

Franklin—35-30 M-1481-01—I-35, Osage-Franklin county line northeast to U.S. 59, 15.1 miles, patching. (State Funds)

Montgomery—75-63 X-1300-02—Atchison, Topeka and Santa Fe Railway crossing of U.S. 75 southwest of Independence, grading and surfacing. (Federal Funds)

Montgomery—169-63 K-1797-01—U.S. 169, state line to the south city limits of Coffeyville, 0.6 mile, grading, surfacing and bridge. (Federal Funds)

Woodson—104 C-1828-01—County road, 2.2 miles north and 4.8 miles east of Yates Center, then east, 0.2 mile, bridge replacement. (Federal Funds)

DISTRICT FIVE—Southcentral

Harvey—40 C-2064-01—Lincoln Street in Hesston, 0.6 mile, grading and surfacing. (Federal Funds)

Kiowa—183-49 X-1306-02—St. Louis Southwestern Railway crossing of U.S. 183 west of Greensburg, grading and surfacing. (Federal Funds)

Sedgwick—87 U-1045-01—Oliver at East Fork Chisholm Creek in Wichita, 0.2 mile, bridge replacement. (Federal Funds)

Sumner—96 C-2510-01—County road, 4.5 miles west and 1.0 mile south of South Haven, then south, 0.1 mile, bridge replacement. (Federal Funds)

DISTRICT SIX—Southwest

Finney—50B-28 K-2901-01—North intersection of U.S. 50B and U.S. 83B in Garden City, 0.1 mile, pavement reconstruction. (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 because 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 offices 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. 005401

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

MONDAY, JUNE 1, 1987

#26035

University of Kansas—IBM ELECTRIC
TYPEWRITER MAINTENANCE

#27103-Supplement

Various state agencies—PERSONNEL RADIATION
MONITORING

#27160

Statewide—BASIC CLOTHING

#27642

Kansas State University—ELECTRIC AND
ELECTRONIC TYPEWRITER MAINTENANCE

#27643

Statewide—MODEMS FOR MAINFRAME
COMPUTER

#69184

Topeka State Hospital—DORM FURNITURE

#69185

Department of Transportation—LUBRICATING OIL

#69188
Kansas School for the Deaf—AUDITORY TRAINING EQUIPMENT

#69192
Wichita State University—VIDEO EQUIPMENT

#69193
Department of Social and Rehabilitation Services—TRUCK RENTAL

#69194
Kansas State University—DISKETTE COPIER

#69195
Kansas State University—COMPUTERIZED PARCEL SHIPPING SYSTEM

#69196
Kansas State University—COMPUTER TERMINALS

#69197
Kansas State University—CENTRIFUGE ROTOR

#69198
Kansas State University—MICROSCOPE

#69199
Kansas State University—COMPUTER LINE PRINTER

#69201
University of Kansas Medical Center—CLINIC SOFTWARE—DG COMPATIBLE

#69202
Kansas State University—SPECTRUM GENERATOR

#69203
Kansas State University—X-RAY DIFFRACTOMETER

#69274
University of Kansas—PAPER, PRINTING AND BINDING

#69290
Department of Transportation—INSTALL ROADWAY MEMBRANE AND 2" LAYER OF PLANT MIX, Riley County

TUESDAY, JUNE 2, 1987

#A-5603(b)
University of Kansas—PROVIDE REPLACEMENT ROOFING SYSTEM, south portion, Hoch Auditorium

#25172
University of Kansas Medical Center and University of Kansas—REPAIR SERVICE FOR AIR CONDITIONING, REFRIGERATION EQUIPMENT AND CONTROLS

#27177
University of Kansas Medical Center—SHEEP AND RABBIT WHOLE BLOOD

#27254-Supplement
Larned State Hospital—ELECTRONIC TYPEWRITER MAINTENANCE

#27474
University of Kansas Medical Center—JULY (1987) MEAT PRODUCTS

#27524
University of Kansas—JULY (1987) MEAT PRODUCTS

#27639
Kansas Correctional Industries—HIGH PRESSURE LAMINATE

#69205
Winfield State Hospital and Training Center—ASPIRATORS AND PUMPS

#69209
Kansas State University—PRESSURE TRANSDUCERS

#69210
Kansas State University—ENVIRONMENTAL CHAMBER/INCUBATOR

#69211
Kansas State Fair—TRACTOR

#69214
Kansas Public Employees Retirement System—CALL DETAIL ACCOUNTING SYSTEM

#69215
Department of Transportation, NON—METALLIC DRUMS, Hutchinson—69220
#University of Kansas Medical Center

LARYNGOSCOPE BLADES AND HANDLES
WEDNESDAY, JUNE 3, 1987

#A-5530
Youth Center at Beloit—PROVIDE MASTER INTERCOM RENOVATION, main school building

#A-5637
Department of Transportation—REROOF (COMPLETE REPLACEMENT), sub-area building, Liberal

#26303
Statewide—WORK SHOES

#26408
Kansas Fish and Game Commission—AB-3 AGGREGATE, Clinton Wildlife Area

#27178
State Park and Resources Authority—CHEMICALS

#27189
University of Kansas Medical Center—CLINICAL ANALYZER REAGENTS AND SUPPLIES (ACA)

#27638
Kansas State University—STUDENT LONG DISTANCE BILLING SERVICE

#69224
Kansas State University—HORTICULTURE RESEARCH

#69227
Kansas State Fair—TRANSFORMERS

#69228
Kansas State University—GARDEN TRACTOR, Manhattan and Garden City

#69229
Kansas State University—NURSERY EQUIPMENT

#69230
University of Kansas Medical Center—LAB FREEZERS

#69239
University of Kansas Medical Center—PULSE OXIMETERS

#69240
Department of Revenue—MAILING OF 1987 TAX BOOKLETS, various locations

#69242
Kansas State University—IMAGE PROCESSING UNIT

#69244
Department of Transportation—READY MIX CONCRETE, Wichita

#69245
University of Kansas—FUEL OIL

#69246
Department of Administration, Division of Information Systems and Communications—SOFTWARE SECURITY—MAINFRAME COMPATIBLE.

(continued)

#69247

University of Kansas and Wichita State
University—LASER PRINTERS

#69257

University of Kansas—X-RAY GENERATOR

THURSDAY, JUNE 4, 1987

#A-5588

Larned State Hospital—REPLACE INTERIOR
ELECTRICALLY OPERATED SECURITY GATE
SYSTEM, Dillon Security Building

#A-5592

Larned State Hospital—REPLACE SMOKE
DETECTORS, Dillon and Hospital buildings

#25158

Kansas State University—ELEVATOR
MAINTENANCE

#27164

Statewide—BATTERIES

#27641

Department of Human Resources—SECURITY
GUARD SERVICE, Wichita

#68714-A

Pittsburg State University—REPAIRS TO
MASONRY WALLS

#69231

University of Kansas Medical Center—LAB
EQUIPMENT

#69235

University of Kansas Medical Center—LAB
INCUBATOR/CABINET

#69236

University of Kansas Medical Center—LAB
EQUIPMENT

#69241

Wichita State University—HEMATOLOGY
ANALYZER

#69243

University of Kansas Medical Center—
ELECTROPHORESIS EQUIPMENT

#69255

University of Kansas—FURNISH AND ERECTION
OF COMMUNICATIONS TOWER

#69256

University of Kansas Medical Center—
AUTOSAMPLER

#69261

Kansas Technical Institute; Fort Hays State
University; Emporia State University; Department of
Social and Rehabilitation Services; and Kansas State
University—MICROCOMPUTER PRINTER AND
PERIPHERALS

#69263

Kansas State Fair—DECORATION RENTAL

#69264

Kansas State University—SCIENTIFIC
MICROCOMPUTER PERIPHERALS AND
SOFTWARE

#69265

Department of Social and Rehabilitation
Services—ELECTRIC WHEELCHAIR, Lawrence

#69270

Department of Transportation—FORKLIFT
ATTACHMENT, Chanute

#69271

Department of Social and Rehabilitation
Services—ELECTRIC WHEELCHAIR, Abilene

#69272

Department of Transportation—PLANT MIX,
BITUMINOUS MIXTURE, COMMERCIAL GRADE,
Wichita

#69273

Adjutant General's Department—FURNISH AND
INSTALL AIR CONDITIONING SYSTEM, Fort Riley

#69294

Topeka State Hospital—
ELECTROENCEPHALOGRAPH

FRIDAY, JUNE 5, 1987

#27216

University of Kansas—DRY ICE

#27458

Statewide—LINENS

#69268

University of Kansas—CALIBRATION/TESTING
MACHINES

#69277

University of Kansas Medical Center—PULSE
OXIMETER

#69278

University of Kansas Medical Center—IMAGING
SYSTEM

#69285

Kansas Insurance Department—MICROFILM
READER-PRINTER SYSTEM

#69286

University of Kansas Medical Center—X-Y-Y'
RECORDER

#69289

Department of Transportation—TRANSMISSION
FLUID

MONDAY, JUNE 8, 1987

#27188

University of Kansas Medical Center—CLINICAL
ANALYZER REAGENTS (ABBOTT)

#27226

Kansas Correctional Industries—HANSA YELLOW,
LEAD FREE, DRY PAINT GRANULES

TUESDAY, JUNE 9, 1987

#A-5709

Kansas Judicial Council—REMODEL ROOM 358,
Kansas Judicial Center

#27640

Department of Revenue—KANSAS MOTOR
VEHICLE CERTIFICATES OF TITLE

MONDAY, JUNE 15, 1987

#69259

Kansas State University—INDIRECT COST AND
PERSONNEL REPORT STUDY

NICHOLAS B. ROACH
Director of Purchases

Doc. No. 005405

(Published in the KANSAS REGISTER, May 21, 1987.)

NOTICE OF BOND SALE
\$140,000
General Obligation Sewer Bonds
Series C, 1987
of the
City of Corning, Kansas
(general obligation bonds payable
from unlimited ad valorem taxes)

Sealed Bids

Sealed bids will be received by the undersigned, city clerk of the city of Corning, Kansas, on behalf of the governing body at the Corning City Hall, until 8 p.m. C.D.T. on Thursday, June 4, 1987, for the purchase of \$140,000 principal amount of general obligation sewer bonds, Series C, 1987, of the city hereinafter described. All bids will be publicly opened and read at said time and place and will be acted upon by the governing body immediately thereafter. No oral or auction bids will be considered.

Bond Details

The bonds will consist of fully registered bonds in denominations of \$5,000 or any integral multiple thereof, dated June 1, 1987, and becoming due serially on October 1, in the years as follows:

Year	Principal Amount
1988	\$ 5,000
1989	5,000
1990	5,000
1991	5,000
1992	5,000
1993	5,000
1994	5,000
1995	5,000
1996	5,000
1997	5,000
1998	5,000
1999	5,000
2000	5,000
2001	10,000
2002	10,000
2003	10,000
2004	10,000
2005	10,000
2006	10,000
2007	15,000

The bonds will bear interest from the date thereof at rates to be determined when the bonds are sold as hereinafter provided, which interest will be payable semiannually on April 1 and October 1 in each year, beginning on April 1, 1988.

Place of Payment and Bond Registration

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

The city will pay for the fees of the bond registrar for registration and transfer of the bonds and will also pay

for printing a reasonable supply of registered bond blanks. Any additional costs or fees that might be incurred in the secondary market, other than fees of the bond registrar, will be the responsibility of the bondowners.

The number, denominations of the bonds and the names, addresses and social security or taxpayer identification numbers of the registered owners shall be submitted in writing by the successful bidder to the city and bond registrar at least two weeks prior to the closing date. In the absence of such information, the city will deliver one bond per maturity registered in the name of the manager of the successful bidder. The initial reoffering price to the public by the original purchaser shall be furnished to the city at least one week prior to the closing date. A certificate setting forth such initial reoffering price to the public shall be furnished to the city by the original purchaser at closing.

Redemption of Bonds Prior to Maturity

The bonds shall become due without option of prior payment.

Conditions of Bids

Proposals will be received on the bonds bearing such rate or rates of interest, as may be specified by the bidders, subject to the following conditions: The same rate shall apply to all bonds of the same maturity. Each interest rate specified shall be a multiple of 1/8 or 1/20 of 1 percent. No interest rate shall exceed a rate equal to the 20 bond index of tax-exempt municipal bonds published by Credit Markets in New York, New York, on the Monday next preceding the day on which the bonds are sold, plus 2 percent. The difference between the highest rate specified and the lowest rate specified shall not exceed 2.5 percent. No bid of less than the entire par value of the bonds and accrued interest thereon to the date of delivery will be considered and no supplemental interest payments will be authorized. Each bid shall specify the total interest cost to the city during the life of the bonds on the basis of such bid, the premium, if any, offered by the bidder, and the net interest cost to the city on the basis of such bid, all certified by the bidder to be correct, and the city will be entitled to rely on the certificate of correctness of the bidder. Each bid shall also specify the average annual net interest rate to the city on the basis of such bid.

Basis of Award

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

(continued)

and all bids and to waive any irregularities in a submitted bid.

Authority, Purpose and Security

The bonds are being issued pursuant to Article 12, Section 5, of the Kansas Constitution and K.S.A. 12-631t, for the purpose of paying the cost of certain sewer improvements. The bonds and the interest thereon will constitute general obligations of the city, payable from ad valorem taxes which may be levied without limitation as to rate or amount upon all taxable tangible property, real and personal, within the territorial limits of the city.

Legal Opinion and Tax Exemption

All matters incident to the authorization and issuance of the bonds are subject to the approval of Gaar & Bell, Wichita, Kansas, bond counsel.

In the opinion of Gaar & Bell, Wichita, Kansas, bond counsel, assuming continued compliance by the city with the terms of the bond ordinance, under existing law, the interest on the bonds (a) is excludable from gross income for federal income tax purposes and (b) is not an item of tax preference for purposes of the federal alternative minimum tax imposed on individuals and corporations; however, it should be noted that with respect to corporations (as defined for federal income tax purposes), such interest is taken into account in determining adjusted net book income (adjusted current earnings for taxable years ending after December 31, 1989) for the purpose of computing the alternative minimum tax imposed on such corporations. No opinion is expressed regarding other federal tax consequences arising with respect to the bonds. In addition, the bonds are exempt from intangible personal property taxes levied by Kansas counties, cities or townships.

The Internal Revenue Code of 1986, as amended, imposes certain requirements which must be met subsequent to the issuance of the bonds in order for the interest thereon to be and to remain excluded from gross income for federal income tax purposes. Non-compliance with such requirements could cause the interest on the bonds to be so included in federal gross income retroactive to the date of issue of the bonds. These requirements include, but are not limited to, limitations on the use of bond proceeds and restrictions on the yield which may be earned on the investment of bond proceeds and other amounts. In the bond ordinance, the city has covenanted to comply with the provisions of the code relating to the exclusion of the interest on the bonds from gross income for federal income tax purposes.

Prospective purchasers of the bonds should be aware that (i) Section 265 of the code denies a deduction for interest on indebtedness incurred or continued to purchase or carry the bonds, except with respect to certain financial institutions (within the meaning of Section 265 (b)(5) of the code); (ii) with respect to insurance companies subject to the tax imposed by Section 831 of the code, for taxable years beginning after December 31, 1986, Section 832(b)(5)(B)(i) reduces the deduction for loss reserves by 15 percent of the sum of certain items, including

interest on the bonds; (iii) for taxable years beginning after December 31, 1986 and before January 1, 1992, interest on the bonds earned by some corporations could be subject to the environmental tax imposed by Section 59A of the code; (iv) for taxable years beginning after December 31, 1986, interest on the bonds earned by certain foreign corporations doing business in the United States could be subject to a branch profits tax imposed by Section 884 of the code; (v) passive investment income, including interest on the bonds, may be subject to federal income taxation under Section 1375 of the code for Subchapter S corporations that have Subchapter C earnings and profits at the close of the taxable year if greater than 25 percent of the gross receipts of such Subchapter S CORPORATION IS PASSIVE INVESTMENT INCOME: AND (vi) Section 86 of the code requires recipients of certain Social Security and certain railroad retirement benefits to take into account in determining gross income, receipts or accruals of interest on the bonds. These categories of bondowners should consult their own tax advisors as to the applicability of these consequences.

Qualified Tax-Exempt Obligations

The bonds are "qualified tax-exempt obligations" within the meaning of Section 265(b)(3) of the code, and, in the case of certain financial institutions (within the meaning of Section 265(b)(5) of the code), a deduction is allowed for 80 percent of that portion of such financial institution's interest expense allocable to interest on the bonds.

A form of bond counsel's opinion is contained in the official statement of the city with respect to the bonds.

Delivery and Payment

The city will pay for printing the bonds and will deliver the same properly prepared, executed and registered without cost to the successful bidder on or before June 30, 1987, at such bank or trust company in the state of Kansas or Kansas City, Missouri, as may be specified by the successful bidder. The successful bidder will also be furnished with a certified transcript of the proceedings evidencing the authorization and issuance of the bonds and the usual closing proofs, which will include a certificate that there is no litigation pending or threatened at the time of delivery of the bonds affecting their validity. Payment for the bonds shall be made in federal reserve funds, immediately subject to use by the city.

Good Faith Deposit

Each bid shall be accompanied by a cashier's or certified check drawn on a bank located in the United States of America equal to 2 percent of the total amount of the bid payable to the order of the city. If a bid is accepted, said check or the proceeds thereof will be held by the city until the bidder shall have complied with all of the terms and conditions of this notice. If a bid is accepted but the city shall fail to deliver the bonds to the bidder in accordance with the terms and conditions of this notice, said check or the proceeds thereof will be returned to the bidder. If a bid is accepted but the bidder defaults in the performance of any of the terms and conditions of this

notice, the proceeds of such check will be retained by the city as and for liquidated damages. No interest will be paid upon the successful bidder's good faith check.

CUSIP Numbers

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

Bid Forms

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

Submission of Bids

Bids must be submitted in sealed envelopes addressed to the undersigned city clerk and marked "Bond Bid." Bids may be submitted by mail or delivered in person to the undersigned at the City Hall and must be received by the undersigned prior to 8 p.m. C.D.T. on June 4, 1987.

Official Statement

The city has prepared an official statement dated May 21, 1987, copies of which may be obtained from the city clerk or from the financial adviser. Upon the sale of the bonds, the city will furnish the successful bidder with a reasonable number of copies thereof without additional cost upon request. Additional copies may be ordered by the successful bidder at his expense.

Assessed Valuation and Indebtedness

The total assessed valuation of the taxable tangible property within the city, for the year 1986, is as follows:

Equalized assessed valuation of taxable tangible property	\$300,733
Tangible valuation of motor vehicles	\$ 62,691
Equalized assessed tangible valuation for computation of bonded debt limitations	\$363,424

The total general obligation indebtedness of the city as of the date of the bonds, including the bonds being sold, is \$380,000. Temporary notes in the principal amount of \$140,000 will be retired out of proceeds of the bonds and other available funds.

Additional Information

Additional information regarding the bonds may be obtained from the city clerk or from the financial adviser, Mid-Continent Investments, Inc., 333 Century Plaza Building, Wichita, KS 67202, Attention: David K. Malone, (316) 212-5161.

Dated May 12, 1987.

CITY OF CORNING, KANSAS
By Ethel L. Frederickson
City Clerk
City Hall
Corning, KS 66417
(913) 868-3645

Doc. No. 005403

(Published in the KANSAS REGISTER, May 21, 1987.)

NOTICE OF CALL FOR REDEMPTION
to the holders of
City of El Dorado, Kansas
Industrial Revenue Bonds
(El Dorado Meat Processors, Inc.)
Series 1, 1975
Dated July 1, 1975

Notice is hereby given that pursuant to Section 5 of Ordinance S-585 of the city of El Dorado, Kansas, First National Bank and Trust of El Dorado, as trustee and paying agent, will redeem on July 1, 1987 for the city \$65,000 principal amount of the Series 1975 industrial revenue bonds of the city of El Dorado (El Dorado Meat Processors, Inc.) at a price equal to the principal amount thereof plus accrued interest thereon to July 1, 1987, plus a premium of 4 percent.

All bonds to be redeemed are listed as follows:

Bond Number	Amount
29	5000.00
30	5000.00
31	5000.00
32	5000.00
33	5000.00
34	5000.00
35	5000.00
36	5000.00
37	5000.00
38	5000.00
39	5000.00
40	5000.00
41	5000.00

On July 1, 1987, the bonds described above will be due and payable at the First National Bank and Trust, 200 N. Main, El Dorado, KS 67042.

Bonds should be surrendered with all unmatured interest coupons attached. After July 1, 1987, interest on the aforesaid bonds will cease to accrue.

City of El Dorado, Kansas
Edward L. Blake, Mayor
First National Bank and Trust
Rod Ziegler, President
El Dorado Meat Processors, Inc.
Lloyd Chisham, President

Doc. No. 005386

State of Kansas

BOARD OF EDUCATION**NOTICE OF HEARING
ON STATE PLAN FOR
COMMUNITY EDUCATION**

The Kansas State Board of Education will conduct a public hearing at 1:30 p.m. Tuesday, June 9, in Room 121 of the Kansas State Education Building, 120 E. 10th, Topeka, to consider proposed changes in the Kansas State Plan for Community Education. The changes are to become effective July 1, 1987, following adoption by the board and approval by the Governor.

The plan for community education is designed to describe the structure of community education in Kansas and to explain the role of the State Department of Education in promoting community education. In addition to historical background and basic definitions of community education, the revised plan includes an overview of the basic models of community education in Kansas. The plan also contains a summary of the minimum elements necessary to establish a community education program and the basic steps in community education program development. The plan also contains goals and objectives relating to the promotion of community education by the State Department of Education, and a budget proposal is contained in the plan.

The Advisory Council for Community Education has been extensively involved in designing and writing the plan. Significant input has been contributed by Kansas community colleges and by representatives from the field of recreation. Input from the Kansas Community Education Association and the Center for Community Education at Kansas State University has been instrumental in the design of the plan.

A copy of the proposed revised plan may be obtained by contacting the secretary of the State Board of Education prior to the date of the hearing.

All interested persons will be given a reasonable opportunity at the hearing to present their views or arguments, either orally or in writing, in regard to the proposed 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 concerning 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. 005395

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, June 9, in Room 121 of the Kansas State Education Building, 120 E. 10th, Topeka, to consider proposed changes in State Board Regulations numbered 91-1-119a, 91-1-119b, 91-1-119c, 91-1-119d, 91-1-119e and 91-1-119g.

The proposed amendments to S.B.R. 91-1-119a, 91-1-119b, 91-1-119c, 91-1-119d and 91-1-119e change the implementation date of the regulations to provide that approved programs in the respective areas will not be required to meet the new requirements of the regulations until June 1, 1989. Those teacher preparation institutions wishing to comply with the new requirements prior to that time could do so, however. In addition, it is proposed that the board adopt S.B.R. 91-1-119g relating to approved programs and endorsements in the areas of social studies. This proposed regulation would provide for program approval and endorsement of individuals in the separate social studies subject areas of history, sociology and cultural anthropology, government, economics and geography.

A copy of the proposed regulations are 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 regulations and fiscal impact statements may be obtained by contacting the secretary of the State Board of Education prior to the date of the hearing.

All interested persons will be given a reasonable opportunity at the hearing to present their views or arguments, 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 board at the address above. 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 regulations to be amended are as follows:

91-1-119a. United States history, United States government, and world history. (a) Each applicant for an endorsement in United States history, United States government and world history at the secondary level shall have successfully completed a state-approved program in United States history, United States government and world history and shall be recommended by a teacher education institution.

(b) Approved programs shall require students to complete a course of study allowing the students to acquire:

(1) An understanding of the historical development and present functioning of political principles, institutions, and processes in United States society, including:

(A) the basic principles of United States government expressed or implied in the Declaration of In-

dependence, the Constitution, court decisions, and laws;

(B) the major ideas and historical events from which the United States political system has evolved;

(C) the rights and responsibilities of individuals in the United States;

(D) the organization, functions, and decision-making processes of the three branches of government at federal, state, and local levels;

(E) the electoral processes at federal, state, and local levels;

(F) the manner in which government is influenced and changed by the support and dissent of individuals and interest groups; and

(G) the importance of participation in the political systems of the United States.

(2) An understanding of the historical development and current status of economic principles, institutions, and processes in United States society, including:

(A) the historical and political implications resulting from the effect of unlimited wants and scarce resources on consumers, producers, and government;

(B) economic specialization, exchange, and interdependence in the United States and throughout the world community;

(C) the historical development and current operation of the market economy of the United States;

(D) the historical development and operation of government monetary, taxation, and regulatory policies;

(E) the historical and political factors that have contributed to economic growth; and

(F) the historical and political development of labor, farm, and business organizations.

(3) An understanding of the history and diversity of individuals and groups in United States society, including:

(A) the historical and political implications of the manner in which people function as individuals and as members of groups;

(B) the historical contributions of various ethnic, racial, religious, and other diverse groups; and

(C) the impact of social institutions, ideas, and technology on individuals and groups in society.

(4) An understanding of the history and diversity of world cultures, including:

(A) the characteristics, development and contributions of western and nonwestern world cultures;

(B) the major social, economic, and political ideas and events which have shaped and continue to shape the modern world;

(C) the different ideas, institutions, and processes that precipitate conflict or foster peace; and

(D) the various dimensions of world interdependence.

(5) An understanding of the role of culture, technology, and the environment in the location and distribution of human activities, including:

(A) the major cultural regions of the world and the physical features of each region;

(B) the interaction of culture and technology in the use and alteration of the physical environment;

(C) the characteristics of major economic activities and the factors influencing their location;

(D) the historical patterns of population growth and settlement in different cultures and environments;

(E) the role and impact of transportation and communication in linking people and environments; and

(F) the importance of respect for the environment.

(6) The ability to gather information, think critically, solve problems, and make rational decisions. The course of study shall allow students to acquire the ability to:

(A) obtain, interpret, evaluate, organize, and use information from observation, investigation, listening, and reading;

(B) obtain, interpret, evaluate, organize, and use information from maps, charts, globes, graphs, and tables;

(C) apply processes of critical and creative thinking to the analysis of problems from the perspective of history and political science; and

(D) make decisions about personal options and public issues in terms of reasoned values and reliable information.

(c) *This regulation shall take effect on and after May 1, 1987. Prior to June 1, 1989, any institution may request that its United States history, United States government, and world history program be approved by the state board under the provisions of this regulation. On and after June 1, 1989, any institution desiring to have an approved United States history, United States government, and world history program shall meet the requirements of this regulation. (Authorized by, and implementing, Kansas Constitution Article 6, Section 2(a) of the Kansas Constitution; effective May 1, 1985; amended June 10, 1987.)*

91-1-119b. Economics. (a) Each applicant for an economics endorsement at the secondary level shall have successfully completed a state-approved program in economics, shall have completed the requirements of S.B.R. 91-1-119a, and shall be recommended by a teacher education institution.

(b) Approved programs shall require students to complete a course of study allowing the students to acquire:

(1) Knowledge of economic activity as the production and distribution of goods and services for the satisfaction of material wants;

(2) knowledge of capitalism as a system under which the production of goods and services is determined by the decisions of producers and consumers operating through a system of prices and markets;

(3) knowledge of the role played in consumer choice by the utility and price of goods and services and the disposable income of consumers;

(4) knowledge of the manner in which producers seek to maximize profits, the relationship between profits and costs of production, and the manner in which producers attempt to use the factors of production in the most efficient combinations;

(5) knowledge of the characteristics of market structures and their relationship to price and output;

(6) knowledge of the role of financial institutions in

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affecting the expansion and contraction of the national economy;

(7) knowledge of the role of government in influencing and regulating the economic process;

(8) knowledge of the ways by which the government seeks to establish certain national economic goals;

(9) knowledge of the manner which the well-being of the national economy is measured;

(10) knowledge of the international aspects of the United States economy and the interdependence of the world's economics; and

(11) knowledge of the major similarities and differences between United States and other economic systems.

(b) ~~This regulation shall take effect on and after May 1, 1987. Prior to June 1, 1989, any institution may request that its economic program be approved by the state board under the provisions of this regulation. On and after June 1, 1989, any institution desiring to have an approved economics program shall meet the requirements of this regulation. (Authorized by, and implementing, Kansas Constitution Article 6, Section 2(a) of the Kansas Constitution; effective May 1, 1985; amended June 10, 1987.)~~

91-1-119c. Anthropology and sociology. (a) Each applicant for an anthropology and sociology endorsement at the secondary level shall have successfully completed a state-approved program in anthropology and sociology, shall have completed the requirements of S.B.R. 91-1-119a, and shall be recommended by a teacher education institution.

(b) Approved programs shall require students to complete a course of study allowing the students to:

(1) Acquire an understanding of the major relationships between culture, the group, and the self, including:

(A) the meaning of culture;

(B) cultural universals and variations in their form;

(C) the historical and evolutionary development of culture;

(D) the relationship between culture and individual behavior;

(E) the cultural values of people living in different societies;

(F) interrelationships between individuals and groups and the way in which individuals organize themselves into groups;

(G) the differences between simple and complex societies and the effects of these forms of social organization on the individual;

(H) the differences between primary and secondary groups and the effects of these differences on the individual;

(I) the major institutions in society;

(J) the functional relationships between social institutions and the society of which the institutions are a part;

(K) the meaning of socialization;

(L) the processes by which culture and society undergo change;

(M) the stratification systems of the United States and other societies; and

(N) the basic demographic factors, the relation of demographic factors to population trends, and the relationship between population trends and social organization.

(2) Acquire the ability to apply processes of critical and creative thinking to the analysis of problems from the perspective of anthropology and sociology.

(c) ~~This regulation shall take effect on and after May 1, 1987. Prior to June 1, 1989, any institution may request that its anthropology and sociology program be approved by the state board under the provisions of this regulation. On and after June 1, 1989, any institution desiring to have an approved anthropology and sociology program shall meet the requirements of this regulation. (Authorized by, and implementing, Kansas Constitution Article 6, Section 2(a) of the Kansas Constitution; effective May 1, 1985; amended June 10, 1987.)~~

91-1-119d. Geography. (a) Each applicant for an endorsement at the secondary level shall have successfully completed a state-approved program in geography, shall have completed the requirements of S.B.R. 91-1-119a, and shall be recommended by a teacher education institution.

(b) Approved programs shall require students to complete a course of study allowing the students to acquire:

(1) An understanding of the major characteristics of the geographic distribution of people and their activities and the interaction of people with the physical environment, including:

(A) the spatial distribution of significant elements of the physical environment;

(B) the major factors responsible for patterns of organization in space;

(C) the relationship between elements of the physical environment and the physical features of regions;

(D) the relationships between cultural phenomena and the physical environment;

(E) the interrelationship of elements of the agricultural environment;

(F) the manner in which distance affects the spatial organization of cultural elements;

(G) the general characteristics of regions and subregions of the world; and

(H) regional patterns, relationships, and differences.

(2) The ability to apply processes of critical and creative thinking to the analysis of problems from the perspective of geography.

(c) ~~This regulation shall take effect on and after May 1, 1987. Prior to June 1, 1989, any institution may request that its geography program be approved by the state board under the provisions of this regulation. On and after June 1, 1989, any institution desiring to have an approved geography program shall meet the requirements of this regulation. (Authorized by, and implementing, Kansas Constitution Article 6, Section 2(a) of the Kansas Constitution; effective May 1, 1985; amended June 10, 1987.)~~

91-1-119e. Comprehensive social studies. (a) Each applicant for a comprehensive social studies

endorsement at the secondary level shall have completed an interdisciplinary program incorporating the requirements in social studies regulations S.B.R. 91-1-119a, S.B.R. 91-1-119b, S.B.R. 91-1-119c and S.B.R. 91-1-119d, and shall be recommended by a teacher education institution.

(b) ~~This regulation shall take effect on and after May 1, 1987.~~ Prior to June 1, 1989, any institution may request that its comprehensive social studies program be approved by the state board under the provisions of this regulation. On and after June 1, 1989, any institution desiring to have an approved comprehensive social studies program shall meet the requirements of this regulation. (Authorized by, and implementing, ~~Kansas Constitution~~ Article 6, Section 2(a) of the Kansas Constitution; effective May 1, 1985; amended June 10, 1987.)

91-1-119g. Social studies. (a) The social studies program may follow one of two patterns: (1) The subject-major pattern which shall:

(A) Emphasize one or more areas of social studies and be supplemented by work in cognate areas; and

(B) prepare the student to teach the specified social studies subjects in accordance with the limitation of the program completed.

(2) The comprehensive-major pattern which shall:

(A) Embrace a broad base of all of the social studies subject areas with a concentration in one subject field; and

(B) prepare the student to teach in any of the social studies subject areas offered in the public school curriculum.

(b) Curriculums leading to certification in a specified social studies subject area, by the subject-major pattern, shall meet the requirements of subsection (c) and subsection (d).

(c) An approved subject area program shall provide study in one of the following areas:

(1) History, including:

(A) The origin and historical development of various cultures throughout the world;

(B) the interplay of physical, economic, political, and social forces in the shaping of world civilization;

(C) the meaning of American heritage; and

(D) the economic, political, and social background of contemporary American life in a world setting.

(2) Political science, including:

(A) The nature of government in modern society;

(B) the role of American government as a supplier of essential service, the embodiment of values, and the arbiter of interest conflict;

(C) a comparison of principles and practices of national, state and local units of American government with other forms of government; and

(D) an appreciation of democracy as a form of government.

(3) Economics, including:

(A) The principles and processes underlying current problems and practices in various economic systems;

(B) application of social controls to economics; and

(C) regulation of economic controls by government.

(4) Sociology and cultural anthropology, including:

(A) The diverse behavior of peoples in different parts of the world and the influence of environmental factors on their cultural values;

(B) the nature of social upheavals now taking place in various parts of the world; and

(C) major social problems of American society, such as those relating to minority groups, health and medical care, employment and industrial relations, crime, and delinquency.

(5) Geography, including:

(A) The earth's natural resources as a limiting and conditioning influence upon the development of human culture and as a source of political and economic power;

(B) the efficient use of natural resources on a global scale; and

(C) appropriate recognition of environmental problems and present factors to be considered in addressing those problems.

(d) An approved comprehensive major program shall require students to complete a course of study allowing the students to acquire:

(1) Knowledge of interdisciplinary cooperation and reciprocal reinforcement among the various social studies;

(2) knowledge of the key concepts, methodology, and relationships among the various social studies;

(3) experience with the approaches and materials of new social studies curriculum projects;

(4) knowledge of the contributions and roles of all racial, ethnic, and religious groups to American culture;

(5) experience in the effective use of media resources to provide a variety of learning experiences for various levels of student experience and ability; and

(6) knowledge of current affairs and effective ways in which to analyze, present and discuss current affairs in the classroom. (Authorized by and implementing Article 6, Section 2(a) of the Kansas Constitution; effective June 10, 1987.)

DR. HAROLD L. BLACKBURN
Commissioner of Education

Doc. No. 005394

State of Kansas
DEPARTMENT OF EDUCATION
TEMPORARY ADMINISTRATIVE
REGULATIONS

Article 12.—SPECIAL EDUCATION

91-12-25. Approval of interrelated service units.

(a) Before any child is placed in an interrelated service unit, the comprehensive evaluation and individualized education program procedures prescribed in K.A.R. 91-12-40 and 91-12-41 shall be used:

(1) To document each child's need for special education and related services;

(2) to determine whether placement in an interrelated service unit best meets the needs of each child; and

(3) to establish the primary category of exceptionality of the child for the purposes of reporting and establishing eligibility for state and federal funding.

(b) Before any local education agency establishes and operates an interrelated service unit, it shall submit to the special education administration section, for approval, a written plan describing in detail the services to be offered in the unit. The plan for interrelated services shall be included as a part of the local comprehensive plan and shall be reviewed and revised as required by the special education administration section. Approval of interrelated service units shall be contingent upon fulfilling the following requirements:

(1) A systematic and ongoing evaluation of program and product effectiveness shall be conducted pursuant to K.A.R. 91-12-34(a)(2) and (9);

(2) teaching personnel with full endorsement in one of the categories of exceptionality being served in the interrelated service unit shall be assigned to the unit; and

(3) provisions shall be made for providing instructional personnel with assistance from appropriately trained categorical specialists or support personnel as necessary.

(c) Special purpose schools at mental health and youth center facilities shall meet class size and caseload limitations as prescribed in K.A.R. 91-12-55, Table VI.

(d) Class size and caseload limitations shall be established on an individual basis for any service delivery model used to provide services to children who are visually impaired, hearing impaired, physically impaired, other health impaired, or severely multiply handicapped.

(e) Except as otherwise provided in this subsection, the class size and caseload shall be the same as that for the categorical area with the majority of students being served under the particular delivery model being used. If four or more students in a categorical area with more restrictive class size or caseload requirements are being served, the more restrictive requirements shall apply. The maximum limitations for interrelated programs are given in Table I.

(f) This regulation shall take effect on July 1, 1987.

Table I
Maximum Class Size and Caseload
for Interrelated Programs

Administration Plan	Categorical Grouping	Number of Paraprofessionals	Class Size and Maximum Caseload
Itinerant	BD/EMR *	0	15
		1 or more	18
	BD/LD	0	18
		1 or more	24
	EMR/LD *	0	18
		1 or more	24
BD/EMR/LD *	0	18	
	1 or more	24	
Resource	BD/EMR *	0	12
		1 or more	16
	BD/LD	0	18
		1 or more	22
	EMR/LD *	0	18
		1 or more	22
BD/EMR/LD *	0	18	
	1 or more	22	
Special Classroom	BD/EMR *	0	8
		1	10
	BD/LD	0	10
		1 or more	14
	EMR/LD *	0	10
		1 or more	14
BD/EMR/LD *	0	10	
	1 or more	14	
EMR/TMR *	0	Primary—12 Intermediate—15 Secondary—15	
	1 or more	Primary—15 Intermediate—18 Secondary—20	

* The chronological age or grade level span shall not exceed 4 years.

(Authorized by and implementing K.S.A. 72-963; effective May 1, 1983; amended May 1, 1986; amended, T-88-8, March 4, 1987.)

91-12-52. Intellectually gifted. (a) Identification. In addition to meeting the requirements of K.A.R. 91-12-40, each local education agency shall include the following in their procedures for identifying gifted students:

(1) Teacher evaluation of each child;

(2) analysis of each child's accomplishments and products for evidence of the intellectual giftedness or potential;

(3) documentation of intellectual giftedness through administration of a standardized, individual test of intelligence. The minimum criterion for identification shall be a composite rank of not less than the 97th percentile on national or local norms, whichever is higher, or evidence that the child's standardized, intelligence test score does not adequately reflect the child's high intellectual potential; and

(4) documentation of intellectual giftedness through administration of a standardized test of academic achievement.

(A) For elementary children, the minimum criterion for identification shall be a composite rank of not less than the 95th percentile on national norms, or evidence that such standardized achievement test score does not adequately reflect the child's high intellectual potential.

(B) For secondary children, the minimum criterion

for identification shall be a rank of not less than the 95th percentile on national norms on two or more of the mathematics, language arts (including reading), science, and social science sections, or evidence that such standardized achievement test scores do not adequately reflect the child's high intellectual potential.

(b) Each gifted child shall be permitted to test out of, or work at an individual rate, and receive credit for required or prerequisite courses, or both, at all grade levels, if so specified in that child's individualized education program.

(c) Gifted students may receive credit for college study at the college or high school level or may receive dual credit therefor. If any gifted student chooses to receive college credit, the student shall be responsible for the college tuition costs.

(d) Programs using the consulting teacher model shall develop a scope and sequence of curriculum for gifted students to be used in working with regular classroom teachers.

(e) Class size and caseload limitations for programs for gifted are given in Table III.

(f) This regulation shall take effect on July 1, 1987.

Table III
Class Size and Caseload for Programs for Gifted

Administrative Plan	Maximum Number of Students To Be Served	Maximum Number of Students To Be Served With a Full-Time Paraprofessional
Consulting Teacher	75	75
Itinerant Teacher	25	30
Resource Room	35	40
Self-Contained	20	25

(Authorized by and implementing K.S.A. 72-963; effective May 1, 1983; amended, T-88-8, March 4, 1987.)

91-12-53. Language, speech and hearing impaired. (a) The special education administration section, Kansas state department of education, and the bureau of maternal and child health, Kansas state department of health and environment, shall review and assure the competency of persons assigned by each local education agency to conduct hearing screening as prescribed in K.S.A. 72-1204, and any amendments to that statute.

(b) In addition to meeting the requirements of K.A.R. 91-12-40, each local education agency, in procedures for identifying children with speech, language and hearing impairments, shall include an assessment of articulation, language, fluency, voice, and auditory acuity and perception, and an examination of the peripheral speech mechanism.

(c) Monitoring hearing aids.

(1) Each local education agency shall maintain a list of all children whom the agency is responsible to educate who wear hearing aids.

(2) Each local education agency shall adopt procedures for the regular and frequent monitoring of the functioning of all hearing aids. Those procedures shall meet the following requirements:

(A) The aids shall be checked not less than once each week.

(B) Personnel shall be designated and trained to

provide the listening check in any school building where any child wearing a hearing aid is enrolled. The check may be done by that child's regular or special education teacher or by a paraprofessional.

(C) Until a child has completed the fourth grade, the hearing aid of the child shall be checked by the person designated by the local education agency in accordance with the preceding paragraph. Children in the fifth and subsequent grades may check their own hearing aids under the supervision of the person designated by the local education agency.

(D) Not less than once each year, the hearing aid of each child shall be checked by an audiologist or hearing aid dealer.

(d) Paraprofessionals.

(1) Paraprofessionals employed in language or speech programs shall be assigned and shall function according to the requirements of K.A.R. 91-12-61, except that, if a paraprofessional is assigned to assist an itinerant speech or language clinician, supervision shall be provided not less than once each week. These language or speech clinicians shall develop a monitoring system for checking the reliability of the services being performed by each paraprofessional assigned to assist them.

(2) Paraprofessionals may be employed to conduct hearing screening evaluations. If such persons are employed, their competence shall be reviewed as prescribed in K.A.R. 91-12-61.

(e) Audiological diagnostic services. For programs offering comprehensive audiological diagnostic services, the minimum audiometric test equipment shall include a calibrated audiometer with provision for field audiometry. A planned program for the maintenance of all equipment and the regular calibration of audiometers shall be in operation. A calibration log shall be maintained by each local education agency and shall be available for inspection. The audiometric instrumental array shall be capable of performing at least the following diagnostic procedures:

(1) hearing screening;

(2) pure tone and bone condition testing, with contralateral masking;

(3) speech discrimination and speech reception audiometry;

(4) site-of-lesion battery; and

(5) hearing aid evaluation or consultation, or both.

(f) Facilities.

(1) Itinerant and consulting language, speech, hearing conservation, and audiometric hearing screening programs may use mobile speech and hearing vans, if available space in schools and other centers does not meet the state approved standards. Speech and hearing vans shall be used only on a temporary basis, and the local education agency's local comprehensive plan shall provide for their replacement with permanent facilities. Any local education agency having a temporary facility shall submit to the special education administration section an annual request for approval of that facility.

(2) If diagnostic audiological services are offered, a specially constructed, sound-treated suite, providing

(continued)

adequate attenuation of outside noise, shall be used. The maximum noise levels allowed shall be as prescribed in ANSI S3.1 of the "American National Standard Criteria for Background Noise in Audiometer Rooms," 1977 edition, which is incorporated here by reference.

(3) Any local education agency operating a demonstration program through a special grant shall provide observation areas or windows in the facility.

(g) Class size and caseload.

(1) The maximum class size and caseload for speech and language programs shall be as prescribed in Table IV.

Table IV
Class Size and Caseload for Speech and Language Programs

	Consulting Teacher	Itinerant Teacher	Resource Room	Special Room
GROUP SIZE	Individual or Group (through indirect service.)	Individual or small group. 3 students per session.	Individual or small group. 5 students per session.	10 students per speech or language clinician. 15 students per speech or language clinician with a paraprofessional.
TIME PER WEEK	As needed.	2 to 5 times per week.	4 to 5 times per week.	Full-time placement.
CASELOAD MAXIMUMS	No limit.	25-55 students.	15-25 students.	15 students with paraprofessional. 10 students without paraprofessional.

(2) The maximum class size for programs for children with hearing impairments shall be as prescribed in Table V. If paraprofessionals are employed as a part of any of the following special class delivery models, the maximum caseload may be increased by three students. The chronological age span shall not exceed three years, unless permission is obtained from the special education administration section.

(h) This regulation shall take effect on July 1, 1987.

Table V
Class Size and Caseload for Programs for Hearing Impaired

Administrative Plan	Number of Students
Special Self-Contained Class—Preschool	6
Special Self-Contained Class—Primary	6
Special Self-Contained Class—Intermediate	8
Special Self-Contained Class—Secondary	8
Special Self-Contained Class—Elementary (two or more levels combined)	6
Special Self-Contained Class—Secondary (two or more levels combined)	8
Itinerant	15
Resource Room	As Needed
Diagnostic Assessment	As Needed
Parent/Infant	20 when parent and child are seen primarily on an individualized basis
Residential	The same maximums apply for delivery models listed above
Regular Class	No more than two hearing impaired students shall be assigned to the same regular classroom or regular classroom teacher.

(Authorized by and implementing K.S.A. 72-963; effective May 1, 1983; amended May 1, 1984; amended May 1, 1986; amended, T-88-8, March 4, 1987.)

91-12-54. Mental retardation. (a) Screening and identification. In addition to meeting the require-

ments of K.A.R. 91-12-40, each local education agency shall include in its procedures for identifying exceptional children, an assessment of the level of intellectual functioning and adaptive behavior. This assessment shall be for the purpose of identifying children who are mentally retarded.

(b) Education programs for mentally retarded children shall include work experiences and life experiences. Each local education agency providing this program shall develop a continuum of content for the major emphasis of study and a plan for continuous review and revision.

(c) Class size and caseload limitations for semi-independent educable mentally retarded and semi-independent trainable mentally retarded are given in Table X.

(d) This regulation shall take effect on July 1, 1987.

Table X
Class Size and Caseload Limitation for Semi-Independent EMR and Semi-Dependent TMR

Program Level	Administrative Plan	Maximum Class Size and Caseload
EMR Primary (Level I)	Special Classroom	12 Increased to 15 with one or more paraprofessionals
EMR Intermediate (Levels II and III)		15 Increased to 18 with one or more paraprofessionals
EMR Secondary (Level IV)		15 Increased to 20 with one or more paraprofessionals
TMR Primary (Level I)		8 Increased to 11 with one or more paraprofessionals
TMR Intermediate (Levels II and III)		10 Increased to 13 with one or more paraprofessionals
TMR Secondary (Level IV)		12 Increased to 15 with one or more paraprofessionals

The chronological age or grade level span shall not exceed 4 years.

(Authorized by and implementing K.S.A. 72-963; effective May 1, 1983; amended, T-88-8, March 4, 1987.)

91-12-55. Behavior disorders. (a) Comprehensive evaluation. In addition to meeting the requirements of K.A.R. 91-12-40, each local education agency shall include in its procedures for identifying children with behavior disorders:

(1) specialized procedures, which include a behavior rating scale, that are designed to identify children with behavior disorders;

(2) an observation of educational performance in the regular classroom. The observation shall be conducted by at least one evaluation team member, other than the regular classroom teacher. In the case of a preschool age or out-of-school child, the observation shall be made in an age-appropriate environment. Observations concerning the child's behavior and learning shall be recorded. The individual respon-

sible for the observation shall be trained to use observation as a diagnostic procedure; and

(3) procedures for determining the need for a mental health consultation. If a need for consultation is indicated, such consultation shall be provided at public expense.

(b) The curriculum of each behavior disorders program shall emphasize development of acceptable methods of coping with and adjusting to the environment in order that each child may function in progressively less restrictive educational environments.

(c) In addition to meeting the requirements of K.A.R. 91-12-23, state approval of behavior disorders programs shall be contingent upon the following:

(1) Each consulting and itinerant teacher shall be fully endorsed to instruct children with behavior disorders;

(2) consulting teacher and itinerant teacher plans for delivering special education services shall not be used for moderately to severely handicapped children, or for children requiring crisis intervention;

(3) consulting teacher and itinerant teacher plans for delivering special education services shall be used only to maintain mildly handicapped children in regular education, support special education instructional staff, or enhance the probability of successful reintegration of children into less restrictive programs; and

(4) children hospitalized for the treatment of behavior disorders shall receive instruction for the duration of their confinement. Homebound instruction shall be used only as a temporary measure while the local education agency arranges for an appropriate educational placement. Children with behavior disorders shall not receive instruction solely in their home for more than two months. Applications for part-time homebound or hospital instruction for children with behavior disorders shall state the reason or reasons the services are needed and shall be signed by a psychiatrist, certified school psychologist, or certified clinical psychologist. Each local education agency shall include a statement indicating plans for meeting the educational needs of the child after the homebound or hospital instruction has been terminated.

(d) Related services.

(1) The services of a school psychologist certified and endorsed by the state board of education or of an appropriately trained clinical psychologist shall be available to each behavior disorders program.

(2) The services of a school social worker certified and endorsed by the state board of education or of a clinical social worker certified by the Kansas behavioral sciences regulatory board shall be available to each behavior disorders program.

(e) Class size and caseload limitations for behavior disorders programs shall be as listed in Table VI.

(f) This regulation shall take effect on July 1, 1987.

Itinerant teacher	15—Increase to 18 with one or more paraprofessionals.
Resource room	12—No more than 8 at any one time. Increase to 16 with one or more paraprofessionals. The maximum chronological age or grade level span shall be no more than four years or grade levels at any time.
Special Classroom	8—Increase to 10 with a paraprofessional. The maximum chronological age or grade level span shall be four years.
Special purpose schools (departmentalized by curricular content area)	No more than 8 at any time in one classroom; increase to 9 with a full-time paraprofessional. No more than 35 students assigned to one teacher; increase to 45 with a full-time paraprofessional.

(Authorized by and implementing K.S.A. 72-963; effective May 1, 1983; amended May 1, 1984; amended May 1, 1986; amended, T-88-8, March 4, 1987.)

91-12-58. Specific learning disabilities. (a) Identification. In addition to meeting the requirements of K.A.R. 91-12-40, each local education agency shall include the following in its procedures for identifying learning disabled children:

(1) If a specific learning disability is suspected, a teacher endorsed by the state board to teach learning disabled children shall be included on the multidisciplinary team. Each child's regular teacher or a regular teacher qualified to teach a child of that age also shall be included on the evaluation team.

(2) Any child whose intellectual functioning is more than two standard deviations below the mean of the standardized, individual test of intellectual functioning administered to the child shall not be identified as learning disabled. A total or full-scale score shall be used in applying the intellectual criterion. If the measured intellectual functioning of a child does not meet this criterion, but the results of the test are suspect and the child's level of intellectual functioning is believed to be within the stated criterion, the individual responsible for assessing intellectual functioning shall state in writing the specific data which support that supposition.

(3) At least one evaluation team member, other than the child's regular teacher, shall observe the child's academic performance in the regular classroom setting. In the case of a preschool age or out-of-school child, the observation shall be made in an age-appropriate environment. Observations concerning the child's behavior and learning shall be recorded. The individual responsible for the observation shall be trained to use observation as a diagnostic procedure.

(4) In determining whether a significant discrepancy exists, the team shall employ procedures that use a standard score comparison in which current achievement and aptitude scores are converted to the same standard score scale so they can be directly

(continued)

Table VI
Class Size & Caseload Limitations for
Behavior Disorders Programs

Program Level	Administrative Plan	Maximum Class Size and Caseload
All Levels	Consulting teacher	No more than ¼ time to be spent with students.

compared. The results of the comparison shall be considered in combination with other identification factors.

(A) The regression formula for predicting the discrepancy between aptitude and achievement, as prescribed in Appendix G of "Kansas Guidelines for Identifying Children and Youth with Specific Learning Disabilities," 1986, published by the Kansas department of education, is adopted by reference, and shall be used to determine whether a significant discrepancy exists.

(B) The simple standard score difference between aptitude and achievement, as prescribed in Appendix G of "Kansas Guidelines for Identifying Children and Youth with Specific Learning Disabilities," 1986, published by the Kansas department of education, is adopted by reference, and shall be used to determine whether a significant discrepancy exists if the technical data necessary to apply the regression formula are not available.

(5) In cases where significant discrepancy criteria have not been met, but the multidisciplinary team believes there is a significant discrepancy, the team shall state, in writing, the assessment procedures used, the assessment results, the criteria applied to judge the importance of any difference between expected and current achievement, and its reasons for believing that a severe discrepancy is present that is not correctable without the provision of special education.

(6) The multidisciplinary team shall prepare a written report of the results of each evaluation which shall include the following:

(A) Whether the child has been provided with learning experiences in an environment which is appropriate for the child's age and ability levels, and a statement that the child has failed to learn in that environment;

(B) whether the child has a significant discrepancy between achievement and aptitude;

(C) the relevant behavior noted during the observation of the child;

(D) the relationship of that behavior to the child's academic functioning;

(E) the determination of the team concerning the effects of environmental, cultural, or economic disadvantage;

(F) any educationally-relevant medical findings;

(G) whether the child has a specific learning disability which is not correctable without special education or related services or both; and

(H) a written statement for each evaluation team member certifying that the report reflects that member's conclusions. If it does not, the team member shall submit a separate, written statement presenting the member's conclusions. This statement shall be included in the team report.

(b) Class size and caseload limitations are given in Table IX.

(c) This regulation shall take effect on July 1, 1987.

Table IX
Class Size and Caseload for Learning Disabled Programs

Program Level	Administrative Plan	Maximum Class Size and Caseload
All Levels	Consulting Teacher	No more than 1/3 time to be spent with students.
	Itinerant Teacher	18
	Shall not be assigned to more than 5 attendance centers	Increase to 24 with one or more paraprofessionals
	Resource Room	18
		No more than 10 at one time. Increase to 22 with one or more paraprofessionals
	Special Classroom	10
		Increase to 14 with one or more paraprofessionals

(Authorized by and implementing K.S.A. 72-963; effective May 1, 1983; amended May 1, 1984; amended May 1, 1985; amended May 1, 1986; amended, T-87-23, October 1, 1986; amended May 1, 1987; amended, T-88-8, March 4, 1987.)

DR. HAROLD L. BLACKBURN
Commissioner of Education

Doc. No. 005366

State of Kansas

CRIME VICTIMS REPARATIONS BOARD

PERMANENT ADMINISTRATIVE REGULATIONS

(Effective May 1, 1987)

Article 15.—NOTORIETY FOR PROFIT CONTRACTS

20-15-1. Determinations by the board under L. 1986 ch. 306, sec. 2. (a) Upon receipt of information concerning a transaction which may be subject to the provisions of L. 1986 ch. 306, sec. 2, the chairperson of the Crime Victims Reparations Board, or a person or persons designated by the chairperson, shall promptly conduct an investigation to determine whether the proposed contract or other matter falls within the provisions of L. 1986 ch. 306, sec. 2. Upon completion of the investigation, the board's proposed determination, administrative order with regard to the contract or other matter in question, or both, shall be issued.

(b) Written notice of the proposed determination, or both shall be served in the same manner as a service of a summons under the code of civil procedure on the contracting party or parties, the person accused or convicted of a crime who is the subject of the contract or matter, and any known victims of the person accused or convicted of a crime. The same notice shall be served by certified mail, return receipt requested, on any other persons or legal entities that the board determines have an interest in the contract or subject matter of the proposed determination or order. The notice shall contain the following statement:

"This proposed determination will become final within 30 days of the date of service of this notice unless a hearing is requested in writing by an interested party. If you disagree with the proposed deter-

mination or order, you have the right to a hearing before the Crime Victims Reparations Board prior to a final determination in this matter. A request for a hearing must be made in writing and should state the reason for your disagreement with the proposed determination or order, and your interest in this matter."

(c) Upon receipt of a request for a hearing, a hearing on the matter shall be scheduled and conducted.

(d) Hearings shall be conducted in accordance with the Kansas administrative procedure act and K.A.R. 20-3-1 and K.A.R. 20-3-2, except that the provisions regarding the approval of attorneys' fees shall not apply to hearings under this regulation. The word "claimant" as used in K.A.R. 20-3-1 and K.A.R. 20-3-2 shall be deemed for purposes of this regulation to include any party requesting or participating in a hearing under this regulation.

(e) After due deliberation and consideration by the board, a report shall be issued. The report shall include the board's findings of fact, conclusions of law or reasons for its determination or its order in the matter. The report shall be a final decision of the board.

(f) For good cause shown, a hearing may be ordered prior to the issuance of a proposed determination, or a rehearing or reconsideration may be provided by the board at any time subsequent to any hearing conducted under regulation. (Authorized by L. 1986, ch. 306, sec. 4; implementing L. 1986, ch. 306, sec. 2, 3, 4; effective May 1, 1987.)

20-15-2. Separate Escrow Accounts under L. 1986, ch. 306, sec. 2. (a) After moneys subject to provision of L. 1986, ch. 306, sec. 2 are received by the board, a request shall be made by the board, to the director of accounts and reports, that the director establish a separate interest-bearing escrow account for each contract entered.

(b) When an escrow account has insufficient funds to meet all claims presented by victims or their representatives, the escrow account shall be prorated among the victims or their representatives on the basis of the full amount of the unsatisfied claim or partially satisfied claim. No payment shall be made from the escrow account to a victim or a victim's representative until either the amounts of all unsatisfied claims are determined, or it is determined that the payment for an unsatisfied claim will not diminish the escrow account to the extent that other potential victim claims could not be satisfied. (Authorized by L. 1986, ch. 306, sec. 4; implementing L. 1986, ch. 306, sec. 2, 3, 4; effective May 1, 1987.)

DON STUMBAUGH
Director

Doc. No. 005399

State of Kansas

DEPARTMENT OF EDUCATION

PERMANENT ADMINISTRATIVE REGULATIONS

Article 1.—CERTIFICATE REGULATIONS

91-1-93a. Special education. (a) (1) Each applicant for one of the special education subject area 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.

(continued)

(1) 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:

- (A) the requirements of paragraph (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).

(2) Provisional endorsement may be renewed yearly for a maximum of three additional years with the recommendation of the teacher education institution and progress 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 organizations 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 literacy, 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

(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 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) 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 special education subject area.

(d) 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

(continued)

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

(2) 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 special education subject area at the level for which the endorsement is added. (Authorized by and implementing 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. 005400

(Published in the KANSAS REGISTER, May 21, 1987.)

HOUSE BILL No. 2100

AN ACT making and concerning appropriations for the fiscal years ending June 30, 1987, June 30, 1988, and June 30, 1989, for Kansas state university, Pittsburg state university, university of Kansas, university of Kansas medical center, Wichita state university and state library; authorizing certain transfers, imposing certain restrictions and limitations, and directing or authorizing certain receipts and disbursements and acts incidental to the foregoing; amending section 36 of chapter 33 of the 1986 Session Laws of Kansas and repealing the existing section.

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

Section 1. For the fiscal years ending June 30, 1987, June 30, 1988, and June 30, 1989, appropriations are hereby made, restrictions and limitations are hereby imposed, and transfers, receipts, disbursements and acts incidental to the foregoing are hereby directed or authorized as provided in this act.

Sec. 2.

KANSAS STATE UNIVERSITY

(a) On the effective date of this act, the expenditure limitation established by section 3(b) of chapter 34 of the 1986 Session Laws of Kansas on the general fees fund is hereby increased from \$17,371,066 to \$18,081,781.

(b) On the effective date of this act, of the \$42,440,133 appropriated for the above agency for the fiscal year ending June 30, 1987, by section 3(a) of chapter 34 of the 1986 Session Laws of Kansas from the state general fund in the salaries and wages account, the sum of \$617,624 is hereby lapsed.

Sec. 3.

PITTSBURG STATE UNIVERSITY

(a) On the effective date of this act, the expenditure limitation established by section 6(b) of chapter 34 of the 1986 Session Laws of Kansas on the general fees fund is hereby increased from \$4,466,332 to \$4,608,307.

(b) On the effective date of this act, of the \$12,470,064 appropriated for the above agency for the fiscal year ending June 30, 1987, by section 6(a) of chapter 34 of the 1986 Session Laws of Kansas from the state general fund in the salaries and wages account, the sum of \$66,420 is hereby lapsed.

Sec. 4.

UNIVERSITY OF KANSAS

(a) On the effective date of this act, the expenditure limitation established by section 7(b) of chapter 34 of the 1986 Session Laws of Kansas on the general fees fund is hereby increased from \$31,317,134 to \$33,066,011.

(b) On the effective date of this act, of the \$57,432,291 appropriated for the above agency for the fiscal year ending June 30, 1987, by section 7(a) of chapter 34 of the 1986 Session Laws of Kansas from the state general fund in the salaries and wages account, the sum of \$1,795,459 is hereby lapsed.

Sec. 5.

UNIVERSITY OF KANSAS MEDICAL CENTER

(a) On the effective date of this act, the expenditure limitation established by section 57(b) of chapter 33 of the 1986

Session Laws of Kansas on the hospital revenue fund is hereby increased from \$79,297,204 to \$87,797,206.

(b) On the effective date of this act, the expenditure limitation established by section 57(f) of chapter 33 of the 1986 Session Laws of Kansas on the medical scholarship repayment fund is hereby increased from \$726,804 to \$1,739,964.

(c) On the effective date of this act, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer an amount specified by the chancellor of the university of Kansas of not to exceed \$150,000 from the hospital revenue fund to the university of Kansas hospital fund.

(d) On the effective date of this act, the expenditure limitation established by section 9(b) of chapter 34 of the 1986 Session Laws of Kansas on the plan and remodel old power plant building boiler room area for installation of automated laundry equipment account of the university of Kansas hospital fund of the amount of the unencumbered balance in such account on June 30, 1986, is hereby increased from \$395,638 to \$545,638.

(e) On the effective date of this act, the director of accounts and reports shall transfer an amount specified by the chancellor of the university of Kansas from the hospital revenue fund to the clinical facility bond and interest sinking fund.

(f) On the effective date of this act, of the \$34,326,151 appropriated for the above agency for the fiscal year ending June 30, 1987, by section 9(a) of chapter 34 of the 1986 Session Laws of Kansas from the state general fund in the operating expenditures (including official hospitality) account, the sum of \$9,513,162 is hereby lapsed.

Sec. 6. On the effective date of this act, section 36 of chapter 33 of the 1986 Session Laws of Kansas is hereby amended to read as follows: Sec. 36.

UNIVERSITY OF KANSAS MEDICAL CENTER

(a) The above agency is hereby authorized to initiate and complete a capital improvement project to renovate inpatient pediatric unit in Robinson hall, subject to the restrictions and limitations imposed by this section.

(b) There is appropriated for the above agency from the university of Kansas hospital fund for the capital improvement project and for the fiscal year specified as follows:

Renovate inpatient pediatric unit in Robinson hall
For the fiscal year ending June 30, 1985 \$150,000

(c) In addition for the purposes for which expenditures may be made for fiscal year 1986 from the university of Kansas hospital fund, expenditures may be made for fiscal year 1986 from such fund for the following capital improvement project, subject to the expenditure limitation prescribed therefor:

Renovate inpatient pediatric unit in Robinson hall \$300,000

(d) In addition to the purposes for which expenditures may be made for fiscal year 1987 1988 from the university of Kansas hospital fund, expenditures may be made for fiscal year 1987 1988 from such fund for the following capital improvement project, subject to the expenditure limitation prescribed therefor:

Renovate inpatient pediatric unit in Robinson hall \$1,250,000

(e) In addition to the purposes for which expenditures may be made for fiscal year 1988 1989 from the university of Kansas hospital fund, expenditures may be made for fiscal year 1988 1989 from such fund for the following capital improvement project, subject to the expenditure limitation prescribed therefor:

Renovate inpatient pediatric unit in Robinson hall \$655,000

Sec. 7.

WICHITA STATE UNIVERSITY

(a) On the effective date of this act, the expenditure limitation established by section 8(b) of chapter 34 of the 1986 Session Laws of Kansas on the general fees fund is hereby increased from \$13,401,306 to \$13,720,000.

(b) On the effective date of this act, of the \$29,127,077 appropriated for the above agency for the fiscal year ending June 30, 1987, by section 8(a) of chapter 34 of the 1986 Session Laws of Kansas from the state general fund in the salaries and wages account, the sum of \$318,694 is hereby lapsed.

(Published in the KANSAS REGISTER, May 21, 1987.)

Sec. 8.

STATE LIBRARY

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 1987, the following:

Interlibrary resource sharing and automation. \$15,000

(b) On the effective date of this act, of the \$569,393 appropriated for the above agency for the fiscal year ending June 30, 1987, by section 2(a) of chapter 22 of the 1986 Session Laws of Kansas from the state general fund in the library development account, the sum of \$15,000 is hereby lapsed.

Sec. 9. Appeals to exceed limitations. Upon written application to the governor and approval of the state finance council, expenditures from special revenue funds may exceed the amounts specified in this act.

Sec. 10. On the effective date of this act, section 36 of chapter 33 of the 1986 Session Laws of Kansas is hereby repealed.

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

I hereby certify that the above BILL originated in the HOUSE, and passed that body February 27, 1987.

HOUSE adopted Conference Committee report April 29, 1987.

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

Passed the SENATE as amended March 31, 1987.

SENATE adopted Conference Committee report April 29, 1987.

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

APPROVED May 13, 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 May, 1987.

(SEAL)

BILL GRAVES
Secretary of State.

SENATE BILL No. 427

AN ACT authorizing the state board of regents to sell certain real estate in Riley county; imposing conditions thereon.

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

Section 1. The state board of regents is hereby authorized and empowered, for and on behalf of Kansas state university of agriculture and applied science, to sell and convey all of the rights, title and interest in the following described real estate located in Riley county, Kansas: A tract of land located in the Southwest Quarter of Section 35, Township 9 South, Range 7 East of the 6th P.M. in Riley County, Kansas, more particularly described as follows: Beginning at the South Quarter corner of said Section 35; thence along the South Line of the Southwest Quarter of said Section 35; S.89°21'W. 401.6 feet (S.89°21'W. being an assumed bearing); thence parallel with and 40' perpendicular to the plan baseline of federal aid project 113-81-K-1279(3) as located in the K.D.O.T. resident engineer's office in Wamego, Kansas; N.0°11'W. 1,158.3 feet; thence parallel with and 70 feet perpendicular to the centerline of Riley County public road F.A.S. 1797 the following two courses: N.89°49'E. 35.0 feet; On a curve to the right in a southeasterly direction with a radius of 55.0 feet, an arc distance of 86.4 feet; thence N.89°49'E. 10.0 feet; thence parallel with and 60 feet perpendicular to the centerline of said Riley County public road F.A.S. 1797 the following two courses: S.0°11'E. 519.5 feet; On a curve to the left in a southeasterly direction with a radius of 637.73 feet an arc distance of 254.7 feet; then S.66°56'W. 20.0 feet; thence parallel with and 80 feet perpendicular to the centerline of said Riley County public road F.A.S. 1797; On a curve to the left in a southeasterly direction with a radius of 657.73 feet an arc distance of 417.8 feet to the east line of the Southwest quarter of said section 35; thence along the East line of the southwest quarter of said Section 35; S.0°18'E. 14.2 feet to the point of beginning, containing 3.82 acres. Conveyance of such rights, title and interest in such real estate shall be executed in the name of the state board of regents by its chairperson and executive officer. When the sale is made, the proceeds thereof shall be deposited in the Marlatt memorial park restricted use account of Kansas state university of agriculture and applied science to be used for maintenance of such park.

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

I hereby certify that the above BILL originated in the SENATE, and passed that body April 10, 1987.

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

Passed the HOUSE April 30, 1987.

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

APPROVED May 11, 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 11th day of May, 1987.

(SEAL)

BILL GRAVES
Secretary of State.

(Published in the KANSAS REGISTER, May 21, 1987.)

HOUSE BILL No. 2189

AN ACT providing for construction and operation of turnpike interchanges and financing thereof; general obligation bonds of Sedgwick county; amending K.S.A. 68-2048a, 68-2048b and 68-2048c and repealing the existing sections.

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

Section 1. K.S.A. 68-2048a is hereby amended to read as follows: 68-2048a. (a) The boards of county commissioners of Sedgwick and Sumner counties may contract with each other for the purpose of paying to the Kansas turnpike authority an amount equal to the cost of constructing an interchange on the Kansas turnpike in the general vicinity of the turnpike intersection with highway K-53 near Mulvane. The boards of county commissioners of Sedgwick and Butler counties may contract with each other for the purpose of paying to the Kansas turnpike authority an amount equal to the cost of constructing an interchange on the Kansas turnpike in the general vicinity of the intersection with Andover Road near Andover. Any contract made between Sedgwick and Sumner counties or Sedgwick and Butler counties under this section shall be subject to approval of the Kansas turnpike authority. *The board of county commissioners of Sedgwick county may contract with the Kansas turnpike authority for the purpose of paying to the Kansas turnpike authority an amount equal to the cost of constructing an interchange on the Kansas turnpike in the general vicinity of the turnpike intersection with 71st street near Haysville.* The board of county commissioners of Butler county may contract with the Kansas turnpike authority for the purpose of paying to the Kansas turnpike authority an amount equal to the cost of constructing an interchange on the Kansas turnpike in the general vicinity of the turnpike intersection with highway 77 near El Dorado reservoir. The board of county commissioners of Douglas county may contract with the Kansas turnpike authority for the purpose of paying to the Kansas turnpike authority an amount equal to the cost of constructing an interchange on the Kansas turnpike in the general vicinity of the turnpike intersection with the Lecompton-Perry road west of Lawrence. In lieu of contracting with another county, the board of county commissioners of Sedgwick county may contract with the Kansas turnpike authority for the purpose of paying to the Kansas turnpike authority an amount equal to the cost of constructing any one or more interchanges described in this section. When paid by two counties, the cost of such improvement shall be apportioned between such counties in the same ratio as the assessed tangible taxable property of one county bears to the other.

(b) Any two or more counties authorized to contract under subsection (a) may contract with each other, or with each other and the Kansas turnpike authority as authorized in subsection (a) in one contract for more than one interchange or in separate contracts for each interchange. Before any such contract is signed by the chairperson of the board of county commissioners of any such county, such board shall adopt a resolution authorizing such contract to be so signed.

(c) Before the issuance of bonds by any such county, the board of county commissioners shall cause to be published once in a paper of general circulation in the county, a copy of the resolution authorizing the signing of any contract made under this section which shall state that unless protest petitions, signed by registered voters equal in number to 5% of the votes cast in the county for the office of secretary of state at the most recent election for such office, are filed with the county election officer within 90 days after the publication of the resolution, the board of county commissioners will issue general obligation bonds sufficient to pay the amount due from the county under such contract.

If within such 90 days, such protest petitions are filed with sufficient signers, the board of county commissioners may within 60 days thereafter call a special election at which the question of issuing the bonds shall be submitted to the electors of the county.

If the majority of voters voting at such an election vote in favor of issuance of such bonds or if there are no protest petitions signed by a sufficient number of signers and filed with the county election officer within such 90 days, the board of county

commissioners may proceed to issue and sell such bonds in accordance with the general bond law.

Sec. 2. K.S.A. 68-2048b is hereby amended to read as follows: 68-2048b. If a contract is made under K.S.A. 68-2048a, *and amendments thereto*, and such contract is approved by the Kansas turnpike authority, each such county may issue general obligation bonds of such county in the manner provided by the general bond law in an amount sufficient to pay the obligations of such county under such contract. Bonds issued under authority of this section shall not be subject to any limitations on bonded indebtedness of either such county.

Sec. 3. K.S.A. 68-2048c is hereby amended to read as follows: 68-2048c. (a) In the event the Kansas turnpike authority issues refunding bonds at any time, such issue shall include amounts sufficient to pay the obligation of this section. In such event, the Kansas turnpike authority shall pay to Sedgwick, Sumner, Butler and Douglas counties amounts equal to the cost to each county incurred under this act for bond principal and interest and costs incidental thereto. If any bonds are outstanding at such time each such county shall deposit in a special fund from such amounts, an amount sufficient to pay the remaining bond interest and principal payments. Amounts in such funds shall be used only for such purpose. The remaining amounts received by each county shall be deposited in the road and bridge fund of the county.

(b) *The provisions of subsection (a) shall not apply in the event Sedgwick county and the Kansas turnpike authority contract to construct an interchange on the Kansas turnpike in the general vicinity of the turnpike intersection with 71st street near Haysville. Sedgwick county may negotiate with the Kansas turnpike authority to pay to Sedgwick county the cost Sedgwick county incurred under this act for bond principal and interest and costs incidental thereto for the construction of such interchange.*

Sec. 4. K.S.A. 68-2048a, 68-2048b and 68-2048c are hereby repealed.

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

I hereby certify that the above BILL originated in the HOUSE, and passed that body March 10, 1987.

HOUSE adopted Conference Committee report May 1, 1987.

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

Passed the SENATE as amended March 31, 1987.

SENATE adopted Conference Committee report May 1, 1987.

President of the Senate.
LU KENNEY
Secretary of the Senate.

APPROVED May 13, 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 May, 1987.

(SEAL)

BILL GRAVES
Secretary of State.

(Published in the KANSAS REGISTER, May 21, 1987.)

SENATE BILL No. 36

AN ACT concerning certain persons licensed to practice the healing arts; relating to professional liability insurance coverage thereof; creating the designation of exempt license; amending K.S.A. 40-3401 and 65-2852, as amended by section 4 of 1987 Substitute for Senate Bill No. 35, and K.S.A. 1986 Supp. 65-2809 and 65-2836, as amended by section 3 of 1987 Substitute for Senate Bill No. 35, and repealing the existing sections; also repealing K.S.A. 1986 Supp. 65-2836, as amended by section 5 of 1987 House Bill No. 2418.

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

Section 1. K.S.A. 40-3401 is hereby amended to read as follows: 40-3401. As used in this act the following terms shall have the meanings respectively ascribed to them herein:

- (a) "Applicant" means any health care provider.
- (b) "Basic coverage" means a policy of professional liability insurance required to be maintained by each health care provider pursuant to the provisions of subsection (a) or (b) of K.S.A. 40-3402 and amendments thereto.
- (c) "Commissioner" means the commissioner of insurance.
- (d) "Fiscal year" means the year commencing on the effective date of this act and each year, commencing on the first day of that month, thereafter.
- (e) "Fund" means the health care stabilization fund established pursuant to subsection (a) of K.S.A. 40-3403 and amendments thereto.
- (f) "Health care provider" means a person licensed to practice any branch of the healing arts by the state board of healing arts, a person who holds a temporary permit to practice any branch of the healing arts issued by the state board of healing arts, a person engaged in a postgraduate training program approved by the state board of healing arts, a medical care facility licensed by the department of health and environment, a health maintenance organization issued a certificate of authority by the commissioner of insurance, an optometrist licensed by the board of examiners in optometry, a podiatrist registered by the state board of healing arts, a pharmacist licensed by the state board of pharmacy, a licensed professional nurse who is authorized to practice as a registered nurse anesthetist, a licensed professional nurse who has been granted a temporary authorization to practice nurse anesthesia under K.S.A. 1986 Supp. 65-1153 and amendments thereto, a professional corporation organized pursuant to the professional corporation law of Kansas by persons who are authorized by such law to form such a corporation and who are health care providers as defined by this subsection, a partnership of persons who are health care providers under this subsection, a Kansas not-for-profit corporation organized for the purpose of rendering professional services by persons who are health care providers as defined by this subsection, a dentist certified by the state board of healing arts to administer anesthetics under K.S.A. 65-2899 and amendments thereto, a physical therapist registered by the state board of healing arts, or a mental health center or mental health clinic licensed by the secretary of social and rehabilitation services, except that health care provider does not include (1) any state institution for the mentally retarded or, (2) any state psychiatric hospital or (3) any person holding an exempt license issued by the state board of healing arts.
- (g) "Inactive health care provider" means a person or other entity who purchased basic coverage or qualified as a self-insurer on or subsequent to the effective date of this act but who, at the time a claim is made for personal injury or death arising out of the rendering of or the failure to render professional services by such health care provider, does not have basic coverage or self-insurance in effect solely because such person is no longer engaged in rendering professional service as a health care provider.
- (h) "Insurer" means any corporation, association, reciprocal exchange, inter-insurer and any other legal entity authorized to write bodily injury or property damage liability insurance in this state, including workmen's compensation and automobile liability insurance, pursuant to the provisions of the acts contained in article 9, 11, 12 or 16 of chapter 40 of Kansas Statutes Annotated.
- (i) "Plan" means the operating and administrative rules and procedures developed by insurers and rating organizations or the

commissioner to make professional liability insurance available to health care providers.

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

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

(l) "Self-insurer" means a health care provider who qualifies as a self-insurer pursuant to K.S.A. 40-3414 and amendments thereto.

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

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

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

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

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

(r) "Person engaged in residency training" means a person engaged in a postgraduate training program approved by the state board of healing arts who is employed by and is studying at the university of Kansas medical center only when such person is engaged in medical activities which do not include extracurricular, extra-institutional medical service for which such person receives extra compensation and which have not been approved by the dean of the school of medicine and the executive vice-chancellor of the university of Kansas medical center.

Sec. 2. K.S.A. 1986 Supp. 65-2809 is hereby amended to read as follows: 65-2809. (a) The license shall expire on June 30 each year and may be renewed annually upon request of the licensee. The request for renewal shall be on a form provided by the board and shall be accompanied by the prescribed fee, which shall be paid not later than the expiration date of the license.

(b) Except as otherwise provided in this section, the board shall require every licensee in the active practice of the healing arts within the state to submit evidence of satisfactory completion of a program of continuing education required by the board. The requirements for continuing education for licensees of each branch of the healing arts shall be established by the members of such branch on the board. The board shall adopt rules and regulations prescribing the requirements established by the members of each branch of the healing arts for each program of continuing education as soon as possible after the effective date of this act. In establishing such requirements the members of the branch of the healing arts establishing them shall consider any programs of continuing education currently being offered to such licensees. If, immediately prior to the effective date of this act, any branch of the healing arts is requiring continuing education or annual postgraduate education as a condition to renewal of a license of a licensee of such branch of the healing arts, such

(continued)

requirement as a condition for the renewal of such license shall continue in full force and effect notwithstanding any other provision of this section to the contrary.

(c) On and after October 1, 1986, the board, prior to renewal of a license, shall require the licensee, if in the active practice of the healing arts within the state, to submit to the board evidence satisfactory to the board that the licensee is maintaining a policy of professional liability insurance as required by K.S.A. 40-3402 and amendments thereto and has paid the annual premium surcharge as required by K.S.A. 40-3404 and amendments thereto.

(d) At least 30 days before the expiration of a licensee's license, the board shall notify the licensee of the expiration by mail addressed to the licensee's last place of residence as noted upon the office records. Before October 1, 1986, if the licensee fails to pay the annual fee within 30 days after the expiration of the license, the licensee shall be given a second notice that the licensee's license has expired, that the board will suspend action for 90 days following the date of expiration, that upon receipt of the annual fee together with an additional fee of not to exceed \$50 within the ninety-day period no order of revocation will be entered and that, if both fees are not received within the ninety-day period, the license shall be canceled. On and after October 1, 1986, if the licensee fails to pay the annual fee by the date of the expiration of the license, the licensee shall be given a second notice that the licensee's license has expired, that the board will suspend action for 30 days following the date of expiration, that upon receipt of the annual fee together with an additional fee of not to exceed \$500 within the thirty-day period no order of revocation will be entered and that, if both fees are not received within the thirty-day period, the license shall be canceled.

(e) Any licensee who allows the licensee's license to lapse by failing to renew as herein provided may be reinstated upon recommendation of the board and upon payment of the renewal fees then due and upon proof of compliance with the continuing educational requirements established by the board.

(f) *There is hereby created a designation of exempt license. The board is authorized to issue an exempt license to any licensee who makes written application for such license on a form provided by the board and remits the fee for an exempt license established pursuant to K.S.A. 65-2852 and amendments thereto. The board may issue an exempt license only to a person who has previously been issued a license to practice the healing arts in Kansas, who is no longer regularly engaged in such practice and who does not hold oneself out to the public as being professionally engaged in such practice. Each exempt license may be renewed annually subject to the provisions of this section. Each exempt licensee shall be subject to all provisions of the healing arts act, except as otherwise provided in this subsection (f). The holder of an exempt license shall not be required to submit evidence of satisfactory completion of a program of continuing education required by K.S.A. 65-2809 and amendments thereto. Each exempt licensee may apply for a license to regularly engage in the practice of the appropriate branch of the healing arts upon filing a written application with the board and submitting evidence of satisfactory completion of applicable continuing education requirements established by the board. The request shall be on a form provided by the board and shall be accompanied by the license fee established pursuant to K.S.A. 65-2852 and amendments thereto. The board shall adopt rules and regulations establishing appropriate continuing education requirements for exempt licensees to become licensed to regularly practice the healing arts within Kansas.*

Sec. 3. On July 1, 1987, K.S.A. 1986 Supp. 65-2836, as amended by section 3 of 1987 Substitute for Senate Bill No. 35, is hereby amended to read as follows: 65-2836. A licensee's license may be revoked, suspended or limited, or the licensee may be publicly or privately censured, upon a finding of the existence of any of the following grounds:

- (a) The licensee has committed fraud or misrepresentation in applying for or securing an original or renewal license.
- (b) The licensee has committed an act of unprofessional or dishonorable conduct or professional incompetency.
- (c) The licensee has been convicted of a felony or class A

misdemeanor, whether or not related to the practice of the healing arts.

(d) The licensee has used fraudulent or false advertisements.

(e) The licensee is addicted to or has distributed intoxicating liquors or drugs for any other than lawful purposes.

(f) The licensee has willfully or repeatedly violated this act, the pharmacy act of the state of Kansas or the uniform controlled substances act, or any rules and regulations adopted pursuant thereto, or any rules and regulations of the secretary of health and environment which are relevant to the practice of the healing arts.

(g) The licensee has unlawfully invaded the field of practice of any branch of the healing arts in which the licensee is not licensed to practice.

(h) The licensee has failed to pay annual renewal fees specified in this act.

(i) The licensee has failed to take some form of postgraduate work each year or as required by the board.

(j) The licensee has engaged in the practice of the healing arts under a false or assumed name, or the impersonation of another practitioner. The provisions of this subsection relating to an assumed name shall not apply to licensees practicing under a professional corporation or other legal entity duly authorized to provide such professional services in the state of Kansas.

(k) The licensee has the inability to practice the branch of the healing arts for which the licensee is licensed with reasonable skill and safety to patients by reason of illness, alcoholism, excessive use of drugs, controlled substances, chemical or any other type of material or as a result of any mental or physical condition. In determining whether or not such inability exists, the board, upon probable cause, shall have authority to compel a licensee to submit to mental or physical examination by such persons as the board may designate. The licensee shall submit to the board a release of information authorizing the board to obtain a report of such examination. A person affected by this subsection shall be offered, at reasonable intervals, an opportunity to demonstrate that such person can resume the competent practice of the healing arts with reasonable skill and safety to patients. For the purpose of this subsection, every person licensed to practice the healing arts and who shall accept the privilege to practice the healing arts in this state by so practicing or by the making and filing of an annual renewal to practice the healing arts in this state shall be deemed to have consented to submit to a mental or physical examination when directed in writing by the board and further to have waived all objections to the admissibility of the testimony or examination report of the person conducting such examination at any proceeding or hearing before the board on the ground that such testimony or examination report constitutes a privileged communication. In any proceeding by the board pursuant to the provisions of this subsection, the record of such board proceedings involving the mental and physical examination shall not be used in any other administrative or judicial proceeding.

(l) The licensee has had a license to practice the healing arts revoked, suspended or limited, has been censured or has had other disciplinary action taken, or an application for a license denied, by the proper licensing authority of another state, territory, District of Columbia, or other country, a certified copy of the record of the action of the other jurisdiction being conclusive evidence thereof.

(m) The licensee has violated any lawful rule and regulation promulgated by the board or violated any lawful order or directive of the board previously entered by the board.

(n) The licensee has failed to report or reveal the knowledge required to be reported or revealed under K.S.A. 65-28,122 and amendments thereto.

(o) The licensee, if licensed to practice medicine and surgery, has failed to inform a patient suffering from any form of abnormality of the breast tissue for which surgery is a recommended form of treatment, of alternative methods of treatment specified in the standardized summary supplied by the board. The standardized summary shall be given to each patient specified herein as practicable and medically indicated following diagnosis, and this shall constitute compliance with the requirements of this subsection. The board shall develop and

distribute to persons licensed to practice medicine and surgery a standardized summary of the alternative methods of treatment known to the board at the time of distribution of the standardized summary, including surgical, radiological or chemotherapeutic treatments or combinations of treatments and the risks associated with each of these methods. Nothing in this subsection shall be construed or operate to empower or authorize the board to restrict in any manner the right of a person licensed to practice medicine and surgery to recommend a method of treatment or to restrict in any manner a patient's right to select a method of treatment. The standardized summary shall not be construed as a recommendation by the board of any method of treatment. The preceding sentence or words having the same meaning shall be printed as a part of the standardized summary. The provisions of this subsection shall not be effective until the standardized written summary provided for in this subsection is developed and printed and made available by the board to persons licensed by the board to practice medicine and surgery.

(p) The licensee has cheated on or attempted to subvert the validity of the examination for a license.

(q) The licensee has been found to be mentally ill, disabled, not guilty by reason of insanity or incompetent to stand trial by a court of competent jurisdiction.

(r) The licensee has prescribed, sold, administered, distributed or given a controlled substance: (1) to any person for other than medically accepted therapeutic purposes; (2) to the licensee's self; (3) to a member of the licensee's family; or (4) except as permitted by law, to a habitual user or addict or lawful purposes.

(s) The licensee has violated a federal law or regulation relating to controlled substances.

(t) The licensee has failed to furnish the board, or its investigators or representatives, any information legally requested by the board.

(u) Sanctions or disciplinary actions have been taken against the licensee by a peer review committee, health care facility or a professional association or society for acts or conduct similar to acts or conduct which would constitute grounds for disciplinary action under this section.

(v) The licensee has failed to report to the board any adverse action taken against the licensee by another state or licensing jurisdiction, a peer review body, a health care facility, a professional association or society, a governmental agency, by a law enforcement agency or a court for acts or conduct similar to acts or conduct which would constitute grounds for disciplinary action under this section.

(w) The licensee has surrendered a license or authorization to practice the healing arts in another state or jurisdiction or has surrendered the licensee's membership on any professional staff or in any professional association or society while under investigation for acts or conduct similar to acts or conduct which would constitute grounds for disciplinary action under this section.

(x) The licensee has failed to report to the board surrender of the licensee's license or authorization to practice the healing arts in another state or jurisdiction or surrender of the licensee's membership on any professional staff or in any professional association or society while under investigation for acts or conduct similar to acts or conduct which would constitute grounds for disciplinary action under this section.

(y) The licensee has an adverse judgment, award or settlement against the licensee resulting from a medical liability claim related to acts or conduct similar to acts or conduct which would constitute grounds for disciplinary action under this section.

(z) The licensee has failed to report to the board any adverse judgment, settlement or award against the licensee resulting from a medical malpractice liability claim related to acts or conduct similar to acts or conduct which would constitute grounds for disciplinary action under this section.

(aa) The licensee has failed to maintain a policy of professional liability insurance as required by K.S.A. 40-3403a or by K.S.A. 40-3402 or 40-3403a and amendments thereto.

(bb) The licensee has failed to pay the annual premium surcharge as required by K.S.A. 40-3404 and amendments thereto.

(cc) The licensee has knowingly submitted any misleading, deceptive, untrue or fraudulent representation on a claim form, bill or statement.

(dd) The licensee as the responsible physician for a physician's assistant has failed to adequately direct and supervise the physician's assistant in accordance with K.S.A. 65-2896 to 65-2897a, inclusive, and amendments thereto, or rules and regulations adopted under such statutes.

Sec. 4. K.S.A. 65-2852, as amended by section 4 of 1987 Substitute for Senate Bill No. 35, is hereby amended to read as follows: 65-2852. (a) The following fees shall be established and collected by the board:

(1) For a license, issued upon the basis of an examination given by the board, in a sum of not more than \$150;

(2) for a license, issued without examination and by endorsement, in a sum of not more than \$150;

(3) for a license, issued upon a certificate from the national boards, in a sum of not more than \$150;

(4) for the annual renewal of a license, the sum of not more than \$150;

(5) for a temporary permit, in a sum of not more than \$30;

(6) for an institutional license, in a sum of not more than \$150;

(7) for a visiting professor temporary license, in a sum of not more than \$25;

(8) for a certified statement from the board that a licensee is licensed in this state, the sum of not more than \$15;

(9) for any copy of any license issued by the board, the sum of not more than \$15;

(10) for any examination given by the board, a sum in an amount equal to the cost to the board of the examination; and

(11) for application for and issuance of a special permit under K.S.A. 65-2811a and amendments thereto;

(12) for an exempt license or renewal of an exempt license, the sum of not more than \$150; and

(13) for conversion of an exempt license to a license to practice the healing arts, the sum of not more than \$150.

(b) On or before May 15 of each year, the state board of healing arts shall determine the amount of funds that will be required during the next ensuing license year beginning July 1, to properly administer the law which the board is directed to administer under K.S.A. 65-2801 et seq., and amendments thereto, and shall fix the fees annually for the succeeding year in such reasonable sums as may be necessary within the limitations prescribed.

Sec. 5. K.S.A. 40-3401 and 65-2852, as amended by section 4 of 1987 Substitute for Senate Bill No. 35, and K.S.A. 1986 Supp. 65-2809 are hereby repealed.

Sec. 6. On July 1, 1987, K.S.A. 1986 Supp. 65-2836, as amended by section 3 of 1987 Substitute for Senate Bill No. 35 and as amended by section 5 of 1987 House Bill No. 2418, is hereby repealed.

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

I hereby certify that the above BILL originated in the SENATE, and passed that body March 11, 1987.

SENATE adopted Conference Committee report May 1, 1987.
ROBERT V. TALKINGTON
President of the Senate.
LU KENNEY
Secretary of the Senate.

Passed the HOUSE as amended April 3, 1987.

HOUSE adopted Conference Committee report May 1, 1987.
JAMES D. BRADEN
Speaker of the House.
GENEVA SEWARD
Chief Clerk of the House.

(continued)

APPROVED May 14, 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 14th day of May, 1987.

(SEAL)

BILL GRAVES
Secretary of State.

(Published in the KANSAS REGISTER, May 21, 1987.)

HOUSE BILL No. 2411

AN ACT concerning retirement benefits for officers and employees of the state board of regents and institutions thereunder; relating to retirement annuities; amending K.S.A. 1986 Supp. 74-4925 and repealing the existing section; also repealing K.S.A. 1986 Supp. 74-4925c.

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

Section 1. K.S.A. 1986 Supp. 74-4925 is hereby amended to read as follows: 74-4925. (1) The state board of regents shall:

(a) Assist all those members of the faculty and other persons who are employed by the state board of regents or by educational institutions under its management and who are in the unclassified service under the Kansas civil service act as provided in subsection (1)(f) of K.S.A. 75-2935 and amendments thereto, in the purchase of retirement annuities for their service rendered after December 31, 1961. The state board of regents shall not assist any such person who is employed after December 31, 1961, until such person has been employed for at least two years a waiting period of at least one year except that (i) the state board of regents may assist any newly employed person immediately if at the time of the commencement of employment the person is covered by a valid retirement annuity contract issued by a company described in subsection (2) which was entered into pursuant to a retirement pension plan adopted for faculty members or other persons, or both, employed by an institution of higher education and to which such person or such person's employer on such person's behalf has been making contributions for at least one year, and (ii) all periods of employment with (A) participating employers under the Kansas public employees retirement system, for which employment participating service credit accrued, or (B) institutions of higher education in other states for which employment retirement benefits accrued under a retirement system or plan provided for such employment, shall be credited toward satisfaction of such two-year one-year waiting period if served, in either case, during the five years immediately preceding employment with the state board of regents or with an educational institution under its management in the unclassified service under the Kansas civil service act as provided in subsection (1)(f) of K.S.A. 75-2935 and amendments thereto, in addition to such employment with the state board of regents or with an educational institution under its management; no period of employment as a student employee, as a seasonal or temporary employee or as a part-time employee, whose employment requires less than 1,000 hours of work per year, shall be credited toward the one-year waiting period under subsection (1)(a); this act shall not apply to persons employed in such temporary and part-time positions designated by the state board of regents as exceptions hereto;

(b) require such members of the faculty and others described in subsection (1)(a) which who are so assisted by the state board of regents to contribute an amount toward the purchase of such retirement annuities of 5% of their salaries, such contributions to be made through payroll deductions;

(c) contribute an amount toward the purchase of such retirement annuities equal to 7% 8% of the total amount of the salaries on which such members of the faculty and others described in subsection (1)(a) contribute during such period for which the contribution of the state board of regents is made;

(d) provide, under such rules and regulations as the state board of regents may adopt, for the retirement of any such member of the faculty or others other person described in subsection (1)(a) on account of age or condition of health, retirement of such member of the faculty or other person described in subsection (1)(a) on account of age to be not earlier than the 60th birthday and not later than the end of the academic year following the 70th birthday. Any person who retires under this section and who receives benefits from the Kansas public employees retirement system for prior service credit shall have such benefits calculated in accordance with the applicable provisions of K.S.A. 74-4914 and 74-4915 and amendments thereto.

(2) For the purposes of this section the state board of regents may contract with:

(a) Any life insurance company authorized to do business in this state; or

(b) any life insurance company organized and operated without profit to any private shareholder or individual exclusively for the purpose of aiding and strengthening educational institutions by issuing insurance and annuity contracts only to or for the benefit of such institution and individuals engaged in the services of such institutions, whether or not such company is authorized to do business in Kansas. No premium tax or income tax shall be due or payable on such annuity contract or contracts for such retirement programs issued by a company described in this subsection (2)(b), except that neither the purchase nor the issuance of such retirement annuities from or by a company described in this subsection (2)(b) shall constitute the effecting of a contract of insurance.

(3) (a) Such member of the faculty or other person described in subsection (1)(a) shall also be a member of the Kansas public employees retirement system, but only for the purpose of granting retirement benefits based on prior service only which was rendered prior to January 1, 1962, which shall be credited to the member as provided in subsection (1) of K.S.A. 74-4913 and amendments thereto, except that for the purpose of determining eligibility for a vested benefit, service by such a member of the faculty or other person after December 31, 1961, shall be construed to be credited service under subsection (2) of K.S.A. 74-4917 and amendments thereto.

(b) Any member of the faculty or other person described in subsection (1)(a) who retires after 10 years of continuous service immediately preceding retirement shall be granted a retirement benefit based on prior service only which was rendered prior to January 1, 1962. Application for such benefit shall be in such form and manner as the board shall prescribe.

(4) The purpose of establishing a procedure whereby the state board of regents and any member of the faculty or other person described in subsection (1)(a), subject to rules and regulations of the state board of regents, may take advantage of the "tax sheltered annuity" provisions of the internal revenue code of 1954 as amended, any member of the faculty or any other person described in subsection (1)(a), whether or not such person has satisfied the one-year waiting period requirement under subsection (1)(a), may request in writing that the state board of regents reduce such person's annual salary, as fixed by the board, in an amount equal to not less than 5% nor more than the percentage allowed under section 403(b) of the internal revenue code of 1954 as amended, as designated by such member of the faculty or other person described in subsection (1)(a), of the gross amount of such annual salary. In the event of such request the by a faculty member or other person making such request shall not be who is required to make the contribution as provided in subsection (1)(b), such person shall not be required to make such contribution and the state board of regents shall provide a sum equal to 7% 8% of the gross annual salary of the member of the faculty or other person and shall purchase for and on behalf of each member of the faculty or other such person whose salary has been so reduced a retirement annuity contract or contracts, the annual premiums for which shall be equal to the sum of the amount of the salary reduction of the member of the faculty or other person and the amount paid by the state board of regents. In the event of such request by a faculty member or other person who is serving the one-year waiting period pursuant to subsection (1)(a) who is not required to make the contribution as

provided in subsection (1)(b), the state board of regents shall purchase for and on behalf of each such person whose salary has been so reduced a retirement annuity contract or contracts, the annual premiums for which shall be equal to the sum of the amount of the salary reduction of the member of the faculty or other person, but the state board of regents shall not provide the sum equal to 8% of the gross annual salary of such person as provided for such person who is required to make the contribution as provided in subsection (1)(b). Such retirement annuity contracts may be purchased by the state board of regents from companies described in subsection (2)(a) and subsection (2)(b) or from noninsurance companies who offer retirement plans that meet the requirements of section 403(b) of the internal revenue code of 1954 as amended, except that the state board of regents may require that the first 5% of the gross amount of such person's annual salary which is reduced under this subsection (4) and the amount equal to 7% 8% of the gross amount of such person's annual salary which is provided by the state board of regents for the purchase of retirement annuity contracts under this subsection (4), if required to be provided under this subsection (4), shall be used to purchase such retirement annuity contracts from such company or companies as may be designated by the state board of regents for such purposes. The director of accounts and reports is authorized to draw warrants on the state treasurer upon the filing with the director of proper vouchers for the amount of the premium on the retirement annuity contract to be paid pursuant to the terms of such contracts and this act.

(5) (a) All employees who are described in subsection (1)(a) and who commence such employment on and after July 1, 1976, shall receive assistance under subsection (1) and shall be covered by a valid retirement annuity contract issued by a company described in subsection (2).

(b) All employees who are described in subsection (1)(a) and who are receiving participating service credit under the Kansas public employees retirement system after the effective date of this act and prior to July 1, 1976, shall file a written statement of election on or before July 1, 1976, with the board of trustees of the Kansas public employees retirement system to participate under the plan described in subsection (2) in lieu of receiving participating service credit under that system. Failure to file such written election shall be presumed to be an election not to participate in such plan and to continue receiving such participating service credit under that system. Such election, whether to participate in such plan or not to participate in such plan, shall be effective on August 18, 1976, and shall be irrevocable.

(c) For each employee who elects under this subsection (5) to participate in a plan described in subsection (2), there shall be transferred on or after August 18, 1976, from the Kansas public employees retirement fund to such plan an amount equal to the sum of (i) the amount of the accumulated contributions which have been credited to the account of such employee with the Kansas public employees retirement system plus (ii) an amount equal to that actually contributed by such employee to that system. All participating service credit in the Kansas public employees retirement system of each employee who elects under this subsection (5) to participate in a plan described in subsection (2) and who has moneys transferred to such plan under this subsection (5)(c), shall be forfeited and canceled and may not be purchased as credited service should such employee again become a member of that system under K.S.A. 74-4911 and amendments thereto. Nothing in this subsection (5) shall have the effect or be construed to have the effect of forfeiting and canceling any prior service credit under the Kansas public employees retirement system of any employee who has participating service credit thereunder forfeited and canceled under this subsection (5). All participating service credit that is forfeited and canceled under this subsection (5) shall be recognized for the purpose of determining a vested benefit as provided in subsection (3) and as provided in K.S.A. 74-4917 and amendments thereto if the employee again becomes a member of that system under K.S.A. 74-4911 and amendments thereto.

(d) Any employees who are described in subsection (1)(a), who are employed prior to July 1, 1976, and who will not have completed one year of continuous service prior to July 1, 1976, shall elect in the manner prescribed in subsection (5)(b) to

participate in a plan described in subsection (2) and such election shall be irrevocable.

(e) No employee who elects under subsection (5)(b) to participate in the plan described in subsection (2) shall be subject to any waiting period prescribed by this section but shall participate and receive assistance under this section in such plan from and after the effective date of the election.

(6) (a) All employees who are described in subsection (1)(a) and who did not have an election under subsection (5) and who are either receiving participating service credit or completing the one year of service prior to membership under K.S.A. 74-4911 and amendments thereto under the Kansas public employees retirement system after the effective date of this act and prior to July 1, 1977, shall file a written statement of election on or before July 1, 1977, with the board of trustees of the Kansas public employees retirement system to participate under the plan described in subsection (2) in lieu of receiving participating service credit under that system. Failure to file such written election shall be presumed to be an election not to participate in such plan and to continue receiving such participating service credit under that system. Such election, whether to participate in such plan or not to participate in such plan, shall be effective on the first day of the payroll period coinciding with or following August 1, 1977, and shall be irrevocable. No employee who elects under this subsection (6) to participate in the plan described in subsection (2) shall be subject to any waiting period prescribed by this section but shall participate and receive assistance under this section in such plan from and after the effective date of the election.

(b) For each employee who elects under this subsection (6) to participate in a plan described in subsection (2), there shall be transferred on or after the first day of the payroll period coinciding with or following August 1, 1977, from the Kansas public employees retirement fund to such plan an amount equal to the sum of (i) the amount of the accumulated contributions which have been credited to the account of such employee with the Kansas public employees retirement system plus (ii) an amount equal to that actually contributed through payroll deductions by such employee to that system. All participating service credit in the Kansas public employees retirement system of each employee who elects under this subsection (6) to participate in a plan described in subsection (2) and who has moneys transferred to such plan under this subsection (6)(b) shall be forfeited and canceled and may not be purchased as credited service should such employee again become a member of that system under K.S.A. 74-4911 and amendments thereto. Nothing in this subsection (6) shall have the effect or be construed to have the effect of forfeiting and canceling any prior service credit under the Kansas public employees retirement system of any employee who has participating service credit thereunder forfeited and canceled under this subsection (6). All participating service credit that is forfeited and canceled under this subsection (6) shall be recognized for the purpose of determining a vested benefit as provided in subsection (3) and as provided in K.S.A. 74-4917 and amendments thereto if the employee again becomes a member of that system under K.S.A. 74-4911 and amendments thereto.

(c) Any employees who are described in subsection (1)(a), who are employed prior to July 1, 1977, and who will not have completed one year of continuous service prior to July 1, 1977, shall elect in the manner prescribed in subsection (6)(a) to participate in a plan described in subsection (2) and such election shall be irrevocable.

(7) Any employee of the state board of regents or of an educational institution under its management, other than an elected official, who is receiving or is eligible for assistance by the state board of regents in the purchase of a retirement annuity under this section and who becomes ineligible for such assistance because such employee's position is reclassified to a position in the classified service under the Kansas civil service act or who becomes ineligible for such assistance because such employee transfers to a position in the classified service under the Kansas civil service act with the state board of regents or an educational institution under its management, shall become a

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(Published in the KANSAS REGISTER, May 21, 1987.)

HOUSE BILL No. 2603

AN ACT concerning retirement benefits for officers and employees of the state board of regents and institutions thereunder; relating to retirement annuities; amending K.S.A. 1986 Supp. 74-4925, as amended by section 1 of 1987 House Bill No. 2411, and repealing the existing section.

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

New Section 1. On and after the effective date of this act, the percentage amount to be contributed or provided by the state board of regents under subsection (1)(c) or subsection (4) of K.S.A. 74-4925 and amendments thereto shall be computed on the basis of 7% for payroll periods chargeable to the fiscal year ending June 30, 1987, and shall be computed on the basis of 8% commencing on the first day of the first payroll period chargeable to the fiscal year ending June 30, 1988.

Sec. 2. K.S.A. 1986 Supp. 74-4925, as amended by section 1 of 1987 House Bill No. 2411, is hereby amended to read as follows: 74-4925. (1) The state board of regents shall:

(a) Assist all those members of the faculty and other persons who are employed by the state board of regents or by educational institutions under its management and who are in the unclassified service under the Kansas civil service act as provided in subsection (1)(f) of K.S.A. 75-2935 and amendments thereto, in the purchase of retirement annuities for their service rendered after December 31, 1961. The state board of regents shall not assist any such person who is employed after December 31, 1961, until such person has been employed for a waiting period of at least one year except that (i) the state board of regents may assist any newly employed person immediately if at the time of the commencement of employment the person is covered by a valid retirement annuity contract issued by a company described in subsection (2) which was entered into pursuant to a retirement pension plan adopted for faculty members or other persons, or both, employed by an institution of higher education and to which such person or such person's employer on such person's behalf has been making contributions for at least one year, and (ii) all periods of employment with (A) participating employers under the Kansas public employees retirement system, for which employment participating service credit accrued, or (B) institutions of higher education in other states for which employment retirement benefits accrued under a retirement system or plan provided for such employment, shall be credited toward satisfaction of such one-year waiting period if served, in either case, during the five years immediately preceding employment with the state board of regents or with an educational institution under its management in the unclassified service under the Kansas civil service act as provided in subsection (1)(f) of K.S.A. 75-2935 and amendments thereto, in addition to such employment with the state board of regents or with an educational institution under its management; no period of employment as a student employee, as a seasonal or temporary employee or as a part-time employee, whose employment requires less than 1,000 hours of work per year, shall be credited toward the one-year waiting period under subsection (1)(a); this act shall not apply to persons employed in such temporary and part-time positions designated by the state board of regents as exceptions hereto;

(b) require such members of the faculty and others described in subsection (1)(a) who are so assisted by the state board of regents to contribute an amount toward the purchase of such retirement annuities of 5% of their salaries, such contributions to be made through payroll deductions;

(c) contribute an amount toward the purchase of such retirement annuities equal to 8% the percentage amount, as prescribed by section 1 and amendments thereto, of the total amount of the salaries on which such members of the faculty and others described in subsection (1)(a) contribute during such period for which the contribution of the state board of regents is made;

(d) provide, under such rules and regulations as the state board of regents may adopt, for the retirement of any such member of the faculty or other person described in subsection (1)(a) on account of age or condition of health, retirement of such member of the faculty or other person described in subsection (1)(a) on account of age to be not earlier than the 60th birthday

member of the Kansas public employees retirement system in accordance with the provisions of subsection (5) of K.S.A. 74-4911 and amendments thereto, unless such employee files a written election in the office of the Kansas public employees retirement system, in the form and manner prescribed by the board of trustees thereof, to remain eligible for assistance by the state board of regents under this section prior to the first day of the first complete payroll period occurring after the effective date of such reclassification or transfer. Failure to file such written election shall be presumed to be an election not to remain eligible for assistance by the state board of regents under this section and to become a member of the Kansas public employees retirement system under subsection (5) of K.S.A. 74-4911 and amendments thereto. Such election, whether to remain eligible for such assistance or to become a member of such system, shall be effective as of the effective date of such reclassification or transfer and shall be irrevocable.

(8) *The state board of regents shall adopt uniform policies applicable to members of the faculty and other persons, who are employed by the state board of regents or by any educational institution under its management and who are in the unclassified service under the Kansas civil service act as provided in subsection (1)(f) of K.S.A. 75-2935 and amendments thereto, for the purposes of administering the provisions of this section and the provision of retirement annuities and other benefits hereunder. All assistance provided by the state board of regents for such persons, and agreements entered into therefor, pursuant to this section prior to the effective date are hereby authorized, confirmed and validated.*

Sec. 2. K.S.A. 1986 Supp. 74-4925 and 74-4925c are hereby repealed.

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

I hereby certify that the above BILL originated in the HOUSE, and passed that body March 31, 1987.

HOUSE concurred in SENATE amendments April 10, 1987.

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

Passed the SENATE as amended April 7, 1987.

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

APPROVED April 23, 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 23rd day of April, 1987.

(SEAL)

BILL GRAVES
Secretary of State.

and not later than the end of the academic year following the 70th birthday. Any person who retires under this section and who receives benefits from the Kansas public employees retirement system for prior service credit shall have such benefits calculated in accordance with the applicable provisions of K.S.A. 74-4914 and 74-4915 and amendments thereto.

(2) For the purposes of this section the state board of regents may contract with:

(a) Any life insurance company authorized to do business in this state; or

(b) any life insurance company organized and operated without profit to any private shareholder or individual exclusively for the purpose of aiding and strengthening educational institutions by issuing insurance and annuity contracts only to or for the benefit of such institution and individuals engaged in the services of such institutions, whether or not such company is authorized to do business in Kansas. No premium tax or income tax shall be due or payable on such annuity contract or contracts for such retirement programs issued by a company described in this subsection (2)(b), except that neither the purchase nor the issuance of such retirement annuities from or by a company described in this subsection (2)(b) shall constitute the effecting of a contract of insurance.

(3) (a) Such member of the faculty or other person described in subsection (1)(a) shall also be a member of the Kansas public employees retirement system, but only for the purpose of granting retirement benefits based on prior service only which was rendered prior to January 1, 1962, which shall be credited to the member as provided in subsection (1) of K.S.A. 74-4913 and amendments thereto, except that for the purpose of determining eligibility for a vested benefit, service by such a member of the faculty or other person after December 31, 1961, shall be construed to be credited service under subsection (2) of K.S.A. 74-4917 and amendments thereto.

(b) Any member of the faculty or other person described in subsection (1)(a) who retires after 10 years of continuous service immediately preceding retirement shall be granted a retirement benefit based on prior service only which was rendered prior to January 1, 1962. Application for such benefit shall be in such form and manner as the board shall prescribe.

(4) For the purpose of establishing a procedure whereby the state board of regents and any member of the faculty or other person described in subsection (1)(a), subject to rules and regulations of the state board of regents, may take advantage of the tax sheltered annuity provisions of the internal revenue code of 1954 as amended, any member of the faculty or any other person described in subsection (1)(a), whether or not such person has satisfied the one-year waiting period requirement under subsection (1)(a), may request in writing that the state board of regents reduce such person's annual salary, as fixed by the board, in an amount equal to not less than 5% nor more than the percentage allowed under section 403(b) of the internal revenue code of 1954 as amended, as designated by such member of the faculty or other person described in subsection (1)(a), of the gross amount of such annual salary. In the event of such request by a faculty member or other person who is required to make the contribution as provided in subsection (1)(b), such person shall not be required to make such contribution and the state board of regents shall provide a sum equal to *8% the percentage amount, as prescribed by section 1 and amendments thereto*, of the gross annual salary of the member of the faculty or other person and shall purchase for and on behalf of each such person whose salary has been so reduced a retirement annuity contract or contracts, the annual premiums for which shall be equal to the sum of the amount of the salary reduction of the member of the faculty or other person and the amount paid by the state board of regents. In the event of such request by a faculty member or other person who is serving the one-year waiting period pursuant to subsection (1)(a) who is not required to make the contribution as provided in subsection (1)(b), the state board of regents shall purchase for and on behalf of each such person whose salary has been so reduced a retirement annuity contract or contracts, the annual premiums for which shall be equal to the sum of the amount of the salary reduction of the member of the faculty or other person, but the state board of regents shall not

provide the sum equal to *8% the percentage amount, as prescribed by section 1 and amendments thereto*, of the gross annual salary of such person as provided for such person who is required to make the contribution as provided in subsection (1)(b). Such retirement annuity contracts may be purchased by the state board of regents from companies described in subsection (2)(a) and subsection (2)(b) or from noninsurance companies who offer retirement plans that meet the requirements of section 403(b) of the internal revenue code of 1954 as amended, except that the state board of regents may require that the first 5% of the gross amount of such person's annual salary which is reduced under this subsection (4) and the amount equal to *8% the percentage amount, as prescribed by section 1 and amendments thereto*, of the gross amount of such person's annual salary which is provided by the state board of regents for the purchase of retirement annuity contracts under this subsection (4), if required to be provided under this subsection (4), shall be used to purchase such retirement annuity contracts from such company or companies as may be designated by the state board of regents for such purposes. The director of accounts and reports is authorized to draw warrants on the state treasurer upon the filing with the director of proper vouchers for the amount of the premium on the retirement annuity contract to be paid pursuant to the terms of such contracts and this act.

(5) (a) All employees who are described in subsection (1)(a) and who commence such employment on and after July 1, 1976, shall receive assistance under subsection (1) and shall be covered by a valid retirement annuity contract issued by a company described in subsection (2).

(b) All employees who are described in subsection (1)(a) and who are receiving participating service credit under the Kansas public employees retirement system after the effective date of this act and prior to July 1, 1976, shall file a written statement of election on or before July 1, 1976, with the board of trustees of the Kansas public employees retirement system to participate under the plan described in subsection (2) in lieu of receiving participating service credit under that system. Failure to file such written election shall be presumed to be an election not to participate in such plan and to continue receiving such participating service credit under that system. Such election, whether to participate in such plan or not to participate in such plan, shall be effective on August 18, 1976, and shall be irrevocable.

(c) For each employee who elects under this subsection (5) to participate in a plan described in subsection (2), there shall be transferred on or after August 18, 1976, from the Kansas public employees retirement fund to such plan an amount equal to the sum of (i) the amount of the accumulated contributions which have been credited to the account of such employee with the Kansas public employees retirement system plus (ii) an amount equal to that actually contributed by such employee to that system. All participating service credit in the Kansas public employees retirement system of each employee who elects under this subsection (5) to participate in a plan described in subsection (2) and who has moneys transferred to such plan under this subsection (5)(c), shall be forfeited and canceled and may not be purchased as credited service should such employee again become a member of that system under K.S.A. 74-4911 and amendments thereto. Nothing in this subsection (5) shall have the effect or be construed to have the effect of forfeiting and canceling any prior service credit under the Kansas public employees retirement system of any employee who has participating service credit thereunder forfeited and canceled under this subsection (5). All participating service credit that is forfeited and canceled under this subsection (5) shall be recognized for the purpose of determining a vested benefit as provided in subsection (3) and as provided in K.S.A. 74-4917 and amendments thereto if the employee again becomes a member of that system under K.S.A. 74-4911 and amendments thereto.

(d) Any employees who are described in subsection (1)(a), who are employed prior to July 1, 1976, and who will not have completed one year of continuous service prior to July 1, 1976, shall elect in the manner prescribed in subsection (5)(b) to participate in a plan described in subsection (2) and such election shall be irrevocable.

(continued)

(e) No employee who elects under subsection (5)(b) to participate in the plan described in subsection (2) shall be subject to any waiting period prescribed by this section but shall participate and receive assistance under this section in such plan from and after the effective date of the election.

(6) (a) All employees who are described in subsection (1)(a) and who did not have an election under subsection (5) and who are either receiving participating service credit or completing the one year of service prior to membership under K.S.A. 74-4911 and amendments thereto under the Kansas public employees retirement system after the effective date of this act and prior to July 1, 1977, shall file a written statement of election on or before July 1, 1977, with the board of trustees of the Kansas public employees retirement system to participate under the plan described in subsection (2) in lieu of receiving participating service credit under that system. Failure to file such written election shall be presumed to be an election not to participate in such plan and to continue receiving such participating service credit under that system. Such election, whether to participate in such plan or not to participate in such plan, shall be effective on the first day of the payroll period coinciding with or following August 1, 1977, and shall be irrevocable. No employee who elects under this subsection (6) to participate in the plan described in subsection (2) shall be subject to any waiting period prescribed by this section but shall participate and receive assistance under this section in such plan from and after the effective date of the election.

(b) For each employee who elects under this subsection (6) to participate in a plan described in subsection (2), there shall be transferred on or after the first day of the payroll period coinciding with or following August 1, 1977, from the Kansas public employees retirement fund to such plan an amount equal to the sum of (i) the amount of the accumulated contributions which have been credited to the account of such employee with the Kansas public employees retirement system plus (ii) an amount equal to that actually contributed through payroll deductions by such employee to that system. All participating service credit in the Kansas public employees retirement system of each employee who elects under this subsection (6) to participate in a plan described in subsection (2) and who has moneys transferred to such plan under this subsection (6)(b) shall be forfeited and canceled and may not be purchased as credited service should such employee again become a member of that system under K.S.A. 74-4911 and amendments thereto. Nothing in this subsection (6) shall have the effect or be construed to have the effect of forfeiting and canceling any prior service credit under the Kansas public employees retirement system of any employee who has participating service credit thereunder forfeited and canceled under this subsection (6). All participating service credit that is forfeited and canceled under this subsection (6) shall be recognized for the purpose of determining a vested benefit as provided in subsection (3) and as provided in K.S.A. 74-4917 and amendments thereto if the employee again becomes a member of that system under K.S.A. 74-4911 and amendments thereto.

(c) Any employees who are described in subsection (1)(a), who are employed prior to July 1, 1977, and who will not have completed one year of continuous service prior to July 1, 1977, shall elect in the manner prescribed in subsection (6)(a) to participate in a plan described in subsection (2) and such election shall be irrevocable.

(7) Any employee of the state board of regents or of an educational institution under its management, other than an elected official, who is receiving or is eligible for assistance by the state board of regents in the purchase of a retirement annuity under this section and who becomes ineligible for such assistance because such employee's position is reclassified to a position in the classified service under the Kansas civil service act or who becomes ineligible for such assistance because such employee transfers to a position in the classified service under the Kansas civil service act with the state board of regents or an educational institution under its management, shall become a member of the Kansas public employees retirement system in accordance with the provisions of subsection (5) of K.S.A. 74-4911 and amendments thereto, unless such employee files a

written election in the office of the Kansas public employees retirement system, in the form and manner prescribed by the board of trustees thereof, to remain eligible for assistance by the state board of regents under this section prior to the first day of the first complete payroll period occurring after the effective date of such reclassification or transfer. Failure to file such written election shall be presumed to be an election not to remain eligible for assistance by the state board of regents under this section and to become a member of the Kansas public employees retirement system under subsection (5) of K.S.A. 74-4911 and amendments thereto. Such election, whether to remain eligible for such assistance or to become a member of such system, shall be effective as of the effective date of such reclassification or transfer and shall be irrevocable.

(8) The state board of regents shall adopt uniform policies applicable to members of the faculty and other persons, who are employed by the state board of regents or by any educational institution under its management and who are in the unclassified service under the Kansas civil service act as provided in subsection (1)(f) of K.S.A. 75-2935 and amendments thereto, for the purposes of administering the provisions of this section and the provision of retirement annuities and other benefits hereunder. All assistance provided by the state board of regents for such persons, and agreements entered into therefor, pursuant to this section prior to the effective date are hereby authorized, confirmed and validated.

Sec. 3. K.S.A. 1986 Supp. 74-4925, as amended by section 1 of 1987 House Bill No. 2411, is hereby repealed.

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

I hereby certify that the above BILL originated in the HOUSE, and passed that body April 30, 1987.

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

Passed the SENATE May 1, 1987.

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

APPROVED May 11, 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 11th day of May, 1987.

(SEAL)

BILL GRAVES
Secretary of State.

(Published in the KANSAS REGISTER, May 21, 1987.)

SENATE BILL No. 367

AN ACT providing for the establishment of the Ellsworth correctional work facility; providing for management and control; amending K.S.A. 75-5202, K.S.A. 1986 Supp. 21-4602 and 75-3058 and section 25 of chapter 33 of the 1986 Session Laws of Kansas and repealing the existing sections.

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

New Section 1. The secretary of corrections is hereby authorized to establish and equip the Ellsworth correctional work facility which shall be located in Ellsworth, Kansas.

New Sec. 2. The institution so established shall be used for the confinement of inmates committed to the custody of the secretary of corrections who are transferred to such institution pursuant to K.S.A. 75-5206, and amendments thereto.

New Sec. 3. The secretary of corrections shall have general management and control of such institution and of the officers and employees thereof and the inmates therein and of all matters relating to the discipline, control and fiscal concerns thereof, the same as other correctional institutions under the secretary's control and jurisdiction. The secretary may adopt such rules and regulations as may be determined necessary for carrying out the purposes of this act. The secretary shall appoint a director with such duties as may be prescribed, and the director so appointed, may select, with the approval of the secretary, officers and employees necessary for the management and operation of the institution. The director and all other officers and employees shall be within the classified service of the Kansas civil service act.

Sec. 4. K.S.A. 1986 Supp. 21-4602 is hereby amended to read as follows: 21-4602. As used in K.S.A. 21-4601 through 21-4621, and amendments thereto:

- (1) "Court" means any court having jurisdiction and power to sentence offenders for violations of the laws of this state.
- (2) "Suspension of sentence" means a procedure under which a defendant, found guilty of a crime, upon verdict or plea, is released by the court without imposition of sentence. The release may be with or without supervision in the discretion of the court.
- (3) "Probation" means a procedure under which a defendant, found guilty of a crime upon verdict or plea, is released by the court after imposition of sentence, without imprisonment, subject to conditions imposed by the court and subject to the supervision of the probation service of the court.
- (4) "Parole" means the release of a prisoner to the community by the Kansas parole board prior to the expiration of such prisoner's term, subject to conditions imposed by the board and to the secretary of correction's supervision. "Parole" also means the release by a court of competent jurisdiction of a person confined in the county jail or other local place of detention after conviction and prior to expiration of such person's term, subject to conditions imposed by the court and its supervision. Where a court or other authority has filed a warrant against the prisoner, the Kansas parole board or paroling court may release the prisoner on parole to answer the warrant of such court or authority.
- (5) "Institution" means the Kansas state penitentiary at Lansing, the Kansas correctional institution at Lansing, the state industrial reformatory at Hutchinson, the state reception and diagnostic center at Topeka, the state correctional-vocational training center at Topeka, the Ellsworth correctional work facility at Ellsworth, and any other institution, center or camp under control of the secretary of corrections.
- (6) "Community correctional services program" means a program which operates under the community corrections act and to which a defendant is assigned for supervision, confinement, detention, care or treatment, subject to conditions imposed by the court. A defendant assigned to a community correctional services program shall be subject to the continuing jurisdiction of the court and in no event shall be considered to be in the custody of or under the supervision of the secretary of corrections.

Sec. 5. K.S.A. 1986 Supp. 75-3058 is hereby amended to read as follows: 75-3058. The following imprest funds are hereby

established for institutions, other units or functions of the department of corrections:

Kansas state penitentiary	\$30,000
State industrial reformatory	25,000
State reception and diagnostic center	2,000
State correctional-vocational training center	10,000
Kansas correctional institution at Lansing	5,000
Toronto honor camp	3,000
El Dorado honor camp	4,000
Wichita work release center	4,000
Winfield prerelease center	10,000
Topeka prerelease center	5,000
Ellsworth correctional work facility	10,000

New Sec. 6. On the effective date of this act, the director of accounts and reports shall transfer from the state general fund to the imprest fund created by section 5 an amount equal to the specific balance for such imprest fund in section 5.

Sec. 7. K.S.A. 75-5202 is hereby amended to read as follows: 75-5202. As used in this act, unless the context clearly requires otherwise:

- (a) "Secretary" means the secretary of corrections created by this act.
- (b) "Authority" means the Kansas adult authority established by K.S.A. 22-3707 and amendments thereto.
- (c) "Inmate" means any person incarcerated in any correctional institution of the state of Kansas.
- (d) "Correctional institution" means the Kansas state penitentiary, the Kansas correctional institution at Lansing, the state industrial reformatory, the state reception and diagnostic center, the state correctional-vocational training center, the Ellsworth correctional work facility and any other correctional institution hereafter established by the state for the confinement of offenders.
- (e) "Director" means the person in charge of the operation and supervision of a correctional institution.
- (f) "Center" means the state reception and diagnostic center.
- (g) "Correctional officer" means a full-time, salaried officer or employee under the jurisdiction of the secretary, whose duties are limited to the receipt, custody, control, maintenance, discipline, security and apprehension of persons convicted of criminal offense in this state and sentenced to a term of imprisonment under the custody of the secretary.
- (h) "Parole officer" means a full-time salaried officer or employee under the jurisdiction of the secretary whose duties include:
 - (1) Investigation, supervision, arrest and control of persons on parole and the enforcement of the conditions of parole; and
 - (2) services which relate to probationers and parolees and are required by the uniform act for out-of-state parolee supervision.

Sec. 8. Section 25 of chapter 33 of the 1986 Session Laws of Kansas is hereby amended to read as follows: Sec. 25.

DEPARTMENT OF CORRECTIONS

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

	Fiscal Year 1986	Fiscal Year 1987
Community services		\$100,000
Honor camps	\$68,969	
Capital improvement—major repairs, special maintenance and remodeling for correctional institutions		300,000
<i>Provided</i> , That the secretary of corrections is hereby authorized to transfer moneys from this account of the state general fund to an account or accounts of the state general fund of any institution or facility under the jurisdiction of the secretary of corrections to be expended by the institution or facility for projects approved by the secretary of corrections.		
Lease-purchase payment to the Ellsworth public building commission for the Ellsworth correctional work facility at Ellsworth, Kansas		1,200,000
<i>Provided</i> , That expenditures from this account shall be made in accordance with a lease-purchase agreement which is hereby authorized to be entered into by the secretary of corrections and the Ellsworth public building commission to plan, construct and equip the Ellsworth correctional work facility and all ancillary support facilities: <i>Provided, however</i> , That such agreement shall provide that the Ellsworth correctional work facility and all ancillary support facilities shall contain not less than 220 inmate beds have a maximum capacity of not less than 352 inmates and		

(continued)

shall be constructed and equipped at a total cost of not more than ~~\$9,735,900~~ \$10,600,000: *Provided further*, That such agreement shall provide for payments thereunder over a period of not more than 15 16 years: *And provided further*, That no expenditures shall be made from this account unless the preliminary and final plans for the Ellsworth correctional work facility and all ancillary support facilities have been presented to the joint committee on state building construction: *And provided further*, That no expenditures shall be made from this account except upon approval of the state finance council, after consultation with the joint committee on state building construction, acting on this matter which is hereby characterized as a matter of legislative delegation and subject to the guidelines proscribed in subsection (e) of K.S.A. 75-3711e and amendments thereto.

(Published in the KANSAS REGISTER, May 21, 1987.)

SENATE BILL No. 379

AN ACT concerning the health care provider insurance availability act; relating to certain persons engaged in postgraduate training programs; liability of health care stabilization fund; amending K.S.A. 40-3401 and 40-3403 and repealing the existing sections.

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

Section 1. K.S.A. 40-3401 is hereby amended to read as follows: 40-3401. As used in this act the following terms shall have the meanings respectively ascribed to them herein:

- (a) "Applicant" means any health care provider.
- (b) "Basic coverage" means a policy of professional liability insurance required to be maintained by each health care provider pursuant to the provisions of subsection (a) or (b) of K.S.A. 40-3402 and amendments thereto.
- (c) "Commissioner" means the commissioner of insurance.
- (d) "Fiscal year" means the year commencing on the effective date of this act and each year, commencing on the first day of that month, thereafter.
- (e) "Fund" means the health care stabilization fund established pursuant to subsection (a) of K.S.A. 40-3403 and amendments thereto.

(f) "Health care provider" means a person licensed to practice any branch of the healing arts by the state board of healing arts, a person who holds a temporary permit to practice any branch of the healing arts issued by the state board of healing arts, a person engaged in a postgraduate training program approved by the state board of healing arts, a medical care facility licensed by the department of health and environment, a health maintenance organization issued a certificate of authority by the commissioner of insurance, an optometrist licensed by the board of examiners in optometry, a podiatrist registered by the state board of healing arts, a pharmacist licensed by the state board of pharmacy, a licensed professional nurse who is authorized to practice as a registered nurse anesthetist, a licensed professional nurse who has been granted a temporary authorization to practice nurse anesthesia under K.S.A. 1986 Supp. 65-1153 and amendments thereto, a professional corporation organized pursuant to the professional corporation law of Kansas by persons who are authorized by such law to form such a corporation and who are health care providers as defined by this subsection, a partnership of persons who are health care providers under this subsection, a Kansas not-for-profit corporation organized for the purpose of rendering professional services by persons who are health care providers as defined by this subsection, a dentist certified by the state board of healing arts to administer anesthetics under K.S.A. 65-2899 and amendments thereto, a physical therapist registered by the state board of healing arts, or a mental health center or mental health clinic licensed by the secretary of social and rehabilitation services, except that health care provider does not include (1) any state institution for the mentally retarded or (2) any state psychiatric hospital.

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

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

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

(j) "Professional liability insurance" means insurance providing coverage for legal liability arising out of the performance

(b) On July 1, 1986, the expenditure limitation established by section 5(b) of 1986 House Bill No. 2799 on the correctional industries fund is hereby increased from \$4,867,249 to \$5,478,747.

(c) In addition to the other purposes for which expenditures may be made for fiscal year 1987 from the correctional industries fund, as prescribed by section 5(b) of 1986 House Bill No. 2799 and this section, the department of corrections is hereby authorized to make expenditures for fiscal year 1987 from such fund for the following:

Construct pole barn at Kansas state penitentiary \$15,000

(d) On July 1, 1986, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer \$328,616 from the correctional industries equipment replacement fund to the correctional industries fund.

(e) On July 1, 1986, the position limitation established by section 12 of 1986 House Bill No. 2799 for the department of corrections is hereby increased from 339.8 to 344.8.

Sec. 9. K.S.A. 75-5202, K.S.A. 1986 Supp. 21-4602 and 75-3058 and section 25 of chapter 33 of the 1986 Session Laws of Kansas are hereby repealed.

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

I hereby certify that the above BILL originated in the SENATE, and passed that body March 31, 1987.

SENATE concurred in HOUSE amendments May 1, 1987.

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

Passed the HOUSE as amended April 9, 1987.

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

APPROVED May 14, 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 14th day of May, 1987.

BILL GRAVES
Secretary of State.

(SEAL)

of professional services rendered or which should have been rendered by a health care provider.

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

(l) "Self-insurer" means a health care provider who qualifies as a self-insurer pursuant to K.S.A. 40-3414 and amendments thereto.

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

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

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

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

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

(r) "Person engaged in residency training" means a person engaged in a postgraduate training program approved by the state board of healing arts who is employed by and is studying at the university of Kansas medical center only when such person is engaged in medical activities which do not include extracurricular, extra-institutional medical service for which such person receives extra compensation and which have not been approved by the dean of the school of medicine and the executive vice-chancellor of the university of Kansas medical center. *Persons engaged in residency training shall be considered resident health care providers for purposes of K.S.A. 40-3401 et seq. and amendments thereto.*

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

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

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

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

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

(D) prepare and publish, on or before October 1 of each year, a summary of the fund's activity during the preceding fiscal year, including but not limited to the amount collected from sur-

charges, the highest and lowest surcharges assessed, the amount paid from the fund, the number of judgments paid from the fund, the number of settlements paid from the fund and the amount in the fund at the end of the fiscal year.

(2) The board shall consist of 14 persons appointed by the commissioner of insurance, as follows: (A) The commissioner of insurance, or the designee of the commissioner, who shall act as chairperson; (B) two members appointed from the public at large who are not affiliated with any health care provider; (C) three members licensed to practice medicine and surgery in Kansas who are doctors of medicine; (D) three members who are representatives of Kansas hospitals; (E) two members licensed to practice medicine and surgery in Kansas who are doctors of osteopathic medicine; (F) one member licensed to practice chiropractic in Kansas; (G) one member who is a licensed professional nurse authorized to practice as a registered nurse anesthetist; and (H) one member of another category of health care providers. Meetings shall be called by the chairperson or by a written notice signed by three members of the board. The board, in addition to other duties imposed by this act, shall study and evaluate the operation of the fund and make such recommendations to the legislature as may be appropriate to ensure the viability of the fund.

(3) The board shall be attached to the insurance department and shall be within the insurance department as a part thereof. All budgeting, purchasing and related management functions of the board shall be administered under the direction and supervision of the commissioner of insurance. All vouchers for expenditures of the board shall be approved by the commissioner of insurance or a person designated by the commissioner.

(c) Subject to subsections (d), (e), (f) and (i), the fund shall be liable to pay: (1) Any amount due from a judgment or settlement which is in excess of the basic coverage liability of all liable resident health care providers or resident self-insurers for any personal injury or death arising out of the rendering of or the failure to render professional services within or without this state; (2) any amount due from a judgment or settlement which is in excess of the basic coverage liability of all liable nonresident health care providers or nonresident self-insurers for any such injury or death arising out of the rendering or the failure to render professional services within this state but in no event shall the fund be obligated for claims against nonresident health care providers or nonresident self-insurers who have not complied with this act or for claims against nonresident health care providers or nonresident self-insurers that arose outside of this state; (3) any amount due from a judgment or settlement against a resident inactive health care provider for any such injury or death arising out of the rendering of or failure to render professional services prior to July 1, 1986; (4) any amount due from a judgment or settlement against a nonresident inactive health care provider for any injury or death arising out of the rendering or failure to render professional services within this state prior to July 1, 1986, but in no event shall the fund be obligated for claims against: (A) Nonresident inactive health care providers who have not complied with this act; or (B) nonresident inactive health care providers for claims that arose outside of this state, unless such health care provider was a resident health care provider or resident self-insurer at the time such act occurred; (5) reasonable and necessary expenses for attorney fees incurred in defending the fund against claims; (6) any amounts expended for reinsurance obtained to protect the best interests of the fund purchased by the commissioner, which purchase shall be subject to the provisions of K.S.A. 75-3738 through 75-3744, and amendments thereto but shall not be subject to the provisions of K.S.A. 75-4101 and amendments thereto; (7) reasonable and necessary actuarial expenses incurred in administering the act, which expenditures shall not be subject to the provisions of K.S.A. 75-3738 through 75-3744, and amendments thereto; (8) annually to the plan or plans, any amount due pursuant to subsection (a)(3) of K.S.A. 40-3413 and amendments thereto; (9) reasonable and necessary expenses incurred by the insurance department and the board of governors in the administration of the fund; (10) return of any unearned surcharge; (11) reasonable and necessary expenses for attorney fees and other costs incurred in defending

(continued)

a person engaged in residency training from claims for personal injury or death arising out of the rendering of or the failure to render professional services by such health care provider; (12) any amount due from a judgment or settlement for an injury or death arising out of the rendering of or failure to render professional services by a person engaged in residency training; ~~except that no such settlement shall be approved except upon approval of the state finance council acting on this matter which is hereby characterized as a matter of legislative delegation and subject to the guidelines prescribed in subsection (e) of K.S.A. 75-3711e and amendments thereto;~~ (13) any amount due from a judgment or settlement against a resident or nonresident inactive health care provider for any injury or death arising out of the rendering or failure to render professional services within this state on or after July 1, 1986, if such inactive health care provider has paid into the fund either of the following or a combination thereof for at least three consecutive years: (A) The applicable annual premium surcharge, or (B) an amount equal to the annual premium surcharge paid by a health care provider in the rate classification which was applicable to such inactive health care provider for the most recent year professional services were rendered; and (14); (13) amounts authorized by the court pursuant to K.S.A. 1986 Supp. 60-3411 and amendments thereto; and (15) (14) reasonable and necessary expenses for the development and promotion of risk management education programs.

(d) All amounts for which the fund is liable pursuant to subsection (c) shall be paid promptly and in full except that, in any case arising out of a cause of action which accrued before July 1, 1986, if the amount for which the fund is liable is \$300,000 or more, it shall be paid, by installment payments of \$300,000 or 10% of the amount of the judgment including interest thereon, whichever is greater, per fiscal year, the first installment to be paid within 60 days after the fund becomes liable and each subsequent installment to be paid annually on the same date of the year the first installment was paid, until the claim has been paid in full. Any attorney fees payable from such installment shall be similarly prorated.

(e) In no event shall the fund be liable to pay in excess of \$3,000,000 pursuant to any one judgment or settlement against any one health care provider relating to any injury or death arising out of the rendering of or the failure to render professional services on and after July 1, 1984, and before July 1, 1986, subject to an aggregate limitation for all judgments or settlements arising from all claims made in any one fiscal year in the amount of \$6,000,000 for each provider.

(f) Except as provided by K.S.A. 1986 Supp. 60-3411 and amendments thereto, the fund shall not be liable to pay in excess of \$1,000,000 pursuant to any one judgment or settlement for any party against any one health care provider relating to any injury or death arising out of the rendering of or the failure to render professional services on and after July 1, 1986, subject to an aggregate limitation for all judgments or settlements arising from all claims made in any one fiscal year in the amount of \$3,000,000 for each provider.

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

(h) A health care provider who is qualified for coverage under the fund shall have no vicarious liability or responsibility for any injury or death arising out of the rendering of or the failure to render professional services inside or outside this state by any other health care provider who is also qualified for coverage under the fund. The provisions of this subsection shall apply to all claims filed on or after the effective date of this act.

(i) Notwithstanding the provisions of K.S.A. 40-3402 and amendments thereto, if the board of governors determines due to the number of claims filed against a health care provider or the outcome of those claims that an individual health care provider presents a material risk of significant future liability to the fund, the board of governors is authorized by a vote of a majority of the members thereof, after notice and an opportunity for hearing, to terminate the liability of the fund for all claims against the health

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

(j) (1) Upon the payment of moneys from the health care stabilization fund pursuant to subsection (c)(11), the commissioner shall certify to the director of accounts and reports the amount of such payment, and the director of accounts and reports shall transfer an amount equal to the amount certified from the state general fund to the health care stabilization fund.

(2) Upon the payment of moneys from the health care stabilization fund pursuant to subsection (c)(12), the commissioner shall certify to the director of accounts and reports the amount of such payment which is equal to the basic coverage liability of self-insurers, and the director of accounts and reports shall transfer an amount equal to the amount certified from the state general fund to the health care stabilization fund.

Sec. 3. K.S.A. 40-3401 and 40-3403 are hereby repealed.

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

I hereby certify that the above BILL originated in the SENATE, and passed that body April 7, 1987.

SENATE concurred in HOUSE amendments April 30, 1987.

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

Passed the HOUSE as amended April 29, 1987.

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

APPROVED May 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 12th day of May, 1987.

(SEAL) BILL GRAVES
Secretary of State.

(Published in the KANSAS REGISTER, May 21, 1987.)

SENATE BILL No. 138

AN ACT relating to counties; concerning the sale of certain county property; amending K.S.A. 1986 Supp. 19-211 and repealing the existing section.

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

Section 1. K.S.A. 1986 Supp. 19-211 is hereby amended to read as follows: 19-211. (a) In any county other than Shawnee, Sedgwick and Johnson counties, except for any property belonging to a county law enforcement department, no property belonging to such county, the value of which is more than \$25,000 but is not more than \$100,000, shall be sold or disposed of by any board of county commissioners without a unanimous vote of such commissioners and public notice of such sale or disposition containing the time, place and conditions thereof having been given at least once each week for three consecutive weeks prior thereto in the official newspaper of the county. Such sale shall be made to the highest bidder except that the board of county commissioners shall have the right to reject any or all bids. No property, the value of which exceeds \$100,000, shall be sold or disposed of by any board of county commissioners, unless the proposition of sale or disposal of such property shall first be submitted to a vote of the electors of the county at a question submitted election called therefor, which election shall be called, noticed and held in the manner provided by K.S.A. 10-120, and amendments thereto, or at a general election. If a majority of the votes cast at any such election authorizes any sale, such sale shall be made upon the notice hereinbefore prescribed by publication, to the highest bidder, except that the board of county commissioners shall have the right to reject any or all bids. When property of the county having a value of not more than \$100,000 is sold, the board of county commissioners shall cause to be published as a part of the statement required by K.S.A. 19-228, and amendments thereto, a detailed account of such sale which shall describe the property sold, to whom sold, and the sale price.

(b) Except for any property belonging to a county law enforcement department, no real property belonging to Shawnee, Sedgwick or Johnson county shall be sold or disposed of by any board of county commissioners without a unanimous vote of such commissioners and public notice of such sale or disposition containing the time, place and conditions thereof having been given at least once each week for three consecutive weeks prior thereto in the official newspaper of the county. Such sale shall be made to the highest bidder except that the board of county commissioners shall have the right to reject any or all bids. If, within 90 45 days after the first publication of such notice a petition signed by not less than 2% of the qualified electors of the county is filed with the county election officer, such real property shall not be sold or disposed of unless the proposition of sale or disposal of such property shall first be submitted to a vote of the electors of the county at a question submitted election called therefor. The election shall be called, noticed and held in the manner provided by K.S.A. 10-120, and amendments thereto, or at a general election. If a majority of the votes cast at any such election authorizes any sale, such sale shall be made upon the notice hereinbefore prescribed by publication, to the highest bidder, except that the board of county commissioners shall have the right to reject any or all bids.

(c) The provisions of this section shall not apply to or restrict the conveyance of real property by any county to the state of Kansas, the title to which was previously conveyed to such county by the state of Kansas.

(d) *The provisions of this section shall not apply to or restrict the conveyance of real property by any county to a nonprofit corporation organized under the laws of Kansas if such real property is acquired and conveyed by the county for the purpose of development of an industrial or business park on such real property comprised of businesses engaged in: (1) Manufacturing articles of commerce; (2) conducting research and development; or (3) storing or processing goods or commodities. If the real property is to be conveyed for an amount which is less than the amount the county paid to acquire such property, the board of county commissioners shall publish a*

notice of its intent to convey such property. The notice shall include a description of the property, the cost of acquiring the property and the amount for which such property is to be conveyed. Such notice shall be published once each week for three consecutive weeks in the official county newspaper. If, within 45 days after the first publication of such notice, a petition signed by not less than 2% of the qualified electors of the county is filed with the county election officer, such property shall not be conveyed unless the proposition of sale or disposal of such property is submitted to and approved by a majority of the qualified voters of the county at an election called therefor. The election shall be called, noticed and held in the manner provided by K.S.A. 10-120, and amendments thereto, or at a general election.

Sec. 2. K.S.A. 1986 Supp. 19-211 is hereby repealed.

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

I hereby certify that the above BILL originated in the SENATE, and passed that body February 18, 1987.

SENATE concurred in HOUSE amendments April 30, 1987.

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

Passed the HOUSE as amended April 30, 1987.

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

APPROVED May 14, 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 14th day of May, 1987.

(SEAL) BILL GRAVES
Secretary of State.

(Published in the KANSAS REGISTER, May 21, 1987.)

SENATE BILL No. 440

AN ACT concerning controlled substances; prohibiting certain acts with regard thereto and providing penalties for violations; amending K.S.A. 1986 Supp. 65-4127b, as amended by 1987 House Bill No. 2187, and repealing the existing section.

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

Section 1. K.S.A. 1986 Supp. 65-4127b, as amended by section 4 of 1987 House Bill No. 2187, is hereby amended to read as follows: 65-4127b. (a) Except as authorized by the uniform controlled substances act, it shall be unlawful for any person to manufacture, possess, have under such person's control, prescribe, administer, deliver, distribute, dispense or compound:

(1) Any depressant designated in subsection (e) of K.S.A. 65-4105, subsection (e) of K.S.A. 65-4107, subsection (b) or (c) of K.S.A. 65-4109 or subsection (b) of K.S.A. 65-4111, and amendments thereto;

(2) any stimulant designated in subsection (f) of K.S.A. 65-4105, subsection (d) or (f) of K.S.A. 65-4107 or subsection (e) of K.S.A. 65-4109, and amendments thereto;

(3) any hallucinogenic drug designated in subsection (d) of

(continued)

K.S.A. 65-4105 and amendments thereto or designated in subsection (g) of K.S.A. 65-4107 and amendments thereto; or

(4) any substance designated in subsection (c), (d), (e), (f) or (g) of K.S.A. 65-4111 and amendments thereto.

Any person who violates this subsection shall be guilty of a class A misdemeanor, except that such person shall be guilty of a class D felony upon conviction for a second or subsequent offense or if the substance was prescribed for or administered, delivered, distributed or dispensed to a child under 18 years of age.

(b) Except as authorized by the uniform controlled substances act, it shall be unlawful for any person to sell, offer for sale or have in such person's possession with the intent to sell:

(1) Any depressant designated in subsection (e) of K.S.A. 65-4105, subsection (e) of K.S.A. 65-4107, subsection (b) or (c) of K.S.A. 65-4109 or subsection (b) of K.S.A. 65-4111, and amendments thereto;

(2) any stimulant designated in subsection (f) of K.S.A. 65-4105, subsection (d) or (f) of K.S.A. 65-4107 or subsection (e) of K.S.A. 65-4109, and amendments thereto;

(3) any hallucinogenic drug designated in subsection (d) of K.S.A. 65-4105, and amendments thereto or designated in subsection (g) of K.S.A. 65-4107 and amendments thereto; or

(4) any substance designated in subsection (c), (d), (e), (f) or (g) of K.S.A. 65-4111, and amendments thereto.

Any person who violates this subsection shall be guilty of a class C felony.

(c) Except as authorized by the uniform controlled substances act, it shall be unlawful for any person to manufacture, possess, have under such person's control, prescribe, administer, deliver, distribute, dispense, compound, sell, offer for sale or have in such person's possession with intent to sell any controlled substance designated in K.S.A. 65-4113 and amendments thereto. Any person who violates this subsection shall be guilty of a class A misdemeanor, except that such person shall be guilty of a class D felony if the substance was prescribed for or administered, delivered, distributed, dispensed, sold, offered for sale or possessed with intent to sell to a child under 18 years of age.

Sec. 2. K.S.A. 1986 Supp. 65-4127b, as amended by 1987 House Bill No. 2187, is hereby repealed.

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

I hereby certify that the above BILL originated in the SENATE, and passed that body May 1, 1987.

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

Passed the HOUSE May 2, 1987.

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

APPROVED May 15, 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 15th day of May, 1987.

(SEAL)

BILL GRAVES
Secretary of State.

(Published in the KANSAS REGISTER, May 21, 1987.)

SENATE BILL No. 385

AN ACT concerning the state board of regents; authorizing the construction of a second multilevel parking facility at the university of Kansas medical center and a multilevel parking facility at the university of Kansas in Lawrence, Kansas; authorizing the issuance of revenue bonds therefor.

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

Section 1. (a) The state board of regents is hereby authorized, pursuant to subsection (c) of K.S.A. 76-6a13 and amendments thereto, to construct a second multilevel parking facility at the university of Kansas medical center.

(b) For the purpose of paying all or part of the costs of the construction authorized in subsection (a), the state board of regents is authorized to issue revenue bonds pursuant to K.S.A. 76-6a12 *et seq.* and amendments thereto.

Sec. 2. (a) The state board of regents is hereby authorized, pursuant to subsection (c) of K.S.A. 76-6a13 and amendments thereto, to construct a multilevel parking facility at the university of Kansas in Lawrence, Kansas.

(b) For the purpose of paying all or part of the costs of the construction authorized in subsection (a), the state board of regents is authorized to issue revenue bonds pursuant to K.S.A. 76-6a12 *et seq.* and amendments thereto.

(c) No expenditures may be made to construct the multilevel parking facility authorized in subsection (a) unless the preliminary plans, including the proposed design and location, for the facility have been presented to the joint committee on state building construction.

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

I hereby certify that the above BILL originated in the SENATE, and passed that body April 7, 1987.

SENATE concurred in HOUSE amendments May 2, 1987.

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

Passed the HOUSE as amended April 29, 1987.

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

APPROVED May 15, 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 15th day of May, 1987.

(SEAL)

BILL GRAVES
Secretary of State.

(Published in the KANSAS REGISTER, May 21, 1987.)

HOUSE BILL No. 2587

AN ACT making and concerning appropriations for the fiscal years ending June 30, 1987, and June 30, 1988, for the department of social and rehabilitation services, department of administration, department of education and department of corrections; authorizing certain transfers and fees, imposing certain restrictions and limitations, and directing or authorizing certain receipts and disbursements and acts incidental to the foregoing.

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

Section 1. For the fiscal years ending June 30, 1987, and June 30, 1988, appropriations are hereby made, restrictions and limitations are hereby imposed, and transfers, fees, receipts, disbursements and acts incidental to the foregoing are hereby directed or authorized as provided in this act.

Sec. 2.

DEPARTMENT OF SOCIAL AND REHABILITATION SERVICES

(a) There is appropriated for the above agency from the following special revenue fund for the fiscal year specified all moneys now or hereafter lawfully credited to and available in such fund, except that expenditures other than refunds authorized by law shall not exceed the following:

	Fiscal Year 1987	Fiscal Year 1988
Drug abuse fund—department of social and rehabilitation services—federal		\$883,000

Provided, That expenditures shall be made from this fund for counseling programs for youth served by the youth center at Atchison, the youth center at Beloit, the Youth Center at Topeka and the youth center at Larned state hospital: Provided further, That expenditures from this fund for such programs shall not be less than \$85,000.

(b) On July 1, 1987, the expenditure limitation established by section 3(b) of 1987 Senate Bill No. 196 on the alcohol, drug abuse and mental health block grant — federal fund is hereby increased from \$1,756,370 to \$1,814,370.

(c) On July 1, 1987, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer \$230,471 from the drug abuse fund — department of education — federal of the department of education to the drug abuse fund — department of social and rehabilitation services — federal of the department of social and rehabilitation services.

Sec. 3.

DEPARTMENT OF ADMINISTRATION

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

	Fiscal Year 1987	Fiscal Year 1988
Federal drug abuse program		\$31,250

(b) There is appropriated for the above agency from the following special revenue fund for the fiscal years specified all moneys now or hereafter lawfully credited to and available in such fund, except that expenditures other than refunds authorized by law shall not exceed the following:

	Fiscal Year 1987	Fiscal Year 1988
Drug abuse fund—department of administration—federal	\$31,892	\$1,100,500

(c) On July 1, 1987, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer \$230,471 from the drug abuse fund—department of education—federal of the department of education to the drug abuse fund—department of administration—federal of the department of administration.

Sec. 4.

DEPARTMENT OF EDUCATION

(a) There is appropriated for the above agency from the following special revenue fund for the fiscal year specified all moneys now or hereafter lawfully credited to and available in such fund, except that expenditures other than refunds authorized by law shall not exceed the following:

	Fiscal Year 1987	Fiscal Year 1988
Drug abuse fund—department of education—federal.		\$537,766

(b) On July 1, 1987, the expenditure limitation established by section 6(b) of 1987 House Bill No. 2225 on the state safety fund is hereby increased from \$1,465,066 to \$1,480,649.

(c) On July 1, 1987, the expenditure limitation established by section 6(b) of 1987 House Bill No. 2225 on the state operations account of the state safety fund is hereby increased from \$65,066 to \$80,649.

Sec. 5.

DEPARTMENT OF CORRECTIONS

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

	Fiscal Year 1987	Fiscal Year 1988
Federal drug abuse program		\$6,250

(b) There is appropriated for the above agency from the following special revenue fund for the fiscal year specified all moneys now or hereafter lawfully credited to and available in such fund, except that expenditures other than refunds authorized by law shall not exceed the following:

	Fiscal Year 1987	Fiscal Year 1988
Drug abuse fund—department of corrections—federal		\$25,000

(c) On July 1, 1987, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer \$50,000 from the drug abuse fund—department of administration—federal of the department of administration to the drug abuse fund—department of corrections—federal of the department of corrections.

Sec. 6. Appeals to exceed limitations. Upon written application to the governor and approval of the state finance council expenditures from special revenue funds may exceed the amount specified in this act.

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

I hereby certify that the above BILL originated in the HOUSE, and passed that body April 8, 1987.

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

Passed the SENATE April 30, 1987.

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

APPROVED May 15, 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 15th day of May, 1987.

(SEAL) BILL GRAVES
Secretary of State.

(Published in the KANSAS REGISTER, May 21, 1987.)

SENATE BILL No. 183

AN ACT concerning the Kansas all-sports hall of fame; relating to membership of the board of trustees; concerning surcharge on tickets for certain athletic events; amending K.S.A. 1986 Supp. 74-2906a and 74-2915 and repealing the existing sections.

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

Section 1. K.S.A. 1986 Supp. 74-2906a is hereby amended to read as follows: 74-2906a. (a) ~~The Kansas all-sports hall of fame board of trustees, established prior to the effective date of this act, is hereby abolished.~~ There is hereby created the Kansas all-sports hall of fame board of trustees, hereinafter referred to as the board of trustees, which board shall be composed of seven members appointed by the governor as follows: ~~four members representing institutions under the supervision and control of the state board of regents; two members representing community colleges organized and operating under the laws of this state and one member representing Washburn university of Topeka.~~

(b) Of the members first appointed, two shall be appointed for terms of two years; two shall be appointed for terms of three years; and three shall be appointed for terms of four years. Upon the expiration of the term of office of any member, a successor shall be appointed for a term of four years. All vacancies in office of members so appointed shall be filled by appointment for the unexpired term of the member creating the vacancy.

(c) The board of trustees shall organize annually by electing one of its members as chairperson and one as vice-chairperson. Meetings of the board of trustees shall be held upon call of the chairperson, or may be called by a majority of the board of trustees.

(d) The board of trustees shall have such powers and duties as are provided by law. Members of the board of trustees attending meetings of such board of trustees, or attending a subcommittee meeting thereof authorized by such board of trustees, shall be paid amounts provided in subsection (e) of K.S.A. 75-3223 and amendments thereto.

(e) The board of trustees may employ such professional and clerical personnel, on a part-time or full-time basis, as may be necessary in its judgment, and all such personnel shall be in the classified service under the Kansas civil service act.

(f) The Kansas all-sports hall of fame board of trustees is hereby attached to the state historical society as a part thereof. All budgeting, purchasing and related management functions of the board of trustees shall be administered under the direction and supervision of the state historical society. The state historical society shall provide office space and such clerical and other staff assistance as may be necessary to assist the board of trustees in carrying out its functions, powers and duties.

(g) The Kansas all-sports hall of fame shall be located in Douglas county, Kansas.

(h) ~~On the effective date of this act, all properties, moneys, appropriations, rights and authorities vested prior to the effective date of this act in the Kansas all-sports hall of fame board of trustees which is abolished by this act are hereby transferred to and vested in the Kansas all-sports hall of fame board of trustees which is created by this act.~~ Whenever the Kansas all-sports hall of fame board of trustees ~~which is abolished by this act~~, or words of like effect, is referred to or designated by any appropriations act or other act of the legislature, or any statute, contract or other document, such reference or designation shall be deemed to apply to the Kansas all-sports hall of fame board of trustees which is created by this act.

Sec. 2. K.S.A. 1986 Supp. 74-2915 is hereby amended to read as follows: 74-2915. (a) *Except as otherwise provided by this section*, in addition to any other excise tax imposed by law, there is hereby imposed for the purpose of providing funds for the all-sports hall of fame a surcharge of \$.25 added to the sale price of each ticket which is sold during the period beginning July 1, 1987, and ending June 30, 1988, for each intercollegiate athletic event or contest which is sponsored by an institution of higher education. In the case of a season ticket, the surcharge imposed by this section shall be computed on the basis of \$.25 for each such event or contest for which admission is provided by the season ticket. Each activity card or ticket, which is issued to

students of an institution of higher education upon paying a nonoptional activity fee charged and collected by the institution of higher education and which provides admission to activities or events in addition to intercollegiate athletic events or contests, is exempt from the surcharge imposed by this section.

(b) *Except as otherwise provided by this section*, each institution of higher education shall collect and remit not less often than monthly the total amount of such surcharge collected under this section to the state treasurer who shall deposit the entire amount of each such remittance in the state treasury to the credit of the all-sports hall of fame trust fund.

(c) *In lieu of the provisions of subsections (a) and (b), an institution of higher education may remit an amount equal to the amount that would have been collected under the provisions of subsections (a) and (b) if such provisions had been in effect for the period from July 1, 1986, through June 30, 1987, and no tax shall be collected under this section for intercollegiate athletic events and contests sponsored by such institution of higher education during the period from July 1, 1987, through June 30, 1988, if such institution of higher education makes such remittance. Such amount shall be remitted to the state treasurer prior to January 1, 1988, and shall be remitted from nonstate funds. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury to the credit of the all-sports hall of fame trust fund.*

(e) (d) As used in this section, "institution of higher education" means any institution under the supervision and control of the state board of regents, any community college organized and operating under the laws of this state and Washburn university of Topeka.

Sec. 3. K.S.A. 1986 Supp. 74-2906a and 74-2915 are hereby repealed.

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

I hereby certify that the above BILL originated in the SENATE, and passed that body May 1, 1987.

SENATE concurred in HOUSE amendments May 4, 1987.

President of the Senate.
LU KENNEY
Secretary of the Senate.

Passed the HOUSE as amended May 4, 1987.

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

APPROVED May 15, 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 15th day of May, 1987.

(SEAL)

BILL GRAVES
Secretary of State.

(Published in the KANSAS REGISTER, May 21, 1987.)

SENATE BILL No. 437

AN ACT concerning the Kansas turnpike authority; relating to certain powers.

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

Section 1. The Kansas turnpike authority, as defined in K.S.A. 68-2001, and amendments thereto, by resolution, may fix maximum and minimum speed limits for vehicles upon a highway or any part thereof under the authority's jurisdiction, which speed limits shall be effective when appropriate signs giving notice thereof are erected upon such highway or any part thereof.

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

I hereby certify that the above BILL originated in the SENATE, and passed that body May 1, 1987.

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

Passed the HOUSE May 2, 1987.

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

APPROVED May 15, 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 15th day of May, 1987.

(SEAL)

BILL GRAVES
Secretary of State.

(Published in the KANSAS REGISTER, May 21, 1987.)

SENATE BILL No. 421

AN ACT concerning certain claims against the state; making appropriations, authorizing certain transfers, imposing certain restrictions and limitations, and directing or authorizing certain disbursements, procedures and acts incidental to the foregoing; amending section 17 of 1987 Senate Bill No. 58 and repealing the existing section.

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

Section 1. For the fiscal year ending June 30, 1987, appropriations are hereby made, restrictions and limitations are hereby imposed, and transfers, disbursements, procedures and acts incidental to the foregoing are hereby directed or authorized as provided in this act.

Sec. 2. Section 17 of 1987 Senate Bill No. 58 is hereby amended to read as follows: Sec. 17. The Parsons state hospital and training center is hereby authorized and directed to pay the following amount from the operating expenditures account of the state general fund for reimbursement for payment for damages to claimant's automobile caused by a hospital resident, to the following claimant:

Earl H. Gannaway, Route 1, Box 19, Galesburg,
KS 66740 \$2,705.35 \$1,305.35

Sec. 3. The university of Kansas medical center is hereby authorized and directed to pay the following amount from the hospital revenue fund for the payment and reimbursement of the claimant for medical expenses incurred as a result of injuries sustained on December 17, 1985, by the claimant in a fall on ice in the parking garage, to the following claimant:

Walter Finkemeier, 4619 Gibbs Road, Kansas City, KS 66106. . . . \$5,450.32

Sec. 4. (a) The director of accounts and reports is hereby authorized and directed to draw warrants on the state treasurer in favor of the claimants specified in this act, upon vouchers duly executed by the state agencies directed to pay the amounts specified in this act or by the claimants or their legal representatives or duly authorized agents, as provided by law.

(b) The director of accounts and reports shall secure prior to the payment of any amount to any claimant a written release and satisfaction of all claims and rights against the state of Kansas and any agencies, officers and employees of the state of Kansas regarding such claimant's claim.

Sec. 5. Section 17 of 1987 Senate Bill No. 58 is hereby repealed.

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

I hereby certify that the above BILL originated in the SENATE, and passed that body April 9, 1987.

SENATE concurred in HOUSE amendments May 1, 1987.

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

Passed the HOUSE as amended April 30, 1987.

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

APPROVED May 15, 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 15th day of May, 1987.

(SEAL)

BILL GRAVES
Secretary of State.

(Published in the KANSAS REGISTER, May 21, 1987.)

HOUSE BILL No. 2608

AN ACT concerning purchasing and sales procedures for state agencies; relating to competitive bidding and exceptions and alternatives thereto; prescribing powers, duties and functions for the director of purchases and the secretary of administration; amending K.S.A. 75-3739, as amended by section 19 of 1987 House Bill No. 2072, and K.S.A. 75-3739, as amended by section 1 of this act, and repealing the existing sections; also repealing K.S.A. 75-3739, as amended by section 1 of 1987 House Bill No. 2435, and K.S.A. 75-3739, as amended by section 5 of 1987 House Bill No. 2467.

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

Section 1. K.S.A. 75-3739, as amended by section 19 of 1987 House Bill No. 2072, 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) (3) 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 committee on appropriations of all emergency purchases under subsection ~~(a)(5)~~ (a)(3).

(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 ~~subsections (g)(1) through (g)(3), 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. 2. On July 1, 1987, K.S.A. 75-3739, as amended by section 1 of this act, 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 ~~to be acquired for state agencies~~ shall be based on competitive bids as may be determined by the director of purchases, except that competitive bids need not be required: (1) For contractual services ~~where when, in the judgment of the~~

director of purchases, no competition exists; or (2) when, in the judgment of the director of purchases, chemicals and other material or equipment for use in laboratories, shop and like or experimental studies by state educational institutions may be purchased to the best advantage of the state agencies are best purchased without competition, or where rates are fixed by law or ordinance; or (3) 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; or (4) when any statute authorizes another procedure or provides an exemption from the provisions of this section.

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 committee on appropriations of all emergency purchases under subsection (a)(3) contracts for goods, supplies, materials, equipment or contractual services entered into without competitive bids under subsections (a)(1), (a)(2), (a)(3) or (g).

(b) If the amount of the purchase is estimated to exceed approximately \$5,000 \$10,000, 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 waive this publication of notice requirement when the director determines that a more timely procurement is in the best interest of the state. The director of purchases may also designate a trade journal for such publication. The director of purchases shall also shall solicit such bids by sending notices by mail to 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. 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 committee on appropriations of all cases when the publication of notice of bid solicitations in the Kansas register have been waived under this subsection.

(c) All purchases estimated to exceed approximately \$2,000 \$5,000 but not more than \$5,000 \$10,000, 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 may solicit sealed bids by mail in such cases in like manner as provided in subsection (b).

(d) All purchases 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, All purchases estimated to be less than \$5,000 may be made after the receipt of three or more bid solicitations by telephone and 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. Such bids shall be recorded as provided in subsection (e) of K.S.A. 75-3740 and amendments thereto. With the approval of the secretary of administration, the director of purchases may delegate authority to any state agency to make small purchases of less than \$2,000 \$10,000 either on the open market or under certain prescribed conditions and procedures. The director of purchases shall make a 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 committee on appropriations of all current and existing delegations of authority under this subsection to state agencies.

(e) Subject to the provisions of subsection (d), contracts and purchases shall in all cases be based on specifications fixed approved 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 subsections (g)(1) through (g)(3), 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.

Sec. 3. K.S.A. 75-3739, as amended by section 19 of 1987 House Bill No. 2072, and K.S.A. 75-3739, as amended by section 5 of 1987 House Bill No. 2467, are hereby repealed.

Sec. 4. On July 1, 1987, K.S.A. 75-3739, as amended by section 1 of 1987 House Bill No. 2435, and K.S.A. 75-3739, as amended by section 1 of this act, are hereby repealed.

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

I hereby certify that the above BILL originated in the HOUSE, and passed that body April 30, 1987.

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

Passed the SENATE May 1, 1987.

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

APPROVED May 14, 1987.

MIKE HAYDEN
Governor.

(continued)

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 14th day of May, 1987.

(SEAL) BILL GRAVES
Secretary of State.

(Published in the KANSAS REGISTER, May 21, 1987.)

SENATE BILL No. 436

AN ACT concerning water districts; relating to lands annexed by cities; amending K.S.A. 1986 Supp. 12-527 and repealing the existing section.

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

Section 1. K.S.A. 1986 Supp. 12-527 is hereby amended to read as follows: 12-527. (a) Whenever a city annexes land located within a rural water district organized pursuant to the provisions of K.S.A. 82a-612 *et seq.*, and amendments thereto, *the city shall negotiate with the district to acquire title to all facilities owned by the water district and used for the transportation or utilization of water belonging to the water district distribution to the water district benefit units within the area annexed by the city. Title shall vest in or become the property of the city upon payment by the city to the water district of the reasonable value of such property, as agreed upon by the governing body of the city and the board of directors of the district, or if such agreement is not made, then as determined by the city. The board of directors of any such district may bring an action in the district court to determine the reasonableness of the value fixed and determined by any such city. If the district is unable to reach agreement with the city on the reasonable value for such facilities, then the reasonable value shall be determined in the following manner:*

(1) *The district and the city shall each select one qualified appraiser and the two appraisers so selected shall then select a third appraiser for the purpose of conducting appraisals so as to determine reasonable value of the property, facilities and improvements of the district annexed by the city.*

(2) *The agreement or decision of at least two of the three appraisers shall be the fair market value presented to the city for payment and the district for acceptance.*

(3) *If either the district or the city is dissatisfied with the decision of the appraisers, then the district or the city may institute an action in the district court to challenge the reasonableness of the value determined by the appraisers.*

(b) *Such compensation shall include an amount to reimburse the district for any bonded indebtedness of the district existing at the time the annexation ordinance took effect and attributable to the annexed area, based on the following factors:*

(1) *The cost of the construction of the facilities within the annexed area in proportion to the construction costs for the entire district at the time of annexation;*

(2) *the number of benefit units connected to and served within the annexed area in proportion to the number of benefit units connected to and served by the entire district at the time of annexation; and*

(3) *the current revenue received from benefit units within the annexed area in proportion to the current revenue received from all benefit units of the entire district at the time of annexation.*

(e) (b) *The compensation required by this section shall be paid to the district whether or not the city actually utilizes the facilities of the district for the delivery of water to property within the city and shall be paid at a time not later than 60 120 days following the date the city provides water to one or more benefit units who were supplied water by the district at the time of annexation upon which the fair market value of the facilities are certified to the city and to the district, or at such later date as may be mutually agreed upon by the city and the water district or as may be determined by the district court. Payment of any*

such compensation shall be made on a basis which is in proportion to the number of benefit units within the annexed area which are connected to and served by the city and the total number of benefit units within the annexed area. The city, as part of its service extension plan required under the provisions of K.S.A. 12-520b and 12-521c, and amendments thereto, shall notify each affected rural water district of its future plans for the delivery of water in areas proposed for annexation currently being served by the district.

(d) (c) *The governing body of the city and board of directors of the district may provide, on such terms as may be agreed upon, that water transmission facilities owned by the district and located within the city may be retained by the district for the purpose of transporting water to benefit units outside the city.*

(d) *Except for nonpayment of bills, the district shall not diminish service to benefit units who were supplied water by the district at the time of annexation during the period of negotiations conducted pursuant to this section.*

(e) *Nothing in this section shall be construed as limiting in any manner the authority of a city to select water service suppliers to areas within the city limits, or to limit in any manner the authority of a city to adopt and enforce regulations for the operation of a water service supplier, including but not limited to standards of water quality, classification of water customers, capacity of water system, water system connections to sanitary sewer systems, rates and billing practices and other regulations for protection of the public health, safety and welfare.*

Sec. 2. K.S.A. 1986 Supp. 12-527 is hereby repealed.

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

I hereby certify that the above BILL originated in the SENATE, and passed that body May 1, 1987.

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

Passed the HOUSE May 2, 1987.

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

APPROVED May 15, 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 15th day of May, 1987.

(SEAL) BILL GRAVES
Secretary of State.

(Published in the KANSAS REGISTER, May 21, 1987.)

SENATE BILL No. 439

AN ACT relating to economic development; amending the Kansas venture capital company act; concerning tax credits for investments in certified Kansas venture capital companies and Kansas Venture Capital, Inc.; amending K.S.A. 1986 Supp. 74-8206 and 74-8304, as amended by section 2 of 1987 Senate Bill No. 243, and repealing the existing sections.

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

Section 1. K.S.A. 1986 Supp. 74-8304, as amended by section 2 of 1987 Senate Bill No. 243, is hereby amended to read as follows: 74-8304. (a) There shall be allowed as a credit against the tax imposed by the Kansas income tax act on the Kansas taxable income of a taxpayer and against the tax imposed by K.S.A. 40-2801 40-252, and amendments thereto, on insurance companies for a cash investment in a certified Kansas venture capital company in an amount equal to 25% of such taxpayer's cash investment in any such company in the taxable year in which such investment is made and the taxable years following such taxable year until the total amount of the credit is used. In any one taxable year, the amount of such credit allowable for deduction from the taxpayer's tax liability shall not exceed 25% of the total amount of such credit plus any applicable carryforward amount. The amount by which that portion of the credit allowed by the preceding sentence to be claimed in any one taxable year exceeds the taxpayer's liability in such year may be carried forward until the total amount of the credit is used.

(b) The secretary of revenue shall allow credits that are attributable to not more than \$24,000,000 of cash investments in certified Kansas venture capital companies, which shall include not more than \$10,000,000 for Kansas Venture Capital, Inc. The credits shall be allocated by the secretary for cash investments in certified Kansas venture capital companies in the order that completed applications for designation as Kansas venture capital companies are received by the secretary. Any certified Kansas venture capital company may apply to the secretary at any time for additional allocation of such credit based upon then committed cash investments, but priority as to such additional allocation shall be determined at the time of such subsequent application. Notwithstanding the provisions of subsection (c), investors in Kansas venture capital companies established after July 1, 1984, which otherwise meet the requirements specified in this act, shall be, upon certification of the Kansas venture capital company, entitled to the tax credit provided in subsection (a) in the calendar year in which the investment was made.

(c) No taxpayer shall claim a credit under this section for cash investment in Kansas Venture Capital, Inc. No Kansas venture capital company shall qualify for the tax credit allowed by Chapter 332 of the 1986 Session Laws of Kansas for investment in stock of Kansas Venture Capital, Inc.

(d) The provisions of this section shall be applicable to cash investments made in any taxable year commencing after December 31, 1985, and prior to January 1, 1993.

Sec. 2. K.S.A. 1986 Supp. 74-8206 is hereby amended to read as follows: 74-8206. (a) Except as otherwise provided in K.S.A. 1986 Supp. 74-8207, every taxpayer investing in stock issued by Kansas Venture Capital, Inc. shall be entitled to credit in an amount equal to 25% of the total amount invested in such stock against the income tax liability imposed against such taxpayer pursuant to article 32 of chapter 79 of the Kansas Statutes Annotated. In any one taxable year, the amount of such credit allowable for deduction from the taxpayer's tax liability shall not exceed 25% of the total amount of such credit, and in no case may such amount exceed 25% of the taxpayer's tax liability in such year. The amount of any remaining unused credit may be carried forward until the total amount of the credit is used plus any applicable carryforward amount. The amount by which that portion of the credit allowed by this section to be claimed in any one taxable year exceeds 25% of the taxpayer's tax liability in such year may be carried back for not more than three taxable years or carried forward until the total amount of the credit is used.

(b) No taxpayer claiming a credit under this section for investing in stock issued by Kansas Venture Capital, Inc. shall be

eligible to claim a credit for the same investment under the provisions of K.S.A. 1986 Supp. 74-8301 to 74-8311, inclusive.

(c) The provisions of this section shall be applicable to all taxable years commencing after December 31, 1985, and prior to January 1, 1993.

Sec. 3. K.S.A. 1986 Supp. 74-8206 and 74-8304, as amended by section 2 of 1987 Senate Bill No. 243, are hereby repealed.

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

I hereby certify that the above BILL originated in the SENATE, and passed that body May 1, 1987.

SENATE concurred in HOUSE amendments May 2, 1987.

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

Passed the HOUSE as amended May 2, 1987.

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

APPROVED May 15, 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 15th day of May, 1987.

(SEAL)

BILL GRAVES
Secretary of State.

KANSAS REGISTER
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