

# KANSAS REGISTER



State of Kansas

**BILL GRAVES**  
Secretary of State

Vol. 8, No. 20

May 18, 1989

Pages 743-792

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## State of Kansas

**IN THE SUPREME COURT OF  
THE STATE OF KANSAS**

PETITION OF ROBERT T. STEPHAN, )  
 ATTORNEY GENERAL, TO DETERMINE )  
 THE VALIDITY OF 1989 SUBSTITUTE ) Case No. 89-63750-S  
 FOR HOUSE BILL No. 2492 )

**ORDER**

**SCHEDULING PUBLIC HEARING AND  
PROVIDING FOR NOTICE**

WHEREAS, the Kansas Legislature has at the present session enacted "Substitute for HOUSE BILL No. 2492," an Act concerning the state representative districts, providing for the reapportionment thereof, and repealing K.S.A. 4-3,201 to 4-3,327, inclusive; and

WHEREAS, said bill has been approved and signed by the Governor, and has been published in the *Kansas Register*; and

WHEREAS, pursuant to Section 1 of Article 10 of the Constitution of the State of Kansas, the Attorney General, Robert T. Stephan, has petitioned this court to determine the validity of the reapportionment legislation, and under constitutional mandate this court must enter its judgment within 30 days from May 17, 1989, the date on which the Attorney General's petition was filed;

NOW, THEREFORE, IT IS ORDERED that a public hearing shall be held by the Kansas Supreme Court in the Supreme Court courtroom, 3rd floor, Kansas Judicial Center, 301 West 10th Street, Topeka, Kansas, on Friday, May 26, 1989, commencing at 1:30 o'clock p.m., and all interested persons are hereby so notified.

IT IS FURTHER ORDERED that interested persons may present their views by filing a written statement in support of or in opposition to the proposed reapportionment with the Clerk of the Kansas Supreme Court before NOON on WEDNESDAY, MAY 24, 1989. The written statement shall state whether the person desires to make an oral presentation to the court. *Only those persons who file written statements shall be permitted to make oral presentations.* Written statements shall be filed with the Clerk of this court at the Kansas Judicial Center, 301 West 10th Street, Topeka, Kansas, 66612, and shall include the interested party's correct name, post office address, and telephone number.

The Clerk of the Supreme Court, as soon as possible, shall give public notice of the above procedure and hearing by publishing a copy of this Order once in the *Kansas Register* and one time in each of the following local daily newspapers:

*The Topeka Capital-Journal*  
*The Kansas City Kansan*  
*The Kansas City Times*  
*The Wichita Eagle-Beacon*  
*The Salina Journal*  
*The Pittsburg Morning Sun*  
*The Garden City Telegram*

ENTERED at Topeka, Kansas, this 17th day of May, 1989.

Robert H. Miller  
 Chief Justice  
 Kansas Supreme Court

Doc. No. 007866

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**Bill Graves**  
**Secretary of State**  
**2nd Floor, State Capitol**  
**Topeka, KS 66612-1594**



**Phone: (913) 296-3489**

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

**NOTICE OF MEETING**

The Employee Award Board will meet at 1 p.m. Friday, May 19, in the Division of Personnel Services, Room 951-S, Landon State Office Building, 900 S.W. Jackson, Topeka.

**BEN BARRETT**  
 Chairperson

Doc. No. 007858

**State of Kansas**  
**IN THE DISTRICT COURT OF**  
**NEOSHO COUNTY, KANSAS**

Sitting at Chanute

City of Chanute, Kansas and  
 Bank of Commerce, Chanute,  
 Kansas,

Plaintiffs

vs.

Case No. 88 C-84 CH

Irene Polson, *et al.*

Defendants

**NOTICE**

The State of Kansas to: The class of Senior (Coupon) Bondholders of Industrial Revenue Bonds issued by the City of Chanute, Series 1983-A, New Era Packaging, Inc.

Take notice that a declaratory judgment action has been filed in the above court alleging that Neosho Paper Products, formerly known as New Era Packaging, Inc., had defaulted on its obligation to make payments to retire Industrial Revenue Bonds issued by the City of Chanute, Kansas, as Series 1983-A, New Era Packaging, Inc.; and requesting the Court certify as a class all holders of Coupon Bonds (Senior Bondholders) and enter orders concerning sale or disposal of property securing the bonds.

On October 26, 1988, the Court named Irene Polson, an owner of one of the coupon bonds, as a defendant to respond to the suit on behalf of herself and other Senior Bondholders, and certified all Senior Bondholders a class and appointed Kurt F. Kluin attorney for the class.

If you want to be excluded from the class you must notify Kurt F. Kluin, P.O. Drawer G, Chanute, KS 66720, in writing prior to May 26, 1989. If you want to remain a member of the class, you are not required to do anything at this time. Any questions should be in writing and directed to the attorney for the class.

**KURT F. KLUIN**, Attorney for  
 Class of Senior Bondholders  
 (316) 431-1601

Doc. No. 007851

**State of Kansas**  
**WICHITA STATE UNIVERSITY**

**NOTICE TO BIDDERS**

Sealed bids for the following item will be received by The Wichita State University, Office of Purchasing, 1845 N. Fairmount, 201 Jardine Hall, Wichita 67208-1595, until until 2 p.m. C.D.T. on the date indicated and then will be publicly opened. Interested bidders may call (316) 689-3080 for additional information.

**Thursday, June 1, 1989**

#9394-H

Eye Monitor System

**GARY D. LINK**  
 Director of Purchasing

Doc. No. 007849

**State of Kansas**  
**BOARD OF ACCOUNTANCY**

**NOTICE OF MEETING AND**  
**HEARING ON PROPOSED**  
**ADMINISTRATIVE REGULATIONS**

The State Board of Accountancy will meet at 9 a.m. Thursday, June 22, in Conference Room 108, Landon State Office Building, 900 S.W. Jackson, Topeka. Persons interested in agenda items or in appearing before the board should contact the board secretary at Suite 907 of the Landon Building.

Additionally, the board will conduct a hearing at 11 a.m. that day at the same location for the purpose of amending Kansas Administrative Regulation 74-6-2, Management of an Office. This amendment will allow sole practitioners and registered CPA firms to have one branch office without having to have a resident manager who spends more than half of her or his time, on the affairs of that office.

Adoption of this amended regulation is not expected to have any measurable fiscal impact on any governmental agencies or units, the general public, or the CPAs being regulated by the board. The amendment will allow the general public in smaller Kansas towns to have the services of a CPA available to them where there previously were none.

This notice constitutes a 30-day public written comment period. Anyone wishing to comment on or to receive a copy of this proposed regulation amendment may write to the Board of Accountancy, Suite 907, Landon State Office Building, 900 S.W. Jackson, Topeka 66612. Anyone wishing to make public comments at the hearing should also notify the board office so ample time may be allocated.

**GLENDA SHERMAN**  
 Board Secretary

Doc. No. 007857

T

## State of Kansas

**KANSAS STATE UNIVERSITY****NOTICE TO BIDDERS**

Sealed bids for the item listed below will be received by the Kansas State University Purchasing Office, Manhattan, until 2 p.m. C.D.T. on the date indicated and then will be publicly opened. Interested bidders may call (913) 532-6214 for additional information.

Wednesday, May 31, 1989

#90118

Helium Leak Detector

WILLIAM H. SESLER  
Director of Purchasing

Doc. No. 007850

## State of Kansas

**DEPARTMENT OF TRANSPORTATION****NOTICE OF HEARING  
ON PROPOSED  
ADMINISTRATIVE REGULATIONS**

The Kansas Department of Transportation is proposing to amend K.A.R. 36-16-1, acquisition of real property for state highway purposes; relocation assistance. The proposed amendment will ensure that K.D.O.T. can comply with 49 C.F.R. Part 24, as of March 2, 1989, and all amendments thereto. These federal requirements provide for the fair treatment of people who are displaced by highway construction projects. If the proposed amendment is not adopted, Kansas will lose all federal highway aid.

The changes in relocation assistance can be carried out at current staffing and operating expenditure levels. The long-range fiscal effect of the new federal requirements is impossible to predict, but the best estimate would be that overall relocation costs may increase slightly.

A complete copy of the proposed amendment to K.A.R. 36-16-1 and a complete copy of 49 C.F.R. Part 24, as of March 2, 1989, and an economic impact statement can be obtained at the Kansas Department of Transportation, Office of Chief Counsel, Attention: Kent S. Jackson, Room 734-S, Docking State Office Building, Topeka 66612-1568, (913) 296-3831.

A public hearing on this amendment will be conducted at 2 p.m. Thursday, June 22, in the seventh floor conference room of the Kansas Department of Transportation, Docking State Office Building, Topeka.

The period of 30 days notice constitutes a public comment period for the purpose of receiving written public comments on the proposed rules and regulations.

Interested parties may present their views in writing at the hearing or by mailing such comments to the Kansas Department of Transportation, Office of Chief Counsel, Attention: Kent S. Jackson, at the address given above.

HORACE B. EDWARDS  
Secretary of Transportation

Doc. No. 007839

## State of Kansas

**STATE CORPORATION COMMISSION****NOTICE OF MOTOR  
CARRIER HEARINGS**

Applications set for hearing are to be heard at 9:30 a.m. on the date indicated 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 296-3364.

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

**Applications set for May 30, 1989****Application for Certificate of Convenience  
and Necessity:**

Robert P. Beck, dba	)	Docket No. 165,916 M
Riverbend Enterprises	)	
4716 S. University Drive	)	
Fargo, ND 58103	)	MC ID No. 134298

Applicant's Attorney: None

*Sunflower seeds,*

Between all points and places in the state of Kansas.

\*\*\*\*\*

**Application for Certificate of Convenience  
and Necessity:**

Jeffrey Wayne Crawford, dba)	)	Docket No. 165,919 M
Jeff's Roustabout Service	)	
I-70 Village	)	
Victoria, KS 67671	)	MC ID No. 133538

Applicant's Attorney: None

*Oilfield equipment, materials and supplies,*

Between all points and places in Ellis, Russell, Rooks, Trego, Barton, Rice, McPherson, Harvey, Pratt, Rush, Stafford, Ness, Gove, Graham, Sheridan, Norton, Phillips, Ellsworth, Hodgeman, Pawnee, Reno and Lane counties, Kansas.

\*\*\*\*\*

**Application for Certificate of Convenience  
and Necessity:**

Willard Goins	)	Docket No. 165,917 M
Route 1, Box 167	)	
Thayer, KS 66776	)	MC ID No. 133537

Applicant's Attorney: None

*Grain, dry feed, dry feed ingredients, dry fertilizer and dry fertilizer ingredients,*

Between all points and places in Crawford, Cherokee, Bourbon, Allen, Neosho, Labette, Montgomery, Wood-



son, Wilson, Greenwood, Elk and Chautauqua counties, Kansas.

Also,

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

\*\*\*\*\*

**Application for Certificate of Convenience and Necessity:**

Robert P. Harbert, dba ) Docket No. 165,920 M  
 Harbert Hauling & Supply )  
 Route 1, Box 96 )  
 Penalosa, KS 67121 ) MC ID No. 133617

Applicant's Attorney: None

*Grain, hay, salt, fertilizer, machinery and machine parts, processed feed and feed ingredients, manufactured buildings and bins and parts,*

Between all points and places in Barber, Pratt, Stafford, Reno, Kingman, Harper, Sumner, Sedgwick and Harvey counties, Kansas.

Also,

Between the above-referenced counties, on the one hand, and the state of Kansas, on the other hand.

\*\*\*\*\*

**Application for Name Change of Certificate of Convenience and Necessity:**

Howard Vancil, dba ) Docket No. 73,938 M  
 Severy Automotive Service )  
 Box 55 )  
 Severy, KS 67137 ) MC ID No. 100751

TO:

Severy Auto Salvage, Inc., dba

Howard Vancil  
 Box 55

Severy, KS 67137

Applicant's Attorney: None

*Wrecked Cars, trucks and other wrecked vehicles,*

Between all points and places in Greenwood, Elk, Chautauqua, Woodson, Montgomery, Cowley and Butler counties, Kansas.

Also,

Between all points and places in the above-named counties, on the one hand, and all points and places east of U.S. 283, on the other hand.

\*\*\*\*\*

**Application for Certificate of Convenience and Necessity:**

Prairieland Transportation, ) Docket No. 165,918 M  
 Inc. )  
 490 E. 21st )  
 Wichita, KS 67214 ) MC ID No. 129312

Applicant's Attorney: Brad Murphree, 400 N. Woodlawn, Suite 1, Wichita, KS 67208

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

Between all points and places in the state of Kansas.

\*\*\*\*\*

**Application for Certificate of Convenience and Necessity:**

Kenneth Pratt, dba ) Docket No. 165,914 M  
 K & P Trucking )  
 Route 28, Box F16 )  
 Ferrelview, MO 64163 ) MC ID No. 133745

Applicant's Attorney: None

*General commodities,*

Between all points and places in Kansas.

\*\*\*\*\*

**Application for Certificate of Convenience and Necessity:**

Sunflower Courier Services, ) Docket No. 165,921 M  
 Inc. )  
 214 S. Rock Road, 101-1 )  
 Wichita, KS 67207 ) MC ID No. 133539

Applicant's Attorney: W. Robert Alderson, 1610 S.W. Topeka Blvd., P.O. Box 237, Topeka, KS 66612

*General commodities (except household goods, classes A and B explosives and commodities in bulk), restricted to packages or articles weighing not more than 70 pounds or not exceeding 48 inches in length or not exceeding 70 inches in length and girth combined,*

Between points and places in the Kansas counties of Sedgwick, Butler, Greenwood, Neosho, Sumner, Cowley, Elk, Chautauqua, Woodson, Allen and Wilson.

Also,

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

\*\*\*\*\*

**Application for Certificate of Convenience and Necessity:**

Gerald W. Wilson, dba ) Docket No. 165,911 M  
 Jerry's Automotive )  
 708 S. 14th )  
 Dodge City, KS 67801 ) MC ID No. 128117

Applicant's Attorney: None

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

Between all points and places in the state of Kansas.

\*\*\*\*\*

ALFONZO A. MAXWELL  
 Administrator  
 Transportation Division

Doc. No. 007855

## 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 S.W. 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.

Tuesday, May 30, 1989

#26608

Kansas State Fair—STATE FAIR PRIZE RIBBONS,  
ROSETTES AND BANNERS

#26816

Department of Revenue—POLICE TYPE UNIFORM  
COMPONENTS

#27666

Kansas Department of Transportation—  
BITUMINOUS PLANT MIX (I-35 REPAIRS)

#28025

Statewide—"CUSHMAN" REPAIR PARTS

#79186

Kansas State University—SCANNING  
DENSITOMETER

#79194

University of Kansas Medical Center—  
HEMATOLOGY ANALYZER

#79212

Department of Revenue—MICROFILM CABINETS

#79241

University of Kansas—PUMP

#79292

University of Kansas—RESURFACE TENNIS  
COURTS

#79294

University of Kansas—CARPET

#79295

Norton Correctional Facility—WARDROBE  
CABINETS

#79296

University of Kansas Medical Center—MULTI  
TASKING CD-ROM NETWORK SERVER

#79319

Kansas State University—LAWN EQUIPMENT

#79324

Department of Administration, Division of  
Information Systems and Communications—SNA  
PRINTER SOFTWARE FOR MVS/XA  
ENVIRONMENT

Wednesday, May 31, 1989

#A-6144

University of Kansas Medical Center—RE-CAULK  
WINDOWS AND PANELS, Bell Memorial Hospital

#27812

Statewide—WINTER CLOTHING

#27904

Kansas State University—MISCELLANEOUS  
GROCERIES

#28030

Ellsworth Correctional Facility—DISHWASHING  
SUPPLIES

#28031

Ellsworth Correctional Facility—LIQUID LAUNDRY  
SUPPLIES

#78530-A

University of Kansas—FABRICATION OF  
MEZZANINE DECK

#79242

Kansas Soldiers' Home—BLACK AND  
GALVANIZED PIPE

#79243

University of Kansas—LUMBER

#79245

Kansas State University—FURNISH AND INSTALL  
IRRIGATION PUMPING SYSTEM

#79246

Department of Health and Environment—FURNISH  
ALL LABOR AND MATERIALS FOR MECHANICAL  
ADDITIONS

#79266

Larned State Hospital—TRACTOR/LOADER

#79267

University of Kansas Medical Center—SWEEPER

#79278

Kansas Neurological Institute—BUILDING  
MATERIALS

#79279

Kansas Neurological Institute—LOUNGE  
FURNITURE

#79280

Kansas Neurological Institute—LOUNGE  
FURNITURE

#79281

University of Kansas Medical Center—COMPUTER  
TAPE CARTRIDGE

#79326

Wichita State University—ENGINEERING  
WORKSTATIONS FOR APOLLO NETWORK

Thursday, June 1, 1989

#28029

Statewide—IBM 3164 TERMINALS AND ALA  
CARTRIDGES

#79217

Wichita State University—VENDING CARD  
SYSTEM

#79282

University of Kansas—LABORATORY EQUIPMENT  
AND FURNITURE

#79288

Department of Transportation—AGGREGATE,  
Topeka and Osage City

#79289

Department of Transportation—BITUMINOUS  
MIXTURE, Osage City

#79290

Department of Transportation—LOADER, Salina

#79291

Department of Transportation—TRUCK, Garden City

#79293  
Kansas Correctional Industries—COARSE GROUND  
BEEF TRIM, Oskaloosa

#79312  
University of Kansas—X.25 PACKET SWITCH  
#79313

Kansas Insurance Department—ACTUARIAL  
REVIEW

#79314  
Kansas Insurance Department—ACTUARIAL  
REVIEW

#79315  
Kansas Insurance Department—ACTUARIAL  
REVIEW

#79320  
Kansas State University—DATA PROJECTOR

#79321  
Wichita State University—VIDEO PROJECTORS  
#79322

Kansas State University—WATER REEL  
AUTOMATIC IRRIGATION UNIT

#79323  
Kansas State University—FURNISH LABOR AND  
EQUIPMENT TO INSTALL BELLOWS TYPE  
EXPANSION JOINTS

#79329  
Norton Correctional Facility—STEEL BEDS  
#79334  
Department of Social and Rehabilitation Services—  
ELECTRIC WHEELCHAIRS, Minneapolis

#79335  
University of Kansas Medical Center—ACTUARIAL  
REVIEW

#79336  
University of Kansas Medical Center—WEIGHT  
LIFTING EQUIPMENT

#79358  
University of Kansas—BAND UNIFORMS  
#79361

University of Kansas Medical Center—VIDEO  
EQUIPMENT

#79362  
University of Kansas Medical Center—ARMOR  
VESTS

#79363  
University of Kansas Medical Center—  
RADIOACTIVITY FLOW DETECTOR

#79364  
Kansas State University—ASPHALT OVERLAY

Friday, June 2, 1989

#28011-A  
University of Kansas—PRINTING OF "THE  
UNIVERSITY OF KANSAS PALEONTOLOGICAL  
CONTRIBUTIONS"

#79317  
Wichita State University—IBM 7171 ASCII  
CONTROLLER

Monday, June 5, 1989

#79244  
University of Kansas—ANALYZER

#79258  
University of Kansas Medical Center—ANIMAL  
HOUSING

#79259  
University of Kansas Medical Center—LAB  
STERILIZER

#79260  
University of Kansas Medical Center—LAB  
CENTRIFUGE

#79261  
Kansas State University—SPECTROFLUOROMETER

#79271  
University of Kansas—FTIR SPECTROMETER  
#79272

University of Kansas Medical Center—GAS  
CHROMATOGRAPH

#79273  
University of Kansas Medical Center—OPTICAL  
IMAGER

#79274  
University of Kansas Medical Center—LAB  
EQUIPMENT

#79275  
University of Kansas Medical Center—LAB  
CENTRIFUGE

#79325  
University of Kansas—COLOR GRAPHICS  
WORKSTATION

#79337  
University of Kansas—MAINFRAME DASD

Tuesday, June 6, 1989

#79276  
Kansas State University—PARTICLE COUNTER  
#79277

Kansas State University—WEATHER STATION  
UPDATING

#79286  
University of Kansas Medical Center—DETECTOR  
#79287

University of Kansas Medical Center—  
ULTRACENTRIFUGE

#79318  
Department of Administration, Division of  
Information Systems and Communications—MEMORY  
UPGRADES FOR IBM 3725

#79338  
University of Kansas—IBM 3174-OIL WITH 3299  
AND IBM 7171 ASCII CONTROLLERS

Wednesday, June 7, 1989

#27246  
Statewide—DRESSING AND PATIENT CARE  
ITEMS (Class 02)

#28027  
Department of Corrections—VOCATIONAL  
TRAINING PROGRAM

#79347  
University of Kansas—OCR SCANNERS FOR  
MAINFRAME TERMINALS

#79348  
Wichita State University—ENGINEERING  
WORKSTATIONS

8200  
100  
(continued)

#79359

Kansas State University—TESTING APPARATUS

#79360

Kansas State University—MICROSCOPE

Thursday, June 8, 1989

#79346

University of Kansas Medical Center—STERILIZER/  
COMPACTOR

NICHOLAS B. ROACH  
Director of Purchases

Doc. No. 007863

State of Kansas

DEPARTMENT OF HEALTH  
AND ENVIRONMENT

PUBLIC NOTICE

The Kansas Department of Health and Environment, Bureau of Air Quality and Radiation Control (BAQRC), is proposing to issue an air quality permit to Dorchester Hugoton, Limited, Dallas, Texas, for operation of two reciprocating engine driven gas compressors located at Section 17, T34S, R38W, Stevens County. The permit would be issued in accordance with Kansas administrative regulation 28-19-14, permits required.

Air pollutant dispersion modeling studies of the air pollutant emissions estimated to be emitted from the facility have been conducted by the BAQRC. These studies have shown that no National Ambient Air Quality Standard (NAAQS) is predicted to be adversely impacted by this facility operating continuously and at the stated operating conditions of the gas compressors.

The complete administrative record for this proposed permit is available for public inspection through June 16 by contacting Wayne Neese at the BAQRC offices, 302 W. McArtor Road, Dodge City, (316) 225-0596, and at the Topeka address given below.

Kansas Statutes Annotated 65-3008 provides that the BAQRC shall not issue a permit without making provisions for public hearing. Direct comments concerning the draft permit and any request for public hearing to L.C. Hinthier, BAQRC, Building 740, Forbes Field, Topeka 66620, within 30 days of the publication date of this notice. Questions concerning this permit action may be directed to L. C. Hinthier, (913) 296-1576.

STANLEY C. GRANT  
Secretary of Health  
and Environment

Doc. No. 007865

State of Kansas

BOARD OF VETERINARY  
MEDICAL EXAMINERS

PERMANENT ADMINISTRATIVE  
REGULATIONS

Article 5.—FEES

70-5-1. Amount of fees.

(a) Veterinary license examination application ..... \$250.00

(b) Veterinary license examination application for applicants with acceptable scores on the national board examination and clinical competency test ..... \$100.00

(c) Institutional license application ..... \$50.00

(d) Reciprocity license application ..... \$160.00.

(Authorized by K.S.A. 1987 Supp. 47-821; implementing K.S.A. 1987 Supp. 47-822, K.S.A. 47-824, 47-826, 47-827; effective May 1, 1985; amended, T-70-6-13-88, June 13, 1988; amended, T\_\_\_\_\_, \_\_\_\_\_; amended July 3, 1989.)

THOMAS D. VINCENT, D.V.M.  
Executive Director

Doc. No. 007856

State of Kansas

DEPARTMENT OF REVENUE  
DIVISION OF ALCOHOLIC  
BEVERAGE CONTROL

PERMANENT ADMINISTRATIVE  
REGULATIONS

Article 17.—MISCELLANEOUS

14-17-6. Acceptance of hospitality by the director; employees. (a) Personal gifts to the director or any agent or employee of the director of liquor, money, services or any other thing of value from any manufacturer, distributor, wholesaler or retailer of alcoholic liquor, applicant for a license or licensee regardless of the dollar value of the item, shall not be allowed, except as provided for in subsection (b).

(b) The director, or any agent or employee of the director may, in the course of official business, attend conventions, seminars, workshops and other business meetings where food and drink are provided to the director, agent or employee as a participant.

(c) Each agent or employee shall receive prior approval from the director before attending a function where food and drink are provided free of charge or at a reduced cost. (Authorized by and implementing K.S.A. 1988 Supp. 41-206, effective July 3, 1989.)

TOM HANNA  
Director, Division of  
Alcoholic Beverage Control

Doc. No. 007852

## State of Kansas

## DEPARTMENT OF REVENUE

PERMANENT ADMINISTRATIVE  
REGULATIONSArticle 9.—MINERALS AND NATURAL  
PRODUCTS LEASES ON NAVIGABLE  
STREAM BEDS

**92-9-6.** (Authorized by K.S.A. 70a-102, 70a-103; effective Jan. 1, 1966; amended Jan. 1, 1974; revoked July 3, 1989.)

**92-9-6a. Returns; rates and restrictions.** (a) On or before the 15th day of each month, each lessee shall file a return with the director stating the amount of material withdrawn, returned, stored and sold, and the name of the person(s) to whom the material was sold during the preceding month. The lessee shall remit with the return 15¢ per ton for all river sand sold during the preceding month. Each lessee shall maintain this information for a period of two years.

(b) Each lessee shall not take, move or remove material from any navigable stream within:

(1) 500 feet of any bridge pier or abutment;

(2) 200 feet of any stabilized bank or structure built or authorized by the United States government.

A lessee shall not remove sand from any stream bed or channel within a distance of 1,500 feet of the nearest tipple erected and maintained and used for the purpose of taking sand from the river. The distances of 500 and 200 feet are to be construed as minimum distances with greater distances required as necessary to preserve stream bed and bank stability. (Authorized by and implementing K.S.A. 70a-102, 70a-103; effective July 3, 1989.)

ED ROLFS  
Secretary of Revenue

Doc. No. 007853

## State of Kansas

## THE KANSAS LOTTERY

TEMPORARY ADMINISTRATIVE  
REGULATIONS

## Article 2.—LOTTERY RETAILERS

**111-2-11. Postcard Drawing.** Beginning May 11, 1989, and concluding June 30, 1989, in addition to compensation provided for in K.A.R. 111-2-4, the Kansas lottery may also offer the following as bonus incentives to encourage retailer promotion of instant and on-line lottery tickets:

(a) Each clerk in a retailer business location who is wearing a lottery button stating, "Lottery Ticket?" and is seen by a Lottery official or employee while wearing such button, entitles the clerk to be given a postcard by the Lottery official or employee which, when mailed to Lottery headquarters, enters that clerk in a weekly drawing. One card will be drawn each week from clerk entries with a prize of \$50 to the first valid entry whose name is drawn.

The next 20 valid entries drawn shall receive a Lottery T-shirt.

(b) Each manager of a retailer business location whose store displays standard Lottery point-of-sale materials, door decal, dangler, poster, ticket dispenser, which is observed by a Lottery official or employee shall be given a postcard by the Lottery official or employee which, when mailed to Lottery headquarters, enters that manager in a weekly drawing. One card will be drawn from manager entries with a prize of \$50 to the valid entry whose name is drawn. The next 20 valid entries drawn shall receive a Lottery T-shirt.

(c) Each manager of a retailer business location whose store has standard Lottery on-line point-of-sale materials, jackpot board, arrow over terminal, poster and arrow in window of store, which is observed by a Lottery official or employee, shall be given a postcard by the Lottery official or employee which, when mailed to Lottery headquarters, enters that manager in a weekly drawing. One card will be drawn from manager entries with a prize of \$50 to the valid entry whose name is drawn. The next 20 valid entries drawn shall receive a Lottery T-shirt.

(d) Paragraphs (c) and (d) enable one manager the possibility of receiving two postcards to enter into the managers' drawing. There are not separate drawings for point-of-sale cards and on-line point-of-sale cards.

(e) The drawings will be held on Thursdays at Lottery headquarters. (Authorized by K.S.A. 1988 Supp. 74-8710; implementing 1988 Supp. 74-8710 and K.S.A. 1988 Supp. 74-8708; effective T-111-5-5-89, May 5, 1989.)

**111-2-12. "Ask for the Sale" Promotion.** During the period beginning May 8, 1989, and ending midnight June 7, 1989, in addition to compensation provided for in K.A.R. 111-2-4, the Kansas lottery may also offer, for those retailers electing to participate, a bonus retailer incentive promotion of instant tickets and the Kansas lottery's Bonanza Game (Game 11) as follows:

(a) A representative of the Kansas lottery will inventory all Bonanza Game tickets prior to the start of the promotion.

(b) All store personnel selling Kansas lottery tickets will ask every customer making a purchase if the customer would like to purchase a Lottery ticket. If the employee fails to ask for the purchase of a Lottery ticket and the customer notices before leaving the premises, the retailer shall give that customer one Bonanza Game Lottery ticket at no charge.

(c) The retailer shall display special point-of-sale materials announcing the promotion to the customers. These materials consist of:

(1) 1 tent card to be displayed at the point where tickets are sold.

(2) 1 window banner to be displayed at the front entrance of the business.

(3) promotional lapel stickers.

These materials must remain on display through the entire promotion. If the point-of-sale items are removed, the Lottery will terminate the promotion and will give credit only for packs of tickets sold while the point-of-sale was on display.

(d) At the end of the promotion, a Lottery represent-

(continued)

ative will inventory all Bonanza Game tickets on hand. The Lottery accounting department will determine the total number of packs of Bonanza Game tickets sold by totaling the number of packs on hand prior to the start, plus all packs of the Bonanza Game ordered during the promotion, minus inventory on hand at the end of the promotion.

(e) The Kansas lottery will credit the retailer's account with \$10 for each 300 Bonanza Game tickets sold during the promotion. Credits will be issued at, or near, the official end-of-sales date for the Bonanza Game July 13, 1989. (Authorized by K.S.A. 1988 Supp. 74-8710; implementing 1988 Supp. 74-8710 and K.S.A. 1988 Supp. 74-8708; effective T-111-5-5-89, May 5, 1989.)

#### Article 4.—INDIVIDUAL GAME RULES

**111-4-75. Proxy.** (a) If a player is unable to participate for any reason or chooses not to participate in the televised draw show that player may designate a person to participate as a proxy on his or her behalf in writing on a form provided by the lottery or in a form acceptable to the executive director or the lottery representative designated by the executive director.

(b) If a player is unable to participate for any reason or chooses not to participate in the televised draw show and does not designate a person to participate as proxy, the executive director or the lottery representative designated by the executive director shall designate a proxy to serve to act on the player's behalf.

(c) When the proxy has been selected by the executive director or the person designated by the executive director, the proxy shall pursue the grand prize rather than a bonus prize, unless directed not to do so in writing by the player the proxy represents.

(d) If the proxy who has been selected by the executive director or the person designated by the executive director, should win the grand prize, that proxy shall not pursue the Double Bonanza amounts\* unless instructed to do so, in writing, by the player the proxy represents. \* K.A.R. 111-4-67(h) (Authorized by and implementing K.S.A. 1988 Supp. 74-8710; effective T-89-4, Jan. 21, 1988; amended T-111-5-5-89, May 5, 1989.)

#### Article 7.—CASH LOTTO GAME RULES

##### CASH LOTTO TWICE-WEEKLY INSTANT TICKET DRAW

**111-7-28. Name of Drawing.** The Kansas lottery shall conduct twice weekly drawings entitled "Cash Lotto Instant Ticket Drawings." The date of "Drawings" will coincide with the beginning of the on-line Cash Lotto game of the Kansas lottery. The "drawings" shall take place on Wednesdays and Saturdays between 8:16 p.m. and 8:45 p.m., Central Time (CT) except for Wednesdays during the state fair in Hutchinson, Kansas, on the Wednesday immediately preceding Thanksgiving, January 21, 1989, and Wednesdays from March 1, 1989, through July 1, 1989, at which times no "Cash Lotto Instant Ticket Drawings" will be conducted. In the event Christmas Eve, Christmas Day, New Year's Eve and New Year's Day should fall on a Wednesday or Saturday, no "Cash Lotto Instant Ticket Drawings" will be conducted. (Au-

thorized by and implementing K.S.A. 1988 Supp. 74-8710(a); effective T-89-25, May 24, 1988; amended T-111-9-7-88, Sept. 7, 1988; amended T-111-10-21-88, Oct. 18, 1988; amended T-111-11-16-88, Nov. 15, 1988; amended T-111-1-12-89, Jan. 11, 1989; amended T-111-2-20-89, Feb. 10, 1989; amended T-111-5-5-89, May 5, 1989.)

#### Article 8.—PULL-TAB INSTANT TICKET GENERIC RULES

**111-8-3. Ticket Sales.** (a) The price of a pull-tab ticket shall not exceed \$1.00.

(b) Tickets shall be sold only by retailers with valid on-premise cereal malt beverage, liquor or bingo licenses (or whose subcontractors or lessees have valid on-premise cereal malt beverage, liquor or bingo licenses) and who have entered contracts for pull-tab certificates issued by the Kansas Lottery. (Authorized by K.S.A. 1988 Supp. 74-8710; and implementing K.S.A. 1988 Supp. 74-8710 and 74-8718; effective T-111-9-13-88, Sept. 6, 1988; amended T-111-5-5-89, May 5, 1989.)

LARRY MONTGOMERY  
Executive Director

Doc. No. 007854

(Published in the *Kansas Register*, May 18, 1989.)

#### NOTICE OF REDEMPTION

Shawnee County, Kansas  
(Industrial Revenue Bonds, Series 1981-A)  
(Maisel & Associates of Michigan)  
(K Mart Corp., Sub Lessee-Guarantor)

Notice is hereby given that 35,000 principal amount of bonds, as listed below, are called for redemption June 15, 1989, at the price of 100 percent of the principal amount being redeemed plus accrued interest thereon to the redemption date:

82, 109, 186, 205, 300, 319, 414

On June 15, 1989, all bonds designated for redemption will become due and payable upon presentation thereof to the address given below. On and after June 15, 1989, interest on the principal amount called for redemption shall cease to accrue.

The bonds may be presented for payment, along with an IRS form W-9 verifying owner's tax identification number, in person or by mail at the following address:

Merchants National Bank of Topeka  
800 Jackson  
P.O. Box 178  
Topeka, KS 66601

CUSIP #820560AA8

Shawnee County, Kansas

Doc. No. 007864

**INDEX TO ADMINISTRATIVE REGULATIONS**

This index lists in numerical order the new, amended and revoked administrative regulations and the volume and page number of the *Kansas Register* issue in which more information can be found. This cumulative index supplements the index found in the 1987 Supplement to the *Kansas Administrative Regulations*.

**AGENCY 1: DEPARTMENT OF ADMINISTRATION**

Reg. No.	Action	Register
1-2-25	Amended	V. 7, p. 1408
1-2-81	New	V. 7, p. 1816
1-2-81	New	V. 7, p. 1879
1-5-11	Amended	V. 8, p. 130
1-5-13	Amended	V. 8, p. 130
1-5-15	Amended	V. 8, p. 130
1-6-2	Amended	V. 7, p. 1816
1-6-2	Amended	V. 7, p. 1879
1-6-24	Amended	V. 8, p. 131
1-6-31	New	V. 8, p. 131
1-6-32	New	V. 7, p. 1816
1-6-32	New	V. 7, p. 1879
1-9-5	Amended	V. 7, p. 1408
1-9-6	Amended	V. 7, p. 1409
1-9-8	Amended	V. 7, p. 1410
1-9-19a	New	V. 7, p. 1816
1-9-19a	New	V. 7, p. 1879
1-14-11	Amended	V. 7, p. 1411
1-16-15	Amended	V. 7, p. 1411
1-16-18	Amended	V. 7, p. 1411
1-16-18a	Amended	V. 7, p. 1412
1-18-1a	Amended	V. 7, p. 1414
1-24-1	Amended	V. 7, p. 1414
1-24-2	Revoked	V. 7, p. 1414

**AGENCY 4: BOARD OF AGRICULTURE**

Reg. No.	Action	Register
4-1-17	Amended	V. 7, p. 315
4-2-1	Amended	V. 7, p. 1839
4-2-8	Amended	V. 7, p. 1839
4-2-9	Revoked	V. 7, p. 315
4-2-18	New	V. 7, p. 1839
4-3-47	Amended	V. 7, p. 315
4-3-48	Amended	V. 7, p. 315
4-3-49	New	V. 7, p. 315
4-3-50	New	V. 7, p. 315
4-7-716	Amended	V. 7, p. 1839
4-8-14	Amended	V. 7, p. 1839
4-8-15		
through		
4-8-27	Revoked	V. 7, p. 316
4-8-28		
through		
4-8-39	New	V. 7, p. 316, 317
4-8-39	Amended	V. 7, p. 1840
4-8-40	Amended	V. 7, p. 1840
4-10-1	Amended	V. 7, p. 317
4-10-2d	Amended	V. 7, p. 1840
4-10-2i	Amended	V. 7, p. 318
4-10-2k	Amended	V. 7, p. 1840
4-10-4	Amended	V. 7, p. 319
4-10-5	Amended	V. 7, p. 320
4-10-15	Amended	V. 7, p. 322
4-10-16	Amended	V. 7, p. 1841
4-10-17	New	V. 7, p. 322
4-13-9	Amended	V. 7, p. 322
4-13-11	Amended	V. 7, p. 1841
4-13-13	Amended	V. 7, p. 1843
4-13-14	Amended	V. 7, p. 325
4-13-16	Amended	V. 7, p. 325
4-13-20	Amended	V. 7, p. 325
4-13-33	Amended	V. 7, p. 325

4-13-34		
through		
4-13-37	New	V. 7, p. 325, 326
4-13-34	Amended	V. 7, p. 1845
4-13-35	Amended	V. 7, p. 1845
4-13-36	Amended	V. 7, p. 1845
4-13-38	New	V. 7, p. 1846
4-13-60		
through		
4-13-65	New	V. 7, p. 1846-1848
4-16-1a	Amended	V. 7, p. 1848
4-16-1c	Amended	V. 7, p. 1848
4-16-3a	New	V. 7, p. 1849
4-16-7a	Amended	V. 7, p. 1849
4-16-252	New	V. 7, p. 1849
4-16-260	New	V. 7, p. 327
4-17-1a	New	V. 7, p. 1849
4-17-1c	New	V. 7, p. 1850
4-17-5	Revoked	V. 7, p. 1850
4-17-5a	New	V. 7, p. 1850
4-25-1	Revoked	V. 7, p. 1850
4-33-1	New	V. 8, p. 132

**AGENCY 5: BOARD OF AGRICULTURE— DIVISION OF WATER RESOURCES**

Reg. No.	Action	Register
5-10-1	Revoked	V. 7, p. 109
5-10-2	Revoked	V. 7, p. 109
5-10-3	Revoked	V. 7, p. 109
5-25-4	Amended	V. 7, p. 109

**AGENCY 7: SECRETARY OF STATE**

Reg. No.	Action	Register
7-31-4	Amended	V. 7, p. 112
7-33-1	New	V. 7, p. 1606

**AGENCY 9: ANIMAL HEALTH DEPARTMENT**

Reg. No.	Action	Register
9-7-7		
9-14-1	Amended	V. 7, p. 1399
through		
9-14-5	New	V. 7, p. 1400

**AGENCY 11: STATE CONSERVATION COMMISSION**

Reg. No.	Action	Register
11-1-1		
through		
11-1-5	Revoked	V. 7, p. 111
11-1-6	New	V. 7, p. 111
11-1-7	New	V. 7, p. 111
11-1-8	New	V. 7, p. 111
11-2-1	Revoked	V. 7, p. 111
11-2-2	Revoked	V. 7, p. 111
11-2-3	Revoked	V. 7, p. 111
11-2-4	New	V. 7, p. 111
11-2-5	New	V. 7, p. 111
11-2-6	New	V. 7, p. 111

**AGENCY 13: ALCOHOLIC BEVERAGE CONTROL BOARD OF REVIEW**

Reg. No.	Action	Register
13-1-1	Revoked	V. 7, p. 110
13-1-2	Revoked	V. 7, p. 110
13-2-1		
through		
13-2-15	Revoked	V. 7, p. 110
13-3-1	Revoked	V. 7, p. 110
13-3-2	Revoked	V. 7, p. 110
13-4-1		
through		
13-4-5	Revoked	V. 7, p. 110
13-5-1	Revoked	V. 7, p. 110
13-5-2	Revoked	V. 7, p. 110
13-6-1	Revoked	V. 7, p. 110

**AGENCY 14: DEPARTMENT OF REVENUE— DIVISION OF ALCOHOLIC BEVERAGE CONTROL**

Reg. No.	Action	Register
14-1-1	Revoked	V. 7, p. 779
14-2-1		
through		
14-2-23	Revoked	V. 7, p. 779
14-3-1		
through		
14-3-20	Revoked	V. 7, p. 780
14-3-22		
through		
14-3-42	Revoked	V. 7, p. 780, 781
14-4-1		
through		
14-4-11	Revoked	V. 7, p. 781
14-4-11a	Revoked	V. 7, p. 781
14-4-12		
through		
14-4-16	Revoked	V. 7, p. 781
14-4-18		
through		
14-4-23	Revoked	V. 7, p. 782
14-4-25		
through		
14-4-28	Revoked	V. 7, p. 782
14-5-1	Amended	V. 7, p. 782
14-5-2	Amended	V. 7, p. 782
14-5-3	Revoked	V. 7, p. 782
14-5-4	Amended	V. 7, p. 782
14-5-6	Amended	V. 7, p. 782
14-6-1	Amended	V. 7, p. 1401
14-6-2a	Amended	V. 7, p. 1401
14-6-3	Amended	V. 7, p. 1401
14-6-4	Amended	V. 7, p. 1401
14-7-2	Amended	V. 7, p. 1401
14-7-3	Amended	V. 7, p. 1401
14-7-4	Amended	V. 7, p. 1401
14-7-8	Amended	V. 7, p. 1401
14-8-1	Amended	V. 7, p. 1401
14-8-4	Revoked	V. 7, p. 783
14-8-5	Revoked	V. 7, p. 783
14-8-6	Amended	V. 7, p. 1401
14-8-7	Amended	V. 7, p. 1401
14-8-11	Revoked	V. 7, p. 783
14-9-1		
through		
14-9-10	Revoked	V. 7, p. 783
14-10-1		
through		
14-10-4	Revoked	V. 7, p. 783
14-10-5		
through		
14-10-16	New	V. 7, p. 1401, 1402
14-11-2	Revoked	V. 7, p. 1876
14-11-8	Revoked	V. 7, p. 1876
14-11-10c	Revoked	V. 7, p. 1876
14-11-12	Revoked	V. 7, p. 1876
14-11-17	Revoked	V. 7, p. 1876
14-11-18	Revoked	V. 7, p. 1876
14-11-19	Revoked	V. 7, p. 1876
14-11-20	Revoked	V. 7, p. 1876
14-11-21	Revoked	V. 7, p. 1876
14-13-1		
through		
14-13-13	New	V. 7, p. 783-788
14-14-1		
through		
14-14-12	New	V. 7, p. 1402
14-14-1	Amended	V. 7, p. 1876
14-14-5	Amended	V. 7, p. 1877
14-14-13	New	V. 7, p. 1878
14-16-1	Revoked	V. 7, p. 789
14-16-3	Revoked	V. 7, p. 789
14-16-4	Revoked	V. 7, p. 789
14-16-5	Revoked	V. 7, p. 789
14-16-6	Revoked	V. 7, p. 789
14-16-9		
through		
14-16-12	Revoked	V. 7, p. 789
14-16-14		
through		
14-16-24	New	V. 7, p. 789-792

(continued)

14-17-5	New	V. 7, p. 1402
14-18-2		
through		
14-18-23	Revoked	V. 7, p. 793, 794
14-18-25	Revoked	V. 7, p. 794
14-18-26	Revoked	V. 7, p. 794
14-18-28	Revoked	V. 7, p. 794
14-18-29	Revoked	V. 7, p. 794
14-18-30	Revoked	V. 7, p. 794
14-18-32	Revoked	V. 7, p. 794
14-18-33	Revoked	V. 7, p. 794
14-19-8	Revoked	V. 7, p. 794
14-19-9	Revoked	V. 7, p. 794
14-19-11	Revoked	V. 7, p. 794
14-19-12	Revoked	V. 7, p. 794
14-19-13	Revoked	V. 7, p. 794
14-19-14		
through		
14-19-37	New	V. 7, p. 794-801
14-20-1	Revoked	V. 7, p. 801
14-20-2	Revoked	V. 7, p. 801
14-20-4	Revoked	V. 7, p. 801
14-20-7		
through		
14-20-10	Revoked	V. 7, p. 801
14-20-14		
through		
14-20-39	New	V. 7, p. 801-809
14-21-1		
through		
14-21-20	New	V. 7, p. 809-816
14-22-1		
through		
14-22-14	New	V. 7, p. 816-821
14-22-16		
through		
14-22-20	New	V. 7, p. 822
14-23-1		
through		
14-23-15	New	V. 7, p. 822-826
14-23-3	Amended	V. 7, p. 1402

AGENCY 23: DEPARTMENT OF WILDLIFE AND PARKS

Reg. No.	Action	Register
23-1-9	Amended	V. 7, p. 1503
23-1-10	Amended	V. 7, p. 367
23-1-12	New	V. 7, p. 367
23-2-7	Amended	V. 7, p. 368
23-2-14	Amended	V. 7, p. 1503
23-2-14	Amended	V. 7, p. 1638
23-2-15	Amended	V. 7, p. 371
23-2-16	New	V. 7, p. 372
23-3-13	Amended	V. 7, p. 1504
23-5-1		
through		
23-5-8	New	V. 7, p. 1504, 1505
23-5-1		
through		
23-5-8	New	V. 7, p. 1639, 1640
23-7-7	Amended	V. 7, p. 1506
23-7-7	Amended	V. 7, p. 1640
23-8-2	Amended	V. 7, p. 1506
23-18-1	Amended	V. 7, p. 373
23-18-3	New	V. 7, p. 373
23-18-4	New	V. 7, p. 374
23-21-1		
through		
23-21-14	New	V. 7, p. 374-376

AGENCY 24: KANSAS WHEAT COMMISSION

Reg. No.	Action	Register
24-1-1	New	V. 7, p. 1357

AGENCY 25: GRAIN INSPECTION DEPARTMENT

Reg. No.	Action	Register
25-4-1	Amended	V. 7, p. 1396
25-4-4	Amended	V. 7, p. 221

AGENCY 26: DEPARTMENT ON AGING

Reg. No.	Action	Register
26-1-1	Amended	V. 7, p. 1332
26-1-5	Amended	V. 7, p. 1334
26-1-7	New	V. 7, p. 1334
26-2-1	Amended	V. 7, p. 1335
26-2-3	Amended	V. 7, p. 1335
26-2-5	Amended	V. 7, p. 1336
26-2-6	Amended	V. 7, p. 1336
26-2-9	New	V. 7, p. 1336
26-3-1	Amended	V. 7, p. 1337
26-3-4	Amended	V. 7, p. 1337
26-3-5	Amended	V. 7, p. 1338
26-3-6	Amended	V. 7, p. 1338
26-4-1	Amended	V. 7, p. 1059
26-4-4	Amended	V. 7, p. 1338
26-5-1	Amended	V. 7, p. 1338
26-5-2	Amended	V. 7, p. 1338
26-5-8	New	V. 7, p. 1339
26-6-1	Amended	V. 7, p. 1339
26-6-2	Amended	V. 7, p. 1340
26-6-3	Amended	V. 7, p. 1340
26-6-5	Amended	V. 7, p. 1340
26-6-6	Amended	V. 7, p. 1340

AGENCY 28: DEPARTMENT OF HEALTH AND ENVIRONMENT

Reg. No.	Action	Register
28-4-285		
through		
28-4-294	New	V. 7, p. 1431-1434
28-4-285		
through		
28-4-294	New	V. 7, p. 1770-1773
28-4-525		
through		
28-4-529	New	V. 7, p. 714
28-14-2	Amended	V. 7, p. 714
28-15-35	Amended	V. 7, p. 714
28-15-36	Amended	V. 7, p. 714
28-16-110		
through		
28-16-138	New	V. 8, p. 517-520
28-16-56a	Amended	V. 7, p. 714
28-17-6	Amended	V. 7, p. 714
28-17-20	Amended	V. 7, p. 714
28-17-21	New	V. 7, p. 714
28-19-7	Amended	V. 7, p. 714
28-19-8	Amended	V. 7, p. 714
28-19-17f	Amended	V. 7, p. 715
28-19-18	Amended	V. 7, p. 715
28-19-19	Amended	V. 7, p. 715
28-19-61		
through		
28-19-66	Amended	V. 7, p. 715
28-19-69		
through		
28-19-75	Amended	V. 7, p. 715
28-19-84		
through		
28-19-96	Amended	V. 7, p. 715
28-19-98		
through		
28-19-108	Amended	V. 7, p. 715
28-19-108a	New	V. 7, p. 715
28-19-109	Amended	V. 7, p. 715
28-19-119		
through		
28-19-121a	Amended	V. 7, p. 715
28-19-123	Amended	V. 7, p. 715
28-19-124	Amended	V. 7, p. 715
28-19-125	Amended	V. 7, p. 715
28-19-127		
through		
28-19-141	Amended	V. 7, p. 715
28-19-149	Amended	V. 7, p. 715
28-19-150	Amended	V. 7, p. 715
28-19-153	Amended	V. 7, p. 715
28-19-154	Amended	V. 7, p. 715
28-19-155	Amended	V. 7, p. 715
28-19-158	Amended	V. 7, p. 715
28-19-159	Amended	V. 7, p. 715
28-31-1		
through		
28-31-4	Amended	V. 7, p. 715

28-31-6	Amended	V. 7, p. 715
28-31-8	Amended	V. 7, p. 715
28-31-8a	Amended	V. 7, p. 715
28-31-9	Amended	V. 7, p. 715
28-31-10	Amended	V. 7, p. 715
28-31-14	Amended	V. 7, p. 715
28-33-1	Amended	V. 7, p. 716
28-33-2		
through		
28-33-10	Revoked	V. 7, p. 716
28-35-146	Amended	V. 7, p. 716
28-35-147	Amended	V. 7, p. 716
28-39-77	Amended	V. 8, p. 200
28-39-83	Amended	V. 7, p. 716
28-39-87	Amended	V. 7, p. 716
28-39-114		
through		
28-39-129	Revoked	V. 7, p. 716
28-39-130	Revoked	V. 7, p. 716
28-39-131	Revoked	V. 7, p. 716
28-39-139		
through		
28-39-143	Revoked	V. 7, p. 716
28-39-200	Revoked	V. 8, p. 201
28-39-202		
through		
28-39-218	Revoked	V. 8, p. 201
28-39-225	Amended	V. 8, p. 201
28-39-226	Amended	V. 8, p. 203
28-39-300		
through		
28-39-312	New	V. 7, p. 716
28-39-400		
through		
28-39-411	New	V. 7, p. 716
28-50-1	Amended	V. 7, p. 716
28-50-2	Amended	V. 7, p. 716
28-50-4	Amended	V. 7, p. 716
28-50-5		
through		
28-50-9	Amended	V. 7, p. 716
28-50-9	Amended	V. 7, p. 1354
28-50-14	Amended	V. 7, p. 716
28-60-1		
through		
28-60-9	Amended	V. 7, p. 716
28-60-1		
through		
28-60-6	Amended	V. 7, p. 1740, 1741
28-60-7	Revoked	V. 7, p. 1742
28-60-9	Amended	V. 7, p. 1742
28-65-1	New	V. 7, p. 716
28-65-2	New	V. 7, p. 716
28-65-3	Amended	V. 7, p. 1399

AGENCY 30: SOCIAL AND REHABILITATION SERVICES

Reg. No.	Action	Register
30-2-16	Amended	V. 7, p. 1402
30-4-34	Amended	V. 7, p. 716
30-4-35	Amended	V. 8, p. 714
30-4-36	Amended	V. 7, p. 717
30-4-41	Amended	V. 8, p. 714
30-4-50	Amended	V. 7, p. 1402
30-4-50	Amended	V. 7, p. 1437
30-4-54	Amended	V. 7, p. 717
30-4-56	Revoked	V. 8, p. 714
30-4-57	Amended	V. 8, p. 714
30-4-58	Amended	V. 8, p. 714
30-4-62	Amended	V. 8, p. 714
30-4-62	Amended	V. 7, p. 1438
30-4-63	Amended	V. 8, p. 714
30-4-70	Amended	V. 8, p. 714
30-4-73	Amended	V. 8, p. 715
30-4-74	Amended	V. 8, p. 715
30-4-75	Amended	V. 8, p. 715
30-4-78	Amended	V. 7, p. 717
30-4-80	Amended	V. 7, p. 1404
30-4-85a	Amended	V. 8, p. 715
30-4-90	Amended	V. 8, p. 715
30-4-91	Amended	V. 7, p. 718
30-4-95	Amended	V. 7, p. 1404
30-4-100	Amended	V. 8, p. 715
30-4-101	Amended	V. 8, p. 715
30-4-102	Amended	V. 8, p. 715



30-4-106 Amended V. 7, p. 1404  
 30-4-108 through Amended V. 7, p. 718, 719  
 30-4-113 Amended V. 7, p. 1404  
 30-4-108 Amended V. 8, p. 715  
 30-4-110 Amended V. 8, p. 715  
 30-4-112 Amended V. 8, p. 715  
 30-4-113 Amended V. 8, p. 715  
 30-4-120 Amended V. 7, p. 1404  
 30-4-120 Amended V. 7, p. 1440  
 30-4-130 Amended V. 8, p. 715  
 30-4-140 Amended V. 8, p. 715  
 30-5-58 Amended V. 8, p. 715  
 30-5-59 Amended V. 8, p. 717  
 30-5-60 Amended V. 8, p. 717  
 30-5-65 Amended V. 7, p. 720  
 30-5-70 Amended V. 8, p. 717  
 30-5-71 Amended V. 7, p. 720  
 30-5-75 New V. 7, p. 721  
 30-5-76 New V. 8, p. 717  
 30-5-81 Amended V. 8, p. 718  
 30-5-81a Amended V. 8, p. 718  
 30-5-81b Amended V. 8, p. 718  
 30-5-81d Revoked V. 8, p. 718  
 30-5-81q Revoked V. 8, p. 718  
 30-5-81r Revoked V. 8, p. 718  
 30-5-81s Revoked V. 8, p. 718  
 30-5-81t Amended V. 8, p. 718  
 30-5-81u New V. 8, p. 718  
 30-5-81v New V. 8, p. 718  
 30-5-82 Amended V. 8, p. 719  
 30-5-83 Amended V. 7, p. 1869  
 30-5-83a Amended V. 7, p. 721  
 30-5-84 Amended V. 8, p. 719  
 30-5-84a Amended V. 7, p. 721  
 30-5-86 Amended V. 7, p. 1869  
 30-5-86a Amended V. 7, p. 721  
 30-5-86b through  
 30-5-86c Revoked V. 7, p. 721  
 30-5-87 Amended V. 7, p. 1869  
 30-5-87a Amended V. 7, p. 1869  
 30-5-88 Amended V. 8, p. 719  
 30-5-89 Amended V. 8, p. 719  
 30-5-92 Amended V. 7, p. 1869  
 30-5-94 Amended V. 8, p. 719  
 30-5-95 Amended V. 8, p. 719  
 30-5-100 Amended V. 7, p. 1869  
 30-5-100 Amended V. 7, p. 1445  
 30-5-101 Amended V. 7, p. 1869  
 30-5-102 Amended V. 7, p. 722  
 30-5-103 Amended V. 7, p. 1869  
 30-5-104 Amended V. 7, p. 1869  
 30-5-106a Amended V. 7, p. 722  
 30-5-108 Amended V. 8, p. 719  
 30-5-110 Amended V. 8, p. 719  
 30-5-110a Amended V. 7, p. 722  
 30-5-112 Amended V. 7, p. 1869  
 30-5-113 New V. 7, p. 1869  
 30-5-113a New V. 7, p. 722  
 30-5-114 New V. 7, p. 722  
 30-5-114a New V. 7, p. 723  
 30-5-115 New V. 8, p. 719  
 30-5-115a New V. 8, p. 719  
 30-5-116 New V. 8, p. 719  
 30-5-116a New V. 8, p. 720  
 30-5-150 Amended V. 7, p. 723  
 30-5-151 Amended V. 7, p. 723  
 30-5-152 Amended V. 7, p. 723  
 30-5-154 Amended V. 7, p. 723  
 30-5-155 Amended V. 7, p. 1869  
 30-5-156 Amended V. 7, p. 723  
 30-5-157 Amended V. 7, p. 723  
 30-5-159 through  
 30-5-163 Amended V. 7, p. 723, 724  
 30-5-167 through  
 30-5-171 Amended V. 7, p. 724  
 30-5-169 Amended V. 8, p. 720  
 30-6-35 Amended V. 8, p. 720  
 30-6-36 Amended V. 7, p. 724  
 30-6-41 Amended V. 7, p. 1405  
 30-6-53 Amended V. 8, p. 720  
 30-6-54 Amended V. 7, p. 724  
 30-6-56 Amended V. 8, p. 720

30-6-57 Amended V. 7, p. 724  
 30-6-58 Amended V. 7, p. 1405  
 30-6-65 Amended V. 7, p. 1405  
 30-6-73 Amended V. 8, p. 721  
 30-6-65 Amended V. 8, p. 721  
 30-6-73 Amended V. 8, p. 721  
 30-6-74 Amended V. 8, p. 721  
 30-6-77 Amended V. 8, p. 721  
 30-6-78 Amended V. 7, p. 1406  
 30-6-79 Amended V. 7, p. 725  
 30-6-86 Amended V. 8, p. 721  
 30-6-103 Amended V. 8, p. 721  
 30-6-106 through  
 30-6-113 Amended V. 7, p. 725, 726  
 30-6-106 Amended V. 8, p. 721  
 30-6-107 Amended V. 7, p. 1406  
 30-6-107 Amended V. 7, p. 1870  
 30-6-107 Amended V. 7, p. 1406  
 30-6-108 Amended V. 8, p. 721  
 30-6-109 Amended V. 8, p. 721  
 30-6-112 Amended V. 8, p. 721  
 30-6-113 Amended V. 8, p. 721  
 30-7-26 through  
 30-7-63 Revoked V. 8, p. 721  
 30-7-64 through  
 30-7-78 New V. 8, p. 721-724  
 30-10-1a Amended V. 7, p. 1870  
 30-10-1b Amended V. 7, p. 1870  
 30-10-2 Amended V. 7, p. 727  
 30-10-3 Amended V. 7, p. 727  
 30-10-4 Amended V. 7, p. 727  
 30-10-7 Amended V. 7, p. 1870  
 30-10-9 Amended V. 7, p. 727  
 30-10-11 Amended V. 7, p. 1870  
 30-10-15a Amended V. 7, p. 1871  
 30-10-15b Amended V. 7, p. 1871  
 30-10-16 Amended V. 7, p. 1871  
 30-10-17 Amended V. 7, p. 1871  
 30-10-18 Amended V. 7, p. 1871  
 30-10-19 Amended V. 7, p. 1871  
 30-10-20 Amended V. 7, p. 1871  
 30-10-21 Amended V. 7, p. 1871  
 30-10-23a Amended V. 7, p. 727  
 30-10-24 Amended V. 7, p. 1871  
 30-10-25 Amended V. 7, p. 728  
 30-10-28 Amended V. 7, p. 1873  
 30-10-29 Amended V. 7, p. 728  
 30-22-30 Amended V. 7, p. 728  
 30-22-32 Amended V. 7, p. 729  
 30-31-2 Amended V. 7, p. 729  
 30-31-3 Amended V. 7, p. 729  
 30-31-4 Amended V. 7, p. 729  
 30-46-1 through  
 30-46-6 New V. 7, p. 729, 730  
 30-46-1 through  
 30-46-6 Revoked V. 7, p. 1873  
 30-46-10 through  
 30-46-17 New V. 7, p. 1873, 1874  
 30-51-1 through  
 30-51-5 New V. 7, p. 730, 731

AGENCY 36: DEPARTMENT OF TRANSPORTATION

Reg. No.	Action	Register
36-27-2	Amended	V. 7, p. 217
36-27-3	Amended	V. 7, p. 217
36-27-4	Amended	V. 7, p. 217
36-27-5a	New	V. 7, p. 217
36-27-6	Amended	V. 7, p. 217
36-27-7	Amended	V. 7, p. 217
36-27-8	Amended	V. 7, p. 218
36-27-11	Amended	V. 7, p. 218
36-27-12	Amended	V. 7, p. 218
36-27-13	Amended	V. 7, p. 219

AGENCY 38: SAVINGS AND LOAN DEPARTMENT

Reg. No.	Action	Register
38-10-1 through 38-10-7	New	V. 7, p. 222

AGENCY 40: KANSAS INSURANCE DEPARTMENT

Reg. No.	Action	Register
40-1-28	Amended	V. 8, p. 452
40-1-29	Revoked	V. 7, p. 584
40-1-36	Amended	V. 7, p. 584
40-2-12	Amended	V. 8, p. 452
40-2-14	Amended	V. 7, p. 585
40-2-15	Amended	V. 7, p. 586
40-2-16	Amended	V. 7, p. 586
40-2-22	Amended	V. 7, p. 586
40-3-5	Amended	V. 8, p. 454
40-3-12	Amended	V. 7, p. 588
40-3-33	Amended	V. 7, p. 588
40-3-44	New	V. 8, p. 454
40-4-22	Amended	V. 7, p. 591
40-4-35	Amended	V. 8, p. 515
40-4-35	Amended	V. 8, p. 558
40-4-35a	New	V. 7, p. 2059
40-4-35a	New	V. 8, p. 454
40-4-37	New	V. 7, p. 1329
40-4-38	New	V. 8, p. 455
40-5-107	Amended	V. 7, p. 592
40-5-108	Amended	V. 7, p. 592
40-5-109	Amended	V. 7, p. 593
40-7-7	Amended	V. 8, p. 455
40-7-13	Amended	V. 8, p. 455
40-7-20	Revoked	V. 8, p. 455
40-7-20a	New	V. 8, p. 455
40-7-21	Amended	V. 8, p. 457
40-7-21	Amended	V. 8, p. 516
40-9-118	Amended	V. 7, p. 593
40-10-15	Amended	V. 7, p. 593

AGENCY 44: DEPARTMENT OF CORRECTIONS

Reg. No.	Action	Register
44-6-136	Amended	V. 7, p. 308
44-6-138	Amended	V. 7, p. 308
44-6-141	Amended	V. 7, p. 309
44-7-104	Amended	V. 7, p. 309
44-11-111	Amended	V. 7, p. 2031
44-11-113	Amended	V. 8, p. 451
44-11-114	Amended	V. 7, p. 2032
44-11-116	Amended	V. 7, p. 2032
44-11-119	Amended	V. 7, p. 2032
44-11-121	Amended	V. 8, p. 451
44-11-122	Amended	V. 7, p. 2032
44-11-123	Amended	V. 8, p. 451
44-11-125	Revoked	V. 7, p. 2033
44-11-128	Amended	V. 7, p. 2033
44-11-129	New	V. 7, p. 2033
44-12-205	Amended	V. 7, p. 311
44-12-207	Amended	V. 7, p. 311
44-12-327	New	V. 7, p. 311
44-12-401	Amended	V. 7, p. 311
44-12-601	Amended	V. 7, p. 311
44-13-402	Amended	V. 7, p. 313
44-13-704	Amended	V. 7, p. 313
44-15-101b	Amended	V. 7, p. 313
44-15-102	Amended	V. 7, p. 313
44-16-103	Amended	V. 7, p. 1875
44-16-104	Amended	V. 7, p. 1875
44-16-108	Amended	V. 7, p. 1875

AGENCY 45: KANSAS PAROLE BOARD

Reg. No.	Action	Register
45-4-7	Amended	V. 7, p. 219
45-7-1	Amended	V. 7, p. 219
45-9-1	Amended	V. 7, p. 219

(continued)



82-3-304	Amended	V. 7, p. 428
82-3-305	Amended	V. 8, p. 431
82-3-306	Amended	V. 7, p. 429
82-3-311	Amended	V. 8, p. 431
82-3-312	Amended	V. 7, p. 429
82-3-400	Amended	V. 8, p. 432
82-3-401	Amended	V. 8, p. 432
82-3-402	Amended	V. 8, p. 434
82-3-405	Amended	V. 8, p. 434
82-3-407	Amended	V. 8, p. 435
82-3-408	Amended	V. 8, p. 435
82-3-409	Amended	V. 8, p. 435
82-3-502	Amended	V. 7, p. 431
82-3-602	Amended	V. 7, p. 432
82-3-603	Amended	V. 7, p. 432
82-4-3	Amended	V. 7, p. 432
82-4-20	Amended	V. 7, p. 433
82-4-65	Amended	V. 7, p. 433
82-11-1 through		
82-11-7	Revoked	V. 8, p. 517
82-11-1 through		
82-11-9	New	V. 8, p. 377-383

AGENCY 86: REAL ESTATE COMMISSION

Reg. No.	Action	Register
86-1-5	Amended	V. 7, p. 1398
86-1-11	Amended	V. 7, p. 1398
86-1-13	Amended	V. 7, p. 408
86-1-16	New	V. 7, p. 1398
86-3-6a	Amended	V. 7, p. 408
86-3-18	Amended	V. 7, p. 408
86-3-22	New	V. 7, p. 409

AGENCY 88: BOARD OF REGENTS

Reg. No.	Action	Register
88-3-10	New	V. 7, p. 465
88-3-11	New	V. 7, p. 465
88-3-12	New	V. 7, p. 1632
88-8-1 through		
88-8-8	New	V. 7, p. 465, 466
88-9-1 through		
88-9-6	New	V. 7, p. 1632, 1633
88-10-6	Amended	V. 7, p. 466
88-11-7	Amended	V. 7, p. 467
88-13-1	Amended	V. 7, p. 1807
88-13-1	Amended	V. 7, p. 1944
88-13-4	Amended	V. 7, p. 1808
88-13-4	Amended	V. 7, p. 1944
88-13-11	Amended	V. 7, p. 1808
88-13-11	Amended	V. 7, p. 1945
88-14-1 through		
88-14-4	New	V. 7, p. 467
88-15-1	Amended	V. 7, p. 1809
88-15-1	Amended	V. 7, p. 1910
88-15-2	Amended	V. 7, p. 1809
88-15-2	Amended	V. 7, p. 1910
88-16-1	Amended	V. 7, p. 1810
88-16-1	Amended	V. 7, p. 1911
88-16-1a	Amended	V. 7, p. 1810
88-16-1a	Amended	V. 7, p. 1911
88-16-2	Amended	V. 7, p. 1810
88-16-2	Amended	V. 7, p. 1912
88-16-5	Amended	V. 7, p. 1811
88-16-5	Amended	V. 7, p. 1912
88-17-2	New	V. 7, p. 468
88-17-3	New	V. 7, p. 468
88-17-4	New	V. 7, p. 468
88-18-1 through		
88-18-8	New	V. 7, p. 1814, 1815
88-19-1 through		
88-19-4	New	V. 7, p. 1815

AGENCY 91: DEPARTMENT OF EDUCATION

Reg. No.	Action	Register
91-1-27	Amended	V. 7, p. 517
91-1-27b	Amended	V. 8, p. 94
91-1-28	Amended	V. 7, p. 518
91-1-32	Amended	V. 8, p. 94
91-1-32a	Revoked	V. 8, p. 94
91-1-33	Amended	V. 8, p. 94
91-1-38	Revoked	V. 8, p. 95
91-1-44	Amended	V. 7, p. 518
91-1-58	Amended	V. 8, p. 95
91-1-60	Amended	V. 8, p. 95
91-1-79	Amended	V. 8, p. 95
91-1-85	Amended	V. 8, p. 95
91-1-92	Amended	V. 8, p. 96
91-1-101b	New	V. 7, p. 519
91-1-107a	Amended	V. 8, p. 96
91-1-110b	New	V. 7, p. 520
91-1-112a	Amended	V. 7, p. 521
91-1-128a	Amended	V. 8, p. 98
91-1-129a	Amended	V. 8, p. 98
91-1-131	Amended	V. 8, p. 99
91-1-132a	Amended	V. 8, p. 100
91-1-146d	Amended	V. 7, p. 522
91-1-146e	New	V. 7, p. 523
91-1-147	Revoked	V. 7, p. 523
91-1-149	New	V. 8, p. 101
91-1-150	New	V. 8, p. 101
91-12-22 through		
91-12-25	Amended	V. 7, p. 523-528
91-12-24	Revoked	V. 7, p. 1709
91-12-24a	New	V. 7, p. 1709
91-12-26	Revoked	V. 7, p. 1710
91-12-28	Amended	V. 7, p. 1710
91-12-31	Amended	V. 7, p. 529
91-12-32	Amended	V. 7, p. 529
91-12-40	Amended	V. 7, p. 530
91-12-50 through		
91-12-55	Amended	V. 7, p. 531-534
91-12-58	Amended	V. 7, p. 535
91-12-61	Amended	V. 7, p. 1711
91-12-62	Amended	V. 7, p. 536
91-12-72	Amended	V. 7, p. 536
91-16-30	New	V. 8, p. 423
91-19-1	Amended	V. 8, p. 101
91-19-2	Amended	V. 8, p. 101
91-19-6	Amended	V. 8, p. 102
91-25-1a	Amended	V. 7, p. 537
91-25-1c	Amended	V. 7, p. 538
91-31-1	Amended	V. 8, p. 102
91-31-2	Amended	V. 8, p. 102
91-31-3	Amended	V. 7, p. 539
91-31-5	Amended	V. 7, p. 540
91-31-6	Amended	V. 7, p. 540
91-31-7	Amended	V. 8, p. 103
91-31-9	Amended	V. 7, p. 542
91-31-11	Amended	V. 7, p. 542
91-31-12a through		
91-31-12h	Amended	V. 7, p. 542-544
91-31-12a	Amended	V. 8, p. 104
91-31-13	Amended	V. 8, p. 104
91-31-14	New	V. 8, p. 105
91-31-14a	Amended	V. 8, p. 105
91-33-1 through		
91-33-9	Amended	V. 7, p. 545-549
91-33-1	Amended	V. 8, p. 105
91-33-5	Amended	V. 8, p. 106
91-34-1 through		
91-34-14	New	V. 7, p. 549-553
91-34-1	Amended	V. 8, p. 106
91-34-2	Amended	V. 8, p. 106
91-34-3	Amended	V. 8, p. 107

AGENCY 92: DEPARTMENT OF REVENUE

Reg. No.	Action	Register
92-1-1	Amended	V. 7, p. 649
92-1-2	Amended	V. 7, p. 650
92-1-3	Amended	V. 7, p. 650

Reg. No.	Action	Register
92-1-4 through		
92-1-8	Revoked	V. 7, p. 650
92-12-106	New	V. 7, p. 650
92-13-10	Amended	V. 7, p. 651
92-19-3	Amended	V. 7, p. 651
92-19-5	Amended	V. 7, p. 651
92-19-6	Amended	V. 7, p. 651
92-19-8	Amended	V. 7, p. 651
92-19-9	Revoked	V. 7, p. 652
92-19-10	Amended	V. 7, p. 652
92-19-12	Amended	V. 7, p. 652
92-19-16	Amended	V. 7, p. 652
92-19-18	Amended	V. 7, p. 653
92-19-19	Amended	V. 7, p. 653
92-19-23	Amended	V. 7, p. 653
92-19-24	Amended	V. 7, p. 654
92-19-28	Amended	V. 7, p. 654
92-19-30	Amended	V. 7, p. 655
92-19-30a	New	V. 7, p. 656
92-19-31	Revoked	V. 7, p. 656
92-19-32	Amended	V. 7, p. 656
92-19-40	Amended	V. 7, p. 657
92-19-41	Revoked	V. 7, p. 657
92-19-46	New	V. 7, p. 657
92-19-47	New	V. 7, p. 657
92-19-49 through		
92-19-59	New	V. 7, p. 658-662
92-19-61 through		
92-19-66	New	V. 7, p. 662, 663
92-19-66a through		
92-19-66d	New	V. 7, p. 664-666
92-19-67 through		
92-19-80	New	V. 7, p. 666-670
92-19-80	Revoked	V. 7, p. 1036
92-20-11	Amended	V. 7, p. 1632
92-20-13	Amended	V. 7, p. 671
92-21-6	Amended	V. 7, p. 671
92-21-8	Amended	V. 7, p. 672
92-21-10	Amended	V. 7, p. 672
92-21-14	Amended	V. 7, p. 672
92-24-9	Amended	V. 7, p. 672
92-24-10	Amended	V. 7, p. 672
92-24-11	Amended	V. 7, p. 673
92-24-13	Amended	V. 7, p. 673
92-24-15 through		
92-24-19	Amended	V. 7, p. 673, 674
92-24-20	Revoked	V. 7, p. 674
92-24-21 through		
92-24-24	Amended	V. 7, p. 674
92-26-1 through		
92-26-7	Amended	V. 7, p. 675-676
92-51-41	Amended	V. 7, p. 676
92-52-1	Amended	V. 7, p. 676

AGENCY 94: BOARD OF TAX APPEALS

Reg. No.	Action	Register
94-1-1 through		
94-1-9	Revoked	V. 7, p. 469
94-2-1 through		
94-2-12	Amended	V. 7, p. 469-473
94-3-1	Amended	V. 7, p. 473
94-3-2	Amended	V. 7, p. 473

AGENCY 99: BOARD OF AGRICULTURE—DIVISION OF WEIGHTS AND MEASURES

Reg. No.	Action	Register
99-8-8	Amended	V. 7, p. 468
99-8-9	New	V. 7, p. 468
99-31-1	Amended	V. 8, p. 132
99-31-2 through		
99-31-6	Amended	V. 7, p. 1838, 1839

(continued)

99-32-1 through 99-32-6 Amended V. 7, p. 468, 469

**AGENCY 100: BOARD OF HEALING ARTS**

Reg. No.	Action	Register
100-2-1	Revoked	V. 7, p. 474
100-2-3	Amended	V. 7, p. 474
100-2-5	Revoked	V. 7, p. 474
100-2-6	Revoked	V. 7, p. 474
100-5-1	Amended	V. 7, p. 474
100-5-2	Amended	V. 7, p. 474
100-5-3	Revoked	V. 7, p. 475
100-8-4	Amended	V. 7, p. 475
100-9-2	Revoked	V. 7, p. 475
100-10-1	Revoked	V. 7, p. 475
100-10a-1 through 100-10a-6	New	V. 7, p. 475-476
100-11-1	Amended	V. 8, p. 654
100-11-5	New	V. 7, p. 476
100-12-1	Amended	V. 7, p. 476
100-15-3	New	V. 7, p. 476
100-19-1	Amended	V. 7, p. 476
100-22-2	New	V. 7, p. 477
100-42-1	Revoked	V. 7, p. 477
100-42-2	Amended	V. 7, p. 477
100-46-5	Amended	V. 7, p. 477
100-49-4	Amended	V. 8, p. 654
100-54-1 through 100-54-9	New	V. 7, p. 477-480
100-55-1 through 100-55-8	New	V. 7, p. 480-483
100-60-7 through 100-60-8	Revoked	V. 7, p. 483
100-60-14	New	V. 7, p. 483-485

**AGENCY 102: BEHAVIORAL SCIENCES REGULATORY BOARD**

Reg. No.	Action	Register
102-2-1a	Amended	V. 8, p. 204
102-2-4b	Amended	V. 7, p. 462
102-2-7	Amended	V. 7, p. 463
102-3-1	New	V. 7, p. 1258
102-3-2	Amended	V. 7, p. 464
102-3-3 through 102-3-13	New	V. 7, p. 1258-1263
102-4-1	New	V. 8, p. 204
102-4-1	New	V. 8, p. 335
102-4-2	New	V. 7, p. 464
102-4-3 through 102-4-11	New	V. 8, p. 205-209
102-4-3 through 102-4-11	New	V. 8, p. 335-339

**AGENCY 104: CONSUMER CREDIT COMMISSIONER**

Reg. No.	Action	Register
104-1-1	Revoked	V. 7, p. 398
104-1-2	New	V. 7, p. 398

**AGENCY 105: BOARD OF INDIGENTS' DEFENSE SERVICES**

Reg. No.	Action	Register
105-2-1	Amended	V. 7, p. 1579
105-3-1	Amended	V. 7, p. 1579
105-3-2	Amended	V. 7, p. 1579
105-5-2	Amended	V. 7, p. 1579
105-5-6	Amended	V. 7, p. 1579
105-5-7	Amended	V. 7, p. 1580
105-5-8	Amended	V. 7, p. 1580
105-7-8	Amended	V. 7, p. 406
105-9-4	Revoked	V. 7, p. 1580
105-10-1	Amended	V. 7, p. 1580

**AGENCY 108: STATE EMPLOYEES HEALTH CARE COMMISSION**

Reg. No.	Action	Register
108-1-1	Amended	V. 7, p. 1581
108-1-1	Amended	V. 7, p. 1611

**AGENCY 109: EMERGENCY MEDICAL SERVICES BOARD**

Reg. No.	Action	Register
109-1-1	Amended	V. 7, p. 485
109-2-5 through 109-2-8	Amended	V. 7, p. 486-488
109-5-1	Amended	V. 7, p. 489
109-5-3	Amended	V. 7, p. 490
109-6-1	New	V. 7, p. 491
109-8-1	New	V. 8, p. 163
109-9-1	New	V. 8, p. 163
109-9-2	New	V. 8, p. 164
109-9-3	New	V. 7, p. 1635
109-9-4	New	V. 8, p. 164
109-10-1	New	V. 8, p. 164
109-11-1 through 109-11-8	New	V. 8, p. 164-166

**AGENCY 110: DEPARTMENT OF COMMERCE**

Reg. No.	Action	Register
110-1-1	Amended	V. 7, p. 434
110-1-2	Amended	V. 7, p. 434
110-2-1	New	V. 7, p. 434
110-2-2	New	V. 7, p. 435
110-3-1 through 110-3-11	New	V. 8, p. 28-30

**AGENCY 111: THE KANSAS LOTTERY**

Reg. No.	Action	Register
111-1-2	Amended	V. 7, p. 1190
111-1-5	Amended	V. 8, p. 586
111-2-1	Amended	V. 7, p. 1995
111-2-5	New	V. 8, p. 13
111-2-6	New	V. 8, p. 134
111-2-7	Amended	V. 8, p. 586
111-2-8	New	V. 8, p. 376
111-2-9	New	V. 8, p. 587
111-2-10	New	V. 8, p. 587
111-3-1	Amended	V. 7, p. 1061
111-3-3	Revoked	V. 7, p. 1062
111-3-4	Revoked	V. 7, p. 1062
111-3-7	Revoked	V. 7, p. 1714
111-3-9	Amended	V. 7, p. 1190
111-3-10 through 111-3-31	New	V. 7, p. 201-206
111-3-10	Revoked	V. 7, p. 1062
111-3-11	Amended	V. 8, p. 299
111-3-12	New	V. 8, p. 587
111-3-13	Amended	V. 7, p. 1062
111-3-14	Amended	V. 8, p. 587
111-3-14a	New	V. 8, p. 588
111-3-16	Amended	V. 7, p. 1309
111-3-17	Revoked	V. 7, p. 1714
111-3-19 through 111-3-22	Amended	V. 7, p. 1309, 1310
111-3-20	Amended	V. 8, p. 588
111-3-21	Amended	V. 7, p. 1606
111-3-22	Amended	V. 8, p. 588
111-3-22a	New	V. 8, p. 589
111-3-25	New	V. 7, p. 1310
111-3-27	New	V. 7, p. 1310
111-3-30	Revoked	V. 7, p. 1310
111-3-31	Amended	V. 8, p. 209
111-3-32	New	V. 7, p. 931
111-3-33	New	V. 7, p. 1434
111-4-1	Amended	V. 8, p. 134
111-4-2	Amended	V. 7, p. 1063
111-4-4	Amended	V. 7, p. 1063
111-4-6	Amended	V. 7, p. 1434
111-4-7	Amended	V. 7, p. 1945

111-4-8	Amended	V. 7, p. 1064
111-4-12	Amended	V. 7, p. 1190
111-4-16	Revoked	V. 8, p. 209
111-4-19	Revoked	V. 7, p. 206
111-4-22 through 111-4-40	Revoked	V. 7, p. 206, 207
111-4-41	Revoked	V. 7, p. 1435
111-4-42	Revoked	V. 7, p. 1435
111-4-43	Revoked	V. 7, p. 207
111-4-44	Revoked	V. 7, p. 1435
111-4-46 through 111-4-64	Revoked	V. 7, p. 207
111-4-66 through 111-4-77	New	V. 7, p. 207-209
111-4-66	Amended	V. 8, p. 589
111-4-67	Amended	V. 8, p. 590
111-4-68	Amended	V. 7, p. 931
111-4-69	Amended	V. 7, p. 931
111-4-70	Amended	V. 8, p. 134
111-4-71	Amended	V. 8, p. 590
111-4-71a	Amended	V. 7, p. 1435
111-4-71b	New	V. 8, p. 333
111-4-72	Amended	V. 8, p. 134
111-4-73	Amended	V. 8, p. 590
111-4-73a	Revoked	V. 8, p. 134
111-4-74	Amended	V. 7, p. 931
111-4-77a	Amended	V. 8, p. 590
111-4-77b	New	V. 8, p. 590
111-4-78 through 111-4-82	Revoked	V. 8, p. 13
111-4-82a	Revoked	V. 8, p. 13
111-4-83 through 111-4-87	Revoked	V. 8, p. 13
111-4-88 through 111-4-91	Revoked	V. 8, p. 210
111-4-92 through 111-4-95	Revoked	V. 8, p. 299
111-4-96 through 111-4-114	New	V. 7, p. 1606-1610
111-4-99a	New	V. 7, p. 1807
111-4-99b	New	V. 7, p. 1807
111-4-115 through 111-4-118	New	V. 7, p. 1946, 1947
111-4-118a	New	V. 8, p. 13
111-4-119 through 111-4-125	New	V. 8, p. 135, 136
111-4-126 through 111-4-129	New	V. 8, p. 376, 377
111-4-130 through 111-4-137	New	V. 8, p. 591, 592
111-4-138 through 111-4-152	New	V. 8, p. 654-656
111-5-1 through 111-5-23	New	V. 7, p. 209-213
111-5-9 through 111-5-15	Amended	V. 8, p. 210, 211
111-5-17	Amended	V. 8, p. 211
111-5-19	Amended	V. 8, p. 212
111-5-20	Revoked	V. 8, p. 212
111-5-21	New	V. 8, p. 299
111-6-1 through 111-6-15	New	V. 7, p. 213-217
111-6-1	Amended	V. 8, p. 212
111-6-12	Amended	V. 8, p. 212
111-6-13	Amended	V. 8, p. 299
111-6-16	Revoked	V. 8, p. 212
111-6-17	New	V. 7, p. 1191
111-7-1 through 111-7-10	New	V. 7, p. 1192, 1193

Case No.	Action	Volume	Page	Agency	Register	Volume	Page
111-7-1	Amended	V. 8, p. 212		AGENCY 112: KANSAS RACING COMMISSION	112-7-2 through 112-7-22	New	V. 8, p. 641-648
111-7-4	Amended	V. 7, p. 1610			112-8-2 through 112-8-12	New	V. 8, p. 93
111-7-5	Amended	V. 7, p. 1610			112-8-2 through 112-8-12	New	V. 8, p. 263-267
111-7-11	New	V. 7, p. 1224			112-8-3	New	V. 8, p. 596
111-7-12 through 111-7-32	New	V. 7, p. 1194-1196			112-8-3	New	V. 8, p. 725
111-7-12 through 111-7-27	Revoked	V. 7, p. 1436, 1437			112-8-9	New	V. 8, p. 596
111-7-28	Amended	V. 8, p. 300			112-9-2	New	V. 8, p. 725
111-7-32a	New	V. 7, p. 1196			112-9-2 through 112-9-38	New	V. 8, p. 596-598
111-7-32b	Amended	V. 8, p. 333			112-9-2 through 112-9-38	New	V. 8, p. 726-737
111-7-33 through 111-7-43	New	V. 7, p. 1197, 1198			112-10-2 through 112-10-12	New	V. 8, p. 598
111-7-33	Revoked	V. 7, p. 1437			112-10-12 through 112-11-19	New	V. 8, p. 594, 595
111-7-33a	New	V. 8, p. 300			112-11-1 through 112-11-19	New	V. 8, p. 648-653
111-7-34a	Amended	V. 8, p. 592			112-11-21	New	V. 8, p. 595
111-7-37a	Amended	V. 8, p. 593			112-11-21	New	V. 8, p. 653
111-7-43	Revoked	V. 8, p. 212			112-12-2 through 112-12-13	New	V. 8, p. 595, 596
111-8-1	New	V. 7, p. 1633			112-13-2	New	V. 8, p. 267
111-8-2	New	V. 7, p. 1633			112-13-3	New	V. 8, p. 598
111-8-3	New	V. 7, p. 1633			112-13-3	New	V. 8, p. 740
111-8-4	New	V. 7, p. 1714					
111-8-4a	New	V. 7, p. 1995					
111-8-5 through 111-8-13	New	V. 7, p. 1634					
111-9-1 through 111-9-12	New	V. 7, p. 1714-1716					
111-9-13 through 111-9-18	New	V. 8, p. 300, 301					
111-10-1 through 111-10-9	New	V. 8, p. 136-138					
111-10-7	Amended	V. 8, p. 301					

State of Kansas

OFFICE OF JUDICIAL ADMINISTRATION  
SUPREME COURT DOCKET

(Note: Dates and times of arguments are subject to change.)

Monday, May 22, 1989

9:30 a.m.

Case No.	Case Name	Attorneys	County
62,043	Claude Ingram, Linda Reed Haase and John Lu, aka Duc Lu, and Hang Thi Nguyen, Appellants,	Terry C. Cupps Claude Ingram, <i>pro se</i> David R. McClure Philip L. Bowman	Sedgwick
	v. Dale Haase and Dennis J. Haase, <i>et al.</i> , Appellees.	Dennis J. and Lucille Haase, <i>pro se</i> Dale E. and Cheryl Haase	
62,602	Marcy Denise Frank, Appellee,	Dennis D. Webb	Sedgwick
	v. Hugo P. Weber, Jr., <i>et al.</i> , Appellants.	James D. Oliver Craig W. West Roger M. Sherwood	
61,740	Clifford Reeves, Appellee,	Michael T. Harris	Sedgwick
	v. Equipment Service Industries, Inc., <i>et al.</i> , Appellants.	Gary Jones Brian Wright	On Petition for Review

(continued)

62,614	State of Kansas, Appellant, v. Louis P. Garcia, Appellee.	Robert T. Stephan, Attorney General Debra S. Byrd, Assistant District Attorney  Trip Shawver	Sedgwick
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1:30 p.m.

62,303	Shawn A. Leiker, a disabled person, <i>et al.</i> , Appellees, Cross-Appellant, v. Wendell P. Gafford, <i>et al.</i> , Appellants.	Bradley Post  Charles D. Green Larry Shoaf Richard C. Hite Ronald D. Heck Wendell P. Gafford, <i>pro se</i>	Sedgwick
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61,973	State of Kansas, Appellee, v. Kenneth W. Hood, Appellant.	Robert T. Stephan, Attorney General Debra S. Byrd, Assistant District Attorney  Jessica R. Kunen, Chief Appellate Defender	Sedgwick
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62,136	State of Kansas, Appellee, v. Gregory H. Thomas, Appellant.	Robert T. Stephan, Attorney General James Flory, District Attorney  Jessica R. Kunen, Chief Appellate Defender	Douglas
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Tuesday, May 23, 1989

9:30 a.m.

Case No.	Case Name	Attorneys	County
(62,922) (62,928) (62,929) (Consolidated)	In the Matter of the Little Balkans Foundation, Inc., <i>et al.</i> , Appellants, v. The Kansas Racing Commission, <i>et al.</i> , Appellees.	Shelby B. Horn Edward W. Dosh Charles D. McAtee  Janet A. Chubb David McLane Robert J. Vancrum Kurtis I. Loy William L. Phalen	Original
61,193	Dr. Adegó E. Eferakeya, Appellee, v. Twin City State Bank, v. Manufacturers Hanover Trust Company, Appellant.	James McMahon  Michael E. Francis David A. Hanson	Wyandotte  On Petition for Review
63,136	Stephen W. Hackler, <i>et al.</i> , Appellants, v. U.S.D. 500 of Kansas City, Kansas, Appellee.	Michael E. Callen  James R. Goheen Douglas C. McKenna	Wyandotte
62,405	State of Kansas, Appellee, v. Jacson R. Vanreed, Appellant.	Robert T. Stephan, Attorney General Bruce Beye, Assistant District Attorney  James F. Vano	Johnson  On Petition for Review

1:30 p.m.

62,905	City of Leawood, Appellant, v. City of Overland Park, Appellee.	Fred J. Logan, Jr.  Robert J. Watson, City Attorney Michael M. Shultz Mark Hannah	Johnson
62,448	A. B. Hudson, <i>et al.</i> , Appellants, v. The City of Shawnee, Kansas, a Municipal Corporation, Appellee.	Michael A. Preston  Marvin E. Rainey	Johnson
61,425	V. Craig Nutt, Appellant, v. Robert Knutson, <i>et al.</i> , Appellees.	David R. Gilman Ruth L. Landau  Ronald S. Reiter	Johnson  On Petition for Review

Wednesday, May 24, 1989

9:30 a.m.

Case No.	Case Name	Attorneys	County
(63,010) (63,011) (63,025) (63,026) (Consolidated)	St. Francis Regional Medical Center and John J. Krupka, M.D., Petitioners,  v. Honorable Hal Malone, Judge of the District Court, <i>et al.</i> , Respondents.	Alan D. Herman Christopher A. McElgunn Randall H. Elam  John Campbell, Assistant Attorney General Richard D. Cordry Payne H. Ratner, Jr. Gregory G. Lower Lawrence T. Buening Darrell L. Warta	Original
62,358	Troy L. Younger, Appellee, v. Joseph D. Mitchell, Appellant, and Farmers State Bank, Garnishee, Appellant.	John C. Herman  David Belling	Ellis On Petition for Review
63,035	Beverly F. Rogers, <i>et al.</i> , Appellants, v. Williams, Larson, Voss, Strobel & Estes, <i>et al.</i> , Appellees.	Howard Fick  F. James Robinson, Jr.	Meade
62,083	State of Kansas, Appellee,  v. John E. Goss, Appellant.	Robert T. Stephan, Attorney General Curtis E. Campbell, Assistant County Attorney Joe Shepack, County Attorney  Glen I. Kerbs Linda L. Eckelman	Meade

(continued)

1:30 p.m.

- |        |   |  |   |
|--------|---|--|---|
| 62,502 | Prairie State Bank, Appellee,<br>v.<br>John J. Hoefgen, <i>et al.</i> , Appellants. | Michael G. Coash<br><br>M. Kathryn Webb<br>Craig T. Limbocker<br>Philip L. Bowman  | Butler                                      |
| 60,549 | State of Kansas, Appellee,<br><br>v.<br>Stephen L. Buckland, Appellant.             | Edwin A. VanPetten,<br>Assistant Attorney General<br>Rob J. Matthews, County Attorney<br><br>Jessica R. Kunen,<br>Chief Appellate Defender | Wabaunsee<br><br><br>On Petition for Review |

Thursday, May 25, 1989

9:30 a.m.

- | Case No. | Case Name   | Attorneys  | County                                       |
|----------|---|--|--|
| 63,061   | Mary Bartee, as Mother and Natural<br>Guardian of Jennifer Bartee, a Minor,<br>Appellee,<br>v.<br>R.T.C. Transportation, Inc., Appellee,<br>Kansas Fire & Casualty Co., Intervenor,<br>Appellant. | Jerry R. Palmer<br><br>Stephen W. Cavanaugh<br>Tom Kelley<br>Wilburn Dillon, Jr.<br>Steve R. Fabert<br>Larry G. Pepperdine | Shawnee                                      |
| 62,028   | In the Matter of the Marriage of Anita S.<br>Wilson and Charles L. Wilson.  | William J. Fitzpatrick<br><br>Charles E. Millsap<br>Rawley J. (Judd) Dent<br>Robert L. Eastman                             | Montgomery<br><br><br>On Petition for Review |
| 62,158   | In the Matter of the Marriage of Harold<br>J. Kiister and Renate G. Kiister.  | Barry K. Disney<br>Timothy J. Grillot  | Neosho<br><br>On Petition for Review         |
| 62,153   | State of Kansas, Appellee,<br><br>v.<br>Ronald Joel Pruitt, Appellant.  | Robert T. Stephan, Attorney General<br>Michael Cleary, County Attorney<br><br>Charles A. O'Hara                            | Harvey                                       |

1:30 p.m.

- |        |  |   |            |
|--------|--|---|------------|
| 62,658 | Wilda Frances Young Conner, Appellant,<br><br>v.<br>Koch Oil Company, <i>et al.</i> , Appellees. | Robert Hall<br>John M. Wall<br><br>Timothy E. Brazil<br>Joseph F. Speelman<br>James Blaine McKay, Jr.<br>David A. Brace | Chautauqua |
|--------|--|---|------------|



62,146	State of Kansas, Appellee,  v. Leon Dawson, Appellant.	Robert T. Stephan, Attorney General Jay Hinkel, County Attorney  Jessica R. Kunen, Chief Appellant Defender	Finney
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Friday, May 26, 1989  
9:30 a.m.

Case No.	Case Name	Attorneys	County
62,035	In the Matter of the Adoption of B.C.S. and P.N.S., Minor Children.	Charles E. Andrews, Jr. John E. Stumbo  William A. Larson	Shawnee  On Petition for Review
63,227	Tri-County Public Airport Authority, Appellant, v. Board of County Commissioners of Morris County, Kansas, Appellees.	Charles R. Rayl  Michael F. Powers, County Attorney	Shawnee
61,022	State of Kansas, Appellee,  v. Scott A. Chisholm, Appellant.	Robert T. Stephan, Attorney General Gabrielle Thompson, Assistant County Attorney  Jessica R. Kunen, Chief Appellate Defender David J. Gottlieb	Riley
62,796	In the Matter of David W. Carson, Respondent.	Bruce E. Miller, Disciplinary Administrator Stanton A. Hazlett, Disciplinary Counsel  David W. Carson, <i>pro se</i> John H. Fields	Original
63,412	In the Matter of Paul E. Pendergast, Respondent.	Bruce E. Miller, Disciplinary Administrator Stanton A. Hazlett, Disciplinary Counsel  Paul E. Pendergast, <i>pro se</i> Jerry K. Levy John J. Ambrosio	Original

LEWIS C. CARTER  
Clerk of the Appellate Courts

Doc. No. 007848

(Published in the *Kansas Register*, May 18, 1989.)

**SUMMARY NOTICE OF BOND SALE**  
**City of Junction City, Kansas**  
**General Obligation Bonds, Series CY**  
 (general obligation bonds payable from  
 unlimited ad valorem taxes)

**Sealed Bids**

Subject to the official notice of bond sale dated May 9, 1989, and official statement to be dated May 15, 1989, sealed bids will be received by the city clerk of the city of Junction City, Kansas, on behalf of the governing body at the City Hall, 7th and Jefferson, Junction City, until 7 p. m. C.D.T. on Tuesday, May 30, 1989, for the purchase of \$1,890,659.03 principal amount of General Obligation Bonds, Series CY. No bid of less than the entire par value of the bonds and accrued interest thereon to the date of delivery will be considered.

**Bond Details**

The bonds will consist of fully registered bonds in the denomination of \$5,000 or any integral multiple thereof, except one bond in the denomination of \$5,659.03. The bonds will be dated June 1, 1989, and will become due serially on September 1 in the years as follows:

Year	Principal Amount
1989	80,659.03
1990	65,000.00
1991	65,000.00
1992	70,000.00
1993	75,000.00
1994	75,000.00
1995	80,000.00
1996	85,000.00
1997	85,000.00
1998	90,000.00
1999	90,000.00
2000	100,000.00
2001	105,000.00
2002	110,000.00
2003	115,000.00
2004	125,000.00
2005	105,000.00
2006	115,000.00
2007	125,000.00
2008	130,000.00

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 September 1 and March 1 in each year, beginning on September 1, 1989.

**Paying Agent and Bond Registrar**

Kansas State Treasurer, Topeka, Kansas.

**Optional Municipal Bond Insurance**

AMBAC Indemnity Corporation has issued a commitment for municipal bond insurance relating to the bonds. The bonds may be purchased with or without this insurance at the option of the successful bidder. All expenses associated with the purchase of said insurance will be the responsibility of the successful bidder. The insurance policy, if purchased, will insure the timely payment of the principal of and interest of the bonds.

**Good Faith Deposit**

Each bid shall be accompanied by a cashier's or certified check drawn on a bank located in the United States of America in the amount of \$37,813.18 (2 percent of the principal amount of the bonds).

**Delivery**

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 15, 1989, at such bank or trust company in the state of Kansas or Kansas City, Missouri, as may be specified by the successful bidder.

**Assessed Valuation and Indebtedness**

The equalized assessed tangible valuation for computation of bonded debt limitations for the year 1988 is \$58,348,944. The total general obligation indebtedness of the city as of the date of the bonds, including the bonds being sold, is \$15,918,376.25.

**Approval of Bonds**

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

**Additional Information**

Additional information regarding the bonds may be obtained from the city clerk or from the financial advisor, George K. Baum & Company, 1004 Baltimore Ave, Kansas City, MO 64105; Attention: Roger Edgar, (816) 474-1100.

City of Junction City, Kansas

Doc. No. 007859

**State of Kansas**

**OFFICE OF SECRETARY OF STATE**

I, Bill Graves, Secretary of State of the State of Kansas, do hereby certify that each of the following bills 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.

**BILL GRAVES**  
 Secretary of State

(Published in the *Kansas Register*, May 18, 1989.)

**SENATE BILL No. 350**

AN ACT concerning the university of Kansas medical center; placing certain employees of the university of Kansas medical center in the unclassified service; amending K.S.A. 1988 Supp. 74-4925 and K.S.A. 1988 Supp. 75-2935, as amended by section 2 of 1989 House Bill No. 2048, and repealing the existing sections.

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

Section 1. K.S.A. 1988 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, *except health care employees, as defined by 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. Effective on the first day

of the first payroll period commencing with or following the effective date of this act, no county extension agent employed by Kansas state university under K.S.A. 2-615 and amendments thereto shall be eligible for assistance by the state board of regents in the purchase of retirement annuities under this section. 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 the percentage amount, as prescribed by K.S.A. 1987 1988 Supp. 74-4925e 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 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 the percentage amount, as prescribed by K.S.A. 1987 1988 Supp. 74-4925e 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 the percentage amount, as prescribed by K.S.A. 1987 1988 Supp. 74-4925e 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 the percentage amount, as prescribed by K.S.A. 1987 1988 Supp. 74-4925e 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  
(continued)

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 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, *except health care employees, as defined by 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.

(9) Any employee described in subsection (1)(a) who is on leave of absence and who accepts a position in the executive branch of government may file a written election in the office of the Kansas public employees retirement system, in the form and manner prescribed by the board, 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 commencement of such service in the executive branch of government. 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. The state board of regents shall contribute an amount toward the purchase of retirement annuities on behalf of such employee equal to the sum of the amounts provided in subsection (1)(c).

Sec. 2. K.S.A. 1988 Supp. 75-2935, as amended by section 2 of 1989 House Bill No. 2048, is hereby amended to read as follows: 75-2935. The civil service of the state of Kansas is hereby divided into the unclassified and the classified services.

(1) The unclassified service comprises positions held by state officers or employees who are:

(a) Chosen by election or appointment to fill an elective office;  
 (b) members of boards and commissions, heads of departments required by law to be appointed by the governor or by other elective officers, and the executive or administrative heads of offices, departments, divisions and institutions specifically established by law;

(c) except as otherwise provided under this section, one personal secretary to each elective officer of this state, and in addition thereto, 10 deputies, clerks or employees designated by such elective officer;

(d) all employees in the office of the governor;

(e) officers and employees of the senate and house of representatives of the legislature and of the legislative coordinating council and all officers and employees of the office of revisor of statutes, of the legislative research department, of the division of legislative administrative services, of the division of post audit and the legislative counsel;

(f) chancellor, president, deans, administrative officers, student health service physicians, teaching and research personnel, *health care employees* and student employees in the institutions under the state board of regents, the executive officer of the board of regents and the executive officer's employees other than clerical employees, and, at the discretion of the state board of regents, directors or administrative officers of departments and divisions of the institution, except that this subsection (1)(f) shall not be construed to include the custodial, clerical or maintenance employees, or any employees performing duties in connection with the business operations of any such institution, except administrative officers and directors; *as used in this subsection (1)(f), "health care employees" means employees of the university of Kansas medical center who are medical technicians or technologists or respiratory therapists or who are licensed professional nurses or licensed practical nurses who provide special care nursing at the university of Kansas medical center;*

(g) operations, maintenance and security personnel employed to implement agreements entered into by the adjutant general and the federal national guard bureau, and officers and enlisted persons in the national guard and the naval militia;

(h) persons engaged in public work for the state but employed by contractors when the performance of such contract is authorized by the legislature or other competent authority;

(i) persons temporarily employed or designated by the legislature or by a legislative committee or commission or other competent authority to make or conduct a special inquiry, investigation, examination or installation;

(j) officers and employees in the office of the attorney general and special counsel to state departments appointed by the attorney general, except that officers and employees of the division of the Kansas bureau of investigation shall be in the classified or unclassified service as provided in K.S.A. 75-711 and amendments thereto;

(k) all employees of courts;

(l) patient and inmate help in state charitable, penal and correctional institutions;

(m) all attorneys for boards, commissions and departments;

(n) the secretary and assistant secretary of the Kansas state historical society;

(o) physician specialists employed by the commissioner of mental health and retardation services and assigned by the commissioner to a position in mental health and retardation services or any institution under the supervision of the state department of social and rehabilitation services;

(p) physician specialists employed at any institution under the supervision of the secretary of corrections;

(q) student employees enrolled in public institutions of higher learning;

(r) administrative officers, directors and teaching personnel of the state board of education and the state department of education and of any institution under the supervision and control of the state board of education, except that this subsection (1)(r) shall not be construed to include the custodial, clerical or maintenance employees, or any employees performing duties in connection with the business operations of any such institution, except administrative officers and directors;

(s) all officers and employees in the office of the secretary of state;

(t) one personal secretary and one special assistant to the following: The secretary of administration, the secretary of aging, the secretary of commerce, the secretary of corrections, the secretary of health and environment, the superintendent of the Kansas highway patrol, the secretary of human resources, the secretary of revenue, the secretary of social and rehabilitation services, the secretary of transportation and the secretary of wildlife and parks;

(u) one personal secretary and one special assistant to the chancellor and presidents of institutions under the state board of regents;

(v) one personal secretary and one special assistant to the executive vice chancellor of the university of Kansas medical center;

(w) one public information officer and one chief attorney for the following: The department of administration, the department on aging, the department of commerce, the department of corrections, the department of health and environment, the department of human resources, the department of revenue, the department of social and rehabilitation services, the department of transportation and the Kansas department of wildlife and parks;

(x) civil service examination monitors;

(y) the secretary of the state corporation commission;

(z) specifically designated by law as being in the unclassified service.

(2) The classified service comprises all positions now existing or hereafter created which are not included in the unclassified service. Appointments in the classified service shall be made according to merit and fitness from eligible lists prepared upon the basis of examination which so far as practicable shall be competitive. No person shall be appointed, promoted, reduced or discharged as an officer, clerk, employee or laborer in the classified service in any manner or by any means other than those prescribed in the Kansas civil service act and the rules adopted in accordance therewith.

(3) For positions involving unskilled, or semiskilled labor, the secretary of administration, as provided by law, shall establish rules and regulations concerning certifications, appointments, layoffs and reemployment which may be different from the rules and regulations established concerning these processes for other positions in the classified service.

(4) Officers authorized by law to make appointments to positions in the unclassified service, and appointing officers of departments or institutions whose employees are exempt from the provisions of the Kansas civil service act because of the constitutional status of such departments or institutions shall be permitted to make appointments from appropriate registers of eligibles maintained by the division of personnel services.

Sec. 3. K.S.A. 1988 Supp. 74-4925 and 75-2935, as amended by section 2 of 1989 House Bill No. 2048, are hereby repealed.

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

(Published in the *Kansas Register*, May 18, 1989.)

## SENATE BILL No. 403

AN ACT concerning the probate code; relating to construction of certain wills containing formula marital clauses.

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

Section 1. Wills executed on October 2, 1979, of decedents who died residents of Ford county, Kansas, on November 25, 1987, which contain a formula expressly providing that the testator's spouse is to receive the maximum amount of property qualifying for the marital deduction allowable by federal law, shall be construed as referring to the unlimited marital deduction allowable by the federal law, as amended by subsection (a) of section 403 of the economic recovery tax act of 1981.

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

(Published in the *Kansas Register*, May 18, 1989.)

## SENATE BILL No. 382

AN ACT concerning imprest funds of the department of corrections; amending K.S.A. 1988 Supp. 75-3058 and repealing the existing section.

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

Section 1. K.S.A. 1988 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.....	\$40,000
State industrial reformatory.....	25,000
State reception and diagnostic center.....	2,000 5,000
State correctional-vocational training center.....	10,000
Kansas correctional institution at Lansing.....	5,000
Toronto honor camp.....	3,000 5,000
El Dorado honor camp.....	4,000
Wichita work release center.....	4,000
Winfield <del>prerelease center</del> correctional facility.....	10,000
Topeka <del>prerelease center</del> correctional facility.....	5,000
Ellsworth correctional work facility.....	10,000 12,000
Norton correctional facility.....	10,000 12,000
Osawatimic correctional facility.....	3,000
Topeka work release center at Forbes correctional facility.....	3,000
Topeka state hospital work facility.....	3,000
Hutchinson correctional work facility.....	12,000
Stocktonal correctional facility.....	4,000

New Sec. 2. (a) On the effective date of this act or as soon thereafter as the transactions can be accomplished, the director of accounts and reports shall issue a warrant payable to each imprest fund increased by section 1 pursuant to a voucher approved by the secretary of corrections, payable from moneys appropriated for the fiscal year ending June 30, 1989, for the department of corrections or for the correctional institution or facility for which the imprest fund balance is increased, in an amount equal to the increase in the specific balance in each such imprest fund as provided in section 1.

(b) On the effective date of this act or as soon thereafter as the transactions can be accomplished, the director of accounts and reports shall issue warrants payable to the imprest funds created by section 1 pursuant to vouchers approved by the secretary of corrections, payable from moneys appropriated for the fiscal year ending June 30, 1989, for the department of corrections, each in an amount equal to the specific balance for each such imprest fund as provided in section 1.

Sec. 3. K.S.A. 1988 Supp. 75-3058 is hereby repealed.

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

(Published in the *Kansas Register*, May 18, 1989.)

## SENATE BILL No. 410

AN ACT declaring the Norwich hospital district no. 1 of Kingman county, Kansas, to be a health care facilities and services hospital district.

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

Section 1. Notwithstanding any provision of K.S.A. 1988 Supp. 80-2550 and amendments thereto to the contrary, Norwich hospital district no. 1 of Kingman county, Kansas, is hereby declared to be a health care facilities and services hospital district for the purposes of K.S.A. 1988 Supp. 80-2550 through 80-2554, and amendments thereto.

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

(Published in the *Kansas Register*, May 18, 1989.)

## SENATE BILL No. 405

AN ACT authorizing the state board of regents to sell or exchange certain real property in Saline county, Kansas; imposing conditions thereon; authorizing disposition of proceeds.

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

Section 1. (a) The state board of regents is hereby authorized and empowered, in its discretion, for and on behalf of the Kansas technical institute, to sell and convey or exchange and convey for other real estate of similar value all of the rights, title and interest in any part or parts or all of the following described real estate located in Saline county, Kansas: A tract of land located in part 16B of block 16, lying in the southeast quarter of section 27, township 14 south, range 3 west of the sixth principal meridian and in the northeast quarter of section 34, township 14 south, range 3 west of the sixth principal meridian in the Schilling subdivision of Saline county, Kansas; more particularly described as follows: Commencing at the northwest corner of the southeast quarter of section 27, township 14 south, range 3 west; thence south 89 degrees 49 minutes 04 seconds east along the north line of said southeast quarter a distance of 1187.93 feet; thence south 0 degrees 06 minutes 24 seconds east a distance of 2323.20 feet; thence south 89 degrees 53 minutes 36 seconds west a distance of 50.00 feet to the northeast corner of block 16B of Schilling subdivision, Saline county, Kansas; thence south 0 degrees 06 minutes 24 seconds east a distance of 316.12 feet to a point on the east boundary of block 16B, on the south line of the southeast quarter of section 27, township 14 south, range 3 west and on the north line of the northeast quarter of section 34, township 14 south, range 3 west; thence south 0 degrees 06 minutes 24 seconds east a distance of 511.41 feet to the southeast corner of block 16B; thence south 89 degrees 53 minutes 36 seconds west a distance of 555.01 feet to the true point of beginning; thence south 89 degrees 53 minutes 36 seconds west a distance of 410.00 feet to the southwest corner of block 16B; thence north 0 degrees 06 minutes 24 seconds west a distance of 264.38 feet; thence north 89 degrees 53 minutes 36 seconds east a distance of 410.00 feet; thence south 0 degrees 06 minutes 24 seconds east a distance of 264.38 feet to the true point of beginning and containing 2.49 acres, more or less.

(b) Conveyance of such rights, title and interest in such real estate shall be in accordance with the procedures prescribed therefor by the state board of regents and shall be executed in the name of the state board of regents by its chairperson and executive officer. Any proceeds from sale of such real estate shall be deposited in the state treasury to the credit of an appropriate account of the restricted fees fund of Kansas technical institute. Such proceeds shall be applied to or utilized for the repair, remodeling, construction or reconstruction of institutional facilities on the campus of the Kansas technical institute or for the purchase of property adjacent thereto.

(c) No exchange and conveyance of real estate authorized by this section shall be made or accepted by the state board of regents until the deeds, titles and conveyances have been reviewed and approved by the attorney general.

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



(Published in the *Kansas Register*, May 18, 1989.)

## SENATE BILL No. 287

AN ACT concerning the Kansas healing arts act; creating a temporary education license.

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

Section 1. (a) There is hereby created a designation of temporary education license. This license may be issued by the board to any person who: (1) Holds a degree from an accredited school of medicine or an accredited school of osteopathy; (2) is licensed to practice medicine and surgery in another state, territory, the District of Columbia or another country; and (3) is enrolled in a continuing medical education program conducted by the University of Kansas school of medicine or other continuing medical education program offered by a medical care facility affiliated with the university of Kansas school of medicine or offered by a medical care facility which is an accredited osteopathic hospital.

(b) The chief administrative officer of the university of Kansas school of medicine or of the medical care facility shall apply to the state board of healing arts on behalf of the person seeking a temporary education license upon forms approved by the board.

(c) The temporary education license shall confer upon the holder the right and privilege to practice medicine and surgery and shall obligate the holder to comply with all requirements of such license but no fee may be charged for the services of the holder. A person who holds a temporary education license under this section shall be subject to the provisions of the health care provider insurance availability act.

(d) The temporary education license shall be valid only during the period in which the holder is enrolled in a continuing medical education program offered by the university of Kansas school of medicine or other continuing medical education program offered by a medical care facility affiliated with the university of Kansas school of medicine or offered by a medical care facility which is an accredited osteopathic hospital, and such license shall be valid only for the practice of medicine and surgery required to fulfill the requirements of the continuing medical education program.

(e) The fee for a temporary education license shall be \$25.

(f) This section shall be part of and supplemental to the Kansas healing arts act.

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

(Published in the *Kansas Register*, May 18, 1989.)

## SENATE BILL No. 345

AN ACT concerning the Kansas lottery act; relating to the lottery operating fund and transfers of money therefrom; amending K.S.A. 1988 Supp. 74-8702 and 74-8711, as amended by section 8 of 1989 Senate Bill No. 80, and repealing the existing sections.

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

Section 1. K.S.A. 1988 Supp. 74-8702 is hereby amended to read as follows: 74-8702. As used in this act, unless the context otherwise requires:

(a) "Commission" means the Kansas lottery commission.

(b) "Executive director" means the executive director of the Kansas lottery.

(c) "Gaming equipment" means any electric, electronic or mechanical device or other equipment unique to the Kansas lottery used directly in the operation of any lottery and in the determination of winners pursuant to this act.

(d) "Kansas lottery" means the state agency created by this act to operate a lottery or lotteries pursuant to this act.

(e) "Lottery retailer" means any person with whom the Kansas lottery has contracted to sell lottery tickets or shares, or both, to the public.

(f) "Lottery" or "state lottery" means the lottery or lotteries operated pursuant to this act.

(g) "Major procurement" means any gaming product or service, including but not limited to facilities, advertising and promotional services, annuity contracts, prize payment agreements, consulting services, equipment, tickets and other products and services unique to the Kansas lottery, but not including materials, supplies, equipment and services common to the ordinary operations of state agencies.

(h) "Person" means any natural person, association, corporation or partnership.

(i) "Prize" means any prize paid directly by the Kansas lottery pursuant to its rules and regulations.

(j) "Share" means any intangible manifestation authorized by the Kansas lottery to prove participation in a lottery game.

(k) "Ticket" means any tangible evidence issued by the Kansas lottery to prove participation in a lottery game.

(l) "Vendor" means any person who has entered into a major procurement contract with the Kansas lottery.

(m) "Returned ticket" means any ticket which was transferred to a lottery retailer, which was not sold by the lottery retailer and which was returned to the Kansas lottery for refund by issuance of a credit or otherwise.

Sec. 2. K.S.A. 1988 Supp. 74-8711, as amended by section 8 of 1989 Senate Bill No. 80, is hereby amended to read as follows: 74-8711. (a) There is hereby established in the state treasury the lottery operating fund.

(b) The executive director shall remit at least weekly to the state treasurer all moneys collected from the sale of lottery tickets and shares and any other moneys received by or on behalf of the Kansas lottery. Upon receipt of any such remittance, the state treasurer shall deposit the entire amount thereof in the state treasury and credit it to the lottery operating fund. Moneys credited to the fund shall be expended or transferred only as provided by this act. Expenditures from such fund shall be made in accordance with appropriations acts upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the executive director or by a person designated by the executive director.

(c) Moneys in the lottery operating fund shall be used for:

(1) The payment of expenses of the lottery, which shall include all costs incurred in the operation and administration of the Kansas lottery; all costs resulting from contracts entered into for the purchase or lease of goods and services needed for operation of the lottery, including but not limited to supplies, materials, tickets, independent studies and surveys, data transmission, advertising, printing, promotion, incentives, public relations, communications, and distribution of tickets and shares; and reimbursement of costs of facilities and services provided by other state agencies;

(2) the payment of compensation to lottery retailers;

(3) transfers of moneys to the lottery prize payment fund pursuant to K.S.A. 1988 Supp. 74-8712 and amendments thereto;

(4) transfers to the state general fund pursuant to K.S.A. 1988 Supp. 74-8713 and amendments thereto;

(5) transfers to the state gaming revenues fund pursuant to subsection (d) of this section and as provided in subsection (b) of section 7 of this act otherwise provided by law; and

(6) the transfers to the county reappraisal fund as prescribed by law.

(d) The director of accounts and reports shall transfer moneys in the lottery operating fund to the state gaming revenues fund created by K.S.A. 1988 Supp. 79-4801 and amendments thereto, on or before the 15th day of each month, for fiscal years commencing on or after July 1, 1988 in an amount certified monthly by the executive director and determined as follows, whichever is greater:

(1) In an amount equal to the moneys in the lottery operating fund in excess of those needed for the purposes described in subsections (c)(1) through (c)(4); as certified by the executive director; or

(2) an amount equal to not less than 30% of total monthly revenues from the sales of lottery tickets and shares during the fiscal year, whichever is greater less estimated returned tickets.

Sec. 3. K.S.A. 1988 Supp. 74-8702 and 74-8711, as amended by section 8 of 1989 Senate Bill No. 80, are hereby repealed.

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

(Published in the *Kansas Register*, May 18, 1989.)

HOUSE BILL No. 2564

AN ACT amending the Kansas parimutuel racing act; amending K.S.A. 1988 Supp. 74-8802, 74-8814, 74-8817, 74-8830, 74-8831 and 74-8832 and repealing the existing sections.

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

Section 1. K.S.A. 1988 Supp. 74-8802 is hereby amended to read as follows: 74-8802. As used in this act unless the context otherwise requires:

(a) "Breakage" means the odd cents by which the amount payable on each dollar wagered in a parimutuel pool exceeds a multiple of \$.10.

(b) "Commission" means the Kansas racing commission created by this act.

(c) "Concessionaire licensee" means a person, partnership, corporation or association licensed by the commission to utilize a space or privilege within a racetrack facility to sell goods.

(d) "Dual racetrack facility" means a racetrack facility for the racing of both horses and greyhounds or two immediately adjacent racetrack facilities, owned by the same licensee, one for racing horses and one for racing greyhounds.

(e) "Executive director" means the executive director of the commission.

(f) "Facility manager licensee" means a person, partnership, corporation or association licensed by the commission and having a contract with an organization licensee to manage a racetrack facility.

(g) "Facility owner licensee" means a person, partnership, corporation or association, or the state of Kansas or any political subdivision thereof, licensed by the commission to construct or own a racetrack facility but does not mean an organization licensee which owns the racetrack facility in which it conducts horse or greyhound racing.

(h) "Financial interest" means an interest that could result directly or indirectly in receiving a pecuniary gain or sustaining a pecuniary loss as a result of ownership or interest in a business entity or activity or as a result of a salary, gratuity or other compensation or remuneration from any person.

(i) "Greyhound" means any greyhound breed of dog properly registered with the national greyhound association of Abilene, Kansas.

(j) "Kansas-bred horse" means any horse dropped by a mare in Kansas and domiciled in Kansas for the first six months of its life.

(k) "Kansas-whelped greyhound" means a greyhound whelped and raised in Kansas for the first six months of its life.

(l) "Minus pool" means a parimutuel pool in which, after deducting the takeout, not enough money remains in the pool to pay the legally prescribed minimum return to those placing winning wagers, and in which the organization licensee would be required to pay the remaining amount due.

(m) "Nonprofit organization" means:

(1) A corporation which is incorporated in Kansas as a not-for-profit corporation pursuant to the Kansas general corporation code and the net earnings of which do not inure to the benefit of any shareholder, individual member or person; or

(2) a county fair association organized pursuant to K.S.A. 2-125 *et seq.* and amendments thereto.

(n) "Occupation licensee" means a person licensed by the commission to perform an occupation or provide services which the commission has identified as requiring a license pursuant to this act.

(o) "Organization licensee" means a nonprofit organization licensed by the commission to conduct races pursuant to this act and, if the license so provides, to construct or own a racetrack facility.

(p) "Parimutuel pool" means the total money wagered by individuals on one or more horses or greyhounds in a particular horse or greyhound race to win, place or show, or combinations thereof, as established by the commission, and held by the organization licensee pursuant to the parimutuel system of wagering. There is a separate parimutuel pool for win, for place, for show and for each of the other forms of betting provided for by the rules and regulations of the commission.

(q) "Parimutuel wagering" means a form of wagering on the outcome of horse and greyhound races in which those who wager

purchase tickets of various denominations on one or more horses or greyhounds and all wagers for each race are pooled and the winning ticket holders are paid prizes from such pool in amounts proportional to the total receipts in the pool.

(r) "Race meeting" means the entire period of time for which an organization licensee has been approved by the commission to hold horse or greyhound races at which parimutuel wagering is conducted or to hold horse races at which parimutuel wagering is not conducted.

(s) "Racetrack facility" means a racetrack within Kansas used for the racing of horses or greyhounds, or both, including the track surface, grandstands, clubhouse, all animal housing and handling areas, other areas in which a person may enter only upon payment of an admission fee or upon presentation of authorized credentials and such additional areas as designated by the commission.

(t) "Takeout" means the total amount of money withheld from each parimutuel pool for the payment of purses, taxes and the share to be kept by the organization licensee. Takeout does not include the breakage. The balance of each pool less the breakage is distributed to the holders of winning parimutuel tickets.

Sec. 2. K.S.A. 1988 Supp. 74-8814 is hereby amended to read as follows: 74-8814. (a) ~~Subject to the provisions of subsection (b), the commission shall establish by rules and regulations application and license fees not exceeding those provided by K.S.A. 1987 Supp. 74-8813 an application fee not exceeding \$500 for any of the following which applies for an organization license and the license fee for any of the following granted an organization license shall be \$100 for each day of racing approved by the commission:~~

(1) Any fair association, other than the Greenwood county and Anthony fair associations, organized pursuant to K.S.A. 2-125 *et seq.* and amendments thereto, or the national greyhound association of Abilene, Kansas, if: (A) Such association conducts not more than two race meetings each year; (B) such race meets are held within the boundaries of the county where the applicant is located; and (C) such race meetings are held for a total of not more than 21 days per year; or

(2) the Greenwood county fair association or the Anthony fair association with respect to race meetings conducted by such association at Eureka Downs or Anthony Downs, respectively, for which the number of race meetings and days, and the dates thereof, shall be specified by the commission.

(b) The application fee for a county fair association applying for an organization license to conduct only harness horse races without parimutuel wagering shall be \$50 for each application, and no license fee shall be required of such association for any day of a race meeting of less than 10 days of only harness horse racing without parimutuel wagering.

(c) ~~The Kansas bureau of investigation shall investigate the president, vice-president, secretary and treasurer of a county fair association, and such other members as the commission considers necessary, to determine eligibility for an organization license.~~

(d) ~~Except as otherwise provided by this section, all applicants for organization licenses for the conduct of race meetings pursuant to the provisions of this section shall be required to comply with all the provisions of K.S.A. 1987 1988 Supp. 74-8813 and amendments thereto.~~

Sec. 3. K.S.A. 1988 Supp. 74-8817 is hereby amended to read as follows: 74-8817. (a) No organization licensee or facility manager licensee shall permit any business not owned and operated by the organization licensee to sell goods within a racetrack facility where the organization licensee conducts race meetings unless such business has been issued a concessionaire license by the commission.

(b) Businesses required to be licensed pursuant to this section shall apply for concessionaire licenses in a manner and upon forms prescribed and furnished by the commission. The commission shall require disclosure of information about the owners and officers of each applicant and all employees of the applicant who will be working within the racetrack facility and may require such owners, officers and employees to submit to fingerprinting and may require such owners and officers to submit to fingerprinting. The commission also may require disclosure of information about and fingerprinting of such employees of each applicant as the commission considers necessary. Concessionaire licenses shall be issued



for a period of time established by the commission but not to exceed 10 years. The commission shall establish a schedule of application fees and license fees for concessionaire licenses based upon the type and size of business. The application fee shall not be refundable if the business fails to qualify for a license and such fee shall include the cost of processing fingerprints if they are required by the commission. If the application fee is insufficient to pay the reasonable expenses of processing the application and investigating the applicant's qualifications for licensure, the commission shall require the applicant to pay to the commission, at such times and in such form as required by the commission, any additional amounts necessary to pay such expenses. No license shall be issued to an applicant until the applicant has paid such additional amounts in full, and such amounts shall not be refundable except to the extent that they exceed the actual expenses of processing the application and investigating the applicant's qualifications for licensure.

(c) The commission may require applicants as a condition of licensure to consent to allow agents of the Kansas bureau of investigation or security personnel of the commission to search without warrant the licensee's premises and personal property and the persons of its owners, officers and employees while engaged in the licensee's business within the racetrack facility or adjacent facilities under the control of the organization licensee for the purpose of investigating criminal violations of this act or violations of rules and regulations of the commission.

(d) Denial of a concessionaire license by the commission shall be in accordance with the Kansas administrative procedure act. The commission may refuse to issue a concessionaire license to any business if any person having an ownership interest in such business, any person who is an officer of such business or any person employed by such business within the racetrack facility;

(1) Has been convicted of a felony in a court of any state or of the United States;

(2) has been convicted of a violation of any law of any state or of the United States involving gambling or controlled substances;

(3) fails to disclose any material fact or provides information, knowing such information to be false, when applying in connection with the application for the license; or

(4) has been found by the commission to have violated any provision of this act or any rule and regulation of the commission.

(e) The commission may suspend or revoke the concessionaire license of any business for any reason which would justify refusal to issue such a license. Proceedings to suspend or revoke such license shall be conducted by the commission or its appointed hearing officer in accordance with the provisions of the Kansas administrative procedure act.

(f) The commission may provide by rules and regulations for the temporary suspension of a concessionaire license by summary adjudicative proceedings in accordance with the Kansas administrative procedure act upon finding that there is probable cause to believe that grounds exist for a permanent suspension or revocation of such license. Such suspension shall be for a period not exceeding 30 days. Upon expiration of such suspension, the license shall be restored unless the license has been suspended or revoked as a result of proceedings conducted pursuant to subsection (e).

Sec. 4. K.S.A. 1988 Supp. 74-8830 is hereby amended to read as follows: 74-8830. (a) The commission shall, by rules and regulations:

(1) Qualify stallions for participation in Kansas-registered stallion awards;

(2) provide for the registration of Kansas-domiciled mares, Kansas-domiciled stallions and Kansas-bred horses;

(3) determine qualifications of Kansas-bred horses and establish classes of Kansas-bred horses for registration purposes and for the purpose of awarding purse supplements, stakes and awards pursuant to K.S.A. 1988 Supp. 74-8829 and amendments thereto; and

(4) establish a schedule of fees for the registration of Kansas-domiciled mares, Kansas-domiciled stallions and Kansas-bred horses sufficient to provide for all expenses incurred in the administration of the Kansas horse breeding development fund created pursuant to K.S.A. 1987 1988 Supp. 74-8829 and amendments thereto.

(b) The commission may contract with and designate an official registering agency to implement the registration of horses. Such agency shall operate under the supervision of the commission and

be subject to rules and regulations of the commission. The official registering agency shall receive no compensation except fees received for registration of horses necessary to pay its expenses for such registration.

(c) The commission may contract with and designate an agency to provide for the distribution of purse supplements, stakes and awards from the Kansas horse breeding development fund. Such agency shall operate under the supervision of the commission and be subject to rules and regulations of the commission.

Sec. 5. K.S.A. 1988 Supp. 74-8831 is hereby amended to read as follows: 74-8831. (a) There is hereby created in the state treasury the Kansas greyhound breeding development fund to which money shall be credited as provided by this act. Expenditures from such fund shall be made in accordance with appropriation acts upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the chairperson of the commission or a person designated by the chairperson.

(b) Moneys credited to the fund shall be expended as follows:

(1) An amount equal to 15% of all moneys credited to the fund during a fiscal year shall be transferred by the director of accounts and reports on June 30 of each year to the greyhound tourism fund created by subsection (c);

(2) an amount equal to 35% of all moneys credited to the fund during a fiscal year shall be used for research conducted within the state of Kansas relating to the prevention of injury to and disease of greyhounds; and

(3) an amount equal to 50% of all moneys credited to the fund during a fiscal year, less the amount determined by the commission pursuant to subsection (b)(4), shall be used by the racetrack facilities where derived to supplement stake races for Kansas-whelped greyhounds as approved by the commission; and

(4) an amount determined by the commission, but not to exceed \$30,000 of the moneys credited to the fund during a fiscal year, shall be used to pay a portion of the administrative costs of the official registering agency designated by the commission pursuant to K.S.A. 1988 Supp. 74-8832 and amendments thereto.

(c) There is hereby created in the state treasury the greyhound tourism fund. Moneys in such fund shall be used only for the promotion of greyhound-related tourism. Expenditures from such fund shall be made in accordance with appropriation acts upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the secretary of commerce or a person designated by the secretary.

Sec. 6. K.S.A. 1988 Supp. 74-8832 is hereby amended to read as follows: 74-8832. (a) The commission shall, by rules and regulations, establish a schedule of fees for the registration of Kansas-whelped greyhounds which, together with the amount provided pursuant to K.S.A. 1988 Supp. 74-8830 and amendments thereto, shall be sufficient to provide for all expenses incurred in the administration of the Kansas greyhound breeding development fund created pursuant to K.S.A. 1987 1988 Supp. 74-8831 and amendments thereto.

(b) The commission may contract with and designate an official registering agency to implement the registration of greyhounds. Such agency shall operate under the supervision of the commission and be subject to rules and regulations of the commission. The official registering agency shall receive no compensation except the amount provided pursuant to K.S.A. 1988 Supp. 74-8830 and amendments thereto and fees received for registration of greyhounds necessary to pay its expenses for such registration.

(c) The commission may contract with and designate an agency to provide for the distribution of purse supplements from the Kansas greyhound breeding development fund. Such agency shall operate under the supervision of the commission and be subject to rules and regulations of the commission.

Sec. 7. K.S.A. 1988 Supp. 74-8802, 74-8814, 74-8817, 74-8830, 74-8831 and 74-8832 are hereby repealed.

Sec. 8. This act shall take effect and be in force from and after its publication in the Kansas register.

(Published in the *Kansas Register*, May 18, 1989.)

## HOUSE BILL No. 2513

AN ACT concerning state construction projects; relating to architectural services and contracts for such projects; authorizing expenditures from the construction defects recovery fund for certain purposes; amending K.S.A. 75-1258 and K.S.A. 1988 Supp. 75-3785 and repealing the existing sections.

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

Section 1. K.S.A. 75-1258 is hereby amended to read as follows: 75-1258. (a) Each contract for architectural services negotiated under K.S.A. 75-1254 or 75-1257, and amendments to such sections thereto, shall be entered into between the secretary of administration and the firm selected as the project architect. Each such contract shall require the project architect to submit evidence which is satisfactory to the secretary of administration that the firm has general professional liability insurance or specific professional liability insurance which is adequate for the project.

(b) In addition to the requirements in subsection (a), each such contract for architectural services shall specify the responsibilities undertaken by the project architect and that the project architect shall be responsible for all of such architect's errors and omissions in the performance of such contract.

Sec. 2. K.S.A. 1988 Supp. 75-3785 is hereby amended to read as follows: 75-3785. (a) There is hereby created in the state treasury the construction defects recovery fund.

(b) All proceeds received by state agencies shall be deposited in the construction defects recovery fund. All expenditures from the construction defects recovery fund in excess of \$25,000 for the purposes stated in paragraph (4) of this subsection shall be subject to the prior approval of the state finance council, which is hereby characterized as a matter of legislative delegation and subject to the guidelines prescribed in subsection (c) of K.S.A. 75-3711c, and amendments thereto. All other expenditures from the construction defects recovery fund shall be subject to the prior approval of the secretary of administration, and the secretary of administration shall report each such expenditure to the joint committee on state building construction. Where expenditures are made in support of litigation in which the state is involved, such expenditures also shall be subject to the prior approval of the attorney general. All expenditures shall be paid pursuant to vouchers of the director of accounts and reports approved by the ~~secretary of administration~~ director of architectural services and shall be for one or more of the following purposes:

- (1) To identify the nature, extent and causes of defects in the design, construction or other work on capital improvements;
- (2) to provide architectural, engineering or other technical services to determine methods for correcting or repairing such defects;
- (3) to provide services in support of claims by the state or to defend claims against the state concerning state construction projects; or
- (4) to correct or repair defects for which the proceeds were received in buildings or facilities under the jurisdiction of state agencies, or to make other repairs or perform maintenance related to such defects.

(c) As used in this section, "proceeds" means money paid to the state of Kansas or any state agency for forfeited bid bonds, or by an insurer, or by a person or firm performing duties related to construction under a contract with a state agency, to compensate the state for errors, omissions or other construction, architectural or engineering related defects adversely affecting the state or a state agency.

Sec. 3. K.S.A. 75-1258 and K.S.A. 1988 Supp. 75-3785 are hereby repealed.

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

(Published in the *Kansas Register*, May 18, 1989.)

## SENATE BILL No. 393

AN ACT authorizing the exchange of real estate and improvements thereon in Topeka, Kansas, between the secretary of administration on behalf of the state of Kansas and the first Presbyterian church of Topeka; providing for the care and management of property acquired by the state.

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

Section 1. (a) The secretary of administration, for and on behalf of the state of Kansas, is hereby authorized to exchange and convey the real property described in subsection (b) and improvements thereon to the first Presbyterian church, Topeka, Kansas, in consideration for which the first Presbyterian church, Topeka, Kansas, is hereby authorized to exchange and convey the real property described in subsection (c) and improvements thereon to the state of Kansas. The parties to such exchange and conveyance of real property and improvements thereon may negotiate and grant or convey easements in any real property exchanged and conveyed under this section. The exchange and conveyance of real property and improvements thereto by the secretary of administration under this section shall be executed in the name of the state of Kansas and shall be delivered upon receipt of a good and sufficient warranty deed from the first Presbyterian church, Topeka, Kansas, to the real property described in subsection (c). Before an agreement to exchange and convey such property is entered into under this section, arrangements shall be made to replace with other acceptable parking space the parking area lost by the state through the exchange of such property. The exchange and conveyance of real property and improvements thereon authorized under this section shall be made only upon approval of the state finance council, after review by 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 prescribed in subsection (c) of K.S.A. 75-3711c and amendments thereto. Upon approval of the state finance council and before such real property and improvements thereon is exchanged and conveyed, the attorney general shall approve the instruments of conveyance of the secretary of administration to the first Presbyterian church, Topeka, Kansas, and the instruments of conveyance of the first Presbyterian church, Topeka, Kansas, to the secretary of administration and shall approve the title to the real property and improvements thereon exchanged and conveyed by the first Presbyterian church, Topeka, Kansas.

(b) In accordance with the provisions of this section, the secretary of administration is hereby authorized to exchange and convey the following described real property to the first Presbyterian church, Topeka, Kansas: A tract of land in lots 11, 13, 15, 17, 19, 21 and 23 on Eighth avenue east, original townsite of the city of Topeka, Shawnee county, Kansas, containing 22,750 square feet more or less.

(c) In accordance with the provisions of this section, the secretary of administration is hereby authorized to accept title on behalf of the state of Kansas to the following described real property conveyed to the state of Kansas by the first Presbyterian church, Topeka, Kansas: A tract of land in lots 277, 279, 281, 283, 285 and 287 on Harrison street, original townsite of the city of Topeka, Shawnee county, Kansas, containing 22,500 square feet more or less, upon which is located a house known as the Hiram Price Dillon house.

(d) The exchange and conveyance of real property and improvements thereon authorized by this section shall not be subject to the provisions of K.S.A. 75-3043a and amendments thereto.

Sec. 2. Upon acquisition of the property as authorized by section 1 and amendments thereto, the same shall be placed under the charge, care, management and control of the secretary of administration, except that the use of such property and the assignment of space and facilities in the Hiram Price Dillon House located on such property shall be made by a vote of five members of the legislative coordinating council.

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

(Published in the *Kansas Register*, May 18, 1989.)

## SENATE BILL No. 404

AN ACT concerning the census; making adjustments required by the constitution of Kansas; duties and responsibilities of the secretary of state and other persons; making certain acts unlawful and prescribing penalties for violations.

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

Section 1. In accordance with this act, the secretary of state shall obtain data to make adjustments to each federal decennial census such that there is compliance with subsection (a) of section 1 of article 10 of the constitution of Kansas. The secretary shall make or cause to be made all such adjustments.

Sec. 2. For the purpose of determining the residence or non-residence of military personnel stationed within the state and students attending colleges and universities within the state:

(a) "Nonresident" means a person who has a domicile or permanent residence outside of the state of Kansas.

(b) "Resident" means a person who declares that he or she is a resident of the state of Kansas and has a present intent to remain in the state.

(c) "Permanent residence" means a fixed place of abode or fixed domicile which a person intends to be such person's residence and to which such person presently intends to return.

(d) "Student" means a person enrolled in classes of a university or college for a minimum of nine credit hours, or a person seeking an academic degree.

(e) "Military personnel" means members of the armed forces of the United States stationed and located in Kansas.

(f) "College" means a public or private postsecondary educational institution, including community colleges, which offers two year or four year educational programs.

(g) "University" means a public or private institution offering at least a baccalaureate degree.

Sec. 3. (a) Every public or private university and college shall obtain from all enrolled students census information upon forms provided by the secretary of state. Such information shall be obtained as of the federal census date as specified by the secretary and shall be used to carry out section 1, and shall be supplied to the secretary at a time specified by the secretary.

(b) Every military officer in charge of more than 50 persons in the military service shall obtain from all persons in the military service and under the command of such officer census information upon forms provided by the secretary of state. Such information shall be obtained as of the federal census date as specified by the secretary and shall be used to carry out section 1. Such information shall be supplied to the secretary at a time specified by the secretary.

Sec. 4. The secretary of state shall obtain decennial census information obtained by the United States Bureau of the Census for each county, city, precinct and part of a precinct that is given an identifying code. The secretary of state shall adjust each piece of such information, and adjust each and all of the same in an organized manner to carry out section 1. When such information is so organized, the secretary of state shall present the adjusted federal census information to the legislature, but not later than July 31 in the year following each federal decennial census.

Sec. 5. The secretary of state shall adopt rules and regulations necessary for the determination of the residence or nonresidence of military personnel stationed within the state and students attending colleges and universities within the state of Kansas and determining the permanent residence of students and military personnel who are residents of the state of Kansas together with such other information required to carry out the provisions of this act. Such rules and regulations shall be adopted in accordance with the provisions of article 4 of chapter 77 of the Kansas Statutes Annotated, and amendments thereto.

Sec. 6. All forms and other personally identifiable data and information obtained by the secretary of state, or by officials of a university or college or a military officer to carry out this act or any part thereof shall be confidential and shall not be subject to the open records act, and shall be used solely and exclusively to make the adjustments required under sections 1 and 4 as contemplated by the constitution of Kansas.

Sec. 7. Any person or public or private entity who shall impair,

impede, obstruct or otherwise interfere with the secretary of state or any student, college, university, or with any member of the military services or any military installation in carrying out the provisions of this act shall be guilty of a class A misdemeanor. Nothing in this section shall be construed to limit or prohibit any person or any public or private entity from engaging in any activity intended to inform the public or any portion of the public of means whereby persons may assure or attempt to assure their qualification to be determined a resident or to have a permanent residence at any particular place.

Sec. 8. This act shall take effect and be in force from and after its publication in the Kansas register.

(Published in the *Kansas Register*, May 18, 1989.)

## SUBSTITUTE FOR HOUSE BILL No. 2172

AN ACT concerning bingo; relating to certain restrictions; amending K.S.A. 79-4706 and repealing the existing section.

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

Section 1. K.S.A. 79-4706 is hereby amended to read as follows: 79-4706. Games of bingo managed, operated or conducted by organizations licensed under the provisions of this act shall be managed, operated or conducted subject to rules and regulations adopted by the secretary of revenue and the following restrictions:

(a) The entire gross receipts received by any such organization from the operation or conduct of games of bingo, except that portion utilized for the payment of the cost of prizes and license fees and taxes imposed under the provisions of this act, shall be used exclusively for the lawful purposes of the organization permitted to conduct that game.

(b) No person except a bona fide member or spouse of a bona fide member of the sponsoring organization or parent organization or an auxiliary unit or society of such sponsoring organization may participate in the management, conduct or operation of any game of bingo.

(c) No lessor, any employee of any such lessor or any employee, officer or shareholder of a for profit corporation which is the lessor, shall play any game of bingo on premises leased by any such lessor or shall be responsible for or assist in the management, operation or conduct of any game of bingo on such premises.

(d) No person may participate in the management, conduct or operation of bingo games if such person, within five years prior to such participation, has been convicted of or pleaded guilty or *nolo contendere* to any felony or illegal gambling activity or purchased a tax stamp for wagering or gambling activity.

(e) No person may receive any remuneration or profit for participating in the management, conduct or operation of any game of bingo.

(f) The aggregate value of all prizes including the retail value of all merchandise awarded or offered by any such organization on any single day to winners of games of bingo shall not exceed \$1,200, and any prize awarded in cash of \$100 or more shall be paid by a check drawn on the bingo trust bank account of the licensee.

(g) The total number of games managed, operated or conducted by any licensee in any one day shall not exceed 25 and not more than five of such games shall be jackpot or special games and not more than one licensee may conduct bingo games at a given location or registered premises in any one calendar day.

(h) The prize awarded in any one regular game shall not exceed \$50 in cash or its equivalent and such prize in any one jackpot or special game shall not exceed \$500 in cash or its equivalent. The retail value of any merchandise received by a winner of a bingo game shall be considered as the cash value for the purposes of determining the value of the prize.

(i) The charge made for a single card to play in games other than jackpot or special games shall not exceed \$1 and such card shall be valid for all regular games conducted or operated by the licensee on a particular day; the charge made for a single card to play in any single jackpot or special game shall not exceed \$1. Paper game program booklets with multiple bingo cards printed on the pages thereof are permitted so long as the charge made for a regular game program booklet does not exceed \$1, except that the charge for such game program booklet may be increased by an amount not exceeding

(continued)

\$1 for each single jackpot or special game in the game program booklet.

(j) Games of bingo shall not be managed, operated or conducted by any licensee on more than two calendar days in any one week.

(k) All licenses issued under the provisions of this act shall be issued in the name of the organization licensed.

(l) Each licensee shall keep a record of all bingo games managed, operated or conducted by it for a period of three years following the date the game is managed, operated or conducted.

(m) No person under the age of 18 years shall participate in the management, operation or conduct of any game of bingo managed, operated or conducted under the provisions of this act.

(n) A lessor of premises used for the management, operation or conduct of bingo or a licensee may not advertise bingo games except to the extent and in the manner prescribed by the rules and regulations adopted by the secretary of revenue, and any advertisement of any bingo game by or on behalf of such lessor or licensee shall specify the organization which is managing, operating or conducting the bingo game. *For the purposes of this act and rules and regulations of the secretary of revenue, announcement of the cancellation of a game of bingo shall not be considered to be an advertisement.*

(o) No lessor of premises used for the management, operation or conduct of any games of bingo or any licensee shall offer an opportunity to participate in a game of chance, drawing, contest, door prize, game, test of skill, lottery or any similar activity as an inducement to participate in games of bingo nor as a bingo prize or preliminary to the awarding of a bingo prize.

(p) No licensee shall manage, operate or conduct bingo on any leased premises or with leased equipment unless all of the terms and conditions of rental or use, including the rental of chairs, bingo equipment, tables, security guards, janitor service or any other services, are set forth in a lease submitted, approved and on file with the secretary of revenue.

(q) No premises shall be used for the management, operation or conduct of bingo games on more than three calendar days in any one week.

(r) No premises shall be subdivided to provide multiple premises where games of bingo are managed, operated or conducted, whether or not the multiple premises have different addresses.

(s) No game of bingo shall be managed, operated or conducted on leased premises if at any time during the immediately preceding 44 hours the premises, or any leased premises within 1,000 feet of them, have been used for the management, operation or conduct of a game of bingo.

(t) Every licensee who has gross receipts of \$1,000 or more received from participation in games, admission fees or charges and from any other source directly related to the operation or conduct of any bingo games in any calendar month shall maintain a bingo trust bank account into which all such receipts are deposited daily and from which all payments are made relating to the management, operation or conduct of any bingo games, except payment of prizes of less than \$100. Having once established such bingo trust bank account, the licensee shall continue to make deposits of all receipts therein. Every licensee shall notify the secretary of revenue of the name of the bank in which the bingo trust bank account is maintained, together with the number and name of the account. Every licensee who maintains a bingo trust bank account shall maintain a complete record of all deposits and withdrawals from such bank account and the same shall be available to the secretary of revenue or the secretary's agents or investigators to audit at any reasonable time.

(u) The records required under subsection (t) are in addition to all other records required to be kept by the licensee by statute or rules and regulations. The records required by subsection (t) shall be maintained in the same place as all other records required to be kept by the licensee.

Sec. 2. K.S.A. 79-4706 is hereby repealed.

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

(Published in the *Kansas Register*, May 18, 1989.)

SENATE BILL No. 23

AN ACT concerning prescription orders for medication; relating to persons authorized to issue prescription orders and persons authorized to dispense prescription orders; providing for the transmitting of prescription orders by certain persons; amending K.S.A. 65-1130 and 65-4101 and K.S.A. 1988 Supp. 65-1626 and 65-1626, as amended by section 2 of this act, and repealing the existing sections; also repealing K.S.A. 1988 Supp. 65-1626, as amended by section 1 of 1989 Senate Bill No. 189.

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

Section 1. K.S.A. 65-1130 is hereby amended to read as follows: 65-1130. (a) No professional nurse shall announce or represent to the public that such person is an advanced registered nurse practitioner unless such professional nurse has complied with requirements established by the board and holds a valid certificate of qualification as an advanced registered nurse practitioner in accordance with the provisions of this section.

(b) The board shall establish standards and requirements for any professional nurse who desires to obtain a certificate of qualification as an advanced registered nurse practitioner. Such standards and requirements shall include, but not be limited to, standards and requirements relating to the education and training of advanced registered nurse practitioners. The board may require that some, but not all, types of advanced registered nurse practitioners hold an academic degree beyond the minimum educational requirement for qualifying for a license to practice as a professional nurse. The board may give such examinations and secure such assistance as it deems necessary to determine the qualifications of applicants.

(c) The board shall adopt rules and regulations applicable to advanced registered nurse practitioners which:

(1) Establish categories of advanced registered nurse practitioners which are consistent with nursing practice specialties recognized by the nursing profession.

(2) Establish education, training and qualifications necessary for certification for each category of advanced registered nurse practitioner established by the board at a level adequate to assure the competent performance by advanced registered nurse practitioners of functions and procedures which advanced registered nurse practitioners are authorized to perform.

(3) Define the expanded role of advanced registered nurse practitioners and establish limitations and restrictions on such expanded role. The board shall adopt a definition of expanded role under this subsection (c)(3) which is consistent with the education, training and qualifications required to obtain a certificate of qualification as an advanced registered nurse practitioner, which protects the public from persons performing functions and procedures as advanced registered nurse practitioners for which they lack adequate education, training and qualifications and which authorizes advanced registered nurse practitioners to perform acts generally recognized by the profession of nursing as capable of being performed, in a manner consistent with the public health and safety, by persons with post-basic education in nursing. In defining such expanded role the board shall consider: (A) The training and education required for a certificate of qualification as an advanced registered nurse practitioner; (B) the type of nursing practice and preparation in specialized practitioner skills involved in each category of advanced registered nurse practitioner established by the board; (C) the scope of practice of nursing specialties and limitations thereon prescribed by national organizations which certify nursing specialties; and (D) acts recognized by the nursing profession as appropriate to be performed by persons with postbasic education and training in nursing.

(d) *An advanced registered nurse practitioner may not prescribe drugs but may transmit prescription orders pursuant to a written protocol as authorized by a responsible physician. Each written protocol shall contain a precise and detailed medical plan of care for each classification of disease or injury for which the advanced registered nurse practitioner is authorized to transmit prescription orders and shall specify all drugs which may be transmitted by the advanced registered nurse practitioner. In no case shall the scope of authority of the advanced registered nurse practitioner exceed the normal and customary practice of the responsible physician. An advanced registered nurse practitioner certified in the category of registered nurse anesthetist while functioning as a registered nurse anesthetist under K.S.A. 1988 Supp. 65-1151 to 65-1164, inclusive,*

and amendments thereto, shall be subject to the provisions of K.S.A. 1988 Supp. 65-1151 to 65-1164, inclusive, and amendments thereto, with respect to medications and anesthetic agents and shall not be subject to the provisions of this subsection. For the purposes of this subsection, "responsible physician" means a person licensed to practice medicine and surgery who has accepted responsibility for the protocol and the actions of the advanced registered nurse practitioner involving the transmitting of prescription orders.

Sec. 2. K.S.A. 1988 Supp. 65-1626 is hereby amended to read as follows: 65-1626. For the purposes of this act:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(C) students of the Kansas college of technology, a public or private university or college, a community college or any other institution of higher learning which is located in Kansas; or

(D) employees of a business or other employer.

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

(A) Any registered pharmacy;

(B) any office of a practitioner; or

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

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

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

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

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

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

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

(t) "Practitioner" means a person licensed to practice medicine and surgery, dentist, podiatrist, veterinarian, ~~scientific investigator~~, optometrist licensed under the optometry law as a therapeutic licensee or diagnostic and therapeutic licensee or ~~other person expressly licensed or registered to administer, prescribe and use prescription-only drugs in the course of professional practice or research, or scientific investigator or other person authorized by law to use a prescription-only drug in teaching or chemical analysis or to conduct research with respect to a prescription-only drug.~~

(u) "Preceptor" means a licensed pharmacist who possesses at least two years' experience as a pharmacist and who supervises students obtaining the pharmaceutical experience required by law as a condition to taking the examination for licensure as a pharmacist.

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

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

(x) "Prescription-only drug" means any drug required by the federal or state food, drug and cosmetic act to bear on its label the legend "Caution: Federal law prohibits dispensing without prescription."

(continued)



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

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

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

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

(cc) "Unprofessional conduct" means:

- (1) Fraud in securing a registration or permit;
- (2) intentional adulteration or mislabeling of any drug, medicine, chemical or poison;
- (3) causing any drug, medicine, chemical or poison to be adulterated or mislabeled, knowing the same to be adulterated or mislabeled;
- (4) intentionally falsifying or altering records or prescriptions; or
- (5) unlawful possession of drugs and unlawful diversion of drugs to others.

Sec. 3. On July 1, 1989, K.S.A. 1988 Supp. 65-1626, as amended by section 2 of this act, is hereby amended to read as follows: 65-1626. For the purposes of this act:

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

- (1) A practitioner or pursuant to the lawful direction of a practitioner, or
- (2) the patient or research subject at the direction and in the presence of the practitioner.

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

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

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

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

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

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

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

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

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

(k) "Drug" means: (1) Articles recognized in the official United States pharmacopoeia, or other such official compendiums of the United States, or official national formulary, or any supplement of any of them; (2) articles intended for use in the diagnosis, cure, mitigation, treatment or prevention of disease in man or other animals; (3) articles, other than food, intended to affect the structure or any function of the body of man or other animals; and (4) articles

intended for use as a component of any articles specified in clause (1), (2) or (3) of this subsection; but does not include devices or their components, parts or accessories, except that the term "drug" shall not include amygdalin (laetrile) or any livestock remedy, as defined in K.S.A. 47-501 and amendments thereto, if such livestock remedy has been registered in accordance with the provisions of article 5 of chapter 47 of the Kansas Statutes Annotated.

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

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

- (A) Inmates of a jail or correctional institution or facility;
- (B) residents of a juvenile detention facility, as defined by the Kansas code for care of children and the Kansas juvenile offenders code;
- (C) students of the Kansas college of technology, a public or private university or college, a community college or any other institution of higher learning which is located in Kansas; or
- (D) employees of a business or other employer.

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

- (A) Any registered pharmacy;
- (B) any office of a practitioner; or
- (C) a location where no prescription-only drugs are dispensed and no prescription-only drugs other than individual prescriptions are stored or administered.

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

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

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

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

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

(s) "Pharmacy," "drug store" or "apothecary" means premises, laboratory, area or other place: (1) Where drugs are offered for sale where the profession of pharmacy is practiced and where prescriptions are compounded and dispensed; or (2) which has displayed upon it or within it the words "pharmacist," "pharmaceutical chemist," "pharmacy," "apothecary," "drugstore," "druggist," "drugs," "drug sundries" or any of these words or combinations of these words or words of similar import either in English or any sign containing any of these words; or (3) where the characteristic symbols

of pharmacy or the characteristic prescription sign "Rx" may be exhibited. As used in this subsection, premises refers only to the portion of any building or structure leased, used or controlled by the licensee in the conduct of the business registered by the board at the address for which the registration was issued.

(t) "Practitioner" means a person licensed to practice medicine and surgery, dentist, podiatrist, veterinarian, optometrist licensed under the optometry law as a therapeutic licensee or diagnostic and therapeutic licensee, or scientific investigator or other person authorized by law to use a prescription-only drug in teaching or chemical analysis or to conduct research with respect to a prescription-only drug.

(u) "Preceptor" means a licensed pharmacist who possesses at least two years' experience as a pharmacist and who supervises students obtaining the pharmaceutical experience required by law as a condition to taking the examination for licensure as a pharmacist.

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

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

(x) "Prescription-only drug" means any drug required by the federal or state food, drug and cosmetic act to bear on its label the legend "Caution: Federal law prohibits dispensing without prescription."

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

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

(aa) "Professional incompetency" means:

(1) One or more instances involving failure to adhere to the applicable standard of pharmaceutical care to a degree which constitutes gross negligence, as determined by the board;

(2) repeated instances involving failure to adhere to the applicable standard of pharmaceutical care to a degree which constitutes ordinary negligence, as determined by the board; or

(3) a pattern of pharmacy practice or other behavior which demonstrates a manifest incapacity or incompetence to practice pharmacy.

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

(bb) (cc) "Secretary" means the executive secretary of the board.

(ee) (dd) "Unprofessional conduct" means:

(1) Fraud in securing a registration or permit;

(2) intentional adulteration or mislabeling of any drug, medicine, chemical or poison;

(3) causing any drug, medicine, chemical or poison to be adulterated or mislabeled, knowing the same to be adulterated or mislabeled;

(4) intentionally falsifying or altering records or prescriptions; or

(5) unlawful possession of drugs and unlawful diversion of drugs to others;

(6) willful betrayal of confidential information under section 3 of 1989 Senate Bill No. 189 and amendments thereto;

(7) conduct likely to deceive, defraud or harm the public;

(8) making a false or misleading statement regarding the licensee's professional practice or the efficacy or value of a drug;

(9) commission of any act of sexual abuse, misconduct or exploitation related to the licensee's professional practice; or

(10) performing unnecessary tests, examinations or services which have no legitimate pharmaceutical purpose.

Sec. 4. K.S.A. 65-4101 is hereby amended to read as follows: 65-4101. As used in this act: (a) "Administer" means the direct application of a controlled substance, whether by injection, inhalation, ingestion or any other means, to the body of a patient or research subject by: (1) A practitioner or pursuant to the lawful direction of a practitioner; or

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

(b) "Agent" means an authorized person who acts on behalf of or at the direction of a manufacturer, distributor or dispenser. It does not include a common or contract carrier, public warehouseman or employee of the carrier or warehouseman.

(c) "Board" means the state board of pharmacy.

(d) "Bureau" means the bureau of narcotics and dangerous drugs, United States department of justice, or its successor agency.

(e) "Controlled substance" means any drug, substance or immediate precursor included in any of the schedules designated in K.S.A. 65-4105, 65-4107, 65-4109, 65-4111 and 65-4113, and amendments to these sections.

(f) "Counterfeit substance" means a controlled substance which, or the container or labeling of which, without authorization bears the trademark, trade name or other identifying mark, imprint, number or device or any likeness thereof of a manufacturer, distributor or dispenser other than the person who in fact manufactured, distributed or dispensed the substance.

(g) "Deliver" or "delivery" means the actual, constructive or attempted transfer from one person to another of a controlled substance, whether or not there is an agency relationship.

(h) "Dispense" means to deliver a controlled substance to an ultimate user or research subject by or pursuant to the lawful order of a practitioner, including the packaging, labeling or compounding necessary to prepare the substance for that delivery.

(i) "Dispenser" means a practitioner or pharmacist who dispenses.

(j) "Distribute" means to deliver other than by administering or dispensing a controlled substance.

(k) "Distributor" means a person who distributes.

(l) "Drug" means: (1) Substances recognized as drugs in the official United States pharmacopoeia, official homeopathic pharmacopoeia of the United States or official national formulary or any supplement to any of them; (2) substances intended for use in the diagnosis, cure, mitigation, treatment or prevention of disease in man or animals; (3) substances (other than food) intended to affect the structure or any function of the body of man or animals; and (4) substances intended for use as a component of any article specified in clause (1), (2) or (3) of this subsection. It does not include devices or their components, parts or accessories.

(m) "Immediate precursor" means a substance which the board has found to be and by rule and regulation designates as being the principal compound commonly used or produced primarily for use and which is an immediate chemical intermediary used or likely to be used in the manufacture of a controlled substance, the control of which is necessary to prevent, curtail or limit manufacture.

(n) "Manufacture" means the production, preparation, propagation, compounding, conversion or processing of a controlled substance either directly or indirectly by extraction from substances of natural origin or independently by means of chemical synthesis or by a combination of extraction and chemical synthesis and includes any packaging or repackaging of the substance or labeling or relabeling of its container, except that this term does not include the preparation or compounding of a controlled substance by an individual for the individual's own use or the preparation, compounding, packaging or labeling of a controlled substance: (1) By a practitioner or the practitioner's agent pursuant to a lawful order of a practitioner as an incident to the practitioner's administering or dispensing of a controlled substance in the course of the practitioner's professional practice; or

(2) by a practitioner or by the practitioner's authorized agent under such practitioner's supervision for the purpose of or as an incident to research, teaching or chemical analysis or by a pharmacist

(continued)

or medical care facility as an incident to dispensing of a controlled substance.

(o) "Marihuana" means all parts of all varieties of the plant *Cannabis* whether growing or not, the seeds thereof, the resin extracted from any part of the plant and every compound, manufacture, salt, derivative, mixture or preparation of the plant, its seeds or resin. It does not include the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture or preparation of the mature stalks, except the resin extracted therefrom, fiber, oil, or cake or the sterilized seed of the plant which is incapable of germination.

(p) "Narcotic drug" means any of the following whether produced directly or indirectly by extraction from substances of vegetable origin or independently by means of chemical synthesis or by a combination of extraction and chemical synthesis: (1) Opium and opiate and any salt, compound, derivative or preparation of opium or opiate;

(2) any salt, compound, isomer, derivative or preparation thereof which is chemically equivalent or identical with any of the substances referred to in clause (1) but not including the isoquinoline alkaloids of opium;

(3) opium poppy and poppy straw;

(4) coca leaves and any salt, compound, derivative or preparation of coca leaves, and any salt, compound, isomer, derivative or preparation thereof which is chemically equivalent or identical with any of these substances, but not including decocainized coca leaves or extractions of coca leaves which do not contain cocaine or ecgonine.

(q) "Opiate" means any substance having an addiction-forming or addiction-sustaining liability similar to morphine or being capable of conversion into a drug having addiction-forming or addiction-sustaining liability. It does not include, unless specifically designated as controlled under K.S.A. 65-4102 and amendments thereto, the dextrorotatory isomer of 3-methoxy-n-methylmorphinan and its salts (dextromethorphan). It does include its racemic and levorotatory forms.

(r) "Opium poppy" means the plant of the species *Papaver somniferum L.*, except its seeds.

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

(t) "Poppy straw" means all parts, except the seeds, of the opium poppy, after mowing.

(u) "Pharmacist" means an individual currently licensed by the board to practice the profession of pharmacy in this state.

(v) "Practitioner" means a person licensed to practice medicine and surgery, dentist, podiatrist, veterinarian, ~~scientific investigator~~ ~~optometrist licensed under the optometry law as a therapeutic licensee or diagnostic and therapeutic licensee, or scientific investigator or other person licensed, registered or otherwise authorized by law to administer and prescribe,~~ use a controlled substance in teaching or chemical analysis or to conduct research with respect to a controlled substance in the course of professional practice and research.

(w) "Production" includes the manufacture, planting, cultivation, growing or harvesting of a controlled substance.

(x) "Ultimate user" means a person who lawfully possesses a controlled substance for such person's own use or for the use of a member of such person's household or for administering to an animal owned by such person or by a member of such person's household.

(y) "Isomer" means all enantiomers and diastereomers.

(z) "Medical care facility" shall have the meaning ascribed to that term in K.S.A. 65-425 and amendments thereto.

Sec. 5. K.S.A. 65-1130 and 65-4101 and K.S.A. 1988 Supp. 65-1626 are hereby repealed.

Sec. 6. On July 1, 1989, K.S.A. 1988 Supp. 65-1626, as amended by section 2 of this act, and 65-1626, as amended by section 1 of 1989 Senate Bill No. 189, are hereby repealed.

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

(Published in the *Kansas Register*, May 18, 1989.)

HOUSE BILL No. 2515

AN ACT relating to income and privilege taxation; allowing tax credits for interest rate reduction for agricultural production loans; amending K.S.A. 1988 Supp. 79-1126 and 79-32,181 and repealing the existing sections.

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

Section 1. K.S.A. 1988 Supp. 79-1126 is hereby amended to read as follows: 79-1126. (a) On and after the effective date of this act and prior to July 1, ~~1989~~ 1990, a state bank or national banking association which extends or renews an agricultural production loan under the provisions of this act to an eligible agricultural borrower at an interest rate which is at least one whole percentage point less than the prime interest rate then specified by the bank on such loans with equivalent collateral, and a state bank or national banking association which reduces the rate of interest being charged on any outstanding agricultural production loan to an eligible agricultural borrower by at least one whole percentage point shall receive a credit against its tax liability pursuant to K.S.A. 79-1106 *et seq.*, for taxable years commencing after December 31, 1987, to the extent hereinafter provided. Such tax credit shall be allowed for such interest rate reductions upon agricultural production loans having a total principal amount not exceeding 15% of the amount of such loans reflected in the bank's report of condition filed with the federal deposit insurance corporation as of December 31, 1985.

(b) For the purposes of this section, the term "eligible agricultural borrower" means any person, partnership or family farm corporation, as defined in K.S.A. 17-5903, and amendments thereto, located in the state of Kansas, having an agricultural production loan which has been classified by any banking regulator as substandard or doubtful or classified as a problem or vulnerable by either by any banking regulator, the farm credit administration or a district farm credit system institution which is subject to review by the farm credit administration.

(c) An interest rate reduction may be applied under the provisions of this section only when the eligible borrower can be reasonably expected to service the principal and interest for the term of such person's loan.

(d) The total credit against tax liability shall be the amount by which the interest income to the state bank or national banking association on and after the effective date of this act and prior to July 1, ~~1989~~ 1990, has been reduced on such loans because of such reductions in rates of interest, except that the credit allowed as a result of an interest rate reduction on any one agricultural production loan shall not exceed an amount equal to 3% per annum on the unpaid principal balance of the loan. The tax credit allowed for any taxable year shall not exceed 1/5 of the total tax credit of the bank allowed under this act. Unused tax credit shall be carried forward as a credit to the bank's tax liability in each subsequent taxable year and shall then be taken into account, subject to the limitation that the credit in any one taxable year may not exceed 1/5 of the total tax credit.

Sec. 2. K.S.A. 1988 Supp. 79-32,181 is hereby amended to read as follows: 79-32,181. (a) On and after the effective date of this act and prior to July 1, ~~1987~~ 1990, any production credit association ~~chartered under section 210 of the farm credit act of 1933, as amended or agricultural credit association chartered by the farm credit administration under the federal farm credit act, as amended (12 U.S.C. 2001 et seq.)~~ which extends or renews an agricultural production loan under the provisions of this act to an eligible agricultural borrower at an interest rate which is at least one whole percentage point less than the lowest rate at which the ~~production credit~~ association is making agricultural production loans to its ~~best~~ agricultural loan customers with equivalent collateral, and any ~~production credit~~ such association which reduces the rate of interest being charged on any outstanding agricultural production loan to an eligible agricultural borrower by at least one whole percentage point shall receive a credit against its income tax liability pursuant to article 32 of chapter 79 of the Kansas Statutes Annotated, for taxable years commencing after December 31, ~~1987~~ 1988, to the extent hereinafter provided. Such tax credit shall be allowed for such interest rate reductions by a ~~production credit~~ an association upon agricultural production loans having a total principal amount not exceeding 15% of the amount of such loans reflected in the ~~production credit~~



association's report filed with the farm credit administration for calendar year 1985.

(b) For the purposes of this section, the term "eligible agricultural borrower" means any person, partnership or family farm corporation, as defined in K.S.A. 17-5903, and amendments thereto, located in the state of Kansas, having an agricultural production loan which has been classified by any banking regulator as substandard or doubtful or classified as a problem or vulnerable by either a by any banking regulator, the farm credit administration or a district farm credit system institution which is subject to review by the farm credit administration.

(c) An interest rate reduction may be applied under the provisions of this section only when the eligible borrower can be reasonably expected to service the principal and interest of such person's loan.

(d) The total credit against tax liability shall be the amount by which the interest income to the production credit association on and after the effective date of this act and prior to July 1, 1987 1990, has been reduced on such loans because of such reductions in rates of interest, except that the credit allowed as a result of an interest rate reduction on any one agricultural production loan shall not exceed an amount equal to 3% per annum on the unpaid principal balance of the loan. The tax credit allowed for any taxable year shall not exceed 1/3 of the total tax credit of the production credit association allowed under this act. Unused tax credit shall be carried forward as a credit to the production credit association's tax liability in each subsequent taxable year and shall then be taken into account, subject to the limitation that the credit in any one taxable year may not exceed 1/3 of the total tax credit.

(e) Any taxpayer who qualified for and claimed credit under this section prior to its amendment by this act shall continue to be subject to this section as in effect at the time the taxpayer qualified for such credits for the entire period for which the credits were claimed.

Sec. 3. K.S.A. 1988 Supp. 79-1126 and 79-32,181 are hereby repealed.

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

(Published in the Kansas Register, May 18, 1989.)

SENATE BILL No. 293

AN ACT concerning the uniform controlled substances act; relating to scheduling of certain substances; amending K.S.A. 65-4109 and K.S.A. 1988 Supp. 65-4105, 65-4107, 65-4111 and 65-4127b and repealing the existing sections.

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

Section 1. K.S.A. 1988 Supp. 65-4105 is hereby amended to read as follows: 65-4105. (a) The controlled substances listed in this section are included in schedule I and the number set forth opposite each drug or substance is the DEA controlled substances code which has been assigned to it.

(b) Any of the following opiates, including their isomers, esters, ethers, salts, and salts of isomers, esters and ethers, unless specifically excepted, whenever the existence of these isomers, esters, ethers and salts is possible within the specific chemical designation:

(1)	Acetyl-alpha-methylfentanyl (N-[1-(1-methyl-2-phenethyl)-4-piperidinyl]-N-phenylacetamide)	9815
(1)	(2) Acetylmethadol	9601
(2)	(3) Allylprodine	9602
(3)	(4) Alphacetylmethadol	9603
(4)	(5) Alphameprodine	9604
(5)	(6) Alphamethadol	9605
(6)	(7) Alpha-methylfentanyl (N-[1-(alpha-methyl-beta-phenyl)ethyl-4-piperidyl] propionanilide; 1-(1-methyl-2-phenylethyl)-4-(N-propanilido) piperidine)	9814
(8)	Alpha-methylthiofentanyl (N-[1-methyl-2-(2-thienyl) ethyl-4-piperidinyl]-N-phenylpropanamide)	9832
(7)	(9) Benzethidine	9606
(8)	(10) Betacetylmethadol	9607
(11)	Beta-hydroxyfentanyl (N-[1-(2-hydroxy-2-phenethyl)-4-piperidinyl]-N-phenylpropanamide)	9830
(12)	Beta-hydroxy-3-methylfentanyl (other name: N-[1-(2-hydroxy-2-phenethyl)-3-methyl-4-piperidinyl]-N-phenylpropanamide)	9831
(9)	(13) Betameprodine	9608
(10)	(14) Betamethadol	9609
(11)	(15) Betaprodine	9611
(12)	(16) Clonitazene	9612
(13)	(17) Dextromoramide	9613

(14)	(18) Diampromide	9615
(15)	(19) Diethylthiambutene	9616
(16)	(20) Difenoxin	9618
(17)	(21) Dimenoxadol	9617
(18)	(22) Dimepheptanol	9618
(19)	(23) Dimethylthiambutene	9619
(20)	(24) Dixaphetyl butyrate	9621
(21)	(25) Dipipanone	9622
(22)	(26) Ethylmethylthiambutene	9623
(23)	(27) Etonitazene	9624
(24)	(28) Etoxidine	9625
(25)	(29) Furethidine	9626
(26)	(30) Hydroxypethidine	9627
(27)	(31) Ketobemidone	9628
(28)	(32) Levomoramide	9629
(29)	(33) Levophenacymorphan	9631
(34)	3-Methylfentanyl (N-[3-methyl-1-(2-phenylethyl)-4-piperidinyl]-N-phenylpropanamide)	9813
(35)	3-Methylthiofentanyl (N-[(3-methyl-1-(2-thienyl)ethyl-4-piperidinyl]-N-phenylpropanamide)	9833
(36)	Morpheridine	9632
(37)	MPPP (1-methyl-4-phenyl-4-propionoxypiperidine)	9661
(38)	Noracymethadol	9633
(39)	Norlevorphanol	9634
(40)	Normethadone	9635
(41)	Norpipanone	9636
(42)	Para-fluorofentanyl (N-(4-fluorophenyl)-N-[1-(2-phenethyl)-4-piperidinyl] propanamide)	9812
(43)	PEPAP (1-(2-phenethyl)-4-phenyl-4-acetoxypiperidine)	9663
(44)	Phenadoxone	9637
(45)	Phenampromide	9638
(46)	Phenomorphan	9647
(47)	Phenoperidine	9641
(48)	Piritramide	9642
(49)	Proheptazine	9643
(50)	Propripidine	9644
(51)	Propiram	9649
(52)	Racemoramide	9645
(53)	Thiofentanyl (N-phenyl-N-[1-(2-thienyl)ethyl-4-piperidinyl]-propanamide)	9835
(54)	Tilidine	9750
(55)	Trimeperidine	9646

(c) Any of the following opium derivatives, their salts, isomers and salts of isomers, unless specifically excepted, whenever the existence of these salts, isomers and salts of isomers is possible within the specific chemical designation:

(1)	Acetorphine	9319
(2)	Acetyldihydrocodeine	9051
(3)	Benzylmorphine	9052
(4)	Codeine methylbromide	9070
(5)	Codeine-N-Oxide	9053
(6)	Cyprenorphine	9054
(7)	Desomorphine	9055
(8)	Dihydromorphine	9145
(9)	Drotebanol	9335
(10)	Etorphine (except hydrochloride salt)	9056
(11)	Heroin	9200
(12)	Hydromorphenol	9301
(13)	Methyldesorphine	9302
(14)	Methyldihydromorphine	9304
(15)	Morphine methylbromide	9305
(16)	Morphine methylsulfonate	9306
(17)	Morphine-N-Oxide	9307
(18)	Myrophine	9308
(19)	Niccocodeine	9309
(20)	Nicomorphine	9312
(21)	Normorphine	9313
(22)	Pholcodine	9314
(23)	Thebacon	9315

(d) Any material, compound, mixture or preparation which contains any quantity of the following hallucinogenic substances, their salts, isomers and salts of isomers, unless specifically excepted, whenever the existence of these salts, isomers and salts of isomers is possible within the specific chemical designation:

(1)	4-bromo-2,5-dimethoxy-amphetamine	7391
	Some trade or other names: 4-bromo-2,5-dimethoxy-dimethoxy-alpha-methylphenethylamine; 4-bromo-2,5-DMA.	
(2)	2,5-dimethoxyamphetamine	7396
	Some trade or other names: 2,5 dimethoxy-alpha-methylphenethylamine; 2,5-DMA.	
(3)	4-methoxyamphetamine	7411
	Some trade or other names: 4-methoxy-alpha-methylphenethylamine; paramethoxyamphetamine; PMA.	
(4)	5-methoxy-3,4-methylenedioxy-amphetamine	7401
(5)	4-methyl-2,5-dimethoxy-amphetamine	7395
	Some trade or other names: 4-methyl-2,5-dimethoxy-alpha-methylphenethylamine; "DOM"; and "STP"	

(continued)

(6)	3,4-methylenedioxy amphetamine	7400
(7)	3,4-methylenedioxymethamphetamine (MDMA)	7405
(7)	(8) 3,4,5-trimethoxy amphetamine	7390
(8)	(9) Bufotenine	7433
	Some trade or other names: 3-(Beta-Dimethyl-aminoethyl)-5-hydroxyindole; 3-(2-dimethyl-aminoethyl)-5-indolol; N,N-dimethylserotonin; 5-hydroxy-N,N-dimethyl-tryptamine; mappine.	
(9)	(10) Diethyltryptamine	7434
	Some trade or other names: N,N-Diethyltryptamine; DET.	
(10)	(11) Dimethyltryptamine	7435
	Some trade or other names: N,N-Diethyltryptamine; DET.	
(11)	(12) Ibogaine	7260
	Some trade or other names: 7-Ethyl-6,6-Beta,7,8,9,10,12,13-octahydro-2-methoxy-6,9-methano-5H-pyrido[1',2':1,2] azepino [5,4-b]indole; Tabernanthe iboga.	
(12)	(13) Lysergic acid diethylamide	7315
(13)	(14) Marihuana	7360
(14)	(15) Mescaline	7381
(15)	(16) Parahexyl	7374
	Some trade or other names: 3-Hexyl-1-hydroxy-7,8,9,10-tetrahydro-6,6,9-trimethyl trimethyl-6H-dibenzo[b,d]-pyran; Synhexyl.	
(16)	(17) Peyote	7415
	Meaning all parts of the plant presently classified botanically as <i>Lophophora williamsii</i> Lemaire, whether growing or not, the seeds thereof, any extract from any part of such plant, and every compound, manufacture, salts, derivative, mixture or preparation of such plant, its seeds or extracts.	
(17)	(18) N-ethyl-3-piperidyl benzilate	7482
(18)	(19) N-methyl-3-piperidyl benzilate	7484
(19)	(20) Psilocybin	7437
(20)	(21) Psilocyn	7438
(21)	(22) Tetrahydrocannabinols	7370
	Synthetic equivalents of the substances contained in the plant, or in the resinous extractives of Cannabis, sp. and/or synthetic substances, derivatives, and their isomers with similar chemical structure and pharmacological activity such as the following: Delta 1 cis or trans tetrahydrocannabinol, and their optical isomers Delta 6 cis or trans tetrahydrocannabinol, and their optical isomers Delta 3,4 cis or trans tetrahydrocannabinol, and its optical isomers (Since nomenclature of these substances is not internationally standardized, compounds of these structures, regardless of numerical designation of atomic positions covered), except dronabinol (synthetic) in sesame oil and encapsulated in a soft gelatin capsule in a United States food and drug administration approved drug product.	
(22)	(23) Ethylamine analog of phencyclidine	7455
	Some trade or other names: N-ethyl-1-phenyl-cyclo-hexylamine; (1-phenylcyclohexyl) ethylamine; N-(1-phenylcyclohexyl) ethylamine; cyclohexamine; PCE.	
(23)	(24) Pyrrolidine analog of phencyclidine	7458
	Some trade or other names: 1-(1-phenylcyclohexyl)-pyrrolidine; PCPy; PHP.	
(24)	(25) Thiophene analog of phencyclidine	7470
	Some trade or other names: 1-[1-(2-thienyl)-cyclohexyl]-piperidine; 2-thienylanalog of phencyclidine; TCP; TCP.	
(25)	2-methylfentanyl	7405
	Some trade or other names: 3,4-methylenedioxy-methamphetamine; MDMA.	
(26)	1-methyl-4-phenyl-4-propionoxypiperidine	9661
	Some trade or other names: MPPP.	
(27)	1-(2-phenylethyl)-4-phenyl-4-acetylox piperidine	9663
	Some trade or other names: PEPAP.	
(e) Any material, compound, mixture or preparation which contains any quantity of the following substances having a depressant effect on the central nervous system, including its salts, isomers, and salts of isomers whenever the existence of such salts, isomers, and salts of isomers is possible within the specific chemical designation:		
(1)	Mecloqualone	2572
(2)	Methaqualone	2565
(f) Unless specifically excepted or unless listed in another schedule, any material, compound, mixture or preparation which contains any quantity of the following substances having a stimulant effect on the central nervous system, including its salts, isomers and salts of isomers:		
(1)	Fenethylamine	1503
(2)	N-ethylamphetamine	1475
(3)	3,4-methylenedioxy-N-ethylamphetamine (also known as N-ethyl-alpha-methyl-3,4(methylenedioxy) phenethylamine, N-ethyl MDA, MDE, and MDEA)	7404
(4)	N-hydroxy-3,4-methylenedioxyamphetamine (also known as N-hydroxy-alpha-methyl-3,4(methylenedioxy) phenethylamine, and N-hydroxy MDA)	7402

(5)	4-methylaminorex (also known as 2-amino-4-methyl-5-phenyl-2-oxazoline)	1590
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Sec. 2. K.S.A. 1988 Supp. 65-4107 is hereby amended to read as follows: 65-4107. (a) The controlled substances listed in this section are included in schedule II and the number set forth opposite each drug or substance is the DEA controlled substances code which has been assigned to it.

(b) Any of the following substances, except those narcotic drugs listed in other schedules, whether produced directly or indirectly by extraction from substances of vegetable origin or independently by means of chemical synthesis or by combination of extraction and chemical synthesis:

(1) Opium and opiate and any salt, compound, derivative or preparation of opium or opiate, excluding apomorphine, dextrorphan, nalbuphine, *nalmeffene*, naloxone and naltrexone and their respective salts, but including the following:

(A)	Raw opium	9600
(B)	Opium extracts	9610
(C)	Opium fluid extracts	9620
(D)	Powdered opium	9639
(E)	Granulated opium	9640
(F)	Tincture of opium	9630
(G)	Codeine	9050
(H)	Ethylmorphine	9190
(I)	Etorphine hydrochloride	9059
(J)	Hydrocodone	9193
(K)	Hydromorphone	9150
(L)	Metopon	9260
(M)	Morphine	9300
(N)	Oxycodone	9143
(O)	Oxymorphone	9652
(P)	Thebaine	9333

(2) Any salt, compound, isomer, derivative or preparation thereof which is chemically equivalent or identical with any of the substances referred to in paragraph (1), but not including the isoquinoline alkaloids of opium.

(3) Opium poppy and poppy straw.

(4) Coca leaves (9040) and any salt, compound, derivative or preparation of coca leaves, but not including decocainized coca leaves or extractions which do not contain cocaine (9041) or ecgonine (9180).

(5) Cocaine, its salts, isomers and salts of isomers (9041).

(6) Ecgonine, its salts, isomers and salts of isomers (9180).

(7) Concentrate of poppy straw (the crude extract of poppy straw in either liquid, solid or powder form which contains the phenanthrene alkaloids of the opium poppy) (9670).

(c) Any of the following opiates, including their isomers, esters, ethers, salts and salts of isomers, esters and ethers, whenever the existence of these isomers, esters, ethers and salts is possible within the specific chemical designation dextrorphan and levopropoxyphene excepted:

(1)	Alfentanil	9737
(2)	Alphaprodine	9010
(3)	Anileridine	9020
(4)	Bezitramide	9800
(5)	Bulk dextropropoxyphene (nondosage forms)	9273
(6)	Dihydrocodeine	9120
(7)	Diphenoxylate	9170
(8)	Fentanyl	9801
(9)	Isomethadone	9226
(10)	Levomethorphan	9210
(11)	Levorphanol	9220
(12)	Metazocine	9240
(13)	Methadone	9250
(14)	Methadone-intermediate, 4-cyano-2-dimethyl amino-4, 4-diphenyl butane	9254
(15)	Moramide-intermediate, 2-methyl-3-morpholino-1, 1-diphenylpropane-carboxylic acid	9802
(16)	Pethidine (meperidine)	9230
(17)	Pethidine-intermediate-A, 4-cyano-1-methyl-4-phenylpiperidine	9232
(18)	Pethidine-intermediate-B, ethyl-4-phenyl-piperidine-4-carboxylate	9233
(19)	Pethidine-intermediate-C, 1-methyl-4-phenyl-piperidine-4-carboxylic acid	9234
(20)	Phenazocine	9715
(21)	Piminodine	9730
(22)	Racemethorphan	9732
(23)	Racemorphan	9733
(24)	Sufentanil	9740

(d) Any material, compound, mixture, or preparation which contains any quantity of the following substances having a potential for abuse associated with a stimulant effect on the central nervous system:

(1) Amphetamine, its salts, optical isomers and salts of its optical isomers	1100
(2) Phenmetrazine and its salts	1631
(3) Methamphetamine, including its salts, isomers and salts of isomers	1105
(4) Methphenidate	1724

(e) Unless specifically excepted or unless listed in another schedule, any material, compound, mixture or preparation which contains any quantity of the following substances having a depressant effect on the central nervous system, including its salts, isomers and salts of isomers whenever the existence of such salts, isomers and salts of isomers is possible within the specific chemical designation:

(1) Amobarbital	2125
(2) Secobarbital	2315
(3) Pentobarbital	2270
(4) Phencyclidine	7471

(f) Any material, compound, mixture, or preparation which contains any quantity of the following substances:

(1) Immediate precursor to amphetamine and methamphetamine:	
(A) Phenylacetone	8501
Some trade or other names: phenyl-2-propanone; P2P; benzyl methyl ketone; methyl benzyl ketone.	
(2) Immediate precursors to phencyclidine (PCP):	
(A) 1-phenylcyclohexylamine	7460
(B) 1-piperidinoethylhexanecarbonitrile (PCC)	8603

(g) Any material, compound, mixture or preparation which contains any quantity of the following hallucinogenic substance, its salts, isomers and salts of isomers, unless specifically excepted, whenever the existence of these salts, isomers and salts of isomers is possible within the specific chemical designation:

(1) Dronabinol (synthetic) in sesame oil and encapsulated in a soft gelatin capsule in a United States food and drug administration approved drug product	7369
Some other names for dronabinol: (6aR-trans)-6a,7,8,10a-tetrahydro-6,6,7,9-trimethyl-3-pentyl-6H-dibenzo(b,d)pyran-1-ol, or(-)-delta-9-(trans)-tetrahydrocannabinol.	
(2) Nabiline	7379
[Another name for nabiline: (±)-trans-3-(1,1-dimethylheptyl)-6,6a,7,8,10,10a-hexahydro-1-hydroxy-6,6-dimethyl-9H-dibenzo[b,d]pyran-9-one]	

Sec. 3. K.S.A. 65-4109 is hereby amended to read as follows: 65-4109. (a) The controlled substances listed in this section are included in schedule III and the number set forth opposite each drug or substance is the DEA controlled substances code which has been assigned to it.

(b) Unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following substances having a potential for abuse associated with a depressant effect on the central nervous system:

(1) Any compound, mixture or preparation containing:	
(A) Amobarbital	2126
(B) Secobarbital	2316
(C) Pentobarbital	2271

or any salt thereof and one or more other active medicinal ingredients which are not listed in any schedule.

(2) Any suppository dosage form containing:	
(A) Amobarbital	2126
(B) Secobarbital	2316
(C) Pentobarbital	2271

or any salt of any of these drugs and approved by the Food and Drug Administration for marketing only as a suppository.

(3) Any substance which contains any quantity of a derivative of barbituric acid, or any salt of a derivative of barbituric acid, except those substances which are specifically listed in other schedules.	2100
(4) Chlorhexadol	2510
(5) Clutethimide	2550
(6) Lysergic acid	7300
(7) Lysergic acid amide	7310
(8) Methpyrrolon	2575
(9) Sulfondiethylmethane	2600
(10) Sulfonethylmethane	2605
(11) Sulfonmethane	2610
(12) Tiletamine and zolazepam or any salt thereof	7295
Some trade or other names for a tiletamine-zolazepam combination product: Telazol	
Some trade or other names for tiletamine: 2-(ethylamino)-2-(2-thienyl)-cyclohexanone	
Some trade or other names for zolazepam: 4-(2-fluoro-	

phenyl)-6,8-dihydro-1,3,8-trimethylpyrazolo-[3,4-e][1,4]-diazepin-7(1H)-one, flupyrzapon

(c) Nalorphine	9400
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(d) Any material, compound, mixture or preparation containing any of the following narcotic drugs or any salts calculated as the free anhydrous base or alkaloid, in limited quantities as set forth below:

(1) Not more than 1.8 grams of codeine or any of its salts per 100 milliliters or not more than 90 milligrams per dosage unit with an equal or greater quantity of an isoquinoline alkaloid of opium	9803
(2) not more than 1.8 grams of codeine or any of its salts per 100 milliliters or not more than 90 milligrams per dosage unit with one or more active, nonnarcotic ingredients in recognized therapeutic amounts	9804
(3) not more than 300 milligrams of dihydrocodeinone or any of its salts per 100 milliliters or not more than 15 milligrams per dosage unit with a fourfold or greater quantity of an isoquinoline alkaloid of opium	9805
(4) not more than 300 milligrams of dihydrocodeinone or any of its salts per 100 milliliters or not more than 15 milligrams per dosage unit with one or more active, nonnarcotic ingredients in recognized therapeutic amounts	9806
(5) not more than 1.8 grams of dihydrocodeine or any of its salts per 100 milliliters or not more than 90 milligrams per dosage unit with one or more active, nonnarcotic ingredients in recognized therapeutic amounts	9807
(6) not more than 300 milligrams of ethylmorphine or any of its salts per 100 milliliters or not more than 15 milligrams per dosage unit with one or more active, nonnarcotic ingredients in recognized therapeutic amounts	9808
(7) not more than 500 milligrams of opium per 100 milliliters or per 100 grams or not more than 25 milligrams per dosage unit with one or more active, nonnarcotic ingredients in recognized therapeutic amounts	9809
(8) not more than 50 milligrams of morphine or any of its salts per 100 milliliters or per 100 grams with one or more active, nonnarcotic ingredients in recognized therapeutic amounts	9810

(e) Unless specifically excepted or unless listed in another schedule, any material, compound, mixture or preparation which contains any quantity of the following substances having a stimulant effect on the central nervous system, including its salts, isomers (whether optical, position or geometric) and salts of such isomers whenever the existence of such salts, isomers and salts of isomers is possible within the specific chemical designation:

(1) Those compounds, mixtures or preparations in dosage unit form containing any stimulant substance listed in schedule II, which compounds, mixtures or preparations were listed on August 25, 1971, as excepted compounds under section 308.32 of title 21 of the code of federal regulations, and any other drug of the quantitative composition shown in that list for those drugs or which is the same, except that it contains a lesser quantity of controlled substances	1405
(2) Benzphetamine	1228
(3) Chlorphentermine	1645
(4) Chlortermine	1647
(5) Phendimetrazine	1615

(f) The board may except by rule any compound, mixture or preparation containing any stimulant or depressant substance listed in subsection (b) from the application of all or any part of this act if the compound, mixture or preparation contains one or more active medicinal ingredients not having a stimulant or depressant effect on the central nervous system and if the admixtures are included therein in combinations, quantity, proportion or concentration that vitiate the potential for abuse of the substances which have a stimulant or depressant effect on the central nervous system.

Sec. 4. K.S.A. 1988 Supp. 65-4111 is hereby amended to read as follows: 65-4111. (a) The controlled substances listed in this section are included in schedule IV and the number set forth opposite each drug or substance is the DEA controlled substances code which has been assigned to it.

(b) Any material, compound, mixture or preparation which contains any quantity of the following substances including its salts, isomers and salts of isomers whenever the existence of such salts, isomers and salts of isomers is possible within the specific chemical designation and having a potential for abuse associated with a depressant effect on the central nervous system:

(1) Alprazolam	2882
(2) Barbitol	2145
(3) Bromazepam	2748

(continued)

(4)	Camazepam	2749
(5)	Chloral betaine	2460
(6)	Chloral hydrate	2465
(7)	Chlordiazepoxide	2744
(8)	Clobazam	2751
(9)	Clonazepam	2737
(10)	Clorazepate	2768
(11)	Clotiazepam	2752
(12)	Cloxacolam	2753
(13)	Delorazepam	2754
(14)	Diazepam	2765
(15)	Estazolam	2756
(16)	Ethchlorvynol	2540
(17)	Ethinamate	2545
(18)	Ethyl loflazepate	2758
(19)	<del>Fludiazepam</del> Fludiazepam	2759
(20)	Flunitrazepam	2763
(21)	Flurazepam	2767
(22)	Halazepam	2762
(23)	Haloxazolam	2771
(24)	Ketazolam	2772
(25)	Loprazolam	2773
(26)	Lorazepam	2885
(27)	Lormetazepam	2774
(28)	Mebutamate	2800
(29)	Medazepam	2836
(30)	Meprobamate	2820
(31)	Methohexital	2264
(32)	Methylphenobarbital (mephobarbital)	2250
(33)	Midazolam	2884
(34)	Nimetazepam	2837
(35)	Nitrazepam	2834
(36)	Nordiazepam	2838
(37)	Oxazepam	2835
(38)	Oxazolam	2839
(39)	Paraldehyde	2585
(40)	Petrichloral	2591
(41)	Phenobarbital	2285
(42)	Pinazepam	2883
(43)	Prazepam	2764
(44)	Quazepam	2881
(45)	Temazepam	2925
(46)	Tetrazepam	2886
(47)	Triazolam	2887

(c) Any material, compound, mixture, or preparation which contains any quantity of fenfluramine (1670), including its salts, isomers (whether optical, position or geometric) and salts of such isomers, whenever the existence of such salts, isomers and salts of isomers is possible.

(d) Unless specifically excepted or unless listed in another schedule, any material, compound, mixture or preparation which contains any quantity of the following substances having a stimulant effect on the central nervous system, including its salts, isomers (whether optical, position or geometric) and salts of such isomers whenever the existence of such salts, isomers and salts of isomers is possible within the specific chemical designation:

(1)	Diethylpropion	1610
(2)	Mazindol	1605
(3)	Pemoline (including organometallic complexes and chelates thereof)	1530
(4)	Phentermine	1640
(5)	Pipradrol	1750
(6)	SPA((-)-1-dimethylamino-1,2-diphenylethane)	1635

(e) Unless specifically excepted or unless listed in another schedule, any material, compound, mixture or preparation which contains any quantity of the following, including salts thereof:

(1)	Pentazocine	9709
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(f) Unless specifically excepted or unless listed in another schedule, any material, compound, mixture or preparation containing any of the following narcotic drugs, or their salts calculated as the free anhydrous base or alkaloid, in limited quantities as set forth below:

(1)	Not more than 1 milligram of difenoxin (9168) and not less than 25 micrograms of atropine sulfate per dosage unit	9167
(2)	Dextropropoxyphene (alpha-(+)-4-dimethylamino-1,2-diphenyl-3-methyl-2-propionoxybutane)	9273

(g) Butyl nitrite and its salts, isomers, esters, ethers or their salts.

(h)(1) Except as provided in paragraph (2) of this subsection, the term "anabolic steroid" means any material, compound, mixture or preparation containing an anabolic steroid, including, but not limited to, the following:

(A) Methandrostenolone;

- (B) stanozolol;  
 (C) ethylestrenol;  
 (D) nandrolone phenpropionate;  
 (E) nandrolone deconoate;  
 (F) testosterone propionate; and  
 (G) chorionic gonadotropin.

(2) The term "anabolic steroid" shall not include any material, compound, mixture or preparation containing an anabolic steroid which is expressly intended for administration through implants to cattle or other nonhuman species and which is approved by the federal food and drug administration for such use.

(h)(i) The board may except by rule and regulation any compound, mixture or preparation containing any depressant substance listed in subsection (b) from the application of all or any part of this act if the compound, mixture or preparation contains one or more active medicinal ingredients not having a depressant effect on the central nervous system, and if the admixtures are included therein in combinations, quantity, proportion or concentration that vitiate the potential for abuse of the substances which have a depressant effect on the central nervous system.

Sec. 5. K.S.A. 1988 Supp. 65-4127b 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 possess or have under such person's control:

(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; or

(5) any anabolic steroids as defined in subsection (h) 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.

(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, manufacture, 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 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; or

(5) any anabolic steroids as defined in subsection (h) 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.

(d) Upon conviction of any person pursuant to subsection (a), (b) or (c) in which (1) the substances involved were equal to or greater than the amounts for such substance as specified in K.S.A. 1988

Supp. 65-4127e and amendments thereto, or (2) the substances involved, regardless of amounts, were possessed with intent to sell, sold or offered for sale to a child under 18 years of age, there shall be at sentencing a presumption that the defendant be sentenced to imprisonment and not granted probation, assignment to a community correctional services program or suspension of sentence.

Sec. 6. K.S.A. 65-4109 and K.S.A. 1988 Supp. 65-4105, 65-4107, 65-4111 and 65-4127b are hereby repealed.

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

(Published in the *Kansas Register*, May 18, 1989.)

SENATE BILL No. 398

AN ACT relating to the environment; enacting the Kansas storage tank act; concerning financing of the state water plan; authorizing grants to local entities for development and implementation of environmental protection plans and programs; amending K.S.A. 2-1205 and 65-170f and K.S.A. 1987 Supp. 2-2204 and 65-3419, both as amended by chapter 356 of the laws of 1988, and K.S.A. 1988 Supp. 79-4804, as amended by 1989 Substitute for House Bill No. 2004, and repealing the existing sections.

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

New Section 1. The legislature finds that:

(a) Protection of the environment of this state promotes the health and general welfare of the citizens of this state; and

(b) the state's responsibility to promote the public health and welfare requires a comprehensive approach to protect the environment by preventing and remedying the pollution of the state's natural resources and providing funding of the management, conservation and development of those resources.

New Sec. 2. Sections 2 through 25 shall be known and may be cited as the Kansas storage tank act.

New Sec. 3. As used in sections 2 through 25:

(a) "Above ground storage tank" means any storage tank in which greater than 90% of the tank volume, including volume of the piping, is not below the surface of the ground;

(b) "board" means the petroleum storage tank release compensation advisory board;

(c) "department" means the Kansas department of health and environment;

(d) "facility" means all contiguous land, structures and other appurtenances and improvements on the land used in connection with one or more storage tanks;

(e) "federal act" means the solid waste disposal act, 42 U.S.C. sections 3152 *et seq.*, as amended, particularly by the hazardous and solid waste amendments of 1984, P.L. 98-616, 42 U.S.C. sections 6991 *et seq.*, as amended by P.L. 99-499, 1986, and rules and regulations adopted pursuant to such federal laws and in effect on the effective date of this act;

(f) "financial responsibility" means insurance, guarantee, surety bond, letter of credit, qualification as a self-insurer or any other method satisfactory to the secretary to provide for taking corrective action, including cleanup and restoration of any damage to the land, air or waters of the state, and compensating third parties for cleanup, bodily injury or property damage resulting from a sudden or non-sudden release of a regulated substance arising from the construction, relining, ownership or operation of an underground storage tank and in the amount specified in the federal act;

(g) "fund" means the petroleum storage tank release trust fund;

(h) "guarantor" means any person, other than an owner or operator, who provides evidence of financial responsibility for an owner or operator;

(i) "operator" means any person in control of or having responsibility for the daily operation of a storage tank, but such term shall not include a person whose only responsibility regarding such storage tank is filling such tank with a regulated substance and who does not dispense or have control of the dispensing of regulated substances from the storage tank;

(j) "own" means to hold title to or possess an interest in a storage tank or the regulated substance in a storage tank;

(k) "owner" means any person who is or was the owner of any storage tank which was in use on November 8, 1984, or brought into use subsequent to that date, and it also means any person who, in the case of a storage tank in use prior to November 8, 1984,

owned such tank immediately prior to the discontinuation of its use. Such term does not include: (1) A person who holds an interest in a petroleum storage tank solely for financial security, unless through foreclosure or other related actions the holder of a security interest has taken possession of the storage tank; and (2) any city or county which obtains a storage tank or regulated substance as a result of tax foreclosure proceedings;

(l) "person" means an individual, trust, firm, joint venture, consortium, joint-stock company, corporation, partnership, association, state, interstate body, municipality, commission, political subdivision or any agency, board, department or bureau of this state or of any other state or of the United States government;

(m) "petroleum" means petroleum, including crude oil or any fraction thereof, which is liquid at standard conditions of temperature and pressure (60 degrees Fahrenheit and 14.7 pound per square inch absolute), including but not limited to, gasoline, gasohol, diesel fuel, fuel oils and kerosene;

(n) "petroleum product" means petroleum other than crude oil;

(o) "petroleum storage tank" means any storage tank used to contain an accumulation of petroleum;

(p) "regulated substance" means petroleum or any element, compound, mixture, solution or substance defined in section 101(14) of the Comprehensive Environmental Response, Compensation and Liability Act of 1980 of the United States as in effect on January 1, 1989, but not if regulated as a hazardous waste under the Resource Conservation and Recovery Act of 1976 (42 U.S.C. Secs. 6921 through 6939b), as in effect on January 1, 1989;

(q) "release" means any spilling, leaking, emitting, discharging, escaping, leaching or disposing from a storage tank into groundwater, surface water or soils;

(r) "removal" means the process of removing and disposing of a storage tank, no longer in service, and also shall mean the process of abandoning such tank, in place;

(s) "repair" means modification or correction of a storage tank through such means as relining, replacement of piping, valves, fill-pipes, vents and liquid level monitoring systems, and the maintenance and inspection of the efficacy of cathodic protection devices, but the term does not include the process of conducting a tightness test to establish the integrity of a tank;

(t) "secretary" means the secretary of health and environment;

(u) "storage tank" means any one or combination of tanks used to contain an accumulation of regulated substances, the associated piping and ancillary equipment and the containment system;

(v) "tank" means a stationary device designed to contain an accumulation of substances and constructed of non-earthen materials such as concrete, steel or plastic, that provide structural support;

(w) "terminal" means a bulk storage facility for storing petroleum supplied by pipeline or marine vessel;

(x) "trade secret" means, but is not limited to, any customer lists, any formula, compound, production data or compilation of information which is not patented and which is known only to certain individuals within a commercial concern using it to fabricate, produce or compound an article of trade, or any service having commercial value, which gives its user an opportunity to obtain a business advantage over competitors who do not know or use it;

(y) "underground storage tank" means any storage tank in which 10% or more of the tank volume, including volume of the piping, is below the surface of the ground;

(z) "underground storage tank contractor" or "contractor" means a business which holds itself out as being qualified to install, repair or remove underground storage tanks; and

(aa) "underground storage tank installer" or "installer" means an individual who has an ownership interest or exercises a management or supervisory position with an underground storage tank contractor. The term shall include the crew chief, expeditor, engineer, supervisor, leadman or foreman in charge of a tank installation project.

New Sec. 4. Except as provided in section 20, sections 2 through 25 shall not apply to:

(a) Farm or residential tanks of 1,100 gallons or less capacity used for storing motor fuel for noncommercial purposes;

(b) tanks used for storing heating oil for consumptive use on a single family residential premise where stored;

(c) a pipeline facility, including gathering lines, regulated under:

(1) The Natural Gas Pipeline Safety Act of 1968; and

(continued)

- (2) the Hazardous Liquid Pipeline Safety Act of 1979; or
- (3) state laws relating to intrastate pipelines comparable to the provisions of law referred to in subsections (c)(1) and (2);
- (d) surface impoundments, pits, ponds, septic tanks or lagoons;
- (e) storm water or waste water collection systems;
- (f) flow-through process tanks;
- (g) liquid traps, storage tanks or associated gathering lines directly related to oil or gas production and gathering operations;
- (h) storage tanks situated in an underground area, such as a basement, cellar, mine working, drift, shaft or tunnel, if the storage tank is situated upon or above the surface of the floor;
- (i) above ground storage tanks of agricultural materials regulated by the state board of agriculture; and
- (j) above ground storage tanks located at a petroleum refining facility.

New Sec. 5. (a) Each owner of a storage tank shall notify the department of the tank's existence, including age, size, type, location, associated equipment and uses.

(b) In addition and to the extent known, each owner of an underground storage tank which has not been removed, but was taken out of service after January 1, 1974, and prior to May 8, 1986, shall notify the department of the date the tank was taken out of operation, the age of the tank on the date taken out of operation, the capacity, type and location of the tank, and the type and quantity of substances stored in the tank on the date taken out of operation.

(c) Notice shall be made on an approved form provided by the department.

New Sec. 6. (a) The secretary is authorized and directed to adopt rules and regulations necessary to administer and enforce the provisions of this act. Any rules and regulations so adopted shall be reasonably necessary to preserve, protect and maintain the waters and other natural resources of this state, and reasonably necessary to provide for the prompt investigation and cleanup of sites contaminated by a release from a storage tank. In addition, any rules and regulations or portions thereof which pertain to underground storage tanks or the owners and operators thereof shall be adopted for the purpose of enabling the secretary and the department to implement the federal act, and such rules and regulations so adopted shall be consistent with the federal act. Consistent with these purposes, the secretary shall adopt rules and regulations:

(1) Establishing performance standards for underground storage tanks first brought into use on or after the effective date of this act. The performance standards for new underground storage tanks shall include, but are not limited to, design, construction, installation, release detection and product compatibility standards;

(2) establishing performance standards for above ground storage tanks brought into use after the effective date of this act. The performance standards for new above ground storage tanks shall include, but are not limited to, design, construction, installation, release detection and product compatibility standards;

(3) establishing performance standards for the inground repair of underground storage tanks. The performance standards shall include, but are not limited to, specifying under what circumstances an underground storage tank may be repaired and specifying design, construction, installation, release detection, product compatibility standards and warranty;

(4) establishing performance standards for maintaining spill and overfill equipment, leak detection systems and comparable systems or methods designed to prevent or identify releases. In addition, the secretary shall establish standards for maintaining records and reporting leak detection monitoring, inventory control and tank testing or comparable systems;

(5) establishing requirements for reporting a release and for reporting and taking corrective action in response to a release;

(6) establishing requirements for maintaining evidence of financial responsibility to be met by owners and operators of underground storage tanks;

(7) establishing requirements for the closure of underground storage tanks including the removal and disposal of underground storage tanks and regulated substance residues contained therein to prevent future releases of regulated substances into the environment;

(8) for the approval of tank tightness testing methods, including determination of the qualifications of persons performing or offering to perform such testing;

(9) establishing site selection and clean-up criteria regarding corrective actions related to a release and which address the following: The physical and chemical characteristics of the released substance, including toxicity, persistence and potential for migration; the hydrogeologic characteristics of the release site and the surrounding land; the proximity, quality and current and future uses of groundwater; an exposure assessment; the proximity, quality and current and future use of surface water; and the level of the released substance allowed to remain on the facility following cleanup;

(10) prescribing fees for the following with regard to underground storage tanks: Registration, issuance of permits, approval of plans for new installations and conducting of inspections. The total amount of fees shall not exceed the amount of revenue required for the proper administration of the provisions of this act. All fees shall be deposited in the state general fund;

(11) for determining the qualifications, adequacy of performance and financial responsibility of persons desiring to be licensed as underground storage tank installers or contractors. In adopting rules and regulations, the secretary may specify classes of specialized activities, such as the installation of corrosion protection devices or inground relining of underground storage tanks, and may require persons wishing to engage in such activities to demonstrate additional qualifications to perform these services;

(12) prescribing fees for the issuance of licenses to underground storage tank installers and contractors. The fees shall not exceed the amount of revenue determined by the secretary to be required for administration of the provisions of section 11; and

(13) adopting schedules requiring the retrofitting of underground storage tanks in existence on the effective date of this act and for the retirement from service of underground storage tanks placed in service prior to the effective date of this act. Such schedules shall be based on the age and location of the storage tank and the type of substance stored. Such retrofitting shall include secondary containment, corrosion protection, linings, leak detection equipment and spill and overfill equipment.

(b) In adopting rules and regulations under this section, the secretary shall take notice of rules and regulations pertaining to fire prevention and safety adopted by the state fire marshal pursuant to subsection (a)(1) of K.S.A. 31-133, and amendments thereto.

(c) Nothing in this section shall interfere with the right of a city or county having authority to adopt a building or fire code from imposing requirements more stringent than those adopted by the secretary pursuant to subsections (a)(1), (2), (3), (7) and (13), or affect the exercise of powers by cities, counties and townships regarding the location of storage tanks and the visual compatibility of above ground storage tanks with surrounding property.

New Sec. 7. (a) On and after the effective date of this act, no person shall construct, modify or operate an underground storage tank unless a permit or other approval is obtained from the secretary. Applications for permits shall include proof that the required performance standards will be met and evidence of financial responsibility. For purposes of administering this section, any underground storage tank registered with the department on the effective date of this act shall be deemed to be a permitted underground storage tank so long as the owner or operator shall comply with all applicable provisions of this act.

(b) Permits may be transferred upon acceptance of the permit obligations by the person who is to assume the ownership or operational responsibility of the underground storage tank from the previous owner or operator. The department shall furnish a transfer of permit form providing for acceptance of the permit obligations. A transfer of permit form shall be submitted to the department not less than seven days prior to the transfer of ownership or operational responsibility of the underground storage tank.

(c) The secretary may deny, suspend or revoke any permit issued or authorized pursuant to this act if the secretary finds, after notice and the opportunity for a hearing conducted in accordance with the Kansas administrative procedure act, that the person has:

(1) Fraudulently or deceptively obtained or attempted to obtain an underground storage tank permit;

(2) failed at any time to maintain an underground storage tank in accordance with the requirements of this act or any rule and regulation promulgated hereunder;

(3) failed at any time to comply with the requirements of this act or any rule and regulation promulgated hereunder; or



(4) failed at any time to make any retrofit or improvement to an underground storage tank which is required by this act or any rule and regulation promulgated hereunder.

(d) Any person aggrieved by an order of the secretary may appeal the order in accordance with provisions of the act for judicial review and civil enforcement of agency actions.

New Sec. 8. (a) Each owner or operator of an underground storage tank shall provide evidence of financial responsibility.

(b) If the owner or operator is in bankruptcy, reorganization or arrangement pursuant to the federal bankruptcy law, or if jurisdiction in any state or federal court cannot be obtained over an owner or operator likely to be solvent at the time of judgment, any claim arising from conduct for which evidence of financial responsibility must be provided under this act may be asserted directly against the guarantor providing the evidence of financial responsibility. In the case of action pursuant to this subsection, the guarantor is entitled to invoke all rights and defenses which would have been available to the owner or operator if any action had been brought against the owner or operator by the claimant and which would have been available to the guarantor if any action had been brought against the guarantor by the owner or operator.

(c) The total liability of a guarantor shall be limited to the aggregate amount which the guarantor has provided as evidence of financial responsibility to the owner or operator under this section. This subsection does not limit any other state or federal statutory, contractual or common law liability of a guarantor to its owner or operator, including, but limited to, the liability of the guarantor for bad faith in negotiating or in failing to negotiate the settlement of any claim. This subsection does not diminish the liability of any person under section 107 or 111 of the Comprehensive Environmental Response, Compensation and Liability Act of 1980, or other applicable law.

New Sec. 9. (a) For the purposes of developing or assisting in the development of any regulation, conducting any study or enforcing the provisions of this act:

(1) It shall be the duty of any owner or operator of an underground storage tank, upon the request of any duly authorized representative of the secretary made at any reasonable time, to furnish information relating to the storage tank, including tank equipment and contents, to conduct monitoring or testing, to permit such authorized representative to have access to and to copy all records relating to such tank.

(2) Any officer, employee or other authorized representative of the secretary is authorized to enter at reasonable times any establishment or place where an underground storage tank is located, to inspect and obtain samples from any person of any regulated substance contained in such storage tank, and to conduct or require the owner or operator to conduct monitoring or testing of such storage tank, associated equipment, tank contents or surrounding soils, air, surface water or groundwater.

(b) Each inspection shall be commenced and completed with reasonable promptness.

(c) Any records, reports, documents or information obtained from any person under this act shall be available to the public except as provided in this section.

(d) Any person submitting any records, reports, documents or information required by this act, may, upon a showing satisfactory to the secretary, claim any portion of such record, report, document or information confidential as a trade secret. The department shall establish procedures to insure that trade secrets are utilized by the secretary or any authorized representative of the secretary only in connection with the responsibilities of the department pursuant to this act. Trade secrets shall not be otherwise used or disseminated by the secretary or any representative of the secretary without the consent of the person furnishing the information.

(e) Notwithstanding any limitation contained in this section, all information reported to, or otherwise obtained by the department under this act, shall be made available to the administrator of the United States environmental protection agency, or an authorized representative of the administrator, upon written request. In submitting any trade secrets to such administrator or the authorized representative of such administrator, the secretary shall submit the

claim of confidentiality to the administrator or authorized representative of the administrator.

New Sec. 10. (a) It shall be unlawful for any person to:

(1) Knowingly deposit, store or dispense, or permit any person to deposit, store or dispense, any regulated substance into any underground storage tank which does not comply with the provisions of this act, the rules and regulations promulgated hereunder, or any order of the secretary;

(2) construct, modify or operate an underground storage tank without a permit or other written approval from the secretary or otherwise be in violation of the rules and regulations, standards or orders of the secretary;

(3) prevent or hinder a properly identified officer or employee of the department or other authorized agent of the secretary from entering, inspecting or sampling at a facility on which a storage tank is located or from copying records concerning such storage tank as authorized by this act;

(4) knowingly make any false material statement or representation in any application, record, report, permit or other document filed, maintained or used for purposes of compliance with this act;

(5) knowingly destroy, alter or conceal any record required to be maintained by this act or rules and regulations promulgated hereunder; or

(6) knowingly allow a release, knowingly fail to report a release or knowingly fail to take corrective action in response to a release of a regulated substance in violation of this act or rules and regulations promulgated hereunder.

(b) Any person who violates any provision of subsection (a) shall be guilty of a class A misdemeanor and, upon conviction thereof, shall be punished as provided by law.

New Sec. 11. (a) It shall be unlawful for any person to practice, or hold oneself out as authorized to practice, as an underground storage tank installer or underground storage tank contractor or use other words or letters to indicate such person is a licensed installer or contractor unless the person is licensed in accordance with this section.

(b) The secretary shall:

(1) Develop and administer a written examination to candidates for licensing under the terms of this section. Questions used in the examination shall be derived from standard instructions and recommended practices published by such authorities as the Petroleum Equipment Institute, American Petroleum Institute, Steel Tank Institute, National Association of Corrosion Engineers, Fiberglass Tank and Pipe Manufacturers Institute, National Fire Protection Association, Western Fire Chiefs Association and Underwriters Laboratories. Additional questions shall be derived from state and federal regulations applicable to storage tanks. The secretary shall make available sample questions and related material to qualified candidates to be used as a study guide in preparation for the examination.

(2) Conduct at least one on-site inspection annually, observing procedures used by each licensed underground storage tank contractor for installing, repairing or removing an underground storage tank.

(c) Any person who willfully violates any provision of subsection (a) shall be guilty of a class C misdemeanor and, upon conviction thereof, shall be punished as provided by law.

(d) Prior to 12 months after the effective date of this act, the department shall conduct written examinations, at such times and locations within the state as the department may designate, for the purpose of identifying installers as being qualified to receive an underground tank installer's license. Each underground tank installer's license shall be issued for a period of two years and shall be subject to periodic renewal thereafter under procedures prescribed by the department.

(e) Beginning 18 months after the effective date of this act, no contractor shall engage in the installation, repair or removal of an underground storage tank unless such contractor has been issued a contractor license. Each contractor license shall be issued for a period of two years and shall be subject to periodic renewal thereafter under procedures prescribed by the department.

(f) A contractor must meet the following requirements to qualify for a contractor license:

(continued)

(1) At least one active officer or executive of the business must possess a valid underground storage tank installer's license.

(2) The contractor must submit documentation showing that it has insurance, surety bonds or liquid company assets which, in combination, represent a value equal to the value of the largest underground storage tank installation, removal or repair contract performed by the contractor during the previous two years.

(3) The contractor must state in its license application and agree that at all times on any and all jobs involving the installation, repair or removal of an underground storage tank, an individual who possesses a valid underground storage tank installer's license will be present at the job site not less than 75% of the time during the progress of the work, and that such installer shall exercise responsible supervisory control over the work.

(g) The secretary may elect to establish reciprocal arrangements with states having similar licensing requirements and to provide for the licensing in this state of persons who have successfully completed examinations and otherwise qualified for licensure in another state.

(h) A valid interim contractor license or an unexpired contractor license shall be valid in all counties and municipalities throughout the state, and the issuance of either license to a contractor shall serve as authority for the contractor to engage in the installation, repair and removal of underground storage tanks in any jurisdiction within the state without requirement for obtaining additional county or local licenses. However, local jurisdictions may impose more stringent requirements for installation, repair or removal of such tanks than are imposed by state regulations, in which case a contractor shall be required to conduct its operations in the local jurisdiction in conformity with the local requirements.

New Sec. 12. The secretary may deny any license applied for, or suspend or revoke any license issued, pursuant to section 11 if the secretary finds, after notice and the opportunity for a hearing conducted in accordance with the provisions of the Kansas administrative procedure act, that the applicant or licensee, whichever is applicable, has:

(a) Fraudulently or deceptively obtained or attempted to obtain a license;

(b) failed at any time to meet the qualifications for a license or to comply with any provision or requirement of this act or of any rule and regulation adopted thereunder; or

(c) failed to comply with local requirements of any jurisdiction within which the licensee has installed, repaired or removed an underground storage tank.

New Sec. 13. The secretary and the governing body of any city, county or other political subdivision may enter into agreements authorizing the local fire department, building inspection department, health department, department of environmental control or other municipal, county or local governmental agency, to act as the secretary's agent to carry out the provisions of this act under such terms and conditions as the secretary shall prescribe.

New Sec. 14. (a) Any person who violates any provisions of section 10 or section 11 shall incur, in addition to any other penalty provided by law, a civil penalty in an amount of up to \$10,000 for every such violation, and in case of a continuing violation, every day such violation continues shall be deemed a separate violation.

(b) The director of the division of environment, upon a finding that a person has violated any provision of section 10 or section 11 may impose a penalty within the limits provided in subsection (a), which penalty shall constitute an actual and substantial economic deterrent to the violation for which it is assessed.

(c) No penalty shall be imposed pursuant to this section except upon the written order of the director of the division of environment to the person who committed the violation. Such order shall state the violation, the penalty to be imposed and the right of such person to appeal to the secretary. Within 15 days after service of the order, any such person may make written request to the secretary for a hearing thereon in accordance with the Kansas administrative procedure act.

(d) Any action of the secretary pursuant to subsection (c), (e)(1) or (e)(2) is subject to review in accordance with the act for judicial review and civil enforcement of agency actions.

(e) Notwithstanding any other provision of this act, the secretary, upon receipt of information that the storage or release of a regulated substance may present a hazard to the health of persons or to the

environment, may take such action as the secretary determines to be necessary to protect the health of such persons or the environment. The action the secretary may take shall include, but is not limited to:

(1) Issuing an order, subject to review pursuant to the Kansas administrative procedure act, directing the owner or operator of the underground storage tank, or the custodian of the regulated substance which constitutes such hazard, to take such steps as are necessary to prevent the act, to eliminate the practice which constitutes such hazard, to investigate the extent of and remediate any pollution resulting from the storage or release. Such order may include, with respect to a facility or site, permanent or temporary cessation of operation.

(2) Issuing an order, subject to review pursuant to the Kansas administrative procedure act, directing an owner, tenant or holder of any right of way or easement of any real property affected by a known release from an underground storage tank to permit entry on to and egress from that property, by officers, employees, agents or contractors of the department or of the person responsible for the regulated substance or the hazard, for the purposes of monitoring the release or to perform such measures to mitigate the release as the secretary shall specify in the order.

(3) Commencing an action to enjoin acts or practices specified in this subsection or requesting the attorney general or appropriate county or district attorney to commence an action to enjoin those acts or practices. Upon a showing that a person has engaged in those acts or practices, a permanent or temporary injunction, restraining order or other order may be granted by any court of competent jurisdiction. An action for injunction under this subsection shall have precedence over other cases in respect to order of trial.

(4) Applying to the appropriate district court for an order of that court directing compliance with the order of the secretary pursuant to the act for judicial review and civil enforcement of agency actions. Failure to obey the court order shall be punishable as contempt of the court issuing the order. The application under this subsection shall have precedence over other cases in respect to order of trial.

(f) In any civil action brought pursuant to this section in which a temporary restraining order, preliminary injunction or permanent injunction is sought it shall be sufficient to show that a violation of the provisions of this act, or the rules and regulations adopted thereunder has occurred or is imminent. It shall not be necessary to allege or prove at any stage of the proceeding that irreparable damage will occur should the temporary restraining order, preliminary injunction or permanent injunction not be issued or that the remedy at law is inadequate.

New Sec. 15. (a) There is hereby established as a segregated fund in the state treasury the petroleum storage tank release trust fund, to be administered by the secretary. Revenue from the following sources shall be deposited in the state treasury and credited to the fund:

(1) The proceeds of the environmental assurance fee imposed by this act;

(2) any moneys recovered by the state under the provisions of this act, including administrative expenses, civil penalties and moneys paid under an agreement, stipulation or settlement;

(3) interest attributable to investment of moneys in the fund; and

(4) moneys received by the secretary in the form of gifts, grants, reimbursements or appropriations from any source intended to be used for the purposes of the fund, but excluding federal grants and cooperative agreements.

(b) The fund shall be administered so as to assist owners and operators of underground petroleum storage tanks in providing evidence of financial responsibility for corrective action required by a release from any such tank. Moneys deposited in the fund may be expended for the purpose of reimbursing owners and operators for the costs of corrective action, subject to the conditions and limitations prescribed by this act, but moneys in the fund shall not be used for compensating third parties for bodily injury or property damage caused by a release from an underground petroleum storage tank, other than property damage included in a corrective action plan approved by the secretary. In addition, moneys deposited in the fund may be expended for the following purposes:

(1) To permit the secretary to take whatever emergency action is necessary or appropriate to assure that the public health or safety



is not threatened whenever there is a release from an underground petroleum storage tank;

(2) to permit the secretary to take corrective action where the release presents an actual or potential threat to human health or the environment, if the owner or operator has not been identified or is unable or unwilling to perform corrective action, including but not limited to, providing for alternative water supplies;

(3) payment of the state's share of the federal leaking underground storage tank trust fund cleanup costs, as required by the resource conservation and recovery act, 42 U.S.C. § 6991b(h)(7)(B); and

(4) payment of the administrative, technical and legal costs incurred by the secretary in carrying out the provisions of sections 15 through 25, including the cost of any additional employees or increased general operating costs of the department attributable thereto, which costs shall not be payable from any moneys other than those credited to the fund.

(c) The petroleum storage tank release trust fund shall be used for the purposes set forth in this act and for no other governmental purposes. It is the intent of the legislature that the fund shall remain intact and inviolate for the purposes set forth in this act, and moneys in the fund shall not be subject to the provisions of K.S.A. 75-3722, 75-3725a and 75-3726a, and amendments thereto.

(d) Neither the state of Kansas nor the petroleum storage tank release trust fund shall be liable to an owner or operator for the loss of business, damages or taking of property associated with any corrective or enforcement action taken pursuant to this act.

(e) The pooled money investment board may invest and reinvest moneys in the fund established under this section in obligations of the United States or obligations the principal and interest of which are guaranteed by the United States or in interest-bearing time deposits in any commercial bank or trust company located in Kansas or, if the board determines that it is impossible to deposit such moneys in such time deposits, in repurchase agreements of less than 30 days' duration with a Kansas bank or with a primary government securities dealer which reports to the market reports division of the federal reserve bank of New York for direct obligations of, or obligations that are insured as to principal and interest by, the United States government or any agency thereof. Any income or interest earned by such investments shall be credited to the fund.

(f) All expenditures from the fund shall be made in accordance with appropriation acts upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the secretary for the purposes set forth in this section.

New Sec. 16. Except as otherwise provided in this act, an owner or operator of an underground petroleum storage tank, or both, shall be liable for all costs of corrective action taken in response to a release from such petroleum storage tank. Eligibility to participate in the petroleum storage tank release trust fund may be submitted as evidence of financial responsibility required of owners and operators of underground petroleum storage tanks.

New Sec. 17. (a) There is hereby established the petroleum storage tank release compensation advisory board composed of seven members, including the state fire marshal or the state fire marshal's designee, the director of the division of environment of the department, two representatives from the petroleum industry, at least one of which shall be a petroleum marketer, one representative from the insurance industry, one member of the governing body of a city and one county commissioner. The governor shall appoint the appointive members of the board, and the members so appointed shall serve for terms of two years. The governor also shall designate a member of the board as its chair, to serve in such capacity at the pleasure of the governor. The secretary shall provide staff to support the activities of the board.

(b) Appointed members of the board attending meetings of such board, or attending a subcommittee meeting thereof, when authorized by such board, shall receive the amounts provided in subsection (e) of K.S.A. 75-3223 and amendments thereto.

(c) The board shall provide advice and counsel and make recommendations to the secretary regarding the rules and regulations to be promulgated by the secretary regarding the financial responsibility of owners and operators required by this act and, upon request of the secretary, shall provide advice and counsel to the secretary with respect to the disbursement of moneys from the fund.

New Sec. 18. (a) There is hereby established an environmental assurance fee of \$.01 on each gallon of petroleum product manufactured in or imported into this state. The environmental assurance fee shall be paid by the manufacturer, importer or distributor first selling, offering for sale, using or delivering petroleum products within this state. The environmental assurance fee shall be paid to the department of revenue at the same time and in the same manner as the inspection fee established pursuant to K.S.A. 55-426, and amendments thereto, is paid. The secretary of revenue shall remit daily the environmental assurance fees paid hereunder to the state treasurer, who shall deposit the same in the state treasury to the credit of the petroleum storage tank release trust fund. Exchanges of petroleum products on a gallon-for-gallon basis within a terminal and petroleum product which is subsequently exported from this state shall be exempt from this fee.

(b) Environmental assurance fees as specified in subsection (a) shall be paid until the unobligated principal balance of the fund equals or exceeds \$5,000,000, at which time no environmental assurance fees shall be levied unless and until such time as the balance in the fund is less than or equal to an unobligated balance of \$2,000,000, in which case the collection of the environmental assurance fee will resume within 90 days following the end of the month in which such unobligated balance occurs. The director of accounts and reports shall notify the secretary of revenue whenever the unobligated balance in the fund is \$2,000,000, and the secretary of revenue shall then give notice to each person subject to the environmental assurance fee as to the imposition of the fee and the duration thereof.

(c) Every manufacturer, importer or distributor of any petroleum product liable for the payment of environmental assurance fees as provided in this act, shall report in full and detail before the 25th day of every month to the secretary of revenue, on forms prepared and furnished by the secretary of revenue, and at the time of forwarding such report, shall compute and pay to the secretary of revenue the amount of fees due on all petroleum products subject to such fee during the preceding month.

(d) All fees imposed under the provisions of this section and not paid on or before the 25th day of the month succeeding the calendar month in which such petroleum products were subject to such fee shall be deemed delinquent and shall bear interest at the rate of 1% per month, or fraction thereof, from such due date until paid. In addition thereto, there is hereby imposed upon all amounts of such fees remaining due and unpaid after such due date a penalty in the amount of 5% thereof. Such penalty shall be added to and collected as a part of such fees by the secretary of revenue.

(e) The secretary of revenue is hereby authorized to adopt such rules and regulations as may be necessary to carry out the responsibilities of the secretary of revenue under this section.

New Sec. 19. (a) Whenever the secretary has reason to believe that there is or has been a release into the environment from an underground petroleum storage tank, and has reason to believe that such release poses a danger to human health or the environment, the secretary shall obtain corrective action for such release from the owner or operator, or both, or from any past owner or operator who has contributed to such release. Such corrective action shall be performed in accordance with a plan approved by the secretary. Upon approval of such plan, the owner or operator shall obtain and submit to the secretary at least three bids from persons qualified to perform the corrective action except that, the secretary may waive this requirement upon a showing that the owner or operator has made a good faith effort but has not been able to obtain three bids from qualified bidders.

(b) If the owner or operator is unable or unwilling to perform corrective action as provided for in subsection (a) or no owner or operator can be found, the secretary may undertake appropriate corrective action utilizing funds from the petroleum storage tank release trust fund. Costs incurred by the secretary in taking a corrective action, including administrative and legal expenses, are recoverable from the responsible party and may be recovered in a civil action in district court brought by the secretary. Corrective action costs recovered under this section shall be deposited in the petroleum storage tank release trust fund. Corrective action taken by the secretary under this subsection need not be completed in order to

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seek recovery of corrective action costs, and an action to recover such costs may be commenced at any stage of a corrective action.

(c) An owner or operator shall be liable for all costs of corrective action incurred by the state of Kansas as a result of a release from an underground petroleum storage tank, unless the owner or operator, or both, enter into a consent agreement with the secretary in the name of the state within a reasonable period of time, which time period may be specified by regulation. At a minimum, the owner or operator, or both, must agree that:

(1) The owner or operator shall be liable for the appropriate amounts pursuant to section 20;

(2) the state of Kansas and the petroleum storage tank release trust fund are relieved of all liability to an owner or operator for any loss of business, damages and taking of property associated with the corrective action;

(3) the department or its contractors may enter upon the property of the owner or operator, at such time and in such manner as deemed necessary, to monitor and provide oversight for the necessary corrective action to protect human health and the environment;

(4) the owner or operator shall be fully responsible for removal, replacement or retrofitting of underground petroleum storage tanks and the cost thereof shall not be reimbursable from the fund;

(5) the owner or operator shall effectuate corrective action according to a plan approved by the secretary pursuant to subsection (a);

(6) the liability of the state and the petroleum storage tank release trust fund shall not exceed \$1,000,000, less the appropriate deductible amount, for any release from an underground petroleum storage tank; and

(7) such other provisions as are deemed appropriate by the secretary to ensure adequate protection of human health and the environment.

(d) For purposes of this act, corrective action costs shall include the actual costs incurred for the following:

(1) Removal of petroleum products from underground petroleum storage tanks, surface waters, groundwater or soil;

(2) investigation and assessment of contamination caused by a release from an underground petroleum storage tank;

(3) preparation of corrective action plans approved by the secretary;

(4) removal of contaminated soils;

(5) soil treatment and disposal;

(6) environmental monitoring;

(7) maintenance of corrective action equipment;

(8) restoration of a private or public potable water supply, where possible, or replacement thereof, if necessary; and

(9) other costs identified by the secretary as necessary for proper investigation, corrective action planning and corrective action activities to meet the requirements of this act.

New Sec. 20. (a) An owner or operator of an underground petroleum storage tank, other than the United States government or any of its agencies, who is in substantial compliance, as provided in subsections (d) and (e), and who undertakes corrective action, either through personnel of the owner or operator or through response action contractors or subcontractors, is entitled to reimbursement of reasonable corrective action costs from the fund, subject to the following provisions:

(1) An owner or operator who is not a petroleum marketer and who owns or operates not more than four underground petroleum storage tanks shall be liable for the first \$5,000 of costs of corrective action taken in response to a release from any such petroleum storage tank, provided all petroleum or petroleum products are not stored for purposes of resale.

(2) Except as otherwise provided by subsection (a)(1), the owner or operator of not more than 12 underground petroleum storage tanks shall be liable for the first \$10,000 of costs of corrective action taken in response to a release from any such petroleum storage tank;

(3) the owner or operator of at least 13 and not more than 99 underground petroleum storage tanks shall be liable for the first \$20,000 of costs of corrective action taken in response to a release from any such petroleum storage tank;

(4) the owner or operator of more than 99 underground petroleum storage tanks shall be liable for the first \$60,000 of costs of

corrective action taken in response to a release from any such petroleum storage tank;

(5) the owner or operator shall be liable for all costs of corrective action related to a release if the secretary determines that such owner or operator allowed, failed to report or failed to take corrective action in response to such release, knowing or having reason to know of such release;

(6) the owner or operator must submit to and receive from the secretary approval of the proposed corrective action plan, together with projected costs of the corrective action;

(7) the owner or operator or any agents thereof shall keep and preserve suitable records demonstrating compliance with the approved corrective action plan and all invoices and financial records associated with costs for which reimbursement will be requested;

(8) within 30 days of receipt of a complete corrective action plan, the secretary shall make a determination and provide written notice as to whether the owner or operator responsible for corrective action is eligible or ineligible for reimbursement of corrective action costs, and should the secretary determine the owner or operator is ineligible, the secretary shall include in the written notice an explanation setting forth in detail the reasons for the determination;

(9) the owner or operator shall submit to the secretary a written notice that corrective action has been completed within 30 days of completing corrective action;

(10) no later than 30 days from the submission of the notice as required by subsection (a)(9), the owner or operator must submit an application for reimbursement of corrective action costs in accordance with criteria established by the secretary, and the application for reimbursement must include the total amount of the corrective action costs and the amount of reimbursement sought. In no case shall the total amount of reimbursement exceed the lesser of the actual costs of the corrective action or the amount of the lowest bid submitted pursuant to section 19 less the appropriate deductible amount;

(11) interim payments shall be made to an owner or operator in accordance with the plan approved by the secretary pursuant to section 19, except that the secretary, for good cause shown, may refuse to make interim payments or withhold the final payment until completion of the corrective action;

(12) the owner or operator shall be fully responsible for removal, replacement or retrofitting of underground petroleum storage tanks and the cost thereof shall not be reimbursable from the fund;

(13) the owner or operator shall provide evidence satisfactory to the secretary that corrective action costs equal to the appropriate deductible amount have been paid by the owner or operator, and such costs shall not be reimbursed to the owner or operator;

(14) the owner or operator submits to the secretary proof, satisfactory to the secretary, that such owner or operator is unable to satisfy the criteria for self-insurance under the federal act; and

(15) the owner or operator shall be liable for all costs which are paid by or for which the owner or operator is entitled to reimbursement from insurance coverage, warranty coverage or any other source.

(b) For the purpose of determining an owner's or operator's eligibility for reimbursement pursuant to subsection (a) and the applicable deductible of such owner or operator, the secretary shall consider all owners and operators owned or controlled by the same interests to be a single owner or operator.

(c) Notwithstanding the provisions of subsection (c) of section 19, should the secretary find that any of the following situations exist, the owner or operator, or both, may be liable for 100% of costs associated with corrective action necessary to protect health or the environment, if:

(1) The release was due to willful or wanton actions by the owner or operator;

(2) the owner or operator is in arrears for moneys owed, other than environmental assurance fees, to the petroleum storage tank release trust fund;

(3) the release was from a tank not registered with the department;

(4) the owner or operator fails to comply with any provision of the agreement specified in subsection (c) of section 19;

(5) the owner or operator moves in any way to obstruct the efforts of the department or its contractors to investigate the presence or effects of a release or to effectuate corrective action; or

(6) the owner or operator is not in substantial compliance with

any provision of this act or rules and regulations promulgated hereunder.

(d) Except as otherwise provided in subsection (d), an owner or operator of an underground petroleum storage tank is in substantial compliance with this act and the rules and regulations adopted hereunder, if:

(1) On and after January 1, 1990, each petroleum storage tank owned or operated by such owner or operator has been registered with the secretary, in accordance with the applicable laws of this state and any rules and regulations adopted thereunder;

(2) the owner or operator has entered into an agreement with the secretary, as provided in subsection (c) of section 19;

(3) the owner or operator has complied with any applicable financial responsibility requirements imposed by the Kansas storage tank act and the rules and regulations adopted thereunder; and

(4) the owner or operator has otherwise made a good faith effort to comply with the federal act, this act, any other law of this state regulating petroleum storage tanks and all applicable rules and regulations adopted under any of them.

(e) Prior to July 1, 1990, an owner or operator of any of the following underground petroleum storage tanks shall be deemed to be in substantial compliance with this act:

(1) Any farm or residential tank of 1,100 gallons or less capacity used for storing motor fuel for noncommercial purposes; and

(2) any tank used for storing heating oil for consumptive use on the single family residential premise where stored.

On and after July 1, 1990, an owner or operator of any petroleum storage tanks specified above shall be deemed to be in substantial compliance with this act, if each such tank has been registered with the secretary in accordance with the applicable laws of this state and any rules and regulations adopted thereunder.

(f) Any owner of an underground petroleum storage tank who at no time has placed petroleum in such tank or withdrawn petroleum from such tank shall be eligible for reimbursement from the fund of all costs of any necessary corrective action and shall not be subject to the provisions of subsections (a)(1), (2), (3) and (4) if such owner submits a corrective action plan prior to July 1, 1990.

New Sec. 21. (a) Nothing in this act shall establish or create any liability or responsibility on the part of the board, the secretary, the department or its agents or employees, or the state of Kansas to pay any corrective action costs from any source other than the fund created by this act. In no event shall the fund be liable for the payment of corrective action costs in an amount in excess of the following, less any applicable deductible amounts of the owner or operator:

(1) For costs incurred in response to any one release from an underground petroleum storage tank, \$1,000,000;

(2) for an owner or operator of 100 or fewer underground petroleum storage tanks, an annual aggregate of \$1,000,000; and

(3) for an owner or operator of more than 100 underground petroleum storage tanks, an annual aggregate of \$2,000,000.

(b) This act is intended to assist an owner or operator only to the extent provided for in this act, and it is in no way intended to relieve the owner or operator of any liability that cannot be satisfied by the provisions of this act.

(c) Neither the secretary nor the state of Kansas shall have any liability or responsibility to make any payments for corrective action if the fund created herein is insufficient to do so. In the event the fund is insufficient to make the payments at the time the claim is filed, such claims shall be paid in the order of filing at such time as moneys are paid into the fund.

(d) No common law liability, and no statutory liability which is provided in a statute other than in this act, for damages resulting from a release from an underground petroleum storage tank is affected by this act. The authority, power and remedies provided in this act are in addition to any authority, power or remedy provided in any statute other than a section of this act or provided at common law.

(e) If a person conducts a corrective action activity in response to a release from an underground petroleum storage tank, whether or not the person files a claim against the fund under this act, the claim and corrective action activity conducted are not evidence of liability or an admission of liability for any potential or actual environmental pollution or third party claim.

New Sec. 22. On or before March 1 of each year, the secretary shall prepare and submit a report to the governor and each member of the legislature regarding the receipts and disbursements from the fund during the preceding calendar year, indicating the extent of the corrective action taken under this act.

New Sec. 23. (a) Any person adversely affected by any order or decision of the secretary may, within 15 days of service of the order or decision, request in writing a hearing. Hearings under this section shall be conducted in accordance with the provisions of the Kansas administrative procedure act.

(b) Any person adversely affected by any action of the secretary pursuant to this act may obtain review of such action in accordance with the act for judicial review and civil enforcement of agency actions.

New Sec. 24. Except as provided in K.S.A. 74-7246, and amendments thereto, the board and the fund shall be and are hereby abolished on July 1, 1994.

New Sec. 25. The provisions of sections 15 through 24 shall take effect and be in force on and after April 1, 1990.

New Sec. 26. (a) On and after July 1, 1989, there is hereby imposed a water protection fee at the rate of:

(1) Three cents per 1,000 gallons of water sold at retail by a public water supply system and delivered through mains, lines or pipes;

(2) subject to the provisions of subsection (c), three cents per 1,000 gallons of water appropriated for industrial use pursuant to a permit granted in accordance with the Kansas water appropriation act; and

(3) three cents per 1,000 gallons of water appropriated for stockwatering pursuant to a permit granted in accordance with the Kansas water appropriation act.

(b) As used in this section, "industrial use" and "stockwatering" have the meanings provided by rules and regulations of the chief engineer of the division of water resources of the state board of agriculture and the determination of gallons used shall be based upon figures supplied to the secretary of revenue by the division of water resources.

(c) The fees imposed by subsections (a)(2) and (3) shall be based on the actual amount used for industrial use or stockwatering during the preceding calendar year as reported to the chief engineer of the division of water resources of the state board of agriculture in accordance with the provisions of K.S.A. 1988 Supp. 82a-732 and amendments thereto, except that: (1) The amount of surface water used for flow through cooling purposes for electric power generating plants shall be based on an average consumptive factor as determined by the division of water resources; and (2) no such fee shall be imposed on the amount of water used for commercial fish farming. If no water use report is filed for such year, the fee shall be based on the amount authorized for industrial use or stockwatering in such year.

(d) The fee imposed by subsection (a)(1) shall be paid quarterly by the public water supplier and shall be transmitted to the department of revenue not later than 45 days following the end of each quarter. The public water supplier may collect the fee directly from each consumer to which water is sold at retail or may pay the amount owed to the department from moneys in its operating or other fund available for that purpose. The fees imposed by subsections (a)(2) and (3) shall be paid by the owner of the permit. If any retailer or permit owner fails to pay the fee required to be collected and paid under this section, there shall be added, to the unpaid balance of the fee, penalty and interest as prescribed under K.S.A. 79-3615 and amendments thereto for the late payment of sales tax.

(e) The director of taxation shall administer, enforce and collect the fees imposed by this section. All laws and rules and regulations of the secretary relating to the administration, enforcement and collection of the retailers' sales tax shall apply to such fee insofar as they can be made applicable, and the secretary shall adopt such additional rules and regulations as necessary for the efficient and effective administration, enforcement and collection thereof.

(f) The director of taxation shall remit daily to the state treasurer all moneys collected from fees imposed pursuant to this section. Upon receipt thereof, the state treasurer shall deposit the entire amount in the state treasury and credit it to the state water plan fund created by section 34.

(continued)

(g) An owner of an industrial use permit who has a contract with the state for withdrawal and use of water pursuant to K.S.A. 82a-1301 *et seq.* and amendments thereto shall be exempt from the fee imposed by subsection (a)(2) on any water for which the permit owner is required to pay charges under such contract.

Sec. 27. On and after July 1, 1989, K.S.A. 2-1205 is hereby amended to read as follows: 2-1205. An inspection fee shall be collected upon all commercial fertilizers sold, offered or exposed for sale, or distributed in Kansas, which shall be at a rate per ton of 2,000 pounds fixed by rules and regulations adopted by the state board of agriculture, except that such rate shall not exceed ~~\$30~~ **\$1.70** per ton of 2,000 pounds. The inspection fee rate per ton of 2,000 pounds in effect on the day preceding the effective date of this act shall continue in effect until the state board of agriculture adopts rules and regulations fixing a different inspection fee rate under this section. Each person registering any commercial fertilizer shall pay the inspection fee on such commercial fertilizer sold, offered or exposed for sale, or distributed in Kansas, and shall keep adequate records showing the tonnage of each commercial fertilizer shipped to or sold, offered or exposed for sale, or distributed in Kansas, and the secretary, and duly authorized representatives of the secretary, shall have authority to examine such records and other pertinent records necessary to verify the statement of tonnage.

Each person registering any commercial fertilizer shall file an affidavit semiannually, with the secretary, within 30 days after each January 1 and each July 1, showing the tonnage of commercial fertilizer sold or distributed in Kansas for the preceding six-month period, and shall pay to the secretary the inspection fee due thereon for such six-month period, except that the registrant shall not be required to pay the inspection fee or report the tonnage of commercial fertilizers or fertilizer materials sold and shipped directly to fertilizer manufacturers or mixers, but the fertilizer manufacturers or mixers shall keep adequate records of the commercial fertilizers sold or distributed in this state, and report to the secretary the tonnage thereof and pay the inspection fee due thereon. If the affidavit is not filed and the inspection fee is not paid within the thirty-day period, or if the report of tonnage is false, the secretary may revoke the registrations filed by such person; and if the affidavit is not filed and the inspection fee is not paid within the thirty-day period, or any extension thereof granted by the secretary, a penalty of \$5 per day shall be assessed against the registrant and the inspection fee and penalty shall constitute a debt and become the basis for a judgment against such person. The secretary may grant a reasonable extension of time.

The Kansas state board of agriculture is hereby authorized and empowered to reduce the inspection fee by adopting rules and regulations under this section whenever it shall determine that the inspection fee is yielding more than is necessary for the purpose of administering the provisions of this act, and the board is hereby authorized and empowered to increase the inspection fee by adopting rules and regulations under this section when it finds that such is necessary to produce sufficient revenues for the purposes of administering the provisions of this act, but not in excess of the maximum fee prescribed by this section. The secretary shall remit all moneys received by or for the secretary under article 12 of chapter 2 of Kansas Statutes Annotated and amendments thereto to the state treasurer at least monthly. Upon receipt of any such remittance the state treasurer shall ~~deposit the entire amount thereof in the state treasury and the same credit the remittance as follows:~~ **(1) An amount equal to \$1.40 per ton shall be credited to the state water plan fund created by section 34; and (2) the remainder shall be credited to the fertilizer fee fund.** All expenditures from such ~~fund funds~~ shall be made in accordance with appropriation acts upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the secretary of the state board of agriculture or by a person or persons designated by the secretary.

Sec. 28. On and after July 1, 1989, K.S.A. 1987 Supp. 2-2204, as amended by section 31 of chapter 356 of the laws of 1988, is hereby amended to read as follows: 2-2204. (a) Every agricultural chemical which is distributed, sold or offered for sale within this state or delivered for transportation or transported in intrastate commerce or between points within this state through any point outside this state shall be registered in the office of the secretary. All registration of products shall expire on December 31 following the date

of issuance, unless such registration shall be renewed annually, in which event expiration date shall be extended for each year of renewal registration, or until otherwise terminated. Products which have the same formula, and are manufactured by the same person, the labeling of which contains the same claims, and the labels of which bear a designation identifying the product as the same agricultural chemical may be registered as a single product and additional names and labels shall be added by supplement statements during the current period of registration. Within the discretion of the secretary, or an authorized representative of the secretary, a change in the labeling or formulas of an agricultural chemical may be made within the current period of registration without requiring a reregistration of the product. Any agricultural chemical imported into this state which is subject to the provisions of any federal act providing for the registration and which has been duly registered under the provisions of such federal act, in the discretion of the secretary, may be exempted from registration under this act when such agricultural chemical is sold or distributed in the unbroken immediate container in which such agricultural chemical was originally shipped.

(b) The registrant shall file with the secretary, a statement including: (1) The name and address of the registrant and the name and address of the person whose name will appear on the label if other than the registrant; (2) the name of the agricultural chemical; (3) a complete copy of the labeling accompanying the agricultural chemical and a statement of all claims made and to be made for it and a statement of directions for use; and (4) if requested by the secretary, or an authorized representative of the secretary, a full description of the tests made and the results thereof upon which the claims are based. In the case of renewal of registration, a statement shall be required only with respect to information which is different from that furnished when the product was registered or last reregistered.

(c) The registrant shall pay an annual fee fixed by rules and regulations adopted by the state board of agriculture, except that such fee shall not exceed ~~\$30~~ **\$130** for each agricultural chemical registered. Such fee shall be deposited in the state treasury ~~to the credit of and credited as follows:~~ **(1) An amount equal to \$100 for each fee so deposited shall be credited to the state water plan fund created by section 34; and (2) the remainder shall be credited to the agricultural chemical fee fund to be used for carrying out the provisions of this act.** The annual fee for each agricultural chemical registered which is in effect on the day preceding the effective date of this act shall continue in effect until the state board of agriculture adopts rules and regulations fixing a different fee therefor under this subsection. The state board of agriculture is hereby authorized and empowered, whenever it determines that the fee imposed by this subsection and paid into the state treasury as provided by law is yielding more revenue than is required for the purposes to which such fee is devoted by law, to reduce the fee imposed by this subsection for such period as the board shall deem justified by adopting rules and regulations under this subsection but not for less than one year. In the event that the board, after reducing such fee, finds that sufficient revenues are not being produced by such reduced fee, the board is authorized and empowered by adopting rules and regulations under this subsection, to restore in full or in part such fee to an amount which, in the judgment of the board, will produce sufficient revenues for the purposes as provided in this section, but not exceeding the maximum amount of the fee imposed by this subsection.

(d) The secretary, or an authorized representative of the secretary, whenever it is deemed essential in the administration of this act, may require the submission of the complete formula of any agricultural chemical. If it appears to the secretary, or an authorized representative of the secretary, that the composition of the product is such as to warrant the proposed claims for the product and if the product and its labeling and other material required to be submitted comply with the requirements of this act, the secretary shall register the product.

(e) If it does not appear to the secretary, or an authorized representative of the secretary, that the product is such as to warrant the proposed claims for it or if the product and its labeling and other material required to be submitted do not comply with the provisions of this act, the secretary shall notify the registrant of the manner in which the product, labeling, or other material required

to be submitted fail to comply with the act so as to afford the registrant an opportunity to make the necessary corrections.

(f) In order to protect the public, the secretary, or a duly authorized representative of the secretary, on the secretary's own motion, may at any time, after written notice to the registrant, cancel the registration of an agricultural chemical. Any person so notified shall be given an opportunity for a hearing in accordance with the provisions of the Kansas administrative procedure act with regard to the secretary's contemplated action, before any registration is canceled or revoked.

(g) Notwithstanding any other provisions of this act, registration is not required in the case of an agricultural chemical shipped from one plant within this state to another plant within this state operated by the same person.

New Sec. 29. On and after July 1, 1989, All moneys collected from penalties imposed pursuant to K.S.A. 65-170d, 65-171s, 65-3419 or 65-3446, and amendments thereto, shall be remitted to the state treasurer. Upon receipt thereof, the state treasurer shall deposit the entire amount in the state treasury and credit it to the state water plan fund created by section 34.

Sec. 30. On and after July 1, 1989, K.S.A. 65-170f is hereby amended to read as follows: 65-170f. *Except as otherwise provided by section 29, all penalties recovered pursuant to the provisions of this act shall be deposited in the state treasury and credited to the state general fund of the state of Kansas.*

Sec. 31. On and after July 1, 1989, K.S.A. 1987 Supp. 65-3419, as amended by section 204 of chapter 356 of the laws of 1988, is hereby amended to read as follows: 65-3419. (a) Any person who violates any provision of subsection (a) of K.S.A. 65-3409 and amendments thereto, shall incur, in addition to any other penalty provided by law, a civil penalty in an amount of up to \$500 for every such violation and, in the case of a continuing violation, every day such violation continues shall be deemed a separate violation.

(b) The director of the division of environment, upon a finding that a person has violated any provision of subsection (a) of K.S.A. 65-3409 and amendments thereto, may impose a penalty within the limits provided in this section, which penalty shall constitute an actual and substantial economic deterrent to the violation for which it is assessed.

(c) No penalty shall be imposed pursuant to this section except upon the written order of the director of the division of environment to the person who committed the violation. Such order shall state the violation, the penalty to be imposed and the right of such person to appeal to a hearing before the secretary of health and environment. Any such person may, within 15 days after service of the order make written request to the secretary for a hearing thereon. The secretary shall hear such person within 30 days after receipt of such request. Hearings under this subsection shall be conducted in accordance with the provisions of the Kansas administrative procedure act.

(d) Any action of the secretary pursuant to subsection (c) is subject to review in accordance with the act for judicial review and civil enforcement of agency actions.

(e) ~~Any penalty recovered pursuant to the provisions of this section shall be deposited in the state treasury and credited to the general fund.~~

(f) (e) Notwithstanding any other provision of this act, the secretary, upon receipt of information that the storage, transportation, treatment, or disposal of any waste may present an imminent and substantial hazard to the health of persons or to the environment, may take such action as the secretary determines to be necessary to protect the health of such persons or the environment. The action the secretary may take shall include, but not be limited to:

(1) Issuing an order directing the operator of the treatment or disposal facility or site, or the custodian of the waste, which constitutes such hazard, to take such steps as are necessary to prevent the act or eliminate the practice which constitutes such hazard. Such action may include, with respect to a facility or site, permanent or temporary cessation of operation.

(2) Requesting that the attorney general or appropriate district attorney commence an action enjoining such acts or practices. Upon showing by the department that a person has engaged in such acts or practices, a permanent or temporary injunction, restraining order, or other order may be granted by any court of competent jurisdiction.

(g) (f) In any civil action brought pursuant to this section in which a temporary restraining order, preliminary injunction or permanent injunction is sought, it shall not be necessary to allege or prove at any stage of the proceeding that irreparable damage will occur should the temporary restraining order, preliminary injunction or permanent injunction not be issued or that the remedy at law is inadequate, and the temporary restraining order, preliminary injunction or permanent injunction shall issue without such allegations and without such proof.

Sec. 32. On and after July 1, 1989, K.S.A. 1988 Supp. 79-4804, as amended by section 102 of 1989 Substitute for House Bill No. 2004, is hereby amended to read as follows: 79-4804. (a) An amount equal to 60% of all moneys credited to the state gaming revenues fund shall be transferred and credited to the state economic development initiatives fund which is hereby created in the state treasury. Expenditures from the state economic development initiatives fund shall be made in accordance with ~~appropriation~~ appropriations acts for the financing of such programs supporting and enhancing the existing economic foundation of the state and fostering growth through the expansion of current, and the establishment and attraction of new, commercial and industrial enterprises as provided by this section and as may be authorized by law and not less than 1/2 of such money shall be distributed equally among the five congressional districts. ~~From~~ On and after July 1, 1990, an amount equal to 90% of all moneys credited to the state gaming revenues fund shall be transferred and credited to the state economic development initiatives fund created by this section. *Except as provided by subsection (g), all moneys credited to the state economic development initiatives fund shall be credited within the fund, as provided by law, to an account or accounts of the fund which are created by this section.*

(b) There is hereby created the Kansas capital formation account in the state economic development initiatives fund. All moneys credited to the Kansas capital formation account shall be used to provide, encourage and implement capital development and formation in Kansas.

(c) There is hereby created the Kansas economic development research and development account in the state economic development initiatives fund. All moneys credited to the Kansas economic development research and development account shall be used to promote, encourage and implement research and development programs and activities in Kansas and technical assistance funded through state educational institutions under the supervision and control of the state board of regents or other Kansas colleges and universities.

(d) There is hereby created the Kansas economic development endowment account in the state economic development initiatives fund. All moneys credited to the Kansas economic development endowment account shall be accumulated and invested as provided in this section to provide an ongoing source of funds which shall be used for economic development activities in Kansas, including but not limited to continuing appropriations or demand transfers for programs and projects which shall include, but are not limited to, specific community infrastructure projects in Kansas that stimulate economic growth.

(e) Except as provided in subsection (f), the pooled money investment board may invest and reinvest moneys credited to the state economic development initiatives fund in obligations of the United States of America or obligations the principal and interest of which are guaranteed by the United States of America or in interest-bearing time deposits in any commercial bank located in Kansas, or, if the board determines that it is impossible to deposit such moneys in such time deposits, in repurchase agreements of less than 30 days' duration with a Kansas bank or with a primary government securities dealer which reports to the market reports division of the federal reserve bank of New York for direct obligations of, or obligations that are insured as to principal and interest by, the United States government or any agency thereof. All moneys received as interest earned by the investment of the moneys credited to the state economic development initiatives fund shall be deposited in the state treasury and credited to the Kansas economic development endowment account of such fund.

(f) Moneys credited to the Kansas economic development en-

(continued)



dowment account of the state economic development initiatives fund may be invested in government guaranteed loans and debentures as provided by law in addition to the investments authorized by subsection (e) or in lieu of such investments. All moneys received as interest earned by the investment under this subsection of the moneys credited to the Kansas economic development endowment account shall be deposited in the state treasury and credited to the Kansas economic development endowment account of the state economic development initiatives fund.

(g) In each fiscal year beginning on and after July 1, 1990, the director of accounts and reports shall make transfers in equal amounts on July 15 and January 15 which in the aggregate equal \$2,000,000 from the state economic development initiatives fund to the state water plan fund created by section 34. No other moneys credited to the state economic development initiatives fund shall be used for: (1) Water-related projects or programs, or related technical assistance; or (2) any other projects or programs, or related technical assistance, which meet one or more of the long-range goals, objectives and considerations set forth in the state water resource planning act.

New Sec. 33. In each fiscal year beginning on or after July 1, 1990, the director of accounts and reports shall transfer \$6,000,000 from the state general fund to the state water plan fund created by section 34, ½ of such amount to be transferred on July 15 and ½ to be transferred on January 15. All transfers under this section shall be considered to be demand transfers from the state general fund.

New Sec. 34. (a) On and after July 1, 1989, there is hereby created, in the state treasury, the state water plan fund. All moneys in the state water plan fund shall be expended in accordance with appropriations acts for implementation of the state water plan formulated pursuant to K.S.A. 82a-903 *et seq.* and amendments thereto. Such moneys shall be used only for the establishment and implementation of water-related projects or programs, and related technical assistance, and shall not be used for: (1) Replacing full time equivalent positions of any state agency; or (2) recreational projects which do not meet one or more of the long-range goals, objectives and considerations set forth in the state water resource planning act.

(b) On or before December 1 of each year, the Kansas water authority shall submit to the governor and the legislature a report setting out: (1) An account of all moneys expended from the state water plan fund during such fiscal year; and (2) a five-year capital development plan for state water plan projects.

New Sec. 35. (a) On and after January 1, 1990, the state of Kansas shall provide state environmental protection grants to local health departments or other local entities for the purpose of developing and implementing environmental protection plans and programs. A local entity or the Kansas department of health and environment may enter into contracts to develop, implement or carry out any elements of the local environmental protection plan or program.

(b) The governing board of any local health department or other local entity desiring to receive a state environmental protection grant pursuant to this act shall indicate its intent to develop an environmental protection plan to implement the environmental protection strategy of the state water plan. An environmental protection plan should include, but not be limited to, the sanitary code, subdivision water and wastewater plan, solid waste management plan, hazardous waste management plan, public water supply protection plan and nonpoint source pollution control plan.

(c) A local health department or other local entity may request certification by the secretary that it has an approved environmental protection plan and is prepared to assume a program of permitting, inspection, compliance and enforcement of specified elements of the department's environmental protection plan. The secretary shall provide guidance on achieving environmental results for certification of local programs and audit annually each local program based on achievement of environmental results.

(d) The secretary of health and environment may adopt such rules and regulations as necessary for the administration of this section.

New Sec. 36. If any provisions of this act or the application thereof to any person or circumstances is held invalid, the invalidity does not affect other provisions or applications of this act which can

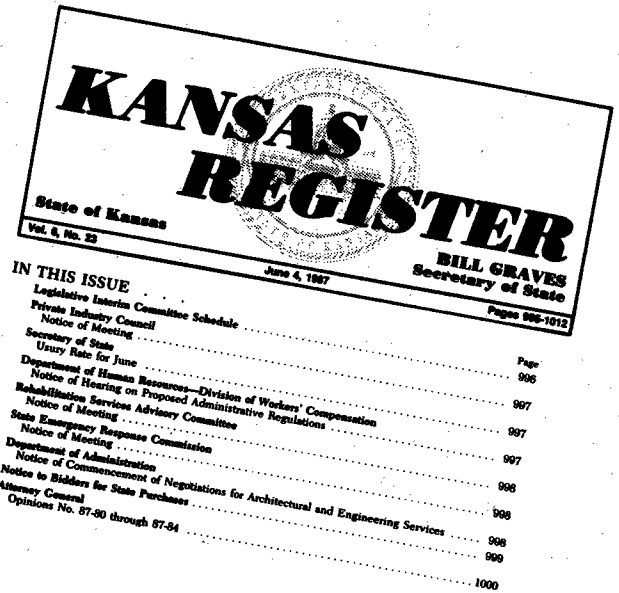
be given effect without the invalid provisions or application. To this end the provisions of this act are severable.

Sec. 37. On and after July 1, 1989, K.S.A. 2-1205 and 65-170f and K.S.A. 1987 Supp. 2-2204 and 65-3419, both as amended by chapter 356 of the laws of 1988, and K.S.A. 1988 Supp. 79-4804, as amended by 1989 Substitute for House Bill No. 2004, are hereby repealed.

Sec. 38. This act shall take effect and be in force from and after its publication in the Kansas register.

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