

# KANSAS REGISTER

State of Kansas

**BILL GRAVES**  
Secretary of State

Vol. 9, No. 22

May 31, 1990

Pages 823-882

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## State of Kansas

**State Historical Society  
Historic Sites Board of Review**

**Notice of Meeting**

The Kansas Historic Sites Board of Review will meet at 9:30 a.m. Saturday, June 23, at the Newton Activity Center, 415 Poplar, Newton. The agenda will include the evaluation of the following properties for nomination to the National Register of Historic Places and/or the Register of Historic Kansas Places:

- Augusta Theater, 525 State, Augusta, Butler County
- F.D. Morse House, 1041 Tennessee, Lawrence, Douglas County
- Tay Creek Metal Truss Bridge, NE 1/4, NW 1/4, Sec. 17, T 16 S, R 20 E, Ottawa Township, Franklin County
- Frank Hodges House, 425 S. Harrison, Olathe, Johnson County (State Register only)
- Hollywood Theater, 401 Delaware, Leavenworth, Leavenworth County
- Old South Main Building, Osawatomie State Hospital, Osawatomie, Miami County (State Register only)
- Morris County Poor Farm Limestone Bank Barn, SE 1/4, Sec. 7, T 16 S, R 9, Council Grove vicinity, Morris County
- St. Mark Church, 19230 W. 29th St. North, Colwich, Sedgwick County (State Register only)

Ramon Powers  
Executive Director

Doc. No. 009298

## State of Kansas

**Board of Indigents'  
Defense Services**

**Notice of Meeting**

The State Board of Indigents' Defense Services will meet at 1 p.m. Friday, June 15, in Room 108, Landon State Office Building, 900 S.W. Jackson, Topeka.

For additional information, contact Ron Miles, director, Room 506, Landon State Office Building, (913) 296-4505.

Ronald E. Miles  
Director

Doc. No. 009312

## State of Kansas

**State Historical Society  
Historic Sites Board of Review**

**Notice of Hearing**

The Kansas Historic Sites Board of Review will conduct a public hearing at 2 p.m. Friday, June 22, at the Newton Activity Center, 415 Poplar, Newton. The purpose of the hearing is to receive public comments concerning the historical significance of the Bernhard Warkentin House, which has been proposed by petition for state acquisition.

Following the hearing, the board will discuss and evaluate the site and will prepare a recommendation to the governor and the legislature concerning state acquisition as provided by K.S.A. 75-2726.

Ramon Powers  
Executive Director

Doc. No. 009299

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**PUBLISHED BY**  
**Bill Graves**  
**Secretary of State**  
**2nd Floor, State Capitol**  
**Topeka, KS 66612-1594**  
**(913) 296-2236**



**Register Office:**  
**235-N, State Capitol**  
**(913) 296-3489**

**State of Kansas  
Kansas Judicial Council**

**Notice of Meetings**

The Kansas Judicial Council and its advisory committees will meet according to the following schedule at the Kansas Judicial Center, 301 W. 10th, Topeka.

Date	Committee	Time	Location
June 8	Judicial Council	9:00 a.m.	Room 259
June 29	Family Law	9:30 a.m.	Room 259
July 13	PIK	9:30 a.m.	Room 259
July 19	Care & Treatment	9:30 a.m.	Room 259
July 20	Probate Law	9:30 a.m.	2nd Floor, Attorney's Lounge
July 20	Criminal Law	9:30 a.m.	Room 259
July 27	Civil Code	9:30 a.m.	Room 259

Justice Richard W. Holmes  
Chairman

Doc. No. 009300

**State of Kansas  
Department of Health  
and Environment**

**Notice Concerning Proposed  
Permit Action**

The Secretary of the Kansas Department of Health and Environment is proposing to issue a permit in accordance with K.A.R. 28-19-14 (permits required) to Kansas Pipeline Co. (KPC) to install and operate a gas compressor station at Section 32, T16S, R20E, Franklin County.

Written materials, including the permit application and information relating to the application submitted by KPC, draft permit, permit summary and analysis of KDHE describing the basis for the proposed permit, are available for public inspection during normal business hours through June 29 by contacting Pat Simpson, KDHE, 808 W. 24th, Lawrence, (913) 842-4600. Questions concerning this material should be directed to L.C. Hinthier, KDHE, (913) 296-1576.

K.S.A. 65-3008 provides that any person affected by the issuance of a permit can request a public hearing prior to issuance of the permit. The request for hearing must be in writing and addressed to the secretary. If the secretary determines there is sufficient reason in the request, a public hearing will be conducted—the place, date and time of the hearing will be announced in this publication. A request for hearing or written comments on the proposed permit must be submitted to the Secretary, Kansas Department of Health and Environment, Landon State Office Building, 900 S.W. Jackson, Topeka 66612, before June 29.

Stanley C. Grant  
Secretary of Health  
and Environment

Doc. No. 009308

**State of Kansas  
State Conservation Commission**

**Notice to Contractors**

Sealed bids for the construction of a 54,500 cubic yard detention dam, Site A-3 in Neosho County, will be received by the Turkey Creek Watershed Joint District No. 103 at the Neosho County Engineer's office, P.O. Box 85, Erie 66733, until 1 p.m. June 18 and then opened. Bids will be opened in the courthouse meeting room, Erie.

A copy of the invitation for bids and the plans and specifications can be obtained from the Agricultural Engineering Associates, Inc., 102 E. 2nd, Box 4, Uniontown 66779, (316) 756-4845.

Kenneth F. Kern  
Executive Director

Doc. No. 009311

**State of Kansas  
Department of Health  
and Environment**

**Notice Concerning Proposed  
Permit Action**

The Secretary of the Kansas Department of Health and Environment is proposing to issue a permit in accordance with K.A.R. 28-19-14 (permits required) to Killough, Inc., Ottawa, to install and operate an asphalt concrete mixing plant at Section 30, T16S, R24E, Miami County.

Written materials, including the permit application and information relating to the application submitted by Killough, draft permit, permit summary and analysis of KDHE describing the basis for the proposed permit, are available for public inspection during normal business hours through June 29 by contacting Pat Simpson, KDHE, 808 W. 24th, Lawrence, (913) 842-4600. Questions concerning this material should be directed to L.C. Hinthier, KDHE, (913) 296-1576.

K.S.A. 65-3008 provides that any person affected by the issuance of a permit can request a public hearing prior to issuance of the permit. The request for hearing must be in writing and addressed to the secretary. If the secretary determines there is sufficient reason in the request, a public hearing will be conducted—the place, date and time of the hearing will be announced in this publication. A request for hearing or written comments on the proposed permit must be submitted to the Secretary, Kansas Department of Health and Environment, Landon State Office Building, 900 S.W. Jackson, Topeka 66612, before June 29.

Stanley C. Grant  
Secretary of Health  
and Environment

Doc. No. 009309

## State of Kansas

Department of Health  
and EnvironmentNotice Concerning Kansas  
Water Pollution Control Permits

In accordance with state regulations 28-16-57 through 28-16-63 and the authority vested with the state by the administrator of the U.S. Environmental Protection Agency, tentative permits have been prepared for discharges to the waters of the United States and the state of Kansas for the applicants described below. The tentative determinations for permit content are based on preliminary limitations of the state of Kansas and the EPA, and when issued will result in a state water pollution control permit and national pollutant discharge elimination system authorization to discharge subject to certain effluent limitations and special conditions.

Name and Address of Applicant	Waterway	Type of Discharge
Cramer and Associates, Inc. 990 N.E. 44th Ave. Des Moines, IA 50313 Sedgwick County, Kansas Kansas Permit No: I-AR94-P031	Arkansas River via storm sewers	Hydrodemolition wastewater
Fed. Permit No: KS-0086894		

Description of Facility: As a Kansas Department of Transportation requirement, various bridges located on Highway I-135 will be reconstructed. A hydrodemolition process will be utilized. Wastewater from this process will be collected in sedimentation ponds and discharged through a filter. This is a new permit. Proposed effluent limitations are pursuant to Kansas Surface Water Quality Standards, K.A.R. 28-16-28(b-f).

Name and Address of Applicant	Waterway	Type of Discharge
Enron-Clifton Hydrostatic Test P.O. Box 1188 Houston, TX 77251-1188 Washington County, Kansas Kansas Permit No: I-BB11-P001	Big Blue River via unnamed tributary	Hydrostatic test water (one-time) discharge
Fed. Permit No: KS-0086878		

Description of Facility: Hydrostatic test water from a natural gas pipeline. Proposed effluent limitations are pursuant to Kansas Surface Water Quality Standards, K.A.R. 28-16-28(b-f)

Name and Address of Applicant	Waterway	Type of Discharge
Kansas Natural Inc. 11880 College Blvd. Suite 520 Overland Park, KS 66210 Greenwood County, Kansas Kansas Permit No: I-VE16-P001	Fall River Verdigris River Basin	Hydrostatic test discharge
Fed. Permit No: KS-0086908		

Description of Facility: Water is discharged to the Fall River after used to hydrostatically test an existing natural gas pipeline. This is a new permit. Proposed effluent limitations are pursuant to Kansas Surface Water Quality Standards K.A.R. 28-16-28(b-f).

Written comments on the proposed determinations may be submitted to Bethel Spotts, Permit Clerk, Kansas Department of Health and Environment, Division of Environment, Bureau of Water, Forbes Field, Topeka 66620. All comments received prior to June 29 will be considered in the formulation of final determinations regarding this public notice. Please refer to the appropriate application number (KS-90-32/34) and name of applicant as listed when preparing comments.

If no objections are received, the Secretary of Health

and Environment will issue the final determinations. If response to this notice indicates significant public interest, a public hearing may be held in conformance with state regulation 28-16-61.

The application, proposed permit, including proposed effluent limitations and special conditions, fact sheets as appropriate, comments received, and other information are on file and may be inspected at the Division of Environment offices from 8 a.m. to 4:30 p.m. Monday through Friday. The documents are available upon request at the copying cost assessed by KDHE. Additional copies of this public notice also may be obtained at the Division of Environment.

Stanley C. Grant  
Secretary of Health  
and Environment

Doc. No. 009319

## State of Kansas

Department of Health  
and EnvironmentNotice Concerning Proposed  
Permit Action

The Secretary of the Kansas Department of Health and Environment is proposing to issue a permit in accordance with K.A.R. 28-19-14 (permits required) to Martin-Martietta Aggregates (M-M), Topeka, to install and operate portable rock crushing equipment at Section 15, T20S, R6W, Rice County. The pollutant of concern from rock crushing equipment is particulate matter.

Written materials, including the application and information relating to the application submitted by M-M, draft permit, permit summary, and analysis of KDHE describing the basis for the proposed permit, are available for public inspection during normal business hours through June 29 by contacting Peter Denning, Bureau of Air and Waste Management, KDHE, 2501 Market Place, Salina 67401, (913) 827-9639. Questions concerning this material should be directed to L.C. Hinthier, KDHE, (913) 296-1576.

K.S.A. 65-3008 provides that any person affected by the issuance of a permit can request a public hearing prior to issuance of the permit. The request for hearing must be in writing and addressed to the secretary. If the secretary determines there is sufficient reason in the request, a public hearing will be conducted—the place, date and time of the hearing will be announced in this publication. A request for hearing or written comments on the proposed permit must be submitted to the Secretary, KDHE, Landon State Office Building, 900 S.W. Jackson, Topeka 66612, before June 29.

Stanley C. Grant  
Secretary of Health  
and Environment

Doc. No. 009318



## State of Kansas

## Secretary of State

## Executive Appointments

Executive appointments made by the Governor, and in some cases by other state officials, are filed with the Secretary of State's office.

Complete listings of state agencies, boards and commissions are included in the *Kansas Directory*. County officials are listed in the *Directory of County Officers*. Both directories are published by the Secretary of State's office and are available free of charge.

The following appointments were filed May 1-25:

## Clark County Commissioner, 3rd District

Etheled Marshall, Minneola 67865. Term expires when a successor is elected and qualifies according to law. Succeeds C.E. Marshall, deceased.

## Sumner County Commissioner, 2nd District

Joan Norris, 1004 S. Washington, Wellington 67152. Term expires when a successor is elected and qualifies according to law. Succeeds Marvin Wyckoff, deceased.

Kansas All-Sports Hall of Fame  
Board of Trustees

Charles A. Lower, 2715 S.E. Downing Road, Topeka 66605. Term expires April 30, 1994. Reappointment.

## State Banking Board

Bernard A. Griffiths, Box 36, Long Island 67647. Term expires April 30, 1993. Subject to Senate confirmation. Reappointment.

Jerry G. Patterson, 105 7th St., Box 115, Wakefield 67487. Term expires April 30, 1993. Subject to Senate confirmation. Reappointment.

Howard T. Paul, 1717 Sieben, Topeka 66614. Term expires April 30, 1990. Subject to Senate confirmation. Reappointment.

## Board of Barber Examiners

Mark Strange, 307 N. Kansas, Suite B102, Liberal 67901. Term expires April 30, 1993. Reappointment.

Kansas Christopher Columbus  
Quincentenary Commission

(Members appointed by the Secretary of State)

Dr. Don Blakeslee, associate professor of anthropology, Wichita State University.

Dr. Kennett Cott, Topeka, associate professor of history, Washburn University.

Marion Cott, Topeka, executive director, Kansas Committee for the Humanities.

Dorothy Ilgen, executive director, Kansas Arts Commission.

Alvin Komlofske, Garden City, state chairman quincentenary commission, Knights of Columbus.

Joy Lewis, Wichita, coordinator, Traveling Visual Arts Program, Wichita Art Museum.

George Neavoll, Wichita, editorial page editor, Wichita Eagle.

Betty McBride, Columbus, Cherokee County Treasurer.

Patricia O'Brien, Manhattan, professor of anthropology, Kansas State University.

Ruth Olson, Larned, director, Santa Fe Trail Center.

Zoel Parenteau, Wichita, general manager of KPTS Channel 8.

Ramon Powers, Topeka, executive director, Kansas State Historical Society.

Al Ramirez, Bonner Springs, state representative, 40th district.

Betty Romero, Lyons, director, Coronado-Quivira Museum.

Jon Vincent, Lawrence, director, Center of Latin American Studies, University of Kansas.

Esther Valladolid Wolf, Topeka, secretary of aging.

## State Civil Service Board

S. Burton DeBaun, 726 S. 9th, Osage City 66523. Term expires January 31, 1994. Subject to Senate confirmation. Reappointment.

## State Corporation Commission

Jack Shriver, 115 N. B, Arkansas City 67005. Term expires May 13, 1994. Subject to Senate confirmation. Succeeds Margalee Wright.

## Credit Union Council

Larry L. Mowry, 1903 Koster, Garden City 67846. Term expires June 11, 1992. Subject to Senate confirmation. Reappointment.

Gene Swan, 1547 Caddy Lane, Wichita 67212. Term expires April 30, 1993. Subject to Senate confirmation. Succeeds Gerald Kassin.

Delta Dental Plan of Kansas  
Board of Directors

Gerold L. Goforth, 3130 S.E. Arbor Drive, Topeka 66605. Term expires February 1, 1992. Reappointment.

## Governor's Commission on Health Care

Duane L. Dyer, 1301 Evergreen Lane, Derby 67037. Serves at the pleasure of the Governor.

Paul Klotz, 835 S.W. Topeka Blvd., Topeka 66612. Serves at the pleasure of the Governor.

Molly Masquelier, 10308 Metcalf, Suite 114, Overland Park 66212. Serves at the pleasure of the Governor.

## Kansas Inc.

William T. Abbott, 9334 Bent Tree Circle, Wichita 67226. Term expires June 30, 1992. Subject to Senate confirmation. Succeeds John Walsh, resigned.

## Kansas Technology Enterprise Corporation

Richard A. Bendis, 11005 Delmar, Leawood 66211. Term expires April 13, 1994. Subject to Senate confirmation. Reappointment.

Theodore Kuwana, 1606 Cypress Pt. Drive, Lawrence 66046. Term expires April 13, 1994. Subject to Senate confirmation. Reappointment.

Carol Wiebe, 301 Willow Road, Hillsboro 67063. Term

(continued)

expires April 13, 1994. Subject to Senate confirmation. Reappointment.

#### Milk Advisory Committee

Sue Beam, Route 2, Ionia 66947. Term expires April 30, 1993. Succeeds Jim Ploger.

#### Kansas Real Estate Commission

David Louis, 7477 Lackman Road, Shawnee 66216. Term expires April 30, 1994. Reappointment.

#### State Board of Tax Appeals

Jayne Anne Aylward, 2660 Highland, Salina 67401. Term expires June 30, 1992. Subject to Senate confirmation. Succeeds Keith Farrar, resigned.

#### Commission on Travel and Tourism

Nick Jordan, Vice Chairperson, 7013 Albervan, Shawnee 66216. Term expires April 30, 1991. Succeeds Arden Booth.

Phylis Windle, Chairperson, 809 W. 4th, Liberal 67901. Term expires April 30, 1991. Succeeds John Pence.

Ron Wright, 2071 Fanestil Drive, Emporia 66801. Term expires September 30, 1992. Succeeds Roy Davis.

Bill Graves  
Secretary of State

(Published in the *Kansas Register*, May 31, 1990.)

### Summary Notice of Bond Sale Unified School District 448

McPherson County, Kansas (Inman)  
\$1,290,000

### General Obligation School Building Bonds Series 1990

(general obligation bonds payable from  
unlimited ad valorem taxes)

#### Sealed Bids

Subject to the notice of bond sale dated May 22, 1990, and preliminary official statement dated June 6, 1990, sealed bids will be received by the clerk of Unified School District 448, McPherson County, Kansas (Inman), on behalf of the Board of Education at the office of the Board of Education, 119 S. Main, P.O. Box 129, Inman, until 6 p.m. C.D.T. on Monday, June 18, 1990, for the purchase of \$1,290,000 principal amount of General Obligation School Building Bonds, Series 1990. 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. The bonds will be dated July 1, 1990, and will become due serially on September 1 in the years as follows:

Year	Principal Amount
1991	\$ 95,000
1992	100,000
1993	105,000
1994	115,000
1995	125,000
1996	130,000

1997	140,000
1998	150,000
1999	160,000
2000	170,000

The bonds will bear interest from the date thereof at rates to be determined when the bonds are sold as hereinafter provided, which interest will be payable semiannually on March 1 and September 1 in each year, beginning on March 1, 1991.

#### Paying Agent and Bond Registrar

Kansas State Treasurer, Topeka, Kansas.

#### Good Faith Deposit

Each bid will be accompanied by a cashier's or certified check drawn on a bank located in the United States of America in the amount of \$25,800 (2 percent of the principal amount of the bonds).

#### Delivery

The district 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 August 2, 1990, 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 1989 is \$14,948,666. The total general obligation indebtedness of the district as of the date of the bonds, including the bonds being sold, is \$1,415,000.

#### 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 district, 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 clerk, Bev Quillin, 119 S. Main, P.O. Box 129, Inman, KS 67546, (316) 585-6424; or from the financial advisor, Kirchner Group, division of George K. Baum & Company, One Main Place, Suite 810, Wichita, KS 67202, Attention: Charles M. Bouilly, (316) 264-9351.

Dated May 22, 1990.

Unified School District 448  
McPherson County, Kansas (Inman)

Doc. No. 009317

(Published in the Kansas Register, May 31, 1990.)

**Notice of Bond Sale**  
**\$830,625**  
**Shawnee County, Kansas**  
**General Obligation Bonds**  
**Series 1990A**  
**(Courthouse and Street Improvements)**  
**and Series 1990B**  
**(Sewer Improvements)**

**Sealed Bids**

Sealed bids for the purchase of all and not less than all of \$830,625 principal amount of General Obligation Bonds, Series 1990A (Courthouse and Street Improvements) and Series 1990B (Sewer Improvements), collectively the bonds, of the county hereinafter described, will be received by the undersigned, county clerk of Shawnee County, Kansas, on behalf of the governing body of the county at Shawnee County Courthouse, Shawnee County, Kansas, until 9 a.m. central time on Thursday, June 7, 1990.

All bids will be publicly opened and read at said time and place and will be acted upon by the county immediately thereafter. No oral or auction bids will be considered.

**Bond Details**

The bonds will consist of fully registered bonds without coupons in the denomination of \$5,000 or any integral multiple thereof, except one Series 1990B Bond in the principal amount of \$5,625. The bonds will be dated July 1, 1990, and will become due serially on September 1 in the years as follows:

<b>\$390,000</b>	
<b>Series 1990A Bonds</b>	
<b>Year</b>	<b>Principal Amount</b>
1991	\$25,000
1992	25,000
1993	25,000
1994	25,000
1995	25,000
1996	25,000
1997	25,000
1998	25,000
1999	25,000
2000	25,000
2001	25,000
2002	25,000
2003	30,000
2004	30,000
2005	30,000

<b>\$440,625</b>	
<b>Series 1990B Bonds</b>	
<b>Year</b>	<b>Principal Amount</b>
1991	\$15,625
1992	20,000
1993	20,000
1994	20,000
1995	20,000
1996	20,000

1997	20,000
1998	20,000
1999	20,000
2000	20,000
2001	20,000
2002	20,000
2003	20,000
2004	20,000
2005	20,000
2006	20,000
2007	25,000
2008	30,000
2009	35,000
2010	35,000

The bonds will bear interest at rates to be determined when the bonds are sold as hereinafter provided, which interest will be payable semiannually on March 1 and September 1 in each year, beginning on March 1, 1991.

**Place of Payment and Bond Registration**

The principal of and interest on the bonds will be payable in lawful money of the United States of America by check or draft of the Kansas State Treasurer, Topeka, Kansas (the paying agent and bond registrar). The principal of the bonds will be payable at maturity or upon earlier redemption to the registered owners upon presentation and surrender of the bonds at the office of the paying agent. Interest on the bonds will be paid by check or draft mailed by the paying agent to the persons in whose names the bonds are registered on the registration books maintained by the bond registrar at the close of business on the record date for such interest, which shall be the 15th day (whether or not a business day) of the calendar month next preceding such interest payment date.

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

**Redemption of Bonds Prior to Maturity**

At the option of the county, bonds maturing on September 1, 1996, and thereafter will be subject to redemption and payment prior to maturity on September 1, 1995, and thereafter in whole or in part on any interest payment date (bonds of less than a single maturity to be selected by lot in multiples of \$5,000 principal amount by the paying agent and bond registrar in such equitable manner as it shall designate), at the principal amount thereof, plus accrued interest to the redemption date, without premium.

Whenever the county is to select the bonds for the purpose of redemption, it shall, in the case of bonds in denominations greater than \$5,000, if less than all of the bonds then outstanding are to be called for redemption, treat each \$5,000 of face value of each such fully registered bond as though it were a separate bond of the denomination of \$5,000.

If the county shall elect to call any bond for redemption and payment prior to the maturity thereof, the county shall give written notice of its intention to redeem and

*(continued)*

pay said bonds on a specified date, the same being described by number and maturity, said notice to be mailed by United States registered or certified mail addressed to the paying agent and bond registrar, and to the manager or managers of the underwriting account making the successful bid, each of said notices to be mailed at least 30 days prior to the redemption date. Thereafter, the paying agent and bond registrar will notify the registered owners of the bonds by first class mail, postage prepaid. If any bond be called for redemption and payment as aforesaid, all interest on such bond shall cease from and after the date for which such call is made, provided funds are available for its payment at the price hereinbefore specified.

#### Conditions of Bids

Proposals will be received on the bonds bearing such rate or rates of interest as may be specified by the bidders, subject to the following conditions: For each respective bond series, the same rate shall apply to all bonds of the same maturity. Each interest rate specified shall be a multiple of  $\frac{1}{8}$  or  $\frac{1}{20}$  of 1 percent. No interest rate shall exceed the index of treasury bonds published by the weekly *MuniWeek*, f/k/a *Credit Markets*, in New York, New York, on the Monday next preceding the day on which the bonds are sold, plus 2 percent. For each respective bond series, the difference between the highest rate specified and the lowest rate specified shall not exceed 2 percent. No supplemental interest payments will be authorized. No bid of less than the principal amount of the bonds and accrued interest will be considered. Each bid shall specify the total interest cost to the county during the life of the bond issue on the basis of such bid, the premium, if any, offered by the bidder, and the net interest cost to the county on the basis of such bid. Each bid shall also specify the average annual net interest rate to the county on the basis of such bid. Bidders shall specify in the bid form the prices (exclusive of accrued interest), expressed as a dollar price, at which the bidder intends that each maturity amount of the bonds shall be initially offered to the public (the initial reoffering prices).

#### Basis of Award

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

#### Authorization, Purpose and Security for the Bonds

The bonds are being authorized and issued to permanently finance various street and sewer improvements to the county and certain improvements to the county courthouse. The bonds will be general obligations of the county payable as to both principal and interest in part from special assessments levied upon specially benefited property and, if not so paid, from ad valorem taxes which may

be levied without limitation upon all the taxable tangible property, real and personal, within the territorial limits of the county. The balance of the principal of and interest on the bonds is payable from ad valorem taxes that may be levied, without limitation as to rate or amount on all the taxable tangible property, real and personal, within the territorial limits of the county.

#### Internal Revenue Code of 1986

The Internal Revenue Code of 1986 imposes requirements on the county that must be met subsequent to the issuance of the bonds by the county and, as a result, the county will and does hereby covenant that it will diligently undertake those steps necessary to maintain the tax-exempt status of the bonds. The county's failure to comply with such requirements could adversely affect the tax-exempt status of the bonds. Purchasers of the bonds should be aware that should the bonds lose their status as tax-exempt obligations as a result of the county's failure to comply with such requirements, the bonds are neither callable nor will the rate of interest on the bonds be adjusted to reflect such circumstances.

The code includes interest on tax-exempt obligations, such as the bonds, in the adjusted net book income of certain corporations for taxable years beginning after December 31, 1986, and includes, through 1989, in the calculation of alternative minimum taxable income one-half of the excess of a corporation's adjusted net book income over its alternative minimum taxable income (determined without regard to this adjustment and prior to reduction for certain net operating losses). After 1989, the use of "book income" will be replaced by "adjusted current earnings," with certain other adjustments. Furthermore, Section 59A of the code, as added by the Superfund Amendments and Reauthorization Act of 1986, provides for a new environmental tax generally based on corporate alternative minimum taxable income. The amount of the tax is equal to 0.12 percent of the excess of alternative minimum taxable income, without regard to net operating losses and the deduction for this tax, over \$2 million. The environmental tax is imposed whether or not the taxpayer is subject to the alternative minimum tax. The environmental tax, which is effective for taxable years beginning after December 31, 1986, may subject certain bondowners to additional taxation for interest earned on the bonds.

The code also requires property and casualty insurance companies, for taxable years beginning on or after January 1, 1987, to reduce the amount of their deductible underwriting losses by a percentage of the amount of tax-exempt interest received or accrued on obligations acquired after August 7, 1986.

With the exception of certain "qualified tax-exempt obligations," the code provides that banks and thrift institutions may not deduct any portion of the interest cost of purchasing or carrying tax-exempt obligations such as the bonds if such interest cost is incurred in taxable years ending after December 31, 1986, with respect to obligations acquired after August 7, 1986. The county does intend to designate the bonds as "qualified tax-exempt obligations" under Section 265 of the code.

#### Legal Opinion

The bonds will be sold subject to the legal opinion of Nichols and Wolfe Chartered, Topeka, Kansas, bond

counsel, whose approving legal opinion as to the validity of the bonds will be furnished and paid for by the county, printed on the bonds and delivered to the successful bidder when the bonds are delivered. Said opinion will also state that in the opinion of bond counsel, assuming continued compliance by the county with the provisions of the resolution authorizing the issuance of the bonds and the code, under existing law, the interest on the bonds is exempt from federal income taxation. Interest on the bonds will also be excluded from the computation of Kansas adjusted gross income for taxable years commencing after December 31, 1987.

#### Delivery and Payment

The county will pay for printing the bonds and will deliver the bonds, without cost to the successful bidder, properly prepared, executed and registered, on or prior to July 11, 1990, at such bank or trust company in the state of Kansas or greater Kansas City, Missouri, metropolitan area. Delivery elsewhere will be at the expense of the successful bidder. Said bidder will also be furnished with a certified transcript of the proceedings evidencing the authorization and issuance of the bonds and the usual closing documents, including a certificate that there is no litigation pending or threatened at the time of delivery of the bonds affecting their validity. Payment for the bonds shall be made in Federal Reserve funds, immediately subject to use by the county. The denominations of the bonds and the names, addresses and Social Security or taxpayer identification numbers of the registered owners shall be submitted in writing by the successful bidder to the county and bond registrar not later than 4 p.m. central time on June 20, 1990. In the absence of such information, the county will deliver bonds in the denomination of each maturity registered in the name of the successful bidder.

The successful bidder shall furnish the county by 4 p.m. central time on June 20, 1990, a certificate acceptable to the county's bond counsel to the effect that: (i) the successful bidder has made a bona fide public offering of the bonds at the initial reoffering prices, and (ii) a substantial amount of the bonds was sold to the public (excluding brokers and other intermediaries) at such initial reoffering prices. Such certificate shall state that: (1) it is made on the best knowledge, information and belief of the successful bidder, and (2) 10 percent or more in par amount of the bonds of each maturity was sold to the public at or below the initial reoffering prices (such amount being sufficient to establish the sale of a "substantial amount" 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 \$16,612.50, payable to the order of the county to secure the county from any loss resulting from the failure of the bidder to comply with the terms of the bid. No interest will be paid upon the deposit made by the successful bidder. Said check shall be returned to the bidder if the bid is not accepted. If a bid is accepted, said check shall be held by the county until the bidder shall have complied with all of the terms and conditions of this notice, at which time said check shall

be returned to the successful bidder or deducted from the purchase price at the option of the county. If a bid is accepted but the county shall fail to deliver the bonds to the bidder in accordance with the terms and conditions of this notice, said check shall be returned to the bidder. If a bid is accepted but the bidder shall default in the performance of any of the terms and conditions of this notice, the proceeds of such check shall be forfeited to the county, with the county reserving the right to pursue all remedies available to it as a result of such default by the bidder.

#### CUSIP Numbers

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

#### Bid Forms

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

#### Submission of Bids

Bids must be submitted in sealed envelopes addressed to the undersigned county clerk and marked "Proposal for the Purchase of General Obligation Bonds." Bids may be submitted by mail or delivered in person to the undersigned at Shawnee County Courthouse and must be received by the undersigned prior to 9 a.m. central time on Thursday, June 7, 1990.

#### Assessed Valuation and Indebtedness

The total assessed valuation of all the taxable tangible property (including motor vehicles) within the county, as of September 5, 1989, is \$904,315,228. The total general obligation bonded indebtedness of the county as of the date of the bonds, including the bonds, is \$52,937,045, including, as of the date of the bonds, temporary notes outstanding in the principal amount of \$1,790,190, of which \$867,259 will be retired out of the proceeds of the bonds herein offered for sale, with the balance being payable from other legally available and unencumbered funds of the county.

Dated May 24, 1990.

Shawnee County, Kansas  
Patsy A. McDonald  
County Clerk  
Shawnee County Courthouse  
200 S.E. 7th  
Topeka, KS 66603  
(913) 291-4111

Doc. No. 009221

## State of Kansas

## Social and Rehabilitation Services

Notice of Hearing  
on Proposed  
Administrative Regulations

A public hearing will be conducted at 8 a.m. Tuesday, July 2, in the SRS board room, sixth floor, Docking State Office Building, 915 Harrison, Topeka, to consider the adoption of proposed changes in existing rules and regulations and the adoption of a new regulation on a temporary basis.

This 30-day notice of the public hearing shall constitute a public comment period for the purpose of receiving written public comments on the proposed rules and regulations. All interested parties may submit written comments prior to the hearing to the Secretary of Social and Rehabilitation Services, Room 603-N, Docking State Office Building, 915 Harrison, Topeka 66612. All interested parties will be given a reasonable opportunity to present their views orally on the adoption of the proposed regulations during the hearing. In order to give all parties an opportunity to present their views, it may be necessary to request each participant to limit any oral presentation to five minutes.

The temporary regulations are proposed for adoption and are scheduled to become effective July 2, unless otherwise indicated. A summary of proposed regulations and their economic impact follows.

The phrase "Federal Mandate" following an item indicates that the change is required by federal policy. Optional changes in regulations related to federal programs are subject to approval by the U.S. Department of Health and Human Services.

## Article 4.—PUBLIC ASSISTANCE PROGRAM

**30-4-63.** KanWork program requirements. This regulation is being amended to modify the exemption for persons who are employed 30 or more hours per week. Persons who obtain employment during current participation in the KanWork program shall no longer be exempt under this provision. (Federal Mandate.)

Economic Impact: Estimated cost savings of \$20,448 (\$8,792 state general funds).

**30-4-64.** Work program requirements. This regulation is being amended to modify the exemption for persons who are employed 30 hours or more per week. Persons who obtain employment during current participation in the work program shall no longer be exempt under this provision. (Federal Mandate.)

Economic Impact: See the economic impact statement for K.A.R. 30-4-63.

**30-4-112.** Income exempt from consideration as income and as a cash asset. This regulation is being amended to exempt agent orange settlement payments in the public assistance programs. (Federal Mandate.)

Economic Impact: None.

**30-4-120.** Special allowances and requirements for applicants and recipients of ADC, ADC-FC, APW, GAU,

and GA-FC. This regulation is being amended to readopt on a temporary basis the provision that provides transitional services in the work program for any recipient who loses eligibility for ADC or APW due to becoming employed. This regulation becomes effective August 1, 1990. (Federal Mandate.)

Economic Impact: Estimated increased expenditures of \$5,402,700 (\$2,323,161 state general funds).

Article 6.—MEDICAL ASSISTANCE PROGRAM—  
CLIENT'S ELIGIBILITY FOR PARTICIPATION

**30-6-35.** Application process. This regulation is being amended to readopt on a temporary basis the provision that increases the application processing time for approving or denying a medical assistance disability application from 60 days to 90 days. This amendment becomes effective August 30, 1990. (Federal Mandate.)

Economic Impact: None

**30-6-38.** Rights of applicants and recipients. This regulation is being amended to increase the time period for which the applicant/recipient has a right to have a decision rendered on a disability-related application from 60 days to 90 days. (Federal Mandate.)

Economic Impact: None.

**30-6-53.** Financial eligibility. This regulation is being amended so that sections (c) and (d) of this regulation are not applicable in determining eligibility for working disabled individuals who meet the provisions of K.A.R. 30-6-87. Persons cannot spenddown to become eligible for the new program, thus, no medical expenses can be deducted to determine their eligibility. This change is being made to accommodate the new provisions of K.A.R. 30-6-87. (Federal Mandate.)

Economic Impact: See the economic impact statement for K.A.R. 30-6-87.

**30-6-65.** Automatic eligibles. This regulation is being amended to readopt on a temporary basis the provision that restricts the four-month automatic medical provision for persons who lose ADC, ADC-FC, or APW eligibility due to increased earned income or hours of employment to those who lose eligibility for any month prior to April, 1990. This is being done to accommodate the expansion of the transitional medical provisions as described below. This amendment becomes effective August 1, 1990. (Federal Mandate.)

Economic Impact: None.

This regulation is being further amended to readopt on a temporary basis the provision that restricts the nine-month automatic medical provision for persons who lose ADC, ADC-FC, or APW eligibility due to the termination of the earned income disregards to those who lose eligibility for any month prior to April, 1990. This is being done to accommodate the expansion of the transitional medical provisions as described below. This amendment becomes effective August 1, 1990. (Federal Mandate.)

Economic Impact: None

This regulation is being further amended to readopt on a temporary basis the expansion of the transitional medical provisions that permit up to 12 months of automatic medical benefits to certain families. The provisions apply to all families who lose eligibility for ADC or APW beginning



with the month of April, 1990 due solely to increased earned income or hours of employment of the caretaker relative or termination of the earned income disregards. In addition, continued eligibility is contingent upon there being a child in the family. This provision replaces the four-month and nine-month automatic medical provisions described above. In addition, transitional medical benefits that had previously been available only to KanWork participants and their families are now available statewide. This amendment becomes effective August 1, 1990. (Federal Mandate.)

Economic Impact: Estimated increased expenditures of \$1,682,232 (\$723,359 state general funds).

**30-6-77. Poverty level pregnant women and young children; determined eligibles.** This regulation is being amended to readopt on a temporary basis the expansion of coverage of children up to age six. This amendment becomes effective August 1, 1990. (Federal Mandate.)

Economic Impact: Estimated increased expenditures of \$2,905,809 (\$1,249,497 state general funds).

This regulation is being further amended to readopt on a temporary basis the provision that modifies the policy concerning continuation of eligibility for infants and children beyond the month in which they turn age one or age six if receiving inpatient care in the month they turn such age. Eligibility shall not exceed the month following the month of entrance. Previously, eligibility was extended for two months following the month of entrance. This amendment becomes effective August 1, 1990. (Federal Mandate.)

Economic Impact: None.

**30-6-87. Poverty level working disabled individuals; determined eligibles.** The secretary is promulgating a new regulation. The text of the regulation is set forth below:

30-6-87. Poverty level working disabled individuals; determined eligibles. Each applicant or recipient shall meet the general eligibility requirements of K.A.R. 30-6-50 and the specific eligibility requirements set forth below. (a) Blindness or disability. Each individual must meet the blindness or disability requirements of K.A.R. 30-6-85.

(b) Medicare part A beneficiary. Each individual must be entitled to medicare part A benefits under section 1818A of the social security act.

(c) Financial eligibility. A percentage of the official federal poverty income guidelines as established in K.A.R. 30-6-103 shall be used as the protected income level for the number of persons in the plan and any other persons whose income is considered. Total applicable income to be considered in the eligibility base period shall be compared against the poverty level for the base period. To be eligible under this provision, the total applicable income shall not exceed the poverty level established for the base period. The individual must also not own non-exempt real or personal property with a resource value in excess of two times the allowable amount specified in K.A.R. 30-6-107 for the number of persons whose non-exempt resources are considered available to the individual.

(d) Assistance provided. Assistance under this provision shall be limited to the payment of medicare part A premiums. (Federal Mandate.)

Economic Impact: Estimated increased expenditures of \$105,000 (\$45,150 state general funds).

**30-6-103. Determined eligibles; protected income levels.** This regulation is being amended to provide that the protected income level for working disabled individuals who qualify under the provisions of K.A.R. 30-6-87 equal 200 percent of the official federal poverty income guidelines. This change is being made to accommodate the new provisions of K.A.R. 30-6-87. (Federal Mandate.)

Economic Impact: See the economic impact statement for K.A.R. 30-6-87.

**30-6-107. Property exemption.** This regulation is being amended to provide that ownership of property with a resource value in excess of two times the amounts permitted in this regulation shall render a working disabled individual who meets the provisions of K.A.R. 30-6-87 ineligible for assistance. This change is being made to accommodate the new provisions of K.A.R. 30-6-87. (Federal Mandate.)

Economic Impact: See the economic impact statement for K.A.R. 30-6-87.

**30-6-108. Real property.** This regulation is being amended for SSI to readopt on a temporary basis the provision that exempts income-producing real property used in an applicant's or recipient's trade or business without regard to value. As a result, the previous exemption for income-producing real property that required that the equity value not exceed \$6,000 and that it produce a net annual return of at least 6 percent of equity is now restricted to non-business property. This amendment becomes effective on August 30, 1990. (Federal Mandate.)

Economic Impact: Estimated increased expenditures of \$18,960 (\$8,152 state general funds).

**30-6-109. Personal property.** This regulation is being amended for SSI to readopt on a temporary basis the provision that exempts income-producing personal property, other than cash assets, which is used in an applicant's or recipient's trade or business without regard to value. As a result, the previous exemption for income-producing personal property that required that the equity value, in combination with the equity value of income-producing real property, not exceed \$6,000 and that it produce a net annual return of at least 6 percent of equity is now restricted to non-business property. This amendment becomes effective August 30, 1990. (Federal Mandate.)

Economic Impact: See the economic impact statement for K.A.R. 30-6-108.

**30-6-112. Income exempt from consideration as income and as a cash asset.** This regulation is being amended to exempt agent orange settlement payments in the medical assistance programs. (Federal Mandate.)

Economic Impact: None.

Copies of the regulations and their economic impact statements may be obtained from the Office of Policy,

(continued)

Room 606-N, Docking State Office Building, Topeka  
66612, (913) 296-3969.

Winston Barton  
Secretary of Social and  
Rehabilitation Services

Doc. No. 009306

(Published in the *Kansas Register*, May 31, 1990.)

**Notice of Call for Redemption  
City of Harper, Kansas  
Industrial Revenue Bonds  
(The Anthony Farmers Cooperative  
Elevator Company)  
Series A, 1981, \$950,000  
Dated July 1, 1981**

Notice is hereby given pursuant to the provisions of Ordinance No. S-192 of the city of Harper, Kansas, all outstanding Industrial Revenue Bonds, Series A, 1981 (The Anthony Farmers Cooperative Elevator Company), of the city of Harper, Kansas, maturing on and after July 1, 1990, will be redeemed and prepaid on July 1, 1990 (the redemption date), prior to their respective maturities.

Principal Amount	Maturity Date	Interest Rate
\$200,000	July 1, 1991	11.00%

On such redemption, there shall become due and payable on each of the above mentioned bonds the redemption price thereof equal to 100 percent of the principal amount of each bond together with interest accrued to the redemption date.

On July 1, 1990, all 1981 bonds will be due and payable at the principal office of the Southwest National Bank of Wichita, Wichita, Kansas. Interest shall cease to accrue on the bonds from and after July 1, 1990, and interest coupons maturing after July 1, 1990, shall be void. Please submit bonds to the paying agent two weeks prior to July 1, 1990, to allow adequate time for processing payments.

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

Dated May 21, 1990.

The Southwest National Bank of Wichita  
P.O. Box 1401  
Wichita, KS 67201  
Trustee for the City of Harper, Kansas

Doc. No. 009310

(Published in the *Kansas Register*, May 31, 1990.)

**Notice of Redemption  
City of Wichita  
Industrial Revenue Bonds  
(Koken Manufacturing Company, Inc.)  
Series LXXX, 1978, Dated July 1, 1978  
of the City of Wichita, Kansas**

Notice is hereby given that pursuant to Section 4 of Ordinance No. 35-638 of the city of Wichita, Kansas, all of the outstanding Industrial Revenue Bonds, Series LXXX, 1978 (Koken Manufacturing Company, Inc.), of the city of Wichita, Kansas, maturing on and after July 1, 1991, will be redeemed and prepaid on July 1, 1990 (the redemption date), prior to their respective maturities subject to the provisions and limitations set forth herein and in said Ordinance No. 35-638. The bonds to be redeemed are described as follows:

Bond Numbers Inclusive	Maturity Date	Interest Rate
19 to 21	07/01/91	8.00%
22 to 24	07/01/92	8.00%
25 to 27	07/01/93	8.00%
28 to 31	07/01/94	8.15%
32 to 35	07/01/95	8.30%
36 to 39	07/01/96	8.40%
40 to 43	07/01/97	8.50%
44 to 48	07/01/98	8.50%

The above described bonds shall become due and payable on July 1, 1990 (the redemption date), at a redemption price equal to the principal amount thereof, plus accrued interest thereon to the redemption date, together with a premium equal to 3 percent of the principal amount of the bonds (the redemption price).

On the redemption date, provided that funds are on deposit with The First National Bank in Wichita, Wichita, Kansas (the trustee and paying agent), to pay the redemption price, the bonds described above will be due and payable at the principal office of the trustee. From and after July 1, 1990, all interest on the 1978 bonds will cease to accrue. All coupons maturing subsequent to the redemption date must be attached to and surrendered with the bonds. It is requested that all bonds be surrendered at least two weeks in advance of the redemption date.

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

Dated May 31, 1990.

First National Bank in Wichita  
105 N. Main  
Wichita, KS 67201  
As Trustee and Paying Agent

Doc. No. 009223



(Published in the *Kansas Register*, May 31, 1990.)

**Notice of Redemption  
State of Kansas  
County of Harvey  
City of Halstead  
Industrial Revenue Bonds  
Series D-1973  
(Halstead Building & Properties, Inc.)  
Dated July 1, 1973  
(No Cusip Assigned)**

Notice is hereby given that pursuant to the provisions of Ordinance No. 564, adopted by the governing body of the city of Halstead, Kansas, on August 20, 1973, all bonds maturing July 1, 1991, and July 1 of any year thereafter of the referenced bond issue will be called for redemption on July 1, 1990 (the redemption date), at a redemption price of 103 percent of the principal amount thereof together with accrued interest to the redemption date.

The bonds to be called are in bearer form in the denomination of \$5,000 each. The bond numbers, interest rate per annum, and maturity dates of the bonds are:

Bond Numbers (Inclusive)	Interest Rate Per Annum	Maturity Date
351-391	6 $\frac{3}{4}$ %	7-1-91
392-434	6 $\frac{3}{4}$ %	7-1-92
435-480	6 $\frac{3}{4}$ %	7-1-93

All such coupon bonds together with the July 1, 1990, coupon and all unmatured coupons thereunto appertaining should be presented for payment on the redemption date to Union National Bank of Wichita, 150 N. Main, Wichita, KS 67202. The method of presentation and delivery of such bonds for redemption is at the option and risk of the owners of each bond. If mail is used, insured, registered mail, return receipt requested, is suggested.

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

On and after July 1, 1990, interest on all bonds called for redemption shall cease to accrue.

Redemption of such bonds is conditioned and is subject to the deposit of the redemption money with Union National Bank of Wichita not later than the opening of business on the redemption date. This notice of redemption shall be of no effect unless such moneys are so deposited.

Dated May 31, 1990.

Union National Bank of Wichita  
Trustee

Doc. No. 009302

**State of Kansas  
Real Estate Commission  
Permanent Administrative  
Regulations**

**Article 1.—EXAMINATION AND REGISTRATION**

**86-1-10.** Approval of courses of instruction; procedure. (a) Definition of school. As used in this regulation, "school" means an institution, school, association, agency, or organization which offers courses of education approved by the commission to meet any requirement of K.S.A. 58-3046a and amendments thereto.

(b) Request for course approval; notification of approval or disapproval; changes. To request commission approval of a course of education required by K.S.A. 58-3046a, and amendments thereto, each school shall:

(1) Appoint a coordinator to supervise the course; and  
(2) submit all information required by the commission for course and instructor approval at least 45 days prior to the first scheduled class session. The information shall include the following:

(A) A completed application for course registration form which has been obtained from the commission;

(B) an application for real estate instructor, completed in accordance with subsection (d) of this regulation;

(C) the procedure for maintenance of attendance records; proposed dates and times of the course offering; total amount of attendance fee; total number of class sessions; time spent per session; total hours in the course;

(D) a course syllabus, including a detailed course outline and course objectives; and

(E) the course and instructor fees prescribed by K.A.R. 86-1-5.

Within 15 working days of receipt of request for approval, the school shall be notified by the commission, in writing, of its decision to approve or disapprove the course. The number of hours of credit to be given for attending the course shall be stipulated in any notice of approval. If the commission requires additional time to reach a decision, the school shall be notified by the commission, in writing, that the course is under review and of the date by which the commission expects to complete its review.

Each school shall notify the commission, in writing, at least 15 days prior to a significant change in a course approved by the commission. Such changes include changes in coordinator, instructor, name or location of school, dates and times the course is offered, location where the course is offered, and fees charged to students.

Nothing in this regulation shall preclude the commission from approving substitution of an instructor to teach an approved course, if the instructor meets the qualifications in subsection (d) of this regulation.

(c) Correspondence courses. Each school requesting initial approval of a correspondence or home study program course shall submit the following additional information:

(1) A copy of all course materials, including textbooks, student workbooks, and examinations with answers;

(2) the allotted time frame for completion of the course; and

(continued)

(3) the amount of time allotted for examinations.

A school shall not issue a certificate of completion of a correspondence or home study program course approved by the commission to meet any requirement of K.S.A. 58-3046a, and amendments thereto, unless the student has received a passing grade of at least 70 percent. Each student's grade shall be based on having completed at least one proctored examination with a minimum passing grade of 70 percent, and at least 50 percent of the overall course grade shall be based on the proctored examination score or scores.

(d) Request for instructor approval; notification of approval or disapproval. Each individual desiring to teach a course approved by the commission shall submit an application for instructor approval obtained from the commission. The application shall contain a resume, outlining the applicant's specialized preparation, training and experience which qualifies the applicant to instruct the course. Each instructor shall be required to show evidence both of knowledge of the curriculum and ability to effectively instruct.

(1) Knowledge of the subject matter shall be shown by meeting at least one of the following requirements:

(A) Holding a college degree in real estate or a college degree in law, business or another academic area directly related to the course which the applicant intends to instruct;

(B) having at least three years of experience in the professional area of real estate directly related to the course which the applicant intends to instruct; or

(C) passing an instructor's examination approved by the commission.

(2) Ability to effectively instruct shall be shown by meeting at least one of the following requirements:

(A) Completion, within the preceding two years, of a commission-approved course of study for instructors designed to develop ability to communicate;

(B) holding a current teaching certificate issued by a state department of education or an equivalent agency in another jurisdiction;

(C) holding a four-year college or university degree in the field of education; or

(D) having successfully demonstrated the ability to teach in schools, seminars or in an equivalent setting.

Within 15 working days of receipt of an application for instructor approval, the school coordinator shall be notified by the commission, in writing, of its decision to approve or disapprove the instructor. If the commission requires additional time to reach a decision, the school coordinator shall be notified by the commission, in writing, that the application is under review and of the date by which the commission expects to complete its review.

(e) Registration of approved courses; application for renewal. Registration of courses approved by the commission shall expire at the end of the calendar year. Each school shall be notified by the commission by November 1 that an application for renewal of courses and instructors is due and the necessary forms shall be sent to the school.

(f) Responsibilities of coordinator. The coordinator appointed by each school shall be responsible for regular and consistent evaluation of courses and instructors. When a school uses an instructor to teach an approved course for the first time, the coordinator shall ask each student

in the course to complete an instructor evaluation form. Both student and coordinator evaluations shall be submitted to the commission.

Subsequent evaluations of instructors may be completed at the discretion of the coordinator and may be used to measure any changes in the quality of the instructor.

The coordinator shall supply additional student and coordinator evaluations of specific instructors upon request of the commission.

(g)(1) Issuance of certificates; maintenance of records. Each school shall issue a certificate of completion to each student who successfully completes a course approved by the commission and shall give or mail the certificate to the student within seven calendar days of completion of the course. Each school shall use certificate forms approved by the commission.

(2) A certificate shall not be issued to any student who was absent more than 10 percent of the classroom hours scheduled for courses registered, pursuant to K.A.R. 86-1-11, under the titles "principles of real estate," "broker pre-license course," and "salesperson's post-license course."

(3) Except as provided in paragraph (2) above, a certificate shall not be issued to any student who was absent during any portion of the classroom hours scheduled for any course required under K.S.A. 58-3046a and amendments thereto.

(h) Each school shall maintain for a minimum of three years, at their business address, records of students successfully completing a course approved by the commission. Attendance records shall be kept current and available for inspection by commission representatives upon request.

(i) Advertising. Schools shall not advertise a course as meeting the educational requirements of the Kansas real estate brokers' and salespersons' license act prior to placing verification of commission approval on file at the school. Schools shall not advertise that an instructor will teach a course approved by the commission prior to placing verification of approval of the instructor for the course on file at the school. Schools, or agents of schools, shall not guarantee that successful completion of a course will result in the student's passing of a real estate licensing examination. (Authorized by K.S.A. 74-4202(b); implementing K.S.A. 1989 Supp. 58-3046a; effective, T-83-32, Oct. 25, 1982; effective May 1, 1983; amended May 1, 1984; amended, T-86-31, Sept. 24, 1985; amended May 1, 1986; amended, T-87-32, Nov. 19, 1986; amended May 1, 1987; amended Jan. 29, 1990; amended July 16, 1990.)

E.W. Yockers  
Director

Doc. No. 009301

## State of Kansas

## Department of Administration

Permanent Administrative  
RegulationsArticle 9.—HOURS; LEAVES;  
EMPLOYMENT-MANAGEMENT RELATIONS

**1-9-5.** Sick leave. (a) Each permanent, probationary, and conditional employee in the classified service, excluding those who are on temporary or emergency appointments, shall be credited and accumulate sick leave as provided in this regulation.

(b) The maximum sick leave credit an employee is entitled to for any payroll period shall be as follows:

- (1) Eight hours for employees paid on a monthly basis;
- (2) Four hours for employees paid on a semi-monthly basis; and
- (3) Three and seven-tenths hours for employees paid on a bi-weekly basis.

Each employee working a fraction of full time shall be credited sick leave in accordance with tables A or B.

TABLE A

Sick Leave Earnings Schedule  
for Employees Paid Monthly and Semi-Monthly

Hours Worked Per Pay Period*	Hours Earned Per Pay Period
0-19	0.00
20-39	1.00
40-59	2.00
60-79	3.00
80-99	4.00
100-119	5.00
120-139	6.00
140-159	7.00
160-	8.00

\* "Hours worked" means hours in pay status except that overtime worked and additional payment for holidays worked are not counted in determining sick leave earned.

TABLE B

Sick Leave Earnings Schedule  
for Employees Paid Biweekly

Hours Worked Per Pay Period*	Hours Earned Per Pay Period
0-7	0.0
8-15	0.4
16-23	0.8
24-31	1.2
32-39	1.6
40-47	2.0
48-55	2.4
56-63	2.8
64-71	3.2
72-79	3.6
80-	3.7

\* "Hours worked" means hours in pay status except that overtime worked and additional payment for holidays worked are not counted in determining sick leave earned.

(c) On the first day following each payroll period, the sick leave accrued during the previous payroll period shall be credited to each employee. In no case shall overtime worked be counted in determining sick leave credited. Each eligible employee paid on a monthly or semi-monthly basis shall be credited sick leave credits at the rate of one hour for each 20 hours in pay status, excluding overtime worked and additional payment for holidays worked, up to the maximum set forth in subsection (b).

(d) Each employee wishing to use sick leave shall request its use in the form and at such time as prescribed by the appointing authority, as required by K.A.R. 1-9-3(a). Any employee may be required by the appointing authority or the director of personnel services to provide evidence necessary to establish that the employee is entitled to use sick leave credits under the circumstances of the request. If the employee fails to provide this evidence, the use of requested sick leave may be denied by appointing authority or director. The appointing authority, with the director's approval, may require a physical examination of an employee by a physician designated by the agency at the agency's expense.

(e) Sick leave with pay shall be granted only for the following reasons:

(1) illness or disability of the employee including pregnancy, childbirth, miscarriage, abortion, and recovery therefrom;

(2) illness or disability, including pregnancy, childbirth, miscarriage, abortion, and recovery therefrom, of a member of the employee's family when the illness or disability reasonably requires the employee to be absent from work. "Employees family" shall be limited to:

(A) persons related to the employee by blood, marriage or adoption; and

(B) minors residing in the employee's residence as a result of court proceedings pursuant to the Kansas code for care of children or the Kansas juvenile offenders code;

(3) the employee's personal appointments with a physician, dentist, or other recognized health practitioner;

(4) legal quarantine of the employee; or

(5) the adoption of a child by an employee or initial placement of a foster child in the home of an employee, when the adoption or initial placement reasonably requires the employee to be absent from work.

(f) If an appointing authority has evidence that an employee cannot perform the employee's duties because of illness or disability, if the employee has accumulated sick leave, and if the employee refuses or fails to apply for sick leave, the appointing authority may require the employee to use sick leave, and upon exhaustion of the employee's sick leave, may require use of any accumulated vacation leave or compensatory credits. An appointing authority may request a written release by a physician before the employee is allowed to return to work. If the employee has exhausted all sick leave, accumulated vacation leave, or compensatory credit, the appointing authority may grant the employee leave without pay as provided in K.A.R. 1-9-6(c).

(g) If an employee taking vacation leave becomes ill, and for all intents and purposes, is deprived of all or a significant portion of the vacation due to the illness, the appointing authority, upon request of the employee, may

(continued)

charge to sick leave some or all of the time the employee was ill while on vacation.

(h) Each employee who is injured on the job and awarded workers' compensation shall be granted use of accumulated leave. The compensation for accumulated leave used each payroll period shall be that amount which, together with workers' compensation pay, equals the regular salary for the employee. Unless the employee requests otherwise, vacation leave credits and compensatory time credits shall be used only after sick leave credits have been exhausted. Workers' compensation days credited back to the employee shall be in multiples of half days only.

(i) Each former employee who had unused sick leave at time of separation, and who returns to the service to a permanent position within a year, shall have the unused sick leave returned to the employee's credit. This provision shall not apply to a person who has retired from the state service.

(j) Persons retiring from the classified or unclassified service who have completed eight or more years of service and who have accumulated 800 hours or more of sick leave shall be compensated for a portion of the accumulation pursuant to the provisions of K.S.A. 75-5517. (Authorized by K.S.A. 75-3747; implementing K.S.A. 75-3707, 75-3746; effective May 1, 1979; amended, E-81-23, Aug. 27, 1980; amended May 1, 1981; amended May 1, 1983; amended May 1, 1984; amended May 1, 1985; amended Sept. 26, 1988; amended July 16, 1990.)

#### Article 16.—TRAVEL REIMBURSEMENT

**1-16-18a.** Designated high cost geographic areas. (a) For official travel to and from, or within, any high cost geographic area designated in subsection (c) in which the traveler is required to sleep away from home, the applicable subsistence allowance rate for that designated high cost geographic area may be paid. However, reimbursement on this basis shall not be allowable when such an area is only an intermediate stopover at which no official duty is performed, or when the subsistence expenses incurred relate to relocation, travel to seek residence quarters or to report to a new permanent duty station or to temporary quarters.

(b) Reimbursement for travel in high cost geographic areas shall be at the prescribed high cost geographic rate unless the agency establishes a reduced rate as proved in K.A.R. 1-16-15. When an out-of-state trip is to two or more destination cities, and when one of these cities is designated as a high cost geographic area, the subsistence allowance rate shall change from the high cost geographic area rate to the regular rate, or from the regular rate to the high cost geographic area rate, subject to and on application of the appropriate quarter-day allowance as determined by the time of arrival at the second destination city.

(c) The boundaries of designated high cost geographic areas include all locations within the corporate limits of the cities listed, unless otherwise specified. The designated high cost geographic areas are:

#### IN-STATE HIGH COST GEOGRAPHIC AREAS

Kansas City (all locations within Johnson and Wyandotte County)

Wichita (all locations within Sedgwick County)

#### OUT-OF-STATE HIGH COST GEOGRAPHIC AREAS

Afton, Oklahoma (Shangri-La Resort)

Alexandria, Virginia

Anchorage, Alaska

Arlington, Virginia (all locations within Arlington County)

Aspen, Colorado (all locations within Pitkin County)

Atlantic City, New Jersey (all locations within Atlantic County)

Avon, Colorado (all locations within Eagle County)

Barrow, Alaska

Beaver Creek, Colorado (all locations within Eagle County)

Bethesda, Maryland

Boca Raton, Florida

Boston, Massachusetts (all locations within Middlesex, Norfolk and Suffolk Counties)

Cambridge Massachusetts

Carmel, California (all locations within Monterey County)

Chicago, Illinois (all locations within Du Page, Lake and Cook Counties)

Danvers, Massachusetts

Edison, New Jersey (all locations within Middlesex County)

Fairbanks, Alaska

Fairfax, Virginia (all locations within Fairfax County)

Fort Meyers/Sanibel Island, Florida (all locations within Lee County)

Hershey, Pennsylvania

Hilton Head Island, South Carolina (all locations within Beaufort County)

Honolulu, Oahu, Hawaii (all locations on the Island of Oahu)

Juneau, Alaska

Kaanapali Beach, Maui, Hawaii

Kailau-Kona, Hawaii

Kaunakakai, Molokai, Hawaii

Keystone, Colorado (all locations within Routt County)

King of Prussia, Pennsylvania (all locations within Montgomery County)

Kodiak, Alaska

Lake Buena Vista, Florida

Los Angeles, California (all locations within Los Angeles, Kern, Orange and Ventura Counties)

Martha's Vineyard, Massachusetts (all locations within Dukes and Nantucket Counties)

Monterey, California (all locations within Monterey County)

Mystic, Connecticut

Nantucket, Massachusetts (all locations within Dukes and Nantucket Counties)

Newark, New Jersey (all locations within Bergen, Essex, Hudson, Morris, Passaic and Union Counties)

New Haven, Connecticut (all locations within New Haven County)

- New Orleans, Louisiana (all locations within Jefferson, Orleans, Plaquemines and St. Bernard Parishes)
- Newport, Rhode Island (all locations within Newport County)
- New York, New York (except as provided in K.A.R. 1-16-18, subsection (c), all locations within the boroughs of the Bronx, Brooklyn, Manhattan, Queens, Staten Island and the Counties of Nassau and Suffolk.)
- Nome, Alaska
- Oakland, California (all locations within San Francisco, Alameda, Contra Costa and Marin Counties)
- Ocean City, Maryland (all locations within Worcester County)
- Palm Springs, California (all locations within Riverside County)
- Philadelphia, Pennsylvania (all locations within Philadelphia County and the City of Bala Cynwyd)
- Princeton, New Jersey (all locations within Mercer County)
- Prudhoe Bay, Alaska
- San Diego, California (all locations within San Diego County)
- San Francisco, California (all locations within San Francisco, Alameda, Contra Costa and Marin Counties)
- San Juan, Puerto Rico
- San Mateo, California (all locations within San Mateo County)
- Santa Barbara, California (all locations within Santa Barbara County)
- Santa Cruz, California (all locations within Santa Cruz County)
- Seattle, Washington (all locations within King County)
- Snowbird, Utah
- South Padre Island, Texas
- Stamford, Connecticut
- Sun Valley, Idaho
- Tom's River, New Jersey (all locations within Ocean County)
- Trenton, New Jersey (all locations within Mercer County)
- Vail, Colorado (all locations within Eagle County)
- Virginia Beach, Virginia
- Wailea, Maui, Hawaii
- Washington, D.C. (Cities of Alexandria, and Falls Church; and the County of Loudoun in Virginia; and the Counties of Montgomery and Prince Georges in Maryland) (Washington, D.C., as provided in K.A.R. 1-16-18, subsection (c), is a special high cost area within the corporate limits of the District of Columbia.
- White Plains, New York (all locations within Westchester County)
- All cities in countries located outside the borders of the United States
- All areas approved as high cost areas pursuant to subsection (d)
- (d) State agencies may request the director of accounts

and reports to conduct a study of subsistence costs in any area not designated as a high cost area in subsection (c). If the study findings of an area justify such an action, the director of accounts and reports may recommend to the secretary of administration that the area be added to the list of high cost geographic areas. If the secretary approves the addition of that area, subsistence payments for travel to the area may be made at the rate designated for high cost geographic areas.

(e) This regulation shall take effect on and after July 1, 1990. (Authorized by and implementing K.S.A. 75-3207a; effective, E-80-10, July 11, 1979; effective May 1, 1980; amended May 1, 1981; amended, E-82-14, July 1, 1981; amended May 1, 1982; amended, T-84-20, July 26, 1983; amended May 1, 1984; amended May 1, 1985; amended T-87-26, Oct. 1, 1986; amended May 1, 1987; amended, T-89-1, January 7, 1988; amended Oct. 1, 1988; amended July 1, 1990.)

Shelby Smith  
Secretary of Administration

Doc. No. 009307

## State of Kansas Department of Transportation

### Notice to Contractors

Sealed proposals for the construction of road and bridge work in the following Kansas county will be received at the office of the Chief of Construction and Maintenance, K.D.O.T., Topeka, until 10 a.m. C.D.T. June 21, 1990, and then publicly opened:

#### District Three—Northwest

Thomas—70-97 K-2348-01—I-70, from the west junction of U.S. 24 east to the east junction of K-25 (4 lanes), 8.6 miles, pavement reconstruction. (Federal Funds)

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

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

Plans and specifications for the project may be examined  
(continued)

ined at the office of the respective county clerk or at the K.D.O.T. district office responsible for the work.

Horace B. Edwards  
Secretary of Transportation

Doc. No. 009315

**State of Kansas**  
**Department of Transportation**  
**Public Notice**

Notice is hereby given of the opportunity for public comments and/or a public hearing for the purpose of considering a project for which financial assistance is being sought for a Section 3 Discretionary Grant by the Kansas Department of Transportation from the Urban Mass Transportation Act of 1964, as amended, generally described as follows:

(1) Replacement of approximately twenty-six (26) Section 18 vehicles that provide transportation for the elderly, handicapped and the general public.

(2) Project area is the six Kansas Department of Transportation Highway Districts.

**District 1**  
**Counties**  
Marshall  
Nemaha  
Brown  
Doniphan  
Pottawatomie  
Jackson  
Riley  
Atchison  
Jefferson  
Leavenworth  
Wabaunsee  
Douglas  
Lyon  
Osage  
+  
Approx. 1  
Vehicle

**District 2**  
**Counties**  
Jewell  
Mitchell  
Lincoln  
Ellsworth  
Republic  
Cloud  
Ottawa  
Saline  
McPherson  
Washington  
Clay  
Dickinson  
Marion  
Geary  
Morris  
Chase  
+  
Approx. 7  
Vehicles

**District 3**  
**Counties**  
Cheyenne  
Sherman  
Wallace  
Logan  
Thomas  
Rawlins  
Decatur  
Sheridan  
Gove  
Trego  
Graham  
Norton  
Ellis  
Rooks  
Phillips  
Smith  
Osborne  
Russell  
+  
Approx. 2  
Vehicles

**District 4**  
**Counties**  
Greenwood  
Elk  
Chautauqua  
Montgomery  
Wilson  
Woodson  
Coffey  
Franklin  
Anderson  
Allen

**District 5**  
**Counties**  
Rush  
Pawnee  
Edwards  
Kiowa  
Comanche  
Barber  
Pratt  
Stafford  
Barton  
Rice

**District 6**  
**Counties**  
Greeley  
Hamilton  
Stanton  
Morton  
Stevens  
Grant  
Kearny  
Wichita  
Scott  
Finney

Neosho  
Labette  
Cherokee  
Crawford  
Bourbon  
Linn  
Miami  
+  
Approx. 4  
Vehicles

Reno  
Kingman  
Harper  
Sumner  
Harvey  
Butler  
Cowley  
+  
Approx. 11  
Vehicles

Haskell  
Seward  
Meade  
Gray  
Lane  
Ness  
Hodgeman  
Ford  
Clark  
+  
Approx. 1  
Vehicle

(3) Estimated cost of the project is \$642,857, with \$450,000 provided by federal funding and \$192,857 provided by the local grantees eligible for a replacement vehicle.

Any person desiring a public hearing on this matter must make their request known in writing to the Kansas Department of Transportation, Office of Public Transportation, Thacher Building, 217 S.E. 4th, Topeka 66603-3501, on or before the close of business June 15. Written comments should be submitted to the same address on or before the close of business June 15. Questions regarding this project may be directed to James Van Sickle, program manager, (913) 296-0343.

Horace B. Edwards  
Secretary of Transportation

Doc. No. 009220

**State of Kansas**  
**Department of Transportation**

**Notice to Contractors**

Sealed proposals for the construction of road and bridge work in the following Kansas counties will be received at the office of the Chief of Construction and Maintenance, K.D.O.T., Topeka, until 10 a.m. C.D.T. June 21, 1990, and then publicly opened:

**District One—Northeast**

**Atchison**—59-3 M-1520-02—U.S. 59, 2.0 miles northeast of the Jefferson-Atchison county line, 0.3 mile, grading. (State Funds)

**Johnson**—435-46 K-4312-01—Northbound I-435, from Midland Drive, north 2.7 miles, rout and seal cracks. (State Funds)

**Marshall**—9-58 K-3941-01—K-9, Coon Creek bridge 21, 2.3 miles east of Washington-Marshall county line, bridge overlay. (State Funds)

**Pottawatomie**—24-75 K-0671-01—U.S. 24, Big Blue River bridges 1 and 2 east of Manhattan, 0.4 mile, bridge replacement. (Federal Funds)

**Wyandotte**—635-105 K-3986-01—I-635, bridges 44 and 45 over the Kansas River at K-32, Union Pacific Railroad 0.3 mile south of I-70 and ramp bridges 152 and 157, bridge repair. (State Funds)

**District One**—106 M-1594-01—Various locations in District One, shoulders (calcium chloride). (State Funds)



**District Two—Northcentral**

**Geary**—70-31 K-2611-02—I-70, 7.0 miles east of the Dickinson-Geary county line east to the east city limits of Grandview, 4.3 miles, pavement reconstruction. (Federal Funds)

**Geary**—31 C-2732-01—County road, from the junction of U.S. 77 and FAS 1816 at the south edge of Junction City, then west, 0.5 mile, grading and surfacing. (Federal Funds)

**Republic/Ellsworth/Cloud**—106 M-1592-01—U.S. 81, 0.2 mile south of U.S. 36 south 4.2 miles in Republic County; K-156, south city limits to north city limits of Holyrood in Ellsworth County and U.S. 81, north city limits of Concordia north 1.5 miles in Cloud County, 6.0 miles, slurry seal. (State Funds)

**Saline**—85 U-1298-01—9th and Cloud in Salina, traffic signal. (Federal Funds)

**Saline**—70-85 M-1580-01—I-70, Safety Rest Area 2-1514 (eastbound, 1.5 miles southwest of K-221), remodel safety rest area building. (State Funds)

**Washington**—148-101 K-0932-01—K-148, Horseshoe Creek bridge 22, 7.7 miles north of U.S. 36, 0.6 mile, bridge replacement. (Federal Funds)

**District Three—Northwest**

**Osborne**—281-71 K-3171-01—U.S. 281, south city limits of Osborne north to Massachusetts Street, 0.2 mile, grading and surfacing. (Federal Funds)

**Osborne**—71 C-2723-01—County road, 6.5 miles east and 1.5 miles south of Osborne, then south, 0.2 mile, grading and bridge. (Federal Funds)

**Rawlins**—77 C-2553-01—County road, 3.5 miles west and 1.5 miles south of Herndon, then south, 0.2 mile, grading and bridge. (Federal Funds)

**Rooks**—82 C-2730-01—County road, 2.3 miles south and 5.0 miles west of Plainville, then west, grading and bridge. (Federal Funds)

**Russell**—70-84 M-1582-01—I-70 Safety Rest Area, 2.2 miles east of U.S. 281, remodel safety rest area building. (State Funds)

**Sheridan**—90 C-2210-01—County road, 4.0 miles west and 11.0 miles south of Hoxie, then south, 0.2 mile, bridge replacement. (Federal funds)

**Sherman**—70-91 M-1596-01—I-70, 16.0 miles east of the Kansas-Colorado state line, east 8.0 miles, pavement patching. (State Funds)

**Sherman**—70-91 M-1598-01—I-70, 24.0 miles east of the Kansas-Colorado state line, east 3.0 miles, pavement patching. (State Funds)

**District Three**—106 M-1595-01—Various locations in District Three, cold milling. (State Funds)

**District Four—Southeast**

**Allen**—169-1 K-3829-01—U.S. 169, Elm Creek bridge 30, 0.9 mile south of the junction of U.S. 54, then south, bridge painting. (State Funds)

**Anderson/Linn**—2K-4018-01—K-7, Big Sugar Creek bridge 14, 7.2 miles north of the north junction of K-52 in Linn County; and K-31, Kenoma Creek bridge 16, 6.9 miles southeast of the Coffey-Anderson county line in Anderson County, bridge painting. (State Funds)

**Bourbon**—54-6 K-3820-01—U.S. 54, Marmaton River bridge 5, 0.5 miles north of the east junction of U.S. 69, bridge painting. (State Funds)

**Cherokee**—11 K-4019-01—K-3, Big Walnut River bridge 53, 7.0 miles north of K-57 in Crawford County; U.S. 96, Shawnee Creek bridge 60, 0.4 miles east of the east junction of U.S. 69 in Cherokee County; K-126, Limestone Creek bridge 35, 1.2 miles west of K-7 in Crawford County; and U.S. 160, Cherry Creek bridge 27, 5.8 miles north of the south junction of U.S. 169 in Montgomery County, bridge painting. (State funds)

**Cherokee**—103-11 K-3827-01—K-103, drainage culvert 3.1 miles east of K-7 in Weir, culvert. (State Funds)

**Cherokee**—160-11 K-3303-01—U.S. 160, 0.6 mile west of the Labette-Cherokee county line east to the junction of U.S. 69/K-57, 20.9 miles, overlay. (State Funds)

**Elk**—25 C-0842-01—County road, 1.2 miles east and 4.2 miles north of Longton, then north 0.4 mile, bridge replacement. (Federal Funds)

**Franklin**—35-30 M-1584-01—I-35, bridges 19 and 20 over the Atchison, Topeka and Santa Fe Railway at Ottawa, slope repair. (State Funds)

**Greenwood**—54-37 M-1597-01—U.S. 54, from the Butler-Greenwood county line east to the east junction of K-99 (excluding Eureka), 18.0 miles, shoulder repair. (State Funds)

**Miami**—68-61 K-0589-01—K-68, Coldwater Creek drainage bridge 45, 4.1 miles east of U.S. 69, 0.5 mile, bridge replacement. (Federal Funds)

**Montgomery**—75-63 M-1585-01—U.S. 75, bridge 34, at the junction of U.S. 166 and U.S. 75, slope repair. (State Funds)

**Montgomery**—160-63 M-1586-01—U.S. 160, from the east city limits of Independence east to the south junction of U.S. 169, 5.9 miles, shoulder repair. (State Funds)

**Montgomery**—160-63 M-1591-01—U.S. 160, bridge 30, 0.3 mile east of the north junction of U.S. 169, slope repair. (State Funds)

**Neosho**—39-67 K-3964-01—K-39, bridge 15 over the Atchison, Topeka and Santa Fe Railway in Chanute, bridge painting. (State Funds)

**Neosho**—39-67 M-1587-01—K-39, from the east city limits of Chanute east 2.9 miles, pavement patching. (State Funds)

**District Four**—106 M-1593-01—U.S. 169, 2.7 miles north of Cherryvale in Montgomery County north through Labette County to the Labette-Neosho county line, 5.4 miles, pavement patching. (State Funds)

**District Five—Southcentral**

**Barton**—5 C-0905-01—County road, from Hoisington, then north, 7.5 miles, surfacing. (Federal Funds)

**Butler**—96-8 K-3290-01—K-96, 0.5 mile east of the east junction of U.S. 54, east to 0.6 mile east of FAS-1010, 3.7 miles recycling. (State Funds)

**Butler**—196-8 K-3629-01—K-196, State Street east to Jones Street in El Dorado, 0.5 mile, grading and surfacing. (State Funds)

**Cowley**—18 C-2752-01—County road, 1.3 miles east of

(continued)

Arkansas City, then east, 2.5 miles, grading and surfacing. (Federal Funds)

Edwards—50-24 K-4032-01—U.S. 50, from FAS 1489, east to the Edwards-Stafford county line, 10.3 miles, recycling. (State Funds)

Rush—4-83 M-1589-01—K-4, from the junction of U.S. 183 at LaCrosse then west 14.4 miles, seal. (State Funds)

Stafford—50-93 K-4033-01—U.S. 50, from the Edwards-Stafford county line east to the junction of U.S. 281, 15.0 miles, recycling. (State Funds)

Sumner—44-96 K-3819-01—K-44, Chikaskia River bridge 94, 0.2 mile west of K-49, bridge deck overlay. (State Funds)

District Five—106 M-1590-01—Various locations on U.S. 77 in Cowley County and U.S. 166 in Sumner County, mudjacking. (State Funds)

#### District Six—Southwest

Clark—54-13 M-1588-01—U.S. 54, from the Meade-Clark county line, northeast to the Clark-Ford county line, 10.1 miles, cold milling. (State Funds)

Finney—50-28 K-4096-01—U.S. 50, from the Kearny-Finney county line, east to the concrete pavement, 5.7 miles, overlay. (State Funds)

Ford—29 C-2685-01—County road, 5.0 miles south of Dodge City at the Gray County line then east, 11.0 miles, surfacing. (Federal Funds)

Ness—283-68 X-1365-02—U.S. 283, Union Pacific Railway crossing of U.S. 283 near Ransom, grading and surfacing. (Federal Funds)

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

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

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

Horace B. Edwards  
Secretary of Transportation

Doc. No. 009291

## State of Kansas

### Department of Administration Division of Architectural Services

#### Notice of Commencement of Negotiations for Engineering Services

Notice is hereby given of the commencement of negotiations for engineering services for an analysis of the storm water and gas line systems at the University of Kansas, Lawrence campus. Future work may include preparation of plans and specifications for any required repairs or modifications.

Any questions or expressions of interest should be directed to Norman Moody, Division of Architectural Services, 625 Polk, Topeka 66603, (913) 233-9367, on or before June 15.

Edward A. Martin, AIA  
Director, Division of  
Architectural Services

Doc. No. 009314

## 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.

Monday, June 11, 1990

26636

Larned State Hospital—Refuse collection services

26767

Department of Health and Environment—  
Compressed gases

27198

Department of Health and Environment—Sickle cell  
laboratory services

27252

Department of Transportation—Rock salt

27657

Department of Social and Rehabilitation Services,  
Kansas Industries for the Blind—Muslin

27813

Department of Wildlife and Parks—Uniform garments

84073

Fort Hays State University, Emporia State University  
and Kansas State University—Professional video  
equipment

Tuesday, June 12, 1990

A-6346

Kansas State School for the Deaf—Replace water  
softener and related piping



A-6381  
Pittsburg State University—Roof replacement, Nation Hall

27264  
Department of Health and Environment—STD culture supplies

27477  
Statewide—Consumer Grade AA eggs

27557  
Kansas State University—July (1990) meat products

28040  
Wichita State University—Herbicides and insecticides

84093  
Fort Hays State University—Furnish all labor and material to resurface floor

84094  
Adjutant General's Department—Wire mesh partitions

84095  
University of Kansas—A/C equipment

84096  
Wichita State University, Kansas State University and University of Kansas Medical Center—LAN equipment

84097  
Kansas State University—Tractor

84099  
Department of Transportation—Weigh-in-motion system

Wednesday, June 13, 1990

A-6276, A-6278

Department of Transportation—Insulate and weatherproof sub-area shop buildings, Strong City and Marion

A-6311  
Department of Transportation—Insulate and weatherproof district shop building, Hutchinson

27162  
Wichita State University—Dorm furniture

27284  
Department of Transportation—Glass beads for traffic line paint

84072  
University of Kansas—Undergraduate catalogs

84124  
Kansas Insurance Department—Actuarial review

84131  
Department of Transportation—Plain paper photocopier

84149  
Kansas State University—Kitchen equipment

Thursday, June 14, 1990

84144  
Kansas Highway Patrol and Department of Transportation—Radios, various locations

84150  
Department of Transportation—Microfilm equipment

84151  
Department of Wildlife and Parks—Park tables and grills, Hillsdale State Park

84165  
Department of Transportation—Vehicle

84166  
University of Kansas Medical Center—Patient monitoring equipment

84170  
Kansas State University—TV Production studio equipment

84171  
Kansas Neurological Institute, Youth Center at Atchison and Pittsburg State University—Appliances

Friday, June 15, 1990

28259  
Parsons State Hospital—Natural gas

84179  
Larned State Hospital—Laundry equipment

84082  
Kansas State University—X-window display stations

Tuesday, June 19, 1990

84098  
Kansas State University—Sun sparstations

Tuesday, June 26, 1990

A-6366  
Emporia State University—Cramer Hall remodel

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Request for Proposals

Thursday, June 14, 1990

28258  
Video tape production for the Kansas Public Employees Retirement System

Wednesday, June 20, 1990

28257  
Financial compliance audit for the Department of Corrections

Monday, July 2, 1990

28256  
Lottery advertising and public relations for the Kansas State Lottery

Nicholas B. Roach  
Director of Purchases

Doc. No. 009313

## 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 herunto subscribed my name and affixed my official seal.

Bill Graves  
Secretary of State

(Published in the Kansas Register, May 31, 1990.)

## HOUSE BILL No. 2700

AN ACT relating to property taxation; concerning aggregate tax levy limitations; amending K.S.A. 2-129i, 12-110b, 12-1680, 12-1688, 13-14,112, 19-101d, 19-436, 19-15,142, 19-1930, 19-2122, 19-2651, 19-2698, 19-27,156, 19-2881a, 19-28,112, 19-3905, 19-4102, 19-4443, 19-4485, 20-356, 25-2201a, 27-322, 44-710e, 65-4060, 68-5,100, 75-1122, 75-6110, 75-6113, 79-1482, 79-1607, 79-1946, 79-1947b, 79-2005, as amended by section 1 of 1990 Senate Bill No. 520, 79-5021, 79-5022, 79-5024, 79-5025, 79-5026, 79-5028, 79-5032, 79-5036 and 82a-1425 and K.S.A. 1989 Supp. 2-162, 2-1318, 12-1257, 12-16,102, 12-1933, 13-13a23, 13-13a26, 19-4606, 40-2305, 65-204, 65-3327, 65-6113, 71-301, as amended by section 2 of 1990 Senate Bill No. 607, 74-4920, 74-4967 and 74-5057 and repealing the existing sections; also repealing K.S.A. 12-4803, 13-10,143, 79-5023a and 79-5035.

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

Section 1. K.S.A. 79-5021 is hereby amended to read as follows: 79-5021. As used in K.S.A. 1987 Supp. 79-5021 to 79-5035, inclusive, and amendments thereto; (a) "Taxing subdivision" means every taxing district in the state of Kansas other than the state; (b) and "reappraisal year" means the year in which the valuations established under the program of statewide reappraisal are first used as a basis for the levy of taxes "base year" means either 1988 or 1989, whichever is designated by the taxing subdivision as its base year; and (c) "assessed valuation amount for 1989" means the taxable tangible assessed valuation as shown on the November 1, 1989, abstract transmitted to the director of property valuation pursuant to K.S.A. 79-1806 adjusted by changes in valuations which were made prior to July 1, 1990.

Sec. 2. K.S.A. 79-5022 is hereby amended to read as follows: 79-5022. (a) In the reappraisal year 1990 and in each year thereafter, all existing statutory fund mill levy rate and aggregate levy rate limitations on taxing subdivisions are hereby suspended.

(b) Except as otherwise provided in K.S.A. 1987 Supp. 79-5024 to 79-5027, inclusive, and amendments thereto, in the reappraisal year, no taxing subdivision city, county, township, municipal university or community college shall certify to the county clerk of the county any tax levies upon tangible property, excluding levies specified in K.S.A. 1987 Supp. 79-5028, and amendments thereto, which in the aggregate will produce an amount in excess of the amount which was levied by such taxing subdivision in the prior base year.

(c) In each year after the reappraisal year 1990, and each year thereafter, the fund levy limits shall be increased by multiplying the dollar amount produced by the levy limit for the year prior to the reappraisal year 1988 by the quotient determined by dividing the assessed tangible valuation amount of the current year by the assessed tangible valuation amount of for the reappraisal year 1989. The provisions of this subsection shall not be applicable to any city, county, township, municipal university or community college.

(d) Except for adjustments described in K.S.A. 1987 Supp. 70-5024 to 70-5027, inclusive, and amendments thereto, in each year after the reappraisal year the aggregate levy limit for cities and counties shall be the authorized aggregate levy limit in effect for the year prior to the reappraisal year. All tax levies existing or authorized hereafter by law, except those levies specifically exempt pursuant to K.S.A. 1987 Supp. 70-5028, and amendments thereto, or levy authorizations exempted from the provisions of K.S.A. 1987 Supp. 70-5021 to 70-5027, inclusive, and amendments thereto, or levy authorizations exempted from the provisions of K.S.A. 70-5001 to 70-5016, inclusive, as ex-

isting prior to January 1, 1989, shall be subject to the aggregate limit prescribed hereunder.

Sec. 3. K.S.A. 79-5024 is hereby amended to read as follows: 79-5024. (a) In the reappraisal year and in each year thereafter, Whenever the taxable assessed tangible valuation of any city or county, township, municipal university or community college is increased by new improvements on real estate or by increased personal property valuation, or both, the amount which would be produced by the aggregate tax levy authorized under K.S.A. 79-5022, and amendments thereto, shall be adjusted to increase the amount authorized in the proportion that the assessed valuation of the new improvements and the increased personal property valuation bears to the total taxable assessed tangible valuation of the city or county excluding the assessed valuation of the new improvements assessed valuation amount for 1989. With respect to community colleges, whenever the enrollment of any such college in any school year is greater than such enrollment in the 1989-1990 school year, the amount which would be produced by the aggregate tax levy authorized under K.S.A. 79-5022, and amendments thereto, shall be adjusted to increase the amount authorized in the proportion that the enrollment of such college for the current school year bears to the enrollment of such college in the 1989-1990 school year.

(b) In each year after the reappraisal year, whenever the value of personal property increases over such value of the reappraisal year, the aggregate limit for the year prior to the reappraisal year shall be divided by the taxable assessed tangible valuation of the taxing subdivision in the reappraisal year to derive a levy rate. The levy rate so computed shall then be applied to the assessed valuation of such added personal property.

(c) (b) Such city or county, township, municipal university or community college may then levy the amount permitted under K.S.A. 1987 Supp. 79-5022, and amendments thereto, and in addition thereto the amount produced by the levy on such new improvements and added personal property as provided in this section and, with respect to community colleges, in addition thereto the amount produced as a result of increased enrollment as provided in this section.

Sec. 4. K.S.A. 79-5025 is hereby amended to read as follows: 79-5025. In the event that any territory is added to an existing city or county, township, municipal university or community college, the amount which would be produced by the aggregate tax levy otherwise authorized under K.S.A. 1987 Supp. 79-5022 and 79-5024, and amendments thereto, shall be adjusted to increase the amount authorized in the proportion that the assessed valuation of the tangible taxable property in the territory added bears to the total taxable assessed tangible valuation of the city or county, township, municipal university or community college, excluding the property in such added territory.

Sec. 5. K.S.A. 79-5026 is hereby amended to read as follows: 79-5026. In the event that any taxable tangible property is excluded from the boundaries of any city or county, township, municipal university or community college, the amount which would be produced by the aggregate tax levy authorized under the provisions of K.S.A. 1987 Supp. 79-5022 and 79-5024, and amendments thereto, shall be adjusted to decrease the amount authorized in the proportion that the assessed valuation of the tangible property excluded bears to the total taxable assessed valuation of the city or county, township, municipal university or community college, including such excluded property.

Sec. 6. K.S.A. 79-5028 is hereby amended to read as follows: 79-5028. The provisions of K.S.A. 1987 Supp. 79-5021 to 79-5035, inclusive, and amendments thereto, shall not apply to or limit the levy of taxes for the payment of:

(a) Principal and interest upon bonds and temporary notes; state infrastructure loans, bonds, temporary notes,

(b) no-fund warrants and payments made to a public building commission authorized by the state board of tax appeals subject to the conditions and requirements of K.S.A. 70-2038, 70-2039, 70-2041 and 70-2051, and amendments thereto; and where such board in addition specifically has found that an extreme emergency exists;

(c) (b) judgments rendered against taxing subdivisions; , set-

tlements and expenses for protection against liability to the extent such expenses are authorized by article 61 of chapter 75 of the Kansas Statutes Annotated and amendments thereto;

(c) employer contributions for social security, workers compensation, unemployment insurance, health care costs, employee benefit plans, and employee retirement and pension programs;

(d) expenses incurred by counties for district court operations under the provisions of K.S.A. 20-348 or 20-349, and amendments thereto, and expenses incurred by counties for the detention of juveniles; or

(e) expenses incurred by counties for payment of out-district tuition to community colleges pursuant to K.S.A. 71-301, and amendments thereto, and expenses incurred by counties and townships for payment of out-district tuition to municipal universities pursuant to K.S.A. 13-13a26, and amendments thereto.

(f) expenses for legal counsel and defense of legal actions against officers or employees of taxing subdivisions or premiums on insurance providing such protection as authorized by article 61 of chapter 75 of the Kansas Statutes Annotated and amendments thereto;

(g) employer contributions for social security, workers compensation, unemployment insurance, health care costs and employee retirement and pension programs;

(h) expenses incurred by counties for district court operations under the provisions of K.S.A. 20-348 or 20-349, and amendments thereto;

(i) special assessments;

(j) expenses for which tax levies are authorized or required under K.S.A. 12-11a01, 12-1617h, 10-262, 10-4004, 10-4011, 10-4102, 10-4443, 71-301 and 72-4424, and amendments thereto;

(k) expenses for which tax levies are authorized or required by law if the act specifically in its provisions exempts such levy from the limitation imposed under the provisions of K.S.A. 1987 Supp. 79-5021 et seq., and amendments thereto; or

(l) added expenditures which are specifically mandated or required by state or federal law and which are initially incurred by the taxing subdivision after the effective date of this act, less any expenditures which were specifically mandated or required by state or federal law prior to the effective date of this act and are no longer mandated or required.

Amounts produced from any levy taxes levied for purposes specified in this section shall not be used in computing any aggregate limitation under the provisions of this act. In addition, amounts needed to be produced from the levy of taxes by a taxing subdivision to replace the difference between the amount of revenue estimated to be received by such taxing subdivision pursuant to K.S.A. 79-5101 et seq., and amendments thereto, in 1990, and the amount of such revenue estimated to be received by such taxing subdivision in each year thereafter shall not be used in computing any aggregate limitation under the provisions of this act. On or before June 1 of each year, information necessary to make such computation shall be provided to each taxing subdivision by the appropriate county treasurer.

Sec. 7. K.S.A. 79-5032 is hereby amended to read as follows: 79-5032. Whenever any taxing subdivision of this state city, county, township, municipal university or community college shall be required by law to levy taxes for the financing of the budget of any political or governmental subdivision of this state which is not authorized by law to levy taxes on its own behalf, and the governing body of such taxing subdivision city, county, township, municipal university or community college is not authorized or empowered to modify or reduce the amount of taxes levied therefor, the tax levies of such political or governmental subdivision shall not be included in or considered in computing the aggregate limitations upon the property tax levies of the taxing subdivisions city, county, township, municipal university or community college levying taxes for such political or governmental subdivision. The fund levy limits of such political or governmental subdivision shall be established in accordance with subsection (c) of K.S.A. 79-5022, and amendments thereto.

Sec. 8. K.S.A. 79-5036 is hereby amended to read as follows: 79-5036. (a) The governing body of any city; in the year next following the year in which the valuations established under

the program of statewide reappraisal are used as a basis for the levy of taxes or in any year thereafter, may elect, in the manner prescribed by and subject to the limitations of section 5 of article 12 of the Kansas Constitution, to exempt such city from the provisions of K.S.A. 1985 Supp. 79-5021 to 79-5033, inclusive, or to modify the provisions thereof.

(b) The governing body of any county; in the year next following the year in which the valuations established under the program of statewide reappraisal are used as a basis for the levy of taxes or in any year thereafter, may elect, in the manner prescribed by and subject to the limitations of K.S.A. 19-101b, and amendments thereto, to exempt such county from the provisions of K.S.A. 1985 Supp. 79-5021 to 79-5033, inclusive, or to modify the provisions thereof.

(c) The governing body of any other taxing subdivision subject to the provisions of K.S.A. 79-5021 to 79-5033, inclusive, may elect, in the manner prescribed by and subject to the limitations of K.S.A. 19-101b, and amendments thereto, insofar as such section may be made applicable, to exempt such subdivision from the provisions of K.S.A. 79-5021 to 79-5033, inclusive, or to modify the provisions thereof.

(d) The governing body of any other taxing subdivision subject to the provisions of K.S.A. 1985 Supp. 79-5021 to 79-5033, inclusive, in the year next following the year in which the valuations established under the program of statewide reappraisal are used as a basis for the levy of taxes or in any year thereafter, may elect, in the manner prescribed by and subject to the limitations of K.S.A. 19-101b, and amendments thereto, insofar as such section may be made applicable, to exempt such subdivision from the provisions of K.S.A. 1985 Supp. 79-5021 to 79-5033, inclusive.

New Sec. 9. The provisions of K.S.A. 79-5021 to 79-5036, inclusive, and amendments thereto, shall expire on July 1, 1991.

Sec. 10. K.S.A. 2-129i is hereby amended to read as follows: 2-129i. The board of county commissioners of any county designated as an urban area by K.S.A. 19-2654, and amendments thereto, and in which there is a county fair association officially recognized by the state board of agriculture, upon request of the fair association may make an annual tax levy of not to exceed one-tenth (~~4/10~~) <sup>1/10</sup> mill upon all the taxable tangible property of the county for the purpose of raising funds to be used for the purchase of land and the erection and maintenance of buildings and improvements thereon, including construction of streets and sewers for such fair association and to pay a portion of the principal and interest on bonds issued under the authority of K.S.A. 12-1774, and amendments thereto, by cities located in the county. No levy shall be made under the provisions of this section until a resolution authorizing the making of such levy is passed by the county commissioners and published for two consecutive issues in the official county paper. Whereupon, such levies may be made unless a petition in opposition thereto signed by not less than five percent (~~5%~~) 5% of the qualified electors of the county, as determined by the vote for secretary of state at the last preceding election, is filed with the county election officer within ~~sixty (60)~~ 60 days following the last publication of the resolution of the board. In the event such a petition is filed, it shall be the duty of the board of commissioners to submit the question to the voters at an election called for such purpose or at the next general election. If no protest petition is filed or if the question is submitted on a question submitted ballot and those voting on the question shall vote in favor of such tax levy, then the board of county commissioners shall make such tax levies. Taxes levied by counties under the authority of this act shall be exempt from the limitations imposed under the provisions of K.S.A. 79-5001 to 79-5016, inclusive. The amounts collected by the county for the purposes hereinbefore specified from tax levies, except for an amount to pay a portion of the principal and interest on bonds issued under the authority of K.S.A. 12-1774, and amendments thereto, by cities located in the county, shall be paid to the fair association, upon request of the association.

Sec. 11. K.S.A. 1989 Supp. 2-162 is hereby amended to read as follows: 2-162. The board of county commissioners of Shawnee county may levy an annual tax of not to exceed 2/10 of one mill upon all

(continued)

the taxable tangible property within the county for the purpose of funding the budget of the Shawnee county fair association to pay the costs of renting facilities within the county for the conduct of fairs, purchasing supplies and equipment, and paying premiums and other reasonable expenses of 4-H fairs and grange fairs sponsored by the fair association, and to pay a portion of the principal and interest on bonds issued under the authority of K.S.A. 12-1774, and amendments thereto, by cities located in the county. No levy shall be made for such purposes until a resolution authorizing the making of such levy has been adopted by the board of county commissioners and published for two consecutive issues in the official county paper. Whereupon, such levies may be made unless a petition in opposition thereto signed by not less than 5% of the qualified electors of the county, as determined by the vote for secretary of state at the last preceding election, is filed with the county election officer within 60 days following the last publication of the resolution of the board. In the event such a petition is filed, it shall be the duty of the board of county commissioners to submit the question to the voters at an election called for such purpose or at the next general election. If no protest petition is filed or if the question is submitted on a question submitted ballot and those voting on the question shall vote in favor of such tax levy, the board of county commissioners shall make such tax levies. ~~Taxes levied under the authority of this act shall be exempt from the limitations imposed under the provisions of K.S.A. 79-5001 to 79-5016, inclusive, and amendments thereto.~~ The amounts collected by the county for the purposes hereinbefore specified from tax levies, except for an amount to pay a portion of the principal and interest on bonds issued under the authority of K.S.A. 12-1774, and amendments thereto, by cities located in the county, shall be paid to the fair association, upon request of the treasurer.

Sec. 12. K.S.A. 1989 Supp. 2-1318 is hereby amended to read as follows: 2-1318. The county weed supervisor of each county is hereby directed and it shall be the duty of the county weed supervisor to ascertain each year the approximate amount of land and highways infested with each kind of noxious weeds and its location in the county, and transmit such information tabulated by cities and townships not later than June 1 of each year, to the secretary of the state board of agriculture, board of county commissioners, and to the governing body of each city and township in the district pertaining to such noxious weed infestation in their respective jurisdiction. On the basis of such information the tax levying body of each county, township or incorporated city shall make a tax levy each year for the purpose of paying their part of the cost of control and eradication thereof as provided in this act and, in the case of cities and counties, to pay a portion of the principal and interest on bonds issued under the authority of K.S.A. 12-1774, and amendments thereto, by cities located in the county. Each county, city, and township, separately, shall make a levy each year in addition to all other levies now authorized by law, in such amount as is deemed to be necessary but not to exceed the limitation prescribed by K.S.A. 79-1947, 79-1948, 79-1949, 79-1950, 79-1951, 79-1952, 79-1953 and 79-1962, and amendments thereto, in any one year. Any city may budget expenditures for weed control within its general operating fund in lieu of levying a special tax therefor or maintaining a separate noxious weed eradication fund. Moneys collected from such levy, except for an amount to pay a portion of the principal and interest on bonds issued under the authority of K.S.A. 12-1774, and amendments thereto, by cities located in the county, shall be set apart as a noxious weed eradication fund and warrants duly verified by the county or city supervisor if such be employed or if no supervisor be employed, then by county, township or city clerk, as the case may be, may be drawn against this fund for all items of expense incident to control of noxious weeds in such district respectively. Any moneys remaining in the noxious weed eradication fund at the end of any year for which a levy is made under this section may be transferred to the noxious weed capital outlay fund for making of capital expenditures incident to the control of noxious weeds. If moneys collected from such levy in the preceding year were insufficient to purchase chemicals or chemical materials needed for the purposes authorized in K.S.A. 2-1319 or 2-1322, and amendments thereto, the tax levying body may levy an additional tax of not to exceed the limitation prescribed by K.S.A. 79-1947, 79-1948, 79-1949, 79-1950, 79-1951, 79-1952, 79-1953 and 79-1962; and amend-

ments thereto, but the moneys collected from such levy shall not be used for any purpose other than the purchase of such chemicals or chemical materials.

Any tax levy authorized under the provisions of this section shall be in addition to all other tax levies authorized or limited by law and shall not be subject to or within the limitations upon the levy of taxes imposed by K.S.A. 79-5001 to 79-5016, inclusive, and amendments thereto.

Sec. 13. K.S.A. 12-110b is hereby amended to read as follows: 12-110b. The governing body of any city proclaimed by the governor as a city of the first class not more than five years preceding the effective date of this act or hereafter and the governing body of any city of the second and third class is hereby authorized to make an annual tax levy of not to exceed two mills upon all the taxable tangible property in the city for the purpose of creating and providing a special fund to be used for law enforcement purposes or for the purchase of ambulance equipment or fire-fighting equipment, or both, for such city and to pay a portion of the principal and interest on bonds issued by such city under the authority of K.S.A. 12-1774 and amendments thereto. No city shall make an annual levy under the provisions of this section until the governing body of such city has adopted a resolution authorizing the making of such levy. Such resolution shall be published once each week for two consecutive weeks in the official city newspaper. After publication, an annual levy may be made unless a petition requesting an election upon the proposition of levying the tax, signed by not less than 5% of the qualified electors of the city, is filed with the county election officer within 30 days following the date of the last publication of the resolution. If such a petition is filed, no such annual levy shall be made without such proposition having been submitted to and having been approved by a majority of the electors voting thereon at the next primary or general election, or if such primary or general election does not take place within 60 days after the date the petition was filed, at a special election called and held thereon. All such special elections shall be called and held in the manner prescribed for the calling and holding of elections under the general bond law. The governing body may invest any portion of such special fund which is not currently needed in investments authorized by K.S.A. 12-1675 and amendments thereto in the manner prescribed therein or in any obligation of any county, township, city or school district which has a bonded indebtedness not exceeding 15% of its total assessed valuation. ~~Any tax levied under the authority of this section shall not be subject to or within the limitations upon the levy of taxes imposed under the provisions of K.S.A. 79-5001 to 79-5016, inclusive, and amendments thereto.~~

Sec. 14. K.S.A. 1989 Supp. 12-1257 is hereby amended to read as follows: 12-1257. The board of county commissioners of any county designated as an urban area under K.S.A. 19-2654, and amendments thereto, at the request of the county library board, may make an annual levy of not to exceed one mill upon all taxable tangible property within the county for the purpose of creating a special fund to be used for the acquisition of sites, and for the constructing, equipping, repairing, remodeling and furnishing of buildings for county library purposes and to pay a portion of the principal and interest on bonds issued under the authority of K.S.A. 12-1774, and amendments thereto, by cities located in the county. In addition to the tax levy authorized herein, the board of county commissioners, at the request of the county library board, may issue bonds of such county in an aggregate amount not exceeding 2% of the assessed tangible valuation of such county, the proceeds of which shall be placed in such special fund and may be used for the purposes herein enumerated. No tax levied under the authority of this act, either for the creation of the special fund or for the repayment of bonds issued hereunder, shall be assessed against property in any municipality in which a municipal library has been established and is being maintained.

Prior to the levying of a tax or the issuance of any bonds under the authority of this act, the board of county commissioners shall adopt a resolution authorizing and stating the purpose for the same. Such resolution shall be published once each week for two consecutive weeks in a newspaper of general circulation within the county. If, within 60 days following the last publication of the resolution, a petition in opposition to the levy or the issuance of bonds, signed

by not less than 5% of the qualified electors of the county, is filed with the county election officer, no such levy shall be made and no bonds shall be issued unless and until the same is approved by a majority of the qualified electors of the county voting thereon at a special election called and held for such purpose. Bonds issued under the authority of this act shall not be subject to or within any bonded debt limitation of the county prescribed by any other law of this state and shall not be considered or included in applying any other law limiting the bonded indebtedness of such county. Any such election shall be called, noticed and held in accordance with the provisions of K.S.A. 10-120, and amendments thereto. Any tax levy made under the authority of this act shall be in addition to all other tax levies authorized or limited by law and shall not be subject to or within the limitations upon the levy of taxes imposed by K.S.A. 70-5001 to 70-5016, inclusive, and amendments thereto.

No qualified elector of any municipality in which a municipal library has been established and is being maintained shall be entitled to vote at any election called and held under the provisions of this act, nor shall any such person's signature be considered valid on any petition provided for herein.

Sec. 15. K.S.A. 12-1680 is hereby amended to read as follows: 12-1680. Whenever a petition containing the signatures of not less than 5% of the registered voters of any city or county is filed with the appropriate county election officer requesting an election on the question of whether a tax levy of not more than one mill except that in counties having a population of more than 15,500 and less than 16,000, a tax levy of not more than 1.5 mills shall be made on all of the taxable tangible property in the city or county for the purpose of creating or continuing a service program for the elderly operated by municipalities as defined in K.S.A. 10-101, and amendments thereto, or nonprofit organizations, such proposition shall be submitted to the voters of the city or county at a question submitted election held in accordance with the provisions of K.S.A. 10-120, and amendments thereto. The proposition submitted shall be in the following form: "An annual tax of \_\_\_\_\_ (a specified amount or not to exceed a specified amount) mill shall be levied in \_\_\_\_\_ (city or county) to fund a service program for the elderly." The board of county commissioners of any county or the governing body of any city on its own motion may provide by resolution or ordinance for an annual tax levy of not more than one mill, except that in counties having a population of more than 15,500 and less than 16,000, such tax levy shall not exceed 1.5 mills, for the purpose stated in this section, and such proposition shall be submitted to the voters of the county or city for approval or rejection without petition in the manner provided in this section, and the proposition shall be stated in the same form as if in response to a petition. If a majority of the qualified electors voting on the proposition vote "yes" such tax levy shall be made annually on all of the taxable tangible property within the city or county for such purpose and to pay a portion of the principal and interest on bonds issued under the authority of K.S.A. 12-1774, and amendments thereto, by cities located in the county. If the proposition does not specify the amount of the levy but prescribes the maximum, such levy shall be in an amount specified by the board of county commissioners or governing body of the city not exceeding the maximum so specified. Such tax levy shall be in addition to all other tax levies authorized or limited by law and shall not be subject to or within the limitations upon the levy of taxes imposed by K.S.A. 70-5001 to 70-5016, inclusive, and amendments thereto. No city which has approved a service program for the elderly at an election held under this section shall be included in a county service program for the elderly so long as such city service program is in operation. In any year after the year in which a tax is first levied under the provisions of this act, the board of county commissioners of the county or the governing body of the city may resubmit the proposition to make a levy in such amount as may be determined necessary to fund such program or may on their own motion by resolution or ordinance fix the amount of such levy in any amount, not exceeding the amount stated in the original proposition submitted to and approved by the electors of the county or city, which such board of commissioners or governing body deems necessary to finance the service program in such year. A county having a population of more than 15,500 and less than 16,000 shall not increase its mill levy above one mill for service programs for

the elderly without the approval of a majority of the qualified electors voting on such a proposition as provided in this section.

Sec. 16. K.S.A. 12-1688 is hereby amended to read as follows: 12-1688. (a) Except as otherwise provided in subsection (b) of this section, when the provisions of this act shall have been adopted by an election, the commission shall annually, and not later than ~~twenty~~ (20) 20 days prior to the date for the publishing of the budget of such city or school district, certify its budget to such city or school district, which shall levy a tax sufficient to raise the amount required by such budget, but in no event more than one (1) mill or the amount set out in the petition provided for in K.S.A. 12-1684: ~~Provided, except that, when said such petition shall have been submitted to a city and school district jointly said such budget shall be certified to the city or school district, whichever shall be the larger in population, and the tax levied by such city or school district:~~ ~~Provided further, That such levy shall not be subject to or within the limitations upon the levy of taxes imposed under K.S.A. 70-5001 et seq.~~ After three (3) years' operation the authority to levy the tax provided for in this section may be revoked by a majority of the electors voting at an election called in the same manner as the election authorizing the same. Upon such revocation all property and money belonging to such commission shall become the property of the city or school district levying the tax under this section.

(b) After any city or school district has begun to operate such a museum, it appearing to the satisfaction of the museum commission of a particular school district or city or of a city and school district jointly, that the budget should be increased so as to adequately meet the needs of the city or school district, such museum commission may submit a proposed program with the budget for carrying out the same to the levying authority which may then levy a tax sufficient to raise the amount required by the expanded budget, but not to exceed one (1) mill, which levy shall be in addition to the one (1) mill authorized by subsection (a) of this section: ~~Provided, Such additional one (1) mill levy shall not be subject to or within the limitation upon the levy of taxes imposed under the provisions of K.S.A. 70-5001 et seq.~~

No city or school district authorized to increase its levy under subsection (b) of this section shall make such increased levy until the question of making such tax levy is submitted to the qualified electors of the city or school district at the next general election or at a special election called for such purpose. Any special election held under the provisions of subsection (b) of this section shall be called and held in accordance with the provisions of K.S.A. 10-120, and amendments thereto. If a majority of the votes cast and counted on the question submitted at such election are in favor of such tax, the same may be made; but if a majority of the votes cast and counted on the question submitted at such election are not in favor thereof, such tax may not be levied.

Sec. 17. K.S.A. 1989 Supp. 12-16,102 is hereby amended to read as follows: 12-16,102. (a) Except as provided in this section, "taxing subdivision" means any city, county, township, community college district or other political subdivision of the state of Kansas having authority to levy taxes on taxable tangible property. A school district shall not be considered a taxing subdivision for the purpose of this section.

(b) Any taxing subdivision may create and establish employee benefits contribution funds for (1) the taxing subdivision or (2) any political subdivision for which a tax is levied by such taxing subdivision for the purpose of paying the employer's share of any employee benefits, exclusive of any salaries, wages or other direct payments to such employees, as may be prescribed in the ordinance or resolution of the governing body creating such funds. The taxing subdivision may receive and place in such funds any moneys from any source whatsoever which may be lawfully utilized for the purposes stated in the ordinance or resolution creating such funds, including the proceeds of tax levies authorized by law for such purposes.

(c) The governing body of any taxing subdivision having established employee benefits funds under subsection (b) is hereby authorized to levy an annual tax upon all taxable tangible property within the taxing subdivision in an amount determined by the governing body to be necessary for the purposes for which such funds

(continued)



were created and to pay a portion of the principal and interest on bonds issued under the authority of K.S.A. 12-1774, and amendments thereto, by cities located in the county. ~~Taxes levied by a city or county pursuant to this section shall be exempt from the limitations imposed by K.S.A. 70-5001 to 70-5016, inclusive, and amendments thereto, but only if and to the extent that such taxes would otherwise be exempt if levied as a separate fund or for a purpose specifically exempt by law.~~

Sec. 18. K.S.A. 1989 Supp. 12-1933 is hereby amended to read as follows: 12-1933. As an alternative to the procedure provided by K.S.A. 1987 1989 Supp. 12-1929, and amendments thereto, the governing body of any city may authorize by ordinance that an agreement be entered into by such governing body with the governing body of any school district located in such city to terminate the recreation commission jointly established by such city and school district and to establish a recreation division within an existing department of the city government or to establish a recreation department of the city government. Such ordinance shall provide that such agreement may include provisions for the use of school property for recreation purposes. Such ordinance shall be published once each week for two consecutive weeks in the official city newspaper and if within 30 days after the last publication of a petition signed by at least 5% of the qualified voters of the city requesting an election upon such question, an election shall be called and held thereon. Such election shall be called and held in the manner provided by the general bond law, and the cost of the election shall be borne equally by the city and the school district. If no protest or no sufficient protest is filed or if an election is held and the proposition is approved by a majority of those voting thereon, such city shall be authorized to establish such recreation division or department and may make a tax levy in an amount not to exceed four mills upon all taxable tangible property of the city for recreation purposes and to pay a portion of the principal and interest on bonds issued by such city under the authority of K.S.A. 12-1774, and amendments thereto. ~~Such levy shall be exempt from the limitation imposed under the provisions of K.S.A. 70-5001 to 70-5016, inclusive, and amendments thereto.~~

No levy in excess of three mills shall be made under the authority of this section until the governing body shall have adopted a resolution authorizing the making of the levy in excess of three mills. Such resolution shall state the purpose for which the levy in excess of three mills is to be made and shall be published once in the official city newspaper. Whereupon such annual levy in an amount not to exceed the amount stated in the resolution may be made for the ensuing budget year and each successive budget year unless a petition requesting an election upon the proposition to increase the tax levy in excess of the current tax levy, signed by not less than 5% of the qualified voters of the city, is filed with the city clerk within 30 days following publication of the resolution. In the event a valid petition is filed, no such increased levy shall be made without such proposition having been submitted to and having been approved by a majority of the qualified voters of the city voting thereon. Such election shall be called and held in the manner provided by the general bond law, and the cost of the election shall be borne by the city.

Sec. 19. K.S.A. 1989 Supp. 13-13a23 is hereby amended to read as follows: 13-13a23. (a) The board of regents of any municipal university heretofore or hereafter created and established under the provisions of article 13a of chapter 13 of the Kansas Statutes Annotated, and amendments thereto, shall have the continuing right, power and authority, by resolution, to issue bonds of such municipal university from time to time, for the purpose of acquiring real estate, erecting buildings or additions to present buildings and the purchase of equipment for such buildings and for refunding any indebtedness of such university. There shall not be outstanding at any one time an aggregate of bonds of the municipal university in excess of 2% of the assessed valuation of the taxable tangible property within the taxing district of the municipal university. The bonds shall bear interest at a rate not exceeding the maximum rate of interest prescribed by K.S.A. 10-1009 and amendments thereto and shall mature not later than 30 years from date of issuance.

(b) Provisions for the payment of bonds issued under this section shall be made by the establishment of a sinking fund to be created

out of the proceeds derived from the taxes levied each year by the board of regents of such municipal university.

(c) The board of regents is hereby authorized to levy taxes on all taxable tangible property within the taxing district of the municipal university to provide for (1) the sinking fund established under subsection (b); and (2) the construction, reconstruction, or equipping of new or existing buildings and for any other permanent improvements. Such taxes shall be in addition to all taxes which may be levied by the board of regents pursuant to K.S.A. 13-13a18 and amendments thereto and shall not exceed 3 mills in any one year. ~~Such levy shall not be subject to the provisions of K.S.A. 1988 Supp. 70-5021 et seq., and amendments thereto.~~

(d) The proceeds from the tax levy authorized under this section, other than that portion of the proceeds for the sinking fund, may be accumulated from year to year and expended for the construction, reconstruction or equipping of new or existing buildings, or for any one or more of such purposes, and shall not be subject to the provisions of the budget laws, except that in making the budget of the municipal university the amount so accumulated and the amount expended thereof shall be shown therein for the information of the taxpayers.

Sec. 20. K.S.A. 1989 Supp. 13-13a26 is hereby amended to read as follows: 13-13a26. (a) The board of regents of a municipal university, in accordance with rules and regulations of the state board, shall determine and collect an amount of out-district tuition to be charged for each student attending the municipal university whose residence is outside of the municipal university district.

(b) The board of levy of any taxing subdivision charged with payment of out-district tuition shall levy a tax on all of the taxable property of the taxing subdivision sufficient to pay all out-district tuition charges authorized by this act.

(c) The proceeds from the tax levied under authority of this section shall be deposited in a special fund for payment of out-district tuition. Upon receiving a statement of charges for out-district tuition the board of levy shall allow and pay the same promptly from the special fund. If there is insufficient or no money in the special fund, out-district tuition shall be paid from the general fund of the taxing subdivision or from the proceeds of the sale of no-fund warrants issued for the purpose of the payment of out-district tuition.

(d) The total out-district tuition charged by a municipal university shall be an amount equal to the number of duly enrolled out-district students times \$24 for each credit hour of each such duly enrolled out-district student.

(e) Out-district tuition shall only be charged for credit hours of students if such students, as determined by the state board, have not more than 64 credit hours from any institution of postsecondary education or the students have not more than 72 credit hours and are enrolled in terminal type nursing courses or freshman-sophomore preengineering courses.

(f) Expenditures for out-district tuition shall be exempt from the budget law of this state to the extent of such payments not anticipated in the budget of the taxing subdivision.

(g) ~~Taxes levied by counties under the authority of this section shall not be subject to or within the limitations upon the levy of taxes imposed under the provisions of K.S.A. 70-5001 to 70-5016, inclusive, and any amendments to such sections.~~ The levy of taxes and the payment of out-district tuition by counties required under the provisions of this section shall not be subject to the exercise of home rule by counties under the provisions of article 1 of chapter 19 of Kansas Statutes Annotated. Counties shall have no power to exempt from, or effect changes in, the provisions of this section.

(h) Taxes levied by townships under the authority of this section shall be in addition to all other tax levies authorized or limited by law and shall not be subject to or within the aggregate tax levy limit prescribed by K.S.A. 79-1962, and amendments thereof.

(i) In May of each fiscal year, the board of regents shall notify each board of levy of the approximate amount of out-district tuition which will be charged to the taxing subdivision in the succeeding fiscal year.

Sec. 21. K.S.A. 13-14,112 is hereby amended to read as follows: 13-14,112: The governing body of any city which has a population of more than 35,000 and which is located in a county having a

population of more than 46,000 and less than 51,000 may make an annual levy of not to exceed three mills upon all tangible property in such city for the purpose of providing funds for the operation and maintenance of a convention center and sports arena complex. No levy shall be made under the provisions of this section until an ordinance authorizing the making of such levy is passed by the governing body of the city and published once each week for two consecutive weeks in the official city newspaper. Whereupon, such levy may be made unless a petition in opposition thereto signed by not less than 5% of the qualified electors of the city is filed with the county election officer of the county in which such city is located within 60 days following the last publication of the ordinance of the governing body. In the event such a petition is filed, no such levy shall be made unless a majority of the electors voting at an election thereon vote in favor thereof. Any election held on such a proposition shall be called and held in accordance with elections held under the provisions of the general bond law. ~~Taxes levied by cities under the authority of this act shall be exempt from the limitations imposed under the provisions of K.S.A. 70-5001 to 70-5016, inclusive, and amendments thereto.~~

Sec. 22. K.S.A. 19-101d is hereby amended to read as follows: 19-101d. (a) (1) The board of county commissioners of any county shall have the power to enforce all resolutions passed pursuant to county home rule powers, as designated by K.S.A. 19-101c and amendments thereto. Such resolutions may be enforced by enjoining violations thereof or by prescribing penalties for violations of such resolutions, either by fine, or by confinement in the county jail, or by both such fine and confinement. Unless otherwise provided by the resolution that defines and makes punishable the violation of such resolution, the penalty imposed shall be in accordance with the penalties established by law for conviction of a class C misdemeanor. In no event shall the penalty imposed for the violation of a resolution exceed the penalties established by law for conviction of a class B misdemeanor.

(2) Prosecution for any such violation shall be commenced in the district court in the name of the county and, except as provided in subsection (b), shall be conducted in the manner provided by law for the prosecution of misdemeanor violations of state laws. Writs and process necessary for the prosecution of such violations shall be in the form prescribed by the judge or judges of the courts vested with jurisdiction of such violations by this act, and shall be substantially in the form of writs and process issued for the prosecution of misdemeanor violations of state laws. Each county shall provide all necessary supplies, forms and records at its own expense.

(b) (1) In addition to all other procedures authorized for the enforcement of county codes and resolutions, in any county with a population in excess of 300,000, the prosecution for violation of codes and resolutions adopted by the board of county commissioners may be commenced in the district court in the name of the county and may be conducted, except as otherwise provided in this section, in the manner provided for and in accordance with the provisions of the code for the enforcement of county codes and resolutions.

(2) For the purposes of aiding in the enforcement of county codes and resolutions, the board of county commissioners may employ or appoint code enforcement officers for the county who shall have power to sign, issue and execute notices to appear and uniform citations or uniform complaints and notices to appear, as provided in the appendix of forms of the code contained in this act to enforce violations of county codes and resolutions, but shall have no power to issue warrants or make arrests. All warrants shall be issued and arrests made by law enforcement officers pursuant to and in the manner provided in chapter 21 of the Kansas Statutes Annotated.

(3) The board of county commissioners may employ or appoint attorneys for the purpose of prosecuting actions for the enforcement of county codes and resolutions, and such attorneys shall have the duties, powers and authorities provided by the board as necessary to prosecute actions under the code.

(4) All costs for the enforcement and prosecution of violations of county codes and resolutions, except for compensation and expenses of the district court judge, shall be paid from the revenues of the county and, the board of county commissioners may establish a special law enforcement fund for the purpose of paying for the costs of code enforcement within the county. In addition, the board of county commissioners is hereby authorized to levy a tax of not to

exceed  $\frac{1}{2}$  mill upon all taxable tangible property within such county to pay the costs of code enforcement. ~~Taxes levied by the county under the authority of this act shall not be subject to or within the limitations upon the levy of taxes and expenditure of funds imposed under the provisions of K.S.A. 70-5001 et seq. and K.S.A. 70-5021 et seq. and amendments thereto.~~

(c) Notwithstanding the provisions of subsection (b), any action commenced in the district court for the enforcement of county codes and resolutions, wherein a person may be subject to detention or arrest or wherein an accused person, if found guilty, would or might be deprived of such person's liberty, shall be conducted in the manner provided by law for the prosecution of misdemeanor violations of state laws under the Kansas code of criminal procedure and not under the code for the enforcement of county codes and resolutions.

Sec. 23. K.S.A. 19-436 is hereby amended to read as follows: 19-436. The board of county commissioners of each county shall each year determine the total cost to be incurred by the county in complying with the requirements of K.S.A. 19-425 et seq., and amendments thereto, and shall itemize and identify the same in the budget of the county. ~~The board of county commissioners of the county shall publish a notice once each week for two consecutive weeks in the official county newspaper stating that all taxes levied to pay the costs and to pay a portion of the principal and interest on bonds issued under the authority of K.S.A. 12-1774, and amendments thereto, by cities located in the county shall be exempt from the aggregate tax levy limitation of the county. If within 60 days after the last publication, a petition signed by not less than 5% of the total qualified electors of the county is filed in the office of the county election officer requesting an election thereon, the costs shall be within the aggregate tax levy limitation of the county unless a proposition to exclude the same from the limitation is submitted to and approved by a majority of the electors of the county voting at an election called and held thereon. If no sufficient protest is filed or if the electors approve the proposition at an election called and held thereon, that portion of the tax levies of the county which is levied for the purpose of paying costs incurred by the county in complying with the provisions of K.S.A. 19-425 et seq., and amendments thereto, and to pay a portion of the principal and interest on bonds issued under the authority of K.S.A. 12-1774, and amendments thereto, by cities located in the county shall not be included in computing the aggregate tax levies of the county and is exempt from the limitations imposed under the provisions of K.S.A. 70-5001 to 70-5016, inclusive. All such elections shall be held at the next election as provided by subsection (f) of K.S.A. 25-3602, and amendments thereto.~~

Sec. 24. K.S.A. 19-15,142 is hereby amended to read as follows: 19-15,142. The board of county commissioners of any county having a population of more than three hundred thousand (300,000) 300,000 is hereby authorized to levy an annual tax for not to exceed two years in an amount not to exceed ~~four tenths (4/10)~~  $\frac{4}{10}$  mill upon all of the taxable tangible property of the county for the purpose of providing funds for the operation and maintenance of a coliseum and to pay a portion of the principal and interest on bonds issued under the authority of K.S.A. 1979 Supp. 12-1774, and amendments thereto, by cities located in the county. No tax levy shall be made under the provisions of this section until the board of county commissioners shall have published a resolution authorizing such tax once each week for three consecutive weeks in the official county newspaper. If within ~~sixty (60)~~ 60 days following the last publication of said resolution, a petition in opposition to the levy, signed by not less than ~~five percent (5%)~~ 5% of the qualified electors of the county, is filed with the county election officer, no such tax shall be levied unless a majority of the electors voting on the question of levying the tax shall approve the same at the next general election. ~~The tax levy authorized under the provisions of this section shall be exempt from the limitation imposed under the provisions of K.S.A. 70-5001 to 70-5016, inclusive, and acts amendatory thereof.~~

Sec. 25. K.S.A. 19-1930 is hereby amended to read as follows: 19-1930. (a) The sheriff or the keeper of the jail in any county of

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the state shall receive all prisoners committed to the sheriff's or jailer's custody by the authority of the United States or by the authority of any city located in such county and shall keep them safely in the same manner as prisoners of the county until discharged in accordance with law. The county maintaining such prisoners shall receive from the United States or such city compensation for the maintenance of such prisoners in an amount equal to that provided by the county for maintenance of county prisoners and provision shall be made for the maintenance of such prisoners in the same manner as prisoners of the county. The governing body of any city committing prisoners to the county jail shall provide for the payment of such compensation upon receipt of a statement from the sheriff of such county as to the amount due therefor from such city.

(b) The sheriff or the keeper of the jail in any county of the state shall receive all prisoners committed to the sheriff's or jailer's custody pursuant to K.S.A. 75-5217, and amendments thereto, and shall keep them safely in the same manner as prisoners of the county until discharged in accordance with law or until otherwise ordered by the secretary of corrections. The cost of maintenance of such prisoners, including medical costs of such prisoners shall be paid by the department of corrections in an amount equal to that provided by the county for maintenance of county prisoners.

(c) In lieu of charging city authorities for the cost of maintenance of prisoners as provided by subsections (a) and (b), the board of county commissioners of Sedgwick county may levy a tax not to exceed  $\frac{1}{2}$  mill upon all tangible taxable property of the county to pay such costs and the costs of maintaining county prisoners. Any such levy shall not be subject to the provisions of K.S.A. 70-5001 et seq., and amendments thereto. No revenue derived from such levy shall be used to pay the costs of maintenance of prisoners committed to the jail by federal or state authorities, or authorities of other counties or cities in other counties. For the purpose of this subsection, if any portion of a city is located within a county levying a tax hereunder, all prisoners of such city shall be deemed prisoners of such county.

(d) The board of county commissioners of a county may provide by resolution that any inmate of the county jail who participates in a work release or job training program for which the inmate receives compensation or a subsistence allowance shall be required to pay to the county an amount not exceeding \$10 per day to defray costs of maintaining such inmate in the county jail. Such resolution shall provide for reduction or waiver of such amount in instances in which payment would create undue hardship for an inmate. The inmate shall pay any amount charged pursuant to such resolution, in cash or by money order, to the county treasurer, who shall deposit the entire amount in the county treasury and credit it to the county general fund. If payment is made in cash, the county treasurer shall provide the inmate with a written receipt for such payment. If the county is otherwise entitled to receive reimbursement or compensation for the maintenance of an inmate who is required to pay an amount pursuant to such resolution, the amount paid by such inmate shall be deducted from the amount of the other reimbursement or compensation to which the county is entitled.

(e) If any sheriff or jailer neglects or refuses to perform the services and duties required by the provisions of this act, the sheriff or jailer shall be subject to the same penalties, forfeitures and actions as if the prisoners had been committed under the authority of this state.

(f) Attorneys of prisoners held in a county jail shall be permitted to visit them professionally at all reasonable hours.

Sec. 26. K.S.A. 19-2122 is hereby amended to read as follows: 19-2122. The board of county commissioners in any county having a population of more than ~~four thousand five hundred (4,500)~~ 4,500 and not more than ~~five thousand five hundred (5,500)~~ 5,500 and a taxable tangible valuation of more than ~~twenty-five million dollars (\$25,000,000)~~ \$25,000,000 and which has established a home for the aged as provided for in K.S.A. 19-2106, and amendments thereto, is hereby authorized to make an annual tax levy not to exceed one mill upon all of the taxable tangible property of the county for the operation of said home and to pay a portion of the principal and interest on bonds issued under the authority of K.S.A. 1979 Supp. 12-1774, and amendments thereto, by cities located in the county. Such tax levy shall be in addition to all other tax levies authorized or limited by law and shall not be subject to or within

any aggregate tax levy limit prescribed by law. Taxes levied by counties under the authority of this section shall not be subject to or within the limitations upon the levy of taxes imposed under the provisions of K.S.A. 70-5001 to 70-5016, inclusive and shall not be subject to or within any aggregate tax levy limit prescribed by law.

No county authorized to increase its levies under the provisions of this section shall make such increased levy until the question of making such tax levy is submitted to the qualified electors of the county at the next general election or at a special election called for such purpose. Any special election held under the provisions of this section shall be called and held in accordance with the provisions of K.S.A. 1979 Supp. 10-120, and amendments thereto. If a majority of the votes cast and counted on the question submitted at such election are in favor of such tax, the same may be levied; but if majority of the votes cast and counted on the question submitted at such election are not in favor thereof, such tax may not be levied.

Sec. 27. K.S.A. 19-2651 is hereby amended to read as follows: 19-2651. In order to provide funds to carry out the provisions of this act and to pay a portion of the principal and interest on bonds issued under the authority of K.S.A. 12-1774, and amendments thereto, by cities located in the county, the board of county commissioners may levy an annual tax on all the taxable tangible property in the county. In Pawnee and Stafford counties such tax levy may be made in an amount not to exceed  $\frac{3}{10}$  of one mill on such property, and such tax levy within any such county shall be in addition to all other tax levies authorized or limited by law and shall not be subject to or within the limitations upon the levy of taxes imposed by K.S.A. 70-5001 to 70-5016, inclusive, and amendments thereto.

No tax levy greater than the amount authorized by law prior to the effective date of this act shall be made under authority of this section until the county commissioners of the county proposing to make such levy shall have adopted a resolution specifying the tax levy proposed to be made and the proposition for which the tax will be levied. Such resolution shall provide that if a petition in opposition to the tax levy, signed by not less than 10% of the qualified electors in the county, is filed with the county election officer within 40 days after the publication of the resolution, the tax levy will not be made unless first approved at a question submitted election which shall be called for that purpose or at the next general election. Such resolution shall be published once each week for two consecutive weeks in a newspaper having general circulation in the county. In the event that no petition as specified above is filed in accordance with the provisions of such notice, the governing body of such county may make the tax levy specified in the resolution. If such a petition is filed as provided in such notice, the board of county commissioners of the county may notify the county election officer of the date of an election to be held to submit the question of whether such tax levy shall be authorized. If a majority of the electors of the county voting on the question are in favor of the tax levy, the governing body may thereafter make the same.

Sec. 28. K.S.A. 19-2698 is hereby amended to read as follows: 19-2698. (a) The board of county commissioners of any county may levy a tax not to exceed  $\frac{1}{2}$  mill on all taxable tangible property within the county for the purpose of assisting in the provision of services for persons with physically handicapping conditions, but such tax shall not be used for the purposes for which a tax is authorized under K.S.A. 12-1680, 19-4004, 19-4011, 65-212 and 65-215, and amendments thereto. The board shall adopt a resolution stating its intent to levy the tax and the purpose therefor. The resolution shall be published once each week for two consecutive weeks in a newspaper of general circulation in the county. If a petition signed by at least 5% of the qualified voters of the county is filed with the county election officer, the board shall submit the proposition, for approval by a majority of the qualified voters of the county voting at an election thereon. The election shall be called and held in the manner provided by the general bond law.

(b) If a petition signed by not less than 5% of the registered voters of any county is filed with the county election officer requesting an election on the question of whether a tax levy not to exceed  $\frac{1}{2}$  mill on all taxable tangible property within the county shall be made for the purpose of assisting in the provision of services



for persons with physically handicapping conditions, the board of county commissioners shall submit the proposition for approval by a majority of the qualified voters of the county voting at an election thereon. The election shall be called and held in the manner provided by the general bond law. If such proposition is approved, the board of county commissioners shall levy such tax for such purpose. No such tax shall be used for the purposes for which a tax is authorized under K.S.A. 12-1680, 19-4004, 19-4011, 65-212 and 65-215, and amendments thereto.

(e) ~~The tax levy authorized by this section shall be in addition to all other tax levies authorized or limited by law and shall not be subject to or within the limitations prescribed by K.S.A. 70-5001 to 70-5016, inclusive, and amendments thereto.~~

(d) (c) As used in this section, "physically handicapping condition" means the physical condition of a person, whether congenital or acquired by accident, injury or disease which constitutes a substantial disability, including but not limited to blindness and hearing impairments.

Sec. 29. K.S.A. 19-27,156 is hereby amended to read as follows: 19-27,156. The board of county commissioners of any county having a population of less than ~~three thousand (3,000)~~ 3,000 and an assessed taxable tangible valuation of more than ~~thirty million dollars (\$30,000,000)~~ \$30,000,000 may make an annual levy of not to exceed one mill upon all taxable tangible property within the county for the purpose of creating a fund to be used for the acquisition of capital improvements for any golf course owned and operated by such county and to pay a portion of the principal and interest on bonds issued under the authority of K.S.A. 1979 Supp. 12-1774, and amendments thereto, by cities located in the county. Such fund may also be used for the operation and maintenance of any such golf course.

No such tax levy shall be made under the authority of this act until the board of county commissioners shall have adopted a resolution authorizing the same and stating the purpose for which the levy is to be made. Such resolution shall be published once each week for two consecutive weeks in the official county newspaper. If, within ~~sixty (60)~~ 60 days following the last publication of the resolution, a petition in opposition to the levy signed by not less than ~~five percent (5%)~~ 5% of the qualified electors of the county is filed with the county election officer, no such levy shall be made unless and until the same is approved by a majority of the qualified electors of the county voting thereon at a special election called and held for such purpose. Any such election shall be called, noticed and held in accordance with the provisions of K.S.A. 1979 Supp. 10-120, and amendments thereto. ~~Any tax levy made under the authority of this act shall be in addition to all other tax levies authorized or limited by law and shall not be subject to or within the limitations upon the levy of taxes imposed by K.S.A. 70-5001 to 70-5016, inclusive, and amendments thereto.~~

Sec. 30. K.S.A. 19-2881a is hereby amended to read as follows: 19-2881a. (a) The board of commissioners of the Johnson county park and recreation district is hereby authorized to contract in the name of the district with any agency or instrumentality of the United States for furnishing, constructing, equipping, operating, managing or maintaining recreational areas and facilities on or around any federal reservoir, all or any part of which is located within the boundaries of said district. Said board may obligate the district for the reimbursement of any such federal agency or instrumentality for obligations incurred pursuant to such contract, but not to exceed an amount equal to ~~fifteen percent (15%)~~ 15% of the assessed valuation of the tangible property within the district, plus any interest thereon not exceeding the maximum rate of interest prescribed by K.S.A. 10-1009, and amendments thereto. Such contract for reimbursement may extend over such period of years as is permissible under applicable federal laws and regulations and as shall be agreed to by the board of commissioners, but not to exceed ~~fifty (50)~~ 50 years.

For the purpose of financing such reimbursement, said board of commissioners is hereby authorized to levy an annual tax of not to exceed two (2) mills on all the taxable tangible property of the district during the period of said reimbursement contract, if the levy of such tax has been approved by the electors of the district in the manner provided in K.S.A. 19-2881b, and amendments thereto. ~~Such levy shall be in addition to all other tax levies authorized by law,~~

and shall be exempt from the limitations imposed under the provisions of K.S.A. 70-5001 to 70-5016, inclusive.

The powers granted to the board by this section may be exercised in addition to or in conjunction with any other powers vested in the board pursuant to law.

Sec. 31. K.S.A. 19-28,112 is hereby amended to read as follows: 19-28,112. The board of county commissioners of any county having a population of more than ~~three hundred thousand (300,000)~~ 300,000 is hereby authorized to levy an annual tax of not to exceed ~~one-half (1/2)~~ 1/2 mill upon all of the taxable tangible property of the county for the purpose of providing funds for the operation and maintenance of the county zoo. No tax levy shall be made under the provisions of this section until the question of making such tax levy is submitted to the qualified electors of the county at an election called for such purpose and the majority of those voting on the question shall vote in favor of such tax levy, then the board of county commissioners is authorized and empowered to make such tax levies. Any election held under the provisions of this section shall be called and held in accordance with the provisions of K.S.A. 10-120, and amendments thereto. The tax levies authorized by this section shall be in addition to all other tax levies authorized or limited by law and shall not be subject to or within the aggregate tax levy limits prescribed by K.S.A. 70-1047, or any amendments thereto. ~~Taxes levied by counties under the authority of this act shall not be subject to or within the limitations upon the levy of taxes imposed under the provisions of K.S.A. 70-5001 to 70-5016, inclusive.~~ The amounts collected by the county for the purposes hereinbefore specified shall be paid to the proper administrative officers of the zoo under such regulations as the commissioners shall adopt.

Sec. 32. K.S.A. 19-3905 is hereby amended to read as follows: 19-3905. (a) The board of county commissioners of any county that has established a youth services bureau or has contracted with a nonprofit corporation to provide the services set forth in K.S.A. 19-3904, and amendments thereto, is hereby authorized to make an annual tax levy not to exceed ~~one-fourth (1/4)~~ 1/4 mill upon all of the taxable tangible property of the county for the purpose of providing for such services and to pay a portion of the principal and interest on bonds issued under the authority of K.S.A. 1979 Supp. 12-1774, and amendments thereto, by cities located in the county. ~~Such tax levy shall be in addition to all other tax levies authorized or limited by law and shall not be subject to or within the limitations upon the levy of taxes imposed by K.S.A. 70-5001 to 70-5016, inclusive.~~

(b) No county authorized to increase its levies under the provisions of this section shall make such increased levy until the question of making such tax levy is submitted to the qualified electors of the county at the next general election or at a special election called for such purpose. Any special election held under the provisions of this section shall be called and held in accordance with the provisions of K.S.A. 1979 Supp. 10-120, and amendments thereto. If a majority of the votes cast and counted on the question submitted at such election are in favor of such tax, the same may be levied; but if a majority of the votes cast and counted on the question submitted at such election are not in favor thereof, such tax may not be levied.

Sec. 33. K.S.A. 19-4102 is hereby amended to read as follows: 19-4102. The board of county commissioners of any such county may, by resolution, provide for the establishment of a countywide economic development program and may provide for the financing thereof from its general operating fund, or may levy a tax annually upon all the taxable tangible property of the county in an amount not exceeding the limitation prescribed by K.S.A. 1979 Supp. 79-1947, and amendments thereto, for the purpose of creating a fund therefor and to pay a portion of the principal and interest on bonds issued under the authority of K.S.A. 1979 Supp. 12-1774, and amendments thereto, by cities located in the county. The tax levy herein authorized shall be in addition to all other levies authorized or limited by law and shall not be subject to or within aggregate tax levy limit prescribed by article 10 of chapter 70 of the Kansas Statutes Annotated. In any year in which the board of county commissioners of any county shall elect to levy any tax under

(continued)

the authority of this section, such board shall cause a notice of its intention to make such levy to be published in the official newspaper of the county, and if within ~~thirty (30)~~ 30 days next following the date of the publication of such notice a petition, signed by electors equal in number to not less than ~~five percent (5%)~~ 5% of the electors of the county, requesting an election thereon, shall be filed in the office of county election officer, no such levy shall be made without such proposition having first been submitted to and having been approved by a majority of the electors of the county voting at an election called and held thereon. Any election held under provisions of this section shall be subject to election laws applicable to elections for approval of bonds issued by such county.

Sec. 34. K.S.A. 19-4443 is hereby amended to read as follows: 19-4443. (a) Subject to the provisions of subsection (c), any county adopting the provisions of this act and each incorporated city within such county shall share in the cost, exclusive of medical expenses of prisoners, of operating the law enforcement agency and department in the same proportion as the budget of each such political subdivision for the operation of the sheriff's department or the police department, as the case may be, in the fiscal year in which this act is adopted bears to the total of all such budgets in said fiscal year.

(b) On or before the first Monday in July of each year the agency shall prepare and submit to the board of county commissioners of the county and to the governing body of each incorporated city within such county a budget of expenditures for the operation of such agency and the department for the next budget year, itemizing the expenses and amounts and the purpose, and shall certify the proportionate liability of each such political subdivision therefor. Not less than 10 days prior to submitting such budget, the agency shall hold a hearing thereon in accordance with the provisions of K.S.A. 1980 Supp. 79-2929, and amendments thereto. The annual budget of expenditures of the agency shall not exceed 110% of the annual budget of expenditures for the preceding fiscal year except that all expenditures incurred by the agency or department for motor fuels, lubricants and other transportation-related products shall be exempt from the budgetary limitation to the extent that the cost of such expenditures exceeds 110% of the preceding fiscal year's budget for the same such expenditures. The board of county commissioners of said county shall levy a tax upon all assessed taxable tangible property of such county sufficient to raise the amount of the budget for which said county is liable and to pay a portion of the principal and interest on bonds issued under the authority of K.S.A. 1980 Supp. 12-1774, and amendments thereto, by cities located in the county, and the governing body of each of the cities shall levy a tax upon all assessed taxable tangible property of such city sufficient to raise the amount of the budget for which the city is liable and to pay a portion of the principal and interest on bonds issued by such city under the authority of K.S.A. 1980 Supp. 12-1774, and amendments thereto. ~~All such levies shall be in addition to all other levies authorized or limited by law and shall be exempt from the limitations imposed under the provisions of K.S.A. 70-5001 to 70-5016, inclusive, and amendments thereto.~~ The moneys derived from all levies, except for amounts to pay a portion of the principal and interest on bonds issued under the authority of K.S.A. 1980 Supp. 12-1774, and amendments thereto, by cities located in the county, made hereunder shall be deposited in the county treasury and credited to a separate fund to be expended for the operation of the county law enforcement agency and department.

(c) In any county where only two cities and the county levy a tax as provided in subsection (b) and one such city is a city of the first class and the other city is a city of the third class, each such city and the county shall levy a tax for the costs of the law enforcement agency and department commencing with the levy for 1979, in an amount computed as follows:

- (1) When the budget for the law enforcement agency and department is established for the next year, the levy for the city of the first class shall be computed in accordance with subsection (a);
- (2) the levy for the city of the third class then shall be fixed at a rate higher or lower than its previous mill levy for such purpose, by an amount equal to the net increase or decrease in the mill levy rate that the levy of the city of the first class bears to that of its levy for the previous year;
- (3) the county then shall levy a tax at a mill rate sufficient to pay the remaining portion of the budget of the law enforcement agency and department.

Sec. 35. K.S.A. 19-4485 is hereby amended to read as follows: 19-4485. (a) Any county adopting the provisions of this act and each incorporated city within such county shall share in the cost of operating the law enforcement agency as follows: Two-thirds ( $\frac{2}{3}$ ) of the operating cost shall be paid by the county and ~~one-third ( $\frac{1}{3}$ )~~  $\frac{1}{3}$  shall be paid by the incorporated cities within such county in the proportion that the population of each such city bears to the total population of all such cities within the county.

On or before the first Monday of July of each year the agency shall prepare and submit to the board of county commissioners of the county and the governing body of each incorporated city within such county a budget of expenditures for the operation of such agency and the department for the next budget year, itemizing the expenses and amounts and the purpose, and shall certify the proportionate liability of each such political subdivision therefor. The board of county commissioners of said county shall levy a tax upon all assessed taxable tangible property of such county sufficient to raise the amount of the budget for which said county is liable and to pay a portion of the principal and interest on bonds issued under the authority of K.S.A. 1979 Supp. 12-1774, and amendments thereto, by cities located in the county, and the governing body of each city shall levy a tax upon all assessed taxable property of such city sufficient to raise the amount of the budget for which said city is liable and to pay a portion of the principal and interest on bonds issued by such city under the authority of K.S.A. 1979 Supp. 12-1774, and amendments thereto. No such levy shall exceed the levy made by such county or any such city, respectively, for law enforcement purposes in the year in which the provisions of this act are adopted. ~~All such levies shall be in addition to all other levies authorized or limited by law and shall be exempt from the limitations imposed under the provisions of K.S.A. 70-5001 to 70-5016, inclusive.~~ The moneys derived from all levies, except for amounts to pay a portion of the principal and interest on bonds issued under the authority of K.S.A. 1979 Supp. 12-1774, and amendments thereto, by cities located in the county, made hereunder shall be deposited in the county treasury and credited to a separate fund to be expended for the operation of the county law enforcement agency and department.

(b) On the second Monday in January of the year next following the primary election at which the provisions of this act are adopted, the county treasurer of such county shall transfer from the general fund of such county to the separate fund for law enforcement provided for in subsection (a) an amount not to exceed the amount budgeted for the office of sheriff and the sheriff's department in such county for such year, and the treasurer of each city within such county shall pay over to the county treasurer an amount not to exceed the amount budgeted by such city for law enforcement purposes in such year, and the county treasurer shall deposit the same in said special fund. The amounts so transferred or paid over shall be in the proportions provided in subsection (a) and shall be used for the operation and management of the law enforcement agency in such year.

Sec. 36. K.S.A. 1989 Supp. 19-4606 is hereby amended to read as follows: 19-4606. (a) The commission or, in the case of an elected board, the board may annually levy a tax for the purpose of operating, maintaining, equipping and improving any hospital managed and controlled under the provisions of this act and for the purpose of paying a portion of the principal and interest on bonds issued under the authority of K.S.A. 12-1774, and amendments thereto. The commission or, in the case of an elected board, the board may levy such tax in any amount not exceeding six mills in any year without an election as provided in subsection (c) ~~and such tax shall not be subject to or within any aggregate tax levy limit prescribed by law and such tax is not subject to or within the limitations upon the levy of taxes imposed under the provisions of K.S.A. 70-5001 to 70-5016, inclusive, and any amendments of such sections or, with respect to the tax authorized to be levied by the Phillips county commission pursuant to the election held on April 4, 1980, to the provisions of 1988 Supp. 70-5021 et seq., and amendments thereto.~~ In the event the commission or the board proposes to levy such tax in an amount which exceeds two mills but is less than six mills in any year, such proposition shall be published once each week for two consecutive weeks in the official county newspaper. If, within 30 days after the last publication of the prop-

osition, a petition signed by not less than 5% of the electors of the county who voted for the office of secretary of state at the last preceding general election requesting an election thereon, no such levy shall be made unless the proposition is submitted to and approved by a majority of the voters of the county voting at an election held thereon. Such election shall be called and held in the manner provided under the general bond law. Any tax levied for the purpose of paying the principal and interest upon any general obligation bonds issued pursuant to this act is not subject to the six-mill limitation imposed under the provisions of this subsection.

(b) After a hospital has been established, the commission may issue additional general obligation bonds for the purposes of constructing, purchasing or leasing and equipping a new hospital separate and apart from an existing hospital, or an additional hospital, or constructing and equipping an addition to an existing hospital, or equipping and improving an existing hospital, or acquiring the necessary site or sites therefor or for any or all such purposes and for the purpose of paying a portion of the principal and interest on bonds issued under the authority of K.S.A. 12-1774 and amendments thereto.

(c) The commission or, in the case of an elected board, the board shall not levy any tax exceeding six mills under authority of subsection (a) or in the case of the commission, issue general obligation bonds under authority of subsection (b) until the levy of such tax or the issuance of such bonds has been authorized by resolution of the commission and approved by a majority of the qualified electors of the county voting on such question at a regular county primary or county general election or, if no regular county election is to be held within six months from the date of adoption of the resolution, at a special election called by the commission for the purpose of submitting such question to the qualified electors. *The increase in any tax levy authorized by any such election shall not be subject to or within any aggregate tax levy limit prescribed by law. The increase in any tax levy authorized by any such election is exempt from the limitations imposed under K.S.A. 70-5001 to 70-5016, inclusive, and any amendments of such sections.*

Sec. 37. K.S.A. 20-356 is hereby amended to read as follows: 20-356. Any county in which additional divisions of the district court are established or in which additional district magistrate judge positions are established, may pay all of the costs and expenses incidental to or arising out of the establishment, operation and maintenance of the facilities for such additional divisions or positions during the year in which they are established, out of the general fund of the county or if it does not have sufficient moneys available in its general fund for such purpose, such county is hereby authorized and empowered to issue during such year, no-fund warrants for the purpose of providing funds to pay all expenses, costs, salaries payable by any such county and costs incidental to or arising out of the establishment, maintenance and operation of such division or position, including the providing and equipping of courtrooms and other necessary offices and costs incidental thereto or arising therefrom or whenever the board of county commissioners considers it advisable, such board may issue general obligation bonds of the county to pay all of the costs and expenses incidental to or arising out of the establishment, operation and maintenance of facilities for such additional divisions or positions other than costs incurred for payment of salaries, and for the purpose of redeeming no-fund warrants issued under the authority of this section except no-fund warrants issued for payment of salaries. Such no-fund warrants shall be issued in the manner and form, bear interest and be redeemed as prescribed by K.S.A. 79-2940 and amendments thereto, except they may be issued without the approval of the state board of tax appeals and without the notation required by K.S.A. 79-2940 and amendments thereto.

If such no-fund warrants are issued under the provisions of this act, the county issuing the same shall make a tax levy at the first tax levying period after such warrants are issued sufficient to pay the same and the interest thereon. *Such tax levies shall be in addition to all other tax levies authorized or limited by law and such tax levies shall be exempt from the limitations imposed under K.S.A. 70-5001 through 70-5016, and amendments thereto.* Any such county may make expenditures from its general fund during the year in which the said divisions or positions of the court are created for any of the purposes hereinbefore described,

even though such expenditures were not included in the county budget for that year.

General obligation bonds issued under the authority of this section shall be issued in the manner prescribed by the general bond law but shall not be subject to or within any bonded debt limitation prescribed by any other law of this state and shall not be considered or included in applying any other law limiting bonded indebtedness.

Sec. 38. K.S.A. 25-2201a is hereby amended to read as follows: 25-2201a. Annually any county may make a tax levy on the taxable tangible property in the county in an amount not greater than the amount necessary to pay the direct expense of elections which the county is required to pay and for which the county is not reimbursed under the provisions of subsection (b) of K.S.A. 25-2201, *and amendments thereto*, and to pay a portion of the principal and interest on bonds issued under the authority of K.S.A. 12-1774, and amendments thereto, by cities located in the county. *Tax levies under this section shall be in addition to all other levies authorized by law and shall be exempt from the limitations imposed under the provisions of K.S.A. 70-5001 to 70-5016, inclusive.* If a petition signed by ~~five percent (5%)~~ 5% of the registered voters of any county is filed with the county election officer on or before July 10, 1974, requesting an election be held to determine whether the tax levy authorized by this section shall be permitted in such county, the county election officer shall hold a special question submitted election on the first Tuesday in August of 1974, in such county. The proposition shall be stated on the ballot as follows:

"Shall the board of county commissioners be authorized to make an annual tax levy on the taxable tangible property in the county to pay the direct expenses of certain elections of other subdivisions of governments as required by law."

If a majority of those voting on such question submitted are in favor of the proposition such county may in 1974 and thereafter immediately make the levy authorized in this section. If a majority of those voting on such question are against the proposition, and the board of county commissioners has theretofore included in its adopted budget any amount under authority of this section, such adopted budget and the tax levy therefor shall be reduced in an amount equal to the amount so budgeted, and no tax levy under this section shall be made in such county in 1974 or thereafter.

Sec. 39. K.S.A. 27-322 is hereby amended to read as follows: 27-322. (a) Except as provided in subsection (b), with the consent of the governing body of the city, the authority may annually levy a tax not to exceed three mills on each dollar of the assessed tangible valuation of the property of the city for the furtherance of the purposes of the authority, to be levied and collected in like manner with other taxes, which levy the board of directors shall, on or before August 25, of each year, certify to the county clerk who is hereby authorized and required to place the same on the tax roll of said county to be collected by the treasurer of said county and paid over by him or her to the board of directors of the authority.

(b) In addition to the levy authorized in subsection (a), if the authority is required to provide matching funds in order to qualify for any federal or state grant relating to the development, improvement, operation or maintenance of the public airport, and such funds are not otherwise available from revenues of the airport facility, the authority may levy a tax not to exceed one mill upon each dollar of the assessed tangible valuation of the property of the city to be levied and collected in the same manner as provided for in subsection (a) except that such levy shall be made without the consent of the governing body of the city.

Before any levy is made pursuant to this subsection, the board of directors of the authority shall publish a notice of their intention to make such additional levy once each week for two consecutive weeks in the official newspaper of the city. If within ~~thirty (30)~~ 30 days next following the last publication of the notice a petition signed by not less than ~~five percent (5%)~~ 5% of the qualified electors of the city requesting an election on the question of levying the additional mill authorized by this subsection is filed with the city clerk, an election on the question shall be noticed, called and held in the manner prescribed under the general bond law. If a majority of the qualified electors of the city voting at such election vote "no" on the question of levying the additional mill, no levy shall be made under this subsection.

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(c) Levies made under the provisions of subsections (a) and (b) shall be in addition to all other levies authorized or limited by law and shall not be subject to or within the limitations upon the levy of taxes imposed by K.S.A. 70-5001 to 70-5016, inclusive, and amendments thereto. The authority shall be exempt from the provisions of the budget laws of the state.

Sec. 40. K.S.A. 1989 Supp. 40-2305 is hereby amended to read as follows: 40-2305. (a) Each political subdivision of the state is hereby authorized to submit for approval by the state agency a plan for extending or modifying the benefits of title II of the social security act, in conformity with the applicable provisions of such act; to employees, including any holding the office or position of policeman or fireman, of such political subdivisions. Whenever the governor certifies to the secretary of health and human services that, as a result of a referendum held pursuant to subsection (b) of K.S.A. 40-2305a, and amendments thereto, school employees who are covered by the state system for retirement and payment of annuities to school employees as provided for in article 55 of chapter 72 of the Kansas Statutes Annotated, and amendments thereto, the conditions specified in section 218(d)(3) of the social security act have been met with respect to such employees under such separate retirement system, the state agency shall adopt a plan or amend a plan for extending such benefits to school employees, as defined in subsection (d) of K.S.A. 72-5501, and amendments thereto, of every political subdivision and such political subdivision, and its employees shall be liable under such plan or amended plan to the same extent as if the political subdivision had submitted the plan and the same had been approved by the state agency. Each such plan and any amendment thereof shall be approved by the state agency if it finds that such plan, or such plan as amended, is in conformity with such requirements as are provided in regulations of the state agency, except that no such plan shall be approved unless: (1) it is in conformity with the requirements of the federal social security act and with the agreement entered into pursuant to K.S.A. 40-2303, and amendments thereto; (2) it provides that all services which constitute employment as defined in subsection (b) of K.S.A. 40-2302, and amendments thereto, and are performed in the employ of the political subdivision by employees thereof, including any holding the office or position of policeman or fireman, shall be covered by the plan, except that it may exclude services performed by other individuals to whom section 218(c)(3)(C) of the federal social security act is applicable; (3) it specifies the source or sources from which the funds necessary to make the payments required by paragraph (1) of subsection (c) of this section and by subsection (d) of this section are expected to be derived and contains reasonable assurance that such sources will be adequate for such purpose; (4) it provides for such methods of administration of the plan by the political subdivision as are found by the state agency to be necessary for the proper and efficient administration of the plan; (5) it provides that the political subdivision will make such reports, in such form and containing such information, as the state agency may from time to time require, and comply with such provisions as the state agency or the secretary of health and human services may from time to time find necessary to assure the correctness and verification of such reports; and (6) it authorizes the state agency to terminate the plan in its entirety, in the discretion of the state agency, if it finds there has been a failure to comply substantially with any provision contained in such plan, such termination to take effect at the expiration of such notice and on such conditions as may be provided by regulations of the state agency and may be consistent with the provisions of the social security act.

(b) The state agency shall not finally refuse to approve a plan submitted by a political subdivision under subsection (a) of this section, and shall not terminate an approved plan, without reasonable notice and opportunity for hearing to the political subdivision affected thereby. Hearings under this subsection shall be conducted in accordance with the provisions of the Kansas administrative procedure act.

(c) (1) Each political subdivision as to which a plan has been approved under this section shall pay into the contribution fund, with respect to wages, as defined in subsection (a) of K.S.A. 40-2302, and amendments thereto, at such time or times as the state agency may by regulation prescribe, contributions in the amounts and at the rates specified in the applicable agreement entered into by the state agency under K.S.A. 40-2303, and amendments thereto.

Delinquent contributions shall be subject to a late penalty to defray the costs of the collection efforts in the amount of \$10 for each contribution period. All moneys received for the late penalty imposed by this paragraph (1) of subsection (c) shall be deposited in the state treasury and credited to the municipal accounting services recovery fund.

(2) Each political subdivision required to make payments under paragraph (1) of this subsection (c) is authorized, in consideration of the employee's retention in, or entry upon, employment after enactment of this act, to impose upon each of its employees, as to services which are covered by an approved plan, a contribution with respect to such employee's wages, as defined in subsection (a) of K.S.A. 40-2302, and amendments thereto, not exceeding the amount of the employee tax which would be imposed by the federal insurance contributions act if such services constituted employment within the meaning of that act, and to deduct the amount of such contribution from such employee's wages as and when paid. Contributions so collected shall be paid into the contribution fund in partial discharge of the liability of such political subdivision or instrumentality under paragraph (1) of this subsection (c). Failure to deduct such contribution shall not relieve the employee or employer of liability therefor.

(d) Delinquent payments due under paragraph (1) of subsection (c) of this section may, with interest at the rate prescribed by federal statute or regulation for delinquent social security remittances, be recovered by the state agency by action in a court of competent jurisdiction against the political subdivision liable therefor or may, at the request of the state agency, be deducted from any other moneys payable to such subdivision by any department or agency of the state or may be offset against any funds of the subdivision held by the county treasurer upon certification by the state agency of such liability to the officials of the subdivision and to the county treasurer. Upon receipt of the state agency's certification, the county treasurer shall remit from the funds of such political subdivision the amount certified. The county treasurer shall notify the subdivision of the amount remitted to the state agency.

(e) Each political subdivision, other than an instrumentality of the state, shall pay its contributions required under the provisions of subsection (c) of this section from the same fund that the wages for which such contribution is made are paid or from any other funds available to it for such purpose. Each political subdivision, except an instrumentality of the state or a school district, which is by law authorized to levy taxes for other purposes, annually at the time of its levy of taxes for other purposes, may levy a tax, which may be in addition to all other taxes authorized or limited by law and shall not be subject to any aggregate tax levy limit prescribed by article 10 of chapter 70 of the Kansas Statutes Annotated, and amendments thereto, or any other law, for the purpose of making its contributions under subsection (c) of this section and, in the case of cities and counties, to pay a portion of the principal and interest on bonds issued under the authority of K.S.A. 12-1774, and amendments thereto, by cities located in the county, which tax together with any other funds available to such political subdivision for such purpose shall be sufficient to enable it to make such contributions. Any taxing subdivision authorized to levy a tax under this subsection, in lieu of levying such tax, may pay the required employer contribution from any employee benefits contribution fund established pursuant to K.S.A. 12-16,102, and amendments thereto. All contributions of such political subdivisions shall be transmitted to the state agency in the manner as the state agency shall by rules and regulations provide, and, upon receipt of the same, the state agency shall deposit the same in the state treasury and the state treasurer shall credit the same to the contribution fund created by K.S.A. 40-2307, and amendments thereto.

Sec. 41. K.S.A. 44-710e is hereby amended to read as follows: 44-710e. (a) Any city, county, school district or other governmental entity is hereby authorized to budget and pay the cost of providing unemployment insurance benefits for its employees as provided by this act from the various funds from which compensation is paid to its employees, and, if otherwise authorized by law to levy taxes, any such city, county or other governmental entity, except a school district, may levy annually an additional tax therefor, which, together with any other funds available, shall be sufficient to provide the cost thereof and, in the case of cities and counties, to pay a portion of



the principal and interest on bonds issued under the authority of K.S.A. 12-1774, and amendments thereto, by cities located in the county. Any taxing subdivision authorized to levy a tax under this section, in lieu of levying such tax, may pay such costs from any employee benefits contribution fund established pursuant to K.S.A. 12-16,102, and amendments thereto.

(b) Any taxes levied by counties and cities to fund unemployment insurance payments as a contributing employer, reimbursing employer or rated government employer as required by this act, whether paid from a separate tax levy fund, an employee benefits contribution fund established pursuant to K.S.A. 12-16,102 or from any other tax supported fund, shall be exempt from the aggregate limitation imposed under K.S.A. 70-5001 to 70-5016, inclusive, and amendments thereto.

Sec. 42. K.S.A. 1989 Supp. 65-204 is hereby amended to read as follows: 65-204. (a) The board of county commissioners of any county of the state may levy a tax upon all taxable tangible property in such county for the purposes authorized herein and to pay a portion of the principal and interest on bonds issued under the authority of K.S.A. 12-1774 and amendments thereto by cities located in the county, and the proceeds thereof shall be placed into a separate fund designated as "the county health fund," which fund is hereby created, and shall be used to defray the cost of:

(1) Assisting in the carrying out of the health laws and rules and regulations of the state within such county;

(2) paying the salary of the local health officer;

(3) any contract entered into with the governing body of any hospital located in a county having a population of less than 15,000 as provided by K.S.A. 65-201 and amendments thereto;

(4) the employment of additional personnel to assist the local health officer and other health authorities within such counties.

(b) Any moneys remaining in the county health fund at the end of any county fiscal year for which a levy is made under this section may be transferred to the county health capital outlay fund, which is hereby created, for the making of capital expenditures incident to county health purposes.

(c) In all counties having a population over 100,000 and not more than 300,000, the board of county commissioners may levy in addition a tax for the purpose of paying the cost of building or equipping a health building and to pay a portion of the principal and interest on bonds issued under the authority of K.S.A. 12-1774 and amendments thereto by cities located in the county, upon all tangible taxable property in such county. In counties having a population of more than 250,000, the board of county commissioners may levy an annual tax upon all taxable tangible property in such county for the purpose of financing garbage and trash disposal in such county, either as a joint operation with any city located in such county or as a sole operation of such county and to pay a portion of the principal and interest on bonds issued under the authority of K.S.A. 12-1774 and amendments thereto by cities located in the county.

(d) Except as provided by this subsection, no levy shall be made by any county for the county health fund in an amount exceeding two mills. The board of county commissioners may increase the mill levy authorized by this subsection by adoption of a resolution. Such resolution shall be published once each week for two consecutive weeks in the official county newspaper. If within 60 days after the last publication of the resolution, a petition signed by not less than 5% of the qualified electors in the county is filed in the office of the county election officer requesting an election thereon, the board shall not increase such levy unless the question is submitted to and approved by a majority of the voters of the county voting at an election thereon. All such elections shall be noticed, called and held in the manner prescribed in K.S.A. 10-120 and amendments thereto. Any levy increase authorized by this subsection prior to the effective date of this act or increased under the authority of this subsection on or after the effective date of this act shall not be subject to the provisions of K.S.A. 70-5001 to 70-5016, inclusive, and amendments thereto.

Sec. 43. K.S.A. 1989 Supp. 65-3327 is hereby amended to read as follows: 65-3327. (a) The dedicated source of revenue for repayment of the loans may include service charges, connection fees, special assessments, property taxes, grants or any other source of revenue lawfully available to the municipality for such purpose. In order to ensure repayment by municipalities of the amounts of loans

provided under K.S.A. 1988 1989 Supp. 65-3321 through 65-3329, and amendments thereto, the secretary, after consultation with the governing body of any municipality which receives a loan, may adopt charges to be levied against users of the project. Any such charges shall remain in effect until the total amount of the loan, and any interest thereon, has been repaid. The charges shall, insofar as is practicable, be equitably assessed and may be in the form of a surcharge to the existing charges of the municipality. The governing body of any municipality which receives a loan under K.S.A. 1988 1989 Supp. 65-3321 through 65-3329, and amendments thereto, shall collect any charges established by the secretary and shall pay the moneys collected therefrom to the secretary in accordance with procedures established by the secretary.

(b) Upon the failure of a municipality to meet the repayment terms and conditions of the agreement, the secretary may order the treasurer of the county in which the municipality is located to pay to the secretary such portion of the municipality's share of the local ad valorem tax reduction fund as may be necessary to meet the terms of the agreement, notwithstanding the provisions of K.S.A. 79-2960 and 79-2961 and amendments thereto. Upon the issuance of such an order, the municipality shall not be required to make the tax levy reductions otherwise required by K.S.A. 79-2960 and 79-2961 and amendments thereto. Taxes levied by any municipality by reason of its failure to make such reduction in its levies shall not be subject to or be considered in computing the aggregate limitation upon the levy of taxes by such municipality under the provisions of K.S.A. 1987 Supp. 70-5021 et seq. and amendments thereto.

(c) Municipalities which are provided with loans under K.S.A. 1988 1989 Supp. 65-3321 through 65-3329, and amendments thereto, shall maintain project accounts in accordance with generally accepted government accounting standards.

(d) Municipalities which receive a grant and an allowance under the federal act with respect to project costs for which a loan was provided under K.S.A. 1988 1989 Supp. 65-3321 through 65-3329, and amendments thereto, shall promptly repay such loan to the extent of the allowance received under the federal act.

(e) The amount of any loans received by a municipality under the provisions of K.S.A. 1988 1989 Supp. 65-3321 through 65-3329, and amendments thereto, shall not be included within any limitation on the bonded indebtedness of the municipality.

Sec. 44. K.S.A. 65-4060 is hereby amended to read as follows: 65-4060. (a) The board of county commissioners of any county may levy an annual tax not to exceed 1 mill on all taxable tangible property within the county, but such levy shall not exceed that amount which shall generate annually revenue in excess of \$50,000 for the purpose of financing special county alcohol and drug programs. In any year in which the board of county commissioners elects to commence to levy the tax authorized by this section, it shall adopt a resolution stating its intent to levy the tax and the purpose therefor. The resolution shall be published once each week for two consecutive weeks in a newspaper of general circulation in the county. If within 30 days next following the date of the last publication of such resolution a petition signed by at least 5% of the qualified voters of the county is filed with the county election officer requesting an election thereon, no such levy shall be made without such proposition having first been submitted to and approved by a majority of the qualified voters of the county voting at an election held thereon. The election shall be called and held in the manner provided by the general bond law.

(b) If a petition signed by at least 5% of the qualified voters of a county is filed with the county election officer requesting an election on the question of whether a tax not to exceed  $\frac{1}{2}$  mill on all taxable tangible property within the county, but not to exceed that amount which shall generate annually revenue in excess of \$50,000 shall be levied for the purpose of establishing a special alcohol and drug programs fund, the board of county commissioners of such county shall submit the proposition to the qualified voters of the county at an election thereon. The election shall be called and held in the manner provided by the general bond law. If such proposition is approved by a majority of such voters voting thereon, the board of county commissioners shall levy a tax for such purpose.

(c) The tax levy authorized by this section shall be in ad-

(continued)

dition to all other tax levies authorized or limited by law and shall not be subject to or within the limitations prescribed by K.S.A. 70-5001 to 70-5016, inclusive, and amendments thereto.

(d) (c) All moneys received pursuant to this act shall be deposited in a special alcohol and drug programs fund which shall be under the direction and control of the board of county commissioners and shall be expended only for the purchase, establishment, maintenance or expansion of services or programs whose principal purpose is alcoholism and drug abuse prevention and education, alcohol and drug detoxification, intervention in alcohol and drug abuse, treatment of persons who are alcoholics or drug abusers or are in danger of becoming alcoholics or drug abusers and rehabilitation of the family of persons who are alcoholics or drug abusers or are in danger of becoming alcoholics or drug abusers. In any county in which there has been organized an alcohol and drug advisory committee, the board of county commissioners shall request and obtain, prior to making any expenditures from the special alcohol and drug programs fund, the recommendations of the advisory committee concerning such expenditures. If there is more than one alcohol and drug advisory committee in the county, the board shall designate which advisory committee from which it shall seek recommendations. The board of county commissioners shall adopt the recommendations of the advisory committee concerning such expenditures unless the board, by majority vote of all commissioners, adopts a different plan for such expenditures.

Sec. 45. K.S.A. 1989 Supp. 65-6113 is hereby amended to read as follows: 65-6113. (a) The governing body of any municipality may establish, operate and maintain an emergency medical service or ambulance service as provided in this act as a municipal function and may contract with any person, other municipality or board of a county hospital for the purpose of furnishing emergency medical services or ambulance services within or without the boundaries of the municipality upon such terms and conditions and for such compensation as may be agreed upon which shall be payable from the general fund of such municipality or from a special fund for which a tax is levied under the provisions of this act.

(b) The governing body of the municipality may make an annual tax levy of not to exceed three mills upon all of the taxable tangible property within such municipality for the establishment, operation and maintenance of an emergency medical service or ambulance service under this act and to pay a portion of the principal and interest on bonds issued under the authority of K.S.A. 12-1774, and amendments thereto. ~~Such tax levy shall be in addition to all other tax levies authorized or limited by law and shall not be subject to or within the limitations upon the levy of taxes imposed by K.S.A. 70-5001 to 70-5037, inclusive, and amendments thereto.~~

(c) No tax shall be levied under the provisions of subsection (b) until the governing body of the municipality adopts an ordinance or resolution authorizing the levy of such tax. Such ordinance or resolution shall be published once each week for three consecutive weeks in the official newspaper of the municipality. If within 60 days following the last publication of such ordinance or resolution, a petition in opposition to the levy of such tax, signed by a number of the qualified electors of such municipality equal to not less than 5% of the electors of such municipality who voted for the office of secretary of state at the last general election, is filed with the county election officer of the county in which such municipality is located, the question of whether the levy shall be made shall be submitted to the electors of the municipality at the next primary or general election within such municipality, or if such primary or general election does not take place within 60 days after the date the petition was filed, the question may be submitted at a special election called and held therefor. If no petition has been filed and the time prescribed for filing the petition expires prior to August 1 in any year, or if the petition was filed and a majority of the electors voting on the question of levying the tax vote in favor thereof at an election held prior to August 1 in any year, the governing body of the municipality may levy in that year and in each succeeding year in the amount specified in the ordinance or resolution, but not exceeding three mills. If no petition has been filed and the time prescribed for filing the petition expires after September 30 in any year, or if the petition was filed and a majority of the electors voting on the question of levying the tax vote in favor thereof at an election

held after September 30 in any year, the governing body of the municipality may levy in the next succeeding year and in each succeeding year thereafter the amount specified in the ordinance or resolution, but not exceeding three mills.

(d) In the case of a county, the board of county commissioners shall not provide ambulance service under the provisions of this act in any part of the county which receives ambulance service, but the county shall reimburse any taxing district which on the effective date of this act provides ambulance services to such district with its proportionate share of the county general fund or special tax levy fund budgeted for ambulance services within the county. Such reimbursement shall be based on the amount that the assessed tangible taxable valuation of the taxing district bears to the total taxable tangible valuation of the county, but in no event shall such taxing district receive from the county more than the district's cost of furnishing such ambulance services. Any taxing district establishing ambulance service in any part of a county under the provisions of this act on or after the effective date of this act shall not be entitled to receive reimbursement pursuant to this subsection until a final order of the emergency medical services board ordering such reimbursement is issued following the furnishing of notice and an opportunity for a hearing to the interested parties. No order for reimbursement shall be issued unless the emergency medical service board finds that such establishment shall enhance or improve ambulance service provided to the residents of such taxing district as determined in accordance with criteria established by rules and regulations adopted by the board.

Sec. 46. K.S.A. 68-5,100 is hereby amended to read as follows: 68-5,100. The board of county commissioners of any county is hereby authorized to levy an annual tax of not to exceed five mills upon all taxable tangible property in the county for the purpose of providing funds for the construction, reconstruction, improvement, repair and maintenance of county roads and to pay a portion of the principal and interest on bonds issued under the authority of K.S.A. 12-1774, and amendments thereto, by cities located in the county. Before any county shall be authorized to levy a tax under the authority of this act, the board of county commissioners shall submit such proposition to the electors of the county at an election called and held for such purpose. Elections called and held under the provisions of this act shall be called and held in the manner provided for the calling and holding of elections upon the question of issuing bonds under the provisions of K.S.A. 10-120, and amendments thereto. If a majority of the votes cast and counted on such proposition at any such election shall be in favor thereof, the board of county commissioners may levy the tax provided for herein.

Tax levies made under the authority of this act shall be in addition to tax levies authorized and limited under the provisions of K.S.A. 79-1947 and shall be exempt from the limitation imposed under the provisions of K.S.A. 70-5001 to 70-5016, inclusive, and amendments thereto.

Sec. 47. K.S.A. 1989 Supp. 71-301, as amended by section 2 of 1990 Senate Bill No. 607, is hereby amended to read as follows: 71-301. (a) (1) Except as otherwise provided in this subsection, the board of trustees shall charge to and collect from each in-state student tuition at rates per credit hour enrolled which shall be established at an amount: For the 1991 fiscal year, not less than \$16 per credit hour and not more than \$24 per credit hour; for the 1992 fiscal year, not less than \$18 per credit hour and not more than \$26 per credit hour; for the 1993 fiscal year and for each fiscal year thereafter, not less than \$19 per credit hour and not more than \$27 per credit hour.

(2) Subject to the provisions of K.S.A. 71-302, and amendments thereto, the board of trustees shall charge to and collect from each out-of-state and foreign student tuition at rates per credit hour enrolled which shall be established at an amount not less than 2 1/2 times the maximum amount per credit hour prescribed by provision (1).

(3) The board of trustees may charge to and collect from each student who is eligible for admission to a community college at in-state tuition rates but who resides within a federal military reservation tuition at rates per credit hour enrolled which, if established, shall be established at an amount not less than \$36 per credit hour.

(b) The board of trustees, in accordance with rules and regula-

tions of the state board, shall determine and collect an amount of out-district tuition to be charged for each out-district student attending the community college. The board of county commissioners of any county charged with payment of out-district tuition shall levy a tax on all of the taxable property of the county sufficient to pay all out-district tuition charges authorized by this act. The proceeds from the tax levied under authority of this section shall be deposited in a special fund for payment of out-district tuition. Upon receiving a statement of charges for out-district tuition, the board of county commissioners shall allow and pay the same promptly from the special fund. If there is insufficient or no money in the special fund, out-district tuition shall be paid from the county general fund or from the proceeds of the sale of no-fund warrants issued for the purpose of the payment of out-district tuition.

(c) The total out-district tuition charged by a community college shall be an amount equal to the number of duly enrolled out-district students times \$24 for each credit hour of each such student.

(d) (1) Out-district tuition shall only be charged for credit hours of out-district students if such students, as determined by the state board, have not more than 64 credit hours from any institution of postsecondary education or the students have not more than 72 credit hours and are enrolled in terminal type nursing courses or freshman-sophomore level preengineering courses.

(2) The credit hour limitations prescribed by provision (1) of this subsection do not apply to credit hours of out-district students if such students, as determined by the state board, are enrolled in an approved vocational education program at a community college for the purpose of receiving vocational or technical training or retraining in preparation for gainful employment.

(e) In May of each fiscal year, the board of trustees shall notify the board of county commissioners of the approximate amount of out-district tuition which will be charged to the county in the succeeding fiscal year.

(f) Expenditures for out-district tuition shall be exempt from the budget law of this state to the extent of such payments not anticipated in the budget of the county. ~~Taxes levied by counties under the authority of this section shall not be subject to or within the limitations upon the levy of taxes imposed under the provisions of K.S.A. 70-5021 to 70-5035, inclusive, and amendments thereto.~~

Sec. 48. K.S.A. 1989 Supp. 74-4920 is hereby amended to read as follows: 74-4920. (1) Upon the basis of each annual actuarial valuation and appraisal as provided for in subsection (3)(a) of K.S.A. 74-4908 and amendments thereto, the board shall certify, on or before July 15 of each year, to the division of the budget in the case of the state and to the agent for each other participating employer an actuarially determined estimate of the rate of contribution which will be required, together with all accumulated contributions and other assets of the system, to be paid by each such participating employer to pay all liabilities which shall exist or accrue under the system, including amortization of the past service cost over a period of 15 years for all participating employers except for participating employers under K.S.A. 74-4931 and amendments thereto whose amortization of the past service cost shall be over a period of 24 years commencing on January 1, 1987, except as otherwise provided in this section, as determined by the board, upon recommendation of the actuary.

(2) The division of the budget and the governor shall include in the budget and in the budget request for appropriations for personal services the sum required to satisfy the state's obligation under this act as certified by the board and shall present the same to the legislature for allowance and appropriation.

(3) Each other participating employer shall appropriate and pay to the system a sum sufficient to satisfy the obligation under this act as certified by the board.

(4) Each participating employer is hereby authorized to pay the employer's contribution from the same fund that the compensation for which such contribution is made is paid from or from any other funds available to it for such purpose. Each political subdivision, other than an instrumentality of the state, which is by law authorized to levy taxes for other purposes, may levy annually at the time of its levy of taxes, a tax which may be in addition to all other taxes authorized or limited by law, and shall not be subject to any tax levy limit or aggregate tax levy limit prescribed by any act

contained in article 10 of chapter 70 of the Kansas Statutes Annotated or by any act amendatory thereof or supplemental thereto, or any other law; for the purpose of making its contributions under this act and, in the case of cities and counties, to pay a portion of the principal and interest on bonds issued under the authority of K.S.A. 12-1774 and amendments thereto by cities located in the county, which tax, together with any other fund available, shall be sufficient to enable it to make such contribution. In lieu of levying the tax authorized in this subsection, any taxing subdivision may pay such costs from any employee benefits contribution fund established pursuant to K.S.A. 12-16,102 and amendments thereto. Each participating employer which is not by law authorized to levy taxes as described above, but which prepares a budget for its expenses for the ensuing year and presents the same to a governing body which is authorized by law to levy taxes as described above, may include in its budget an amount sufficient to make its contributions under this act which may be in addition to all other taxes authorized or limited by law. Such governing body to which the budget is submitted for approval, may levy a tax sufficient to allow the participating employer to make its contributions under this act which tax may be in addition to all other taxes authorized or limited by law and shall not be subject to any tax levy limit or aggregate tax levy limit prescribed by any act contained in article 10 of chapter 70 of the Kansas Statutes Annotated or any act amendatory thereof or supplemental thereto, which tax, together with any other fund available, shall be sufficient to enable the participating employer to make the contributions required by this act.

(5) The rate of contribution certified to a participating employer as provided in this section shall apply during the first fiscal year of the participating employer which begins in the calendar year immediately following such certification. For the fiscal year commencing in calendar year 1989, the employer rate of contribution for the state of Kansas shall be 3.1% of the amount of compensation upon which the members contribute during the period and for participating employers under K.S.A. 74-4931 and amendments thereto the employer rate of contribution shall be 3.1% of the amount of compensation upon which the members contribute during the period. For the fiscal year commencing in calendar year 1989, the employer rate of contribution for participating employers other than the state of Kansas shall be 2.0% of the amount of compensation upon which members contribute during the period. There shall be an employer rate of contribution certified to the state of Kansas, and participating employers under K.S.A. 74-4931 and amendments thereto. There shall be a separate employer rate of contribution to all other participating employers other than the state of Kansas.

(6) The board with the advice of the actuary may fix the contribution rates for participating employers joining the system after one year from the first entry date or for employers who exercise the option contained in K.S.A. 74-4912 and amendments thereto at rates different from the rate fixed for employers joining within one year of the first entry date.

(7) Employer contributions shall in no way be limited by any other act which now or in the future establishes or limits the compensation of any member.

(8) Based upon the report of the actuary of each three-year general investigation of the actuarial experience of the system and the annual actuarial valuations and appraisals under subsection (3) of K.S.A. 74-4908 and amendments thereto, the board shall make a special report to the legislature on the participating service costs of the system. For purposes of this subsection (8), the participating service costs of the system shall include all costs of the system other than those attributable to past service, administration, the insured death benefit, the insured disability benefit and post retirement benefit increases. The report shall include a review of the changes in the participating service costs since the preceding three-year general investigation under subsection (3) of K.S.A. 74-4908 and amendments thereto and of the rates of contribution for employers and members applicable during that three-year period. The report shall be submitted to the legislative coordinating council on or before the December 1 immediately following the receipt by the board of the report of the actuary on such three-year general investigation of the actuarial experience of the system.

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(9) Each participating employer shall remit quarterly, or as the board may otherwise provide, all employee deductions and required employer contributions to the executive secretary for deposit in the Kansas public employees retirement fund within 20 days after the end of the period covered by the remittance or within 25 days after forms or written instructions from the system were mailed by the system to such employer, whichever is later. Remittances of such deductions and contributions received after such date are delinquent. Delinquent payments due under this subsection (9) shall be subject to interest at the rate established for interest on judgments under subsection (a) of K.S.A. 16-204 and amendments thereto. At the request of the board, delinquent payments which are due or interest owed on such payments, or both, may be deducted from any other moneys payable to such employer by any department or agency of the state.

Sec. 49. K.S.A. 1989 Supp. 74-4967 is hereby amended to read as follows: 74-4967. (1) Upon the basis of an annual actuarial valuation and appraisal of the system conducted in the manner provided for in K.S.A. 74-4908 and amendments thereto, the board shall certify, on or before July 15 of each year to each participating employer an actuarially determined estimate of the rate of contribution which shall be required to be paid by each such participating employer to pay all of the liabilities which shall accrue under the system from and after the entry date as determined by the board, upon recommendation of the actuary. Such rate shall be termed the employer's participating service contribution and shall be uniform for all participating employers. The employer's rate of contribution determined under this section shall not include the costs of administration of the system. For the fiscal year commencing in calendar year 1987, the employer rate of contribution for the state of Kansas for (a) the Kansas highway patrol shall be 11.3% of the amount of compensation upon which patrolmen of the Kansas highway patrol contribute during the period and (b) the Kansas bureau of investigation shall be 9.9% of the amount of compensation upon which agents of the Kansas bureau of investigation contribute during the period.

(2) The board shall determine for each employer separately an amount sufficient to amortize over a period of not to exceed 40 years all liabilities for past service costs which shall have accrued at the time of entry into the system. On the basis of such determination the board shall annually certify to each participating employer separately an actuarially determined estimate of the rate of contribution which shall be required to be paid by that participating employer to pay all of the liabilities for such past service costs. Such rate shall be termed the employer's prior service contribution. The board may enter into agreements with any participating employer which has employees or retirees under the special pension systems established under K.S.A. 13-14a01 to 13-14a14, inclusive, and amendments thereto or K.S.A. 14-10a01 to 14-10a15, inclusive, and amendments thereto, for the purpose of scheduling the payment of such past service costs in an orderly manner which will tend to stabilize the annual total financial burden on such employers in meeting their present and future obligations under this system and such special systems, but in no event shall the annual prior service contribution be less than the interest cost on the total of such past service liability.

(3) Each participating employer shall appropriate and pay to the system a sum sufficient to satisfy the obligations under this act as certified by the board.

(4) Each participating employer is hereby authorized to pay the employer's contribution from the same fund that the compensation for which such contribution is made is paid from or from any other funds available to it for such purpose. Each employer may levy annually at the time of its levy of taxes, a tax which may be in addition to all other taxes authorized or limited by law and shall not be subject to any tax levy limit or aggregate tax levy limit prescribed by article 10 of chapter 70 of the Kansas Statutes Annotated, or any other law for the purpose of making its contributions under this act, and, in the case of cities and counties, to pay a portion of the principal and interest on bonds issued by cities under the authority of K.S.A. 12-1774, and amendments thereto, for the financing of redevelopment projects upon property located in such county which tax, together with any other fund available, shall be sufficient to enable it to make such contribution. In lieu of levying the tax authorized in this subsection, any taxing subdivision

may pay such costs from any employee benefits contribution fund established pursuant to K.S.A. 12-16,102 and amendments thereto.

(5) Employer contributions shall in no way be limited by any other act which now or in the future establishes or limits the compensation of any member.

(6) The rates of contribution certified to a participating employer as provided in this section shall apply during the fiscal year immediately following such certification, but the rate of contribution during the first year following the employer's entry date shall be equal to 16% of the amount of compensation on which members contribute during the year. Any amount of such first year's contribution which may be in excess of the necessary current service contribution shall be credited by the board to the respective employer's prior service liability.

(7) Each participating employer shall remit quarterly, or as the board may otherwise provide, all employee deductions and required employer contributions to the executive secretary for deposit in the Kansas public employees retirement fund within 20 days after the end of the period covered by the remittance or within 25 days after forms or written instructions from the system were mailed by the system to such employer, whichever is later. Remittances of such deductions and contributions received after such date are delinquent. Delinquent payments due under this subsection (7) shall be subject to interest at the rate established for interest on judgments under subsection (a) of K.S.A. 16-204 and amendments thereto. At the request of the board, delinquent payments which are due or interest owed on such payments, or both, may be deducted from any other moneys payable to such employer by any department or agency of the state.

Sec. 50. K.S.A. 1989 Supp. 74-5057 is hereby amended to read as follows: 74-5057. (a) The dedicated source of revenue for repayment of infrastructure loans under K.S.A. 1988 1989 Supp. 74-5056, and amendments thereto, and any interest thereon, may include service charges, benefit fees, special assessments, property taxes, grants and donations or any other source of revenue lawfully available to the city or county for such purpose. Any city or county which has entered into an infrastructure loan agreement under K.S.A. 1988 1989 Supp. 74-5056, and amendments thereto, may finance all or part of the repayment obligations under such loan agreement by levying a tax annually on taxable tangible property for such purpose, which tax shall be in addition to all other levies authorized or limited by law.

(b) Any city or county which has entered into an infrastructure loan agreement pursuant to K.S.A. 1988 1989 Supp. 74-5056, and amendments thereto, may pay the principal and interest on such loan from the fund or funds to which its dedicated sources of revenue are deposited, or may transfer such moneys to its bond and interest fund for payment of the loan, but any property taxes levied exclusively for such purposes shall be deposited in its bond and interest fund. Any property taxes levied exclusively for repayment of any infrastructure loan under K.S.A. 1988 1989 Supp. 74-5056, and amendments thereto, and any interest thereon, shall be levied in the same manner as taxes are levied for the payment of general obligations of the city or county and shall be exempt from the limitation imposed under the provisions of K.S.A. 70-5001 to 70-5016, inclusive, and amendments thereto and shall be exempt from the aggregate levy limitation imposed under the provisions of K.S.A. 1987 Supp. 70-5021 to 70-5037, inclusive, and amendments thereto.

(c) The amount of any loans received by a city or county under the provisions of K.S.A. 1988 1989 Supp. 74-5055 through 74-5057, and amendments thereto, shall not be included within any limitation on the bonded indebtedness of the city or county.

Sec. 51. K.S.A. 75-1122 is hereby amended to read as follows: 75-1122. (a) The governing body of every unified school district and the governing body of all other municipalities either having aggregate annual gross receipts in excess of \$275,000 or which has general obligation or revenue bonds outstanding in excess of \$275,000 shall have its accounts examined and audited by a licensed municipal public accountant or accountants or certified public accountant or accountants at least once each year. In the case of school districts, all tax and other funds such as activity funds and accounts shall also be examined and audited.

(b) Any municipality required to have an annual audit for the



first time under this section shall be exempt from the requirement if the municipality sends to the division of accounts and reports a written request for assistance in complying with the required accounting procedures of K.S.A. 75-1121, and amendments thereto. The exemption shall continue until the assistance is rendered by the division of accounts and reports.

(c) The governing body of any city of the third class required to have its accounts examined and audited pursuant to the provisions of this section shall annually determine the total cost to be incurred by the city in complying with the requirements of this act and shall identify the same in the budget of the city. ~~That portion of the tax levies of such city which is levied for the purpose of paying costs incurred by the city in complying with the provisions of this act shall not be included in computing the aggregate tax levies of the city and shall be exempt from the limitations imposed under the provisions of K.S.A. 70-5001 to 70-5016, inclusive, and amendments thereto.~~

(d) Each year the township board of any township required to have an annual audit may adopt a resolution requesting the director of accounts and reports to exempt the township from the requirements of this section. For fiscal year 1983 and every year thereafter, the resolution shall be submitted prior to the end of such fiscal year. For fiscal year 1982, the resolution shall be submitted within 90 days of the effective date of this act. Upon receipt of the resolution, the director of accounts and reports shall waive the requirement for an audit for such year.

Sec. 52. K.S.A. 75-6110 is hereby amended to read as follows:

75-6110. (a) Payments by municipalities for the cost of providing for its defense and the defense of employees pursuant to this act and for the payment of claims and other direct and indirect costs resulting from the implementation of this act may be paid from the general or other existing fund of such municipality or from a special liability expense fund established for such purpose pursuant to subsection (b).

(b) Whenever the governing body of any municipality shall determine that it is advisable to establish a special fund for the payment of such costs and to establish a reserve therefor, in lieu of paying the same out of the general or other existing fund of the municipality, such governing body may create and establish a special liability expense fund for the payment of such costs and may place therein any moneys received by the municipality from any source whatsoever which may be lawfully utilized for such purpose including the proceeds of tax levies hereinafter authorized and provided. Such fund shall not be subject to the provisions of K.S.A. 79-2925 to 79-2937, inclusive, and any acts amendatory thereof or supplemental thereto, except that in making the budget of such municipality, the amounts credited to and the amount on hand in such special fund, and the amount expended therefrom, shall be included in the annual budget for the information of the residents of such municipality.

(c) Whenever the governing body of any municipality which is authorized by law to levy taxes upon property has established a special liability expense fund under the provisions of this section and shall determine that moneys from other sources will be insufficient to pay such costs, the governing body is hereby authorized to levy an annual tax upon all taxable tangible property within the municipality in an amount determined by the governing body to be necessary for such purpose and in the case of cities, counties and school districts, to pay a portion of the principal and interest on bonds issued by cities under the authority of K.S.A. 12-1774, and amendments thereto, for the financing of redevelopment projects upon property located in such county or such school district. ~~All such tax levies shall be exempt from the limitations imposed under the provisions of K.S.A. 70-5001 to 70-5016, inclusive, and amendments thereto, and shall not be subject to or limited by any other tax levy limitation prescribed by law.~~

Sec. 53. K.S.A. 75-6113 is hereby amended to read as follows: 75-6113. Payment of any judgments, compromises or settlements for which a municipality is liable pursuant to K.S.A. 75-6101 *et seq.*, and amendments thereto, may be made from any funds or moneys of the municipality which lawfully may be utilized for such purpose or if the municipality is authorized by law to levy taxes upon property such payment may be made from moneys received from the issuance of no-fund warrants, temporary notes or general obligation bonds.

Warrants or temporary notes issued under the authority of this section may mature serially at such yearly dates as to be payable by not more than 10 tax levies. Bonds issued under the authority of this section shall be issued in accordance with the provisions of the general bond law and shall be in addition to and not subject to any bonded debt limitation prescribed by any other law of this state. ~~Taxes levied for the payment of warrants, temporary notes or bonds shall be exempt from the limitations imposed under the provisions of K.S.A. 70-5001 to 70-5016, inclusive, and amendments thereto, and shall not be subject to or limited by any other tax levy limitation prescribed by law.~~

Sec. 54. K.S.A. 79-1482 is hereby amended to read as follows: 79-1482. The board of county commissioners of each county is hereby authorized to levy a tax upon all taxable tangible property in the county in an amount necessary to pay all costs incurred in conducting programs of countywide reappraisal and complying with the provisions of this act. ~~Such tax levies shall not be included in computing the aggregate tax levies of the county and are exempt from the limitations imposed under the provisions of K.S.A. 70-5001 to 70-5016, inclusive, and amendments thereto.~~ The proceeds of such tax levies shall be credited to a special countywide reappraisal fund and shall be used only for the purposes of implementing the provisions of this act. Such countywide reappraisal fund shall not be subject to the provisions of K.S.A. 79-2925 to 79-2937, and amendments thereto, except that in making the budgets of such counties the amounts credited to, the amount on hand in such special fund, and the amount expended therefrom shall be shown thereon for the information of the taxpayers of the county.

Sec. 55. K.S.A. 79-1607 is hereby amended to read as follows: 79-1607. The board of county commissioners of any county may employ expert, clerical, or other qualified assistants, hearing officers or panels to aid such board in the performance of its duties as the county board of equalization, and the compensation of such assistants, hearing officers or panels shall be paid from the county general fund. Any county is authorized to exceed the general fund levy ~~and tax~~ ~~limitation~~ by an amount not to exceed the related costs of such assistants, hearing officers or panels. The board of county commissioners of any county which shall employ assistants pursuant to the provisions of this section shall by resolution specify the duties and compensation of any assistant or assistants so employed, and no such assistant or assistants shall be employed until such duties and compensation be so specified except that, if in its discretion the board of commissioners of any county shall deem it necessary to contract for an appraisal of all or any part of the properties within such county for the purpose of aiding the board in assessment equalization, the board may contract for the same, and for the purpose of paying for the same may pay all or any part of the costs thereof from the county general fund, or may pay all or any part thereof by the issuance of no-fund warrants, as hereinafter provided. The board of commissioners of any county contracting for the purposes hereinbefore provided is hereby authorized and empowered to issue no-fund warrants in the amount necessary to pay for the same.

Such no-fund warrants shall be issued in the manner and form, bear interest and be redeemed as prescribed by K.S.A. 79-2940, and amendments thereto, except that they may be issued without approval of the state board of tax appeals, and without the notation required by K.S.A. 79-2940, and amendments thereto. Whenever no-fund warrants are issued under the authority of this act, the board shall make a tax levy at the first tax levying period after such warrants are issued, sufficient to pay such warrants and the interest thereon except that in lieu of making only one tax levy, such board, if it deems it advisable, may make a tax levy each year for not to exceed five years in approximately equal installments for the purpose of paying such warrants and the interest thereon. ~~All such tax levies shall be in addition to all other levies authorized or limited by law, and none of the tax limitations provided by article 19 of chapter 70 of the Kansas Statutes Annotated, and acts amendatory thereof, shall apply to such levies.~~

Sec. 56. K.S.A. 79-1946 is hereby amended to read as follows: 79-1946. The board of county commissioners of each of the several counties is hereby authorized to fix a rate of levy annually to meet and defray the current general expenses of the county and to pay a portion of the principal and interest on bonds issued under the

(continued)

authority of K.S.A. 12-1774, and amendments thereto, by any city located in such county, subject to limitations prescribed according to the assessed tangible valuation or a total population as follows:

Less than \$13,000,000 or having a population of less than 3,500	6.50 mills
\$13,000,000 to \$30,000,000	4.25 mills
Over \$30,000,000 to \$140,000,000	3.50 mills
Over \$140,000,000	4.25 mills

Except that in any such county which adjoins a military reservation and which has an assessed taxable tangible valuation of less than ~~one hundred million dollars (\$100,000,000)~~ \$100,000,000 such rate of levy may, except as hereinafter provided, be increased not to exceed ~~one and one-half (1 1/2) 1 1/2 mills and any such increase shall be exempt from the limitations imposed by K.S.A. 70-5001 to 70-5016, inclusive.~~ Before any county shall increase any levy under the provisions of the foregoing proviso the board of county commissioners shall publish a notice of its intention to make such increase in the levy. Such notice shall be published once each week for two (2) consecutive weeks in the official county newspaper and if within ~~sixty (60) 60~~ 60 days next following the last publication of such notice a petition signed by electors of the county equal in number to not less than ~~five percent (5%) 5%~~ 5% of the total electors of such county is filed in the office of the county election officer requesting an election upon such proposition, no such increased levy shall be made without such proposition having been submitted to and approved by a majority of the electors of the county voting at an election called and held thereon. All such elections shall be noticed, called and held in the manner prescribed in K.S.A. 10-120, and amendments thereto.

Sec. 57. K.S.A. 79-1947b is hereby amended to read as follows: 79-1947b. No levy in excess of ~~50 1/2~~ 1/2 mill shall be made by any county under the provisions of K.S.A. 19-2106a, and amendments thereto, for the operation, maintenance and repair of a home for the aged without the question of levying the same having been submitted to and been approved by a majority of the electors of the county voting at an election called and held for such purpose. All such elections shall be noticed, called and held in the manner provided for in K.S.A. 10-120, and amendments thereto. ~~The increase in any tax levy authorized by any such election shall not be subject to or within any aggregate tax levy limit prescribed by law. The increase in tax levies authorized by any such election shall be exempt from the limitations imposed under K.S.A. 70-5001 to 70-5016, inclusive.~~

Sec. 58. K.S.A. 79-2005, as amended by section 1 of 1990 Senate Bill No. 520, is hereby amended to read as follows: 79-2005. (a) Any taxpayer, before protesting the payment of such taxpayer's taxes, shall be required, either at the time of paying such taxes, or, if the whole or part of the taxes are paid prior to December 20, no later than December 20, or, with respect to taxes levied in 1989, if the whole or part of the taxes are paid on or before January 16, 1990, no later than January 16, 1990, to file a written statement with the county treasurer, on forms approved by the state board of tax appeals and provided by the county treasurer, clearly stating the grounds on which the whole or any part of such taxes are protested and citing any law, statute or facts on which such taxpayer relies in protesting the whole or any part of such taxes. The county treasurer shall forward a copy of the written statement of protest to the county appraiser who shall within 15 days of the receipt thereof, schedule a formal meeting with the taxpayer or such taxpayer's agent or attorney with reference to the property in question. The county appraiser shall review the appraisal of the taxpayer's property with the taxpayer or such taxpayer's agent or attorney and may change the valuation of the taxpayer's property, if in the county appraiser's opinion a change in the valuation of the taxpayer's property is required to assure that the taxpayer's property is valued according to law, and shall, within 15 business days thereof, notify the taxpayer and the state board of tax appeals, in the event the valuation of the taxpayer's property is changed, in writing of the results of the formal meeting. The state board of tax appeals may within 45 days after receipt of notification of such change review such change and schedule a hearing thereon upon a finding that the taxpayer's property may not be valued according to law. If the state board of tax appeals takes no action within such 45 day period, the results of the formal meeting shall be final.

(b) If the grounds of such protest shall be that the valuation or

assessment of the property upon which the taxes so protested are levied is illegal or void, such statement shall further state the exact amount of valuation or assessment which the taxpayer admits to be valid and the exact portion of such taxes which is being protested.

(c) If the grounds of such protest shall be that any tax levy, or any part thereof, is illegal, such statement shall further state the exact portion of such tax which is being protested.

(d) Upon the filing of a written statement of protest, the grounds of which shall be that any tax levied, or any part thereof, is illegal, the county treasurer shall mail a copy of such protest to the governing body of the taxing district making the levy being protested.

(e) Within 30 days after notification of the results of the formal meeting, the protesting taxpayer may, if aggrieved by the results of the formal meeting with the county appraiser, appeal such results to the board of county commissioners, or the hearing officer or panel appointed pursuant to K.S.A. 79-1602, of the county wherein the property is located by filing a notice of such appeal with the county clerk, or, at the taxpayer's option, the taxpayer may appeal the results of the formal meeting directly to the state board of tax appeals, on forms approved by the state board of tax appeals and provided by the county treasurer, together with a copy of the written statement of protest. A copy of the written notification of the results of the formal meeting with the county appraiser shall be provided by the county appraiser.

(f) Upon receipt of the copy of the written statement of protest and a copy of the written notification of the results of the formal meeting with the county appraiser, the board of county commissioners or hearing officer or panel shall within 30 days of such receipt hear the taxpayer's appeal and shall within 15 days thereafter notify the taxpayer and the state board of tax appeals, in the event the valuation of the taxpayer's property is changed. The state board of tax appeals may within 45 days after receipt of notification of such change review such change and schedule a hearing thereon upon a finding that the taxpayer's property may not be valued according to law. If the state board of tax appeals takes no action within such 45 day period, the decision of the board of county commissioners or the hearing officer or panel shall be final. If the taxpayer remains aggrieved by the results of such hearing, such taxpayer may appeal such results to the state board of tax appeals within 30 days of the date of such notice. Thereupon, the board shall docket the same and notify the taxpayer and the county treasurer of such fact. In addition thereto if the grounds of such protest is that the valuation or assessment of the property is illegal or void the board shall notify the county appraiser thereof.

(g) After examination of the copy of the written statement of protest and a copy of the written notification of the results of the formal meeting with the county appraiser, the board shall conduct a hearing in accordance with the provisions of the Kansas administrative procedure act, unless waived by the interested parties in writing. If the grounds of such protest is that the valuation or assessment of the property is illegal or void the board shall notify the county appraiser thereof.

(h) In the event of a hearing, the same shall be originally set not later than 90 days after the filing of the copy of the written statement of protest and a copy of the written notification of the results of the formal meeting with the county appraiser with the board. In all instances where the board sets a request for hearing and requires the representation of the county by its attorney or counselor at such hearing, the county shall be represented by its county attorney or counselor.

(i) When a determination is made as to the merits of the tax protest, the board shall render and serve its order thereon. The county treasurer shall notify all affected taxing districts of the amount by which tax revenues will be reduced as a result of a refund.

(j) If a protesting taxpayer fails to file a copy of the written statement of protest and a copy of the written notification of the results of the formal meeting with the county appraiser with the board within the time limit prescribed, such protest shall become null and void and of no effect whatsoever.

(k) In the event the board orders that a refund be made and no appeal is taken from such order, the county treasurer shall, as soon thereafter as reasonably practicable, refund to the taxpayer such protested taxes from tax moneys collected but not distributed. Upon

making such refund, the county treasurer shall charge the fund or funds having received such protested taxes.

(l) Whenever, by reason of the refund of taxes ~~from any fund previously received or the reduction of taxes levied but not received as a result of decreases in assessed valuation~~, it will be impossible to pay for the imperative functions of such fund for the current budget year, the governing body of the taxing district affected shall ~~may issue no-fund warrants in the amount necessary to pay such refund~~. Such warrants shall conform to the requirements prescribed by K.S.A. 79-2940, and amendments thereto, except they shall not bear the notation required by such section and may be issued without the approval of the state board of tax appeals. The governing body of such taxing district shall make a tax levy at the time fixed for the certification of tax levies to the county clerk next following the issuance of such warrants sufficient to pay such warrants and the interest thereon. All such tax levies shall be in addition to all other levies authorized or limited by law and the tax levy limitations imposed by article 10 of chapter 70 of the Kansas Statutes Annotated, and amendments thereto, and K.S.A. 79-5001 to 79-5016, inclusive, and amendments thereto, shall not apply to such levies.

(m) The county treasurer shall disburse to the proper funds all portions of taxes paid under protest and shall maintain a record of all portions of such taxes which are so protested and shall notify the governing body of the taxing district levying such taxes thereof and the director of accounts and reports if any tax protested was levied by the state.

(n) This statute shall not apply to the valuation and assessment of property assessed by the director of property valuation and it shall not be necessary for any owner of state assessed property, who has an appeal pending before the board of tax appeals, to protest the payment of taxes under this statute solely for the purpose of protecting the right to a refund of taxes paid under protest should that owner be successful in that appeal.

Sec. 59. K.S.A. 82a-1425 is hereby amended to read as follows: 82a-1425. The board of county commissioners of any county may establish or participate in weather modification programs and, for the purpose of paying the costs thereof and to pay a portion of the principal and interest on bonds issued under the authority of K.S.A. 12-1774 and amendments thereto by cities located in the county, may levy a tax of not to exceed two mills upon the assessed tangible valuation of property in the county and expend the revenues for weather modification purposes except that counties having a population of more than 180,000 and not more than 220,000 and an assessed tangible valuation of more than \$350,000,000 and not more than \$365,000,000 shall be excluded. No such levy shall be made until a resolution authorizing the levy is adopted by the board of county commissioners and stating the specific purpose for which such levy is made, the amount of the proposed levy and the number of years that the levy will be made. Such resolution shall be published once each week for two consecutive weeks in the official county newspaper. After publication of the resolution, the levy may be made unless a petition requesting an election upon the proposition of whether to make the levy is filed in accordance with this section. Such petition shall be signed by electors equal in number to not less than 5% of the qualified electors of the county and shall be filed in the office of the county election officer within 60 days following the last publication of the resolution. If a valid petition is filed, no levy shall be made until the levy is approved by a majority of the electors of the county voting at an election called and held thereon within 90 days after the last publication of the resolution or at the next general election, if held within 90 days. Notice of the election shall be given and the election shall be called and held in the manner provided for by the provisions of K.S.A. 10-120 and amendments thereto. ~~Such tax levy shall be in addition to all other tax levies authorized or limited by law and shall not be subject to nor within the limitations upon the levy of taxes imposed by K.S.A. 79-5001 to 79-5016, inclusive, and amendments thereto.~~

The board of county commissioners may expend any other funds of the county available for any such purpose and, in addition, receive and expend any and all funds which may be offered or become available for any such purpose.

Sec. 60. K.S.A. 2-129i, 12-110b, 12-1680, 12-1688, 12-4803, 13-10, 13-14, 112, 19-101d, 19-436, 19-15, 142, 19-1930, 19-2122, 19-2651, 19-2698, 19-27, 156, 19-2881a, 19-28, 112, 19-3905, 19-4102, 19-4443, 19-4485, 20-356, 25-2201a, 27-322, 44-710e, 65-4060, 68-5, 100, 75-1122, 75-6110, 75-6113, 79-1482, 79-1607, 79-1946, 79-1947b, 79-2005, as amended by section 1 of 1990 Senate Bill No. 520, 79-5021, 79-5022, 79-5024, 79-5025, 79-5026, 79-5028, 79-5028a, 79-5032, 79-5035, 79-5036 and 82a-1425 and K.S.A. 1989 Supp. 2-162, 2-1318, 12-1257, 12-16, 102, 12-1933, 13-13a23, 13-13a26, 19-4606, 40-2305, 65-204, 65-3327, 65-6113, 71-301, as amended by section 2 of 1990 Senate Bill No. 607, 74-4920, 74-4967 and 74-5057 are hereby repealed.

Sec. 61. This act shall take effect and be in force from and after its publication in the Kansas register.

(Published in the Kansas Register, May 31, 1990.)

Senate Substitute for  
Substitute for HOUSE BILL No. 3065

AN ACT relating to public office and employment; establishing the Kansas select commission on ethical conduct and fixing the membership, authority and duties thereof; concerning the membership and executive director of the Kansas public disclosure commission; regulating the election of public officers and the financing of campaigns therefor; concerning governmental ethics in public office and employment; amending K.S.A. 21-3106, 25-901, 25-904, 25-4119a, 25-4119d, 25-4163, 46-257, 75-2973, 75-4303a, 75-4304, 75-4305 and 75-4306 and K.S.A. 1989 Supp. 25-4157a, 46-269 and 46-287 and repealing the existing sections; and also repealing K.S.A. 46-279, 75-4301 and 75-4302.

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

Section 1. (a) There is hereby created the Kansas select commission on ethical conduct. Such commission shall consist of 11 members selected as follows:

- (1) One member appointed by the governor;
- (2) one member appointed by the chief justice of the supreme court;
- (3) two members appointed by the president of the senate, one of whom shall be a member of the senate and one of whom shall be a person not a member of the legislature;
- (4) two members appointed by the minority leader of the senate, one of whom shall be a senator and one of whom shall be a person not a member of the legislature;
- (5) two members appointed by the speaker of the house of representatives, one of whom shall be a member of the house of representatives and one of whom shall be a person not a member of the legislature;
- (6) two members appointed by the minority leader of the house of representatives, one of whom shall be a member of the house of representatives and one of whom shall be a person not a member of the legislature; and
- (7) one member who shall be the secretary of state or a person designated or appointed by the secretary of state.

(b) Members of the commission shall be appointed for terms expiring upon the date of expiration of this act. Whenever a vacancy occurs in the membership of the commission, the officer appointing the member whose position became vacant shall appoint a person to fill such vacancy.

(c) The person appointed by the chief justice of the supreme court shall call the first meeting of the commission and shall serve as temporary chairperson of the commission until a chairperson is elected by the affirmative votes of a majority of the members of the commission. The first order of business at the first meeting of the commission shall be the election of a chairperson and vice-chairperson from the membership of the commission.

(d) The commission shall meet on the call of the chairperson or upon the request of six members of the commission. Six members of the commission shall constitute a quorum.

Sec. 2. The Kansas select commission on ethical conduct shall:

- (a) Study and review existing laws governing all aspects of governmental ethics including but not limited to conflicts of interest and public disclosure by public officers and employees;
- (b) study and review existing laws governing campaign finance;
- (c) study and review the need for additional laws prescribing ethical standards for members of the state legislature, constitutional

(continued)

officers, secretaries of executive departments appointed by the governor and members of state boards and commissions established by law;

(d) study and review the laws governing the legislature with the intention of preserving the concept of a part-time citizens legislature and the ability of citizens to serve therein;

(e) submit an interim report to the 1990 regular session of the legislature if the commission determines that any matter should be presented to the legislature prior to the filing of its final report and recommendations; and

(f) make a final report and recommendations concerning the amendment of existing laws and the passage of new laws or establishing new policies governing governmental ethics and campaign finance to the legislature on or before January 1, 1991.

Sec. 3. The staff of the legislative research department, the division of legislative administrative services and the office of the revisor of statutes shall provide such assistance as may be requested by the Kansas select commission and authorized by the legislative coordinating council.

Sec. 4. Members of the Kansas select commission attending meetings of the commission shall be paid compensation, subsistence allowances, mileage and other expenses as provided by K.S.A. 75-3223, and amendments thereto, upon vouchers approved by the chairperson of the commission. Expenditures for such purposes shall be paid from funds appropriated for legislative expenses.

Sec. 5. The provisions of sections 1 to 4 inclusive, of this act shall expire upon delivery of the final report of the commission.

Sec. 6. K.S.A. 25-4119a is hereby amended to read as follows: 25-4119a. (a) The governmental ethics commission created by this section prior to the effective date of this act and in existence in March, 1981 is hereby abolished, and there is hereby created the Kansas public disclosure commission, which shall be the successor in every respect to the powers, duties and functions of the governmental ethics commission so abolished. The Kansas public disclosure commission shall consist of ~~five~~ *nine* members of whom ~~one~~ *two* shall be appointed by the governor, one by the president of the senate, one by the speaker of the house of representatives, one by the minority leader of the house of representatives and, one by the minority leader of the senate, *one by the chief justice of the supreme court, one by the attorney general and one by the secretary of state.* The terms of such members shall be as follows: The ~~members first~~ *member* appointed by the governor, *serving on the effective date of this act and the members appointed by* the speaker of the house of representatives and, the president of the senate and the *chief justice of the supreme court shall serve until January 31, 1983 1991; and the additional member appointed by the governor and the members first* appointed by the minority leader of the house of representatives and, by the minority leader of the senate, *the attorney general and the secretary of state shall serve until January 31, 1982 1992. Not more than five members of the commission shall be members of the same political party and the two members appointed by the governor shall not be members of the same political party.*

(b) The terms of all subsequently appointed members shall be two years commencing on February 1 of the appropriate years. Vacancies occurring on the commission shall be filled for the unexpired term by the same appointing officer as made the original appointment. Members shall serve until their successors are appointed and qualified. The ~~member~~ *governor shall designate one of the members appointed by the governor shall* to be the chairperson of the commission. A majority vote of ~~three~~ *five* members of the commission shall be required for any action of the commission. The commission may adopt rules to govern its proceedings and may provide for such officers other than the chairperson as it may determine. The commission shall meet at least once each quarter, and also shall meet on call of its chairperson or any ~~two~~ *four* members of the commission. Members of the commission attending meetings of such commission, or attending a subcommittee meeting thereof authorized by such commission, shall be paid compensation, subsistence allowances, mileage and other expenses as provided in subsections (a) to (d), inclusive, of K.S.A. 75-3223 and amendments thereto. The commission ~~may~~ *shall* appoint an executive director who shall be in the unclassified service and receive compensation fixed by the commission, in accordance with appropriation acts of the legislature, subject

to approval by the governor. The commission may employ such other staff and attorneys as it determines, within amounts appropriated to the commission, all of whom shall be in the unclassified service and shall receive compensation fixed by the commission and not subject to approval by the governor.

(c) The Kansas public disclosure commission may adopt rules and regulations for the administration of the campaign finance act. Subject to K.S.A. 25-4178, rules and regulations adopted by the governmental ethics commission created prior to this act shall continue in force and effect and shall be deemed to be the rules and regulations of the commission created by this section of this enactment, until revised, amended, repealed or nullified pursuant to law. All rules and regulations of the commission shall be subject to the provisions of article 4 of chapter 77 of Kansas Statutes Annotated. The Kansas public disclosure commission shall continue to administer all of the acts administered by the governmental ethics commission to which it is successor.

(d) The commission shall submit an annual report and recommendations in relation to all acts administered by the commission to the governor and to the legislative coordinating council on or before December 1 of each year. The legislative coordinating council shall transmit such report and recommendations to the legislature.

(e) The provisions of the Kansas sunset law shall apply to the Kansas public disclosure commission and to the office of the executive director of the commission.

Sec. 7. K.S.A. 25-4119d is hereby amended to read as follows: 25-4119d. (a) *From and after the effective date of this act, no person shall be appointed to membership on the Kansas public disclosure commission who has within three years preceding the date of such appointment: (1) Held an elective state office; (2) held the office of secretary of any department of state government; (3) been a lobbyist as defined by K.S.A. 46-222 and amendments thereto; or (4) had a substantial interest in or been employed by or provided services under contract to any vendor of goods or services to the state of Kansas or any agency thereof.*

(b) While serving on the Kansas public disclosure commission created by K.S.A. 25-4119a, ~~as amended and any amendments thereto, no member shall be a candidate for state office;~~ *(1) Hold an elective state office; (2) serve as a chairperson or treasurer for any candidate or committee subject to the provisions of the campaign finance act or; (3) actively solicit contributions subject to the provisions of the campaign finance act; (4) hold the office of secretary of any department of state government; (5) be a lobbyist as defined by K.S.A. 46-222 and amendments thereto; or (6) hold a substantial interest in or be employed by or provide services under contract to any vendor of goods or services to the state of Kansas or any agency thereof.*

Sec. 8. K.S.A. 1989 Supp. 25-4157a is hereby amended to read as follows: 25-4157a. (a) Any unexpended balance of any candidate ~~on their final report~~ shall not be made available for the personal use of the candidate, except for legitimate campaign purposes or for expenses of holding political office.

(b) *For the purpose of this section, expenditures for "personal use" shall include expenditures to defray normal living expenses for the candidate or the candidate's family and expenditures for the personal benefit of the candidate having no direct connection with or effect upon the campaign of the candidate or the holding of public office.*

Sec. 9. K.S.A. 25-4163 is hereby amended to read as follows: 25-4163. (a) After a verified complaint alleging violation of a provision of the campaign finance act has been filed with the commission, the respondent shall be entitled to examine and make copies of all evidence in the possession of the commission relating to the complaint, including the transcript of the hearing, if any. If a hearing is to be held pursuant to K.S.A. 25-4161, the commission, before the hearing has commenced, shall issue subpoenas and subpoenas *duces tecum* at the request of any party. Any hearing held under K.S.A. 25-4161, may be conducted and held by a subcommittee of not less than ~~three~~ *five* members of the commission, of whom not more than a majority shall be of the same political party. Final determination of all complaints shall be made by the commission as a whole. The chairperson of the commission or other member presiding over the commission or the presiding member of any subcommittee of the

commission shall have the power to: (1) Administer oaths and affirmations; and (2) compel, by subpoena, the attendance of witnesses and the production of pertinent books, papers and documents. Witnesses shall be entitled to receive fees and mileage as provided by law for witnesses in civil actions, which shall be paid out of appropriations to the commission. Depositions may be taken and used in the same manner as in civil actions. Any person subpoenaed to appear and give testimony or to produce books, papers or documents, who fails or refuses to appear or to produce such books, papers or documents, or any person, having been sworn to testify, who refuses to answer any proper question, may be cited for contempt of the district court of Shawnee county, Kansas. The commission shall report to such court the facts relating to any such contempt. Thereupon proceedings before such court shall be had as in cases of other civil contempt.

(b) At every hearing held by the commission: (1) Oral evidence shall be taken only on oath or affirmation.

(2) Each party shall have the right to be represented by legal counsel, to call and examine witnesses, to introduce evidence and to cross-examine opposing witnesses.

(c) All hearings shall be open to the public.

New Sec. 10. No registered lobbyist or political committee shall make a contribution as defined by subsection (d) of K.S.A. 25-4143 and amendments thereto to any legislator, candidate for membership in the senate or house of representatives or candidate committee for any such legislator or candidate after January 1 and prior to May 15 of any year or at any other time in which the legislature is in session and no such legislator, candidate or committee shall accept any contribution as defined by subsection (d) of K.S.A. 25-4143 and amendments thereto from any registered lobbyist or political committee during such period.

Sec. 11. K.S.A. 46-257 is hereby amended to read as follows: 46-257. After a verified complaint alleging violation of any provision of this act has been filed with the commission, the respondent shall be entitled to examine and make copies of all evidence in the possession of the commission relating to the complaint, including the transcript of the hearing, if any. If a hearing is to be held pursuant to K.S.A. 46-256, the commission, before the hearing has commenced, shall issue subpoenas and subpoenas *duces tecum* at the request of any party. Any hearing held under K.S.A. 46-256 may be conducted and held by a subcommittee of not less than ~~three~~ (3) five members of the commission, of whom not more than a majority shall be of the same political party. Final determination of all complaints shall be made by the commission as a whole. The chairman of the commission or other member presiding over the commission or the presiding officer of any subcommittee of the commission shall have the power to: (a) Administer oaths and affirmations; and (b) compel, by subpoena, the attendance of witnesses and the production of pertinent books, papers and documents. Witnesses shall be entitled to receive fees and mileage as provided by law for witnesses in civil actions, which shall be paid out of appropriations to the commission. Depositions may be taken and used in the same manner as in civil actions. Any person subpoenaed to appear and give testimony or to produce books, papers or documents, who fails or refuses to appear or to produce such books, papers or documents, or any person, having been sworn to testify, who refuses to answer any proper question, may be cited for contempt of the district court of Shawnee county, Kansas. The commission shall report to such court the facts relating to any such contempt. Thereupon proceedings before such court shall be had as in cases of other civil contempt.

Sec. 12. K.S.A. 1989 Supp. 46-269 is hereby amended to read as follows: 46-269. Each report under K.S.A. 46-268, and amendments thereto, shall disclose the following: (a) The full name and address of each person who has paid compensation for lobbying to the lobbyist or has paid for expenses of lobbying by the lobbyist.

(b) The aggregate amount or value of all expenditures made, except for expenses of general office overhead, by the lobbyist or by the lobbyist's employer for or in direct relation to lobbying during the reporting period, if such expenditures exceed \$100. Individual expenditures of less than \$2 shall not be required to be reported under this subsection. Such expenditures shall be reported according to categories of expenditures established by rules and regulations of the Kansas public disclosure commission. With regard to expendi-

tures for entertainment or hospitality which is primarily food and beverages, only amounts expended on a state officer or employee or on such officer or employee's spouse shall be considered to be for or in direct relation to lobbying. Notwithstanding the requirements of this subsection and subsection (c), no lobbyist shall be responsible to report any expenditure by the lobbyist's employer of which such person has no knowledge.

(c) All gifts, honoraria or payments, of value in excess of \$20 by the lobbyist to any state officer or employee.

(d) Whenever an individual lobbyist contributes to a single special event, such lobbyist shall report only the aggregate amount or value of the expenditure contributed by such lobbyist.

(e) Whenever more than one lobbyist is employed by a single employer, the reports required by this section relating to such employer shall be made by only one such lobbyist and that lobbyist shall be the lobbyist who is most directly connected with the particular expenditure or gift, honoraria or payment. No expenditure or gift, honoraria or payment required to be reported by this section shall be reported by more than one lobbyist.

(f) Records in support of every report or statement filed shall be maintained and preserved by the lobbyist for a period of five years from the date of the filing of such report or statement and may be inspected under conditions determined by the commission.

Sec. 13. K.S.A. 1989 Supp. 46-287 is hereby amended to read as follows: 46-287. (a) No person shall publish or cause to be published in any newspaper or other periodical or cause to be distributed as an insert or flyer in any newspaper or periodical any paid advertisement promoting or opposing action or nonaction by the legislature on any legislative matter unless such advertisement is followed by the word "advertisement" or the abbreviation "adv." in a separate line, together with the name of the chairperson of the organization or other individual causing the advertisement to be published.

(b) No person shall broadcast or cause to be broadcast by any radio or television station any paid advertisement promoting or opposing action or nonaction by the legislature on any legislative matter unless such advertisement is followed by a statement that the preceding was an advertisement, together with the name of the chairperson of the organization or other individual causing the advertisement to be broadcast.

(c) Violation of this section is a class C misdemeanor.

(d) The provisions of this section shall be subject to interpretation and enforcement in the manner provided by K.S.A. 46-254 through 46-263, and amendments thereto, and the commission shall have the powers and duties provided by such sections with respect to interpretation and enforcement of this section.

(e) Terms used in this section have the meanings provided by K.S.A. 46-216 through 46-231, and amendments thereto.

New Sec. 14. As used in sections 15 through 19 of this act:

(a) "Substantial interest" means any of the following: (1) If an individual or an individual's spouse, either individually or collectively, has owned within the preceding 12 months a legal or equitable interest exceeding \$5,000 or 5% of any business, whichever is less, the individual has a substantial interest in that business.

(2) If an individual or an individual's spouse, either individually or collectively, has received during the preceding calendar year compensation which is or will be required to be included as taxable income on federal income tax returns of the individual and spouse in an aggregate amount of \$2,000 from any business or combination of businesses, the individual has a substantial interest in that business or combination of businesses.

(3) If an individual or an individual's spouse, either individually or collectively, has received in the preceding 12 months, without reasonable and valuable consideration, goods or services having an aggregate value of \$500 or more from a business or combination of businesses, the individual has a substantial interest in that business or combination of businesses.

(4) If an individual or an individual's spouse holds the position of officer, director, associate, partner or proprietor of any business, the individual has a substantial interest in that business, irrespective of the amount of compensation received by the individual or individual's spouse.

(continued)



(5) If an individual or an individual's spouse receives compensation which is a portion or percentage of each separate fee or commission paid to a business or combination of businesses, the individual has a substantial interest in any client or customer who pays fees or commissions to the business or combination of businesses from which fees or commissions the individual or the individual's spouse, either individually or collectively, received an aggregate of \$2,000 or more in the preceding calendar year.

As used in this subsection, "client or customer" means a business or combination of businesses.

(b) "Business" means any corporation, association, partnership, proprietorship, trust, joint venture, and every other business interest, including ownership or use of land for income.

(c) "Local governmental employee" means any employee of any governmental subdivision or any of its agencies.

(d) "Local governmental officer" means any elected or appointed officer of any governmental subdivision or any of its agencies.

(e) "Candidate for local office" means any candidate for nomination or election to any elective office of a governmental subdivision.

(f) "Governmental subdivision" means any city, county, township, school district, drainage district or other governmental subdivision of the state having authority to receive or hold public moneys or funds.

(g) "Contracts" means agreements including but not limited to sales and conveyances of real and personal property and agreements for the performance of services.

(h) "Acts" means the exercise of power or authority or performance of any duty incident to public office or employment.

(i) "Compensation" means any money, thing of value or economic benefit conferred on, or received by, any person in return for services rendered, or to be rendered, by that person or another.

(j) "Preceding calendar year" has its usual meaning, except that in the case of candidates and individuals newly appointed to office or employment, it means the 12 months immediately preceding a required filing date.

New Sec. 15. (a) The statement of substantial interests shall include all substantial interests of the individual making the statement.

(b) Statements of substantial interests shall be filed by the following individuals at the times specified:

(1) By a candidate for local office who becomes a candidate on or before the filing deadline for the office, not later than 10 days after the filing deadline, unless before that time the candidacy is officially declined or rejected.

(2) By a candidate for local office who becomes a candidate after the filing deadline for the office, within five days of becoming a candidate, unless within that period the candidacy is officially declined or rejected.

(3) By an individual appointed on or before April 30 of any year to fill a vacancy in an elective office of a governmental subdivision, between April 15 and April 30, inclusive, of that year.

(4) By an individual appointed after April 30 of any year to fill a vacancy in an elective office of a governmental subdivision, within 15 days after the appointment.

(5) By any individual holding an elective office of a governmental subdivision, between April 15 and April 30, inclusive, of any year if, during the preceding calendar year, any change occurred in the individual's substantial interests.

(c) The statement of substantial interests required to be filed pursuant to this section shall be filed in the office where declarations of candidacy for the local governmental office sought or held by the individual are required to be filed.

(d) The Kansas governmental ethics commission shall adopt rules and regulations prescribing the form and the manner for filing the disclosures of substantial interests required by law. The commission shall provide samples of the form of the statement to each county election officer.

Sec. 16. K.S.A. 75-4303a is hereby amended to read as follows: 75-4303a. (a) The Kansas public disclosure commission shall render advisory opinions on the interpretation or application of the general conflict of interests law, as contained in K.S.A. 75-4301 to 75-4306, inclusive, and amendments thereto. Such sections 14 through 19 of this act. The opinions shall be rendered after receipt of a written request therefor by a public local governmental officer or employee or by any person who has filed as a candidate for

elective public local office. Any person who requests and receives such an advisory opinion, and who acts in accordance with the provisions thereof, shall be presumed to have complied with the provisions of the general conflict of interests law. A copy of any advisory opinion rendered by the commission shall be filed by it in the office of the secretary of state, and any opinion so filed shall be open to public inspection. All requests for advisory opinions shall be directed to the secretary of state who shall notify the commission thereof.

(b) The Kansas public disclosure commission shall administer the act of which this section is a part and sections 14 through 19 of this act and may adopt rules and regulations therefor.

Sec. 17. K.S.A. 75-4304 is hereby amended to read as follows: 75-4304. (a) No public officer or employee shall in his or her capacity as such local governmental officer or employee shall, in the capacity of such an officer or employee, make or participate in the making of a contract with any person or business by which he or she the officer or employee is employed or in whose business he or she the officer or employee has a substantial interest, and no such.

(b) No person or business shall enter into any contract where any public local governmental officer or employee, acting in such that capacity, is a signatory to or a participant in the making of such the contract and is employed by or has a substantial interest in such the person or business.

(c) A public local governmental officer or employee does not make or participate in the making of a contract if he or she the officer or employee abstains from any action in regard to the contract.

(d) This section shall not apply to the following:

(1) Contracts let after competitive bidding has been advertised for by published notice; and

(2) Contracts for property or services for which the price or rate is fixed by law.

(b) (e) Any public local governmental officer or employee who is convicted of violating this section shall forfeit his or her the office or employment.

Sec. 18. K.S.A. 75-4305 is hereby amended to read as follows: 75-4305. (a) Any public local governmental officer or employee who has not filed a disclosure of substantial interests and who, while acting in his or her official capacity, shall pass upon any matter which will affect any business in which such officer or employee shall hold a substantial interest, shall, before he or she acts upon such matter shall, before acting upon any matter which will affect any business in which the officer or employee has a substantial interest, file a written report of the nature of said the interest with the office of the secretary of state, if such person is a state officer or employee, or if such person is an officer or employee of a municipal or quasi-municipal corporation, with the county clerk county election officer of the county in which is located all or the largest geographical part of such municipal or quasi-municipal corporation is located the officer's or employee's governmental subdivision.

(b) A public local governmental officer or employee does not pass or act upon any matter if he or she the officer or employee abstains from any action in regard to the matter.

Sec. 19. K.S.A. 75-4306 is hereby amended to read as follows: 75-4306. (a) Any person who violates any provision of section 3 or 4 of this act, and any person who fails Violation of K.S.A. 75-4304 or 75-4305, and amendments thereto, or failure to make any disclosure of substantial interest interests required by law shall be guilty of a class A section 16 of this act is a class B misdemeanor.

(b) If any clause, paragraph, subsection or section of this act shall be held invalid or unconstitutional it shall be conclusively presumed that the legislature would have enacted the remainder of this act without such the invalid or unconstitutional clause, paragraph, subsection or section.

Sec. 20. K.S.A. 21-3106 is hereby amended to read as follows: 21-3106. (1) A prosecution for murder may be commenced at any time.

(2) Except as provided by subsection (4), a prosecution for any of the following crimes must be commenced within five years after its commission if the victim is less than 16 years of age: (a) Indecent liberties with a child as defined in K.S.A. 21-3503 and amendments



thereto; (b) aggravated indecent liberties with a child as defined in K.S.A. 21-3504 and amendments thereto; (c) aggravated criminal sodomy as defined in K.S.A. 21-3506 and amendments thereto; (d) enticement of a child as defined in K.S.A. 21-3509 and amendments thereto; (e) indecent solicitation of a child as defined in K.S.A. 21-3510 and amendments thereto; (f) aggravated indecent solicitation of a child as defined in K.S.A. 21-3511 and amendments thereto; (g) sexual exploitation of a child as defined in K.S.A. 21-3516 and amendments thereto; or (h) aggravated incest as defined in K.S.A. 21-3603 and amendments thereto.

(3) Except as provided by subsection (4), a prosecution for any ~~other~~ crime ~~not governed by subsections (1) and (2)~~ must be commenced within two years after it is committed.

(4) The period within which a prosecution must be commenced shall not include any period in which:

- (a) The accused is absent from the state;
- (b) the accused is concealed within the state so that process cannot be served upon the accused;
- (c) the fact of the crime is concealed; or
- (d) a prosecution is pending against the defendant for the same conduct, even if the indictment or information which commences the prosecution is quashed or the proceedings thereon are set aside, or are reversed on appeal.

(e) *an administrative agency is restrained by court order from investigating or otherwise proceeding on a matter before it as to any criminal conduct defined as a violation of any of the provisions of article 41 of chapter 25 and article 2 of chapter 46 of the Kansas Statutes Annotated which may be discovered as a result thereof regardless of who obtains the order of restraint.*

(5) An offense is committed either when every element occurs, or, if a legislative purpose to prohibit a continuing offense plainly appears, at the time when the course of conduct or the defendant's complicity therein is terminated. Time starts to run on the day after the offense is committed.

(6) A prosecution is commenced when a complaint or information is filed, or an indictment returned, and a warrant thereon is delivered to the sheriff or other officer for execution. No such prosecution shall be deemed to have been commenced if the warrant so-issued is not executed without unreasonable delay.

Sec. 21. K.S.A. 25-901 is hereby amended to read as follows: 25-901. Every committee, club, organization, municipality or association designed to promote or engaged in promoting the success or defeat of any party or the election or defeat of any candidate or candidates for any city, *of the second and third class, unified school district, community junior college, or township or county office,* or the adoption or defeat of any question submitted at any city, *of the second and third class, unified school district, community junior college, or township or county election,* shall have a treasurer, and shall cause to be kept a detailed account of all moneys or property or other thing of value received by it, and of the manner in which the same shall be expended; and shall file annually with the county election officer of the county in which such committee, club, organization or association has its headquarters a statement of all its receipts and expenditures, showing in detail from whom ~~said such~~ moneys or property or other thing of value were received, to whom ~~said such~~ moneys or property or other thing of value were paid, for what specific purposes each payment was made, and the exact nature of the service rendered in consideration thereof.

The annual statement herein required shall be filed on or before December 31, such statement shall cover the period ending on December 1 immediately preceding. The accounts of the state committee of each political party shall be audited annually by a certified public accountant and a copy of the audit filed with the secretary of state.

This section and K.S.A. 25-905 shall not be construed to require any committee, club, organization, municipality or association which is subject to the campaign finance act (K.S.A. 25-4101 *et seq.*) to file the report previously required to be filed on or before December 31, 1974, covering the period ending December 1, 1974.

Sec. 22. K.S.A. 25-904 is hereby amended to read as follows: 25-904. It shall be the duty of every candidate for nomination or for election to any city, *of the second and third class, unified school district, community junior college, or township or county office,*

within ~~thirty (30)~~ 30 days after each primary, general or special election, to file with the county election officer an itemized statement under oath *stating the name and address of each person who has made any contribution in excess of \$50 during the election period together with the amount and date of such contributions and an itemized statement of all expenditures made by such candidate or obligations contracted or incurred by him or her such candidate in connection with each primary, general or special election.* If no expenditures are made and no obligations are contracted or incurred by a candidate, the candidate shall file with the county election officer a statement to that effect.

Sec. 23. K.S.A. 75-2973 is hereby amended to read as follows: 75-2973. (a) No supervisor or appointing authority of any state agency shall prohibit any employee of the agency ~~who is in the classified service under the Kansas civil service act~~ from discussing the operations of the agency, either specifically or generally, with any member of the legislature.

(b) No supervisor or appointing authority of any state agency shall:

(1) Prohibit any employee of the agency ~~who is in the classified service under the Kansas civil service act~~ from reporting any violation of state or federal law or rules and regulations to any person, agency or organization; or

(2) require any such employee to give notice to the supervisor or appointing authority prior to making any such report.

(c) This section shall not be construed as:

(1) Prohibiting a supervisor or appointing authority from requiring that an employee inform the supervisor or appointing authority as to legislative requests for information to the agency or the substance of testimony made, or to be made, by the employee to legislators on behalf of the agency;

(2) permitting an employee to leave the employee's assigned work areas during normal work hours without following applicable rules and regulations and policies pertaining to leaves, unless the employee is requested by a legislator or legislative committee to appear before a legislative committee;

(3) authorizing an employee to represent the employee's personal opinions as the opinions of a state agency; or

(4) prohibiting disciplinary action of an employee who discloses information which: (A) The employee knows to be false or which the employee discloses with reckless disregard for its truth or falsity, (B) the employee knows to be exempt from required disclosure under the open records act or (C) is confidential under any other provision of law.

(d) Any officer or employee who is in the classified service and has permanent status under the Kansas civil service act may appeal to the state civil service board whenever the officer or employee alleges that disciplinary action was taken against the officer or employee in violation of this act or in any court of law or administrative hearing. The appeal shall be filed within 30 days of the alleged disciplinary action. Procedures governing the appeal shall be in accordance with subsections (f) and (g) of K.S.A. 75-2949 and amendments thereto and K.S.A. 75-2929d through 75-2929g and amendments thereto. If the board finds that disciplinary action taken was unreasonable, the board shall modify or reverse the agency's action and order such relief for the employee as the board considers appropriate. If the board finds a violation of this act, it may require as a penalty that the violator be suspended on leave without pay for not more than 30 days or, in cases of willful or repeated violations, may require that the violator forfeit the violator's position as a state officer or employee and disqualify the violator for appointment to or employment as a state officer or employee for a period of not more than two years. The decision of the board in such cases may be appealed by any party pursuant to law.

(e) Each state agency shall prominently post a copy of this act in locations where it can reasonably be expected to come to the attention of all employees of the agency.

(f) As used in this section "disciplinary action" means any dismissal, demotion, transfer, reassignment, suspension, reprimand, warning of possible dismissal or withholding of work.

(g) Any officer or employee who is in the unclassified service who alleges that disciplinary action has been taken against such officer or employee in violation of this section may bring a civil

(continued)

action for appropriate injunctive relief, or actual damages, or both within 90 days after the occurrence of the alleged violation. A court, in rendering a judgment in an action brought pursuant to this act, shall order, as the court considers appropriate, reinstatement of the officer or employee, the payment of back wages, full reinstatement of fringe benefits and seniority rights, actual damages, or any combination of these remedies. A court may also award such officer or employee all or a portion of the costs of litigation, including reasonable attorney fees and witness fees.

Sec. 24. K.S.A. 21-3106, 25-901, 25-904, 25-4119a, 25-4119d, 25-4163, 46-237, 46-257, 46-279, 75-2973, 75-4301, 75-4302, 75-4303a, 75-4304, 75-4305 and 75-4306 and K.S.A. 1989 Supp. 25-4157a, 46-269, and 46-287 are hereby repealed.

Sec. 25. This act shall take effect and be in force from and after its publication in the Kansas register.

(Published in the Kansas Register, May 31, 1990.)

#### HOUSE BILL No. 2797

AN ACT concerning certain state property; relating to lease of certain real estate held for correctional institutions; exchange of real property and improvements thereon in Reno county and lease, grant and retention of easements and interests; transfer of real property to city of Topeka, Kansas, for use as fire station; lease of certain property at Rainbow mental health facility; authorizing conveyance of certain real estate located in Leavenworth county; amending K.S.A. 76-176 and repealing the existing section.

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

Section 1. K.S.A. 76-176 is hereby amended to read as follows: 76-176. (a) The secretary of administration is hereby authorized to sell and convey or lease in the manner hereinafter provided the following real estate, or any part thereof, title to which is vested in the state of Kansas and which is held for the use and benefit of a correctional institution, as the same is defined by K.S.A. 75-5202 and amendments thereto, whenever the secretary of corrections shall find and determine that such real estate, or any part thereof, is no longer required for the use or benefit of such institution and the sale and conveyance or lease thereof is in the best interests of the state of Kansas.

(b) The secretary of administration is hereby authorized to sell and convey or lease the following described real estate, or any part thereof, held for the use and benefit of the state industrial reformatory Hutchinson correctional facility:

All of the east one-half of section 19, township 23 south, range 5 west of the 6th P.M. in Reno county, Kansas.

(c) The secretary of administration is hereby authorized to lease real estate title to which is vested in the state of Kansas and which is held for the use and benefit of correctional institutions and which real estate is utilized for agricultural purposes for a period of not to exceed three years, except that the secretary may lease to the city of Lansing, Kansas, for a period of not to exceed fifteen years five years, and such additional periods, not in excess of five years each, as the secretary determines appropriate, the following described property for use by such city as a public park: A tract of 93.63 acres, more or less, held for the use and benefit of the Kansas state penitentiary Lansing correctional facility and located in section 30, township 9, range 23 east of the 6th P.M. in Leavenworth county, Kansas. Such lease shall contain a provision reserving to the state of Kansas the right to the use of such property for use by the Kansas state penitentiary Lansing correctional facility.

(d) The secretary of administration is hereby authorized to lease to the city of Lansing, Kansas, for a period of not to exceed ninety-nine 99 years, the following described property for use by such city for the construction and operation of a wastewater treatment facility: A tract of 14.0 acres, more or less, held for the use and benefit of the Kansas state penitentiary Lansing correctional facility and located in section 19, township 9 south, range 23 east of the 6th P.M. in Leavenworth county, Kansas, plus necessary acreage for interceptor sewer lines, a more complete legal description of said tract to be contained in the lease agreement. Such lease shall contain a provision granting the city of Lansing all necessary easements for the construction and maintenance of interceptor sewer lines, and shall further provide for continuous use of said such sewer system by the state of Kansas correctional facilities institutions for the duration of and in accordance with the terms of said the lease.

(e) The secretary of administration is hereby authorized to lease real estate, title to which is vested in the state of Kansas and which is held for the use and benefit of Kansas state penitentiary, to the Lansing historical society, inc. for the location and development of a railroad depot as a public museum: The specific site of the lease shall be subject to the approval of the secretary of corrections and shall be consistent with the current and future needs of the department of corrections.

New Sec. 2. (a) The secretary of state is hereby authorized and directed to cause to be conveyed by quitclaim deed, without consideration, to the American Heart Association, Kansas Affiliate, Inc., any title of the state of Kansas in the following described land located in Leavenworth county: All that part of Stiger's Island in the Missouri River which lies North of a line extended due East from the Northeast Corner of the Delaware Townsite in Leavenworth County, Kansas; the same being a part of the accretions to Lot One (1), in Section 8, Township 9 South, Range 23 East of the Sixth Principal Meridian; Lots 4, 5, and 6, and accretions thereto, in Section 17, Township 9 South, Range 23 East of the Sixth Principal Meridian; and lots 1, 2, and 3, and accretions thereto, in Section 16, Township 9 South, Range 23 East of the Sixth Principal Meridian; A tract of land lying partly in the East One-Half (E 1/2) of Section 7, Township 9 South, Range 23 East and partly in the West One-Half (W 1/2) of Section 8, Township 9 South, Range 23 East of the Sixth Principal Meridian, more fully described as follows: Beginning at the intersection of the East Right-of-way Line of the Missouri Pacific Railroad and the South Line of Section 7, Township 9 South, Range 23 East, said point being South 89°51'27" East a distance of 2540.58 feet from the South Quarter (S 1/4) Corner of said Section 7; thence South 89°51'27" East a distance of 365.75 feet; thence North 03°57'33" East a distance of 721.50 feet; thence North 15°21'43" East a distance of 1072.60 feet; thence North 46°08'48" East a distance of 368.00 feet to a point 6 feet Westerly from the West bank of the Missouri River; thence North 61°10'12" West, along bank of river, a distance of 580.54 feet; thence North 56°01'52" West, along bank of river, a distance of 1165.19 feet; thence North 48°11'57" West, along bank of river, a distance of 1123.15 feet; thence North 42°52'12" West, along bank of river, a distance of 548.67 feet; thence North 48°17'12" West, along bank of river, a distance of 205.35 feet; thence North 45°02'31" West, along bank of river, a distance of 183.82 feet to a point, which is the intersection of the East Right-of-way Line of the Missouri Pacific Railroad and the West bank of the Missouri River; thence Southeasterly along the East Right-of-way Line of the Missouri Pacific Railroad and parallel to the Center Line, a distance of 4825.40 feet, more or less, to the place of beginning; and all that part of the Southwest Fractional Quarter (SW Fr. 1/4) West of the Missouri River of Section 17, Township 9 South, Range 23 East of the Sixth Principal Meridian, also designated as Lot 1 and Lot 2; and the accretions to the above described Government lots lying in Sections 8, 16, 17, 20, 21 and 22, Township 9 South, Range 23 East of the Sixth Principal Meridian; less R.R. Right-of-way, and less the following described tracts of land in the Southwest Quarter (SW 1/4) of Section Seventeen (17), Township Nine (9) South, Range Twenty-Three (23) East, more fully described as follows: Beginning at a point 28.27 feet South 89°44'16" East from the Southwest Corner of said Southwest Quarter (SW 1/4); thence North 00°50'51" East a distance of 606.50 feet along the Easterly right-of-way of Highway K-5 to a point that intersects the Southerly right-of-way of the Union Pacific Railroad; thence in a Northeasterly direction 718.27 feet along said right-of-way to the Center Line of existing creek; thence North 56°05'11" East a distance of 474.21 feet along the creek line; thence South 69°27'03" East a distance of 195.21 feet along creek line to the Westerly right-of-way of the Missouri Pacific Railroad; thence South 19°50'50" East a distance of 1450.99 feet along said right-of-way to the South Line of said Southwest Quarter (SW 1/4); thence North 89°44'16" West a distance of 1536 feet along South Line to the Point of Beginning, containing 34.54 Acres, more or less; and less, a tract of land in the Southwest Quarter (SW 1/4) of Section 17, Township 9 South, Range 23 East of the Sixth Principal Meridian, more fully described as follows: Commencing at the Southwest Corner of said Section 17; thence North 00°45'24" East, along the West Line of said Southwest Quarter (SW 1/4) a distance of 606.50 feet to the Point of beginning; thence North 00°45'24" East along the West Line of said Southwest Quarter (SW 1/4) a distance of 2075.01 feet to the

Northwest Corner of said Southwest Quarter (SW 1/4); thence South 89°39'38" East, along the North Line of said Southwest Quarter (SW 1/4) a distance of 588.21 feet to a point on the Westerly Right-of-way Line of the Union Pacific Railroad; thence South 19°05'15" East, along said Westerly Right-of-way Line a distance of 1370.00 feet; thence North 69°27'03" West a distance of 195.12 feet; thence South 56°05'11" West a distance of 474.21 feet; thence South 38°16'33" East a distance of 739.35 feet to the Northwesterly Corner of the tract as described in Book 525, at Page 299; thence South 89°43'58" West a distance of 29.40 feet to the Point of Beginning, containing 30.40 Acres, more or less, less that part used for public roads; and less, block One (1) Rodenhous Subdivision of a part of the East One-half (E 1/2) of the Southeast Quarter (SE 1/4) of Section 18, Township 9 South, Range 23 East of the Sixth Principal Meridian, being all that part of "Stiger's (Delaware) Island" lying North of the North line of property owned by the Kansas State Penitentiary as established by surveys dated 1925 and 1965 and all that part of said "Stiger's (Delaware) Island" lying East of the Missouri Pacific Railroad right of way in the Southwest 1/4 of Section 17, Township 9 South, Range 23 East and East of the Missouri Pacific Railroad right of way in the East 1/2 of Section 7, Township 9 South, Range 23 East and East of property owned by Mt. Muncie Cemetery and being East of the Missouri Pacific Railroad right of way in the Northwest 1/4 of Section 17, Township 9, Range 23, the East line of said Mt. Muncie Cemetery being more fully defined in Book 525, Page 291, and intending to describe all of the farm lands situated in Township 9 South, Range 23 East owned by the American Heart Association, Kansas Affiliate, Inc.

(b) Nothing in this section shall authorize conveyance of title to any real property other than property which the state has acquired only by reason of ownership of the abandoned channel of the Missouri river.

New Sec. 3. (a) The secretary of corrections, for and on behalf of the state of Kansas, is hereby authorized to exchange and grant easements and to lease mineral rights in and on the boundaries of certain real property described in subsection (b) to Cargill Incorporated in consideration for which Cargill Incorporated is hereby authorized to exchange and convey (while retaining certain mineral rights and the rights to use brine wells for brine disposal) certain real property and improvements thereon described in subsection (c) to the state of Kansas. The parties to such exchanges, conveyances, leases and grants may negotiate and grant or convey easements, mineral leases or other rights in real property as provided under this section. The exchange and conveyance of easements, mineral and other rights in real property and improvements thereon by the secretary of corrections 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 with certain rights retained from Cargill Incorporated to the real property described in subsection (c). Before lease, exchange and conveyance of such property and property rights is entered into under this section, an agreement shall be reached by the parties concerning the following: The time that possession is to be given to the other party, the extent, nature and locations of easements to be granted or retained as a part of the agreement, whether mineral rights or other rights are to be retained by either party, the terms of any mineral lease to be granted and conveyed and other special conditions or particular matters, if any. Such agreements shall be made in writing. The exchange and conveyance of real property and improvements thereon and the granting and conveying of easements, mineral leases and the retention of mineral rights and any other agreements authorized under this section shall be made only upon approval of the state finance council, acting on this matter which is hereby characterized as a matter of legislative delegation and subject to the guidelines prescribed in subsection (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, easements, leases and mineral rights retained and other rights affected are exchanged and conveyed, the attorney general shall approve the contractual instruments and other instruments of agreement and conveyance of the secretary of corrections, to Cargill Incorporated, and the instruments of conveyance and retention of rights of Cargill Incorporated to the secretary of corrections and shall approve the title to the real property and improvements thereon exchanged and conveyed by Cargill Incorporated.

Such contractual instruments and other instruments of agreement shall include a provision whereby Cargill Incorporated agrees to defend and save harmless the secretary of corrections and the state of Kansas from any and all liability which may at any time arise from damage to property or the environment arising from any accident or other cause whatsoever in relation to the properties described in subsection (b) or (c), and the provisions described in this sentence shall likewise be subject to approval of the attorney general.

(b) In accordance with the provisions of this section, the secretary of corrections is hereby authorized to exchange and grant easements for two brine lines and one gas line along boundaries of and upon state-owned property located west of K-61 highway, east of Severance, south of avenue "G" and north of Blanchard; and to grant and convey the mineral rights and easements to drill and operate equipment on the following described property together with the right to drill a hole from state-owned property to property owned by Cargill Incorporated. The following is the state-owned property subject to such granting and conveying of mineral rights, easements and other rights: A tract beginning at the northeast corner of the northwest quarter of section 19, township 23 south, range 5 west of 6th P.M., in Reno county, Kansas; thence west 500 feet along the north line of said quarter; thence south parallel to the east line of said quarter 1,000 feet; thence east parallel with the north line of said quarter 500 feet to the east line of said quarter; thence north along the east line to the point of beginning, containing 9 acres, more or less.

(c) In accordance with the provisions of this section, the secretary of corrections is hereby authorized to accept title on behalf of the state of Kansas to the following described real property conveyed (with mineral rights and other rights being retained) at the time agreed upon to the state of Kansas by Cargill Incorporated: A tract of land located in the southwest quarter of section 19, township 23 south, range 5 west of the 6th P.M., in Reno county, Kansas, more particularly described as follows: Commencing at the center quarter corner of said section 19; thence along the east line of the southwest quarter of said section 19 S. 0°16'48" E. 265.00 feet to the point of beginning; thence S. 89°43'12" W. 700.00 feet; thence S. 41°31'49" W. 75.00 feet; thence parallel to and 750.00 feet perpendicular from the east line of the southwest quarter of said section 19 S. 0°16'48" E. 1433.20 feet; thence S. 42°05'24" E. 75.00 feet; thence N. 89°43'12" E. 700.00 feet to a point on the east line of the southwest quarter of said section 19, said point being 818.96 feet N. 0°16'48" W. of the south quarter corner of said section 19; thence along the east line of the southwest quarter of said section 19 N. 0°16'48" W. 1545.00 feet to the point of beginning, containing 26.54 acres (1.77 acres existing road right-of-way).

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

New Sec. 4. (a) The secretary of corrections shall convey to the city of Topeka, Kansas, the following described state property located in the city of Topeka, Shawnee county, Kansas, described as follows:

A tract of land located in the Northwest Quarter of Section 3, Township 12 South, Range 16 East of the 6th P.M., more particularly described as follows: Beginning at a point that is 40 feet South of and 30 feet West of the Northeast corner of said Northwest Quarter Section; thence South 230 feet along the West right-of-way line of Rice Road; thence West at right angles, 230 feet; thence North 230 feet to the South right-of-way line of East Sixth Avenue; thence East 230 feet to the point of beginning. The above described tract contains 1.21 acres, more or less and is subject to all restrictions, reservations, easements, and covenants of record, if any.

(b) Such land shall be used for construction and operation of a fire station operated by the city of Topeka, Kansas.

(c) The deed conveying the above-described land shall be approved by the attorney general and shall be executed by the secretary of corrections. Such deed shall provide that in the event the above-described land shall cease to be used by the city of Topeka, Kansas for the purposes prescribed by subsection (b), then all right, title and interest in such land shall revert to the state of Kansas.

(continued)

New Sec. 5. (a) Subject to the approval of the state board of regents, for and on behalf of the university of Kansas school of medicine, the secretary of social and rehabilitation services, with or without receiving direct monetary consideration therefor, may enter into a lease agreement with the substance abuse center of eastern Kansas, inc. for not to exceed 40 years in duration to lease for the purposes of the establishment and operation of a substance abuse treatment center by the substance abuse center of eastern Kansas, inc., and for related functions, together with such other restrictions as to use as the secretary deems necessary, a part of the property known as the "Rainbow mental health facility," described as follows: The North 450 feet of the West 350 feet, excluding that part used for a monument identification sign, of a tract of land in the Southeast Quarter of Section 27 and the Southwest Quarter of Section 26, Township 11, Range 25, Kansas City (formerly City of Rosedale), Wyandotte County, Kansas, such tract of land being more particularly described as follows: Beginning at a point in the West line of the Southwest Quarter of Section 26; said point being 1,978.79 feet South and 12.12 feet West by coordinate from the Northwest corner of the Southwest Quarter of said Section 26; thence North 48°24'39" East, 6.72 feet; thence Northeasterly on a curve to the left, having a radius of 330.0 feet; an arc distance of 42.58 feet; thence North 43°44'59" East, tangent to the last described curve, 458.10 feet; thence North and Easterly on a curve to the right, tangent to the last described course, having a radius of 370.0 feet, an arc distance of 298.37 feet; thence North 89°57'12" East, tangent to the last described curve, 32.68 feet to a point in the West line of Eaton Street as now established; said point being 1,500.46 feet South and 640.68 feet East by coordinate from the Northwest corner of the Southwest Quarter of said Section 26; thence Southerly along the West line of Eaton Street as now established, on a curve to the left, having a radius of 1,457.50 feet, an arc distance of 297.65 feet; thence continuing South 0°04'51" West along the West line of Eaton Street, tangent to the last described curve, 840.22 feet to a point in the South line of the Southwest Quarter of said Section 26; thence South 89°52'04" West along said South line of the Southwest Quarter of Section 26, 624.95 feet to the Southwest corner of said Section 26; thence continuing North 89°47'33" West along the South line of the Southeast Quarter of Section 27, 157.04 feet to a point in the East line of Rainbow Boulevard as now established; said point being 2,637.11 feet South and 173.20 feet West by coordinate from the Northeast corner of the Southeast Quarter of said Section 27; thence North 34°16'36" West along the East line of said Rainbow Boulevard as now established 107.63 feet; thence Northerly along the East line of said Rainbow Boulevard on a curve to the right, tangent to the last described course, having a radius of 470.0 feet, an arc distance of 284.05 feet; thence continuing North 0°21'04" East along the East line of said Rainbow Boulevard tangent to the last described curve, 223.43 feet; thence South 89°53'40" East, 99.31 feet; thence Easterly on a curve to the left, tangent to the last described course, having a radius of 340.0 feet, an arc distance of 163.21 feet; thence North 48°24'39" East, 60.91 feet to a point in the East line of the Southeast Quarter of said Section 27 and the point of beginning. The leased property shall be subject to all applicable easements, rights of entry and restrictions of record.

(b) The lease shall specify the purposes for which the leased property may be used, including any restrictions upon the use of such property, and in the event such property shall cease to be used for such purposes or the restrictions specified upon the use of such property are violated, the lease shall terminate and the possession of the property shall immediately revert to the state of Kansas. The lease shall be signed by the secretary of social and rehabilitation services and approved by the attorney general as to form and legality.

(c) The lease entered into pursuant to the provisions of this section shall be renewable at the end of the term of the lease or may be deemed canceled at the end of the term of the lease at the instance of either of the parties thereto. Upon the termination of the lease, all buildings and other improvements on the real estate under such lease shall become the property of the state of Kansas.

(d) The lease authorized by this section shall not be entered into until after the proposed lease and the terms thereof have been presented to the joint committee on state building construction and in no event shall such lease be entered into before July 1, 1991.

Sec. 6. K.S.A. 76-176 is 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 31, 1990.)

#### SENATE BILL No. 697

AN ACT concerning cities and counties; relating to unpaid property taxes.

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

Section 1. (a) The board of county commissioners of Ness county, by the adoption of a resolution, may forgive the interest and any penalty on any unpaid property taxes assessed against property owned by the city of Bazine, Kansas.

(b) The provisions of this section shall expire on January 1, 1991.

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 31, 1990.)

#### HOUSE BILL No. 2725

AN ACT relating to public office and employment; concerning the election of public officers and the financing of campaigns therefor; regulating the acceptance of gifts and favors by public officers and employees; amending K.S.A. 25-904, 25-4144, 25-4145, 25-4146, 25-4149, 25-4150, 25-4152, 25-4156, 25-4157, 25-4158, 25-4172, 25-4175 and 46-237 and K.S.A. 1989 Supp. 25-4143, 25-4148, 25-4153, 25-4173 and 44-714 and repealing the existing sections.

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

Section 1. K.S.A. 25-4144 is hereby amended to read as follows: 25-4144. Not later than 10 days after becoming a candidate, every candidate shall appoint a treasurer or in lieu thereof shall appoint a candidate committee. ~~A candidate may appoint the person who is such candidate as treasurer. The treasurer so appointed may be the candidate making such appointment.~~ No candidate shall appoint more than one candidate committee to exist at the same time. If a candidate appoints a candidate committee, such candidate shall appoint a chairperson and a treasurer thereof, and the treasurer so appointed may be the candidate. The name and address of each treasurer and chairperson appointed under this section *by a candidate for a state office shall be reported to the secretary of state by the candidate not later than 10 days after such appointment. The name and address of each treasurer and chairperson appointed under this section by a candidate for a local office shall be reported to the county election officer by the candidate not later than 10 days after such appointment.* The candidate for governor shall carry out the requirements and responsibilities of the candidate under the campaign finance act, for the pair of candidates for governor and lieutenant governor, unless another specific provision applies.

Sec. 2. K.S.A. 25-4145 is hereby amended to read as follows: 25-4145. (a) Each party committee and each political committee which anticipates receiving contributions or making expenditures shall appoint a chairperson and a treasurer. The chairperson of each ~~such committee party committee and each political committee which supports or opposes a candidate for state office shall make a statement of organization and file it with the secretary of state not later than 10 days after establishment of such committee. The chairperson of each political committee, the major purpose of which is to support or oppose any candidate for local office, shall make a statement of organization and file it with the county election officer not later than 10 days after establishment of such committee.~~

(b) Every statement of organization shall include:

- (1) The name and address of the committee;
- (2) The names and addresses of the chairperson and treasurer of the committee;
- (3) The names and addresses of affiliated or connected organizations; and

(4) in the case of a political committee, the full name of the organization with which the committee is connected or affiliated or, name or description sufficiently describing the affiliation or, if the committee is not connected or affiliated with any one organization, the trade, profession or primary interest of contributors of the political committee.

(c) Any change in information previously reported in a statement of organization shall be reported on a supplemental statement of organization and filed not later than 10 days following the change.

Sec. 3. K.S.A. 25-4146 is hereby amended to read as follows: 25-4146. (a) A candidate may remove any treasurer or chairperson that such candidate has appointed, and a party committee or political committee may remove its chairperson or treasurer. In case of a vacancy in the position of treasurer of a candidate before all of the obligations of the treasurer have been performed, such candidate shall be such candidate's own treasurer from the date of such vacancy until such time as the candidate appoints a successor and reports the name and address of the treasurer to the secretary of state *if the candidate is a candidate for state office or to the county election officer if the candidate is a candidate for local office.* In case of a vacancy in the position of treasurer of a candidate committee, the candidate shall be treasurer from the date of vacancy or removal, until such time as the candidate appoints a successor and reports the name and address of the treasurer to the secretary of state *if the candidate is a candidate for state office or to the county election officer if the candidate is a candidate for local office.* In case of a vacancy in the position of treasurer of a party committee or political committee, such committee chairperson shall be treasurer from the date of vacancy or removal; until such time as the committee appoints a successor and reports the name and address of the treasurer to the secretary of state *if such committee is a party committee or a political committee the major purpose of which is to support or oppose a candidate for state office or to the county election officer if such committee is a political committee the major purpose of which is to support or oppose a candidate for local office.* An individual who vacates the position of treasurer by reason of removal or resignation shall substantiate the accuracy of such person's records to the succeeding treasurer. No resignation of a treasurer shall be effective until a written statement of resignation of such treasurer has been filed with the secretary of state *if the treasurer is that of a candidate or committee involving a candidate for state office or with the county election officer if the treasurer is that of a candidate or committee involving a candidate for local office.* No removal of a treasurer of a candidate or candidate committee shall be effective until a written statement of such removal from the candidate has been filed with the secretary of state *if the candidate is a candidate for state office or with the county election officer if the candidate is a candidate for local office.* No removal of a treasurer of a party committee or political committee shall be effective until a written statement of such removal from the party committee or political committee has been filed with the secretary of state *if such committee is a party committee or a political committee the major purpose of which is to support or oppose a candidate for state office or with the county election officer if such committee is a political committee the major purpose of which is to support or oppose a candidate for local office.* The succeeding treasurer shall not be held responsible for the accuracy of the predecessor treasurer's records.

(b) No contribution or other receipt shall be received or expenditure made, by or on behalf of a candidate, pair of candidates or candidate committee, except receipt or payment of a filing fee:

(1) Until such candidate appoints a treasurer and makes the report required by K.S.A. 25-4144 and amendments thereto; and

(2) unless by or through such treasurer.

(c) No contribution or other receipt shall be received or expenditure made by or on behalf of a party committee or political committee:

(1) Until the chairperson of the party committee or a political committee has filed a statement of organization required by K.S.A. 25-4145 and amendments thereto; and

(2) unless by or through the treasurer of such committee.

Section 4. K.S.A. 1989 Supp. 25-4148 is hereby amended to read as follows: 25-4148. (a) Every treasurer shall file a report prescribed by this section in the office of the secretary of state and in the office of the county clerk in the county in which the candidate is a resident so that it is received by such offices for candidates for state offices, and in the office of the county election officer for local offices. Reports filed by treasurers for candidates for state office, other than officers elected on a state-wide basis, shall be filed in both the office of the secretary of state and in the office of the county election officer of the county in which the candidate is a resident. Reports filed by treasurers for candidates for state-wide office shall be filed only with the secretary of state. Reports

filed by treasurers for candidates for local office shall be filed in the office of the county election officer of the county in which the candidate is a resident. Except as otherwise provided by subsection (h), all such reports shall be filed in time to be received in the offices required on or before each of the following days:

(1) The eighth day preceding the primary election, which report shall be for the period beginning on January 1 of the election year for the office the candidate is seeking and ending 12 days before the primary election, inclusive;

(2) the eighth day preceding a general election, which report shall be for the period beginning 11 days before the primary election and ending 12 days before the general election, inclusive;

(3) January 10 of the year after an election year, which report shall be for the period beginning 11 days before the general election and ending on December 31, inclusive;

(4) for any calendar year when no election is held, a report shall be filed on the next January 10 for the preceding calendar year; except that the report filed January 10, 1990, shall include in addition to calendar year 1989 the month of December 1988;

(5) a treasurer need only file the annual report required by subsection (4) for those years when the candidate is not participating in a primary or general election.

(b) Each report required by this section shall state:

(1) Cash on hand on the first day of the reporting period;

(2) the name and address of each person who has made one or more contributions in an aggregate amount or value in excess of \$50 during the election period together with the amount and date of such contributions, including the name and address of every lender, guarantor and endorser when a contribution is in the form of an advance or loan;

(3) the aggregate amount of all proceeds from bona fide sales of political materials such as, but not limited to, political campaign pins, buttons, badges, flags, emblems, hats, banners and literature;

(4) the aggregate amount of contributions for which the name and address of the contributor is not known;

(5) each contribution, rebate, refund or other receipt not otherwise listed;

(6) the total of all receipts;

(7) the name and address of each person to whom expenditures have been made in an aggregate amount or value in excess of \$50, with the amount, date, and purpose of each and the names and addresses of all persons to whom any loan or advance has been made; when an expenditure is made by payment to an advertising agency, public relations firm or political consultants for disbursement to vendors, the report of such expenditure shall show in detail the name of each such vendor and the amount, date and purpose of the payments to each;

(8) the name and address of each person from whom an in-kind contribution was received or who has paid for personal services provided without charge to or for any candidate, candidate committee, party committee or political committee, if the contribution is in excess of \$50 and is not otherwise reported under subsection (b)(7), and the amount, date and purpose of the contribution;

(9) the aggregate of all expenditures not otherwise reported under this section; and

(10) the total of expenditures.

(c) Treasurers of candidates and of candidate committees shall be required to itemize, as provided in subsection (b)(2), only the purchase of tickets or admissions to testimonial events by a person who purchases such tickets or admissions in an aggregate amount or value in excess of \$50 per event, or who purchases such a ticket or admission at a cost exceeding \$25 per ticket or admission. All other purchases of tickets or admissions to testimonial events shall be reported in an aggregate amount and shall not be subject to the limitations specified in K.S.A. 25-4154 and amendments thereto.

(d) If a contribution or other receipt from a political committee is required to be reported under subsection (b), the report shall include the full name of the organization with which the political committee is connected or affiliated or, name or description sufficiently describing the affiliation or, if the committee is not connected or affiliated with any one organization, the trade, profession or primary interest of contributors of the political committee.

(continued)



(e) The commission may require any treasurer to file an amended report for any period for which the original report filed by such treasurer contains material errors or omissions, and notice of the errors or omissions shall be part of the public record. The amended report shall be filed within 30 days after notice by the commission.

(f) The commission may require any treasurer to file a report for any period for which the required report is not on file, and notice of the failure to file shall be part of the public record. Such report shall be filed within five days after notice by the commission.

(g) For the purpose of any report required to be filed pursuant to subsection (a) by the treasurer of any candidate seeking nomination by convention or caucus or by the treasurer of the candidate's committee or by the treasurer of any party committee or political committee of which the primary purpose is supporting or opposing the nomination of any such candidate, the date of the convention or caucus shall be considered the date of the primary election.

(h) If a report is sent to the office of the secretary of state for state offices, or for local offices in the office of the county election officer, by certified or registered mail on or before the day it is due, the mailing shall constitute receipt by that office.

Sec. 5. K.S.A. 25-4149 is hereby amended to read as follows: 25-4149. (a) All contributions and other receipts received and expenditures made from and including the ~~December~~ January 1 following one general election date until and including the next ensuing primary election date shall be allocated to the primary election on such date. All contributions and other receipts received and expenditures made from midnight on the date of a primary election through and including the ~~November 30~~ December 31 following the date of the next ensuing general election shall be allocated to the general election on such date.

(b) For the purposes of allocating, pursuant to subsection (a), contributions to or expenditures by a candidate seeking nomination by convention or caucus or such candidate's candidate committee, the date of such convention or caucus shall be considered the primary election date.

Sec. 6. K.S.A. 25-4150 is hereby amended to read as follows: 25-4150. Every person, other than a candidate or a candidate committee, party committee or political committee, who makes contributions or expenditures, other than by contribution to a candidate or a candidate committee, party committee or political committee, in an aggregate amount of \$100 or more within a calendar year shall make statements containing the information required by K.S.A. 25-4148 and amendments thereto, and file them in the office of the secretary of state or offices required so that each such statement is in such office or offices on the day specified in K.S.A. 25-4148 and amendments thereto. If such contributions or expenditures are made to support or oppose a candidate for state office, other than that of an officer elected on a state-wide basis such statement shall be filed in both the office of the secretary of state and in the office of the county election officer of the county in which the candidate is a resident. If such contributions or expenditures are made to support or oppose a candidate for statewide office such statement shall be filed only in the office of the secretary of state. If such contributions or expenditures are made to support or oppose a candidate for local office such statement shall be filed in the office of the county election officer of the county in which the candidate is a resident. Reports made under this section need not be cumulative.

Sec. 7. K.S.A. 25-4152 is hereby amended to read as follows: 25-4152. (a) The Kansas public disclosure commission shall send a notice by registered or certified mail to any person failing to file any report or statement required by K.S.A. 25-4144, 25-4145 or 25-4148, and amendments thereto, within the time period prescribed therefor. The notice shall state that the required report or statement has not been filed with either the office of secretary of state or county election officer or both. The notice shall also state that such person shall have 15 days from the date such notice is deposited in the mail to comply with the registration and reporting requirements before a civil penalty shall be imposed for each day that the required documents remain unfiled. If such person fails to comply within the prescribed period, such person shall pay to the state a civil penalty of \$10 per day for each day that such report or statement remains unfiled, except that no such civil penalty shall exceed \$300. The

Kansas public disclosure commission may waive, for good cause, payment of any civil penalty imposed by this section.

(b) Civil penalties provided for by this section shall be paid to the state treasurer, who shall deposit the same in the state treasury to the credit of the state general fund.

(c) If a person fails to pay a civil penalty provided for by this section, it shall be the duty of the attorney general or county or district attorney to bring an action to recover such civil penalty in the district court of the county in which such person resides.

Sec. 8. K.S.A. 1989 Supp. 25-4153 is hereby amended to read as follows: 25-4153. (a) The aggregate amount contributed to a candidate and such candidate's candidate committee and to all party committees and political committees and dedicated to such candidate's campaign, by any person, except a party committee and its recognized political committees, the candidate or the candidate's spouse, shall not exceed the following:

(1) For the pair of offices of governor and lieutenant governor and or for other state officers elected from the state as a whole, \$2,000 for each primary election (or in lieu thereof a caucus or convention of a political party) and an equal amount for each general election;

(2) for the office of state senator, member of the house of representatives, district judge, district magistrate judge, district attorney or, member of the state board of education or a candidate for local office, \$500 for each primary election (or in lieu thereof a caucus or convention of a political party) and an equal amount for each general election;

(3) for the office of state senator, \$1,000 for each primary election (or in lieu thereof a caucus or convention of a political party) and an equal amount for each general election.

(b) For the purposes of this section, the face value of a loan at the end of the period of time allocable to the primary or general election is the amount subject to the limitations of this section. A loan in excess of the limits herein provided may be made during the allocable period if such loan is reduced to the permissible level, when combined with all other contributions from the person making such loan, at the end of such allocable period.

(c) For purposes of the contribution limitations, the following apply:

(1) All payments made by a person, organization, or political action committee whose contribution or expenditure activity is financed, maintained, or controlled by a corporation, labor organization, association, or any other person or committee, including a parent, subsidiary, branch, division, department, or local unit of the corporation, labor organization, association, or any other person, or by a group of such persons are considered made by the same person or committee.

(2) Two or more entities are treated as a single entity if the entities:

(A) Share the majority of members on their boards of directors; or

(B) are owned or controlled by the same majority shareholder or shareholders; or

(C) are local units or divisions of a political committee. An entity will be deemed a local unit or division if membership in the political committee is a condition of membership in the local unit or division or the local unit or division is required to pay membership dues to the political committee or members of the local unit or division are required to pay membership dues to the political committee.

(d) Each state party committee may designate one recognized political committee for the house of representatives and one recognized political committee for the senate.

(e) (c) The aggregate amount contributed to a party committee other than from a national party committee shall not exceed \$1,500 for each primary election and an equal amount for each general election when contributed by a person other than a political committee. The aggregate amount contributed to a state party committee shall not exceed \$25,000 each calendar year when contributed by a national party committee, and the aggregate amount contributed to any other party committee shall not exceed \$1,500 for each primary election and an equal amount for each general election when contributed



by a national party committee. The aggregate amount contributed to a party committee shall not exceed \$500 for each primary election and a like amount for each general election when contributed by a political committee. The aggregate amount contributed to a state party committee by a person other than a national party committee or a political committee, shall not exceed \$15,000 in each calendar year; and the aggregate amount contributed to any other party committee by a person other than a national party committee or a political committee, shall not exceed \$5,000 in each calendar year.

The aggregate amount contributed by a national party committee to a state party committee shall not exceed \$25,000 in each calendar year, and the aggregate amount contributed to any other party committee by a national party committee shall not exceed \$10,000 in each calendar year.

The aggregate amount contributed to a party committee by a political committee shall not exceed \$5,000 in any calendar year. The aggregate amount contributed to a candidate for member of the house of representatives shall not exceed \$750 for each primary election and an equal amount for each general election when contributed by a recognized political committee of the house of representatives. The aggregate amount contributed to a candidate for the senate shall not exceed \$5,000 for each primary election and an equal amount for each general election when contributed by a recognized political committee of the senate. A recognized political party of one house of the legislature may contribute only to candidates for a member of its own house of the legislature.

(f) The aggregate amount contributed to a recognized political committee shall not exceed \$1,000 for each primary election and a like amount for each general election when contributed by a person other than a political committee. The aggregate amount contributed to a recognized political committee shall not exceed \$500 for each primary election and a like amount for each general election when contributed by a political committee.

(g) (d) Any political funds which have been collected and were not subject to the reporting requirements of this act shall be deemed a person subject to these contribution limitations.

(h) (e) Any political funds which have been collected and were subject to the reporting requirements of the campaign finance act shall not be used in or for the campaign of a candidate for a federal elective office.

(f) The amount contributed by each individual party committee of the same political party to any candidate for office, for any primary election at which two or more candidates are seeking the nomination of such party shall not exceed the following:

(1) For the pair of offices of governor and lieutenant governor and for each of the other state officers elected from the state as a whole, \$2,000 for each primary election (or in lieu thereof a caucus or convention of a political party);

(2) for the office of member of the house of representatives, district judge, district magistrate judge, district attorney, member of the state board of education or a candidate for local office, \$500 for each primary election (or in lieu thereof a caucus or convention of a political party);

(3) for the office of state senator, \$1,000 for each primary election (or in lieu thereof a caucus or convention of a political party).

(g) When a candidate for a specific cycle does not run for office, the contribution limitations of this section shall apply as though the individual had sought office.

Sec. 9. K.S.A. 25-4156 is hereby amended to read as follows: 25-4156. (a) (1) Whenever any person sells space in any newspaper, magazine or other periodical to a candidate or to a candidate committee, party committee or political committee, the charge made for the use of such space shall not exceed the charges made for comparable use of such space for other purposes.

(2) Intentionally charging an excessive amount for political advertising is a class A misdemeanor.

(b) (1) Corrupt political advertising of a state or local office is: Publishing or causing to be published in a newspaper or other periodical any paid matter which is designed or tends to aid, injure or defeat any candidate for nomination or election to a state or local office, unless such matter is followed by the word "advertisement"

or the abbreviation "adv." in a separate line together with the name of the chairperson of the political or other organization inserting the same or the name of the person who is responsible therefor; or broadcasting or causing to be broadcast by any radio or television station any paid matter which is designed or tends to aid, injure or defeat any candidate for nomination or election to a state or local office, unless such matter is followed by a statement that the preceding was an advertisement together with the name of the chairperson of the political or other organization sponsoring the same or the name of the person who is responsible therefor.

(2) Corrupt political advertising of a state or local office is a class C misdemeanor.

Sec. 10. K.S.A. 25-4157 is hereby amended to read as follows: 25-4157. Before any candidate committee, party committee or political committee may be dissolved or the position of a candidate's treasurer terminated, the treasurer of the candidate or such committee shall file a termination report with the secretary of state which shall include full information as to the disposition of residual funds. Any report required by K.S.A. 25-4148 and amendments thereto may be a termination report. Reports of the dissolution of candidate committees of candidates for state office, the termination of the treasurer of a candidate for state office, the dissolution of a political committee the major purpose of which is to support or oppose any candidate for state office and the dissolution of party committees shall be filed in the office of the secretary of state. Reports of the dissolution of candidate committees of candidates for local office, the termination of the treasurer of a candidate for local office and the dissolution of a political committee the major purpose of which is to support or oppose any candidate for local office shall be filed in the office of the county election officer of the county.

Sec. 11. K.S.A. 25-4158 is hereby amended to read as follows: 25-4158. (a) The secretary of state shall: (1) Furnish forms prescribed and provided by the commission for making reports and statements required to be filed in the office of the secretary of state by the campaign finance act; and

(2) make such reports and statements available for public inspection and copying during regular office hours.

(b) The county election officer shall: (1) Furnish forms prescribed and provided by the commission for making reports and statements required to be filed in the office of the county election officer by the campaign finance act; and

(2) make such reports and statements available for public inspection and copying during regular office hours.

(c) The commission may investigate, or cause to be investigated, any matter required to be reported upon by any person under the provisions of the campaign finance act, or any matter to which the campaign finance act applies irrespective of whether a complaint has been filed in relation thereto.

Sec. 12. K.S.A. 25-4172 is hereby amended to read as follows: 25-4172. (a) Except as provided by subsection (b), any combination of three or more individuals or a person other than an individual, not domiciled in this state, which makes or intends to make a contribution or contributions to a candidate, candidate committee, party committee or political committee in this state shall either:

(1) Prepare a verified statement containing: (A) The names and addresses of the responsible individuals; (B) the name and address of each person who has made one or more contributions to such out-of-state combination of individuals or person other than an individual in an aggregate amount in excess of \$50 within the preceding 12 months, together with the amount and date of such contributions; and (C) the aggregate amount of all other contributions to such out-of-state combination of individuals or person other than an individual within the preceding 12 months. Such statement shall be submitted to each treasurer receiving any contribution from such out-of-state combination of individuals or person other than an individual. Such statement shall be a part of and attached to the report required of such treasurer filed in the office of the secretary of state at the times prescribed for the filing of reports of treasurers by K.S.A. 25-4148, and amendments thereto; or

(2) file a statement of organization as provided by K.S.A. 25-4145, and amendments thereto, establish a separate fund for the purpose of receiving contributions and making expenditures relating to any election for state office in this state and file statements and

(continued)

reports involving such fund in the manner provided by K.S.A. 25-4148, and amendments thereto, for political committees and party committees. Any transfer from another fund to the separate fund herein provided for shall be subject to the requirements of provision (1).

(b) The provisions of subsection (a) shall not apply to: (1) Any political party having a national organization which reports under federal law; (2) a bona fide corporation organized under the laws of another state; or (3) a union, if the contribution is made from union funds.

(c) Each combination of individuals or person other than an individual which is subject to this section shall maintain, in its own records, the name and address of any person who has made one or more contributions to such combination of individuals or person other than an individual, together with the amount and date of such contributions, regardless of whether such information is required to be reported.

Sec. 13. K.S.A. 1989 Supp. 25-4173 is hereby amended to read as follows: 25-4173. Every candidate for state or local office who intends to expend or have expended on such person's behalf an aggregate amount or value of less than \$500, exclusive of such candidate's filing fee, and who intends to receive or have received on such person's behalf contributions in an aggregate amount or value of less than \$500 in each the primary and the general election shall file, prior to the date that the first report for such year is required to be filed not later than the ninth day preceding the primary election, an affidavit of such intent with the secretary of state for state offices and the county election officer of the county of residence of the candidate for local offices. No report required by K.S.A. 25-4148, and amendments thereto, shall be required to be filed by or for such candidate.

Sec. 14. K.S.A. 25-4175 is hereby amended to read as follows: 25-4175. For any calendar year during which a party or political committee intends to expend an aggregate amount or value of less than \$500 and intends to receive contributions in an aggregate amount or value of less than \$500 and during which such party or political committee intends to receive no contributions in excess of \$50 from any one contributor, the treasurer of such party or political committee shall file an affidavit of such intent with the secretary of state if such committee is a party committee or a political committee which supports or opposes a candidate for state office and with the county election officer if the committee is a political committee which supports or opposes a candidate for local office. Such treasurer shall not be required to file the reports required by K.S.A. 25-4148 and amendments thereto for the year for which such affidavit is filed. Such affidavit may be filed at any time prior to the date that the first report for such year is required to be filed by K.S.A. 25-4148 not later than the ninth day preceding the primary election.

Sec. 15. K.S.A. 25-904 is hereby amended to read as follows: 25-904. (a) Every candidate for election to any city, unified school district, community college or township office subject to this act who intends to expend or have expended on such person's behalf an aggregate amount or value of less than \$500, exclusive of such candidate's filing fee, and who intends to receive or have received on such person's behalf contributions in an aggregate amount or value of less than \$500 in each the primary and the general election shall file, not later than the ninth day preceding the primary election, an affidavit of such intent with the county election officer of the county of residence of the candidate. No report required by subsection (b) shall be required to be filed by or for such candidate.

(b) Except as provided in subsection (a) it shall be the duty of every candidate for nomination or for election to any city, unified school district, community junior college or township or county office subject to this act, within thirty (30) 30 days after each primary, general or special election, to file with the county election officer an itemized statement under oath of all expenditures made by such candidate or obligations contracted or incurred by him or her such candidate in connection with each primary, general or special election. If no expenditures are made and no obligations are contracted or incurred by a candidate, the candidate shall file with the county election officer a statement to that effect.

(c) No candidate which is subject to the provisions of the cam-

aign finance act (K.S.A. 25-4142 et seq., and amendments thereto) shall be required to file any report required by this section.

(d) Any candidate who has signed an affidavit pursuant to subsection (a) and who incurs expenses in excess of or receives contributions in excess of \$500, exclusive of such candidate's filing fee for either the primary or the general election, shall file the report required by subsection (b).

Sec. 16. K.S.A. 1989 Supp. 25-4143 is hereby amended to read as follows: 25-4143. As used in the campaign finance act, unless the context otherwise requires:

(a) "Candidate" means an individual who: (1) Appoints a treasurer or a candidate committee,

(2) makes a public announcement of intention to seek nomination or election to state or local office,

(3) makes any expenditure or accepts any contribution for the purpose of influencing such person's nomination or election to any state or local office, or

(4) files a declaration or petition to become a candidate for state or local office.

(b) "Candidate committee" means a committee appointed by a candidate to receive contributions and make expenditures for the candidate.

(c) "Commission" means the Kansas public disclosure commission created by K.S.A. 25-4119a and amendments thereto.

(d) (1) "Contribution" means: (A) Any advance, conveyance, deposit, distribution, gift, loan or payment of money or any other thing of value made for the purpose of influencing the nomination or election of any individual to state or local office;

(B) a transfer of funds between any two or more candidate committees, party committees or political committees;

(C) the payment, by any person other than a candidate, candidate committee, party committee or political committee, of compensation to an individual for the personal services rendered without charge to or for a candidate's campaign or to or for any such committee;

(D) the purchase of tickets or admissions to, or advertisements in journals or programs for, testimonial events.

(2) "Contribution" does not include:

(A) The value of volunteer services provided without compensation;

(B) costs to a volunteer related to the rendering of volunteer services not exceeding a fair market value of \$50 during an allocable election period as provided in K.S.A. 25-4149 and amendments thereto;

(C) payment by a candidate or candidate's spouse for personal meals, lodging and travel by personal automobile of the candidate or candidate's spouse while campaigning;

(D) the value of goods donated to events such as testimonial events, bake sales, garage sales and auctions by any person not exceeding a fair market value of \$50 per event.

(e) "Election" means: (1) A primary or general election for state or local office and (2) a convention or caucus of a political party held to nominate a candidate for state or local office.

(f) (1) "Expenditure" means: (A) Any purchase, payment, distribution, loan, advance, deposit or gift of money or any other thing of value made for the purpose of influencing the nomination or election of any individual to state or local office;

(B) any contract to make an expenditure;

(C) a transfer of funds between any two or more candidate committees, party committees or political committees;

(D) payment of a candidate's filing fees.

(2) "Expenditure" does not include:

(A) The value of volunteer services provided without compensation;

(B) costs to a volunteer incidental to the rendering of volunteer services not exceeding a fair market value of \$50 during an allocable election period as provided in K.S.A. 25-4149 and amendments thereto;

(C) payment by a candidate or candidate's spouse for personal meals, lodging and travel by personal automobile of the candidate or candidate's spouse while campaigning or payment of such costs by the treasurer of a candidate or candidate committee;

(D) the value of goods donated to events such as testimonial

events, bake sales, garage sales and auctions by any person not exceeding fair market value of \$50 per event; or

(E) any communication by an incumbent elected state or local officer with one or more individuals unless the primary purpose thereof is to influence the nomination or election of a candidate.

(g) "Party committee" means the state committee of a political party regulated by article 3 of chapter 25 of the Kansas Statutes Annotated, or the county central committee or the state committee of a political party regulated under article 38 of chapter 25 of the Kansas Statutes Annotated or the bona fide national organization or committee of those political parties regulated by the Kansas Statutes Annotated, or not more than one political committee established by the state committee of any such political party and designated as a recognized political committee for the senate or not more than one political committee established by the state committee of any such political party and designated as a recognized political committee for the house of representatives.

(h) "Person" means any individual, committee, corporation, partnership, trust, organization or association.

(i) "Political committee" means any combination of two or more individuals or any person other than an individual, a major purpose of which is to support or oppose any candidate for state or local office, but not including any candidate committee or party committee.

(j) "Receipt" means a contribution or any other money or thing of value, but not including volunteer services provided without compensation, received by a treasurer in the treasurer's official capacity.

(k) "State office" means any state office as defined in K.S.A. 25-2505 and amendments thereto.

(l) "Testimonial event" means an event held for the benefit of an individual who is a candidate to raise funds for such candidate's campaign. Testimonial events include but are not limited to dinners, luncheons, rallies, barbecues and picnics.

(m) "Treasurer" means a treasurer of a candidate or of a candidate committee, a party committee or a political committee appointed under the campaign finance act or a treasurer of a combination of individuals or a person other than an individual which is subject to paragraph (2) of subsection (a) of K.S.A. 25-4172 and amendments thereto.

(n) "Local office" means an elective office of a city of the first class, or a county or of the board of public utilities.

Sec. 17. K.S.A. 1989 Supp. 44-714 is hereby amended to read as follows: 44-714. (a) *Duties and powers of secretary.* It shall be the duty of the secretary to administer this act and the secretary shall have power and authority to adopt, amend or revoke such rules and regulations, to employ such persons, make such expenditures, require such reports, make such investigations, and take such other action as the secretary deems necessary or suitable to that end. Such rules and regulations may be adopted, amended, or revoked by the secretary only after public hearing or opportunity to be heard thereon. The secretary shall determine the organization and methods of procedure in accordance with the provisions of this act, and shall have an official seal which shall be judicially noticed. The secretary shall make and submit reports for the administration of the employment security law in the manner prescribed by K.S.A. 75-3044 to 75-3046, inclusive, and 75-3048 and amendments thereto. Whenever the secretary believes that a change in contribution or benefit rates will become necessary to protect the solvency of the fund, the secretary shall promptly so inform the governor and the legislature, and make recommendations with respect thereto.

(b) *Publication.* The secretary shall cause to be printed for distribution to the public the text of this act, the secretary's rules and regulations and any other material the secretary deems relevant and suitable and shall furnish the same to any person upon application therefor.

(c) *Personnel.* (1) Subject to other provisions of this act, the secretary is authorized to appoint, fix the compensation, and prescribe the duties and powers of such officers, accountants, deputies, attorneys, experts and other persons as may be necessary in carrying out the provisions of this act. The secretary shall classify all positions and shall establish salary schedules and minimum personnel standards for the positions so classified. The secretary shall provide for the holding of examinations to determine the qualifications of applicants for the positions so classified, and, except to temporary

appointments not to exceed six months in duration, shall appoint all personnel on the basis of efficiency and fitness as determined in such examinations. The secretary shall not appoint or employ any person who is an officer or committee member of any political party organization or who holds or is a candidate for an *a partisan* elective public office. The secretary shall adopt and enforce fair and reasonable rules and regulations for appointment, promotions and demotions, based upon ratings of efficiency and fitness and for terminations for cause. The secretary may delegate to any such person so appointed such power and authority as the secretary deems reasonable and proper for the effective administration of this act, and may in the secretary's discretion bond any person handling moneys or signing checks under the employment security law.

(2) No employee engaged in the administration of the employment security law shall directly or indirectly solicit or receive or be in any manner concerned with soliciting or receiving any assistance, subscription or contribution for any political party or political purpose, other than soliciting and receiving contributions for such person's personal campaign as a candidate for a nonpartisan elective public office, nor shall any employee engaged in the administration of the employment security law participate in any form of political activity except as a candidate for a nonpartisan elective public office, nor shall any employee champion the cause of any political party or the candidacy of any person other than such person's own personal candidacy for a nonpartisan elective public office. Any employee engaged in the administration of the employment security law who violates these provisions shall be immediately discharged. No person shall solicit or receive any contribution for any political purpose from any employee engaged in the administration of the employment security law and any such action shall be a misdemeanor and shall be punishable by a fine of not less than \$100 nor more than \$1,000 or by imprisonment in the county jail for not less than 30 days nor more than six months, or both.

(d) *Advisory councils.* The secretary shall appoint a state employment security advisory council and may appoint local advisory councils, composed in each case of men and women which shall include an equal number of employer representatives and employee representatives who may fairly be regarded as representative because of their vocation, employment, or affiliations, and of such members representing the general public as the secretary may designate. Such councils shall aid the secretary in formulating policies and discussing problems related to the administration of this act and in securing impartiality and freedom from political influence in the solution of such problems. Members of the state employment security advisory council attending meetings of such council, or attending a subcommittee meeting thereof authorized by such council, shall be paid amounts provided in subsection (e) of K.S.A. 75-3223 and amendments thereto. Service on the state employment security advisory council shall not in and of itself be sufficient to cause any member of the state employment security advisory council to be classified as a state officer or employee.

(e) *Employment stabilization.* The secretary, with the advice and aid of the secretary's advisory councils and through the appropriate divisions of the department of human resources, shall take all appropriate steps to reduce and prevent unemployment; to encourage and assist in the adoption of practical methods of vocational training, retraining and vocational guidance; to investigate, recommend, advise, and assist in the establishment and operation, by municipalities, counties, school districts and the state, of reserves for public works to be used in time of business depression and unemployment; to promote the reemployment of unemployed workers throughout the state in every other way that may be feasible; and to these ends to carry on and publish the results of investigations and research studies.

(f) *Records and reports.* Each employing unit shall keep true and accurate work records, containing such information as the secretary may prescribe. Such records shall be open to inspection and subject to being copied by the secretary or the secretary's authorized representatives at any reasonable time and shall be preserved for a period of five years from the due date of the contributions or payments in lieu of contributions for the period to which they relate. Only one audit shall be made of any employer's records for any given period of time. Upon request the employing unit shall be furnished a copy of all findings by the secretary or the secretary's

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authorized representatives, resulting from such audit. A special inquiry or special examination made for a specific and limited purpose shall not be considered to be an audit for the purpose of this subsection. The secretary may require from any employing unit any sworn or unsworn reports, with respect to persons employed by it, which the secretary deems necessary for the effective administration of this act. Information thus obtained or obtained from any individual pursuant to the administration of this act shall be held confidential, except to the extent necessary for the proper presentation of a claim by an employer or employee under the employment security law, and shall not be published or be open to public inspection, other than to public employees in the performance of their public duties, in any manner revealing the individual's or employing unit's identity. Any claimant or employing unit or their representatives at a hearing before an appeal tribunal or the secretary shall be supplied with information from such records to the extent necessary for the proper presentation of the claim. The transcript made at any such benefits hearing shall not be discoverable or admissible in evidence in any other proceeding, hearing or determination of any kind or nature. In the event of any appeal of a benefits matter, the transcript shall be sealed by the hearing officer and shall be available only to any reviewing authority who shall reseal the transcript after making a review of it. In no event shall such transcript be deemed a public record. Nothing in this subsection (f) shall be construed to prohibit disclosure of any information obtained under the employment security law, including hearing transcripts, upon request of either of the parties, for the purpose of administering or adjudicating a claim for benefits under the provisions of any other state program, except that any party receiving such information shall be prohibited from further disclosure and shall be subject to the same duty of confidentiality otherwise imposed by this subsection (f) and shall be subject to the penalties imposed by this subsection (f) for violations of such duty of confidentiality. Nothing in this subsection (f) shall be construed to prohibit disclosure of any information obtained under the employment security law, including hearing transcripts, for use as evidence in open court in a criminal prosecution for perjury at an appeal hearing under the employment security law or for any criminal violation of the employment security law. If the secretary or any officer or employee of the secretary violates any provisions of this subsection (f), the secretary or such officer or employee shall be fined not less than \$20 nor more than \$200 or imprisoned for not longer than 90 days, or both. Original records of the agency and original paid benefit warrants of the state treasurer may be made available to the employment security agency of any other state or the federal government to be used as evidence in prosecution of violations of the employment security law of such state or federal government. Photostatic copies of such records shall be made and where possible shall be substituted for original records introduced in evidence and the originals returned to the agency.

(g) *Oaths and witnesses.* In the discharge of the duties imposed by the employment security law, the chairperson of an appeal tribunal, an appeals referee, the secretary or any duly authorized representative of the secretary shall have power to administer oaths and affirmations, take depositions, certify to official acts, and issue subpoenas to compel the attendance of witnesses and the production of books, papers, correspondence, memoranda and other records deemed necessary as evidence in connection with a disputed claim or the administration of the employment security law.

(h) *Subpoenas, service.* Upon request, service of subpoenas shall be made by the sheriff of a county within that county, by the sheriff's deputy, by any other person who is not a party and is not less than 18 years of age or by some person specially appointed for that purpose by the secretary of human resources or the secretary's designee. A person not a party as described above or a person specially appointed by the secretary or the secretary's designee to serve subpoenas may make service any place in the state. The subpoena shall be served as follows:

(1) *Individual.* Service upon an individual, other than a minor or incapacitated person, shall be made by delivering a copy of the subpoena to the individual personally or by leaving a copy at such individual's dwelling house or usual place of abode with some person of suitable age and discretion then residing therein, by leaving a copy at the business establishment of the employer with an officer or employee of the establishment, or by delivering a copy to an

agent authorized by appointment or by law to receive service of process, but if the agent is one designated by a statute to receive service, such further notice as the statute requires shall be given. If service as prescribed above cannot be made with due diligence, the secretary or the secretary's designee may order service to be made by leaving a copy of the subpoena at the employer's dwelling house, usual place of abode or business establishment.

(2) *Corporations and partnerships.* Service upon a domestic or foreign corporation or upon a partnership or other unincorporated association, when by law it may be sued as such, shall be made by delivering a copy of the subpoena to an officer, partner or resident managing or general agent thereof, or by leaving the copy at any business office of the employer with the person having charge thereof or by delivering a copy to any other agent authorized by appointment or required by law to receive service of process, if the agent is one authorized by law to receive service and, if the law so requires, by also mailing a copy to the employer.

(3) *Refusal to accept service.* In all cases when the person to be served, or an agent authorized by such person to accept service of petitions and summonses shall refuse to receive copies of the subpoena, the offer of the duly authorized process server to deliver copies thereof and such refusal shall be sufficient service of such subpoena.

(4) *Proof of service.* (A) Every officer to whom a subpoena or other process shall be delivered for service within or without the state, shall make return thereof in writing stating the time, place and manner of service of such writ and shall sign such officer's name to such return.

(B) If service of the subpoena is made by a person appointed by the secretary or the secretary's designee to make service, or any other person described in subsection (h) of this section, such person shall make an affidavit as to the time, place and manner of service thereof in a form prescribed by the secretary or the secretary's designee.

(5) *Time for return.* The officer or other person receiving a subpoena shall make a return of service promptly and shall send such return to the secretary or the secretary's designee in any event within 10 days after the service is effected. If the subpoena cannot be served it shall be returned to the secretary or the secretary's designee within 30 days after the date of issue with a statement of the reason for the failure to serve the same.

(i) *Subpoenas, enforcement.* In case of contumacy by or refusal to obey a subpoena issued to any person, any court of this state within the jurisdiction of which the inquiry is carried on or within the jurisdiction of which such person guilty of contumacy or refusal to obey is found, resides or transacts business, upon application by the secretary or the secretary's duly authorized representative, shall have jurisdiction to issue to such person an order requiring such person to appear before the secretary, or the secretary's duly authorized representative, to produce evidence, if so ordered, or to give testimony relating to the matter under investigation or in question. Failure to obey such order of the court may be punished by said court as a contempt thereof. Any person who, without just cause, shall fail or refuse to attend and testify or to answer any lawful inquiry or to produce books, papers, correspondence, memoranda or other records in obedience to the subpoena of the secretary or the secretary's duly authorized representative shall be punished by a fine of not less than \$200 or by imprisonment of not longer than 60 days, or both, and each day such violation continued shall be deemed to be a separate offense.

(j) *Protection against self-incrimination.* No person shall be excused from attending and testifying or from producing books, papers, correspondence, memoranda and other records before the secretary or the secretary's duly authorized representative or in obedience to the subpoena of the secretary or any duly authorized representative of the secretary in any cause or proceeding before the secretary, on the ground that the testimony or evidence, documentary or otherwise, required of such person may tend to incriminate such person or subject such person to a penalty or forfeiture; but no individual shall be prosecuted or subjected to any penalty or forfeiture for or on account of any transaction, matter or thing concerning which such individual is compelled, after having claimed the privilege against self-incrimination, to testify or produce evidence, documentary or otherwise, except that such individual so testifying shall not be ex-



empt from prosecution and punishment for perjury committed in so testifying.

(k) *State-federal cooperation.* In the administration of this act, the secretary shall cooperate to the fullest extent consistent with the provisions of this act, with the federal security agency, shall make such reports, in such form and containing such information as the federal security administrator may from time to time require, and shall comply with such provisions as the federal security administrator may from time to time find necessary to assure the correctness and verification of such reports; and shall comply with the regulations prescribed by the federal security agency governing the expenditures of such sums as may be allotted and paid to this state under title III of the social security act for the purpose of assisting in the administration of this act. Upon request therefor the secretary shall furnish to any agency of the United States charged with the administration of public works or assistance through public employment, the name, address, ordinary occupation, and employment status of each recipient of benefits and such recipient's rights to further benefits under this act.

(l) *Reciprocal arrangements.* The secretary shall participate in making reciprocal arrangements with appropriate and duly authorized agencies of other states or of the federal government, or both, whereby:

(1) Services performed by an individual for a single employing unit for which services are customarily performed in more than one state shall be deemed to be services performed entirely within any one of the states (A) in which any part of such individual's service is performed, (B) in which such individual maintains residence, or (C) in which the employing unit maintains a place of business, provided there is in effect as to such services, an election, approved by the agency charged with the administration of such state's unemployment compensation law, pursuant to which all the services performed by such individual for such employing units are deemed to be performed entirely within such state;

(2) service performed by not more than three individuals, on any portion of a day but not necessarily simultaneously, for a single employing unit which customarily operates in more than one state shall be deemed to be service performed entirely within the state in which such employing unit maintains the headquarters of its business; provided that there is in effect, as to such service, an approved election by an employing unit with the affirmative consent of each such individual, pursuant to which service performed by such individual for such employing unit is deemed to be performed entirely within such state;

(3) potential rights to benefits accumulated under the employment compensation laws of one or more states or under one or more such laws of the federal government, or both, may constitute the basis for the payments of benefits through a single appropriate agency under terms which the secretary finds will be fair and reasonable as to all affected interests and will not result in any substantial loss to the fund;

(4) wages or services, upon the basis of which an individual may become entitled to benefits under an unemployment compensation law of another state or of the federal government, shall be deemed to be wages for insured work for the purpose of determining such individual's rights to benefits under this act, and wages for insured work, on the basis of which an individual may become entitled to benefits under this act, shall be deemed to be wages or services on the basis of which unemployment compensation under such law of another state or of the federal government is payable, but no such arrangement shall be entered into unless it contains provisions for reimbursements to the fund for such of the benefits paid under this act upon the basis of such wages or services, and provisions for reimbursements from the fund for such of the compensation paid under such other law upon the basis of wages for insured work, as the secretary finds will be fair and reasonable as to all affected interests; and

(5) (A) contributions due under this act with respect to wages for insured work shall be deemed for the purposes of K.S.A. 44-717 and amendments thereto to have been paid to the fund as of the date payment was made as contributions therefor under another state or federal unemployment compensation law, but no such arrangement shall be entered into unless it contains provisions for such reimbursements to the fund of such contributions and the actual

earnings thereon as the secretary finds will be fair and reasonable as to all affected interests;

(B) reimbursements paid from the fund pursuant to subsection (1)(4) of this section shall be deemed to be benefits for the purpose of K.S.A. 44-704 and 44-712 and amendments thereto; the secretary is authorized to make to other state or federal agencies, and to receive from such other state or federal agencies, reimbursements from or to the fund, in accordance with arrangements entered into pursuant to the provisions of this section or any other section of the employment security law;

(C) the administration of this act and of other state and federal unemployment compensation and public employment service laws will be promoted by cooperation between this state and such other states and the appropriate federal agencies in exchanging services and in making available facilities and information; the secretary is therefore authorized to make such investigations, secure and transmit such information, make available such services and facilities and exercise such of the other powers provided herein with respect to the administration of this act as the secretary deems necessary or appropriate to facilitate the administration of any such unemployment compensation or public employment service law and, in like manner, to accept and utilize information, service and facilities made available to this state by the agency charged with the administration of any such other unemployment compensation or public employment service law; and

(D) to the extent permissible under the laws and constitution of the United States, the secretary is authorized to enter into or cooperate in arrangements whereby facilities and services provided under this act and facilities and services provided under the unemployment compensation law of any foreign government may be utilized for the taking of claims and the payment of benefits under the employment security law of this state or under a similar law of such government.

(m) *Records available.* The secretary may furnish the railroad retirement board, at the expense of such board, such copies of the records as the railroad retirement board deems necessary for its purposes.

(n) *Destruction of records, reproduction and disposition.* The secretary may provide for the destruction, reproduction, temporary or permanent retention, and disposition of records, reports and claims in the secretary's possession pursuant to the administration of the employment security law provided that prior to any destruction of such records, reports or claims the secretary shall comply with K.S.A. 75-3501 to 75-3514, inclusive, and amendments thereto.

(o) *Federal cooperation.* The secretary may afford reasonable cooperation with every agency of the United States charged with administration of any unemployment insurance law.

(p) The secretary is hereby authorized to fix, charge and collect fees for copies made of public documents, as defined by subsection (c) of K.S.A. 45-204 and amendments thereto, by xerographic, thermographic or other photocopying or reproduction process, in order to recover all or part of the actual costs incurred, including any costs incurred in certifying such copies. All moneys received from fees charged for copies of such documents shall be remitted to the state treasurer at least monthly. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount thereof in the state treasury to the credit of the employment security administration fund. No such fees shall be charged or collected for copies of documents that are made pursuant to a statute which requires such copies to be furnished without expense.

Sec. 18. K.S.A. 46-237 is hereby amended to read as follows: 46-237. (a) No state officer or employee or candidate for state office shall accept, or agree to accept any economic opportunity, gift, loan, gratuity, special discount, favor, hospitality, or service having an aggregate value of \$100 or more in any calendar year from any one person known to have a special interest, under circumstances where such person knows or should know that a major purpose of the donor is to influence such person in the performance of their official duties or prospective official duties.

(b) No person with a special interest shall offer, pay, give or make any economic opportunity, gift, loan, gratuity, special discount, favor, hospitality or service having an aggregate value of \$100 or more in any calendar year to any state officer or employee or can-

(continued)



didate for state office with a major purpose of influencing such officer or employee in the performance of official duties or prospective official duties.

(c) No person licensed, inspected or regulated by a state agency shall offer, pay, give or make any economic opportunity, gift, loan, gratuity, special discount, favor, hospitality, or service having an aggregate value of \$100 or more in any calendar year to that agency.

(d) Hospitality in the form of food and beverages are presumed not to be given to influence a state officer or employee in the performance of such officer's or employee's official duties or prospective official duties, except when a particular course of official action is to be followed as a condition thereon.

(e) Except when a particular course of official action is to be followed as a condition thereon, this section shall not apply to (1) any contribution reported in compliance with the campaign finance act; or (2) a commercially reasonable loan or other commercial transaction in the ordinary course of business.

(f) No legislator shall solicit any contribution to be made to any organization for the purpose of paying for travel, subsistence and other expenses incurred by such legislator or other members of the

legislature in attending and participating in meetings, programs and activities of such organization or those conducted or sponsored by such organization, but nothing in this act or the act of which this act is amendatory shall be construed to prohibit any legislator from accepting reimbursement for actual expenses for travel, subsistence, hospitality, entertainment and other expenses incurred in attending and participating in meetings, programs and activities of any national, nonprofit, nonpartisan organization established for the purpose of serving, informing, educating and strengthening state legislatures in all states of the nation when paid from funds of such organization and nothing shall be construed to limit or prohibit the expenditure of funds of and by any such organization for such purposes.

Sec. 19. K.S.A. 25-904, 25-4144, 25-4145, 25-4146, 25-4149, 25-4150, 25-4152, 25-4156, 25-4157, 25-4158, 25-4172, 25-4175 and 46-237 and K.S.A. 1989 Supp. 25-4143, 25-4148, 25-4153, 25-4173 and 44-714 are hereby repealed.

Sec. 20. This act shall take effect and be in force from and after its publication in the Kansas register.

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 1989 Index Supplement to the Kansas Administrative Regulations.

AGENCY 1: DEPARTMENT OF ADMINISTRATION

Table with 3 columns: Reg. No., Action, Register. Lists regulations from 1-2-1 to 1-62-1.

AGENCY 4: BOARD OF AGRICULTURE

Table with 3 columns: Reg. No., Action, Register. Lists regulations from 4-1-17 to 4-4-2.

Table with 3 columns: Reg. No., Action, Register. Lists regulations from 4-4-2 to 4-33-1.

AGENCY 5: BOARD OF AGRICULTURE— DIVISION OF WATER RESOURCES

Table with 3 columns: Reg. No., Action, Register. Lists regulations from 5-23-3 to 5-23-9.

AGENCY 7: SECRETARY OF STATE

Table with 3 columns: Reg. No., Action, Register. Lists regulations from 7-34-1 to 7-35-2.

AGENCY 9: ANIMAL HEALTH DEPARTMENT

Table with 3 columns: Reg. No., Action, Register. Lists regulations from 9-2-1 to 9-18-1.

AGENCY 11: STATE CONSERVATION COMMISSION

Table with 3 columns: Reg. No., Action, Register. Lists regulations from 11-7-1 to 11-7-10.

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

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AGENCY 16: ATTORNEY GENERAL

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AGENCY 22: STATE FIRE MARSHAL

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AGENCY 23: DEPARTMENT OF WILDLIFE AND PARKS

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**AGENCY 25: GRAIN INSPECTION DEPARTMENT**

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25-4-1	Amended	Vol. 8, p. 1290

**AGENCY 26: DEPARTMENT ON AGING**

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40-3-5 Amended V. 8, p. 454  
40-3-35 Amended V. 9, p. 303  
40-3-42 New V. 8, p. 1323  
40-3-43 New V. 8, p. 1139  
40-3-43 New V. 8, p. 1184  
40-3-44 New V. 8, p. 454  
40-3-45 New V. 8, p. 1006  
40-4-35 Amended V. 8, p. 515  
40-4-35 Amended V. 8, p. 558  
40-4-35a Amended V. 9, p. 30  
40-4-35a Amended V. 9, p. 303  
40-4-38 New V. 8, p. 455  
40-4-39 New V. 9, p. 303  
40-5-108 Amended V. 8, p. 800  
40-7-7 Amended V. 8, p. 455  
40-7-11 Amended V. 9, p. 304  
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  
40-7-22 through  
40-7-25 New V. 9, p. 304  
40-14-1 Amended V. 9, p. 304  
40-14-4 Amended V. 9, p. 304

**AGENCY 44: DEPARTMENT OF  
CORRECTIONS**

Reg. No. Action Register  
44-7-114 New V. 9, p. 577  
44-8-115 New V. 9, p. 577  
44-8-116 New V. 9, p. 577  
44-9-103 Amended V. 9, p. 123  
44-9-104 Amended V. 9, p. 123  
44-11-111 Amended V. 9, p. 80  
44-11-112 Amended V. 9, p. 80  
44-11-113 Amended V. 9, p. 80  
44-11-114 Amended V. 9, p. 80  
44-11-116 Revoked V. 9, p. 81  
44-11-121 Amended V. 9, p. 81  
44-11-122 Amended V. 9, p. 81  
44-11-123 Amended V. 9, p. 81  
44-11-126 Revoked V. 9, p. 81  
44-11-128 Revoked V. 9, p. 81  
44-11-129 through  
44-11-135 New V. 9, p. 81, 82

**AGENCY 49: DEPARTMENT OF HUMAN  
RESOURCES**

Reg. No. Action Register  
49-49-1 Amended V. 9, p. 706

**AGENCY 50: DEPARTMENT OF HUMAN  
RESOURCES—  
DIVISION OF EMPLOYMENT**

Reg. No. Action Register  
50-2-21 Amended V. 9, p. 704

**AGENCY 51: DEPARTMENT OF HUMAN  
RESOURCES—DIVISION OF  
WORKERS' COMPENSATION**

Reg. No. Action Register  
51-24-4 Amended V. 8, p. 1493  
51-24-5 Amended V. 8, p. 1493

**AGENCY 60: BOARD OF NURSING**

Reg. No. Action Register  
60-11-104a Amended V. 9, p. 406

**AGENCY 63: BOARD OF MORTUARY ARTS**

Reg. No. Action Register  
63-1-3 Amended V. 9, p. 170  
63-1-4 Amended V. 9, p. 170  
63-1-6 Amended V. 8, p. 712  
63-1-12 Amended V. 8, p. 713  
63-2-14 Amended V. 8, p. 713  
63-6-3 Amended V. 8, p. 713  
63-6-6 Amended V. 8, p. 714  
63-6-7 Revoked V. 8, p. 714  
63-6-8 Revoked V. 8, p. 714

**AGENCY 66: BOARD OF TECHNICAL  
PROFESSIONS**

Reg. No. Action Register  
66-10-9 Amended V. 9, p. 257

**AGENCY 67: BOARD OF HEARING  
AID EXAMINERS**

Reg. No. Action Register  
67-5-3 Amended V. 9, p. 625  
67-5-4 Amended V. 9, p. 625

**AGENCY 68: BOARD OF PHARMACY**

Reg. No. Action Register  
68-1-1b Amended V. 9, p. 383  
68-1-2 Amended V. 8, p. 252  
68-2-12a Amended V. 9, p. 383  
68-5-11 Revoked V. 8, p. 252  
68-7-11 Amended V. 8, p. 252  
68-7-12 Amended V. 8, p. 253  
68-9-1 Amended V. 9, p. 384  
68-20-1 Amended V. 8, p. 254  
68-20-16 Amended V. 8, p. 255  
68-20-20 Amended V. 9, p. 384

**AGENCY 70: BOARD OF VETERINARY  
MEDICAL EXAMINERS**

Reg. No. Action Register  
70-5-1 Amended V. 8, p. 750

**AGENCY 71: KANSAS DENTAL BOARD**

Reg. No. Action Register  
71-2-1 through  
71-2-7 Amended V. 8, p. 161, 162  
71-2-9 Amended V. 8, p. 162  
71-2-11 Amended V. 8, p. 163  
71-2-12 Amended V. 8, p. 163  
71-2-13 Revoked V. 8, p. 163  
71-4-1 Amended V. 8, p. 163

**AGENCY 74: BOARD OF ACCOUNTANCY**

Reg. No. Action Register  
74-5-202 Amended V. 8, p. 493  
74-5-203 Amended V. 8, p. 493  
74-6-2 Amended V. 8, p. 1069  
74-12-1 Amended V. 8, p. 1590  
74-13-1 New V. 9, p. 232  
74-13-2 New V. 9, p. 232

**AGENCY 75: CONSUMER CREDIT  
COMMISSIONER**

Reg. No. Action Register  
75-6-26 Amended V. 9, p. 625

**AGENCY 81: OFFICE OF THE  
SECURITIES COMMISSIONER**

Reg. No. Action Register  
81-3-2 Amended V. 8, p. 1704  
81-3-2 Amended V. 9, p. 83  
81-5-6 Amended V. 8, p. 1704  
81-5-6 Amended V. 9, p. 83

**AGENCY 82: STATE CORPORATION  
COMMISSION**

Reg. No. Action Register  
82-3-100 Amended V. 9, p. 329  
82-3-101 Amended V. 9, p. 329  
82-3-103 Amended V. 9, p. 332  
82-3-103a Amended V. 9, p. 332  
82-3-105 Amended V. 8, p. 425  
82-3-106 Amended V. 9, p. 333  
82-3-107 Amended V. 9, p. 334  
82-3-108 Amended V. 9, p. 334  
81-3-109 Amended V. 9, p. 335  
82-3-110 Amended V. 9, p. 336  
82-3-111 Amended V. 9, p. 336

82-3-113 Amended V. 9, p. 336  
82-3-114 Amended V. 8, p. 427  
82-3-117 Amended V. 9, p. 336  
82-3-120 Amended V. 9, p. 337  
82-3-122 Amended V. 9, p. 337  
82-3-123 Amended V. 9, p. 337  
82-3-123a Amended V. 9, p. 337  
82-3-124 Amended V. 9, p. 338  
82-3-126 Amended V. 9, p. 338  
82-3-128 Amended V. 9, p. 339  
82-3-129 Amended V. 9, p. 339  
82-3-130 Amended V. 9, p. 339  
82-3-131 Amended V. 9, p. 339  
82-3-133 Amended V. 9, p. 339  
82-3-134 Revoked V. 9, p. 339  
82-3-135 Amended V. 9, p. 339  
82-3-135a New V. 9, p. 340  
82-3-135b New V. 9, p. 340  
82-3-138 Amended V. 9, p. 341  
82-3-139 Revoked V. 9, p. 340  
82-3-140 Amended V. 9, p. 341  
82-3-141 Amended V. 9, p. 341  
82-3-142 Revoked V. 9, p. 342  
82-3-143 Revoked V. 9, p. 342  
82-3-201 Amended V. 9, p. 342  
82-3-203 Amended V. 9, p. 342  
82-3-205 Revoked V. 9, p. 342  
82-3-206 Amended V. 9, p. 342  
82-3-208 Amended V. 9, p. 342  
82-3-209 Amended V. 9, p. 343  
82-3-300 Amended V. 9, p. 343  
82-3-300a New V. 9, p. 344  
82-3-303 Amended V. 9, p. 344  
82-3-304 Amended V. 9, p. 346  
82-3-305 Amended V. 8, p. 431  
82-3-306 Amended V. 9, p. 346  
82-3-307 Amended V. 9, p. 346  
82-3-311 Amended V. 9, p. 346  
82-3-312 Amended V. 9, p. 347  
82-3-400 Amended V. 9, p. 347  
82-3-401 Amended V. 9, p. 348  
82-3-402 Amended V. 8, p. 434  
82-3-403 Amended V. 9, p. 349  
82-3-404 Amended V. 9, p. 349  
82-3-405 Amended V. 9, p. 350  
82-3-406 Amended V. 9, p. 351  
82-3-407 Amended V. 9, p. 351  
82-3-408 Amended V. 9, p. 351  
82-3-409 Amended V. 8, p. 435  
82-3-410 Amended V. 9, p. 352  
82-3-600a New V. 9, p. 352  
82-3-603 Amended V. 9, p. 352  
82-3-604 New V. 9, p. 352  
82-3-606 New V. 9, p. 352  
82-4-1 Amended V. 9, p. 381  
82-4-3 Amended V. 9, p. 381  
82-4-8a Amended V. 9, p. 382  
82-4-20 Amended V. 9, p. 382  
82-4-38 Amended V. 9, p. 383  
82-11-1 through  
82-11-9 New V. 8, p. 377-383  
82-11-3 Amended V. 9, p. 298  
82-11-4 Amended V. 9, p. 298  
82-11-10 New V. 9, p. 302

**AGENCY 85: ABSTRACTERS' BOARD  
OF EXAMINERS**

Reg. No. Action Register  
85-4-1 Amended V. 8, p. 1448  
85-6-1 Amended V. 8, p. 1448  
85-7-1 Amended V. 8, p. 1448

**AGENCY 86: REAL ESTATE COMMISSION**

Reg. No. Action Register  
86-1-10 Amended V. 8, p. 1752  
86-1-13 Amended V. 8, p. 1753

**AGENCY 88: BOARD OF REGENTS**

Reg. No. Action Register  
88-20-1 through  
88-20-11 New V. 9, p. 165-167  
88-21-1 through  
88-21-10 New V. 8, p. 1834, 1835

**AGENCY 91: DEPARTMENT OF EDUCATION**

Reg. No.	Action	Register
91-1-27b	Amended	V. 8, p. 94
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
91-1-58	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
91-1-107a	Amended	V. 8, p. 96
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
91-1-149	New	V. 8, p. 101
91-1-150	New	V. 8, p. 101
91-12-22	Amended	V. 8, p. 1755
91-12-23	Amended	V. 8, p. 1758
91-12-25	Amended	V. 8, p. 1759
91-12-32	Amended	V. 8, p. 1760
91-12-34	Amended	V. 8, p. 1760
91-12-38	Amended	V. 8, p. 1760
91-12-40	Amended	V. 8, p. 1761
91-12-41	Amended	V. 8, p. 1762
91-12-42	Amended	V. 8, p. 1763
91-12-44	Amended	V. 8, p. 1763
91-12-51	through	
91-12-63	Amended	V. 8, p. 1764-1770
91-12-65	Amended	V. 8, p. 1771
91-12-70	Amended	V. 8, p. 1771
91-12-73	New	V. 8, p. 1771
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
91-31-1	Amended	V. 8, p. 102
91-31-2	Amended	V. 8, p. 102
91-31-3	Amended	V. 8, p. 1361
91-31-4a	New	V. 8, p. 1362
91-31-7	Amended	V. 8, p. 103
91-31-11	Revoked	V. 8, p. 1362
91-31-12a	Amended	V. 8, p. 104
91-31-12h	Amended	V. 8, p. 1362
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	Amended	V. 8, p. 105
91-33-3	Amended	V. 8, p. 1363
91-33-5	Amended	V. 8, p. 106
91-33-8	Amended	V. 8, p. 1364
91-33-9	Revoked	V. 8, p. 1364
91-34-1	Amended	V. 8, p. 106
91-34-2	Amended	V. 8, p. 106
91-34-3	Amended	V. 8, p. 107
91-34-6	Revoked	V. 8, p. 1364
91-34-7	Amended	V. 8, p. 1364
91-34-13	Amended	V. 8, p. 1365

**AGENCY 92: DEPARTMENT OF REVENUE**

Reg. No.	Action	Register
92-9-6	Revoked	V. 8, p. 751
92-9-6a	New	V. 8, p. 751
92-51-42	New	V. 9, p. 35
92-52-10	Revoked	V. 9, p. 35
92-52-12	New	V. 9, p. 35
92-56-1	through	
92-56-5	New	V. 8, p. 1324, 1325

**AGENCY 98: KANSAS WATER OFFICE**

Reg. No.	Action	Register
98-6-1	through	
98-6-4	New	V. 8, p. 1121, 1122

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

Reg. No.	Action	Register
99-25-1	Amended	V. 8, p. 1005
99-25-3	Amended	V. 8, p. 1005
99-31-1	Amended	V. 8, p. 132

**AGENCY 100: BOARD OF HEALING ARTS**

Reg. No.	Action	Register
100-11-1	Amended	V. 8, p. 654
100-11-1	Amended	V. 8, p. 1069
100-38-1	Amended	V. 8, p. 1558
100-38-1	Amended	V. 8, p. 1806
100-49-4	Amended	V. 9, p. 108
100-49-4	Amended	V. 9, p. 257
100-54-4	Amended	V. 8, p. 1558
100-54-4	Amended	V. 8, p. 1806
100-55-4	Amended	V. 8, p. 1558
100-55-4	Amended	V. 8, p. 1806
100-60-1	Amended	V. 8, p. 1558
100-60-1	Amended	V. 8, p. 1806
100-60-15	New	V. 8, p. 1558
100-60-15	Amended	V. 8, p. 1806

**AGENCY 102: BEHAVIORAL SCIENCES REGULATORY BOARD**

Reg. No.	Action	Register
102-1-7	Amended	V. 8, p. 906
102-1-13	Amended	V. 9, p. 624
102-1-15	Amended	V. 8, p. 906
102-2-1a	Amended	V. 8, p. 204
102-2-3	Amended	V. 8, p. 1470
102-2-3	Amended	V. 8, p. 1591
102-3-1	New	V. 8, p. 1526
102-3-1	New	V. 8, p. 1591
102-3-3	through	
102-3-13	New	V. 8, p. 1526-1531
102-3-3	through	
102-3-13	New	V. 8, p. 1591-1596
102-4-1	New	V. 8, p. 204
102-4-1	New	V. 8, p. 335
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 105: BOARD OF INDIGENTS' DEFENSE SERVICES**

Reg. No.	Action	Register
105-3-2	Amended	V. 8, p. 1366
105-5-6	Amended	V. 8, p. 1366
105-5-7	Amended	V. 8, p. 1367
105-5-8	Amended	V. 8, p. 1367
105-7-5	Amended	V. 8, p. 1367
105-8-4	Amended	V. 8, p. 1367
105-10-1	Amended	V. 8, p. 1070
105-10-1	Amended	V. 8, p. 1367

**AGENCY 109: EMERGENCY MEDICAL SERVICES BOARD**

Reg. No.	Action	Register
109-1-1	Amended	V. 8, p. 873
109-2-1	Amended	V. 8, p. 874
109-2-2	Amended	V. 8, p. 874
109-2-4	Amended	V. 8, p. 874
109-2-5	through	
109-2-9	Amended	V. 8, p. 874-877
109-2-10	Revoked	V. 8, p. 877
109-2-11	Amended	V. 8, p. 877
109-2-12	Amended	V. 8, p. 878
109-3-1	New	V. 8, p. 879
109-4-1	Amended	V. 8, p. 879
109-4-2	Amended	V. 8, p. 880
109-4-3	Amended	V. 8, p. 880
109-5-1	Amended	V. 8, p. 881
109-5-2	Amended	V. 8, p. 881
109-5-3	Amended	V. 8, p. 881
109-6-1	Amended	V. 8, p. 1731
109-7-1	New	V. 8, p. 1731
109-8-1	New	V. 8, p. 882
109-9-1	New	V. 8, p. 882
109-9-2	New	V. 8, p. 882
109-9-4	New	V. 8, p. 882
109-10-1	New	V. 8, p. 883
109-11-1	through	
109-11-8	New	V. 8, p. 883-885
109-12-1	New	V. 8, p. 885
109-12-2	New	V. 8, p. 886

**AGENCY 110: DEPARTMENT OF COMMERCE**

Reg. No.	Action	Register
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
111-2-2a	New	V. 9, p. 199
111-1-5	Amended	V. 8, p. 586
111-2-1	Amended	V. 7, p. 1995
111-2-5	Revoked	V. 8, p. 1085
111-2-6	New	V. 8, p. 134
111-2-7	Amended	V. 8, p. 586
111-2-8	through	
111-2-12	Revoked	V. 8, p. 1666
111-2-13	New	V. 8, p. 1666
111-2-14	New	V. 9, p. 30
111-3-1	Amended	V. 9, p. 199
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. 8, p. 1085
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	Amended	V. 9, p. 503
111-3-13	Amended	V. 7, p. 1062
111-3-14	Amended	V. 9, p. 697
111-3-14a	Revoked	V. 9, p. 30
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. 9, p. 30
111-3-20	Amended	V. 8, p. 1085
111-3-21	Amended	V. 7, p. 1606
111-3-22	Amended	V. 8, p. 1085
111-3-22a	Revoked	V. 9, p. 31
111-3-24	Revoked	V. 9, p. 31
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	through	
111-4-71	Revoked	V. 9, p. 31
111-4-71a	Revoked	V. 9, p. 31
111-4-71b	Revoked	V. 9, p. 31
111-4-72	Revoked	V. 9, p. 31
111-4-73	Revoked	V. 9, p. 31
111-4-73a	Revoked	V. 8, p. 134
111-4-74	Revoked	V. 9, p. 31
111-4-75	Revoked	V. 9, p. 31
111-4-76	Revoked	V. 9, p. 31
111-4-77	Revoked	V. 9, p. 31

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111-4-77a	Revoked	V. 9, p. 32	111-5-17	Amended	V. 8, p. 211	112-4-10	Amended	V. 8, p. 1288
111-4-77b	Revoked	V. 9, p. 32	111-5-19	Amended	V. 8, p. 212	112-4-11	Amended	V. 8, p. 1246
111-4-78			111-5-20	Revoked	V. 8, p. 212	112-4-11	Amended	V. 8, p. 1289
through			111-5-21	Revoked	V. 9, p. 34	112-4-14a	New	V. 8, p. 1214
111-4-82	Revoked	V. 8, p. 13	111-5-22	Revoked	V. 9, p. 34	112-4-14a	New	V. 8, p. 1289
111-4-82a	Revoked	V. 8, p. 13	111-5-23	Revoked	V. 9, p. 34	112-4-15	New	V. 8, p. 724
111-4-83			111-6-1			112-4-16	New	V. 8, p. 258
through			through			112-4-17	New	V. 8, p. 258
111-4-87	Revoked	V. 8, p. 13	111-6-15	New	V. 7, p. 213-217	112-4-18	New	V. 8, p. 258
111-4-88			111-6-1	Amended	V. 8, p. 212	112-4-19	Amended	V. 8, p. 1214
through			111-6-3	Amended	V. 9, p. 200	112-4-19	Amended	V. 8, p. 1289
111-4-91	Revoked	V. 8, p. 210	111-6-6	Amended	V. 9, p. 200	112-4-20	Amended	V. 8, p. 1246
111-4-92			111-6-12	Amended	V. 8, p. 212	112-4-20	Amended	V. 8, p. 1289
through			111-6-13	Amended	V. 8, p. 299	112-4-22	Amended	V. 8, p. 1246
111-4-95	Revoked	V. 8, p. 299	111-6-16	Revoked	V. 8, p. 212	112-4-22	Amended	V. 8, p. 1289
111-4-96			111-6-17	New	V. 7, p. 1191	112-5-1		
through			111-7-1			through		
111-4-114	New	V. 7, p. 1606-1610	through			112-5-9	New	V. 8, p. 258-260
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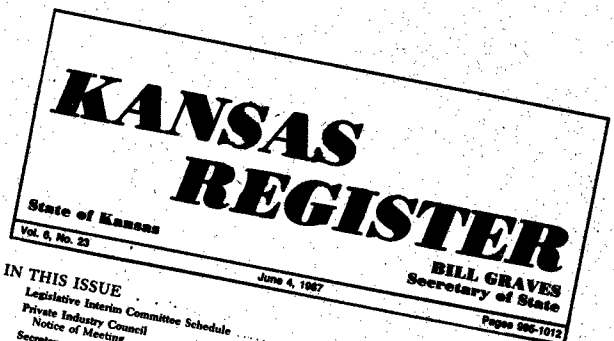
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