



Kansas Register

Bill Graves, Secretary of State

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State of Kansas

**Kansas Planning Council on
Developmental Disabilities Services**

Notice of Meeting

The Kansas Planning Council on Developmental Disabilities Services will meet at 9 a.m. Thursday, May 2, in Hearing Room B of the Board of Tax Appeals, Docking State Office Building, Topeka.

John F. Kelly
Executive Director

Doc. No. 010510

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 officers are listed in the Directory of County Officers. Both directories are published by the Secretary of State's office.

The following appointments were filed April 8-19:

**District Judge, 4th Judicial District,
Division No. 2**

Thomas H. Sachse, 1735 Ash, Ottawa 66067. Term expires when a successor is elected and qualifies according to law. Succeeds Donald White.

**District Judge, 10th Judicial District,
Division No. 3**

William A. Cleaver, 10218 Oakridge, Overland Park 66210. Term expires when a successor is elected and qualifies according to law. Succeeds G. Joseph Pierron, Jr.

**District Judge, 11th Judicial District,
Division No. 4**

Donald R. Noland III, Route 5, Box 267, Pittsburg 66762. Term expires when a successor is elected and qualifies according to law. Succeeds Richard Loffswold.

**State Planning Council on Developmental
Disabilities Services**

Renee Gardner, 320 Broadmoor, Topeka 66606. Term expires December 31, 1992. Succeeds Don Beamgard, resigned.

The Kansas Lottery

Ralph Decker, Executive Director, 3500 W. 29th, Topeka 66614. Serves at the pleasure of the Governor. Succeeds Jerry Simpson.

Military Advisory Board

David W. Taylor, 5131 S.W. 33rd Terrace, Topeka 66614. Serves at the pleasure of the Governor. Succeeds Donald O'Toole, resigned.

Bill Graves
Secretary of State

State of Kansas

Board of Technical Professions

Notice of Meeting

The State Board of Technical Professions will meet Friday, May 3, at the board office, Room 507, Landon State Office Building, 900 S.W. Jackson, Topeka. The Architect and Landscape Architect Section and the Professional Engineering and Land Surveyor Section will meet at 10 a.m. The full board will meet at 1 p.m. All meetings are open to the public.

Betty L. Rose
Executive Secretary

Doc. No. 010522

State of Kansas

Board of Hearing Aid Examiners

**Notice of Hearing on Proposed
Administrative Regulations**

A public hearing will be conducted at 11 a.m. Wednesday, May 29, at the offices of the Board of Hearing Aid Examiners, 600 N. St. Francis, Wichita, to consider the adoption of proposed changes in an existing rule and regulation of the board.

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 regulation. All interested parties may submit written comments prior to the hearing to the Board of Hearing Aid Examiners, P.O. Box 252, Wichita 67201.

All interested parties will be given a reasonable opportunity to present their views orally on the adoption of the proposed regulation 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 regulation is proposed for adoption on a permanent basis. A summary of proposed regulation and its economic impact follows.

K.A.R. 67-3-4, Maximum Number of Temporary Licensees. Addition of this regulation allows the board to limit the concurrent number of temporary licensees under a sponsor's supervision. This regulation will provide for improved training for applicants and will in turn benefit consumers through more qualified temporary licensees. There is no significant economic impact to state agencies, employees or to the general public.

Copies of the regulation and its economic impact statement may be obtained from the Board of Hearing Aid Examiners at the address given above, (316) 263-0774.

Sherry DuPerier
Chairperson

Doc. No. 010498

State of Kansas

Attorney General

Opinion No. 91-39

Taxation—Property Exempt From Taxation—Property Located on Federally Recognized Indian Reservation. Michael C. Hayes, Jackson County Attorney, Holton, April 11, 1991.

Jackson County is authorized to tax real estate and personal property owned in fee by non-Indians and located within the boundaries of the Potawatomi Indian reservation, but may not tax tribal property located within the reservation. K.S.A. 79-1702 may be utilized to cancel or refund unlawfully charged or collected taxes. Cited herein: K.S.A. 79-1701; 79-1702. JLM

Robert T. Stephan
Attorney General

Doc. No. 010511

State of Kansas

Kansas Water Office

Notice of Hearings

The Kansas Water Office has scheduled two formal public hearings on the fiscal year 1993 working draft of the Kansas Water Plan. The first hearing will be at 1 p.m. Wednesday, May 29, at the Fort Hays Experiment Station Auditorium, Hays. The second hearing will be at 1 p.m. Thursday, May 30, in the Old Supreme Court Chambers, Room 313-S, State Capitol, Topeka.

The working draft will have two policy sub-sections for public review and comment along with environmental protection strategy guidelines for the 12 river basins. The Missouri River Basin section is proposing an addition to its fish, wildlife and recreation subsection entitled "Missouri River Bluffs State Park."

All groups and individuals with an interest and concern for the state's water resources are encouraged to attend one of the public hearings. Written comments are invited. Those attending the hearings may present their comments in writing or orally.

An executive summary of the working draft of the plan has been sent to individuals and organizations currently on the Kansas Water Office mailing list. A copy of the plan summary also may be obtained by contacting the Kansas Water Office, 109 S.W. 9th, Topeka 66612-1249, (913) 296-3185.

Joseph F. Harkins
Director

Doc. No. 010505

State of Kansas

State Conservation Commission

Notice to Contractors

Sealed bids for the construction of a 33,000 cubic yard detention dam, Site 115 in Lyon County, will be received by the Allen Creek Watershed District No. 89 at Mid-Kansas Engineering Consultants, 1725 S.W. Gage Blvd., Topeka 66604, (913) 271-7100, until 4 p.m. May 6 or hand carried and submitted prior to bid opening. Bids will be opened at 10 a.m. May 7 at the Breckenridge County Cafe, 622 Main, Americus 66835, (316) 443-5612.

A copy of the invitation for bids and the plans and specifications can be obtained from Mid-Kansas Engineering Consultants. A site showing is scheduled for 10 a.m. Tuesday, April 30.

Kenneth F. Kern
Executive Director

Doc. No. 010493

State of Kansas

Department of Administration

Division of Purchases

Notice to Bidders

Sealed bids for the purchase of 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.

Wednesday, May 1, 1991

A-6623

Kansas State Historical Society—Stabilization of Hollenberg Pony Express Station, Hanover

Monday, May 6, 1991

27028 Supp.

Statewide—Pharmaceuticals

28461

University of Kansas—Ethernet equipment

28463

Department of Health and Environment—Token ring adapter boards

87696

University of Kansas Medical Center—Cryostat microtome

87788

Emporia State University—Trane centravac repair parts

87798

Department of Corrections—Loader/backhoe, El Dorado

87799

Department of Transportation—Air compressor, Topeka and Garden City

87850

Pittsburg State University—Dorm furniture

Tuesday, May 7, 1991

27092

Statewide—Blood bank and related products

27557
 Kansas State University—June (1991) meat products

87809
 University of Kansas—Peptide Synthesizer/HPLC

87820
 Department of Transportation—Penetrometer

87821
 Kansas State University—Grain

87827
 Lansing Correctional Facility and Kansas State University—Laundry equipment

Wednesday, May 8, 1991

26084
 Department of Health and Environment—Pharmaceutical service for family planning programs

27158
 University of Kansas Medical Center—Radiopharmaceuticals and RIA kits

87835
 Emporia State University, Wichita State University and Ellsworth Correctional Facility—Radios

Thursday, May 9, 1991

27812
 Statewide—Winter clothing

28464
 Department of Corrections—Pest control services, El Dorado

87839
 University of Kansas Medical Center—Auscultation system

87840
 Department of Human Resources—Hard drive upgrades

87847
 University of Kansas—Resurface tennis courts

87848
 Kansas Correctional Industries—Tractor

87849
 University of Kansas—Plain paper photocopier

87871
 Department of Corrections—Barber/beauty equipment, El Dorado

Friday, May 10, 1991

27073
 University of Kansas—Elevator maintenance (housing department)

27707
 Department of Commerce—Mailing services

28467
 Kansas Soldiers' Home—Electrical materials

87860
 Kansas Soldiers' Home—Electrical remodel project

87861
 Department of Transportation—Pavement friction tester

87866
 Department of Transportation—Truck mounted derrick, Hutchinson

87869
 Kansas State University—Riding lawn mowers

87870
 Department of Corrections—Medical equipment and supplies, El Dorado

Tuesday, May 14, 1991

A-6464
 Youth Center at Topeka—Replace condensing units

A-6525
 Pittsburg State University—Social Science Department remodeling, Russ Hall

87797
 University of Kansas Medical Center—IBM 7171 ASCII controller

Wednesday, May 15, 1991

A-6494, A-6496
 Department of Transportation—Reroof sub-area shop buildings, Kingman and Wellington

Thursday, May 16, 1991

A-4854 (g)
 Emporia State University—Memorial Union renovation, Phase VII

A-6462
 Youth Center at Topeka—Reroof various buildings

A-6467
 Youth Center at Beloit—Mechanical projects at various buildings

A-6618
 Kansas College of Technology—Provide and install special coating on roof

Tuesday, May 21, 1991

A-6495
 Department of Transportation—Construct new sub-area shop, Hutchinson

Wednesday, May 22, 1991

A-6378(a)
 Department of Transportation—Cheyenne Bottoms Wildlife Area renovation, Phase II, Stages III and IV), Barton County

Friday, May 24, 1991

82536A
 Adjutant General's Department—Furnish all labor and materials for construction of United States Property and Fiscal Office Building

Tuesday, May 28, 1991

28465
 Department of Wildlife and Parks—Agricultural lease, Texas Lake Wildlife Area

Wednesday, June 5, 1991

28453
 Statewide—Plain paper photocopiers

Nicholas B. Roach
 Director of Purchases

Doc. No. 010517

State of Kansas

Wildlife and Parks Commission

Notice of Meeting and Hearing
on Proposed Administrative Regulations

A public hearing will be conducted at 7 p.m. Wednesday, May 29, at the Mid-America Best Western Inn, 1846 N. 9th, Salina, to consider the adoption and revocation of several department regulations. If necessary, the public hearing will continue at 9 a.m. Thursday, May 30, at the same location. A workshop meeting on upcoming business and regulations will begin at 1:30 p.m. May 29 at the same location. If necessary, the workshop will continue following the conclusion of the public hearing. The public is also invited to attend the workshop.

This 30-day notice period prior to the hearing constitutes a public comment period for the purpose of receiving written public comments on the regulations.

Copies of the proposed regulations may be obtained by request to the chairman of the commission, Kansas Department of Wildlife and Parks, Suite 502, Landon State Office Building, 900 S.W. Jackson, Topeka 66612. All interested parties may submit written comments prior to the hearing to the chairman of the commission. All interested parties will be given a reasonable opportunity at the hearing to express their views orally in regard to the adoption of the proposed regulations and the proposed revocations. During the hearing, all written and oral comments submitted by interested parties will be considered by the commission as a basis for approving, amending or rejecting the proposed regulations and revocations.

The following is a brief summary of the regulations proposed for adoption.

K.A.R. 115-13-1. Commercial dog training permit; application and general provisions. This proposed permanent regulation for the training of hunting dogs incorporates provisions of K.A.R. 23-12-1, which is proposed for revocation. Wildlife species for use and coding of bands are two areas of change. Other provisions represent little change, but are now listed in the regulation to comply with statutory needs.

Economic Impact Summary: This regulation is not anticipated to have any significant economic impact.

K.A.R. 115-13-2. Non-commercial dog training. This proposed permanent regulation is necessary to allow for the non-commercial training of dogs. Wildlife species for use, recapture, band requirements, and time period for training are included as provisions of this regulation.

Economic Impact Summary: Due to statutory needs, it is necessary to have such a regulation in order to allow for continued non-commercial training of dogs. Adoption of the regulation is not anticipated to have any significant economic impact.

K.A.R. 115-13-3. Field trial permit; small game. This proposed permanent regulation incorporates provisions of K.A.R. 23-12-1 which is proposed for revocation. Wildlife species for use, coding of bands, band and marking requirements, trial starting times, permit duration, recapture, participant registration and mul-

tiples events under one permit are items which have undergone some changes from K.A.R. 23-12-1.

Economic Impact Summary: In most cases, the changes are a relaxation from K.A.R. 23-12-1 and are not anticipated to have significant impact on the agency, the public or other state agencies.

K.A.R. 115-13-4. Field trial permit; furbearers and coyotes. This proposed permanent regulation incorporates provisions of K.A.R. 23-12-11, which is proposed for revocation. Authorization for multiple events under one permit, a list of event participants and event starting times are included. Other provisions remain mostly unchanged from K.A.R. 23-12-11.

Economic Impact Summary: The proposed regulation is not anticipated to have any significant economic impact.

K.A.R. 115-13-5. Pen-reared, banded birds; recapture. This proposed permanent regulation incorporates provisions of K.A.R. 23-12-8, which is proposed for revocation. Permit application information, call pen tagging, expiration date and reporting are included in the regulation. Other provisions remain mostly unchanged from K.A.R. 23-12-8.

Economic Impact Summary: The proposed regulation is not anticipated to have any significant economic impact.

The following permanent regulations are proposed for revocation:

K.A.R. 23-3-16. Commercial fishing. The provisions of this regulation were incorporated into K.A.R. 115-17-10, 11, 12 and 13, which were adopted at the March 1991 commission hearing.

Economic Impact Summary: Revocation would have no economic impact.

K.A.R. 23-8-24. Field trial events-special use permits. Provisions of this regulation are incorporated into proposed regulations K.A.R. 115-13-3 and into K.A.R. 115-8-21, which was adopted at an earlier date.

Economic Impact Summary: Revocation would have no economic impact.

K.A.R. 23-12-1. Game birds and game animals used in field trial events and training dogs. Provisions of this regulation are incorporated into proposed regulations K.A.R. 115-13-1 and 3.

Economic Impact Summary: Revocation would have no economic impact.

K.A.R. 23-12-8. Recapture game birds; call pens. Provisions of this regulation are incorporated into proposed regulation K.A.R. 115-13-5.

Economic Impact Summary: Revocation would have no economic impact.

K.A.R. 23-12-11. Furbearing animals and coyotes; field trials, water races and drag events. Provisions of this regulation are incorporated into proposed regulation K.A.R. 115-13-4.

Economic Impact Summary: Revocation would have no economic impact.

Ron Hopkins
Chairman

Doc. No. 010499

State of Kansas

Legislature

Legislative Bills Introduced

The following numbers and titles of bills and resolutions have been introduced by the 1991 Kansas Legislature. Copies of bills and resolutions are available free of charge from the Legislative Document Room, 145-N, State Capitol, Topeka 66612, (913) 296-4096.

Bills Introduced April 11-13:

House Bills

HB 2636, by Committee on Appropriations: An act concerning licensure of practical nurses; relating to licensure without examination; amending K.S.A. 1990 Supp. 65-1116 and repealing the existing section.

HB 2637, by Committee on Taxation: An act relating to taxation; prohibiting the collection of state imposed taxes on federally recognized reservations for a specified period.

HB 2638, by Committee on Appropriations: An act concerning the university of Kansas medical center; relating to separate agency status for the school of medicine and for the hospital for certain purposes.

House Concurrent Resolutions

HCR 5027, by Representatives Barkis and Miller: A concurrent resolution relating to adjournment of the senate and house of representatives for a period during the 1991 regular session of the legislature.

House Resolutions

HR 6098, by Representative Baker, et al: A resolution congratulating the Wichita Jazz Festival, the Wichita River Festival and the Music Theatre of Wichita on their twentieth anniversaries.

HR 6099, by Representatives Lynch, Turnquist and White: A resolution congratulating and commending Deena Horst on being selected a Kansas Master Teacher for 1991.

HR 6100, by Representative Baker, et al: A resolution urging the United States Congress to maintain and expand the current Air Force Junior Reserve Officer Training Corps (AFJROTC) programs.

HR 6101, by Representative Cozine, et al: A resolution urging the United States Congress to support legislation to restore compensation and pension payments to military service veterans with mental illness.

HR 6102, by Representatives Hamilton and Everhart: A resolution congratulating and commending Sherryl Longhofer on being selected a Kansas Master Teacher for 1991.

HR 6103, by Representative Jennison: A resolution congratulating and commending the Hanston High School football team and Coach Jerry Slaton for winning the 1990 8-man Division II State Football Championship in Kansas.

HR 6104, by Representative Mollenkamp: A resolution congratulating and commending Fred Crippen, one of ten teachers to be inducted into the Kansas Teachers' Hall of Fame in Dodge City on June 1, 1991.

HR 6105, by Committee on Governmental Organization: A resolution endorsing the business-state partnership between the Boeing Company and the Department of Social and Rehabilitation Services and commending the Company and the Department for their initiative in bringing the partnership to fruition.

HR 6106, by Representative Bowden: A resolution congratulating and commending the Cheney High School girls' track team and its coach, Vernon Ferguson, on winning the 1990 Class 2A State Track and Field Title in Kansas.

HR 6107, by Representative Whiteman: A resolution making specific exceptions to the limitations prescribed by subsection (k) of Joint Rule 4 of the house of representatives and senate.

HR 6108, by Representative Shallenburger: A resolution congratulating and commending the Baxter Springs Little League All Star baseball team for winning the 1990 state title.

HR 6109, by Representative Shallenburger: A resolution congratulating and commending the Riverton High School football team

and Coach Don Simmons for winning the 1990 Class 3A State Football Championship in Kansas.

HR 6110, by Representative Brown: A resolution recognizing and supporting the Cornelia de Lange Syndrome Foundation.

Senate Bills

SB 448, by Committee on Ways and Means: An act concerning school districts; relating to budgets of operating expenses per pupil; amending K.S.A. 1990 Supp. 72-7055, as amended by section 7 of 1991 Senate Bill No. 26, and repealing the existing section.

SB 449, by Committee on Federal and State Affairs: An act amending and supplementing the Kansas lottery act; concerning video lottery games; relating to disposition of certain proceeds therefrom; amending K.S.A. 1990 Supp. 38-1602, 74-8701, 74-8702, 74-8704, 74-8706, 74-8708, 74-8710, 74-8711, 74-8712, 74-8717, 74-8718, 74-8719, 74-8720 and 74-8721 and repealing the existing sections; also repealing K.S.A. 1990 Supp. 74-8720a.

SB 450, by Committee on Federal and State Affairs: An act concerning property taxation; relating to the duties and powers of the director of property valuation; amending K.S.A. 79-1404 and repealing the existing section.

SB 451, by Committee on Federal and State Affairs: An act relating to agriculture; authorizing interest rate reductions on state inactive accounts for certain loans made to eligible agricultural borrowers; amending K.S.A. 75-4210 and repealing the existing section.

SB 452, by Committee on Ways and Means: An act concerning the board of directors of the Kansas technology enterprise corporation; amending K.S.A. 1990 Supp. 74-8101 and repealing the existing section.

SB 453, by Committee on Ways and Means: An act concerning school districts; relating to the financing thereof; affecting the taxable income component of district wealth; revising the definition of district wealth; amending K.S.A. 1990 Supp. 72-7041, as amended by section 2 of 1991 Senate Bill No. 26, and 72-7042, as amended by section 3 of 1991 Senate Bill No. 26, and repealing the existing sections.

SB 454, by Committee on Ways and Means: An act concerning school districts; relating to the taxable income component of district wealth for purposes of the school district equalization act; amending K.S.A. 1990 Supp. 72-7041, as amended by section 2 of 1991 Senate Bill No. 26, and repealing the existing section.

SB 455, by Committee on Federal and State Affairs: An act concerning certain benefit districts; relating to the governing bodies thereof; amending K.S.A. 31-302 and repealing the existing section.

Senate Concurrent Resolutions

SCR 1627, by Senators Burke, F. Kerr and Karr: A concurrent resolution relating to the joint committee on Kansas public employees retirement system (KPERs) investment practices; and amending 1991 House Concurrent Resolution No. 5016.

Senate Resolutions

SR 1870, by Senator Burke: A resolution recognizing and supporting the Cornelia de Lange Syndrome Foundation.

SR 1871, by Senator Burke, et al.: A resolution in memory of Luella (Lu) Kenney.

SR 1872, by Senator Francisco, et al.: A resolution congratulating the Wichita Jazz Festival, the Wichita River Festival and the Music Theatre of Wichita on their twentieth anniversaries.

SR 1873, by Senator Francisco, et al.: A resolution urging the United States Congress to maintain the current Air Force Junior Reserve Officer Training Corps (AFJROTC) programs.

SR 1874, by Senator Allen, et al.: A resolution relating to the birth of Alissa Marie Yost.

SR 1875, by Senator Allen, et al.: A resolution relating to the birth of Alex Elise Moran.

SR 1876, by Senator Allen, et al.: A resolution relating to the birth of Kelsey Paige Moran.

SR 1877, by Senator F. Kerr: A resolution making specific exceptions to the limitations prescribed by subsection (k) of Joint Rule 4 of the house of representatives and senate.

Doc. No. 010501

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 an air emissions permit in accordance with K.A.R. 28-19-14 (permits required) to Halliburton Services to install and operate a bulk cement handling plant to be located at 1102 E. 8th, Hays. The plant consists of nine tanks with a pneumatic conveying system for moving materials between tanks. The tanks are equipped with fabric-filter type dust collectors.

Written materials, including the permit application and information relating to the application submitted by Halliburton Services, draft permit, permit summary and analysis by KDHE describing the basis for the proposed permit are available for public inspection during normal business hours through May 27 by contacting Richard Robinson, KDHE, 2301 E. 13th, Hays 67601, (913) 625-5664; or Eugene Sallee, KDHE, Forbes Field, Topeka 66620-0001, (913) 296-1575.

K.S.A. 65-3008 provides that any person affected by the issuance of a permit can request a public hearing prior to its issuance. The request 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 a 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 May 27.

Stanley C. Grant
Acting Secretary of Health
and Environment

Doc. No. 010495

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 Phillips Pipe Line Company, Bartlesville, Oklahoma, to install and operate a gas turbine engine to be located at the Sharpe Station, Coffey County, Section 30, T10S, R16E.

Written materials, including the permit application and information relating to the application submitted by Phillips Pipe Line Company, draft permit, permit summary and analysis by KDHE describing the basis for the proposed permit are available for public inspection during normal business hours through May 28. This material can be reviewed at the KDHE office, Building 740, Forbes Field, Topeka. Questions con-

cerning this proposed permit should be directed to Ward A. Burns, (913) 296-1581.

K.S.A. 65-3008 provides that any person affected by the issuance of a permit can request a public hearing prior to its issuance. The request 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 a 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 May 28.

Stanley C. Grant
Acting Secretary of Health
and Environment

Doc. No. 010496

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 LRM Industries, Inc., Lawrence, to install and operate a portable asphalt concrete mixing plant to be initially located at Section 9, T13S, R20E, Douglas County.

Written materials, including the permit application and information relating to the application submitted by LRM, draft permit, permit summary and analysis by KDHE describing the basis for the proposed permit are available for public inspection during normal business hours through May 24 by contacting Pat Simpson, KDHE, 808 W. 24th, Lawrence 66046, (913) 842-4600. This material also can be reviewed at the KDHE office in Building 740, Forbes Field, Topeka. Questions concerning this proposed permit should be directed to L. C. Hinthier, (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 its issuance. The request 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 a 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 May 24.

Stanley C. Grant
Acting Secretary of Health
and Environment

Doc. No. 010506

State of Kansas

Department of Health
and EnvironmentNotice of Intent to Issue a
Hazardous Waste Facility Permit

A draft hazardous waste facility permit has been prepared by the Kansas Department of Health and Environment and the Region VII office of the U.S. Environmental Protection Agency for Aptus, Incorporated, Coffeyville. The proposed permit will allow Aptus to store and incinerate hazardous waste at its Coffeyville facility. The permit will also allow Aptus to conduct a trial burn at a later date for dioxin containing waste.

Under the federal Resource Conservation and Recovery Act (RCRA), Kansas has received final authorization from EPA to implement its own hazardous waste management program, in lieu of EPA, except for those portions of RCRA covered by the 1984 Hazardous and Solid Waste Amendments (HSWA). EPA has authority for the HSWA provisions; therefore, the permit to be issued to Aptus will be a joint KDHE/EPA action.

The purpose of the public comment period in the permitting process is to afford interested citizens and governmental agencies the opportunity to review the draft permit and to provide input into the permit decision-making process.

As part of the permitting process, KDHE and EPA must determine the ability of Aptus to comply with all applicable hazardous waste management requirements promulgated under Kansas Statutes Annotated 65-3430 *et seq.* and RCRA. KDHE and EPA are required to prepare draft permits that set forth in a concise document all of the applicable requirements which KDHE/EPA intend the permittee to comply with during the 10-year duration of the permit. The public is given 45 days to review the permit application and the draft permit prior to KDHE/EPA taking any final action. This comment period will begin April 25 and end June 11. During this period, the public may comment on the facility and the conditions specified in the draft permit.

A public hearing will be conducted in conjunction with the public comment period. The Secretary of Health and Environment has designated John Mitchell to be the presiding officer for the hearing to be held at 6 p.m. June 4 at the Coffeyville Community College auditorium. All comments received during the public comment period and at the public hearing will be taken into consideration by KDHE/EPA in the final permit decision-making process.

KDHE's portion of the permit will regulate the operation of hazardous waste storage in containers (drums) and tanks. KDHE's portion of the permit will also regulate the burning of RCRA regulated hazardous waste in the Aptus incinerator. EPA's portion of the permit will cover corrective action for releases from solid waste management units at the Aptus site, fugitive emissions from process equipment, newly listed hazardous wastes, miscellaneous waste management

units (shredders), and storage and incineration of dioxin contaminated wastes.

The administrative record, including the permit application, the draft permit and all relevant correspondence will be available for public examination at the following locations:

Coffeyville Public Library
311 W. 10th
Coffeyville 67337
Librarian: Karyl L. Buffington
(316) 251-1370

Kansas Department of Health
and Environment
Southeast District Office
1500 W. 7th
P.O. Box 888
Chanute 66720
Contact: Bill Towery
(316) 431-2390

Kansas Department of Health
and Environment
Central Office
Forbes Field, Building 740
Topeka 66620-0001
Contact: Steve Broslavick
(913) 296-1609

U.S. Environmental Protection Agency
Region VII Office
726 Minnesota Ave.
Kansas City, KS 66101
Contact: Lyndell Harrington
(913) 551-7657

Anyone wishing to comment on the application or the draft permit should send written comments to the following individuals postmarked no later than June 11:

John Mitchell
Kansas Department of Health
and Environment
Forbes Field, Building 740
Topeka 66620-0001

and

Lyndell Harrington
U.S. Environmental Protection Agency
Region VII Office
726 Minnesota Ave.
Kansas City, KS 66101

The KDHE secretary and the EPA regional administrator will make the final decision on the issuance and content of the permit at the end of the public comment period. In making this decision, the secretary/regional administrator will consider all written comments received during the public comment period, all verbal comments received at the public hearing, the requirements of all state and federal hazardous waste rules and regulations, and KDHE/EPA hazardous waste permitting policies.

Stanley C. Grant
Acting Secretary of Health
and Environment

Doc. No. 010516

State of Kansas

Department of Health
and EnvironmentNotice Concerning Underground
Injection Control Permit

In accordance with K.A.R. 28-46-7 and the authority vested with the state by the administrator of the U.S. Environmental Protection Agency, a tentative permit has been prepared for the continued use of Class I non-hazardous waste injection wells, within the state of Kansas, for the applicant described below.

Name and Address of Applicant	Well Location
Val-Agri, Inc., dba Monfort Well Identification #1 Box 957 Garden City, KS 67846 Kansas Permit No. KS-01-055-001	SE NE SE 22-24-32W, Finney County, Kansas, 1440' fsl and 920' fel of SE Corner

Description of Facility: The facility is a beef processing plant.

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 May 24 will be considered in the formulation of final determinations regarding this public notice. Please refer to the appropriate application number (KS-EG-91-25) and the 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. Media coordination (newspapers, radio) for publication and/or announcement of the public notice or public hearing is handled by the Kansas Department of Health and Environment.

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 address above.

Stanley C. Grant
Acting Secretary of Health
and Environment

Doc. No. 010521

State of Kansas

Department of Health
and EnvironmentNotice Concerning Underground
Injection Control Permits

The Kansas Department of Health and Environment is providing public notice regarding proposed reissuance of the underground injection control (UIC) and the modification of the hazardous waste facility (HWF) permits issued to Vulcan Materials Company, 6200 S. Ridge Road, Wichita. The proposed permit reissuance changes the injection limits from a concentration limit to an annual poundage limit. The proposed permits to be reissued will also significantly expand the monitoring, reporting and testing requirements for the injection wells and tighten financial assurance, closure and post closure requirements.

Name and Address of Applicant	Well Location
Vulcan Chemicals Well Identification #3 P.O. Box 12283 Wichita, KS 67277 Kansas Permit No. KS-01-173-004	W/2 of Section 27, Township 28S, Range 1W, Sedgwick County, Kansas

Description of Facility: Vulcan chemicals is a chloroalkali and chlorosolvent manufacturing facility. Wastewaters from this facility consist of stormwater runoff, contaminated groundwater and process wastewater. The wastewater consists primarily of sodium, calcium and magnesium chloride brines which vary in pH. The average chloride concentration of these brines is approximately 20,000 ppm. Trace organic compounds, soluble in brines, are also present. The fluids to be injected are considered hazardous by definition in the Resource Conservation and Recovery Act and K.S.A. 65-3430 *et seq.* and regulations adopted thereunder.

Name and Address of Applicant	Well Location
Vulcan Chemicals Well Identification #4 P.O. box 12283 Wichita, KS 67277 Kansas Permit No. KS-01-173-005	W/2 of Section 27, Township 28S, Range 1W, Sedgwick County, Kansas

Description of Facility: Vulcan chemicals is a chloroalkali and chlorosolvent manufacturing facility. Wastewaters from this facility consist of stormwater runoff, contaminated groundwater and process wastewater. The wastewater consists primarily of sodium, calcium and magnesium chloride brines which vary in pH. The average chloride concentration of these brines is approximately 20,000 ppm. Trace organic compounds, soluble in brines, are also present. The fluids to be injected are considered hazardous by definition in the Resource Conservation and Recovery Act and K.S.A. 65-3430 *et seq.* and regulations adopted thereunder.

Name and Address of Applicant	Well Location
Vulcan Chemicals Well Identification #7 P.O. Box 12283 Wichita, KS 67277 Kansas Permit No. KS-01-173-006	W/2 of Section 27, Township 28S, Range 1W, Sedgwick County, Kansas

Description of Facility: Vulcan chemicals is a chloroalkali and chlorosolvent manufacturing facility. Wastewaters from this facility consist of stormwater runoff, contaminated groundwater and process wastewater. The wastewater consists primarily of sodium, calcium and magnesium chloride brines which vary in pH. The average chloride concentration of these brines is approximately 20,000 ppm. Trace organic compounds, soluble in brines, are also present. The fluids to be injected are considered hazardous by definition in the Resource Conservation and Recovery Act and K.S.A. 65-3430 *et seq.* and regulations adopted thereunder.

Name and Address of Applicant
 Vulcan Chemicals
 Well Identification #8
 P.O. Box 12283
 Wichita, KS 67277
 Kansas Permit No. KS-01-173-007

Well Location
 W/2 of Section 27,
 Township 28S, Range
 1W, Sedgwick County,
 Kansas

Seneca Square Library
 3132-225 S. Seneca
 Wichita

Orchard Park Library
 4808 W. 9th
 Wichita

Description of Facility: Vulcan chemicals is a chloroalkali and chlorosolvent manufacturing facility. Wastewaters from this facility consist of stormwater runoff, contaminated groundwater and process wastewater. The wastewater consists primarily of sodium, calcium and magnesium chloride brines which vary in pH. The average chloride concentration of these brines is approximately 20,000 ppm. Trace organic compounds, soluble in brines, are also present. The fluids to be injected are considered hazardous by definition in the Resource Conservation and Recovery Act and K.S.A. 65-3430 *et seq.* and regulations adopted thereunder.

Comments on the proposed permit reissuance may be directed to Michael H. Cochran, Bureau of Water, or to Steve Broslavick, Bureau of Air and Waste Management, at the KDHE central office in Topeka. Comments must be submitted in writing prior to June 7. Please refer to the appropriate public notice (KS-EG-91-26/30) when sending comments. Requests for additional information, including the fact sheet, may be made by contacting the Bureau of Water at (913) 296-5560 or the Bureau of Air and Waste Management at (913) 296-1600.

Name and Address of Applicant
 Vulcan Chemicals
 Well Identification #9
 P.O. Box 12283
 Wichita, KS 67277
 Kansas Permit No. KS-01-159-008

Well Location
 W/2 of Section 27,
 Township 28S, Range
 1W, Sedgwick County,
 Kansas

Description of Facility: Vulcan chemicals is a chloroalkali and chlorosolvent manufacturing facility. Wastewaters from this facility consist of stormwater runoff, contaminated groundwater and process wastewater. The wastewater consists primarily of sodium, calcium and magnesium chloride brines which vary in pH. The average chloride concentration of these brines is approximately 20,000 ppm. Trace organic compounds, soluble in brines, are also present. The fluids to be injected are considered hazardous by definition in the Resource Conservation and Recovery Act and K.S.A. 65-3430 *et seq.* and regulations adopted thereunder.

If no objections are received, the Secretary of Health and Environment will issue the final determination. If response to this notice indicates significant public interest, a public hearing may be held in conformance with state regulation 28-46-21. Media coordination (newspapers, radio) for publication and/or announcement of the public notice or public hearing is handled by the Kansas Department of Health and Environment.

On June 30, 1986, VMC was issued permits to operate five Class I Hazardous Waste UIC disposal wells at its Wichita facility. The permits were issued by KDHE's Bureau of Water and regulate the injection of wastes into the Arbuckle Formation at a depth of approximately 4,000 feet below ground surface. Various wastewaters generated by VMC chemical manufacturing activities are disposed of via the UIC wells. On December 19, 1986, the UIC permits were incorporated into the HWF permits issued to VMC by KDHE's Bureau of Air and Waste Management. The only change to the HWF permit will be to incorporate the proposed reissued UIC permits.

The KDHE secretary will make a final permit decision after consideration of all comments received and of all requirements of state statutes and regulations. If a decision is made to reissue the permits as proposed, the secretary will notify all persons in writing who submitted comments or requested notice of the final decision. If the permit conditions are substantially changed from the draft made available to the public, the secretary will issue a public notice of the revisions.

Stanley C. Grant
 Acting Secretary of Health
 and Environment

Copies of the administrative record, which includes the draft permits, and relative correspondence are available for public view at the following locations during normal business hours:

KDHE Central Office
 Forbes Field
 Topeka

EPA Region VII Office
 726 Minnesota
 Kansas City, Kansas

West Link Library
 8515 Bekemeyer
 Wichita

KDHE South Central Office
 1919 Amidon, Suite 130
 Wichita

Doc. No. 010520

State of Kansas

Department of Health
 and Environment

Notice Concerning Kansas
 Water Pollution Control Permit

In accordance with state regulations 28-16-57 through 63 and 28-18-1 through 4, and the authority vested with the state by the administrator of the U.S. Environmental Protection Agency, a tentative permit has been prepared for the water pollution abatement facilities for the feedlot described below. The tentative determinations for permit content are based on preliminary staff review, applying the appropriate standards and regulations of the state of Kansas and the EPA. The permit requires control of any existing or potential discharges to achieve the goal of "no discharge" whenever possible. The permit, upon issuance, will constitute a state water pollution control facility and/or a national pollutant discharge elimination system permit.

(continued)

Name and Address of Applicant	Legal Description	Receiving Water
Kan Sun Beef, Inc. Route 1 Leoti, KS 67681	S½ Sec. 33, T.16S., R.38W., Wichita County, Kansas	Smoky Hill River Basin

Kansas Permit No: A-SHWH-C004 Federal Permit No: KS-0115282

The facility has capacity for approximately 17,000 cattle and a contributing drainage area of approximately 128 acres. This is an existing facility.

Runoff Control Facilities: Feedlot runoff is impounded for subsequent disposal upon agricultural land. Storage capabilities are provided in excess of 20 acre-feet.

Compliance Schedule:

- 1) The runoff containment structures do not meet minimum required storage capacity. The estimated existing capacity is 20.5 acre feet, whereas minimum required capacity is approximately 41 acre feet for runoff containment. Plans for upgrading the structures to meet the minimum state requirements shall be submitted by December 1, 1991. The pollution controls shall be upgraded in accordance with the approved plans within six months of plan approval by the department.
- 2) A livestock waste management plan for the facility shall be developed. The plan shall cover, but not be limited to, the following items: handling and disposal equipment for both solid and liquid wastes, land application practices used to protect against runoff and leaching, waste application rates based on crop nutrient utilization, and identification of adequate land areas of application of all wastes. Detailed guidance and requirements will be provided by the department. A plan shall be submitted to the department within six months following receipt of detailed requirements. The approved plan will become part of this permit.

Written comments on the proposed permits may be submitted to Angela Buie, Bureau of Environmental Quality, Kansas Department of Health and Environment, Forbes Field, Topeka 66620-0001. All comments received prior to May 25 will be considered in the formulation of final determinations regarding this public notice. Please refer to the appropriate application number (KS-AG-91-24) 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 within 30 days of this notice. 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, special conditions, fact sheets as appropriate, comments received, and other information are on file and may be inspected at the Kansas Department of Health and Environment offices, Building 740, Forbes Field, Topeka, 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 address above.

Stanley C. Grant
Acting Secretary of Health
and Environment

Doc. No. 010519

State of Kansas

Department of Health
and Environment

Notice Concerning Kansas
Water Pollution Control Permit

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, a tentative permit has been prepared for discharges to the waters of the United States and the state of Kansas for the applicant 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
Americold P.O. Box 2926 Kansas City, KS 66110-2926	Kansas River via unnamed tributary Kansas River Basin	Domestic wastewater, ammonia evaporative condenser bleed-off water and defrost water

Wyandotte County, Kansas

Kansas Permit No: I-KS27-P013

Fed. Permit No. KS-0001759

Description of Facility: Domestic wastewater is treated by a two-cell stabilization pond. The condenser bleed-off water and defrost water are discharged directly to the receiving stream. This is an existing permit and the previous effluent limitations are continued. 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 May 24 will be considered in the formulation of final determinations regarding this public notice. Please refer to the appropriate application number (KS-91-78) and the 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. Media coordination (newspapers, radio) for publication and/or announcement of the public notice or public hearing is handled by the Kansas Department of Health and Environment.

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
Acting Secretary of Health
and Environment

Doc. No. 010518

State of Kansas

**Northwest Kansas Groundwater
Management District No. 4**

Notice of Meeting

The Northwest Kansas Groundwater Management District No. 4 will conduct a board meeting at 10 a.m. Thursday, May 2, at the Ramada Inn, 1950 S. Range, Colby. General administrative matters and other business will be discussed.

Wayne A. Bossert
Manager

Doc. No. 010540

(Published in the Kansas Register, April 25, 1991.)

**Summary Notice of Bond Sale
Bel Aire, Kansas
\$251,965**

**General Obligation Internal Improvement Bonds
Series A, 1991**

(general obligation bonds payable from
unlimited ad valorem taxes)

Sealed Bids

Subject to the notice of bond sale dated April 16, 1991, and preliminary official statement dated April 25, 1991, sealed bids will be received by the city clerk of Bel Aire, Kansas (the issuer), on behalf of the governing body at City Hall, 4551 N. Auburn, Wichita, KS 67220, until 7 p.m. C.D.T. on May 7, 1991, for the purchase of \$251,965 principal amount of General Obligation Internal Improvement Bonds, Series A, 1991. No bid of less than the entire par value of the bonds and accrued interest thereon to the date of delivery will be considered.

Bond Details

The bonds will consist of fully registered bonds in the denomination of \$5,000 or any integral multiple thereof, except one bond in the denomination of \$6,965. The bonds will be dated May 1, 1991, and will become due on March 1 in the years as follows:

Year	Principal Amount
1992	\$16,965
1993	20,000
1994	20,000
1995	20,000
1996	25,000
1997	25,000
1998	30,000
1999	30,000
2000	30,000
2001	35,000

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, 1992.

Paying Agent and Bond Registrar

Kansas State Treasurer, Topeka, Kansas.

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 \$5,039.30 (2 percent of the principal amount of the bonds).

Delivery

The issuer 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 May 30, 1991, 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 1990 is \$11,526,851. The total general obligation indebtedness of the issuer as of the date of the bonds, including the bonds being sold, is \$3,222,965.

Approval of Bonds

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

Additional Information

Additional information regarding the bonds may be obtained from the city clerk, (316) 744-2451, or from the financial advisor, First Securities Company of Kansas, Inc., 200 Hardage Center, 100 S. Main, Wichita, KS 67202, Attention: Kerry J. Clark, (316) 262-4411.

Dated April 16, 1991.

City of Bel Aire, Kansas

Doc. No. 010509

(Published in the Kansas Register, April 25, 1991.)

**Summary Notice of Bond Sale
\$5,000,000**

**Unified School District 457
Finney County, Kansas (Garden City)
General Obligation School Building Bonds**

(general obligation bonds payable from
unlimited ad valorem taxes)

Details of the Sale

Subject to the terms and conditions of the complete official notice of bond sale, dated as of April 15, 1991, of Unified School District 457, Finney County, Kansas (Garden City), sealed, written bids shall be received at the school district's offices, 201 Buffalo Jones Ave., Garden City, until 7:30 p.m. C.D.T. on Monday, May 6, 1991, for the purchase of the school district's General Obligation School Building Bonds, Series 1991, which are hereinafter described. All bids shall be publicly opened, read aloud and considered on said date and at said time and shall be immediately thereafter acted upon by the Board of Education of the school district.

No oral or auction bids for the bonds shall be considered, and no bids for less than the entire amount of the bonds shall be considered.

Bids shall be accepted only on the official bid form

(continued)

that has been prepared for these bonds, which may be obtained from the clerk of the school district or from the school district's financial advisor. Bids may be submitted by mail or may be delivered in person and must be received at the place and no later than the date and time hereinbefore specified. Each bid shall be accompanied by a good faith deposit in the form of a certified or cashier's check drawn on a bank located within the United States and made payable to the order of the school district, and shall be in an amount equal to 2 percent of the principal amount of the bonds.

Details of the Bonds

The bonds to be sold are in the aggregate principal amount of \$5,000,000. The bonds shall be issued as fully registered bonds in denominations of \$5,000 or any integral multiple thereof not exceeding the principal amount of the bonds maturing in any year. The bonds shall bear a dated date of May 1, 1991. The bonds shall bear interest, payable as hereinafter set forth, at the rates specified by the successful bidder for the bonds. The bonds shall be subject to redemption prior to their respective maturities as set forth in the official notice of bond sale.

Interest on the bonds shall be payable semiannually on April 1 and October 1 of each year, commencing October 1, 1992, and the bonds shall mature serially on October 1 in each of the years and principal amounts as follows:

Principal Amount	Maturity Date
\$255,000	1992
405,000	1993
440,000	1994
470,000	1995
495,000	1996
520,000	1997
555,000	1998
585,000	1999
620,000	2000
655,000	2001

Payment of Principal and Interest

The Kansas State Treasurer shall serve as the bond registrar and paying agent for the bonds, and the principal of the bonds shall be paid upon surrender at the paying agent's principal offices in the city of Topeka, Kansas. Interest shall be paid by the mailing of a check or draft of the paying agent to the registered owners of the bonds.

Security for the Bonds

The bonds and the interest thereon constitute general obligations of the school district, and the full faith, credit and resources of the school district will be pledged to the payment thereof. The school district will be obligated to levy ad valorem taxes without limitation as to rate or amount upon all of the taxable tangible property within the territorial limits of the school district for the purpose of paying the bonds and the interest thereon.

Delivery of the Bonds

The bonds, duly printed, executed and registered, shall be furnished and delivered at the expense of the school district to the successful bidder, or at its direction, on or about Wednesday, May 29, 1991, at such

location in the state of Kansas or Kansas City, Missouri, as may be specified by the successful bidder. Delivery elsewhere shall be made at the expense of the successful bidder.

Legal Opinion

The bonds will be sold subject to the legal opinion of Hinkle, Eberhart & Elkouri, Wichita, Kansas, bond counsel, whose fees will be paid by the school district. Bond counsel's approving legal opinion as to the validity of the bonds will be printed on the bonds and will be delivered to the successful bidder upon delivery of the bonds. (Reference is made to the official notice of bond sale for a discussion of tax exemption and other legal matters.)

Financial Matters

The school district's assessed valuation for the year 1990 is as follows:

Assessed valuation of taxable tangible property	\$169,839,410
Taxable value of motor vehicles	23,477,088
Equalized assessed tangible valuation for computation of bonded debt limitations	\$193,316,498

On May 1, 1991, the school district's outstanding bonded indebtedness, not including the bonds described herein, will be in the amount of \$7,150,000.

Official Statement

The school district has prepared a preliminary official statement relating to the bonds, copies of which may be obtained from the school district or the school district's financial advisor. The preliminary official statement is in a form "deemed final" by the school district for the purpose of the Securities and Exchange Commission's Rule 15c2-12(b)(1), but is subject to revision, amendment and completion in the final official statement. Upon the sale of the bonds, the school district shall furnish the successful bidder with a reasonable number of copies of the final official statement, without additional cost, upon request. Copies of the final official statement in excess of a reasonable number may be ordered at the successful bidder's expense.

Additional Information

For additional information regarding the school district, the bonds and the sale, interested parties are invited to request copies of the complete official notice of bond sale and the school district's preliminary official statement and official bid form for the bonds, all of which may be obtained from the undersigned or from the school district's financial advisor by contacting Steven Shogren or John Haas, Ranson Capital Corporation, 120 S. Market, Suite 450, Wichita, KS 67202, (316) 262-4955.

Unified School District 457
 Finney County, Kansas (Garden City)
 By Betty S. Alefs, Clerk
 201 Buffalo Jones Ave.
 Garden City, KS 67846
 (316) 276-5100

Doc. No. 010504

(Published in the Kansas Register, April 25, 1991.)

Summary Notice of Bond Sale

\$265,000

Unified School District 459

Ford County, Kansas (Bucklin)

General Obligation School Building Bonds

(general obligation bonds payable from unlimited ad valorem taxes)

30,000	1997
30,000	1998
30,000	1999
35,000	2000
35,000	2001

Payment of Principal and Interest

The Kansas State Treasurer shall serve as the bond registrar and paying agent for the bonds, and the principal of the bonds shall be paid upon surrender at the paying agent's principal offices in the city of Topeka, Kansas. Interest shall be paid by the mailing of a check or draft of the paying agent to the registered owners of the bonds.

Security for the Bonds

The bonds and the interest thereon constitute general obligations of the school district, and the full faith, credit and resources of the school district will be pledged to the payment thereof. The school district will be obligated to levy ad valorem taxes without limitation as to rate or amount upon all of the taxable tangible property within the territorial limits of the school district for the purpose of paying the bonds and the interest thereon.

Delivery of the Bonds

The bonds, duly printed, executed and registered, shall be furnished and delivered at the expense of the school district to the successful bidder, or at its direction, on or about Thursday, May 30, 1991, at such location in the state of Kansas or Kansas City, Missouri, as may be specified by the successful bidder. Delivery elsewhere shall be made at the expense of the successful bidder.

Legal Opinion

The bonds will be sold subject to the legal opinion of Hinkle, Eberhart & Elkouri, Wichita, Kansas, bond counsel, whose fees will be paid by the school district. Bond counsel's approving legal opinion as to the validity of the bonds will be printed on the bonds and will be delivered to the successful bidder upon delivery of the bonds. (Reference is made to the official notice of bond sale for a discussion of tax exemption and other legal matters.)

Financial Matters

The school district's assessed valuation for the year 1990 is as follows:

Assessed valuation of taxable tangible property	\$15,164,154
Taxable value of motor vehicles	<u>930,843</u>
Equalized assessed tangible valuation for computation of bonded debt limitations	<u>\$16,094,997</u>

The school district has no existing bonded indebtedness.

Official Statement

The school district has prepared a preliminary official statement relating to the bonds, copies of which may be obtained from the school district or the school district's financial advisor. The preliminary official statement is in a form "deemed final" by the school district for the purpose of the Securities and Exchange Commission's Rule 15c2-12(b)(1), but is subject to revision, amendment and completion in the final official state-

(continued)

Details of the Sale

Subject to the terms and conditions of the complete official notice of bond sale, dated as of April 8, 1991, of Unified School District 459, Ford County, Kansas (Bucklin), sealed, written bids shall be received at the school district's offices in Bucklin until 8 p.m. C.D.T. on Monday, May 6, 1991, for the purchase of the school district's General Obligation School Building Bonds, Series 1991, which are hereinafter described. All bids shall be publicly opened and read aloud and considered on said date and at said time and shall be immediately thereafter acted upon by the Board of Education of the school district.

No oral or auction bids for the bonds shall be considered, and no bids for less than the entire amount of the bonds shall be considered.

Bids shall be accepted only on the official bid form that has been prepared for these bonds, which may be obtained from the clerk of the school district or from the school district's financial advisor. Bids may be submitted by mail or may be delivered in person and must be received at the place and no later than the date and time hereinbefore specified. Each bid shall be accompanied by a good faith deposit in the form of a certified or cashier's check drawn on a bank located within the United States and made payable to the order of the school district, and shall be in an amount equal to 2 percent of the principal amount of the bonds.

Details of the Bonds

The bonds to be sold are in the aggregate principal amount of \$265,000. The bonds shall be issued as fully registered bonds in denominations of \$5,000, or any integral multiple thereof not exceeding the principal amount of the bonds maturing in any year. The bonds shall bear a dated date of May 1, 1991. The bonds shall bear interest, payable as hereinafter set forth, at the rates specified by the successful bidder for the bonds. The bonds shall be subject to redemption prior to their respective maturities as set forth in the official notice of bond sale.

Interest on the bonds shall be payable semiannually on May 1 and November 1 of each year, commencing May 1, 1992, and the bonds shall mature serially on November 1 in each of the years and principal amounts as follows:

Principal Amount	Maturity Date
\$10,000	1992
20,000	1993
25,000	1994
25,000	1995
25,000	1996

ment. Upon the sale of the bonds, the school district shall furnish the successful bidder with a reasonable number of copies of the final official statement, without additional cost, upon request. Copies of the final official statement in excess of a reasonable number may be ordered at the successful bidder's expense.

Additional Information

For additional information regarding the school district, the bonds and the sale, interested parties are invited to request copies of the complete official notice of bond sale and the school district's preliminary official statement and official bid form for the bonds, all of which may be obtained from the undersigned or from the school district's financial advisor by contacting Steven Shogren or John Haas, Ranson Capital Corporation, 120 S. Market, Suite 450, Wichita, KS 67202, (316) 262-4955.

Unified School District 459
Ford County, Kansas (Bucklin)
By John P. Jones, Clerk
P.O. Box 8
Bucklin, KS 67834
(316) 862-3241

Doc. No. 010503

State of Kansas

Wichita State University

Notice to Bidders

The Wichita State University is accepting bids on the following items:

Starter System for Beech Wind Tunnel

Quotation #910464-B
Closing May 10, 1991

Data Acquisition & Reduction System for Beech Wind Tunnel

Quotation #910469-F
Closing May 10, 1991

Anthropomorphic Dummies

Quotation #910437-H
Closing May 15, 1991

Dielectric Analyzers

Quotation #910450-H
Closing May 20, 1991

Bids must be submitted to The Wichita State University, Office of Purchasing, Morrison Hall, Room 021, 1845 N. Fairmount, Wichita 67208, by 2 p.m. C.D.T. on the above specified closing dates. Please refer to the above quotation number on all correspondence. For additional information contact the Office of Purchasing, (316) 689-3080.

Gary D. Link
Director of Purchasing

Doc. No. 010508

(Published in the Kansas Register, April 25, 1991.)

**Notice of Redemption
to the holders of
Crawford County, Kansas
Single Family Mortgage Revenue Bonds
1980 Series A
Due December 1, 2011**

Notice is hereby given that, pursuant to Section 3.01 of the indenture dated as of February 1, 1980, and as amended by the first supplemental indenture dated April 1, 1989, \$140,000 principal amount of bonds has been drawn pro-rata among maturities and by lot by redemption at par on June 1, 1991.

Coupon bonds of \$5,000 denominations called in full bearing CUSIP No. 224851 and suffix:

AM7	AS4	1845
468	869	2117
AN5	870	2287
537	AT2	2296
AP0	965	2358
608	AU9	2363
AQ8	1075	2399
684	AW5	2544
AR6	1764	2828
767	1833	2901
769	1839	3060

In addition to the coupon bonds listed above, the following fully registered bonds to be redeemed in part and the principal amount to be redeemed, bearing CUSIP No. 224851, are as follows:

Bond Number	Par Value	Amount Called	Suffix
R181	\$10,000	\$5,000	AW5
R203	30,000	5,000	AW5
R213	45,000	10,000	AW5

Bonds with the June 1, 1991, coupons and all subsequent coupons attached should be presented to one of the offices of the paying agents:

By Mail:

Continental Bank, N.A.
Corporate Trust Operations
231 S. LaSalle, 19th Floor
Chicago, IL 60697

Kansas State Bank & Trust Company
Trust Department
123 N. Market
Wichita, KS 67202

By Hand Delivery:

Continental Bank, N.A.
Corporate Trust Operations
230 S. Clark, 19th Floor
Chicago, IL 60697

To assure prompt payment of the redemption price, bond certificates should be sent, unendorsed, approximately two weeks before June 1, 1991, to the above Continental Bank address. The method of delivery of the bonds for payment is at the election and risk of the holder, but if sent by mail, insured registered or certified mail, return receipt requested, is recommended.

Although registered bondholders have the option of presenting bonds to the Kansas paying agent, there will be a delay in the issuance of bonds for any un-

(continued)

redeemed portion unless such presentment is made to the principal paying agent in Chicago. Accordingly, the registered bonds which have been called in part should be presented to the paying agent in Chicago at the address given above.

Where a fully registered bond is redeemed in part, a new fully registered bond for the unredeemed portion will be issued and returned without charge. Interest on the bonds or portions of the bonds called for redemption will cease to accrue on June 1, 1991.

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 the tax should submit certified taxpayer identification numbers when presenting their securities for collection.

Dated April 25, 1991.

Continental Bank, National Association
Trustee for Crawford County, Kansas

Doc. No. 010494

(Published in the Kansas Register, April 25, 1991.)

**Notice of Bond Redemption
City of Edwardsville, Kansas**

Pursuant to the city of Edwardsville, Kansas, Ordinance Number 334 dated June 14, 1977, which authorized the Series June 1, 1977, Industrial Revenue Bonds (Standard Motor Products, Inc. Project), notice is hereby given that the city will redeem and pay on June 1, 1991, a total of \$230,000 of the bonds of said series maturing on June 1, 1992, through the operation of a mandatory sinking fund. The bonds are described below as follows:

Issue Date: June 1, 1977		CUSIP No.: None Assigned	
Bond Numbers	Amount Called	Rate	Stated Maturity
402	\$5,000	6.50%	6/01/92
403	\$5,000	6.50%	6/01/92
404	\$5,000	6.50%	6/01/92
405	\$5,000	6.50%	6/01/92
407	\$5,000	6.50%	6/01/92
411	\$5,000	6.50%	6/01/92
415	\$5,000	6.50%	6/01/92
416	\$5,000	6.50%	6/01/92
417	\$5,000	6.50%	6/01/92
418	\$5,000	6.50%	6/01/92
420	\$5,000	6.50%	6/01/92
424	\$5,000	6.50%	6/01/92
425	\$5,000	6.50%	6/01/92
427	\$5,000	6.50%	6/01/92
428	\$5,000	6.50%	6/01/92
430	\$5,000	6.50%	6/01/92
431	\$5,000	6.50%	6/01/92
433	\$5,000	6.50%	6/01/92
435	\$5,000	6.50%	6/01/92
436	\$5,000	6.50%	6/01/92
437	\$5,000	6.50%	6/01/92
438	\$5,000	6.50%	6/01/92
439	\$5,000	6.50%	6/01/92
441	\$5,000	6.50%	6/01/92

442	\$5,000	6.50%	6/01/92
443	\$5,000	6.50%	6/01/92
445	\$5,000	6.50%	6/01/92
446	\$5,000	6.50%	6/01/92
453	\$5,000	6.50%	6/01/92
456	\$5,000	6.50%	6/01/92
460	\$5,000	6.50%	6/01/92
461	\$5,000	6.50%	6/01/92
465	\$5,000	6.50%	6/01/92
472	\$5,000	6.50%	6/01/92
473	\$5,000	6.50%	6/01/92
474	\$5,000	6.50%	6/01/92
476	\$5,000	6.50%	6/01/92
482	\$5,000	6.50%	6/01/92
483	\$5,000	6.50%	6/01/92
490	\$5,000	6.50%	6/01/92
491	\$5,000	6.50%	6/01/92
494	\$5,000	6.50%	6/01/92
495	\$5,000	6.50%	6/01/92
498	\$5,000	6.50%	6/01/92
499	\$5,000	6.50%	6/01/92
500	\$5,000	6.50%	6/01/92

The bonds will be redeemed and paid on June 1, 1991, by payment of the principal thereof together with accrued interest thereon to the date of redemption.

The bonds shall cease to bear interest from and after June 1, 1991. Coupons due before June 1, 1991, should be surrendered in the usual manner. The bonds, along with all coupons due on or after December 1, 1991, should be surrendered at the principal office of the paying agent:

By Mail:

Commerce Bank of Kansas City, N.A.
P.O. Box 198345
Nashville, TN 37219-8345

By Courier or In Person:

Commerce Bank of Kansas City, N.A.
% Sovran Bank/Central South
Attn: Corporate Securities Operations (M-B)
One Commerce Place
Nashville, TN 37219

Under the provisions of the Interest and Dividend Tax Compliance Act of 1983, paying agents making payment of interest or principal on corporate securities or making payments of principal on municipal securities may be obligated to withhold an amount equal to 20 percent of 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 withholding should submit certified taxpayer identification numbers when presenting their securities for collection.

Dated April 23, 1991.

Commerce Bank of Kansas City, N.A.

Doc. No. 010523

State of Kansas

Department of Transportation

Notice to Consulting Engineers

The Kansas Department of Transportation is seeking qualified consultant engineering firms for the following scope of work. Responses must be received by May 9 if the consultant engineering firm wishes to be considered. Seven signed copies of responses need to be mailed to Al Cathcart, P.E., Project Control Engineer, Office of Engineering Support, KDOT, 7th Floor, Docking State Office Building, Topeka 66612.

For compliance with the National Bridge Inspection Standards (NBIS), as it concerns underwater inspection of bridge components, it is essential to retain the services of a consulting engineer firm to complete the Type IV underwater inspections for Local Public Authority (LPA) bridges. Approximately 185 LPA bridges will be inspected under this project.

This does not include 13 Kansas River LPA bridges which are being investigated under a different ongoing project.

Objectives

The objectives of this project will be to provide LPAs with an alternative inspection process utilizing 80 percent federal funds. Bridge inspection will be in accordance with the National Bridge Inspection Program. Services to be provided will consist of underwater bridge inspections through the use of divers.

Consultant Teams

The consultant or consultant team selected for this project will need to be prequalified in KDOT's categories 316 (Bridge Structural Analysis) and 317 (Underwater Bridge Inspection). The prime consultant will be prequalified with KDOT. The underwater bridge inspection services may be provided through a qualified underwater bridge inspection firm with certified divers.

Other Information

Information or other activities required to be performed by the consultant will be established and furnished to the short listed consulting firms prior to interview by the KDOT negotiating committee.

Firms expressing interest in these projects must respond in writing and complete the Consulting Engineers Qualification Questionnaire (if not already prequalified) by May 9.

It is the policy of KDOT to use the following criteria as the basis for selection of engineering consulting firms:

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

Gary Stotts

Secretary of Transportation

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. May 16, 1991, and then publicly opened:

District One—Northeast

Brown/Doniphan—106 K-4646-01—U.S. 73, bridge 44 and U.S. 36, bridges 34, 36, 37, 40, 41, 42, 45 and 46 in Brown County and bridge 23 in Doniphan County, bridge repair. (State Funds)

Johnson—46 C-2624-01—83rd and 87th streets and K-7 to Renner Road, 1.3 miles, shoulder work. (Federal Funds)

Leavenworth—5-52 K-2430-01—K-5, Little Snell Creek bridge 16 and 7 Mile Creek bridge 17, northwest of the Wyandotte County line, bridge replacement. (Federal Funds)

Leavenworth—5-52 K-2431-01—K-5, Atchison, Topeka and Santa Fe Railway bridge 20, 0.2 of a mile east of U.S. 73, bridge removal. (Federal Funds)

Leavenworth—5-52 K-4446-01—K-5, from the junction of U.S. 73 east to Commercial Place in Leavenworth, 0.1 of a mile, intersection improvement. (State Funds)

Leavenworth—73-52 U-1296-01—U.S. 73 and K-5 in Leavenworth, traffic signal. (Federal Funds)

Riley—113-81 K-2047-01—K-113, Chicago, Rock Island Pacific Railroad/Wildcat Creek 36, 1.2 miles north of K-18, 0.1 mile, bridge replacement. (State Funds)

Shawnee—70-89 K-4276-01—I-70, culverts 507 and 506 east of the west junction of K-4, culvert work. (State Funds)

District Two—Northcentral

Dickinson—21 C-2063-01—County road, 0.5 of a mile east and 4.2 miles north of Woodbine, then north, 0.2 mile, bridge replacement. (Federal Funds)

Mitchell—24-62 K-3168-01—U.S. 24, from 500 feet west of the Vo-Tech entrance, east 0.5 of a mile in Beloit, grading and surfacing. (State Funds)

District Three—Northwest

Smith—281-92 K-3703-01—U.S. 281, from Mid-States Port Authority Railroad north to U.S. 56 in Smith Center, 0.7 mile, overlay. (State Funds)

District Four—Southeast

Allen—59-1 K-4269-01—Big Creek bridge 17, 3.9 miles south of U.S. 54, bridge overlay. (State Funds)

Bourbon—7-6 K-3322-01—K-7, Little Osage River bridge 32, 12.3 miles north of U.S. 54, bridge replacement. (Federal Funds)

Elk—25 C-2636-02—County road, from the junction of U.S. 160 at Oak Valley then west, bridge repair. (Federal Funds)

Franklin—35-30 K-4262-01—I-35, Walnut Creek bridge 45 and 44, 1.5 miles southwest of the Miami County line, bridge overlay. (State Funds)

Franklin—35-30 M-1626-01—I-35, rest area modification, 7 miles west of Ottawa. (State Funds)

Greenwood—93-37 K-4285-01—K-99, Fall River bridge 32, 2.3 miles south of the west junction of U.S. 54, bridge overlay. (State Funds)

Montgomery—160-63 K-4292-01—U.S. 160, culvert 546 east of the south junction of U.S. 160 and U.S. 169, culvert work. (State Funds)

Montgomery—166-63 K-4294-01—U.S. 166, Atchison, Topeka and Santa Fe Railway overpass 33, 2 miles east of the Chautauqua-Montgomery county line, bridge repair. (State Funds)

Neosho—57-67 K-2857-01—K-57, Neosho drainage 40, 42, 44, 45, 46, 47 and 48 east of U.S. 59, bridge replacement. (Federal Funds)

Neosho—57-67 K-4079-01—K-57, from the junction of U.S. 59, east to the west city limits of St. Paul, 5.0 miles, grading and surfacing. (Federal Funds)

Neosho—67 U-1127-01—Plummer Avenue, east to the Atchison, Topeka and Santa Fe Railway and 14th Street in Chanute, 0.8 mile, grading and surfacing. (Federal Funds)

Neosho—39-67 M-1630-01—K-39, bridge 23 over the Missouri, Kansas, Texas Railroad at the east city limits of Chanute, bridge repair. (State Funds)

Wilson—39-103 M-1627-01—K-39, rest area modification, 2 miles north of Fredonia. (State Funds)

District Five—Southcentral

Barton—5 C-0906-01—County road, Pawnee Rock, then north, 6.6 miles, surfacing. (Federal Funds)

Cowley/Sumner—106 K-4474-01—U.S. 77 north and south of Winfield in Cowley County and U.S. 166 east of South Haven in Sumner County, mudjacking. (State Funds)

Edwards—50-24 K-4031-01—U.S. 50, from the east city limits of Kinsley, east to FAS 1489, 11.3 miles, recycling. (Federal Funds)

Kingman—17-48 K-4249-01—K-17, culvert 508, 2.2 miles north of U.S. 54, culvert work. (State Funds)

Reno—78 C-2777-01—County road, 5.0 miles north and 3.2 miles west of Pretty Prairie, then north, 0.1 mile, bridge. (Federal Funds)

Rush—183-83 K-4332-01—U.S. 183, from the north city limits of LaCrosse (K-4), north to the Rush-Ellis County line, 11.1 miles, recycling. (Federal Funds)

Sedgwick—87 U-1248-01—Maize Road from Kellogg, north to Maple Street in Wichita, 1.1 miles, grading and surfacing. (Federal Funds)

Stafford—50-93 K-4335-01—U.S. 50, from the junction of U.S. 281, east to the Stafford-Reno county line, 15.0 miles, recycling. (Federal Funds)

District Six—Southwest

Meade—60 C-2682-01—County road, 1.0 mile north and 3.0 miles east of Fowler, then northeast, 0.2 mile, grading and bridge. (Federal Funds)

Seward—83-88 K-3337-01—U.S. 83, from the four-lane/two-lane north of Liberal to 0.9 of a mile north of the junction of K-51, 7.8 miles, recycling. (Federal Funds)

Seward—88 U-1245-01—County Estates Road; 8th Street north in Liberal, 0.8 mile, grading and bridge. (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.

Gary Stotts

Secretary of Transportation

Doc. No. 010476

State of Kansas

The Kansas Lottery

Temporary Administrative Regulations

Article 2.—LOTTERY RETAILERS

111-2-17. "Tic-Tac-Toe" Retailer Incentive. During the period beginning March 21, 1991, and ending at 1:30 p.m. April 18, 1991, in addition to compensation provided for in K.A.R. 111-2-4, the Kansas lottery may also offer, for those retailers electing to participate, a bonus retailer incentive promotion of instant tickets and the Kansas lottery's "Tic-Tac-Toe" game as follows:

(a) With each pack of Tic-Tac-Toe tickets ordered, a retailer will receive one (1) pre-addressed entry postcard which the retailer shall fill out and present or mail to the Kansas lottery, 128 N. Kansas, Topeka, Kansas 66603. All postcards must be received by 1:30 p.m., April 18, 1991, at Lottery headquarters.

(b) The drawings will be held at 2 p.m. on March 28, April 4, 11 and 18, 1991, at Lottery headquarters. The first card drawn at each draw from all returned cards will win the grand prize of a round trip ticket for two provided by Continental Airlines and three nights of lodging provided by the lottery. Each retail location is eligible to win only one prize. During these

(continued)

drawings should the name of a retailer previously winning a grand prize be drawn that entry will be disqualified and another card will be drawn. (Authorized by K.S.A. 1989 Supp. 74-8710; implementing 1989 Supp. 74-8710 and 74-8708; effective, T-111-4-10-91, April 10, 1991.)

Article 4.—INDIVIDUAL GAME RULES
RULES FOR INSTANT GAME NO. 32
"TREASURE ISLAND"

111-4-253. Name of Game. The Kansas lottery shall conduct an instant winner lottery game entitled "Treasure Island" commencing on April 25, 1991. The specific rules for the "Treasure Island" instant game are contained in K.A.R. 111-3-1 *et seq.* and 111-4-253 through 111-4-256. (Authorized by and implementing K.S.A. 1989 Supp. 74-8710; effective, T-111-4-10-01, April 10, 1991.)

111-4-254. Definitions. The following definitions shall apply to the "Treasure Island" instant lottery game:

(a) "Game Symbols" are the numbers, letters, symbols or pictures printed in the play area of each instant game ticket which determine if the ticket bearer is entitled to a prize. In this instant game, the game symbols are printed in black ink in 10 pt. Archer. A game symbol appears in each of the six play spots within the game area. Each game symbol in the play area for this instant game is a drawing of one of the following: a treasure chest, an anchor, a parrot, a sword, a shovel, a skull and a ship.

(b) "Game symbol captions" are the words, portions of words, letters or numbers printed beneath each game symbol in the play area and are used to repeat or explain the game symbol. The game symbol caption associated with each game symbol is as follows:

Game Symbol	Game Symbol Caption
Treasure Chest	CHEST
Anchor	ANCHOR
Parrot	PARROT
Sword	SWORD
Shovel	SHOVEL
Skull	SKULL
Ship	SHIP

(c) "Ticket validation number" means a unique number appearing on each ticket which is used to validate winning tickets. For this instant game, the ticket validation number is a 10-digit number which appears on the front of each instant ticket and will be covered by latex.

(d) "Book-ticket number" means the unique number appearing on each ticket which includes the number of the book from which it was removed and the serially assigned number of the ticket within that book. For this instant game, the book-ticket number is an 8-digit book number followed by a dash and then a 3-digit ticket number. The ticket numbers in each book start with 000 and end with 299. The book-ticket number is printed in black ink on the bottom right portion of the front of each instant game ticket.

(e) "Retailer validation code" means the small letters

found under removable covering in the play area of each instant game ticket. The retailer uses this code to verify and validate winners which are to be paid by the retailer. In this instant game, the retailer validation code is a two letter code printed and appearing in two of six varying locations among the game symbols. The codes and their meanings are as follows: AA = free ticket; EE = \$3.00; HH = \$6.00; PP = \$9.00; SS = \$21.00. (Authorized by and implementing K.S.A. 1989 Supp. 74-8710; effective, T-111-4-10-91, April 10, 1991.)

111-4-255. Determination of Instant Prize Winners. An instant prize winner is determined for this instant game when the player removes or "scratches off" the removable layer of material covering the play area to reveal the six game symbols and captions. Prizes a player may win are as follows:

Get	Win
1 - Chest	FREE TICKET
2 - Chests	\$ 3.00
3 - Chests	\$ 6.00
4 - Chests	\$ 9.00
5 - Chests	\$ 21.00
6 - Chests	\$2,100.00

This is a "Key Symbol" game with the "Chest" designated as the winning symbol. The play area contains six (6) symbols. A winning ticket will contain between one (1) and six (6) winning symbols. After the play area is exposed, the player totals the number of winning symbols (chest) and checks the total against the printed legend on the ticket to find out the prize won. (Authorized by K.S.A. 1989 Supp. 74-8710(b)&(c); implementing K.S.A. 1989 Supp. 74-8710(b)&(c) and 74-8720; effective, T-111-4-10-91, April 10, 1991.)

111-4-256. Number and Value of Instant Prizes. (a) There will be approximately 3,600,000 tickets ordered for this instant game. The expected number and value of the instant prizes are as follows:

Prizes	Expected Number of Prizes in Game	Expected Value in Game
FREE TICKET	360,000	\$ -0-
\$ 3.00	276,000	828,000
\$ 6.00	36,000	216,000
\$ 9.00	24,000	216,000
\$ 21.00	12,000	252,000
\$2,100.00	48	100,800
	<u>708,048</u>	<u>\$1,612,800</u>

(b) The executive director may terminate the sale of tickets prior to the complete sale of all tickets. In this event, the number and value of prizes will be approximately proportional to the number of tickets actually sold.

(c) All prizes are subject to deductions provided by law. (Authorized by K.S.A. 1989 Supp. 74-8710(b), (c) & (f); implementing 74-8710(b), (c) & (f); and 74-8720; effective, T-111-4-10-91, April 10, 1991.)

Ralph Decker
 Executive Director

State of Kansas

Department of Revenue

Permanent Administrative
RegulationsArticle 55.—MOTOR VEHICLE
REGISTRATION

92-55-2a. Valuation of motor vehicles; allowance for depreciation. (a) When the period for which an owner is seeking to register a motor vehicle covers a portion of two calendar years, the value of a motor vehicle to be registered shall be reduced by taking into account depreciation which is equal to the product determined by multiplying 16% by a fraction, the numerator of which is the number of months in the next succeeding calendar year remaining in the owner's registration year and the denominator of which is 12. The depreciation allowed hereunder shall be in addition to the amounts allowed as reductions in the value of a vehicle pursuant to K.S.A. 79-5105(a).

(b) The method of computing depreciation set forth in subsection (a) shall be applied to all motor vehicles which are registered after January 1, 1991. (Authorized by K.S.A. 79-5115; implementing K.S.A. 79-5105; effective T-92-10-1-90, Jan. 1, 1991; amended T-_____, _____; amended June 10, 1991.)

Mark Beshears
Secretary of Revenue

Doc. No. 010507

State of Kansas

Real Estate Commission

Permanent Administrative
Regulations

Article 1.—EXAMINATION AND REGISTRATION

86-1-5. Fees. (a) Each applicant shall pay a fee in an amount equal to the actual cost of the examination and the administration thereof to the testing service designated by the commission.

(b) The following fees for licensure shall be submitted to the commission:

(1) For submission of an application for an original salesperson's or broker's license, a fee of \$15;

(2) For an original salesperson's license, an amount, based on an annual amount of \$30, prorated to the nearest whole month for the period of time from date of licensure until the expiration date determined by the schedule contained in K.A.R. 86-1-3;

(3) For an original broker's license, an amount, based on an annual amount of \$50, prorated to the nearest whole month for the period of time from date of licensure until the expiration date determined by the scheduled contained in K.A.R. 86-1-3;

(4) For renewal of a salesperson's license, an amount, based on an annual amount of \$30;

(5) For renewal of a broker's license, an amount, based on an annual amount of \$50;

(6) For reinstatement of a license which has been

deactivated or which has been canceled pursuant to K.S.A. 58-3047(d), and amendments thereto, or by reason of termination of a salesperson or associate broker, a fee of \$15;

(7) For reinstatement of all licenses canceled pursuant to K.S.A. 58-3047(e), and amendments thereto, an amount of \$7.50 for each license canceled;

(8) For issuance of a duplicate license, a fee of \$10; and

(9) For certification of licensure to another jurisdiction, a fee of \$10.

(c) The following fees related to courses of instruction shall be submitted to the commission:

(1) For approval of a course of instruction pursuant to K.S.A. 58-3046a, and amendments thereto, a fee of \$50;

(2) For renewal of an approved course of instruction pursuant to K.S.A. 58-3046a, and amendments thereto, a fee of \$15;

(3) For approval of an instructor pursuant to K.S.A. 58-3046a, and amendments thereto, a fee of \$50; and

(4) For renewal of an approved instructor pursuant to K.S.A. 58-3046a, and amendments thereto, a fee of \$15.

(d) This regulation shall take effect on and after July 31, 1991 and shall be applicable to all license renewals due on July 31, 1991 for which fees are received prior to July 31, 1991. (Authorized by K.S.A. 74-4202(b); implementing K.S.A. 1990 Supp. 58-3063 and K.S.A. 1990 Supp. 58-3045(b), effective Jan. 1, 1966; amended, E-73-30, Sept. 28, 1973; amended Jan. 1, 1974; amended, E-74-50, Sept. 13, 1974; amended May 1, 1975; amended, E-81-18, July 16, 1980; amended May 1, 1981; amended May 1, 1982; amended May 1, 1983; amended, T-86-10, May 1, 1985; amended May 1, 1986; amended, T-87-32, Nov. 19, 1986; amended May 1, 1987; amended Sept. 26, 1988; amended June 10, 1990.)

E. W. Yockers
Director

Doc. No. 010500

State of Kansas

Kansas Racing Commission

Permanent Administrative
Regulations

Article 11.—SECURITY AND SAFETY

112-11-21. Prohibited acts. (a) When on the grounds of a racetrack facility, no person shall:

(1) Violate a federal, state or local criminal or civil law;

(2) unless authorized by the commission, possess a firearm or other dangerous weapon;

(3) damage or destroy property of the racetrack facility or adjoining facilities;

(4) smoke in nonsmoking areas as designated by the commission;

(continued)

(5) unless authorized by the stewards or racing judges, communicate or attempt to communicate with a jockey or driver during racing hours, or attempt to gain entrance to the jockeys' and drivers' quarters at any time;

(6) fail to secure an occupation license if required for performance of duties at the racetrack facility;

(7) employ unlicensed personnel;

(8) alter or forge a prescription for medication for a racing animal;

(9) mar or alter any identification mark on any racing animal;

(10) unless authorized by the stewards or racing judges, use any radio transmitter or other transmitting device at a racetrack facility during a race meet;

(11) unless authorized by the commission, transmit or receive or attempt to transmit or receive wagering information through the use of a communication device; or

(12) participate in a race meet while suspended by the official racing body of any racing jurisdiction.

(b) When on the grounds of any racetrack facility where they are employed, the following occupation licensees shall not wager or cause anyone to wager on their behalf at any time:

- (1) general manager;
- (2) executive director;
- (3) director of mutuels;
- (4) director of racing;
- (5) racing secretary;
- (6) lead out;
- (7) starter;
- (8) paddock judge;

(9) clerk of scales;

(10) clocker;

(11) photo finish operator;

(12) identifier;

(13) lure operator;

(14) brakeman;

(15) kennel master; and

(16) assistants to any of these positions.

(c) When on the grounds of any racetrack facility where they are employed, the following occupation licensees shall not wager or cause anyone to wager on their behalf while on duty:

- (1) jockey;
- (2) jockey room attendant;
- (3) mutuel employee;
- (4) outrider;
- (5) patrol judge;
- (6) placing judge;
- (7) pony person;
- (8) track superintendent;
- (9) testing technician; and
- (10) assistants to any of these positions.

(d) No occupation licensee shall display the occupation license while wagering at any racetrack facility. (Authorized by K.S.A. 1990 Supp. 74-8804; implementing K.S.A. 1990 Supp. 74-8804 and 74-8810; effective, T-112-2-23-89, Feb. 23, 1989; effective June 19, 1989; amended, T-112-2-15-91, Feb. 15, 1991; amended June 10, 1991.)

Dana Nelson
Executive Director

Doc. No. 010497

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 1990 Index Supplement to the *Kansas Administrative Regulations*.

AGENCY 1: DEPARTMENT OF ADMINISTRATION

Reg. No.	Action	Register
1-5-30	New	V. 9, p. 1387, 1708
1-9-5	Amended	V. 9, p. 837
1-9-7a	Amended	V. 10, p. 382
1-16-8	Amended	V. 9, p. 379
1-16-18	Amended	V. 9, p. 1281
1-16-18	Amended	V. 9, p. 1347
1-16-18a	Amended	V. 9, p. 838
1-18-1a	Amended	V. 9, p. 1708, 1784

AGENCY 4: BOARD OF AGRICULTURE

Reg. No.	Action	Register
4-4-900 through 4-4-912	New	V. 9, p. 1754-1756

4-4-920 through 4-4-924	New	V. 9, p. 1757, 1758	4-7-800	Revoked	V. 9, p. 1359
4-4-931 through 4-4-937	New	V. 9, p. 1758-1760	4-7-801	Revoked	V. 9, p. 1359
4-4-950 through 4-4-954	New	V. 9, p. 1760, 1761	4-7-802	Amended	V. 9, p. 1076
4-7-1	Revoked	V. 9, p. 1761	4-7-802	Amended	V. 9, p. 1359
4-7-2	Amended	V. 9, p. 1762	4-7-803	Revoked	V. 9, p. 1359
4-7-4	Amended	V. 9, p. 1762	4-7-903	Amended	V. 9, p. 1359
4-7-5	Revoked	V. 9, p. 1762	4-7-1000	New	V. 9, p. 1764
4-7-7	Revoked	V. 9, p. 1762	4-7-1001	New	V. 9, p. 1764
4-7-213	Amended	V. 9, p. 1762	4-8-34	Amended	V. 9, p. 1359
4-7-214	Amended	V. 9, p. 1762	4-8-40	Amended	V. 9, p. 1359
4-7-215	Amended	V. 9, p. 1762	4-13-4	Amended	V. 9, p. 190
4-7-300 through 4-7-306	Revoked	V. 9, p. 1762	4-13-4a	New	V. 9, p. 190
4-7-400 through 4-7-407	Revoked	V. 9, p. 1762	4-13-5	Amended	V. 9, p. 191
4-7-509	Revoked	V. 9, p. 1762	4-13-8	Amended	V. 9, p. 191
4-7-510	Amended	V. 9, p. 189	4-13-15	Amended	V. 9, p. 578
4-7-511	New	V. 9, p. 189	4-13-26	New	V. 9, p. 191
4-7-512	New	V. 9, p. 189	4-13-27	New	V. 9, p. 191
4-7-513	New	V. 9, p. 190	4-16-1a	Amended	V. 9, p. 1785
4-7-700	Revoked	V. 9, p. 1762	4-16-1c	Amended	V. 9, p. 1785
4-7-702	Revoked	V. 9, p. 1763	4-17-1a	Amended	V. 9, p. 1785
4-7-709	Revoked	V. 9, p. 1763	4-17-1c	Amended	V. 9, p. 1786
4-7-715 through 4-7-722	Amended	V. 9, p. 1763	4-20-3	Amended	V. 9, p. 191
			4-20-5	Amended	V. 9, p. 192
			4-20-6	Amended	V. 9, p. 192
			4-20-7	New	V. 9, p. 192
			4-20-8	New	V. 9, p. 192
			4-20-11	New	V. 9, p. 192
			4-20-12	New	V. 9, p. 192
			4-20-13	New	V. 9, p. 192
			4-20-14	New	V. 9, p. 193

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

Reg. No.	Action	Register
5-1-1	Amended	V. 9, p. 1539
5-5-7	New	V. 9, p. 1541
5-9-3	Amended	V. 9, p. 1541
5-22-1	Amended	V. 9, p. 1302
5-22-2	Amended	V. 9, p. 1302
5-22-4	Amended	V. 9, p. 1302
5-22-5	Amended	V. 9, p. 1303
5-22-7	Amended	V. 9, p. 1303
5-22-8	New	V. 9, p. 1303
5-22-9	New	V. 9, p. 1303
5-23-3	Amended	V. 9, p. 193

AGENCY 7: SECRETARY OF STATE

Reg. No.	Action	Register
7-23-4	Amended	V. 9, p. 1194
7-29-1	Amended	V. 9, p. 989
7-29-1	Amended	V. 9, p. 1074
7-33-2	New	V. 9, p. 1675

**AGENCY 9: ANIMAL HEALTH
DEPARTMENT**

Reg. No.	Action	Register
9-2-1	Amended	V. 9, p. 328
9-13-4	Revoked	V. 10, p. 257

**AGENCY 11: STATE CONSERVATION
COMMISSION**

Reg. No.	Action	Register
11-7-1 through 11-7-10	New	V. 9, p. 506, 507

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

Reg. No.	Action	Register
14-5-4	Amended	V. 9, p. 989
14-6-1	Amended	V. 9, p. 989
14-6-4	Amended	V. 9, p. 990
14-7-4	Amended	V. 9, p. 990
14-10-5	Amended	V. 9, p. 990
14-13-1	Amended	V. 9, p. 991
14-13-2	Amended	V. 9, p. 992
14-13-4	Amended	V. 9, p. 992
14-13-9	Amended	V. 9, p. 993
14-13-11	Amended	V. 9, p. 994
14-14-7	Amended	V. 9, p. 994
14-14-14	New	V. 9, p. 995
14-17-6	New	V. 8, p. 750
14-19-14	Amended	V. 9, p. 995
14-19-17	Amended	V. 9, p. 996
14-20-14	Amended	V. 9, p. 996
14-20-17	Amended	V. 9, p. 997
14-21-1	Amended	V. 9, p. 997
14-21-4	Amended	V. 9, p. 998
14-21-6	Amended	V. 9, p. 998
14-22-1	Amended	V. 9, p. 999
14-22-4	Amended	V. 9, p. 1000
14-22-12	Amended	V. 9, p. 1000
14-23-14	Revoked	V. 9, p. 1000

AGENCY 22: STATE FIRE MARSHAL

Reg. No.	Action	Register
22-1-1	Amended	V. 9, p. 1167
22-2-1	Amended	V. 9, p. 1790
22-3-2	Amended	V. 9, p. 1168
22-4-1	Amended	V. 9, p. 1168
22-4-4	New	V. 9, p. 1168
22-7-1	Amended	V. 9, p. 1168
22-7-2	Amended	V. 9, p. 1168
22-7-3	Amended	V. 9, p. 1168
22-8-1	Amended	V. 9, p. 1168
22-10-1	Amended	V. 9, p. 1790
22-10-2	Amended	V. 9, p. 1791
22-10-3	Amended	V. 9, p. 1791
22-10-3a	New	V. 9, p. 1792
22-10-6	Amended	V. 9, p. 1792
22-10-9	Amended	V. 9, p. 1792
22-10-11	Amended	V. 9, p. 1358
22-10-13	Amended	V. 9, p. 1358
22-10-14	Amended	V. 9, p. 1793
22-10-17	Amended	V. 9, p. 1793

22-11-6	Amended	V. 9, p. 1170
22-11-8	Amended	V. 9, p. 1170
22-15-7	Amended	V. 9, p. 1171
22-18-3	New	V. 9, p. 1172
22-20-1	Amended	V. 9, p. 1172

**AGENCY 23: DEPARTMENT OF
WILDLIFE AND PARKS**

Reg. No.	Action	Register
23-1-8	Revoked	V. 9, p. 704
23-1-12	Revoked	V. 9, p. 386
23-2-5	Revoked	V. 9, p. 704
23-2-7	Revoked	V. 9, p. 386
23-2-12	Revoked	V. 9, p. 704
23-2-14	Revoked	V. 9, p. 386
23-2-15	Revoked	V. 9, p. 386
23-2-16	Revoked	V. 9, p. 386
23-2-17	Revoked	V. 9, p. 1133
23-2-18	Revoked	V. 9, p. 704
23-2-19	Revoked	V. 9, p. 704
23-3-9	Revoked	V. 9, p. 1133
23-3-13	Revoked	V. 9, p. 1134
23-3-17	Revoked	V. 9, p. 1563
23-3-18	Revoked	V. 9, p. 1563

23-5-1 through 23-5-8	Revoked	V. 9, p. 386
23-6-1	Revoked	V. 9, p. 1134
23-6-6	Revoked	V. 9, p. 167
23-6-7	Revoked	V. 9, p. 1134
23-7-5	Revoked	V. 9, p. 167
23-7-7	Revoked	V. 9, p. 167
23-8-11	Revoked	V. 9, p. 1134
23-11-3	Revoked	V. 9, p. 1344
23-11-4	Revoked	V. 9, p. 1344
23-11-6	Revoked	V. 9, p. 1344
23-11-7	Revoked	V. 9, p. 1344
23-11-8	Revoked	V. 9, p. 1344
23-11-9	Revoked	V. 9, p. 1344
23-11-12	Revoked	V. 9, p. 1344
23-11-13	Revoked	V. 9, p. 1344
23-11-15	Revoked	V. 9, p. 1815
23-11-16	Revoked	V. 9, p. 1344
23-11-17	Revoked	V. 9, p. 1344
23-15-1	Revoked	V. 9, p. 1134
23-18-2	Revoked	V. 9, p. 1563
23-20-1	Revoked	V. 9, p. 1563

**AGENCY 25: STATE GRAIN
INSPECTION DEPARTMENT**

Reg. No.	Action	Register
25-4-1	Amended	V. 10, p. 405
25-4-4	Amended	V. 9, p. 1343

**AGENCY 28: DEPARTMENT OF HEALTH
AND ENVIRONMENT**

Reg. No.	Action	Register
28-1-2	Amended	V. 9, p. 1644
28-1-22	New	V. 9, p. 1645
28-4-113 through 28-4-118	Amended	V. 9, p. 36-40
28-4-119b	Amended	V. 9, p. 40
28-4-120	Amended	V. 9, p. 40
28-4-124 through 28-4-132	Amended	V. 9, p. 40-43
28-4-350	Amended	V. 9, p. 44
28-4-405	Amended	V. 10, p. 257
28-4-442	Amended	V. 9, p. 44
28-17-1	Amended	V. 9, p. 1340
28-17-3	Revoked	V. 9, p. 1340
28-17-4	Revoked	V. 9, p. 1340
28-17-5	Amended	V. 9, p. 1340
28-17-7	Revoked	V. 9, p. 1340
28-17-12	Amended	V. 9, p. 1340
28-17-15	Amended	V. 9, p. 1340
28-17-19	Amended	V. 9, p. 1340
28-17-20	Amended	V. 9, p. 1340
28-33-11	Amended	V. 9, p. 1842
28-38-17	Revoked	V. 9, p. 1195
28-38-18 through 28-38-23	Amended	V. 9, p. 1195, 1196
28-38-24	Revoked	V. 9, p. 1196
28-38-25	Revoked	V. 9, p. 1196

28-38-26	Amended	V. 9, p. 1196
28-38-28	Amended	V. 9, p. 1197
28-39-81	Amended	V. 9, p. 1023
28-44-1 through 28-44-11	Revoked	V. 9, p. 1513
28-44-12 through 28-44-27	New	V. 9, p. 1513-1517
28-50-1	Amended	V. 9, p. 1844
28-50-5 through 28-50-10	Amended	V. 9, p. 1846-1854
28-50-11	Revoked	V. 9, p. 1855
28-50-13	Amended	V. 9, p. 1855
28-50-14	Amended	V. 9, p. 1855
28-51-108	Amended	V. 9, p. 123
28-53-1 through 28-53-5	New	V. 10, p. 199
28-59-1 through 28-59-8	New	V. 10, p. 111-113

**AGENCY 30: SOCIAL AND
REHABILITATION SERVICES**

Reg. No.	Action	Register
30-2-16	Amended	V. 9, p. 1250
30-4-63	Amended	V. 9, p. 1250, 1708
30-4-64	Amended	V. 9, p. 1252, 1710
30-4-73	Amended	V. 9, p. 1253
30-4-85a	Amended	V. 9, p. 194
30-4-96	Amended	V. 9, p. 194
30-4-101	Amended	V. 10, p. 42, 77
30-4-102	Amended	V. 9, p. 450
30-4-111	Amended	V. 10, p. 341
30-4-112	Amended	V. 10, p. 342
30-4-113	Amended	V. 10, p. 343
30-4-120	Amended	V. 10, p. 343
30-5-58	Amended	V. 10, p. 333
30-5-59	Amended	V. 9, p. 1717
30-5-60	Amended	V. 9, p. 940
30-5-62	Amended	V. 9, p. 457
30-5-65	Amended	V. 9, p. 940
30-5-67	Amended	V. 9, p. 457
30-5-68	Amended	V. 9, p. 940
30-5-70	Amended	V. 9, p. 457
30-5-71	Amended	V. 9, p. 940
30-5-73	Amended	V. 9, p. 459
30-5-77	New	V. 10, p. 338
30-5-81	Amended	V. 9, p. 1601, 1645
30-5-81a	Amended	V. 9, p. 459
30-5-81b	Amended	V. 9, p. 940
30-5-82	Amended	V. 9, p. 459
30-5-86	Amended	V. 9, p. 940
30-5-87	Amended	V. 9, p. 987
30-5-88	Amended	V. 9, p. 1601, 1645
30-5-89	Amended	V. 9, p. 118
30-5-90	Revoked	V. 9, p. 941
30-5-92	Amended	V. 10, p. 344
30-5-94	Amended	V. 10, p. 345
30-5-95	Amended	V. 10, p. 346
30-5-100	Amended	V. 9, p. 941
30-5-101	Amended	V. 9, p. 1718
30-5-103	Amended	V. 9, p. 1718
30-5-104	Amended	V. 9, p. 1718
30-5-110	Amended	V. 9, p. 941
30-5-111	Revoked	V. 9, p. 1718
30-5-112	Amended	V. 9, p. 461
30-5-113	Amended	V. 9, p. 941
30-5-113a	Amended	V. 9, p. 941
30-5-114	Amended	V. 9, p. 461
30-5-115	Amended	V. 9, p. 941
30-5-116	Amended	V. 9, p. 1718
30-5-116a	Amended	V. 9, p. 1719
30-5-117	New	V. 9, p. 941
30-5-117a	New	V. 9, p. 942
30-5-118	New	V. 9, p. 1602, 1645
30-5-118a	New	V. 9, p. 1602, 1645
30-5-150	New	V. 9, p. 461
30-5-151	New	V. 9, p. 462
30-5-152	New	V. 9, p. 462

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30-5-154		
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30-5-172	New	V. 9, p. 462-464
30-5-162	Amended	V. 9, p. 1719
30-6-35	Amended	V. 9, p. 1255
30-6-35	Revoked	V. 9, p. 1280
30-6-38	Amended	V. 9, p. 1256
30-6-38	Revoked	V. 9, p. 1280
30-6-41	Amended	V. 9, p. 195
30-6-53	Amended	V. 9, p. 1256
30-6-53	Revoked	V. 9, p. 1280
30-6-65	Amended	V. 10, p. 346
30-6-73	Amended	V. 9, p. 1720
30-6-74	Amended	V. 9, p. 195
30-6-77	Amended	V. 10, p. 347
30-6-79	Amended	V. 9, p. 195
30-6-82	New	V. 10, p. 338
30-6-86	Amended	V. 10, p. 348
30-6-87	New	V. 9, p. 1259
30-6-87	Revoked	V. 9, p. 1280
30-6-103	Amended	V. 10, p. 348
30-6-106	Amended	V. 10, p. 339, 349
30-6-107	Amended	V. 9, p. 1259
30-6-107	Revoked	V. 9, p. 1281
30-6-108	Amended	V. 9, p. 1260
30-6-108	Revoked	V. 9, p. 1281
30-6-109	Amended	V. 9, p. 1260
30-6-109	Revoked	V. 9, p. 1281
30-6-111	Amended	V. 10, p. 351
30-6-112	Amended	V. 10, p. 352
30-6-113	Amended	V. 10, p. 353
30-7-68	Amended	V. 9, p. 1723
30-7-79	New	V. 9, p. 942
30-10-1a	Amended	V. 9, p. 1603, 1646
30-10-1b	Amended	V. 9, p. 1604, 1646
30-10-1c	Amended	V. 9, p. 1605, 1646
30-10-1d	Amended	V. 9, p. 1605, 1646
30-10-1f	Amended	V. 9, p. 1605, 1646
30-10-2	Amended	V. 9, p. 1605, 1646
30-10-3	Amended	V. 9, p. 1606, 1646
30-10-6	Amended	V. 9, p. 1606, 1646
30-10-7	Amended	V. 10, p. 354
30-10-8	Amended	V. 9, p. 1607, 1646
30-10-9	Amended	V. 9, p. 1607, 1646
30-10-11	Amended	V. 9, p. 1607, 1646
30-10-14	Amended	V. 9, p. 1609, 1646
30-10-15a	Amended	V. 9, p. 1609, 1646
30-10-15b	Amended	V. 9, p. 1610, 1647
30-10-16	Amended	V. 9, p. 1610, 1647
30-10-17	Amended	V. 9, p. 1610, 1647
30-10-18	Amended	V. 9, p. 1612, 1647
30-10-19	Amended	V. 9, p. 1613, 1647
30-10-20	Amended	V. 9, p. 1613, 1647
30-10-21	Amended	V. 9, p. 1614, 1647
30-10-22	Revoked	V. 9, p. 1614, 1647
30-10-23a	Amended	V. 9, p. 1614, 1647
30-10-23b	Amended	V. 9, p. 1615, 1647
30-10-23c	Amended	V. 9, p. 1615, 1647
30-10-24	Amended	V. 9, p. 1616, 1647
30-10-25	Amended	V. 9, p. 1617, 1647
30-10-26	Amended	V. 9, p. 1618, 1648
30-10-27	Amended	V. 9, p. 1618, 1648
30-10-28	Amended	V. 9, p. 1618, 1648
30-10-29	Amended	V. 10, p. 354
30-10-30	Revoked	V. 10, p. 355
30-10-200		
through		
30-10-209	New	V. 9, p. 1619-1624
30-10-200		
through		
30-10-209	New	V. 9, p. 1648-1652
30-10-210		
through		
30-10-226	New	V. 10, p. 48-57
30-10-210		
through		
30-10-226	New	V. 10, p. 77-87
30-22-33	New	V. 9, p. 942
30-51-1		
through		
30-51-5	Revoked	V. 9, p. 198

AGENCY 33: DEPARTMENT OF WILDLIFE AND PARKS

Reg. No.	Action	Register
33-1-21	Revoked	V. 9, p. 167
33-2-2	Revoked	V. 9, p. 1815
33-3-2	Revoked	V. 9, p. 386
33-3-4	Revoked	V. 9, p. 386

AGENCY 36: DEPARTMENT OF TRANSPORTATION

Reg. No.	Action	Register
36-1-1	Amended	V. 10, p. 88
36-1-28		
through		
36-1-34	New	V. 10, p. 88-91
36-15-23	Amended	V. 9, p. 1023
36-26-1	Amended	V. 9, p. 1023

AGENCY 40: KANSAS INSURANCE DEPARTMENT

Reg. No.	Action	Register
40-2-20	New	V. 10, p. 259, 383
40-3-35	Amended	V. 9, p. 1304
40-3-46	New	V. 10, p. 381
40-3-47	New	V. 10, p. 381
40-4-35a	Amended	V. 9, p. 30
40-4-35a	Amended	V. 9, p. 303
40-4-39	New	V. 9, p. 303
40-7-11	Amended	V. 9, p. 304
40-7-20a	Amended	V. 9, p. 1305
40-7-20a	Amended	V. 9, p. 1362
40-7-22		
through		
40-7-25	New	V. 9, p. 304
40-10-2	Amended	V. 9, p. 985
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
44-6-101	Amended	V. 9, p. 1424
44-6-108a		
through		
44-6-114b	Revoked	V. 9, p. 1425
44-6-114c	New	V. 9, p. 1425
44-6-120	Amended	V. 9, p. 1425
44-6-121	Amended	V. 9, p. 1425
44-6-124	Amended	V. 9, p. 1426
44-6-125	Amended	V. 9, p. 1426
44-6-126	Amended	V. 9, p. 1426
44-6-134	Amended	V. 9, p. 1427
44-6-135	Amended	V. 9, p. 1427
44-6-135a	New	V. 9, p. 1427
44-6-136a	New	V. 9, p. 1427
44-6-143	New	V. 9, p. 1428
44-7-104	Amended	V. 9, p. 1428
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. 950
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. 950
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 47: DEPARTMENT OF HEALTH AND ENVIRONMENT

Reg. No.	Action	Register
47-1-1	New	V. 9, p. 1872
47-1-3	Amended	V. 9, p. 1872
47-1-4	Amended	V. 9, p. 1872
47-1-8	Amended	V. 9, p. 1872
47-1-9	Amended	V. 9, p. 1872
47-1-10	Amended	V. 9, p. 1872

47-1-11	Amended	Vol. 9, p. 1873
47-2-14	Amended	Vol. 9, p. 1873
47-2-21	Amended	Vol. 9, p. 1873
47-2-53	Amended	Vol. 9, p. 1873
47-2-53a	Amended	Vol. 9, p. 1873
47-2-67	Amended	Vol. 9, p. 1873
47-2-75	Amended	Vol. 9, p. 1873
47-3-1	Amended	Vol. 9, p. 1874
47-3-2	Amended	Vol. 9, p. 1874
47-3-3a	Amended	Vol. 9, p. 1874
47-3-42	Revoked	Vol. 9, p. 1874
47-4-14	Revoked	Vol. 9, p. 1876
47-4-14a	New	Vol. 9, p. 1876
47-4-15	Amended	Vol. 9, p. 1881
47-4-16	Amended	Vol. 9, p. 1884
47-4-17	Amended	Vol. 9, p. 1884
47-5-5a	Amended	Vol. 9, p. 1885
47-5-16	Amended	Vol. 9, p. 1887
47-6-1	Amended	Vol. 9, p. 1887
47-6-2	Amended	Vol. 9, p. 1887
47-6-3	Amended	Vol. 9, p. 1887
47-6-4	Amended	Vol. 9, p. 1887
47-6-6	Amended	Vol. 9, p. 1888
47-6-7	New	Vol. 9, p. 1888
47-6-8	New	Vol. 9, p. 1889
47-6-9	New	Vol. 9, p. 1889
47-6-10	New	Vol. 9, p. 1889
47-7-2	Amended	Vol. 9, p. 1889
47-8-9	Amended	Vol. 9, p. 1890
47-8-11	Amended	Vol. 9, p. 1890
47-9-1	Amended	Vol. 9, p. 1890
47-9-2	Amended	Vol. 9, p. 1893
47-9-4	Amended	Vol. 9, p. 1893
47-10-1	Amended	Vol. 9, p. 1893
47-11-8	Amended	Vol. 9, p. 1893
47-12-4	Amended	Vol. 9, p. 1894
47-13-4	Amended	Vol. 9, p. 1894
47-13-5	Amended	Vol. 9, p. 1894
47-13-6	Amended	Vol. 9, p. 1895
47-14-7	Amended	Vol. 9, p. 1895
47-15-1a	Amended	Vol. 9, p. 1895
47-15-3	Amended	Vol. 9, p. 1896
47-15-4	Amended	Vol. 9, p. 1896
47-15-7	Amended	Vol. 9, p. 1896
47-15-8	Amended	Vol. 9, p. 1896
47-15-15	Amended	Vol. 9, p. 1897
47-15-17	Amended	Vol. 9, p. 1897
47-16-1		
through		
47-16-8	Amended	Vol. 9, p. 1897-1899

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 60: BOARD OF NURSING

Reg. No.	Action	Register
60-8-101	Amended	V. 10, p. 496
60-11-103	Amended	V. 10, p. 382
60-11-104a	Amended	V. 9, p. 406
60-11-108	Amended	V. 9, p. 988
60-13-101	Amended	V. 10, p. 496

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

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
68-2-12a	Amended	V. 9, p. 383
68-9-1	Amended	V. 9, p. 384
68-11-1	Amended	V. 10, p. 216
68-20-20	Amended	V. 9, p. 384

AGENCY 70: BOARD OF VETERINARY MEDICAL EXAMINERS

Reg. No.	Action	Register
70-32-2	Amended	V. 10, p. 9

AGENCY 74: BOARD OF ACCOUNTANCY

Reg. No.	Action	Register
74-5-202	Amended	V. 9, p. 1707
74-5-203	Amended	V. 9, p. 1707
74-5-406	Amended	V. 9, p. 1282
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
75-6-11	Amended	V. 9, p. 988
75-6-24	Amended	V. 9, p. 893
75-6-26	Amended	V. 9, p. 625

AGENCY 81: OFFICE OF THE SECURITIES COMMISSIONER

Reg. No.	Action	Register
81-2-1	Amended	V. 10, p. 172
81-3-2	Amended	V. 9, p. 83
81-4-2	New	V. 10, p. 172
81-5-6	Amended	V. 9, p. 83
81-6-1	Amended	V. 10, p. 173

AGENCY 82: STATE CORPORATION COMMISSION

Reg. No.	Action	Register
82-1-201	Amended	V. 9, p. 894
82-1-202	Amended	V. 9, p. 895
82-1-204	Amended	V. 9, p. 895
82-1-205	Amended	V. 9, p. 896
82-1-206	Amended	V. 9, p. 896
82-1-207	Amended	V. 9, p. 896
82-9-1	Amended	V. 9, p. 1359
82-9-3	Amended	V. 9, p. 1360
83-9-5	Amended	V. 9, p. 1360
82-9-6	Amended	V. 9, p. 1360
82-9-8	Amended	V. 9, p. 1361
82-9-14	Amended	V. 9, p. 1361
82-9-16	Amended	V. 9, p. 1361
82-9-24	Amended	V. 9, p. 1362
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 84: PUBLIC EMPLOYEES RELATIONS BOARD

Reg. No.	Action	Register
84-1-1	Amended	V. 9, p. 943
84-1-2	Amended	V. 9, p. 943
84-1-3	New	V. 9, p. 943
84-1-4	New	V. 9, p. 943
84-2-1 through 84-2-7	Amended	V. 9, p. 943-945
84-2-9	Amended	V. 9, p. 945
84-2-11 through 84-2-15	Amended	V. 9, p. 945-947
84-3-1 through 84-3-6	Amended	V. 9, p. 948
84-4-1 through 84-4-5	Amended	V. 9, p. 948, 949
84-4-7	Amended	V. 9, p. 949
84-5-1	Amended	V. 9, p. 950

AGENCY 86: REAL ESTATE COMMISSION

Reg. No.	Action	Register
86-1-10	Amended	V. 9, p. 835

AGENCY 88: BOARD OF REGENTS

Reg. No.	Action	Register
88-20-1 through 88-20-11	New	V. 9, p. 165-167

AGENCY 91: DEPARTMENT OF EDUCATION

Reg. No.	Action	Register
91-1-27b	Amended	V. 9, p. 1099
91-1-27c	New	V. 9, p. 1099
91-1-32	Amended	V. 9, p. 1857
91-1-34	Amended	V. 9, p. 1817
91-1-58	Amended	V. 9, p. 1099
91-1-62	Revoked	V. 9, p. 1817
91-1-80	Amended	V. 9, p. 1100
91-1-82	Amended	V. 9, p. 1100
91-1-101	Revoked	V. 9, p. 1101
91-1-106a through 91-1-106m	New	V. 9, p. 1101-1103
91-1-110	Revoked	V. 9, p. 1103
91-1-123a	New	V. 9, p. 1103
91-1-128b	New	V. 9, p. 1857
91-1-132a	Amended	V. 9, p. 1103
91-1-153	New	V. 9, p. 1817
91-12-48	Amended	V. 9, p. 1674
91-12-63	Amended	V. 9, p. 1674
91-12-70	Revoked	V. 9, p. 1674

AGENCY 92: DEPARTMENT OF REVENUE

Reg. No.	Action	Register
92-23-40	Amended	V. 9, p. 1076
92-55-2a	New	V. 9, p. 1513

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

Reg. No.	Action	Register
99-26-1	Amended	V. 9, p. 1706, 1753
99-40-1	New	V. 9, p. 1753
99-40-3	New	V. 9, p. 1753

AGENCY 100: BOARD OF HEALING ARTS

Reg. No.	Action	Register
100-46-5	Amended	V. 9, p. 1841
100-47-1	Amended	V. 9, p. 1841
100-49-4	Amended	V. 9, p. 108
100-49-4	Amended	V. 9, p. 257

AGENCY 102: BEHAVIORAL SCIENCES REGULATORY BOARD

Reg. No.	Action	Register
102-1-13	Amended	V. 9, p. 1789, 1810
102-2-1a	Amended	V. 10, p. 32
102-2-2a	Amended	V. 10, p. 33
102-2-3	Amended	V. 9, p. 1789, 1810
102-2-4a	Amended	V. 10, p. 34
102-2-7	Amended	V. 10, p. 34
102-2-8	Amended	V. 10, p. 36
102-2-12	Amended	V. 10, p. 36
102-3-1	New	V. 10, p. 37
102-3-2	Amended	V. 9, p. 1790, 1811
102-3-3	New	V. 10, p. 37
102-3-4	New	V. 10, p. 38
102-3-5	New	V. 10, p. 38
102-3-6	New	V. 10, p. 39
102-3-10	New	V. 10, p. 40
102-3-11	New	V. 10, p. 41
102-4-2	Amended	V. 9, p. 1790, 1811
102-4-4	Amended	V. 10, p. 41
102-4-10	New	V. 9, p. 1024

AGENCY 109: EMERGENCY MEDICAL SERVICES BOARD

Reg. No.	Action	Register
109-2-5	Amended	V. 9, p. 1076
109-2-7	Amended	V. 9, p. 1077
109-8-1	Amended	V. 9, p. 1077
109-9-1	Amended	V. 9, p. 1077
109-10-1	Amended	V. 9, p. 1078
109-12-1	Amended	V. 9, p. 1078

AGENCY 110: DEPARTMENT OF COMMERCE

Reg. No.	Action	Register
110-4-1 through 110-4-8	New	V. 9, p. 1282-1284

AGENCY 111: THE KANSAS LOTTERY

Reg. No.	Action	Register
111-1-2	Amended	V. 7, p. 1190
111-1-5	Amended	V. 8, p. 586
111-2-1	Amended	V. 7, p. 1995
111-2-2	Amended	V. 9, p. 1675
111-2-2a	Revoked	V. 9, p. 1675
111-2-6	New	V. 8, p. 134
111-2-7	Amended	V. 8, p. 586
111-2-13	New	V. 8, p. 1666
111-2-14	New	V. 9, p. 30
111-2-15	New	V. 9, p. 1812
111-2-16	New	V. 10, p. 199
111-3-1	Amended	V. 10, p. 11
111-3-9	Amended	V. 8, p. 1085
111-3-10 through 111-3-31	New	V. 7, p. 201-206
111-3-11	Amended	V. 8, p. 299
111-3-12	Amended	V. 10, p. 12
111-3-13	Amended	V. 7, p. 1062
111-3-14	Amended	V. 10, p. 12
111-3-16	Amended	V. 9, p. 1566
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
111-3-25	New	V. 7, p. 1310
111-3-27	New	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
111-4-66 through 111-4-77	New	V. 7, p. 207-209
111-4-96 through 111-4-114	New	V. 7, p. 1606-1610
111-4-100	Amended	V. 9, p. 1364
111-4-101	Amended	V. 9, p. 1364
111-4-102	Amended	V. 9, p. 1364
111-4-104	Amended	V. 9, p. 1364
111-4-105	Amended	V. 9, p. 1365
111-4-106	Amended	V. 9, p. 1365
111-4-106a	New	V. 9, p. 1365
111-4-107	Amended	V. 9, p. 1366
111-4-108	Amended	V. 9, p. 1366
111-4-111	Amended	V. 9, p. 1366
111-4-113	Amended	V. 9, p. 1366
111-4-114	Amended	V. 9, p. 1366
111-4-153 through 111-4-160	Revoked	V. 9, p. 1676, 1677
111-4-177 through 111-4-212	Revoked	V. 9, p. 1677, 1678
111-4-213 through 111-4-220	New	V. 9, p. 728, 729
111-4-217	Amended	V. 9, p. 986
111-4-221 through 111-4-224	New	V. 9, p. 1197
111-4-225 through 111-4-228	New	V. 9, p. 1366, 1367
111-4-229 through 111-4-236	New	V. 9, p. 1566-1568

(continued)

111-4-237 through 111-4-240	New	V. 9, p. 1678, 1679
111-4-241 through 111-4-244	New	V. 9, p. 1812
111-4-245 through 111-4-248	New	V. 10, p. 200
111-4-249 through 111-4-252	New	V. 9, p. 1813
111-5-1 through 111-5-23	New	V. 7, p. 209-213
111-5-9 through 111-5-15	Amended	V. 8, p. 210, 211
111-5-11	Amended	V. 9, p. 505
111-5-17	Amended	V. 8, p. 211
111-5-18	Amended	V. 10, p. 13
111-5-19	Amended	V. 8, p. 212
111-6-1 through 111-6-15	New	V. 7, p. 213-217
111-6-1	Amended	V. 10, p. 14
111-6-3	Amended	V. 9, p. 200
111-6-5	Amended	V. 10, p. 14
111-6-6	Amended	V. 9, p. 200
111-6-12	Amended	V. 8, p. 212
111-6-13	Amended	V. 8, p. 299
111-6-17	New	V. 7, p. 1191
111-7-1 through 111-7-10	New	V. 7, p. 1192, 1193
111-7-1	Amended	V. 8, p. 212
111-7-3	Amended	V. 10, p. 986
111-7-4	Amended	V. 9, p. 1367
111-7-5	Amended	V. 9, p. 986
111-7-6	Amended	V. 9, p. 987
111-7-9	Amended	V. 9, p. 1569
111-7-11	Amended	V. 9, p. 987
111-7-12 through 111-7-32	New	V. 7, p. 1194-1196
111-7-33 through 111-7-43	New	V. 7, p. 1197, 1198
111-7-33a	New	V. 8, p. 300
111-7-44 through 111-7-54	New	V. 9, p. 1367-1370
111-7-55 through 111-7-63	New	V. 10, p. 201, 202
111-7-58	Amended	V. 10, p. 261
111-7-60	Amended	V. 10, p. 262
111-8-1	New	V. 7, p. 1633
111-8-2	New	V. 7, p. 1633
111-8-3	Amended	V. 9, p. 505
111-8-4	New	V. 7, p. 1714
111-8-4a	New	V. 7, p. 1995
111-8-5 through 111-8-13	New	V. 7, p. 1634
111-9-1 through 111-9-12	New	V. 7, p. 1714-1716
111-9-1	Revoked	V. 9, p. 1680
111-9-6 through 111-9-13	Revoked	V. 9, p. 1680
111-9-18	Revoked	V. 9, p. 1680

111-9-25 through 111-9-30	New	V. 9, p. 699, 700
111-9-31 through 111-9-36	New	V. 10, p. 262
111-10-1 through 111-10-9	New	V. 8, p. 136-138
111-10-7	Amended	V. 8, p. 301

AGENCY 112: KANSAS RACING COMMISSION

Reg. No.	Action	Register
112-3-16	Amended	V. 9, p. 153
112-3-19	Amended	V. 9, p. 153
112-4-14b	New	V. 10, p. 162
112-4-21	New	V. 10, p. 162
112-5-1	Amended	V. 9, p. 153
112-5-2	Amended	V. 9, p. 154
112-5-3	Amended	V. 9, p. 154
112-5-8	Amended	V. 9, p. 155
112-5-9	Amended	V. 9, p. 155
112-6-1 through 112-6-5	Amended	V. 10, p. 163-165
112-6-6	Amended	V. 9, p. 155
112-6-8	Amended	V. 10, p. 165
112-7-6	Amended	V. 10, p. 165
112-8-3	Amended	V. 10, p. 166
112-8-4	Amended	V. 10, p. 167
112-8-5	Amended	V. 10, p. 167
112-8-8	Amended	V. 10, p. 168
112-8-10	Amended	V. 10, p. 168
112-9-5	Amended	V. 9, p. 155
112-9-7	Amended	V. 9, p. 156
112-9-8	Amended	V. 9, p. 156
112-9-11	Amended	V. 9, p. 156
112-9-13	Amended	V. 9, p. 156
112-9-18	Amended	V. 9, p. 157
112-9-21	Amended	V. 9, p. 157
112-9-22	Amended	V. 9, p. 158
112-9-23	Amended	V. 9, p. 159
112-9-29	Amended	V. 9, p. 159
112-9-34	Amended	V. 9, p. 159
112-9-37	Amended	V. 9, p. 159
112-10-4	Amended	V. 9, p. 160
112-10-34	Amended	V. 10, p. 169
112-10-35	Amended	V. 10, p. 170
112-11-2	Amended	V. 9, p. 160
112-11-3	Amended	V. 9, p. 161
112-11-6	Amended	V. 9, p. 161
112-11-7	Amended	V. 9, p. 161
112-11-9	Amended	V. 9, p. 161
112-11-10	Amended	V. 9, p. 161
112-11-12	Amended	V. 9, p. 162
112-11-14	Amended	V. 9, p. 162
112-11-15	Amended	V. 9, p. 162
112-11-20	Amended	V. 9, p. 162
112-11-21	Amended	V. 10, p. 263
112-12-2	Amended	V. 9, p. 164
112-12-4	Amended	V. 9, p. 164
112-12-12	Amended	V. 10, p. 170
112-13-2	Amended	V. 10, p. 170
112-13-4	New	V. 10, p. 171
112-13-5	New	V. 10, p. 171
112-15-1 through 112-15-7	New	V. 9, p. 1074, 1075
112-15-1	New	V. 9, p. 1346, 1347

AGENCY 115: DEPARTMENT OF WILDLIFE AND PARKS

Reg. No.	Action	Register
115-2-1	Amended	V. 9, p. 1564
115-2-3	Amended	V. 9, p. 1815
115-2-4	New	V. 9, p. 951
115-4-1	Amended	V. 10, p. 458
115-4-3	Amended	V. 10, p. 458
115-4-5	Amended	V. 10, p. 459
115-4-6	New	V. 9, p. 388
115-4-7	Amended	V. 10, p. 460
115-4-9	New	V. 9, p. 1135
115-4-10	Amended	V. 9, p. 1135
115-4-11	Amended	V. 10, p. 461
115-4-12	New	V. 10, p. 461
115-5-1	New	V. 9, p. 167
115-5-2	New	V. 9, p. 168
115-6-1	New	V. 9, p. 168
115-7-3	New	V. 9, p. 1135
115-7-5	Amended	V. 9, p. 951
115-7-6	New	V. 9, p. 1135
115-8-2	New	V. 9, p. 391
115-8-9	New	V. 9, p. 169
115-8-21	New	V. 9, p. 169
115-10-1 through 115-10-8	New	V. 9, p. 391, 392
115-16-1 through 115-16-4	New	V. 9, p. 1135-1137
115-17-1 through 115-17-5	New	V. 9, p. 1137-1139
115-17-6 through 115-17-9	New	V. 9, p. 1564, 1565
115-17-10 through 115-17-13	New	V. 10, p. 461, 462
115-20-1	New	V. 9, p. 951
115-20-2	New	V. 9, p. 1139
115-20-3	New	V. 9, p. 1140
115-21-1	New	V. 9, p. 1815
115-21-2	New	V. 9, p. 1816
115-30-2 through 115-30-8	New	V. 9, p. 1344, 1345
115-30-9	New	V. 9, p. 1816

AGENCY 116: STATE FAIR BOARD

Reg. No.	Action	Register
116-2-1	Amended	V. 9, p. 1022

AGENCY 117: REAL ESTATE APPRAISAL BOARD

Reg. No.	Action	Register
117-1-1	New	V. 9, p. 1786
117-2-1	New	V. 9, p. 1786
117-2-2	New	V. 9, p. 1787
117-3-1	New	V. 9, p. 1787
117-3-2	New	V. 9, p. 1787
117-6-1	New	V. 9, p. 1788
117-6-2	New	V. 9, p. 1788
117-6-3	New	V. 9, p. 1788
117-7-1	New	V. 9, p. 1789

AGENCY 119: KANSAS DEVELOPMENT FINANCE AUTHORITY

Reg. No.	Action	Register
119-1-1	New	V. 10, p. 263
119-1-2	New	V. 10, p. 264
119-1-3	New	V. 10, p. 264

State of Kansas
Secretary of State

(Published in the Kansas Register, April 25, 1991.)

SENATE BILL No. 279

I, Bill Graves, Secretary of State of the State of Kansas, do hereby certify that each of the following bills is a correct copy of the original enrolled bill now on file in my office.

In Testimony Whereof, I have hereunto subscribed my name and affixed my official seal.

Bill Graves
Secretary of State

(Published in the Kansas Register, April 25, 1991.)

SENATE BILL No. 369

AN ACT concerning imprest funds of correctional institutions and facilities of the department of corrections; amending K.S.A. 1990 Supp. 75-3058 and repealing the existing section.

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

Section 1. K.S.A. 1990 Supp. 75-3058 is hereby amended to read as follows: 75-3058. (a) The following imprest funds are hereby established for institutions, other units or functions of the department of corrections:

Lansing correctional facility.....	\$40,000
Hutchinson correctional facility.....	37,000
Toronto correctional work facility.....	5,000
El Dorado correctional work facility.....	4,000
Wichita work release center facility.....	2,000
Winfield correctional facility.....	10,000
Topeka correctional facility - east.....	15,000
Topeka correctional facility - west.....	8,000
Topeka correctional facility.....	23,000
Ellsworth correctional facility.....	12,000
Norton correctional facility.....	16,000
Osawatimie correctional facility.....	4,000
Hutchinson correctional work facility.....	12,000
El Dorado correctional facility.....	15,000
Larned correctional mental health facility.....	5,000

(b) On the effective date of this act or as soon thereafter as the transactions can be accomplished, the director of accounts and reports, pursuant to the amendments contained in subsection (a), shall transfer all amounts remaining in funds which are being discontinued or decreased to funds named in subsection (a) if needed to carry out the intent of this section, and if not so needed, then to the state general fund.

New Sec. 2. (a) Except as provided in subsections (b) and (c), on the effective date of this act or as soon thereafter as the transactions can be accomplished, the director of accounts and reports, pursuant to the amendments contained in section 1, shall transfer all amounts remaining in the imprest funds which are being discontinued to the imprest funds which are being increased or created under section 1 if needed to carry out the intent of section 1, and if not so needed, then to the state general fund.

(b) On the effective date of this act or as soon thereafter as the transaction can be accomplished, the director of accounts and reports shall issue a warrant payable to the El Dorado correctional facility imprest fund which is being created under section 1 pursuant to a voucher approved by the secretary of corrections, payable from moneys appropriated for the fiscal year ending June 30, 1991, for the department of corrections, which does not exceed the amount prescribed for such imprest fund as provided in section 1.

(c) On July 1, 1991, or as soon thereafter as the transaction can be accomplished, the director of accounts and reports shall issue a warrant payable to the Larned correctional mental health facility imprest fund which is being created under section 1 pursuant to a voucher approved by the secretary of corrections, payable from moneys appropriated for the fiscal year ending June 30, 1992, for the department of corrections, which does not exceed the amount prescribed for such imprest fund as provided in section 1.

Sec. 3. K.S.A. 1990 Supp. 75-3058 is hereby repealed.

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

AN ACT concerning veterinarians; prohibiting disclosure of certain information; amending K.S.A. 47-830 and repealing the existing section.

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

Section 1. K.S.A. 47-830 is hereby amended to read as follows: 47-830. Upon written complaint sworn to by any person, the board may, after a hearing conducted in accordance with the provisions of the Kansas administrative procedure act, and by a concurrence of four members, may revoke or suspend for a certain time certain the license of, or otherwise discipline, any licensed veterinarian for any of the following reasons:

(a) The employment of fraud, misrepresentation or deception in obtaining a license;

(b) an adjudication of incapacity by a court of competent jurisdiction;

(c) habitual intemperance in the use of intoxicating liquors, or habitual addiction to the use of morphine, cocaine, or other habit forming drugs; or conviction of a violation of any federal or state law relating to narcotic drugs;

(d) the publication or use of any untruthful or improper statement, or representation, with a view of deceiving the public, or any client or customer in connection with the practice of veterinary medicine;

(e) conviction of a felony;

(f) gross malpractice, including failure to furnish to the board, upon written application by it, any report or information relating thereto;

(g) employing any person practicing veterinary medicine unlawfully;

(h) fraud or dishonest conduct in applying or reporting diagnostic biological tests or in issuing health certificates;

(i) failure to keep veterinary premises and equipment in a clean and sanitary condition;

(j) failure to report as required by law, or making false report of any contagious or infectious disease;

(k) dishonesty or gross negligence in the inspection of foodstuffs;

(l) conviction on a charge of cruelty or inhumane treatment to animals;

(m) revocation of a license to practice veterinary medicine by another state, territory or district of the United States on grounds other than nonpayment of registration fees; or

(n) disclosure of any information concerning the veterinarian's care of an animal in violation of section 2 and amendments thereto; or

(o) unprofessional conduct as defined in regulations adopted by the board.

New Sec. 2. (a) Except as otherwise provided under K.S.A. 47-622 and 47-624, and amendments thereto, no veterinarian licensed under the Kansas veterinary practice act shall be required to disclose any information concerning the veterinarian's care of an animal except on written authorization or other waiver by the veterinarian's client or on appropriate court order or subpoena. Any veterinarian's releasing information under written authorization or other waiver by the client or under court order or subpoena shall not be liable to the client or any other person. The privilege provided by this section shall be waived to the extent that the veterinarian's client or the owner of the animal places the veterinarian's care and treatment of the animal or the nature and extent of injuries to the animal at issue in any civil or criminal proceeding.

(b) This section shall be part of and supplemental to the Kansas veterinary practice act.

Sec. 3. K.S.A. 47-830 is hereby repealed.

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

(Published in the Kansas Register, April 25, 1991.)

SENATE BILL No. 335

AN ACT concerning the Kansas tort claims act; relating to the definition of charitable health care provider; payment from tort claims fund; prohibition against insurers considering claims made pursuant to act in policy rate and cancellation decisions; amending K.S.A. 1990 Supp. 75-6102, 75-6117 and 75-6120 and repealing the existing sections.

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

Section 1. K.S.A. 1990 Supp. 75-6102 is hereby amended to read as follows: 75-6102. As used in K.S.A. 75-6101 through 75-6118, and amendments thereto, unless the context clearly requires otherwise:

(a) "State" means the state of Kansas and any department or branch of state government, or any agency, authority, institution or other instrumentality thereof.

(b) "Municipality" means any county, township, city, school district or other political or taxing subdivision of the state, or any agency, authority, institution or other instrumentality thereof.

(c) "Governmental entity" means state or municipality.

(d) "Employee" means any officer, employee, servant or member of a board, commission, committee, division, department, branch or council of a governmental entity, including elected or appointed officials and persons acting on behalf or in service of a governmental entity in any official capacity, whether with or without compensation and a charitable health care provider. Employee includes any steward or racing judge appointed pursuant to K.S.A. 1989 1990 Supp. 74-8818 and amendments thereto, regardless of whether the services of such steward or racing judge are rendered pursuant to contract as an independent contractor, but does not otherwise include any independent contractor under contract with a governmental entity but does include a person who is an employee of a nonprofit independent contractor, other than a municipality, under contract to provide educational or vocational training to inmates in the custody of the secretary of corrections and who is engaged in providing such service in an institution under the control of the secretary of corrections provided that such employee does not otherwise have coverage for such acts and omissions within the scope of their employment through a liability insurance contract of such independent contractor. Employee also includes former employees for acts and omissions within the scope of their employment during their former employment with the governmental entity.

(e) "Community service work" means public or community service performed by a person (1) as a result of a contract of diversion entered into by such person as authorized by law, (2) pursuant to the assignment of such person by a court to a community corrections program, (3) as a result of suspension of sentence or as a condition of probation pursuant to court order, (4) in lieu of a fine imposed by court order or (5) as a condition of placement ordered by a court pursuant to K.S.A. 38-1663 and amendments thereto.

(f) "Charitable health care provider" means a person licensed by the state board of healing arts as an exempt licensee or a health care provider as the term "health care provider" is defined under K.S.A. 65-4921, and amendments thereto, who has entered into an agreement with the secretary of health and environment under K.S.A. 1990 Supp. 75-6120, and amendments thereto, who, pursuant to such agreement, renders professional services to medically indigent persons a person who has provided information which would reasonably lead the health care provider to make the good faith assumption that such person meets the definition of medically indigent person as defined by this section and who renders such professional services gratuitously and who is considered an employee of the state of Kansas under K.S.A. 1990 Supp. 75-6120, and amendments thereto.

(g) "Medically indigent person" means a person who lacks resources to pay for medically necessary health care services and who meets the eligibility criteria for qualification as a medically indigent person established by the secretary of health and environment under K.S.A. 1990 Supp. 75-6120, and amendments thereto.

Sec. 2. K.S.A. 1990 Supp. 75-6117 is hereby amended to read as follows: 75-6117. (a) There is hereby established in the state treasury the tort claims fund which shall be administered by the attorney general. All expenditures from such fund shall be made upon warrants of the director of accounts and reports pursuant to

vouchers approved by the attorney general or by a designee of the attorney general.

(b) Moneys in the tort claims fund shall be used only for the purpose of paying (1) compromises, settlements and final judgments arising from claims against the state or an employee of the state under the Kansas tort claims act or under the civil rights laws of the United States or of the state of Kansas and (2) costs of defending the state or an employee of the state in any actions or proceedings on those claims. Except for claims against the state or an employee of the state in any actions or proceedings arising from rendering or failure to render professional services by a charitable health care provider to a medically indigent person, to the extent that payment cannot be made from insurance coverage obtained therefor, payment of a compromise or settlement shall be made from the fund if the compromise or settlement has been approved by the state finance council as provided in K.S.A. 75-6106 and amendments thereto. Except for claims against the state or an employee of the state in any actions or proceedings arising from rendering or failure to render professional services by a charitable health care provider to a medically indigent person, to the extent that payment cannot be made from insurance coverage obtained therefor, payment of a final judgment shall be made from the fund if there has been a determination of any appeal taken from the judgment or, if no appeal is taken, if the time for appeal has expired.

(c) Upon certification by the attorney general to the director of accounts and reports that the unencumbered balance in the tort claims fund is insufficient to pay an amount for which the fund is liable, the director of accounts and reports shall transfer an amount equal to the insufficiency from the state general fund to the tort claims fund.

(d) This section shall be part of and supplemental to the Kansas tort claims act.

Sec. 3. K.S.A. 1990 Supp. 75-6120 is hereby amended to read as follows: 75-6120. (a) The secretary of health and environment may enter into agreements with charitable health care providers in which such charitable health care provider stipulates to the secretary of health and environment that when such charitable health care provider renders professional services to a medically indigent person such services will be provided gratuitously. The secretary of health and environment shall adopt rules and regulations which specify the conditions for termination of any such agreement, and such rules and regulations are hereby made a part of any such agreement. A charitable health care provider for purposes of any claim for damages arising as a result of rendering professional services to a medically indigent person, which professional services were rendered gratuitously at a time when an agreement entered into by the charitable health care provider with the secretary of health and environment under this section was in effect, shall be considered an employee of the state under the Kansas tort claims act.

(b) The secretary of health and environment shall establish by rules and regulations eligibility criteria for determining whether a person qualifies as a medically indigent person.

(c) Any claim arising from the rendering of or failure to render professional services by a charitable health care provider brought pursuant to the Kansas tort claims act shall not be considered by an insurance company in determining the rate charged for any professional liability insurance policy for health care providers or whether to cancel any such policy.

(d) This section shall be part of and supplemental to the Kansas tort claims act.

Sec. 4. K.S.A. 1990 Supp. 75-6102, 75-6117 and 75-6120 are hereby repealed.

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

(Published in the Kansas Register, April 25, 1991.)

SENATE BILL No. 432

AN ACT amending the local residential housing finance law; relating to certain bonds; amending K.S.A. 1990 Supp. 12-5222 and repealing the existing section.

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

Section 1. K.S.A. 1990 Supp. 12-5222 is hereby amended to read as follows: 12-5222. In addition to powers which a city or county may have, cities and counties shall have all powers necessary to accomplish the purposes of this act including, but not limited to, the following:

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

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

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

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

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

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

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

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

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

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

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

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

Sec. 2. K.S.A. 1990 Supp. 12-5222 is hereby repealed.

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

(Published in the Kansas Register, April 25, 1991.)

SENATE BILL No. 349

AN ACT concerning municipalities; authorizing the transfer of certain money to the general fund.

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

Section 1. (a) Notwithstanding the provisions of K.S.A. 10-117, and amendments thereto, whenever all bond issues have been completely retired the governing body of the municipality which issued such bonds is hereby authorized to transfer any unexpended balance of money in such bond and interest fund to the general fund of the municipality. Such transfer shall be subject to the provisions of K.S.A. 79-2958, and amendments thereto.

(b) When used in this section (1) "municipality" shall have the same meaning ascribed thereto by K.S.A. 10-101, and amendments thereto; (2) "bond" shall mean a general obligation bond.

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, April 25, 1991.)

SENATE BILL No. 115

AN ACT concerning insurance; insurable interests; assignments to charitable, benevolent, educational and religious institutions.

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

Section 1. (a) A person of competent legal capacity may insure such person's own life and, either at the time the contract of insurance is entered into or thereafter, name any person as the beneficiary thereof irrespective of whether the person named has an insurable interest in the life of the insured. However, except as provided in this section, no person shall procure or cause to be procured any insurance policy upon the life of another person unless the benefits under such policy are payable to the personal representative of the person insured, or to a person having, at the time such contract of insurance was entered into, an insurable interest in the person insured.

(b) A charitable, benevolent, educational and religious institution qualified under section 501(c) of the internal revenue code shall be deemed to have an insurable interest in the life of an individual insured who has executed a written consent to the assignment of the insurance contract to such institution if such institutional assignee is named as the irrevocable beneficiary thereof.

(c) If the beneficiary, assignee or other payee under any contract made in violation of this section receives from the insurer any benefits thereunder accruing upon the death of the person insured, the personal representative of the insured may maintain an action to recover such benefits from the person so receiving the benefits.

(d) Life insurance contracts may be entered into in which the person paying the consideration has no insurable interest in the life of the person insured if a charitable, benevolent, educational or religious institution qualified under section 501(c) of the internal revenue code is irrevocably designated as the beneficiary. In making such contracts the person paying the premium shall make and sign the application therefor as owner. The application must also be signed by the person whose life is to be insured. Such a contract shall be valid and binding among the parties thereto notwithstanding the absence otherwise of an insurable interest in the life of the person insured.

(e) The provisions of this section shall apply to all insurance contracts in force on and after the effective date of this act and to the procurement, assignment and designation of beneficiaries thereof whenever made.

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, April 25, 1991.)

SENATE BILL No. 79

AN ACT relating to big game hunting; providing for the refund of fees paid therefor to certain military personnel.

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

Section 1. Upon request, the department of wildlife and parks shall refund the amount of fees paid for a big game permit and carcass tags for the 1990 big game season, the January and February 1991 special deer season or the 1991 spring turkey season by any member of the armed forces of the United States who, pursuant to orders, was preparing to deploy or was deployed in the Persian gulf area of military operations on or before the commencement of such season.

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, April 25, 1991.)

HOUSE BILL No. 2214

AN ACT concerning the House committee on interstate cooperation; amending K.S.A. 46-402 and repealing the existing section.

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

Section 1. K.S.A. 46-402 is hereby amended to read as follows: 46-402. There is hereby established a standing committee of the house of representatives known as the house committee on interstate cooperation which shall consist of seven (7) members of the house of representatives. Six (6) members of the committee shall be appointed in the same manner as members of other standing committees of the house of representatives. The speaker of the house of representatives, or another member of the house of representatives of the same political party designated by the speaker, shall be a member and chairperson of the committee. ~~At any meeting at which the speaker is unable to be present, he or she may appoint another house member of the same party to serve as a member of the committee in his or her place but the member so appointed shall not act as chairperson thereof.~~

Sec. 2. K.S.A. 46-402 is hereby repealed.

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

(Published in the Kansas Register, April 25, 1991.)

SENATE BILL No. 55

AN ACT concerning the registration of master level psychologists; relating to qualifications for registration; amending K.S.A. 1990 Supp. 74-5363 and repealing the existing section.

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

Section 1. K.S.A. 1990 Supp. 74-5363 is hereby amended to read as follows: 74-5363. (a) Any person who desires to be registered under this act shall apply to the board in writing, on forms prepared and furnished by the board. Each application shall contain appropriate documentation of the particular qualifications required by the board and shall be accompanied by the required fee.

(b) The board shall register as a registered masters level psychologist any applicant for registration who pays the fee prescribed by the board under K.S.A. ~~1989~~ 1990 Supp. 74-5365 and amendments thereto, which shall not be refunded, who has satisfied the board as to such applicant's training and who complies with the provisions of this subsection (b). An applicant for registration also shall submit evidence verified under oath and satisfactory to the board that such applicant:

- (1) Is at least 21 years of age;
- (2) has received at least a master's degree in clinical psychology based on a program of studies in psychology from an educational institution having a graduate program in psychology consistent with state universities of Kansas; or has received at least a master's degree in psychology and during such ~~graduate program~~ master's or post-master's coursework completed a minimum of 12 semester hours or its equivalent in psychological foundation courses such as, but not limited to, philosophy of psychology, psychology of perception, learn-

ing theory, history of psychology, motivation, and statistics and 24 semester hours or its equivalent in professional core courses such as, but not limited to, two courses in psychological testing, psychopathology, two courses in psychotherapy, personality theories, developmental psychology, research methods, social psychology; or has passed comprehensive examinations or equivalent final examinations in a doctoral program in psychology and during such graduate program completed a minimum of 12 semester hours or its equivalent in psychological foundation courses such as, but not limited to, philosophy of psychology, psychology of perception, learning theory, history of psychology, motivation, and statistics and 24 semester hours or its equivalent in professional core courses such as, but not limited to, two courses in psychological testing, psychopathology, two courses in psychotherapy, personality theories, developmental psychology, research methods, social psychology;

(3) has completed 750 clock hours of academically supervised practicum or 1,500 clock hours of postgraduate supervised work experience; and

(4) is in the employ of a Kansas licensed community mental health center, or one of its contracted affiliates, or a federal, state, county or municipal agency, or other political subdivision, a duly chartered educational institution, a medical care facility licensed under K.S.A. 65-425 *et seq.* and amendments thereto or a psychiatric hospital licensed under K.S.A. 75-3307b and amendments thereto and whose practice is a part of the duties of such applicant's paid position and is performed solely on behalf of the employer.

(c) Until October 1, 1988, the board shall waive the educational or degree and supervision requirements, or all such requirements, under subsection (b) so long as the person applying for registration as a registered masters level psychologist has a graduate degree and either (1) has been employed for at least three years as a psychologist by a licensed community mental health center, or one of its contracted affiliates, or a federal, state, county or municipal agency, or other political subdivision, or a duly chartered educational institution, or a medical care facility licensed under K.S.A. 65-425 *et seq.* and amendments thereto or a psychiatric hospital licensed under K.S.A. 75-3307b and amendments thereto; or (2) as of July 1, 1987, was employed in this state as a psychologist or was recognized as a masters level psychologist by the professional standards committee of the association of community mental health centers of Kansas.

(d) Upon application for registration as a registered masters level psychologist made prior to January 1, 1989, the board shall waive the educational, degree and supervision requirements under subsection (b) and shall grant such registration if the applicant for registration at the time of application has been employed for 10 years or more as a psychologist by an institution within the department of social and rehabilitation services, as defined under K.S.A. 76-12a18 or 76-12b01, and amendments to such sections.

(e) The board shall adopt rules and regulations establishing the criteria which an educational institution shall satisfy in meeting the requirements established under item (2) of subsection (b). The board may send a questionnaire developed by the board to any educational institution for which the board does not have sufficient information to determine whether the educational institution meets the requirements of item (2) of subsection (b) and rules and regulations adopted under this section. The questionnaire providing the necessary information shall be completed and returned to the board in order for the educational institution to be considered for approval. The board may contract with investigative agencies, commissions or consultants to assist the board in obtaining information about educational institutions. In entering such contracts the authority to approve educational institutions shall remain solely with the board.

Sec. 2. K.S.A. 1990 Supp. 74-5363 is hereby repealed.

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

(Published in the Kansas Register, April 25, 1991.)

HOUSE BILL No. 2561

AN ACT concerning Hutchinson community college; authorizing the construction of a public radio repeater station on land located outside the community college district.

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

Section 1. Notwithstanding any provision of law to the contrary, the board of trustees of Hutchinson community college is authorized to acquire land which is located in Barton county, Kansas, to construct a public radio repeater station on such land, and to do all things necessary in order to provide for interconnection between public radio station KHCC and such repeater station.

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, April 25, 1991.)

HOUSE BILL No. 2379

AN ACT concerning certain contracts to maintain stocks of outdoor power equipment and regulating the business relations between independent retailers and outdoor power equipment suppliers.

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

Section 1. The purpose of this act is to prevent arbitrary or abusive conduct and to preserve and enhance the reasonable expectations for success in the business of distributing outdoor power equipment. The retail distribution of outdoor power equipment, as defined in this act, utilizing independent retail businesses operating under agreements with suppliers, vitally affects the general economy of the state, public interest, and public welfare, and it is necessary to regulate the business relations between the independent retailers and the outdoor power equipment suppliers.

Sec. 2. As used in this act:

(a) "Outdoor power equipment" means and includes machinery, equipment, attachments or repair parts therefor, used for industrial, construction, maintenance or utility purposes.

(b) "Retailer" means any person, partnership, firm, corporation, association, or other form of business enterprise engaged in the business of:

(1) Selling or leasing outdoor power equipment to the ultimate consumer thereof; and

(2) repairing or servicing outdoor power equipment.

(c) "Contract" means either a written or oral agreement or arrangement for a definite or indefinite period between a retailer and a supplier which provides for the rights and obligations of the parties with respect to the purchase or sale of outdoor power equipment, and which agreement, regardless of the retailer's territorial scope, contemplates the establishment or maintenance by the retailer of a location within the state of Kansas at which outdoor power equipment and services for the same are displayed, and offered or demonstrated for sale.

(d) "Net cost" means the amount of money actually paid by a retailer to the supplier.

(e) "Current net price" means the price listed in a supplier's price list or catalogue in effect on the date of termination of a contract, less any applicable trade and cash discounts.

(f) "Supplier" means any person, partnership, corporation, association, or any and all other forms of business enterprise engaged in the business of manufacturing, assembly or wholesale distribution of outdoor power equipment. The term "supplier" and the provisions of this act shall be interpreted liberally, with regard to the equities of the retailer, and in a manner not limited to traditional doctrines of corporate successor liability, and the obligations of a supplier hereunder shall consequently apply to any actual successor in interest to a supplier, including but not limited to, a purchaser of substantial assets or substantial stock, any receiver, trustee or assignee, or any surviving corporation resulting from a merger, liquidation or reorganization of the original or any intermediate successor supplier.

Sec. 3. (a) Whenever any retailer enters into a contract with a supplier and such supplier or retailer terminates, cancels, fails to renew, or in fact substantially discontinues such contract, such supplier shall pay to such retailer, or credit to such retailer's account, if and only to the extent that the retailer has outstanding sums owing the supplier, unless the retailer should desire to keep all or part of

such merchandise, a sum equal to 90% of the net cost of all new, unused, undamaged and complete outdoor power equipment, including transportation charges which have been paid by such retailer, and 90% of the current net prices of new, unused and undamaged repair parts which had previously been purchased from such supplier preceding the date of notification of the termination, and held by such retailer on the date of the cancellation of such contract. Upon the payment of such sum, the title and right of possession of such outdoor power equipment and repair parts and other equipment shall then pass to the supplier making such payment, and such supplier shall then be entitled to the possession of such outdoor power equipment and repair parts. All payments required to be made under the provisions of this section must be made within 90 days after the return of the outdoor power equipment, repair parts or other equipment. After 90 days, all payments or allowances shall include interest calculated from the date of return at the rate prescribed in K.S.A. 16-204, and amendments thereto.

(b) The provisions of this section shall not be construed to affect in any way any security interest which the supplier may have in the inventory of the retailer, except that any repurchase hereunder shall not be subject to the provisions of the bulk sales law or to the claims of any secured or unsecured creditors of the supplier or any assignee or the supplier until such time the retailer has received payment in full, subject to any offset the retailer may owe to the supplier.

Sec. 4. The provisions of section 3 shall not require the repurchase from a retailer of any:

(a) Repair part which is in a broken or damaged package;

(b) single repair part which is priced as a set of two or more items;

(c) repair part which, because of its condition, is not resalable as a new part;

(d) inventory for which the retailer is unable to furnish evidence, satisfactory to the supplier, of title, free and clear of all claims, liens and encumbrances;

(e) inventory which the retailer desires to keep, and for which the retailer has a contractual right to do so;

(f) machines, equipment, and attachments which are not in new, unused, undamaged, or complete condition;

(g) repair parts which are not in new, unused, or undamaged condition;

(h) machines, equipment or attachments which were purchased 24 months or more prior to notice of termination of the contract;

(i) inventory which was ordered by the retailer on or after the date of notification of termination of the contract;

(j) inventory which was acquired by the retailer from any source other than the supplier or transferee of such supplier; or

(k) part that has been removed from an engine or short block or piece of equipment or any part purchased separately that has been mounted or installed by the retailer on an engine or on equipment.

Sec. 5. In the event that any supplier, after such supplier or the retailer terminates, cancels, fails to renew, or in fact substantially discontinues such contract, fails or refuses to make payment to such retailer as required by the provisions of section 3, such supplier shall be liable in a civil action to the retailer for the actual costs of the action, including attorney, paralegal and expert witness fees; for interest as provided in section 3; and for 100% of the net cost of such machinery, plus transportation charges which have been paid by the retailer; and for 100% of the current net price of the repair parts. In any such action, it shall be the burden of the supplier to establish that the terms of section 4 may apply to except any particular item of outdoor power equipment from the terms of section 3.

Sec. 6. No supplier, directly or through any officer, agent or employee, may terminate, cancel or fail to renew without good cause. Good cause means failure by a retailer to substantially comply with essential and reasonable requirements imposed upon the retailer by the contract if such requirements are not different from those requirements imposed on similarly situated dealers either by their terms or in the manner of their enforcement. In addition, good cause shall exist whenever:

(a) The retailer has transferred a controlling interest in the retailer business without the supplier's consent;

(continued)

(b) the retailer has filed a voluntary petition in bankruptcy or has had an involuntary petition in bankruptcy filed against it which has not been discharged within 30 days after the date of filing, or there has been a closeout or sale of a substantial part of the retailer's assets related to the retailer's business or there has been a commencement or dissolution or liquidation of the retailer's business;

(c) there has been a change, without the prior written approval of the supplier, in the location of retailer's principal place of business if such approval is required under the retailer's agreement with the supplier;

(d) the retailer has defaulted under any reasonable and essential term of a chattel mortgage or other security agreement between the retailer and supplier, or there has been a revocation or discontinuance of any guarantee of the retailer's present or future obligations to the supplier;

(e) the retailer has failed to operate in the normal course of business for seven consecutive days or has otherwise abandoned such retailer's business, except for reasonable and customary closures of business;

(f) the retailer has pleaded guilty to or has been convicted of a felony affecting the relationship between the retailer and supplier;

(g) the retailer has engaged in conduct which is injurious or detrimental to the retailer's customers or the public welfare; or

(h) following receipt of written notices of the supplier's requirements and of written notices of the supplier's determination of the retailer's initial and persisting failures to meet the supplier's requirements, the retailer has consistently failed to meet the supplier's requirements for reasonable market penetration based on the supplier's experience in other identified and comparable market areas.

Sec. 7. Except as otherwise provided in this section, a supplier shall provide a retailer at least 90 days' prior notice of termination, cancellation, or nonrenewal of the contract. The notice shall state all reasons constituting good cause for termination, cancellation or nonrenewal and shall provide that the dealer has 60 days in which to cure any claimed deficiency. If the deficiency is rectified within 60 days, the notice shall be void. The notice and right to cure provisions under this section shall not apply if the reason for termination, cancellation or nonrenewal is for any reason set forth in subsections (a) through (h) of section 6.

Sec. 8. If any supplier violates any provisions of section 6 or 7, a retailer may bring an action in any court of competent jurisdiction for damages sustained by the retailer as a consequence of the supplier's violation. The court may also award court costs and reasonable attorney fees to the prevailing party. The remedies set forth in this section shall not be deemed exclusive and shall be in addition to any other remedies permitted by law including proceedings under the Kansas consumer protection act.

Sec. 9. The provisions of this act shall apply to all continuing and nonrenewable contracts, and all other contracts entered into, renewed, amended, assigned or transferred by a supplier to a transferee on or after July 1, 1991, and shall apply only to outdoor power equipment and repair parts purchased after the effective date of this act. Any contract in force and effect on July 1, 1991, which by its own terms will terminate on a date certain subsequent thereto shall be governed by the law as it existed prior to this act unless renewed, amended, assigned or transferred as described above.

Sec. 10. The provisions of this act shall be supplemental to any agreement between the retailer and the supplier. The retailer may elect to pursue either the contract remedy, the remedy provided herein, or any other remedies permitted by law, and an election by the retailer to pursue such retailer contract or other remedies shall not bar such retailer's right to any remedy provided herein as to the outdoor power equipment and repair parts not affected by the contract or other remedies.

Sec. 11. If any section of this act, or any part of any section thereof, or the application of such provision to any person or circumstance shall be declared invalid or unconstitutional, such declaration of invalidity shall not affect the remaining portions thereof and the application of such provision to other persons or circumstances.

Sec. 12. This act may be cited as the Kansas outdoor power equipment dealership act.

Sec. 13. This act shall take effect and be in force from and after its publication in the Kansas register.

(Published in the Kansas Register, April 25, 1991.)

HOUSE BILL No. 2355

AN ACT relating to credit unions; concerning share insurance; amending K.S.A. 17-2246 and repealing the existing section.

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

Section 1. K.S.A. 17-2246 is hereby amended to read as follows: 17-2246. (a) (1) Every credit union which is organized and operating under the laws of the state of Kansas, except a central credit union located in the state of Kansas and under the supervision of the administrator in which all credit unions in the state of Kansas are eligible for membership, shall on and after June 30, 1990, insure the shares of each shareholder of such credit union.

(2) Every credit union shall insure the shares of each shareholder of such credit union with the national credit union share insurance fund, or its successor, or with an insurer approved by the state commissioner of insurance or guarantee corporation approved by the administrator, for such purpose as hereinafter provided in an amount not less than that provided by the national credit union administration, except that the administrator may grant a reasonable extension of time for compliance therewith under such rules and regulations as the state credit union council may adopt.

(3) During the period of any such extensions of time, the credit union receiving the same shall continue to give notice in the manner prescribed by K.S.A. 17-2247, and amendments thereto, that the shares of such credit union are uninsured.

(b) (1) Notwithstanding the provisions of paragraph (2) of subsection (a), every credit union which is organized and operating under the laws of the state of Kansas and not currently insured by the national credit union share insurance fund (NCUSIF), except a central credit union located in Kansas and under the supervision of the administrator, shall make application for insurance with the NCUSIF within 120 days of the effective date of this act.

(2) The application for NCUSIF insurance shall be filed with the Kansas state department of credit unions, then forwarded to the national credit union administration.

(3) Every credit union chartered after the effective date of this act shall obtain NCUSIF coverage prior to commencing business.

(4) The administrator may suspend the charter, merge, liquidate, or take possession of any credit union which fails to comply with the provisions of this section or which loses or allows such coverage to lapse.

(c) (1) Notwithstanding the provisions of paragraph (2) of subsection (a), every credit union shall obtain a certificate of insurance from the NCUSIF within 18 months of the effective date of this act.

(2) The administrator may extend, for a period up to 18 months, the date by which a credit union must obtain such certificate upon satisfactory evidence that the credit union has made and is making good faith efforts to acquire the coverage.

(3) Any credit union which is unable to comply with this subsection shall be liquidated by the administrator, unless the administrator approves the merger or consolidation of such credit union with a NCUSIF insured credit union.

(4) Every credit union shall maintain their current share insurance during the conversion process.

(d) Every credit union shall forward a copy of the NCUSIF certificate of insurance to the administrator within 30 days after the credit union receives the certificate.

(e) (1) Every credit union shall take every action legally required to maintain NCUSIF insurance coverage in full force and effect, and shall refrain or desist from taking any action that is likely to cause termination of NCUSIF insurance coverage.

(2) The administrator shall order the merger, consolidation, or liquidation of any credit union whose NCUSIF insurance is terminated.

(f) No bylaw amendment of any nonfederal insurer shall be binding upon any Kansas credit union unless and until approved by the Kansas state department of credit unions.

Sec. 2. K.S.A. 17-2246 is hereby repealed.

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

(Published in the Kansas Register, April 25, 1991.)

SENATE BILL No. 342

AN ACT concerning the uniform controlled substances act; relating to controlled substances included in certain schedules; amending K.S.A. 65-4113 and K.S.A. 1990 Supp. 65-4105, 65-4107, 65-4109, 65-4111, 65-4127b and repealing the existing sections; and also repealing K.S.A. 1990 Supp. 65-4127g.

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

Section 1. K.S.A. 1990 Supp. 65-4105 is hereby amended to read as follows: 65-4105. (a) The controlled substances listed in this section are included in schedule I and the number set forth opposite each drug or substance is the DEA controlled substances code which has been assigned to it.

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

(1)	Acetyl-alpha-methylfentanyl (N-[1-(1-methyl-2-phenethyl)-4-piperidinyl]-N-phenylacetamide)	9815
(2)	Acetylmethadol	9601
(3)	Allylprodine	9602
(4)	Alphacetylmethadol	9603
(5)	Alphameprodine	9604
(6)	Alphamethadol	9605
(7)	Alpha-methylfentanyl (N-[1-(alpha-methyl-beta-phenylethyl)-4-piperidyl] propionanilide; 1-(1-methyl-2-phenylethyl)-4-(N-propanilido) piperidine)	9814
(8)	Alpha-methylthiofentanyl (N-[1-methyl-2-(2-thienyl) ethyl-4-piperidinyl]-N-phenylpropanamide)	9832
(9)	Benzethidine	9606
(10)	Betacetylmethadol	9607
(11)	Beta-hydroxyfentanyl (N-[1-(2-hydroxy-2-phenethyl)-4-piperidinyl]-N-phenylpropanamide)	9830
(12)	Beta-hydroxy-3-methylfentanyl (other name: N-[1-(2-hydroxy-2-phenethyl)-3-methyl-4-piperidinyl]-N-phenylpropanamide)	9831
(13)	Betameprodine	9608
(14)	Betamethadol	9609
(15)	Betaprodine	9611
(16)	Clonitazene	9612
(17)	Dextromoramide	9613
(18)	Diampromide	9615
(19)	Diethylthiambutene	9616
(20)	Difenoxin	9168
(21)	Dimenoxadol	9617
(22)	Dimpheptanol	9618
(23)	Dimethylthiambutene	9619
(24)	Dioxaphetyl butyrate	9621
(25)	Dipipanone	9622
(26)	Ethylmethylthiambutene	9623
(27)	Etonitazene	9624
(28)	Etoxadine	9625
(29)	Furethidine	9626
(30)	Hydroxypethidine	9627
(31)	Ketobemidone	9628
(32)	Levomoramide	9629
(33)	Levophenacymorphan	9631
(34)	3-Methylfentanyl (N-[3-methyl-1-(2-phenylethyl)-4-piperidinyl]-N-phenylpropanamide)	9813
(35)	3-Methylthiofentanyl (N-[(3-methyl-1-(2-thienyl)ethyl-4-piperidinyl]-N-phenylpropanamide)	9833
(36)	Morpheridine	9632
(37)	MPPP (1-methyl-4-phenyl-4-propionoxypiperidine)	9661
(38)	Noracymethadol	9633
(39)	Norlevorphanol	9634
(40)	Normethadone	9635
(41)	Norpipanone	9636
(42)	Para-fluorofentanyl (N-(4-fluorophenyl)-N-[1-(2-phenethyl)-4-piperidinyl] propanamide)	9812
(43)	PEPAP (1-(2-phenethyl)-4-phenyl-4-acetoxypiperidine)	9663
(44)	Phenadoxone	9637
(45)	Phenampramide	9638
(46)	Phenomorphan	9647

(47)	Phenoperidine	9641
(48)	Piritramide	9642
(49)	Proheptazine	9643
(50)	Propерidine	9644
(51)	Propiram	9649
(52)	Racemoramide	9645
(53)	Thiofentanyl (N-phenyl-N-[1-(2-thienyl)ethyl-4-piperidinyl]-propanamide)	9835
(54)	Tilidine	9750
(55)	Trimeperidine	9646

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

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

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

(1)	4-bromo-2,5-dimethoxy-amphetamine	7391
	Some trade or other names: 4-bromo-2,5-dimethoxy-alpha-methylphenethylamine; 4-bromo-2,5-DMA.	
(2)	2,5-dimethoxyamphetamine	7396
	Some trade or other names: 2,5-dimethoxy-alpha-methylphenethylamine; 2,5-DMA.	
(3)	4-methoxyamphetamine	7411
	Some trade or other names: 4-methoxy-alpha-methylphenethylamine; paramethoxyamphetamine; PMA.	
(4)	5-methoxy-3,4-methylenedioxy-amphetamine	7401
(5)	4-methyl-2,5-dimethoxy-amphetamine	7395
	Some trade or other names: 4-methyl-2,5-dimethoxy-alpha-methylphenethylamine; "DOM"; and "STP".	
(6)	3,4-methylenedioxy amphetamine	7400
(7)	3,4-methylenedioxy-methamphetamine (MDMA)	7405
(8)	3,4-methylenedioxy-N-ethylamphetamine (also known as N-ethyl-alpha-methyl-3,4 (methylenedioxy) phenethylamine, N-ethyl MDA, MDE, and MDEA)	7404
(9)	N-hydroxy-3,4-methylenedioxyamphetamine (also known as N-hydroxy-alpha-methyl-3,4(methylenedioxy) phenethylamine, and N-hydroxy MDA)	7402
(10)	3,4,5-trimethoxy amphetamine	7390
(11)	Bufotenine	7433
	Some trade or other names: 3-(Beta-Dimethyl- aminoethyl)-5-hydroxyindole; 3-(2-dimethyl- aminoethyl)-5-indolol; N,N-dimethylserotonin; 5-hydroxy-N,N-dimethyltryptamine; mappine.	
(12)	Diethyltryptamine	7434
	Some trade or other names: N,N-Diethyltryptamine; DET.	
(13)	Dimethyltryptamine	7435
	Some trade or other names: DET.	

(continued)

(12) (14)	Ibogaïne Some trade or other names: 7-Ethyl-6,6-Beta,7,8,9,10,12,13-octahydro-2-methoxy-6,9-methano-5H-pyrido [1',2':1,2] azepino[5,4-b]indole; Tabernanthe iboga.	7260
(13) (15)	Lysergic acid diethylamide	7315
(14) (16)	Marijuana	7360
(15) (17)	Mescaline	7381
(16) (18)	Parahexyl..... Some trade or other names: 3-Hexyl-1-hydroxy-7,8,9,10-tetrahydro-6,6,9- trimethyl-6H-dibenzo [b,d] pyran; Synhexyl.	7374
(17) (19)	Peyote..... Meaning all parts of the plant presently classified botanically as <i>Lophophora williamsii</i> Lemaire, whether growing or not, the seeds thereof, any extract from any part of such plant, and every compound, manufacture, salts, derivative, mixture or preparation of such plant, its seeds or extracts.	7415
(18) (20)	N-ethyl-3-piperidyl benzilate.....	7482
(19) (21)	N-methyl-3-piperidyl benzilate.....	7484
(20) (22)	Psilocybin	7437
(21) (23)	Psilocyn.....	7438
(22) (24)	Tetrahydrocannabinols	7370
	Synthetic equivalents of the substances contained in the plant, or in the resinous extractives of Cannabis, sp. and/or synthetic substances, derivatives, and their isomers with similar chemical structure and pharmacological activity such as the following: Delta 1 cis or trans tetrahydrocannabinol, and their optical isomers Delta 6 cis or trans tetrahydrocannabinol, and their optical isomers Delta 3,4 cis or trans tetrahydrocannabinol, and its optical isomers (Since nomenclature of these substances is not internationally standardized, compounds of these structures, regardless of numerical designation of atomic positions covered), except dronabinol (synthetic) in sesame oil and encapsulated in a soft gelatin capsule in a United States food and drug administration approved drug product.	
(23) (25)	Ethylamine analog of phencyclidine..... Some trade or other names: N-ethyl-1-phenyl- cyclohexylamine; (1-phenylcyclohexyl)ethylamine; N-(1-phenylcyclohexyl)ethylamine; cyclohexamine; PCE.	7455
(24) (26)	Pyrolidine analog of phencyclidine..... Some trade or other names: 1-(1-phenylcyclo- hexyl)-pyrrolidine; PCPy; PHP.	7458
(25) (27)	Thiophene analog of phencyclidine..... Some trade or other names: 1-[1-(2-thienyl)- cyclohexyl]-piperidine; 2-thienylanalog of phencyclidine; TPCP; TCP.	7470
(28)	1-[1-(2-thienyl)-cyclohexyl]pyrrolidine..... Some other names: TCPy	7473

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

(1)	Mecloqualone.....	2572
(2)	Methaqualone.....	2565

(f) Unless specifically excepted or unless listed in another schedule, any material, compound, mixture or preparation which contains any quantity of the following substances having a stimulant effect on the central nervous system, including its salts, isomers and salts of isomers:

(1)	Fenethylamine.....	1503
(2)	N-ethylamphetamine.....	1475
(3)	3,4-methylenedioxy-N-ethylamphetamine (also known as N-ethyl-alpha-methyl-3,4(methylenedioxy) phenethylamine, N-ethyl MDA, MDE, and MDEA).....	7404
(4)	N-hydroxy-3,4-methylenedioxyamphetamine (also known as N-hydroxy-alpha-methyl-3,4(methylenedioxy) phenethylamine, and N-hydroxy MDA).....	7402

(5) (3)	(±)cis-4-methylaminorex (also known as 2-amino-4-methyl-5-phenyl-2-oxazoline) ((±)cis-4,5-dihydro-4-methyl-5-phenyl-2-oxazoline).....	1590
(4)	N,N-dimethylamphetamine (also known as N,N-alpha-trimethyl- benzeneethanamine; N,N-alpha-trimethylphenethylamine).....	1480
(g)	Any material, compound, mixture or preparation which contains any quantity of the following substances:	
(1)	N-[1-benzyl-4-piperidyl]-N-phenylpropanamide (benzylfentanyl), its optical isomers, salts and salts of isomers.....	9818
(2)	N-[1-(2-thienyl)methyl-4-piperidyl]-N-phenylpropanamide (thylfentanyl), its optical isomers, salts and salts of isomers.....	9834

Sec. 2. K.S.A. 1990 Supp. 65-4107 is hereby amended to read as follows: 65-4107. (a) The controlled substances listed in this section are included in schedule II and the number set forth opposite each drug or substance is the DEA controlled substances code which has been assigned to it.

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

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

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

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

(3) Opium poppy and poppy straw.

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

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

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

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

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

(1)	Alfentanil.....	9737
(2)	Alphaprodine.....	9010
(3)	Anileridine.....	9020
(4)	Benztramide.....	9800
(5)	Bulk dextropropoxyphene (nondosage forms).....	9273
(6)	Carfentanil.....	9743
(6) (7)	Dihydrocodeine.....	9120
(7) (8)	Diphenoxylate.....	9170
(8) (9)	Fentanyl.....	9801
(9) (10)	Isomethadone.....	9226
(10) (11)	Levomethorphan.....	9210
(11) (12)	Levorphanol.....	9220

(19) (13)	Metazocine	9240
(19) (14)	Methadone	9250
(14) (15)	Methadone-intermediate, 4-cyano-2-dimethyl amino-4, 4-diphenyl butane	9254
(15) (16)	Moramide-intermediate, 2-methyl-3- morpholino-1, 1-di-phenylpropane-carboxylic acid	9802
(16) (17)	Pethidine (meperidine).....	9230
(17) (18)	Pethidine-intermediate-A, 4-cyano-1-methyl- 4-phenylpiperidine	9232
(18) (19)	Pethidine-intermediate-B, ethyl-4-phenyl- piperidine-4-carboxylate	9233
(19) (20)	Pethidine-intermediate-C, 1-methyl-4-phenyl- piperidine-4-carboxylic acid	9234
(20) (21)	Phenazocine	9715
(21) (22)	Piminodine	9730
(22) (23)	Racemethorphan	9732
(23) (24)	Racemorphan	9733
(24) (25)	Sufentanil	9740

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

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

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

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

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

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

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

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

Sec. 3. K.S.A. 1990 Supp. 65-4109 is hereby amended to read as follows: 65-4109. (a) The controlled substances listed in this section are included in schedule III and the number set forth opposite each drug or substance is the DEA controlled substances code which has been assigned to it.

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

(1)	Any compound, mixture or preparation containing:	
(A)	Amobarbital	2126

(B)	Secobarbital	2316
(C)	Pentobarbital	2271

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

(2) Any suppository dosage form containing:

(A)	Amobarbital	2126
(B)	Secobarbital	2316
(C)	Pentobarbital	2271

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

(3) Any substance which contains any quantity of a derivative of barbituric acid, or any salt of a derivative of barbituric acid, except those substances which are specifically listed in other schedules.

(4)	Chlorhexadol	2510
(5)	Glutethimide	2550
(6)	Lysergic acid	7300
(7)	Lysergic acid amide	7310
(8)	Methypylon	2575
(9)	Sulfondiethylmethane	2600
(10)	Sulfonethylmethane.....	2605
(11)	Sulfonmethane	2610
(12)	Tiletamine and zolazepam or any salt thereof	7295

Some trade or other names for a tiletamine-zolazepam combination product: Telazol

Some trade or other names for tiletamine: 2-(ethylamino)-2-(2-thienyl)-cyclohexanone

Some trade or other names for zolazepam: 4-(2-fluorophenyl)-6,8-dihydro-1,3,8-trimethylpyrazolo-[3,4-e][1,4]-diazepin-7(1H)-one, flupyrzapon

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

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

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

(continued)

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

(f) *Anabolic steroid. "Anabolic steroid" means any drug or hormonal substance, chemically and pharmacologically related to testosterone (other than estrogens, progestins, and corticosteroids) that promotes muscle growth, and includes:*

- (1) boldenone
- (2) chlorotestosterone
- (3) clostebol
- (4) dehydrochlormethyltestosterone
- (5) dihydrotestosterone
- (6) drostanolone
- (7) ethylestrenol
- (8) fluoxymesterone
- (9) formebolone
- (10) mesterolone
- (11) methandienone
- (12) methandranone
- (13) methandriol
- (14) methandrostenolone
- (15) methenolone
- (16) methyltestosterone
- (17) mibolerone
- (18) nandrolone
- (19) norethandrolone
- (20) oxandrolone
- (21) oxymesterone
- (22) oxymetholone
- (23) stanolone
- (24) stanozolol
- (25) testolactone
- (26) testosterone
- (27) trenbolone
- (28) any salt, ester, or isomer of a drug or substance described or listed in this paragraph, if that salt, ester, or isomer promotes muscle growth.

(A) Except as provided in (B), such term does not include an anabolic steroid which is expressly intended for administration through implants to cattle or other nonhuman species and which has been approved by the United States' secretary of health and human services for such administration.

(B) If any person prescribes, dispenses or distributes such steroid for human use, such person shall be considered to have prescribed, dispensed or distributed an anabolic steroid within the meaning of this subsection (f).

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

Sec. 4. K.S.A. 1990 Supp. 65-4111 is hereby amended to read as follows: 65-4111. (a) The controlled substances listed in this section are included in schedule IV and the number set forth opposite each drug or substance is the DEA controlled substances code which has been assigned to it.

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

(1)	Alprazolam	2882
(2)	Barbital	2145
(3)	Bromazepam	2748
(4)	Camazepam	2749
(5)	Chloral betaine	2460
(6)	Chloral hydrate	2465
(7)	Chlordiazepoxide	2744
(8)	Clobazam	2751
(9)	Clonazepam	2737
(10)	Clorazepate	2768
(11)	Clotiazepam	2752
(12)	Clozaplam	2753
(13)	Delorazepam	2754
(14)	Diazepam	2765
(15)	Estazolam	2756
(16)	Ethchlorvynol	2540
(17)	Ethinamate	2545
(18)	Ethyl loflazepate	2758
(19)	Fludiazepam	2759
(20)	Flunitrazepam	2763
(21)	Flurazepam	2767
(22)	Halazepam	2762
(23)	Haloxazolam	2771
(24)	Ketazolam	2772
(25)	Loprazolam	2773
(26)	Lorazepam	2885
(27)	Lormetazepam	2774
(28)	Mebutamate	2800
(29)	Medazepam	2836
(30)	Meprobamate	2820
(31)	Methohexital	2264
(32)	Methylphenobarbital (mephobarbital)	2250
(33)	Midazolam	2884
(34)	Nimetazepam	2837
(35)	Nitrazepam	2834
(36)	Nordiazepam	2838
(37)	Oxazepam	2835
(38)	Oxazolam	2839
(39)	Paraldehyde	2585
(40)	Petrichloral	2591
(41)	Phenobarbital	2285
(42)	Pinazepam	2883
(43)	Prazepam	2764
(44)	Quazepam	2881
(45)	Temazepam	2925
(46)	Tetrazepam	2886
(47)	Triazolam	2887

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

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

(1)	Cathine ((+)-norpseudoephedrine)	1230
(2)	Diethylpropion	1610
(3)	Fencamfamin	1760
(4)	Fenproporex	1575
(5)	Mazindol	1605
(6)	Mefenorex	1580
(7)	Pemoline (including organometallic complexes and chelates thereof)	1530
(8)	Phentermine	1640
(9)	Pipradrol	1750
(10)	SPA((-)-1-dimethylamino-1,2-diphenylethane)	1635

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

(1)	Pentazocine	9709
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(f) Unless specifically excepted or unless listed in another sched-

ule, any material, compound, mixture or preparation containing any of the following narcotic drugs, or their salts calculated as the free anhydrous base or alkaloid, in limited quantities as set forth below:

- (1) Not more than 1 milligram of difenoxin and not less than 25 micrograms of atropine sulfate per dosage unit 9167
- (2) Dextropropoxyphene (alpha-(+)-4-dimethylamino-1,2-diphenyl-3-methyl-2-propionybutane) 9273 9278

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

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

- (A) Methandrosterone;
- (B) stanozolol;
- (C) ethylesterone;
- (D) nandrolone phenpropionate;
- (E) nandrolone decanoate;
- (F) testosterone propionate; and
- (G) chorionic gonadotropin.

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

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

Sec. 5. K.S.A. 65-4113 is hereby amended to read as follows: 65-4113. (a) The controlled substances or drugs, by whatever official name, common or usual name, chemical name or brand name designated, listed in this section are included in schedule V.

(b) Unless specifically excepted or unless listed in another schedule, any material, compound, mixture or preparation containing the following narcotic drug or its salts:

- Buprenorphine 9064

(c) Any compound, mixture or preparation containing limited quantities of any of the following narcotic drugs which also contains one or more nonnarcotic active medicinal ingredients in sufficient proportion to confer upon the compound, mixture or preparation valuable medicinal qualities other than those possessed by the narcotic drug alone:

- (1) Not more than 200 milligrams of codeine or any of its salts per 100 milliliters or per 100 grams.
- (2) Not more than 100 milligrams of dihydrocodeine or any of its salts per 100 milliliters or per 100 grams.
- (3) Not more than 100 milligrams of ethylmorphine or any of its salts per 100 milliliters or per 100 grams.
- (4) Not more than 2.5 milligrams of diphenoxylate and not less than 25 micrograms of atropine sulfate per dosage unit.
- (5) Not more than 100 milligrams of opium per 100 milliliters or per 100 grams.
- (6) Not more than .5 milligram of difenoxin (9168) and not less than 25 micrograms of atropine sulfate per dosage unit.

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

- (1) Propylhexedrine 8161
- (2) Pyrovalerone 1485

Sec. 6. K.S.A. 1990 Supp. 65-4127b is hereby amended to read as follows: 65-4127b. (a) Except as authorized by the uniform controlled substances act, it shall be unlawful for any person to possess or have under such person's control:

(1) Any depressant designated in subsection (e) of K.S.A. 65-4105, subsection (e) of K.S.A. 65-4107, subsection (b) or (c) of K.S.A.

65-4109 or subsection (b) of K.S.A. 65-4111, and amendments thereto;

(2) any stimulant designated in subsection (f) of K.S.A. 65-4105, subsection (d)(2) or (d)(4) or (f)(2) of K.S.A. 65-4107 or subsection (e) of K.S.A. 65-4109, and amendments thereto;

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

(4) any substance designated in subsection (g) of K.S.A. 65-4105, and amendments thereto, and designated in subsection (c), (d), (e), (f) or (g) of K.S.A. 65-4111 and amendments thereto; or

(5) any anabolic steroids as defined in subsection (h) of K.S.A. 65-4111 (f) of K.S.A. 65-4109 and amendments thereto.

Any person who violates this subsection shall be guilty of a class A misdemeanor, except that such person shall be guilty of a class D felony upon conviction for a second or subsequent offense.

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

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

(2) any stimulant designated in subsection (f) of K.S.A. 65-4105, subsection (d)(2) or (d)(4) or (f)(2) of K.S.A. 65-4107 or subsection (e) of K.S.A. 65-4109, and amendments thereto;

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

(4) any substance designated in subsection (g) of K.S.A. 65-4105, and amendments thereto, and designated in subsection (c), (d), (e), (f) or (g) of K.S.A. 65-4111, and amendments thereto; or

(5) any anabolic steroids as defined in subsection (h) of K.S.A. 65-4111 (f) of K.S.A. 65-4109 and amendments thereto.

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

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

(d) Upon conviction of any person pursuant to subsection (a), (b) or (c) in which (1) the substances involved were equal to or greater than the amounts for such substance as specified in K.S.A. 1989 1990 Supp. 65-4127e and amendments thereto, or (2) the substances involved, regardless of amounts, were possessed with intent to sell, sold or offered for sale to a child under 18 years of age, there shall be at sentencing a presumption that the defendant be sentenced to imprisonment and not granted probation, assignment to a community correctional services program or suspension of sentence.

(e) Notwithstanding any other provision of law, upon conviction of any person pursuant to subsection (b) for an offense in which the substances involved were possessed with intent to sell, sold or offered for sale in or on, or within 1,000 feet of any school property upon which is located a structure used by a unified school district or an accredited nonpublic school for student instruction or attendance or extracurricular activities of pupils enrolled in kindergarten or any of the grades 1 through 12 and such person is over 18 years of age, such person shall be guilty of a class B felony.

(f) It shall not be a defense to charges arising under this section that the defendant was acting in an agency relationship on behalf of any other party in a transaction involving a controlled substance.

Sec. 7. K.S.A. 65-4113 and K.S.A. 1990 Supp. 65-4105, 65-4107, 65-4109, 65-4111, 65-4127b and 65-4127g are hereby repealed.

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

(Published in the Kansas Register, April 25, 1991.)

SENATE BILL No. 299

AN ACT concerning automobiles and other vehicles; relating to traffic citations issued for certain violations; purchase or consumption of alcoholic beverage by minor; amending K.S.A. 1990 Supp. 8-2106 and repealing the existing section.

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

Section 1. K.S.A. 1990 Supp. 8-2106 is hereby amended to read as follows: 8-2106. (a) A law enforcement officer may prepare and deliver to a person a written traffic citation on a form set out and approved by the division of motor vehicles, if the law enforcement officer stops the person for a violation of:

(1) The uniform act regulating traffic on highways, which violation is a misdemeanor or a traffic infraction;

(2) K.S.A. 21-3610, 21-3610a, 21-3722, 21-3724, 21-3725, 40-3104, 40-3106, 41-715, 41-724, 41-727, 41-804, 41-2719, 41-2720, 41-2721, 47-607, 66-1,111, 66-1,129, 66-1,139, 66-1,140, 66-273, 66-1314, 66-1324, 66-1325, 66-1330, 66-1331, 66-1332, 68-2104, 68-2106 or subsection (b) of K.S.A. 79-34,122, and amendments thereto;

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

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

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

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

(7) K.S.A. 8-1343 through 8-1347 and amendments thereto relating to the child passenger safety act; or

(8) K.S.A. 8-2501 through 8-2507 and amendments thereto relating to the safety belt use act.

(b) The citation shall contain a notice to appear in court, the name and address of the person, the type of vehicle the person was driving, whether hazardous materials were being transported, whether an accident occurred, the state registration number of the person's vehicle, if any, a statement whether the vehicle is a commercial vehicle, the offense charged, the time and place when and where the person shall appear in court, the signature of the law enforcement officer, and any other pertinent information.

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

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

(e) Except in the circumstances to which subsection (a) of K.S.A. 8-2104, and amendments thereto, apply, in the discretion of the law enforcement officer, a person charged with a misdemeanor may give written promise to appear in court by signing at least one copy of the written citation prepared by the law enforcement officer, in which event the law enforcement officer shall deliver a copy of the citation to the person and shall not take the person into physical custody.

(f) When a person is charged with a traffic infraction, the notice to appear shall provide a place where the person may make a written entry of appearance, waive the right to a trial and plead guilty or no contest. The notice to appear shall provide a space where the law enforcement officer shall enter the appropriate fine specified in the uniform fine schedule contained in K.S.A. 1989 1990 Supp. 8-2118, and amendments thereto, for the violation charged and court costs in the amount provided by law. If the notice to appear does not do so, the law enforcement officer shall provide a person charged with a traffic infraction a form explaining the person's right to appear and right to a trial, the person's right to pay the appropriate fine and court costs prior to the appearance date, and that failure to either pay such fine and court costs or appear at the specified time may result in suspension of the person's driver's license. The law enforcement officer shall provide the person with the address of the court to which the written entry of appearance, waiver of trial, plea of guilty or no contest and payment of fine and court costs shall be mailed.

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

Sec. 2. K.S.A. 1990 Supp. 8-2106 is hereby repealed.

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

(Published in the Kansas Register, April 25, 1991.)

HOUSE BILL No. 2589

AN ACT creating the state of Kansas sports hall of fame board of trustees; providing for the powers, duties and functions thereof; creating the state of Kansas sports hall of fame fund; amending K.S.A. 74-2907, 74-2906, 74-2910 and 74-2911 and K.S.A. 1990 Supp. 74-2906a, 74-2909 and 74-2912 and repealing the existing sections.

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

Section 1. K.S.A. 1990 Supp. 74-2906a is hereby amended to read as follows: 74-2906a. (a) There is hereby created the ~~Kansas all-sports state of Kansas sports~~ hall of fame board of trustees, hereinafter referred to as the board of trustees, which board shall be composed of seven members appointed by the governor.

(b) ~~Of the members first appointed, two shall be appointed for terms of two years; two shall be appointed for terms of three years; and three shall be appointed for terms of four years.~~ Upon the expiration of the term of office of any member, a successor shall be appointed for a term of four years. All vacancies in office of members so appointed shall be filled by appointment for the unexpired term of the member creating the vacancy. *Members of the Kansas all-sports hall of fame board of trustees immediately prior to the effective date of this act shall become members of the state of Kansas sports hall of fame and shall serve as such members until the expiration of their term of office established as members of the Kansas all-sports hall of fame board of trustees.*

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

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

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

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

~~(g) The all-sports hall of fame may be relocated only upon approval of the legislature.~~

~~(h) (g) Whenever the Kansas all-sports hall of fame board of trustees, or words of like effect, is referred to or designated by any appropriations act or other act of the legislature, or any statute, contract or other document, such reference or designation shall be deemed to apply to the ~~Kansas all-sports state of Kansas sports~~ hall of fame board of trustees which is created by this act.~~

Sec. 2. K.S.A. 74-2907 is hereby amended to read as follows: 74-2907. ~~On and after the effective date of this act,~~ It shall be the duty of the ~~state of Kansas sports hall of fame~~ board of trustees to select Kansas athletes and other persons of athletic stature for induction into the ~~Kansas all-sports state of Kansas sports~~ hall of fame ~~located in Lawrence, Kansas~~. The purpose of such selections shall be to honor those persons whose achievements in sports or in connection with sports, including coaches, athletic directors, teachers, sportswriters, sportscasters and athletes who have brought distinction to themselves and to the state of Kansas.

Sec. 3. K.S.A. 74-2908 is hereby amended to read as follows: 74-2908. (a) ~~The state of Kansas sports hall of fame~~ board of trustees shall ~~may~~ provide appropriate ceremonies to induct the persons selected pursuant to K.S.A. 74-2907; ~~and amendments thereto into~~

the ~~Kansas all-sports state of Kansas sports hall of fame or may contract with a private entity to provide such ceremonies.~~ Such induction shall include appropriate awards and certification as the board of trustees deems appropriate.

(b) The ~~board of trustees entity which provides the induction ceremonies under subsection (a)~~ may fix and charge fees for attendance at the ~~Kansas all-sports state of Kansas sports hall of fame induction ceremonies~~ in order to recover all or part of the expenses of such induction ceremonies.

Sec. 4. K.S.A. 1990 Supp. 74-2909 is hereby amended to read as follows: 74-2909. (a) ~~The state of Kansas sports hall of fame board of trustees may contract with a private entity for the daily administration of the state of Kansas sports hall of fame in accordance with the terms and conditions of such contract. The board of trustees is authorized to~~ If a contract is entered into under this subsection, such contract shall provide that the private entity shall provide for an appropriate place for the display of any plaques, trophies, mementoes, awards, photographs and biographical material that may come into its possession which recognizes the achievements of the individual Kansans.

(b) The ~~state of Kansas sports hall of fame board of trustees~~ is further authorized to accept gifts, grants, bequests and gratuities to be used for the ~~Kansas all-sports state of Kansas sports hall of fame~~ and any such moneys shall be used for the purposes for which given, including the purchase of proper awards, display or exhibit cases and for such other purposes the ~~state of Kansas sports hall of fame board of trustees~~ shall deem proper.

Sec. 5. K.S.A. 74-2910 is hereby amended to read as follows: 74-2910. All persons inducted into the ~~Kansas all-sports hall of fame~~ prior to the effective date of this act shall be members of the ~~Kansas all-sports state of Kansas sports hall of fame~~ under the ~~state of Kansas sports hall of fame board of trustees~~ and all records and property, including photographs, biographical material, plaques, and other materials, of the ~~Kansas all-sports hall of fame~~ which the board of trustees deems to be appropriate shall remain a part of the ~~state of Kansas sports hall of fame~~ under said board of trustees.

Sec. 6. K.S.A. 74-2911 is hereby amended to read as follows: 74-2911. The ~~state of Kansas sports hall of fame board of trustees~~ is hereby authorized to adopt rules and regulations necessary for the administration of this act.

Sec. 7. K.S.A. 1990 Supp. 74-2912 is hereby amended to read as follows: 74-2912. (a) There is hereby created in the state treasury the ~~all-sports state of Kansas sports hall of fame fund~~. The board of trustees shall remit all moneys received by ~~or for~~ the board of trustees, including all moneys received as gifts, grants, bequests and gratuities as provided in K.S.A. 74-2909 and amendments thereto, 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 and the same shall be credited to the ~~all sports state of Kansas sports hall of fame fund~~.

(b) In accordance with and subject to the provisions of this act and of appropriation acts, the board of trustees may make expenditures from the ~~all-sports state of Kansas sports hall of fame fund~~ for contracts entered into with private entities, for the maintenance and operating expenditures of the ~~Kansas all-sports state of Kansas sports hall of fame~~ and the board of trustees, for the expenses of ~~Kansas all-sports state of Kansas sports hall of fame induction ceremonies~~, including the actual and necessary expenses of speakers and persons being inducted into the ~~Kansas all-sports state of Kansas sports hall of fame~~ for their attendance at such induction ceremonies, for official hospitality, for capital improvement projects for remodeling of or for additions or repairs to the ~~all-sports state of Kansas sports hall of fame~~ and for such other purposes as may be authorized by law.

(c) All expenditures from the ~~all-sports state of Kansas sports hall of fame fund~~ shall be exempt from competitive bid procedures under K.S.A. 75-3739 and amendments thereto and shall be made in accordance with appropriation acts upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the board of trustees or by a person or persons designated by the board of trustees.

(d) On the effective date of this act, the director of accounts and

reports shall transfer all moneys in the ~~all-sports hall of fame gift fund and all moneys in the all-sports hall of fame trust fund~~ to the ~~all-sports hall of fame fund to the state of Kansas sports hall of fame fund~~. On the effective date of this act, all liabilities of the ~~all-sports hall of fame gift fund and all liabilities of the all-sports hall of fame trust fund~~ are hereby transferred to and imposed upon the ~~all-sports hall of fame fund~~ are hereby transferred to and imposed upon the ~~state of Kansas sports hall of fame fund~~. On the effective date of this act, the ~~all-sports hall of fame gift fund and the all-sports hall of fame trust fund~~ are all-sports hall of fame fund is hereby abolished.

(e) On the 10th of each month, the director of accounts and reports shall transfer from the state general fund to the ~~all-sports state of Kansas sports hall of fame fund~~, the amount of money certified by the pooled money investment board in accordance with this subsection. Prior to the 10th of each month, the pooled money investment board shall certify to the director of accounts and reports the amount of money equal to the proportionate amount of all the interest credited to the state general fund for the preceding period of time specified under this subsection, pursuant to K.S.A. 75-4210a and amendments thereto, that is attributable to money in the ~~all-sports state of Kansas sports hall of fame fund~~. Such amount of money shall be determined by the pooled money investment board based on:

(1) The average daily balance of moneys in the ~~all-sports state of Kansas sports hall of fame fund~~ during the period of time specified under this subsection as certified to the board by the director of accounts and reports; and

(2) the average interest rate on repurchase agreements of less than 30 days duration entered into by the pooled money investment board for that period of time. On or before the fifth day of the month for the preceding month, the director of accounts and reports shall certify to the pooled money investment board the average daily balance of moneys in the ~~all-sports hall of fame fund~~ for the period of time specified under this subsection.

(f) Upon the request of the ~~Kansas all-sports state of Kansas sports hall of fame board of trustees~~ and in accordance with the provisions of appropriations acts, the state historical society may transfer moneys in the ~~all-sports state of Kansas sports hall of fame fund~~ to a bank to the account of the ~~Kansas all-sports state of Kansas sports hall of fame~~. Such bank account shall be awarded to a bank located in the county in which the ~~Kansas all-sports state of Kansas sports hall of fame~~ is located by the pooled money investment board under a written agreement in accordance with procedures for state bank accounts under K.S.A. 75-4217 and amendments thereto and shall be secured by pledge of securities in the manner prescribed for state bank accounts under K.S.A. 75-4218 and amendments thereto and in the amount prescribed for fee agency accounts under that statute. Each such transfer shall be made upon vouchers of the state historical society, which the director of accounts and reports and the state treasurer are hereby authorized and directed to honor by making such transfers, and the moneys so transferred shall be for use by the board of trustees of the ~~Kansas all-sports state of Kansas sports hall of fame~~ in operating and conducting the activities of the ~~Kansas all-sports state of Kansas sports hall of fame~~. The board of trustees of the ~~Kansas all-sports state of Kansas sports hall of fame~~ shall make a full and complete report on a monthly basis and by object classification to the state historical society of all expenditures for each fiscal year from such bank account.

Sec. 8. K.S.A. 74-2907, 74-2908, 74-2910 and 74-2911 and K.S.A. 1990 Supp. 74-2906a, 74-2909 and 74-2912 are hereby repealed.

Sec. 9. This act shall take effect and be in force from and after its publication in the Kansas register.

(Published in the Kansas Register, April 25, 1991.)

HOUSE BILL No. 2159

AN ACT relating to the highway patrol; concerning other employment; amending K.S.A. 74-2113 and repealing the existing section.

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

Section 1. K.S.A. 74-2113 is hereby amended to read as follows: 74-2113. (a) There is hereby created a Kansas highway patrol. The patrol shall consist of: (1) A superintendent, who shall have the rank of colonel and who shall have special training and qualifications for such position; (2) an assistant superintendent, who shall have the rank of lieutenant colonel; and (3) officers and troopers who are appointed in accordance with appropriation acts and as provided in this section. The superintendent and assistant superintendent shall be within the unclassified service under the Kansas civil service act. *The assistant superintendent serving on the effective date of this act shall be appointed to such position by the superintendent. Thereafter, the assistant superintendent shall be appointed by the superintendent from among the members of the patrol, and shall serve at the pleasure of the superintendent.* If a person appointed as superintendent or assistant superintendent is a member of the patrol when appointed, such person in each case, upon termination of the term as superintendent or assistant superintendent, respectively, shall be returned to a rank not lower than the rank such person held when appointed as superintendent or assistant superintendent. If such rank is filled at that time, a temporary additional position shall be created in such rank until a vacancy occurs in such rank. ~~The assistant superintendent and~~ All other officers, troopers and employees shall be within the classified service under the Kansas state civil service act.

(b) The superintendent of the patrol shall be appointed by the governor, subject to confirmation by the senate as provided in K.S.A. 75-4315b, and amendments thereto, and shall receive an annual salary fixed by the governor. *The assistant superintendent shall receive an annual salary fixed by the superintendent and approved by the governor.*

(c) All other members of the patrol shall be appointed by the superintendent in accordance with appropriation acts and with the Kansas civil service act. No person shall be appointed as an officer of the patrol, other than superintendent, unless the person has had at least five years of service in the patrol as an officer or trooper. No person shall be appointed as a trooper unless the person meets the following requirements:

- (1) Is a citizen of the United States;
- (2) is at least 21 years of age at the time of appointment;
- (3) has not been convicted by any state or the federal government of a crime which is a felony or its equivalent under the uniform code of military justice;
- (4) has been fingerprinted and a search of local, state and national fingerprint files has been made to determine whether the applicant has a criminal record;
- (5) ~~is of good moral character;~~
- (6) (5) is the holder of a high school diploma or furnishes evidence of successful completion of an examination indicating an equivalent achievement; and
- (7) (6) is free of any physical or mental condition which might adversely affect the applicant's performance of duties as a trooper and whose physical health has been certified by an examining physician appointed by the superintendent.

(d) No member of the patrol shall hold any other elective or appointive commission or office, except in the Kansas national guard or in the organized reserve of the United States army, air force or navy; ~~or accept any other employment while a member of the patrol.~~ *No member of the patrol shall accept any employment or compensation from any licensee of the director of alcoholic beverage control of the department of revenue or from any licensee of the Kansas racing commission or from any officer, director, member or employee of any such licensee, nor shall any member of the patrol accept any employment or compensation for services which require the use of any state-owned equipment provided by the Kansas highway patrol or the wearing of the patrol uniform.* No member of the patrol shall accept any compensation, reward or gift ~~other than the member's regular salary and expenses as provided by this act~~ except with the written permission of the superintendent.

(e) No member of the patrol, including the superintendent, shall in any way be active or participate in any political contest in any primary, general or special election or participate in politics, except to cast such member's ballot. For any violation of this provision, the offender shall be summarily removed by the superintendent from the patrol.

Sec. 2. K.S.A. 74-2113 is hereby repealed.

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

(Published in the Kansas Register, April 25, 1991.)

HOUSE BILL No. 2450

AN ACT concerning public improvements within Sedgwick county; relating to the creation of benefit districts; assessing costs upon the property specially benefited; and providing for financing of such improvements.

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

Section 1. When used in this act:

- (a) "Acquire" means the acquisition of property or interests in property by purchase, gift, condemnation or other lawful means and may include the acquisition of existing property and improvements already owned and previously financed by the county;
- (b) "benefit district" means an area deemed by the governing body to be benefited by an improvement and subject to special assessment for all or a portion of the cost of the improvement;
- (c) "consultant" means engineers, architects, planners, attorneys and other persons deemed competent to advise and assist the governing body in the planning, making and financing of improvements;
- (d) "cost" means all costs necessarily incurred for the preparation of preliminary reports, the preparation of plans and specifications, the preparation and publication of notices of hearings, resolutions and other proceedings, necessary fees and expenses of consultants and interest accrued on borrowed money during the period of construction; and the cost of issuing bonds, including amounts necessary to fund reserves, together with the cost of land, materials, labor and other lawful expenses incurred in planning and doing any improvement which may include a charge of not to exceed 5% of the total cost of an improvement or the cost of work done by the county to reimburse the county for the services rendered by the county in the administration and supervision of such improvement by its general officers. Where property and improvements already owned by the county and previously financed by the issuance of revenue bonds is acquired the cost shall include not to exceed the principal amount of such outstanding revenue bonds plus the amount of matured interest, interest maturing within 90 days, and the amount of any call premium or purchase premium required;
- (e) "county" means Sedgwick county, Kansas;
- (f) "governing body" means the board of county commissioners;
- (g) "improve" means to construct, reconstruct, maintain, restore, replace, renew, repair, install, equip, extend or to perform any work which will provide a new facility or enhance, extend or restore the value or utility of an existing facility;
- (h) "improvement" means any type of improvement made under authority of this act and includes reimprovement of a prior improvement. Such term shall not include residential wastewater treatment projects, projects located within a residential subdivision, or projects that would serve only residential areas or that would extend services only to residential areas;
- (i) "newspaper" means any one of the official designated newspapers of the county;
- (j) "storm water and sanitary sewer systems" means any trunk lines, outfall or intercepting sewers, manholes, pumps, pumping stations, lift stations, disposal plants, and any appurtenances and apparatus necessary for the collection, storage, treatment and disposal of storm water or sanitary sewage and wastewater;
- (k) "street" means street, highway, road, alley, avenue, boulevard or other public way or any part thereof.

Sec. 2. The governing body of the county is hereby authorized to make, or cause to be made, works or improvements which confer a special benefit upon property within a definable area of the county and may levy and collect special assessments upon property in the area deemed by the governing body to be benefited by such im-

provement for the special benefits conferred upon such property by any such work or improvement and to provide for the payment of all or any part of the cost of the work or improvement out of the proceeds of such special assessments as hereinafter provided. Such work or improvements may include, but not be limited to:

(a) Acquisition of property or interest in property when necessary for any of the purposes authorized by this act;

(b) opening, constructing, widening and extending streets and otherwise improving paving and other surfacing, gutters, curbs, sidewalks, crosswalks, driveway entrances and structures, including traffic control devices, drainage works incidental thereto and service connections from sewer, water, gas and other utility mains, conduits or pipes necessarily lying within curb lines;

(c) improving storm water and sanitary sewer systems and appurtenances thereto;

(d) improving street lights and street lighting systems;

(e) improving waterworks systems;

(f) improving parks, playgrounds and recreational facilities;

(g) improving any street or other facility by landscaping, planting of trees, shrubs and other perennial plants;

(h) improving dikes, levees and other flood control works, gates, lift stations, bridges and streets appurtenant thereto;

(i) improving vehicle and pedestrian bridges, overpasses and tunnels, including the construction and improvement of roadways, ramps and other structures necessary to the intersections of streets with state or federal highways;

(j) improving retaining walls and area walls on public ways or land abutting thereon; and

(k) improving property for off-street parking facilities, including construction and equipment of buildings thereon for such purpose.

Sec. 3. Any two or more types of improvements may be included in one proceeding and constructed and financed as one improvement.

Sec. 4. (a) Before any work is ordered or authorized for an improvement, the governing body, by resolution, shall direct and order a public hearing on the advisability of the improvement. Notice of the hearing shall be given by not less than two publications in a newspaper. The publications shall be a week apart and at least three days shall elapse between the last publication and the hearing. The notice shall include the:

(1) Time and place of hearing;

(2) general nature of the proposed improvements;

(3) estimated or probable cost;

(4) extent of the proposed benefit district to be assessed;

(5) proposed method of assessment; and

(6) proposed apportionment of cost, if any, between the benefit district, the county at large and other available sources.

The hearing may be adjourned from time to time and until the governing body shall have made findings by resolution as to the advisability of the improvement, the nature of the improvement, the estimated cost, the boundaries of the benefit district, the method of assessment and the apportionment of cost, if any, between the district, the county at large and other available sources, all as finally determined by the governing body.

The area of the benefit district to be assessed may be less than, but shall not exceed, the area proposed to be assessed as stated in the petition and notice of hearing without giving notice and holding a new hearing on the improvement.

After final adjournment of the public hearing, the governing body may proceed to order the improvement as provided in section 6.

(b) Improvements also may be commenced upon submission of a sufficient petition. Such petition shall be filed with the county clerk and shall state the:

(1) General nature of the proposed improvement;

(2) estimated or probable cost;

(3) extent of the proposed benefit district to be assessed;

(4) proposed method of assessment; and

(5) proposed apportionment of cost, if any, between the benefit district, the county at large and other available sources.

Names may not be withdrawn from the petitions by the signers thereof after the governing body commences consideration of the petitions or later than seven days after such filing, whichever occurs first. The petitions shall contain a notice that the names of the signers

may not be withdrawn after such a period of time. Such petitions may be found sufficient if signed by either: (1) A majority of the owners of record of property liable for assessment under the proposal; (2) the resident owners of record of more than $\frac{1}{2}$ of the area liable for assessment under the proposal; or (3) the owners of record, whether resident or not, of more than $\frac{1}{2}$ of the area liable to be assessed under the proposal.

Upon the filing of such petitions, the governing body may make findings by resolution as to the advisability of the improvement, the nature of the improvement, the boundaries of the benefit district, the method of assessment and apportionment of cost, if any, between the benefit district and the county as a whole. Such resolution may order the improvement without notice and hearing and shall become effective upon publication once in the newspaper and no protest as provided in section 6 shall be received. The area of the benefit district finally determined by the governing body shall not exceed the district proposed in the petition unless notice is given and hearing held as provided in subsection (a).

Sec. 5. Before the adoption of a resolution ordering a hearing on the advisability of any improvement, as provided in section 4, the governing body may secure a feasibility report to assist in the determination of whether an improvement should be made as proposed or otherwise, or in combination with other improvements authorized by this act, together with a preliminary estimate of the cost of the improvement or combination of improvements. The report may be prepared by qualified officers of the county or by consultants. The governing body also may take such other preliminary steps prior to the hearing or before ordering any improvement or letting any contract, including among other things, the preparation of plans and specifications, estimates of costs of the improvement and the advertisement for bids thereon which the governing body determines to be of assistance in determining the feasibility and desirability of the improvement.

Sec. 6. The governing body, by a majority vote of the entire membership thereof, at any time within six months after the final adjournment of the hearing on the advisability of making the improvements, may adopt a resolution authorizing the improvement in accordance with the finding of the governing body upon the advisability of the improvement, as provided in section 4, which shall be effective upon publication once in the newspaper. The improvement shall not be commenced if, within 20 days after publication of the resolution ordering the improvement, written protests signed by both 51% or more of the resident owners of record of property within the benefit district and the owners of record or more than $\frac{1}{2}$ of the total area of such district are filed with the county clerk. Names may be withdrawn from any protests by the signers thereof at any time before the governing body convenes its meeting to determine the sufficiency thereof. No benefit district lying within the fringe area of a city as defined in K.S.A. 19-270, and amendments thereto, shall be established until the county has complied with the provisions thereof. Any resolution establishing a benefit district under the terms of this act shall be filed with the register of deeds in accordance with K.S.A. 12-153, and amendments thereto.

Sec. 7. (a) The county, upon a $\frac{4}{5}$ vote of the governing body, may pay such portion of the cost of the improvement as the governing body may determine, but not more than 95% of the total cost thereof.

(b) If any property deemed benefited, by reason of any provision of law, shall be exempt from payment of special assessments therefor, such assessment shall be computed and shall be paid by the county at large.

Sec. 8. The portion of the cost of any improvement to be assessed against the property in the benefit district, as determined in accordance with section 4, shall be apportioned against the property in accordance with the special benefits accruing thereto by reasons of such improvement. The cost may be assessed equally per front foot or per square foot against all lots and pieces of land within such benefit district or assessed against such property according to the value of such lots and pieces of land therein, such value to be determined by the governing body of the county with or without regard to the buildings and improvements thereon or such cost may be determined and fixed on the basis of any other reasonable assessment plan which will result in imposing substantially equal bur-

(continued)

dens or shares of the cost upon property similarly benefited. The governing body, from time to time, may determine and establish, by resolution, reasonable general classification and a formula for the apportionment of the cost between the county and the area to be assessed, and the methods of assessing the special benefits, for various classes of improvements.

Sec. 9. (a) As soon as the total cost of any improvement is determined, the governing body shall cause the assessments against each lot, piece or parcel of land deemed to be benefited, to be determined in the manner set forth in the resolution as to advisability of the improvement in accordance with section 4 and an assessment roll shall be prepared.

(b) The proposed assessment roll shall be filed with the county clerk and be open for public inspection. The county clerk, at the direction of the governing body, shall publish notice that the governing body will meet to consider the proposed assessments. Such notice shall be published in a newspaper at least once, not less than 10 days prior to such meeting of the governing body, and shall state the date, time and place of such meeting, and the general nature of the improvement, its cost, the extent of the benefit district proposed to be assessed, and that written or oral objections will be considered at such a hearing. At the same time, the clerk shall mail to the owner of any property made liable to pay the assessment, at the last known post-office address, a notice of the hearing and a statement of the cost proposed to be assessed against the land so owned and assessed. The failure of any owner to receive such notice shall not invalidate the proceedings.

Sec. 10. At such meeting, or at any adjournment thereof, the governing body shall hear and pass upon all such objections to each proposed assessment, if any, and may amend the proposed assessments as to any lots, pieces or parcel of land, and, by resolution, levy the same as the special assessments against the lands described in the assessment roll. The assessments, with accrued interest, shall be levied as a special tax upon the property included therein, concurrent with general property taxes, and shall be payable in not more than 20 installments, as the governing body determines. The first installment shall be payable at the time of the first payment of general property taxes following the adoption of the assessment resolution unless such resolution was adopted and certified too late to permit its collection at such time. All assessments shall bear interest at such rate as the governing body determines, not to exceed the maximum rate of interest prescribed by K.S.A. 10-1009, and amendments thereto.

Interest on the assessment between the effective date of the resolution levying the assessment and the date the first installment is payable shall be added to the first installment. The interest for one year on all unpaid installments shall be added to each subsequent installment until paid. All of the installments, together with the interest accrued or to accrue thereon, may be certified to the county clerk in one instrument at the same time, and such certification shall be good for all of the installments, and the interest thereon payable as special taxes. Such assessment shall be collected in the same manner as other taxes of the county are collected and paid. The owner of any property so assessed, at any time prior to a date which shall be fixed by the governing body, may pay the whole of the assessment against any lot, piece or parcel with interest accrued to the date of payment to the county treasurer. The board of county commissioners and the governing body of any city or school district or other taxing unit, respectively, shall provide for and pay the amount assessed against property owned by them as provided by K.S.A. 79-1808, and amendments thereto, or they may pay the amounts so assessed from their general funds.

Sec. 11. No suit to set aside the assessments or otherwise question the validity of the proceedings shall be brought after the expiration of 30 days from the publication of the resolution fixing the assessments.

Sec. 12. (a) Upon notice and hearing as provided for in the original assessment, or with the written consent of all affected landowners, the governing body may make supplemental assessments to correct omissions, errors or mistakes in the assessment relating to the total cost of the improvement.

(b) When an assessment, for any reason whatever, is set aside by a court of competent jurisdiction as to any lot, piece or parcel

of land, or in the event the governing body finds that the assessment or any part thereof is excessive or determines on advice of counsel in writing, that it is or may be invalid for any reason, the governing body, upon notice and hearing as provided for the original assessment or with the written consent of all affected landowners, may make a reassessment or a new assessment as to such lot, piece or parcel of land.

Sec. 13. The total cost of any improvement made under the authority of this act shall be paid as follows:

(a) All costs made payable by the county at large which may be paid from general funds legally available for such purposes or from other general improvement funds available for such purposes may be paid from such funds.

(b) Costs payable by special assessments which have been paid in full prior to the date set by the governing body as provided in section 10 shall be paid from assessments so collected.

(c) Costs payable by special assessments, to be paid in installments, and costs made payable by the county at large and not payable from available general funds, or other general improvement funds available to the governing body for such purpose, may be paid by the issuance and sale of general obligation bonds of the county as provided by law.

(d) Costs payable by special assessments, to be paid in installments, may be paid by the issuance and sale of limited obligation bonds of the county payable solely from such special assessments.

(e) During the progress of an improvement, the governing body may issue temporary notes of the county as provided by law to pay costs which will be paid by the issuance of bonds as provided in subsection (c), and upon completion of the work, bonds of the county shall be issued as provided therein.

(f) During the progress of any improvement, the governing body may issue bond anticipation bonds of the county to pay the cost of the improvement in an amount not to exceed the estimated cost of the improvement to be paid by special assessments and the issuance of limited obligation bonds as provided in subsection (d). Bond anticipation bonds shall be redeemed and canceled before or at the time permanent limited obligation bonds are issued as provided in subsection (d).

(g) The costs of more than one improvement may be paid from a single issue and sale of bonds without other consolidation of the proceedings prior to the bond issue.

Sec. 14. A separate fund shall be created in the county treasury for each improvement or combination of improvements and such fund shall be identified by a suitable title. The proceeds from the sale of bonds and any other moneys appropriated thereto by the governing body shall be credited to such fund. Such fund shall be used solely to pay the costs incurred in the making of the improvement, and upon the completion of the improvement, the balance thereof, if any, shall be transferred and credited to the county bond and interest fund for such improvement.

Sec. 15. The governing body shall be authorized to create a benefit district in any portion of the unincorporated area of the county. If the benefit district either overlaps or abuts the city limits of any incorporated city, then no such benefit district shall be created without the city's consent. The provisions of K.S.A. 19-270, and amendments thereto, shall not apply to the creation of a benefit district pursuant to this act.

Sec. 16. The governing body of any city shall be authorized to create a special assessment benefit district in any portion of the city's incorporated area. If the special assessment benefit district either overlaps or abuts the unincorporated area of the county, then no such district shall be created without the county's consent. The county's consent shall not be required when the district is created pursuant to K.S.A. 12-693, and amendments thereto.

Sec. 17. If any section or other part of this act shall be held invalid, the invalidity thereof shall not affect the validity of the other provisions of this act.

Sec. 18. This act shall take effect and be in force from and after its publication in the Kansas register.

(Published in the Kansas Register, April 25, 1991.)

SENATE BILL No. 314

AN ACT concerning hospital districts; authorizing the issuance of revenue bonds for limited care residential retirement facilities; amending K.S.A. 80-2501 and 80-2525 and repealing the existing sections.

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

Section 1. K.S.A. 80-2501 is hereby amended to read as follows: 80-2501. As used in this act:

(a) "Board" means a hospital board which is selected in accordance with the provisions of this act and which is vested with the management and control of an existing hospital or a hospital established under the provisions of this act;

(b) "hospital" means a medical care facility as defined in K.S.A. 65-425 and amendments thereto and includes within its meaning any clinic, long-term care facility, *limited care residential retirement facility*, child-care facility and emergency medical or ambulance service operated in connection with the operation of the medical care facility;

(c) "hospital moneys" means, but is not limited to, moneys acquired through the issuance of bonds, the levy of taxes, the receipt of grants, donations, gifts, bequests, interest earned on investments authorized by this act and state or federal aid and from fees and charges for use of and services provided by the hospital;

(d) "existing hospital" means a hospital established under the provisions of article 21 of chapter 80 of Kansas Statutes Annotated and acts amendatory of the provisions thereof or supplemental thereto prior to the effective date of this act and being maintained and operated on the effective date of this act;

(e) "political subdivision" means a township, a city or a hospital district established under the provisions of article 21 of chapter 80 of Kansas Statutes Annotated and acts amendatory of the provisions thereof or supplemental thereto prior to the effective date of this act or established under this act;

(f) "qualified elector" means any person who has been a bona fide resident within the territory included in the taxing district of a hospital for 30 days prior to the date of any annual meeting or election provided for in this act and who possesses the qualifications of an elector provided for in the laws governing general elections;

(g) *As used in this section, a "limited care residential retirement facility" means a facility, other than an adult care home, in which there are separate apartment-style living areas, bedrooms, bathrooms and individual utilities; which facility is available only to individuals 55 years of age or older; and which facility has at least the following characteristics: (1) A common recreational and dining area; (2) planned recreation and social gatherings; (3) laundry facilities or services and housecleaning services; (4) special dietary programs providing at least one meal per day; (5) organized wellness programs; (6) a 24-hour emergency call system in each unit staffed by the hospital district; (7) a nursing staff from the hospital district on 24-hour call for residents; and (8) availability of additional health related services, laundry services, housekeeping, means for individuals with special or additional needs.*

Sec. 2. K.S.A. 80-2525 is hereby amended to read as follows: 80-2525. The board may issue and sell revenue bonds for the purpose of acquiring an existing hospital building or buildings and improving, remodeling or repairing and equipping the same, or for the purpose of acquiring a site, constructing, equipping and furnishing an addition to an existing hospital building, or for the purpose of acquiring a site for, constructing, equipping and furnishing a new hospital building, separate and apart from an existing hospital building. Before any such bonds shall be issued, the board shall publish a resolution declaring its intention to issue such bonds, stating the purpose for which such bonds are to be issued, and the amount thereof. Such resolution shall be published, once each week for two consecutive weeks, in a newspaper of general circulation in the taxing district of the hospital. After publication, such bonds may be issued unless a petition requesting an election on the proposition, signed by qualified electors equal in number to not less than 5% of the qualified electors of the district, is filed with the board within 20 days following the last publication of such resolution. If such a petition is filed, the board shall submit the proposition to the qualified voters at an election called for such purpose and held within 90 days after the last publication of the resolution, and no bonds shall be issued unless such proposition shall receive the approval of a majority of the votes

cast thereon. Such election shall be called and held in the manner provided by the general bond law.

Sec. 3. K.S.A. 80-2501 and 80-2525 hereby repealed.

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

(Published in the Kansas Register, April 25, 1991.)

HOUSE BILL No. 2298

AN ACT concerning municipalities; relating to the consolidation of operations, procedures and functions thereof; amending K.S.A. 1990 Supp. 12-3903 and repealing the existing section.

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

Section 1. K.S.A. 1990 Supp. 12-3903 is hereby amended to read as follows: 12-3903. (a) Whenever the governing body of any political or taxing subdivision of this state shall by resolution determine that duplication exists in the operations, procedures or functions of any of the offices or agencies of such subdivision or that the operations, procedures or functions of any of the offices or agencies thereof can be more efficiently and effectively exercised or provided as a consolidated activity performed by a single office or agency, or whenever the governing body of any two or more political or taxing subdivisions of this state shall by the passage of identical resolutions determine that duplication exists in the operations, procedures or functions of offices or agencies of such subdivisions or that the operations, procedures or functions of any of the offices or agencies thereof can be more efficiently and effectively exercised or provided as a consolidated activity performed by a single intergovernmental office or agency or by a single office or agency of one of the participating political or taxing subdivisions, such governing body or governing bodies are hereby authorized to consolidate any or all of the operations, procedures or functions performed or carried on by such offices or agencies by the passage of a resolution or identical resolutions setting out the time, form and manner of consolidation and designating the surviving office or agency.

(b) The elimination of an elective office by consolidation under the provisions of this act shall be subject to the approval of a majority of the electors of the political or taxing subdivision served by such office, voting in the next regular general election of the county in which the office of governor is elected, *and no elective office shall be eliminated prior to such election.* Any such proposed consolidation which eliminates any such elective office shall provide that the elimination of such office shall become effective upon the date of normal expiration of the term of such office. Any such proposed consolidation which eliminates any such elective office shall not be voted on by the governing body of the political or taxing subdivision until a special public hearing is held within the political or taxing subdivision. Notice of such special hearing shall be published in a newspaper of general circulation in the political or taxing subdivision once each week for two consecutive weeks prior to the hearing. The first publication shall not be less than 21 days prior to such hearing. Any elected officer whose office would be eliminated in such consolidation and any other interested party shall be given an opportunity to appear and offer testimony at any of such hearings.

(c) *Whenever the statutorily mandated duties of any elected county official are proposed for elimination, by transfer or otherwise, the question of the elimination of any such duties shall be considered as an elimination of the elective office itself within the meaning of this section, and shall be subject to an election prior to such elimination as required by subsection (b). The provisions of this subsection shall not preclude the transfer of duties of an elected office with the consent of the affected elected official.*

Sec. 2. K.S.A. 1990 Supp. 12-3903 is hereby repealed.

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

(Published in the Kansas Register, April 25, 1991.)

HOUSE BILL No. 2099

AN ACT concerning civil procedure; relating to garnishment; amending K.S.A. 1990 Supp. 60-718 and repealing the existing section; also amending Form No. 8a in the appendix of forms following K.S.A. 1990 Supp. 61-2605 and repealing the existing form.

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

Section 1. K.S.A. 1990 Supp. 60-718 is hereby amended to read as follows: 60-718. (a) Within 10 days after service upon a garnishee of an order of garnishment issued to attach any property, funds, credits or indebtedness belonging to or owing the defendant, other than earnings, the garnishee shall file a verified answer thereto with the clerk of the court, stating the facts with respect to the demands of the order. The answer of the garnishee shall be sufficient if substantially in the following form, but the garnishee's answer shall contain not less than that prescribed in the form:

ANSWER OF GARNISHEE

State of Kansas
County of

being first duly sworn, say that on the day of 19, I was served with an order of garnishment in the above entitled action, that I have not delivered to the defendant any money, personal property, goods, chattels, stocks, rights, credits nor evidence of indebtedness belonging to the defendant, other than earnings, since receiving the order of garnishment, and that the following is a true and correct statement:

(1) (Money or indebtedness due) I hold money or am indebted to the defendant, other than for earnings due and owing defendant, as of the date of this answer, in the following manner and amounts:

(2) (Personal property in possession) I have possession of personal property, goods, chattels, stocks, rights, credits, or effects of the defendant, as of the date of this answer, described and having an estimated value as follows:

(3) (To be answered by garnishee who is an executor or administrator of an estate) I am an (executor or administrator) of the estate of containing funds or property to which defendant is or may become entitled as a (legatee or distributee) and I understand that the order of garnishment shall attach and create a first and prior lien on all such property or funds to which defendant becomes entitled upon distribution of the estate and that I am prohibited from delivering to defendant any such property or funds until further order of the court from which the order of garnishment was issued. The approximate date for distributing the assets of the estate is 19.

I will hold the above described moneys or other items in my possession, until the further order of the court.

(Signature), Garnishee

Subscribed and sworn to before me this day of 19.

INSTRUCTIONS TO GARNISHEE

This form is provided for your convenience in furnishing the answer required of you in the order of garnishment. If you do not choose to use this form, your answer, under oath, shall not contain less than that prescribed herein. Your answer must be filed with the clerk of the above-named court within the time prescribed in the order of garnishment.

(b) Within 40 days after service upon a garnishee of an order of garnishment issued for the purpose of attaching any earnings due and owing the defendant, the garnishee shall file an answer thereto with the clerk of the court, stating the facts with respect to the demands of the order. If the defendant is not employed by the garnishee or has terminated employment with the garnishee, the answer is not required to be verified. Otherwise, the answer shall be verified. The answer of the garnishee is declared to be sufficient if substantially in the following form, but the garnishee's answer shall contain not less than that prescribed in the form:

ANSWER OF GARNISHEE

The defendant Terminated employment on (date) (Check one) Was never employed

(Signature) Garnishee

If one of the above applies, you are not required to complete the remainder of this form and it is not required to be verified. You must return the form within the time prescribed in the order of garnishment.

If neither of the above applies, you must complete the remainder of this form and have it verified.

State of Kansas
County of

being first duly sworn, say that on the day of 19, I was served with an order of garnishment in the above entitled action, that since being served with said order I have delivered to the defendant only that portion of the defendant's earnings authorized to be delivered to the defendant pursuant to the instructions accompanying this form and that the statements in my answer are true and correct.

INSTRUCTIONS TO GARNISHEE

The order of garnishment served upon you has the effect of attaching any pay period or periods which end during the 30-day period beginning on the day you are served with the order of garnishment for that portion of the defendant's earnings (defined as compensation for personal services, whether denominated as wages, salary, commission, bonus or otherwise) which is not exempt from wage garnishment. This form is provided for your convenience in furnishing the answer required of you in the order. It is designed so that you may prepare your answer in conjunction with the preparation of your payroll. Wait until the end of the pay period or periods which end during the 30-day period beginning on the day you are served with the order of garnishment and apply the tests set forth in these instructions to the earnings of the defendant-employee during the 30-day period, completing your answer in accordance with these instructions. If you do not choose to use this form, your answer, under oath, shall not contain less than that prescribed herein. Your answer must be filed with the clerk of the above-named court within the time prescribed in the order of garnishment.

First, furnish the information required by paragraphs (a) through (f) of the form below. Read carefully the "Note to Garnishee" following paragraph (f). Then, if the total amount of the defendant-employee's disposable earnings are not exempt from wage garnishment, complete paragraphs (g) and (h) of the form by computing the amount of defendant-employee's disposable earnings which are to be paid over to the defendant-employee by using the following table:

I. From On and after April 1, 1990 through March 31, 1991, if the defendant-employee's disposable earnings are less than
\$114.00 \$127.50 for a Weekly pay period
\$228.00 \$255.00 for a Biweekly pay period
\$247.00 \$276.25 for a Semimonthly pay period
\$404.00 \$552.50 for a Monthly pay period
Pay the defendant-employee as if the employee's pay check were not garnished.

II. From On and after April 1, 1990 through March 31, 1991, if the defendant-employee's disposable earnings are

\$114.00 to \$127.50 \$127.50 to \$170.00 for a Weekly pay period
pay the defendant-employee \$114.00 \$127.50
\$228.00 to \$304.00 \$255.00 to \$340.00 for a Biweekly pay period
pay the defendant-employee \$228.00 \$255.00
\$247.00 to \$329.33 \$276.25 to \$368.33 for a Semimonthly pay
period pay the defendant-employee \$247.00 \$276.25
\$404.00 to \$658.67 \$552.50 to \$736.67 for a Monthly pay period
pay the defendant-employee \$404.00 \$552.50

Any disposable earnings remaining after payment of the above amounts shall be retained until further order of the court.

III. From On and after April 1, 1990 through March 31, 1991, if the defendant-employee's disposable earnings are more than
\$152.00 \$170.00 for a Weekly pay period

pay the defendant-employee 75% of
the defendant-employee's disposable earnings
\$304.00 \$340.00 for a Biweekly pay period

pay the defendant-employee 75% of
the defendant-employee's disposable earnings
\$247.00 \$276.25 for a Semimonthly pay period

pay the defendant-employee 75% of
the defendant-employee's disposable earnings
\$658.67 \$736.67 for a Monthly pay period

Any disposable earnings remaining after payment of the above amounts shall be retained until further order of the court.

IV. SUPPORT ORDERS. If the person seeking the garnishment for court ordered support desires to garnish more than 50% of disposable earnings, that person may request in writing to the clerk of the court to check one of the below applicable percentages:

55% Employee also supports a spouse or dependent child not covered by this support order and payments are 12 weeks overdue.

60% Employee does not support a spouse or dependent child and payments are not 12 weeks overdue.

65% Employee does not support a spouse or dependent child and payments are 12 weeks overdue.

STATEMENT OF GARNISHEE

(a) The normal pay period for defendant is weekly every two weeks semimonthly monthly (designate one).

(b) This answer covers earnings for the pay period or periods beginning on the day of 19, and ending on the day of 19, which period includes the day on which the order of garnishment was served upon me.

(c) Total gross earnings due for the pay period or periods covered by (b) above are \$

(d) Average gross earnings for normal pay period as designated in (a) above \$

(e) Amounts required by law to be withheld for the pay period or periods covered by (b) above are:

- (1) Federal social security tax \$
(2) Federal income tax \$
(3) State income tax \$
(4) Railroad retirement tax \$
Total \$

(Deduct only those items listed above)
(f) Disposable earnings for the pay period or periods covered by (b) above are (subtract (e) from (c) above) \$

Note to Garnishee: If the order of garnishment states at the top of the order that it is issued to enforce (1) an order of any court of bankruptcy under chapter XIII of

the federal bankruptcy act or (2) a debt due for any state or federal tax, you must retain in your possession until further order of the court all of the disposable earnings shown in (f) above for any pay period or periods ending during the 30-day period covered by the order of garnishment.

(g) In accordance with the instructions accompanying this answer form, I have determined that the amount which may be paid to defendant is \$ _____

(h) After paying to defendant the amount stated in (g) above, I am holding the remainder of defendant's disposable earnings in the amount of \$ _____

I will hold in my possession until further order of the court all of the moneys required herein to be withheld.

(Signature), Garnishee

Subscribed and sworn to before me this _____ day of _____, 19____

Answer of garnishee must be filed with the clerk of this court pursuant to Kansas law.

(c) The clerk shall cause a copy of the answer to be mailed promptly to the plaintiff and the defendant. Within 10 days after the filing of the answer the plaintiff or the defendant or both of them may reply thereto controverting any statement in the answer.

Sec. 2. Form No. 8a in the appendix of forms following K.S.A. 1990 Supp. 61-2605 is hereby amended to read as follows:

Form No. 8a: GARNISHEE'S ANSWER TO ACCOMPANY ORDER OF GARNISHMENT IN FORM No. 7a (Caption of Case)

ANSWER OF GARNISHEE

The defendant _____

Terminated employment on _____ (date) (Check one)

Was never employed

(Signature) Garnishee

If one of the above applies, you are not required to complete the remainder of this form and it is not required to be verified. You must return the signed form within the time prescribed in the order of garnishment.

If neither of the above applies, you must complete the remainder of this form and have it verified.

State of Kansas County of _____ ss.

_____, being first duly sworn, say that on the _____ day of _____, 19____, I was served with an order of garnishment in the above entitled action, that I have delivered to the defendant, _____, only that portion of the defendant's earnings authorized to be delivered to the defendant pursuant to the instructions accompanying this form and that the statements in my answer are true and correct.

INSTRUCTIONS TO GARNISHEE

The order of garnishment served upon you has the effect of attaching any pay period or periods which end during the 30-day period beginning on the day you are

served with the order of garnishment for that portion of the defendant's earnings (defined as compensation for personal services, whether denominated as wages, salary, commission, bonus or otherwise) which is not exempt from wage garnishment.

First, furnish the information required by paragraphs (a) through (f) of the form below. Read carefully the "Note to Garnishee" following paragraph (f). Then, if the total amount of the defendant-employee's disposable earnings are not exempt from wage garnishment, complete paragraphs (g) and (h) of the form by computing the amount of defendant-employee's disposable earnings which are to be paid over to the defendant-employee by using the following table:

I. From On and after April 1, 1990 through March 31, 1991, if the defendant-employee's disposable earnings are less than \$114.00 \$127.50 for a Weekly pay period \$228.00 \$255.00 for a Biweekly pay period \$247.00 \$276.25 for a Semimonthly pay period \$494.00 \$552.50 for a Monthly pay period

II. From On and after April 1, 1990 through March 31, 1991, if the defendant-employee's disposable earnings are \$114.00 to \$152.00 \$127.50 to \$170.00 for a Weekly pay period \$228.00 to \$304.00 \$255.00 to \$340.00 for a Biweekly pay period \$247.00 to \$329.33 \$276.25 to \$368.33 for a Semimonthly pay period \$494.00 to \$658.67 \$552.50 to \$736.67 for a Monthly pay period

Any disposable earnings remaining after payment of the above amounts shall be retained until further order of the court.

III. From On and after April 1, 1990 through March 31, 1991, if the defendant-employee's disposable earnings are more than \$152.00 \$170.00 for a Weekly pay period pay the defendant-employee 75% of the defendant-employee's disposable earnings \$304.00 \$340.00 for a Biweekly pay period pay the defendant-employee 75% of the defendant-employee's disposable earnings \$329.33 \$368.33 for a Semimonthly pay period pay the defendant-employee 75% of the defendant-employee's disposable earnings \$658.67 \$736.67 for a Monthly pay period pay the defendant-employee 75% of the defendant-employee's disposable earnings

Any disposable earnings remaining after payment of the above amounts shall be retained until further order of the court.

IV. SUPPORT ORDERS. If the person seeking the garnishment for court ordered support desires to garnish more than 50% of disposable earnings, that person may request in writing to the clerk of the court to check one of the below applicable percentages:

- 55% Employee also supports a spouse or dependent child not covered by this support order and payments are 12 weeks overdue.
60% Employee does not support a spouse or dependent child and payments are not 12 weeks overdue.
65% Employee does not support a spouse or dependent child and payments are 12 weeks overdue.

STATEMENT OF GARNISHEE

(a) The normal pay period for defendant is weekly _____ every two weeks _____ semimonthly _____ monthly _____ (designate one).

(b) This answer covers earnings for the pay period or periods beginning on the _____ day of _____, 19____, and ending on the _____ day of _____, 19____, which period includes the day on which the order of garnishment was served upon me.

(c) Total gross earnings due for the period or periods covered by (b) above are \$ _____

(d) Average gross earnings for normal pay period as designated in (b) above are \$ _____

(e) Amounts required by law to be withheld for the period or periods covered by (b) above are:

- (1) Federal social security tax \$ _____
(2) Federal income tax \$ _____
(3) State income tax \$ _____
(4) Railroad retirement tax \$ _____
Total \$ _____

(Deduct only those items listed above)

(f) Disposable earnings for the period or periods covered by (b) above are (c minus e) \$ _____

Note to Garnishee: If the order of garnishment states at the top of the order that it is issued for the purpose of enforcing (1) an order of any court of bankruptcy under chapter XIII of the federal bankruptcy act or (2) a debt due for any state or federal tax, you must retain in your possession until further order of the court all of the

(continued)

disposable earnings for any pay period or periods ending during the 30-day period covered by the order of garnishment shown in (f) above. If the order of garnishment states at the top of the order that it is issued for the purpose of enforcing an order of any court for the support of any person, you must retain in your possession until further order of the court 50% of the disposable earnings for any pay period or periods ending during the 30-day period covered by the order of garnishment shown in (f) above, or such greater percentage as may be indicated in paragraph IV above. If the order of garnishment is not issued for any of such purposes, compute the amount of earnings which may be paid to defendant pursuant to the instructions accompanying this form and furnish the information required by (g) and (h) below.

(g) In accordance with the instructions accompanying this answer form, I have determined that the amount which may be paid to defendant is \$ _____

(h) After paying to defendant the amount stated in (g) above, I am holding the remainder of defendant's disposable earnings in the amount of \$ _____

I will hold in my possession until further order of the court all of the moneys required to be withheld.

(Signature), Garnishee

[Jurat]

Answer of garnishee must be filed with the clerk of this court pursuant to Kansas law.

Sec. 3. K.S.A. 1990 Supp. 60-718 and Form No. 8a in the appendix of forms following K.S.A. 1990 Supp. 61-2605 are hereby repealed.

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

(Published in the Kansas Register, April 25, 1991.)

SENATE BILL No. 364

AN ACT concerning the state correctional institutions; effecting certain consolidations and name changes; affecting definitions and conforming statutory references; amending K.S.A. 1990 Supp. 21-4602, 21-4603, 21-4605, 21-4620, 75-3765, 75-4503, 75-5202, 75-5209, 75-5211, 75-5218, 75-5220, 75-5262, 75-5263, 75-5264, 75-5265, 75-5266, 75-52,116, 75-52,131 and 75-52,134 and repealing the existing sections; also repealing K.S.A. 1990 Supp. 75-52,116a.

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

New Section 1. (a) On the effective date of this act, the Hutchinson correctional work facility shall be consolidated with and become a part of the Hutchinson correctional facility. All properties, moneys, appropriations, rights and authorities now vested in the Hutchinson correctional work facility shall be vested in the Hutchinson correctional facility. Whenever the Hutchinson correctional work facility, or words of like effect, is referred to or designated by any statute, contract or other document, such reference or designation shall be deemed to apply to the Hutchinson correctional facility.

(b) On the effective date of this act, the Topeka correctional facility — west shall be consolidated with and become a part of the Topeka correctional facility — east. The consolidated institution shall be named the Topeka correctional facility. All properties, moneys, appropriations, rights and authorities now vested in the Topeka correctional facility — west or the Topeka correctional facility — east shall be vested in the Topeka correctional facility. Whenever the Topeka correctional facility — west or the Topeka correctional facility — east, or words of like effect, are referred to or designated by any statute, contract or other document, such reference or designation shall be deemed to apply to the Topeka correctional facility.

Sec. 2. K.S.A. 1990 Supp. 21-4602 is hereby amended to read as follows: 21-4602. As used in K.S.A. 21-4601 through 21-4621, and amendments thereto:

(1) "Court" means any court having jurisdiction and power to sentence offenders for violations of the laws of this state.

(2) "Suspension of sentence" means a procedure under which a defendant, found guilty of a crime, upon verdict or plea, is released by the court without imposition of sentence. The release may be with or without supervision in the discretion of the court.

(3) "Probation" means a procedure under which a defendant, found guilty of a crime upon verdict or plea, is released by the court after imposition of sentence, without imprisonment, subject to conditions imposed by the court and subject to the supervision of the probation service of the court.

(4) "Parole" means the release of a prisoner to the community by the Kansas parole board prior to the expiration of such prisoner's

term, subject to conditions imposed by the board and to the secretary of correction's supervision. "Parole" also means the release by a court of competent jurisdiction of a person confined in the county jail or other local place of detention after conviction and prior to expiration of such person's term, subject to conditions imposed by the court and its supervision. Where a court or other authority has filed a warrant against the prisoner, the Kansas parole board or paroling court may release the prisoner on parole to answer the warrant of such court or authority.

(5) "Institution" means the Lansing correctional facility, Hutchinson correctional facility, Topeka correctional facility — east, Topeka correctional facility — west, Norton correctional facility, Ellsworth correctional facility, Hutchinson correctional work facility, Winfield correctional facility, Osawatimie correctional facility, Larned correctional mental health facility, El Dorado correctional work facility, Toronto correctional work facility, Wichita work release center facility, El Dorado correctional facility, and any other correctional institution under control of the secretary of corrections.

(6) "Community correctional services program" means a program which operates under the community corrections act and to which a defendant is assigned for supervision, confinement, detention, care or treatment, subject to conditions imposed by the court. A defendant assigned to a community correctional services program shall be subject to the continuing jurisdiction of the court and in no event shall be considered to be in the custody of or under the supervision of the secretary of corrections.

Sec. 3. K.S.A. 1990 Supp. 21-4603 is hereby amended to read as follows: 21-4603. (1) Whenever any person has been found guilty of a crime and the court finds that an adequate presentence investigation cannot be conducted by resources available within the judicial district, including mental health centers and mental health clinics, the court may require that a presentence investigation be conducted by the Topeka correctional facility — east or by the state security hospital. If the offender is sent to the Topeka correctional facility — east or the state security hospital for a presentence investigation under this section, the correctional facility or hospital may keep the offender confined for a maximum of 60 days, except that an inmate may be held for a longer period of time on order of the secretary, or until the court calls for the return of the offender. While held at the Topeka correctional facility — east or the state security hospital the defendant may be treated the same as any person committed to the secretary of corrections or secretary of social and rehabilitation services for purposes of maintaining security and control, discipline, and emergency medical or psychiatric treatment, and general population management except that no such person shall be transferred out of the state or to a federal institution or to any other location unless the transfer is between the correctional facility and the state security hospital. The correctional facility or the state security hospital shall compile a complete mental and physical evaluation of such offender and shall make its findings and recommendations known to the court in the presentence report.

(2) Except as provided in subsection (3), whenever any person has been found guilty of a crime, the court may adjudge any of the following:

(a) Commit the defendant to the custody of the secretary of corrections or, if confinement is for a term less than one year, to jail for the term provided by law;

(b) impose the fine applicable to the offense;

(c) release the defendant on probation subject to such conditions as the court may deem appropriate, including orders requiring full or partial restitution;

(d) suspend the imposition of the sentence subject to such conditions as the court may deem appropriate, including orders requiring full or partial restitution;

(e) assign the defendant to a community correctional services program subject to such conditions as the court may deem appropriate, including orders requiring full or partial restitution;

(f) assign the defendant to a conservation camp for a period not to exceed 180 days;

(g) assign the defendant to a house arrest program pursuant to K.S.A. 21-4603b and amendments thereto;

(h) order the defendant to attend and satisfactorily complete an alcohol or drug education or training program as provided by subsection (3) of K.S.A. 21-4502 and amendments thereto; or

(i) impose any appropriate combination of (a), (b), (c), (d), (e), (f), (g) or (h).

In imposing a fine the court may authorize the payment thereof in installments. In releasing a defendant on probation, the court shall direct that the defendant be under the supervision of a court services officer. If the court commits the defendant to the custody of the secretary of corrections or to jail, the court may specify in its order the amount of restitution to be paid and the person to whom it shall be paid if restitution is later ordered as a condition of parole or conditional release.

The court in committing a defendant to the custody of the secretary of corrections shall fix a maximum term of confinement within the limits provided by law. In those cases where the law does not fix a maximum term of confinement for the crime for which the defendant was convicted, the court shall fix the maximum term of such confinement. In all cases where the defendant is committed to the custody of the secretary of corrections, the court shall fix the minimum term within the limits provided by law.

(3) Whenever any juvenile felon, as defined in K.S.A. 1990 Supp. 38-16,112, has been found guilty of a class A or B felony, the court shall commit the defendant to the custody of the secretary of corrections and may impose the fine applicable to the offense.

(4) (a) Except when an appeal is taken and determined adversely to the defendant as provided in subsection (4)(b), at any time within 120 days after a sentence is imposed, after probation or assignment to a community correctional services program has been revoked, the court may modify such sentence, revocation of probation or assignment to a community correctional services program by directing that a less severe penalty be imposed in lieu of that originally adjudged within statutory limits and shall modify such sentence if recommended by the Topeka correctional facility — east unless the court finds and sets forth with particularity the reasons for finding that the safety of members of the public will be jeopardized or that the welfare of the inmate will not be served by such modification.

(b) If an appeal is taken and determined adversely to the defendant, such sentence may be modified within 120 days after the receipt by the clerk of the district court of the mandate from the supreme court or court of appeals.

(5) The court shall modify the sentence at any time before the expiration thereof when such modification is recommended by the secretary of corrections unless the court finds and sets forth with particularity the reasons for finding that the safety of members of the public will be jeopardized or that the welfare of the inmate will not be served by such modification. The court shall have the power to impose a less severe penalty upon the inmate, including the power to reduce the minimum below the statutory limit on the minimum term prescribed for the crime of which the inmate has been convicted. The recommendation of the secretary of corrections, the hearing on the recommendation and the order of modification shall be made in open court. Notice of the recommendation of modification of sentence and the time and place of the hearing thereon shall be given by the inmate, or by the inmate's legal counsel, at least 21 days prior to the hearing to the county or district attorney of the county where the inmate was convicted. After receipt of such notice and at least 14 days prior to the hearing, the county or district attorney shall give notice of the recommendation of modification of sentence and the time and place of the hearing thereon to any victim of the inmate's crime who is alive and whose address is known to the county or district attorney or, if the victim is deceased, to the victim's next of kin if the next of kin's address is known to the county or district attorney. Proof of service of each notice required to be given by this subsection shall be filed with the court.

(6) After such defendant has been assigned to a conservation camp but prior to the end of 180 days, the chief administrator of such camp shall file a performance report and recommendations with the court. The court shall enter an order based on such report and recommendations modifying the sentence, if appropriate, by sentencing the defendant to any of the authorized dispositions provided in subsection (2), except to reassign such person to a conservation camp as provided in subsection (2)(f).

(7) Dispositions which do not involve commitment to the custody of the secretary of corrections and commitments which are revoked within 120 days shall not entail the loss by the defendant of any civil rights.

(8) This section shall not deprive the court of any authority conferred by any other Kansas statute to decree a forfeiture of property; suspend or cancel a license, remove a person from office, or impose any other civil penalty as a result of conviction of crime.

(9) An application for or acceptance of probation, suspended sentence or assignment to a community correctional services program shall not constitute an acquiescence in the judgment for purpose of appeal, and any convicted person may appeal from such conviction, as provided by law, without regard to whether such person has applied for probation, suspended sentence or assignment to a community correctional services program.

(10) When it is provided by law that a person shall be sentenced pursuant to K.S.A. 1990 Supp. 21-4628, and amendments thereto, the provisions of this section shall not apply.

Sec. 4. K.S.A. 1990 Supp. 21-4605 is hereby amended to read as follows: 21-4605. (a) Upon request of the attorney for the state or the counsel for the defendant, the judge shall make available to the attorney or counsel the presentence report, any report that may be received from the Topeka correctional facility — east or the state security hospital and other diagnostic reports and shall allow the attorney or counsel a reasonable time to review the report before sentencing the defendant. Except as otherwise provided in this section, all these reports shall be part of the record but shall be sealed and opened only on order of the court.

(b) If a defendant is committed to the custody of the secretary of corrections, all reports under subsection (a) shall be sent to the secretary of corrections and, in accordance with K.S.A. 75-5220, and amendments thereto, to the ~~director~~ warden of the state correctional institution to which the defendant is conveyed.

(c) Nothing in this section shall be construed as prohibiting the attorney for the defendant from disclosing the report of the presentence investigation, or other diagnostic reports, to the defendant after receiving court approval to do so.

(d) Notwithstanding subsections (a), (b) and (c), the presentence report, any report that may be received from the Topeka correctional facility — east or the state security hospital and other diagnostic reports, shall be made available upon request to the Kansas sentencing commission for the purpose of data collection and evaluation.

Sec. 5. K.S.A. 1990 Supp. 21-4620 is hereby amended to read as follows: 21-4620. (a) If the defendant is to be sentenced to the custody of the secretary of corrections, the court may prepare a judgment form which shall be signed by the court and filed with the clerk. If prepared, the judgment form shall reflect the conviction, the sentence and the commitment, and shall contain the following:

(1) The pronouncement of guilt including:

(A) The title of the crime;

(B) the statute violated;

(C) the date the offense occurred.

(2) The sentence imposed including:

(A) The terms as required by subsection (2) of K.S.A. 21-4603 and amendments thereto;

(B) if applicable, a description of any increase in sentence because of previous felony conviction pursuant to K.S.A. 21-4504 and amendments thereto;

(C) if applicable, a statement that this defendant has been convicted of a class A, B or C felony by reason of aiding, abetting, advising, or counseling another to commit a crime, or by reason of the principle provided for in subsection (2) of K.S.A. 21-3205 and amendments thereto;

(D) if applicable, a statement that this defendant, age 18 or over, has been mandatorily sentenced pursuant to K.S.A. 21-4618 and amendments thereto for use of a firearm in a crime under article 34 of chapter 21, or the crime of rape or aggravated sodomy;

(E) a statement of the effective date of the sentence indicating whether it is the date of imposition or some date earlier to give credit for time confined pending disposition of the case pursuant to K.S.A. 21-4614 and amendments thereto or credit for time on probation or assignment to community corrections pursuant to K.S.A. 21-4614a and amendments thereto.

(continued)

(3) The order of commitment to the custody of the secretary, if not issued as a separate order.

(b) The court may attach to or include in the judgment form any of the following:

(1) A statement of reasons for imposing the sentence as ordered other than those reasons required above to be stated;

(2) a description of aggravating or mitigating circumstances the court took into consideration when ordering the commitment;

(3) recommendations on a program of rehabilitation for the offender, based on presentence investigation reports and any other information available. Such recommendations may include desirable treatment for corrections of physical deformities or disfigurement that may, if possible, be corrected by medical or surgical procedures or by prosthesis;

(4) a recommendation for further evaluation at the Topeka correctional facility — east, even though defendant was committed for presentence investigation;

(5) the copy of the evidence from trial or part thereof transmitted pursuant to K.S.A. 75-5219 and amendments thereto.

(c) The court shall forward a copy of all presentence investigation reports and other diagnostic reports on the offender received by the district court, including any reports received from the Topeka correctional facility — east or the state security hospital, to the officer having the offender in custody for delivery with the offender to the correctional institution.

Sec. 6. K.S.A. 1990 Supp. 75-3765 is hereby amended to read as follows: 75-3765. The secretary of administration shall assign space and facilities in all state owned or operated property or buildings in Shawnee county, Kansas, except the state capitol, Topeka correctional facility — east, the Kansas neurological institute, the youth center at Topeka, the employment security administrative office building, 401 Topeka avenue, Kansas state employment service building, 1309 Topeka avenue, the Topeka state hospital, state highway shops and laboratory and property of the Kansas national guard, for the use of the various state agencies and may determine, fix and establish a system of rental charges by the square foot and collect the same monthly for space and facilities occupied by each state agency whenever any appropriation for rental for space and facilities is made therefor, in an amount not to exceed the amount appropriated. The amounts collected shall be remitted by the secretary of administration to the state treasurer and the state treasurer shall deposit such amounts in the state treasury to the credit of the building and ground fund, except that amounts collected for space and facilities in the state office building located between Ninth, Tenth, Harrison and Topeka streets shall be deposited in the state treasury to the credit of the fund provided in K.S.A. 75-3615 and amendments thereto. Notwithstanding the other provisions of this section, charge for and deposit of rentals for the buildings and properties to which K.S.A. 75-3629 to 75-3647, and amendments thereto, apply shall be in compliance with such statutes.

Sec. 7. K.S.A. 1990 Supp. 75-4503 is hereby amended to read as follows: 75-4503. (a) There is hereby created the capitol area security patrol which shall be under the supervision and management of the superintendent of the highway patrol.

(b) Members of the capitol area security patrol shall have the powers and authority of peace, police and law enforcement officers while wearing the prescribed badge of office and while on duty on or about any state owned property or building in Shawnee county, Kansas, except the Topeka correctional facility — east, the Kansas neurological institute, the youth center at Topeka, the Topeka state hospital, and property of the Kansas national guard.

(c) All persons arrested by a member of the capitol area security patrol shall be turned over to the sheriff of Shawnee county, Kansas, to be dealt with by that sheriff in the same manner as other persons arrested by that sheriff, except in cases of violation of the ordinances of the city of Topeka, any such person may be turned over to the police department of the city of Topeka to be dealt with by it in the same manner as other persons arrested by police officers of the Topeka police department.

Sec. 8. K.S.A. 1990 Supp. 75-5202 is hereby amended to read as follows: 75-5202. As used in this act, unless the context clearly requires otherwise:

(a) "Secretary" means the secretary of corrections.

(b) "Parole board" means the Kansas parole board established by K.S.A. 22-3707 and amendments thereto.

(c) "Inmate" means any person incarcerated in any correctional institution of the state of Kansas.

(d) "Correctional institution" means the Lansing correctional facility, Hutchinson correctional facility, Topeka correctional facility — east, Topeka correctional facility — west, Norton correctional facility, Ellsworth correctional facility, Hutchinson correctional work facility, Winfield correctional facility, Osawatomie correctional facility, Larned correctional mental health facility, El Dorado correctional work facility, Toronto correctional work facility, Wichita work release center facility, El Dorado correctional facility, and any other correctional institution hereafter established by the state for the confinement of offenders.

(e) "Warden" means the person in charge of the operation and supervision of a correctional institution.

(f) "Corrections officer" means a full-time, salaried officer or employee under the jurisdiction of the secretary, whose duties include the receipt, custody, control, maintenance, discipline, security and apprehension of persons convicted of criminal offense in this state and sentenced to a term of imprisonment under the custody of the secretary.

(g) "Parole officer" means a full-time salaried officer or employee under the jurisdiction of the secretary whose duties include:

(1) Investigation, supervision, arrest and control of persons on parole and the enforcement of the conditions of parole; and

(2) services which relate to probationers and parolees and are required by the uniform act for out-of-state parolee supervision.

Sec. 9. K.S.A. 1990 Supp. 75-5209 is hereby amended to read as follows: 75-5209. The secretary of corrections may arrange for the transfer of an inmate for observation and diagnosis or treatment to other appropriate state institutions with the prior consent of the administrators of the agencies. The administrator of such institution shall accept the transfer of such inmate unless such administrator shows that no facilities are available for the accommodation of such inmate and shall have access to any case study, diagnosis or report of the Topeka correctional facility — east which relates to an inmate transferred to such institution. While the inmate is in another institution the inmate's sentence shall continue to run. When, in the judgment of the administrator of the institution to which an inmate has been transferred, the inmate has recovered from the condition which occasioned the transfer, the administrator shall provide for the inmate's return to the secretary, unless the inmate's sentence has expired.

The costs of transfer as well as the transportation of the inmate to the appropriate state institution shall be borne by the correctional institution from which such inmate is transferred. No inmate shall receive treatment at the state security hospital after expiration of the inmate's sentence. If the inmate shall be in need of continued treatment for mental illness at the expiration of the inmate's term of confinement, an application to obtain such treatment for the inmate shall be filed pursuant to the treatment act for mentally ill persons.

Any inmate transferred to the state security hospital pursuant to this section may correspond freely, without censorship, with any person, except that any such incoming correspondence or parcels may be opened and examined for the purpose of intercepting any items which the superintendent of such institution has declared to be contraband.

Sec. 10. K.S.A. 1990 Supp. 75-5211 is hereby amended to read as follows: 75-5211. (a) The secretary of corrections shall provide programs of employment, work, educational or vocational training for those inmates whom the secretary determines are available, willing and able to participate and are capable of benefiting therefrom. Equipment, management practices and general procedures shall, to the extent possible, approximate normal conditions of employment. Such work week may include schooling, vocational training, employment at private industry, treatment or other activities authorized by the secretary. For all purposes under state law, no inmate shall be deemed to be an employee of the state or any state agency. The secretary of corrections shall credit to each inmate as a reward for such employment, an amount which shall be set by the governor but shall not be less than \$.25 per day. Any inmate who is gainfully

employed under the work release provisions of K.S.A. 75-5267 and 75-5268, and amendments thereto, or who is gainfully employed by a private business enterprise operating on the grounds of a correctional institution under K.S.A. 75-5288 and amendments thereto, or any other private business at which inmates are permitted to be gainfully employed, and any inmate who is incarcerated at the Topeka correctional facility—east for the purpose of receiving diagnosis and any inmate on disciplinary segregation status shall not be eligible to receive compensation as provided in this subsection.

(b) The secretary of corrections shall establish programs and prescribe procedures for withdrawing amounts from the compensation paid to inmates from all sources for the same purposes as are prescribed by K.S.A. 75-5268 and amendments thereto for moneys of work release participants, except that any inmate employed in a private industry program, other than work release, shall, in addition to the deductions specified in K.S.A. 75-5268 and amendments thereto, have deduction of 5% of monthly gross wages paid to the crime victims compensation fund or a local property crime fund for the purpose of victim compensation. The department of corrections is authorized to make this deduction and payment to the crime victims compensation fund or a local property crime fund. In the event a local fund has made a payment to a victim of a property crime under this act and there is an order of restitution for which moneys are being withheld from an inmate under K.S.A. 75-5268 and amendments thereto, the secretary shall cause such moneys deducted for use by the state crime victims compensation board to be paid quarterly to the local fund, if any, then the balance to the state crime victims compensation fund. If there is no order of restitution, then K.S.A. 75-5268 and amendments thereto shall apply to the disposition of funds.

(c) (1) Upon the release of any inmate on parole, conditional release or expiration of the inmate's maximum sentence, the inmate shall be provided with suitable clothing and a cash payment of \$100. Any inmate who is gainfully employed under the work release provisions of K.S.A. 75-5267 and 75-5268, and amendments thereto, or who is gainfully employed by a private business enterprise operating on the grounds of a correctional institution under K.S.A. 75-5288 and amendments thereto, or any other private business at which inmates are permitted to be gainfully employed or any inmate paroled to a detainer shall not be eligible to receive this cash payment.

(2) An inmate released on expiration of the inmate's maximum sentence shall be provided public transportation, if required, to the inmate's home, if within the state, or, if not, to the place of conviction or to some other place not more distant, as selected by the inmate. An inmate released on parole or conditional release shall be provided public transportation, if required, to the place to which the inmate was paroled or conditionally released.

Sec. 11. K.S.A. 1990 Supp. 75-5218 is hereby amended to read as follows: 75-5218. (a) When any person is sentenced to the custody of the secretary of corrections pursuant to the provisions of K.S.A. 21-4609 and amendments thereto, the clerk of the court which imposed such sentence shall within three days following the order of the commitment to the secretary notify the secretary of corrections. The clerk shall not notify the secretary if the sentence is suspended or the defendant placed on probation or any other disposition which will not result in transfer of the defendant to the secretary of corrections.

(b) Together with the order of commitment to the custody of the secretary of corrections as required by K.S.A. 21-4621 and amendments thereto, the clerk shall deliver to the officer having the offender in charge the judgment form or journal entry as required by K.S.A. 21-4620 or 22-3426 and amendments thereto. These materials shall be delivered to the officers conveying the offender to the Topeka correctional facility — east or such other correctional institution prescribed by K.S.A. 75-5220 and amendments thereto, or by the secretary of corrections in accordance with such statute.

Sec. 12. K.S.A. 1990 Supp. 75-5220 is hereby amended to read as follows: 75-5220. (a) Except as provided in subsection (d), within three days of receipt of the notice provided for in K.S.A. 75-5218 and amendments thereto, the secretary of corrections shall notify the sheriff having such offender in custody to convey such offender immediately to the Topeka correctional facility — east or if space is not available at such facility, then to some other state correctional institution until space at the facility is available, except that, in the

case of first offenders who are conveyed to a state correctional institution other than the Topeka correctional facility — east, such offenders shall be segregated from the inmates of such correctional institution who are not being held in custody at such institution pending transfer to the Topeka correctional facility — east when space is available therein. The expenses of any such conveyance shall be charged against and paid out of the general fund of the county whose sheriff conveys the offender to the institution as provided in this subsection.

(b) Any female offender sentenced according to the provisions of K.S.A. 75-5229 and amendments thereto shall be conveyed by the sheriff having such offender in custody directly to a correctional institution designated by the secretary of corrections, subject to the provisions of K.S.A. 1990 Supp. 75-52,134. The expenses of such conveyance to the designated institution shall be charged against and paid out of the general fund of the county whose sheriff conveys such female offender to such institution.

(c) Each offender conveyed to a state correctional institution pursuant to this section shall be accompanied by the record of the offender's trial and conviction as prepared by the clerk of the district court in accordance with K.S.A. 75-5218 and amendments thereto.

(d) If the offender in the custody of the secretary is a juvenile felon, as defined in K.S.A. 1990 Supp. 38-16,112, such juvenile felon shall not be transferred to the state reception and diagnostic center until such time as such juvenile felon is to be transferred from the youth center at Topeka to a department of corrections institution or facility.

Sec. 13. K.S.A. 1990 Supp. 75-5262 is hereby amended to read as follows: 75-5262. The primary function and purpose of the Topeka correctional facility — east shall be to provide for examination and study of all felony offenders sentenced by the courts of this state to the custody of the secretary of corrections so that each such offender may be assigned to a state correctional institution having the type of security and programs designed to accomplish a maximum of rehabilitation for such offender. Such offenders shall be delivered to the center as provided in K.S.A. 75-5220 and amendments thereto, upon being sentenced by the court.

Sec. 14. K.S.A. 1990 Supp. 75-5263 is hereby amended to read as follows: 75-5263. The warden of the Topeka correctional facility — east shall appoint such psychiatrists, psychologists, social workers, chaplains, and other officers and employees, with the approval of the secretary, as shall be deemed necessary by the secretary. The remaining duties of the warden shall be such as may be prescribed by the secretary.

Sec. 15. K.S.A. 1990 Supp. 75-5264 is hereby amended to read as follows: 75-5264. The secretary may make requisition upon the warden of a state correctional institution for any inmate at such institution and transfer the inmate to the Topeka correctional facility — east for examination and study; and upon the completion of such study and examination such inmate shall be assigned to confinement as provided by K.S.A. 75-5206 and amendments thereto.

Sec. 16. K.S.A. 1990 Supp. 75-5265 is hereby amended to read as follows: 75-5265. The secretary may make requisition upon the warden of any state correctional institution for any inmate at such correctional institution and transfer the inmate to the Topeka correctional facility — east for the purpose of performing work or services at the facility. Inmates so employed shall be entitled to the same goodtime allowances as they would receive at the state correctional institution from which they are transferred.

Sec. 17. K.S.A. 1990 Supp. 75-5266 is hereby amended to read as follows: 75-5266. Psychiatric evaluation reports of the Topeka correctional facility — east and the Lansing correctional facility shall be privileged and shall not be disclosed directly or indirectly to anyone except as provided herein. The court, the district or county attorney, the attorney for the defendant or inmate, the Kansas parole board and its staff, the wardens and classification committees of the state correctional institutions and those persons authorized by the secretary shall have access to such reports. Such reports may be disclosed to the defendant or inmate, the members of the inmate's family or the inmate's friends or the superintendent or director of any other state institution when authorized by the warden of the Topeka correctional facility — east, secretary of corrections or the

(continued)

warden of the Lansing correctional facility. Employees of the correctional institutions under the supervision of the secretary are expressly forbidden from disclosing the contents of such reports to anyone except as provided herein. Nothing in this section shall be construed as preventing the attorney for the defendant or inmate from discussing such reports with the defendant or inmate.

Sec. 18. K.S.A. 1990 Supp. 75-52,116 is hereby amended to read as follows: 75-52,116. (a) The ~~director~~ warden of any correctional institution, with the approval of the secretary of corrections, may extend the limits of confinement of inmates who are classified minimum security or less to work for any state agency, federal agency, city, county, school district or nonprofit organization organized for charitable purposes if such work is in furtherance of public service and public welfare or charitable objectives within the community. Such inmates shall remain under the legal custody of the secretary of corrections with the actual limits of confinement extended and without actual supervision of correctional officials. Those persons observing, supervising, managing, controlling and reporting back to ~~correctional corrections~~ officials regarding such inmates in their work shall be agents of the state and of the secretary of corrections for that purpose only but shall not, solely by reason of the agency, have law enforcement powers.

(b) No work assignment pursuant to this section other than assignments to work for state agencies shall result in the displacement of any currently employed worker or position, including partial displacement such as a reduction in the hours of nonovertime work, wages or employment benefits, or result in the impairment of existing contracts for services or collective bargaining agreements. Inmates shall not be utilized to fill a job opening when any individual is on layoff from the same or any substantially equivalent job, or the employer has terminated the employment of any regular employee at the same or substantially equivalent job and the position remains unfilled. Inmates may not be utilized on a project except to the extent that the cost of the project exceeds the funds available and budgeted for that project.

(c) Compensation of inmates working pursuant to this section shall be normal inmate incentive pay rendered to other inmates working within correctional institutions pursuant to K.S.A. 75-5211 and amendments thereto.

Sec. 19. K.S.A. 1990 Supp. 75-52,131 is hereby amended to read as follows: 75-52,131. (a) On the effective date of this act, the Kansas correctional institution at Lansing shall be consolidated with and become a part of the Kansas state penitentiary. The consolidated institution shall be named the Lansing correctional facility. All properties, moneys, appropriations, rights and authorities now vested in the Kansas correctional institution at Lansing or the Kansas state penitentiary shall be vested in the Lansing correctional facility. Whenever the Kansas correctional institution at Lansing or Kansas state penitentiary, or words of like effect, are referred to or designated by any statute, contract or other document, such reference or designation shall be deemed to apply to the Lansing correctional facility.

(b) On the effective date of this act, the state reception and diagnostic center shall be consolidated with and become a part of the state correctional vocational training center. The consolidated institution shall be named the Topeka correctional facility — east. All properties, moneys, appropriations, rights and authorities now vested in the state reception and diagnostic center or the state correctional vocational training center shall be vested in the Topeka correctional facility — east. Whenever the state reception and diagnostic center or state correctional vocational training center, or words of like effect, are referred to or designated by any statute, contract or other document, such reference or designation shall be deemed to apply to the Topeka correctional facility — east.

(c) On the effective date of this act, the Forbes correctional facility shall be consolidated with and become a part of the Topeka correctional facility. The consolidated institution shall be named the Topeka correctional facility — west. All properties, moneys, appropriations, rights and authorities now vested in the Forbes correctional facility or the Topeka correctional facility shall be vested in the Topeka correctional facility — west. Whenever the Forbes correctional facility or

the Topeka correctional facility, or words of like effect, are referred to or designated by any statute, contract or other document, such reference or designation shall be deemed to apply to the Topeka correctional facility — west.

(d) (b) On the effective date of this act, the Stockton correctional facility shall be consolidated with and become a part of the Norton correctional facility. All properties, moneys, appropriations, rights and authorities now vested in the Stockton correctional facility shall be vested in the Norton correctional facility. Whenever the Stockton correctional facility, or words of like effect, are referred to or designated by any statute, contract or other document, such reference or designation shall be deemed to apply to the Norton correctional facility.

(e) (c) The name of the state industrial reformatory is hereby changed to the Hutchinson correctional facility. All properties, moneys, appropriations, rights and authorities now vested in the state industrial reformatory shall be vested in the Hutchinson correctional facility. Whenever the state industrial reformatory, or words of like effect, is referred to or designated by any statute, contract or other document, such reference or designation shall be deemed to apply to the Hutchinson correctional facility.

Sec. 20. K.S.A. 1990 Supp. 75-52,134 is hereby amended to read as follows: 75-52,134. The part of the Topeka correctional facility which formerly was known as the state correctional-vocational training center at Topeka, Kansas, shall be used to confine or house only female inmates having a custody or security classification of medium or minimum or lower and shall not be used to confine or house such inmates having a maximum custody or security classification either on a permanent or temporary basis.

Sec. 21. K.S.A. 1990 Supp. 21-4602, 21-4603, 21-4605, 21-4620, 75-3765, 75-4503, 75-5202, 75-5209, 75-5211, 75-5218, 75-5220, 75-5262, 75-5263, 75-5264, 75-5265, 75-5266, 75-52,116, 75-52,116a, 75-52,131 and 75-52,134 are hereby repealed.

Sec. 22. This act shall take effect and be in force from and after its publication in the Kansas register.

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