

Kansas Register

Bill Graves, Secretary of State

Vol. 10, No. 18

May 2, 1991

Pages 561-632

In this issue . . .	Page
Office of the Governor	
Executive Order 91-133.....	563
Board of Agriculture—Division of Water Resources	
Notice of hearing on proposed administrative regulations	563
Kansas Inc.	
Notice of meeting.....	564
Department of Transportation	
Notice to contractors	564
Notice to consulting engineers	564
Secretary of State	
Usury rate for May	565
Attorney General	
Opinions 91-40 through 91-45.....	565
State Corporation Commission	
Notice of motor carrier hearings.....	566
Social and Rehabilitation Services	
Request for proposals	566
Public notice.....	567
Notice of hearing on proposed administrative regulations	567
Kansas Commission for the Deaf and Hearing Impaired	
Notice of meeting.....	571
Department of Health and Environment	
Notice concerning Kansas water pollution control permits.....	571
Notice concerning proposed permit action	572
State Board of Education	
Notice of hearings on state plan for special education	572
Notices of hearings on proposed administrative regulations	572, 573
Wichita State University	
Notice to bidders	575
Notice of Bond Redemption	
City of Salina.....	575
State Conservation Commission	
Notice to contractors	575
Kansas Water Office	
Notice of hearings on state water plan	575
Notice to bidders for state purchases.....	576

(continued)

Notice of Bond Sale

Montgomery County	577
City of Elkhart	579
U.S.D. 229, Johnson County	581
City of Osage City.....	582
City of Sabetha.....	585
City of Lawrence.....	586
City of Coldwater.....	587

Temporary Administrative Regulations

Department of Revenue.....	587
----------------------------	-----

Court of Appeals Docket.....	588
-------------------------------------	------------

New State Laws

Substitute for Senate Bill 118, concerning persons in active military service and spouses and persons serving in support thereof.....	594
Senate Bill 74, making and concerning appropriations.....	596
Senate Bill 196, relating to jurisdiction of the commissioner of insurance.....	596
Senate Bill 267, concerning motor vehicles; relating to vehicle dealers and manufacturers	596
House Bill 2606, relating to public streets, avenues, alleys or lanes, and adjacent rights-of-way	598
House Bill 2374, concerning crimes and punishments; relating to mandatory terms of imprisonment.....	598
Senate Bill 329, concerning criminal procedure	599
Senate Bill 183, concerning crimes and punishments	600
Senate Bill 22, merging the Kansas College of Technology with the Kansas State University of Agriculture and Applied Science.....	602
House Bill 2114, relating to certain capital improvement projects	607
House Bill 2365, concerning crimes and violations occurring on school grounds	610
Senate Bill 376, amending the state certified real estate appraiser act.....	612
House Bill 2456, making and concerning appropriations	616
House Bill 2360, concerning agriculture; relating to the registration of seed dealers	621
Senate Bill 370, concerning charitable trusts.....	622
Senate Bill 340, making and concerning appropriations	623

Index to administrative regulations	628
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PUBLISHED BY
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Secretary of State
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Topeka, KS 66612-1594
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State of Kansas

Office of the Governor

Executive Order 91-133

Directing the Elimination of Waste and
Duplication and Improving the Efficiency
Within the Executive Branch of the State of Kansas

WHEREAS, Article 1, § 3 of the Constitution of the State of Kansas vests the supreme executive power of the state in the Governor; and

WHEREAS, Article 1, § 4 of the Constitution of the State vests in the Governor the power to require information from the officers of the executive department, upon any subject related to their respective duties; and

WHEREAS, Article 1, § 6 of the Constitution of the State vests in the Governor the power to issue executive orders, subject to legislative oversight, for the purpose of transferring, abolishing, and consolidating the whole or any part of any state agency or the functions thereof, within the executive branch of the state government, when the Governor considers the same necessary for efficient administration; and

WHEREAS, administrative efficiency, task accountability and fiscal integrity in government will be enhanced through the elimination of waste and duplication; and

WHEREAS, an in-depth examination of agency functions and operations will provide a foundation upon which organization decisions may be based;

NOW THEREFORE, pursuant to the authority vested in me as Governor of the State of Kansas, it is hereby ordered as follows:

- I. The administrative heads of all State boards, commissions, agencies and institutions within the executive department shall develop a comprehensive plan to critically examine its functions and operations for the purpose of: eliminating wasteful, duplicative and marginal programs and practices; improving the efficiency of each function or service provided; and reviewing all current and future capital outlays for equipment with the objective of extending the life-cycle of existing equipment.
- II. The officers and employees of all State boards, commission, agencies and institutions within the executive department are encouraged to actively participate in this effort by providing suggestions and recommendations pertinent to the objectives of this Executive Order.
- III. Each such plan, suggestion and recommendation shall be coordinated with and submitted to the Governor's Office of Federal and State Affairs, which shall issue additional information such as goals, objectives and progress reporting instructions.

A copy of this Order shall be posted in conspicuous locations in every State agency under my jurisdiction, in order that State officers and employees are informed of the directive contained herein. This Executive Order is effective upon filing with the Secretary of State.

This document shall be filed with the Secretary of State as Executive Order 91-133.

Dated April 18, 1991.

Joan Finney
Governor

Attest: Bill Graves
Secretary of State

Doc. No. 010575

State of Kansas

Board of Agriculture

Division of Water Resources

Notice of Hearing on Proposed
Administrative Regulations

A public hearing will be conducted at 1 p.m. Thursday, June 6, at the Ramada Inn, 1950 S. Range, Colby, to consider the adoption of proposed changes in existing rules and regulations of the Division of Water Resources.

This 30-day notice of the public hearing shall constitute a public comment period for the purpose of receiving written public comments on the proposed rules and regulations. All interested parties may submit written comments prior to the hearing to the Chief Engineer, Division of Water Resources, Kansas State Board of Agriculture, 901 S. Kansas, 2nd Floor, Topeka 66612-1283. All interested parties will be given a reasonable opportunity to present their views orally on the adoption of the proposed regulations during the hearing. In order to give all parties an opportunity to present their views, it may be necessary to request each participant to limit any oral presentation to five minutes.

These regulations are proposed for adoption on a permanent basis. A summary of proposed regulations and their economic impact follows:

K.A.R. 5-24-2 has been amended to change the criteria for evaluating applications for a permit to appropriate water and applications for a change in point of diversion filed on permits with a priority date on or after the effective date of the regulation. It has also been amended to change the formula for calculating the allowable annual appropriation from the area of consideration. This is not expected to result in a significant fiscal impact to water users or governmental agencies other than those few additional applicants who will not be able to get permits approved.

K.A.R. 5-24-5 has been amended to change the guidelines for determining if a proposed appropriation of groundwater for irrigation use is reasonable. No significant fiscal impact to water users or governmental entities is expected.

Copies of the regulations and their economic impact statements may be obtained from the Division of Water Resources, (913) 296-4623.

David Pope
Chief Engineer
Division of Water Resources

Doc. No. 010547

State of Kansas

Kansas Inc.**Notice of Meeting**

The Kansas Inc. board will meet from 9 a.m. to noon Thursday, May 9, in the Kansas Inc. conference room, Suite 113, 400 S.W. 8th, Topeka. The meeting is open to the public.

Charles R. Warren
President

Doc. No. 010553

State of Kansas

Department of Transportation**Notice to Contractors**

Sealed proposals for the construction of road and bridge work in the following Kansas county will be received at the office of the Chief of Construction and Maintenance, KDOT, Topeka, until 10 a.m. C.D.T. May 16, 1991, and then publicly opened:

District Five—Southcentral

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)

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

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

Plans and specifications for the project may be examined at the office of the respective county clerk or at the KDOT district office responsible for the work.

Gary Stotts
Secretary of Transportation

Doc. No. 010542

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

Doc. No. 010502

State of Kansas

Secretary of State

Usury Rate for May

Pursuant to the provisions of K.S.A. 16-207, the maximum effective rate of interest per annum for notes secured by all real estate mortgages and contracts for deed for real estate executed during the period of May 1, 1991, through May 31, 1991, is 11.05 percent.

Bill Graves
Secretary of State

Doc. No. 010552

State of Kansas

Attorney General

Opinion No. 91-40

Roads and Bridges; Roads—County and Township Roads; County Road Unit System—Bid Letting. Senator Don Montgomery, 21st District, Sabetha, April 18, 1991.

K.S.A. 1990 Supp. 68-521 and K.S.A. 19-214 mandate public bid letting when the project exceeds the dollar amounts set forth therein. Cited herein: K.S.A. 19-214; K.S.A. 1990 Supp. 68-521; K.S.A. 68-1113. MJS

Opinion No. 91-41

Accountants, Certified Public—State Board of Accountancy—Organization; Officers; Meetings; Quorum; Records; Rules and Regulations; Powers and Duties. Leon C. Logan, Chairman, Kansas State Board of Accountancy, Topeka, April 18, 1991.

K.A.R. 74-5-103 prohibits certified public accountants from paying a commission to obtain a client and from accepting a commission for referring a client to products or services of others. The regulation promulgated pursuant to state authorization is immune from anti-trust law challenge under the state action doctrine. Cited herein: K.S.A. 1990 Supp. 1-202. GE

Opinion No. 91-42

Cities and Municipalities—Port Authorities—Purpose; Creation; Legislative Approval. Representative Joan Adam, 48th District, Atchison; Representative Rochelle Chronister, 13th District, Neodesha, April 23, 1991.

Under subsection (a) of K.S.A. 1990 Supp. 12-3402, no port authority shall be created without approval of the legislature by concurrent resolution. Such required legislative approval relates to "creation" of a port authority, *i.e.* activation of a port authority by ordinance or resolution (K.S.A. 1990 Supp. 12-3401(e)). K.S.A. 1990 Supp. 12-3402(a) does not require approval of the ordinance itself, and the legislature may approve of the concept of activating a joint port authority by ordinance even though the required joint ordinances and resolutions have not yet been adopted. Cited herein: K.S.A. 1990 Supp. 12-3401; 12-3402; 1991 House Concurrent Resolution No. 5026. TRH

Opinion No. 91-43

Public Health—Healing Arts; Kansas Healing Arts Act—Consent of Unemancipated Immature Minor.

Minors—General Provisions—Consent of Unemancipated Minor. Representative Bruce Larkin, 63rd District, Baileyville, April 23, 1991.

An unemancipated, *immature* minor is not considered legally capable of understanding the nature and consequences of medical or surgical treatment or procedures and therefore is not legally capable of providing an informed consent to any medical or surgical services. Cited herein: K.S.A. 38-123; 38-123a; 38-123b; K.S.A. 1990 Supp. 65-2891; K.S.A. 65-2892; 65-2892a. CN

Opinion No. 91-44

Counties and County Officers—General Provisions—Home Rule Powers; Limitations, Restrictions and Prohibitions; Procedure.

Oil and Gas—Oil and Gas Wells; Regulatory Provisions; Protection of Surface and Groundwater—Definitions. Representative Delbert L. Gross, 111th District, Hays, April 24, 1991.

Injection wells used to increase the ultimate recovery of oil or gas are an integral part of oil and gas recovery operations. As such, the Kansas Corporation Commission has exclusive jurisdiction, and a county cannot use its home rule powers to regulate drilling activities in this area. Cited herein: K.S.A. 1990 Supp. 19-101a; 55-150; 55-901; 55-1003; 74-623. GE

Opinion No. 91-45

State Boards, Commissions and Authorities—Regulation of Nursing—Acts Which are not Prohibited; Auxiliary Patient Care Services. Senator Roy M. Ehrlich, 55th District, Hoisington; Patsy L. Johnson, Executive Administrator, Kansas State Board of Nursing, Topeka, April 24, 1991.

The practice of nursing is reserved for licensed nurses. As an exception to the licensure requirement, unlicensed persons may, in certain instances, provide auxiliary services. Auxiliary services may be performed by unlicensed persons if supervised by a licensed nurse or directed by a medical doctor or dentist. The phrase "auxiliary patient care services" does not refer to specific tasks, and is not to be given a broad definition. It refers to acts which support or assist nursing services. Any process exceeding this function of support or assistance must be performed by a licensed nurse unless otherwise authorized by law. Cited herein: K.S.A. 65-1113, 65-1114, 65-1123; K.S.A. 1990 Supp. 65-1124; K.S.A. 65-1129; 74-1106. TMN

Robert T. Stephan
Attorney General

Doc. No. 010554

State of Kansas

Social and Rehabilitation Services**Request for Proposals**

Kansas Rehabilitation Services is requesting proposals for an establishment grant for a new or expanded community based supported employment program for persons with severe disabilities. The proposed project should be designed to meet current and future needs of Kansans challenged by disabilities to prepare for and engage in competitive employment. The project should be designed to serve individuals in Shawnee County with severe and persistent mental illness.

A total of \$87,000 in grant funding is available for a single grant project. Decreased funding for the second and third years is dependent upon availability of funds and success of the first year project as measured by attainment of project goals. A 23 percent cash match will be required of the grantee. The closing date for receipt of grant applications is May 17.

To obtain a request for proposals and grant application packet, contact John Bieberly at (913) 296-3911 or TDD (913) 296-7029.

Glen Yancey
Acting Commissioner
Kansas Rehabilitation Services

Doc. No. 010566

State of Kansas

State Corporation Commission**Notice of Motor Carrier Hearings**

Applications set for hearing are to be heard on the date indicated before the State Corporation Commission, 1500 S.W. Arrowhead Road, Topeka, at 9:30 a.m. unless otherwise noticed.

This list does not include cases previously assigned hearing dates for which parties of record have received notice.

Questions concerning applications for hearing dates should be addressed to the State Corporation Commission, 1500 S.W. Arrowhead Road, Topeka 66604-4027, (913) 271-3196 or 271-3149.

Your attention is invited to Kansas Administrative Regulation 82-1-228, "Rules of Practice and Procedure Before the Commission."

Applications set for May 14, 1991**Application for Certificate of Convenience and Necessity:**

Bates Scenic Charters, Inc.) Docket No. 175,685 M
Route 4, P.O. Box 464)
Arkansas City, KS 67005) MC ID No. 140111

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

Passengers and light hand baggage in charter party service and special operations,

Between all points and places in the state of Kansas.

Application for Abandonment of Certificate of Convenience and Necessity:

Phillip G. Cline) Docket No. 171,843 M
Route 1, Box 252A)
McLouth, KS 66054) MC ID No. 137814

Applicant's Attorney: None

Application for Certificate of Convenience and Necessity:

Cresco Lines, Inc.) Docket No. 175,687 M
284 E. 155th)
Harvey, IL 60426) MC ID No. 103323

Applicant's Attorney: Arthur Cerra, P.O. Box 19251, Kansas City, MO 64141

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

Between all points in the state of Kansas.

Application for Certificate of Convenience and Necessity:

Blair G. Denny, dba) Docket No. 175,686 M
Winfield Charter Company)
1408 E. 19th)
Winfield, KS 67156) MC ID No. 140112

Applicant's Attorney: None

Passengers and their luggage in charter party service,

Between all points and places in the state of Kansas

Application for Certificate of Convenience and Necessity:

Ace Construction) Docket No. 175,684 M
Corporation)
307 Main) MC ID No. 140110
Towanda, KS 67144)

Applicant's Attorney: David Hiebert, Century Plaza Building, Suite 920, 111 W. Douglas, Wichita, KS 67202-3292

Construction materials and heavy equipment,

Between all points and places in the state of Kansas.

Don Carlile
Administrator
Transportation Division

Doc. No. 010556

State of Kansas

Social and Rehabilitation Services

Public Notice

The draft community services block grant (CSBG) state plan and application for federal fiscal year 1991 is in the public comment period. Comments concerning the draft plan are to be submitted by June 15 to the Kansas Department of Social and Rehabilitation Services, Economic Opportunity Programs, Room 663-W, Docking State Office Building, Topeka 66612. Copies of the draft plan are also available upon written request to the same address.

The CSBG state plan and application is scheduled to be adopted by the Secretary of Social and Rehabilitation Services at an SRS open meeting July 2.

Robert C. Harder
Acting Secretary of Social and
Rehabilitation Services

Doc. No. 010548

State of Kansas

Social and Rehabilitation Services

Notice of Hearing on Proposed
Administrative Regulations

A public hearing will be conducted at 9 a.m. Tuesday, June 4, in the Staff Development Center conference room, 300 S.W. Oakley, Topeka, to consider the adoption of proposed changes in existing rules and regulations on a temporary basis and on a permanent basis.

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

The temporary regulations proposed for adoption are scheduled to become effective July 1, 1991. The permanent regulations proposed for adoption are scheduled to become effective August 1, 1991. A summary of the proposed regulations and their economic impact follows:

Temporary Regulations

Article 4.—Public Assistance Program

30-4-34. Program. This regulation is being amended to reflect a change in the general assistance program title.

Economic Impact: This change is not expected to have any discernible economic impact.

30-4-63. KanWork program requirements. This regulation is being amended to eliminate acceptance

of a vocational rehabilitation counselor's statement in determining incapacity for the purpose of exempting general assistance (GA) clients for KanWork participation. This change is necessitated due to modifications being made to the general assistance program as specified in K.A.R. 30-4-90.

Economic Impact: This change is not expected to have any discernible economic impact.

30-4-64. Work program requirements. This regulation is being amended to eliminate acceptance of a vocational rehabilitation counselor's statement in determining incapacity for the purpose of exempting general assistance (GA) clients from work program participation. This change is necessitated due to modifications being made to the general assistance program as specified in K.A.R. 30-4-90.

Economic Impact: This change is not expected to have any discernible economic impact.

30-4-90. Eligibility factors specific to the general assistance (GA) program. This regulation is being amended to delete the "unrestricted" terminology in reference to the GA program and to modify the program such that it covers only the following groups:

(a) Parents and their minor children who are living together;

(b) persons with a physical or mental disability which constitutes a substantial handicap to gainful employment and is expected to last at least six months from the date of onset. The disability must be determined by a physician or a licensed or certified psychologist;

(c) persons who have been medically or psychologically determined to be mentally retarded;

(d) persons whose presence is required at home because of a verified medically determined condition of another member of the home whose condition does not permit self-care, and when the care is not available from another person in the home;

(e) pregnant women and their husbands, if living together.

(f) parents of a child who has been removed from the home and placed in foster care, provided there is an agency-approved plan to return the child to the home; and

(g) children who are not otherwise eligible for assistance as a result of an established period of ineligibility provided there is an approved social service plan substantiating that the children face imminent removal from the home and placement into a foster care arrangement if assistance is not reinstated.

This will eliminate coverage for certain persons who had qualified for GA under the previous criteria, including persons age 55 and older who are not disabled and persons with disabilities which will last less than six months. The reduction in coverage is necessary due to budget shortfalls.

Economic Impact: It is estimated that the GA program reduction, including the changes in standards specified in K.A.R. 30-4-100 and K.A.R. 30-4-101, will result in total savings of \$2,684,016 in fiscal year 1992 (all state general funds).

This regulation is being further amended to provide for presumptive eligibility determinations on persons who are being released from the extended care unit at the Kansas state penitentiary in accordance with an approved discharge plan. This provides for up to three months of assistance based upon a finding of presumptive eligibility and allows for immediate access to needed cash and medical benefits upon release. Prior to this change, such benefits were provided only to persons released from medicaid-approved psychiatric hospitals.

Economic Impact: This change is not expected to have any discernible economic impact as these individuals currently qualify for GA. The change only provides for more expedient benefits upon the person's release.

30-4-100. Payment standards for budgetary requirements in the ADC, ADC-FC, APW, GA and GA-FC programs. This regulation is being amended to apply the budgeting provisions used in ADC cases to GA cases with single persons or married couples with no children, except that the applicable budgetary standards shall only equal 75 percent of the total budgetary requirements allowed for similar ADC cases. This eliminates the provisions which reduced the GA standards in certain instances to 80 percent and provided for prorating the standard when the GA client lived with others.

Economic Impact: See the economic impact statement for K.A.R. 80-4-90.

30-4-101. Standards for persons in own home, other family home, specialized living, commercial board and room, or commercial room-only living arrangements. This regulation is being amended to reduce the standards in the GA program to the level used in the AFDC program. This is necessary due to budget shortfalls.

Economic Impact: See the economic impact statement for K.A.R. 30-4-90.

This regulation is being further amended to increase the basic standard in the AFDC and GA programs by an average of \$4.50 per person.

Economic Impact: The legislature appropriated \$4,632,916 (\$2,086,771 state general funds) for this increase in standards.

30-4-130. Types of payments. This regulation is being amended to delete reference to subsistence allowances for GA clients in specialized living arrangements where there is an approved provider agreement. Such allowances are no longer being made and, instead, either direct payments are made to the client or the facility receives block grant funding for the client's needs.

Economic Impact: This change is not expected to have any discernible economic impact.

Article 5.—Provider Participation, Scope of Services, and Reimbursements for the Medicaid (Medical Assistance) Program

30-5-112. Scope of local health department services. This regulation is being amended to eliminate coverage for medikan recipients.

Economic Impact: Estimated cost saving \$98,131 (state general funds).

30-5-113. Scope of advanced registered nurse practitioner and registered nurse anesthetist services. This regulation is being amended to eliminate coverage for medikan recipients.

Economic Impact: Estimated cost savings of \$27,988 (state general funds).

30-5-114. Scope of targeted case management services. This regulation is being amended to eliminate coverage for medikan recipients.

Economic Impact: The cost savings realized by this change are contained in the overall impact of the community mental health center regulation (K.A.R. 30-5-154).

30-5-115. Scope of hospice services. This regulation is being amended to eliminate coverage for medikan recipients.

Economic Impact: Estimated cost savings of \$2,553 (state general funds).

30-5-116. Scope of rehabilitation services. This regulation is being amended to eliminate coverage for medikan recipients.

Economic Impact: None.

30-5-151. Scope of hospital services for medikan program recipients. This regulation is being amended to eliminate coverage for medikan recipients.

Economic Impact: Estimated cost savings of \$15,870,034 (state general funds).

30-5-152. Scope of rural health clinic services for medikan program recipients. This regulation is being amended to eliminate coverage for medikan recipients.

Economic Impact: Estimated cost savings of \$800 (state general funds).

30-5-154. Scope of services by community mental health centers for medikan program recipients. This regulation is being amended to reduce coverage to:

(a) 80 hours per year per recipient of targeted case management for the long-term mentally ill;

(b) 400 hours per year per recipient of partial hospitalization activity;

(c) two medication reviews per month per recipient; and

(d) 10 hours per year per recipient of individual, group or family therapy or any combination of these.

Economic Impact: Estimated cost saving of \$531,753 (state general funds).

30-5-156. Scope of physician services for medikan program recipients. This regulation is being amended to reduce coverage to 12 office visits per year.

Economic Impact: Estimated cost savings of \$723,411 (state general funds).

30-5-157. Scope of home health services for medikan program recipients. This regulation is being amended to eliminate coverage for medikan recipients.

Economic Impact: Estimated cost saving of \$103,837 (state general funds).

30-5-159. Scope of dental services for medikan program recipients. This regulation is being amended to eliminate coverage for medikan recipients.

Economic Impact: Estimated cost savings of \$85,027 (state general funds).

30-5-160. Scope of chiropractic services for medikan program recipients. This regulation is being amended to eliminate coverage for medikan recipients.

Economic Impact: Estimated cost savings of \$3,947 (state general funds).

30-5-161. Scope of podiatric services for medikan program recipients. This regulation is being amended to eliminate coverage for medikan recipients.

Economic Impact: Estimated cost savings of \$1,741 (state general funds).

30-5-162. Scope of psychological services for medikan program recipients. This regulation is being amended to eliminate coverage for medikan recipients.

Economic Impact: Estimated cost savings of \$95,835 (state general funds).

30-5-163. Scope of hearing services for medikan program recipients. This regulation is being amended to eliminate coverage for medikan recipients.

Economic Impact: Estimated cost savings of \$3,597 (state general funds).

30-5-164. Scope of ambulance services for medikan program recipients. This regulation is being amended to eliminate coverage for medikan recipients.

Economic Impact: Estimated cost savings of \$81,516 (state general funds).

30-5-166. Scope of durable medical equipment, medical supplies, orthotic and prosthetic services for medikan program recipients. This regulation is being amended to eliminate coverage for medikan recipients.

Economic Impact: Estimated cost savings of \$95,619 (state general funds).

30-5-167. Scope of services in free-standing inpatient psychiatric facilities for medikan program recipients. This regulation is being amended to eliminate coverage for medikan recipients.

Economic Impact: The savings realized with this change is contained in the overall impact of hospital services pursuant to K.A.R. 30-5-151.

30-5-168. Family planning services for medikan program recipients. This regulation is being amended to eliminate coverage for medikan recipients, except for the coverage provided pursuant to K.A.R. 30-5-156.

Economic Impact: Estimated cost savings of \$600 (state general funds).

30-5-169. Scope of partial hospitalization services for medikan program recipients. This regulation is being amended by limiting partial hospitalization to 400 hours per calendar year per recipient of supportive partial hospitalization and 400 hours per calendar year per recipient of crisis stabilization partial hospitalization.

Economic Impact: The cost savings realized through this change is contained in the overall impact of the community mental health center regulation (K.A.R. 30-5-154).

30-5-170. Scope of services for ambulatory surgical centers for medikan program recipients. This regulation is being amended to eliminate coverage for medikan recipients.

Economic Impact: Estimated cost savings of \$7,133 (state general funds).

30-5-171. Scope of substance abuse services for medikan program recipients. This regulation is being amended to eliminate coverage for medikan recipients.

Economic Impact: No fiscal impact at this time due to previous policy changes that have gone into effect.

Permanent Regulations

Article 10.—Adult Care Home Program

30-10-200. Intermediate care facilities for mentally retarded (ICF's-MR) definitions. This regulation is being reorganized so that the definitions are in alphabetical order and to make the following changes:

(q) Defines the level of care model which will be the basis for the establishment of direct service reimbursement limits.

(r) The definition for mental retardation adds a reference to the 1983 American association of mental deficiency classifications.

(x) Updates the definition of persons with related conditions to more closely match the federal definition of developmental disability.

30-10-207. ICF-MR inspection of care and utilization review. This regulation is being amended to specify that the utilization review team determines the on-going appropriateness of ICF-MR placements.

30-10-208. ICF-MR personal needs fund. This regulation is being amended to:

(a)(6) Indicate that it is the responsibility of the interdisciplinary team to determine if the client is incapable of managing his or her personal needs funds should the client not have a legal representative; and

(i) indicate that the surety bond for the personal needs fund must be in the name of the provider and must be sufficient to secure the highest quarterly balance for the previous year.

30-10-210. ICF-MR reimbursement. This regulation is being amended as follows:

(a)(2)(A) Initial eligibility for ICF-MR level services will be determined based on a screening completed by the agency or its designee.

(a)(2)(B) Continued eligibility for ICF-MR level services will be determined by a professional review of the client by the utilization review team of the department of health and environment.

(b)(1) Durable medial equipment, medical supplies and other items listed under this section shall be considered routine.

(continued)

(b)(1)(BB), (FF) and (II) Occupational therapy, physical therapy and speech therapy services will be considered routine to the extent that they are not already provided through medicaid or medikan.

30-10-211. ICF-MR financial data. This regulation is being amended to reference a revised financial and statistical report which require ICF's-MR to provide data showing the actual costs of day care programs and stipulates that any provider who fails to provide any documents requested by the agency may be suspended from the ICF-MR program.

30-10-212. ICF-MR heavy care. This regulation is being amended to require providers to show heavy care income as a provider adjustment on the individual line item of benefit in the cost report. Heavy care costs shall not be included as a component when calculating the final rate for the facility.

30-10-213. ICF-MR cost reports. This regulation is being amended as follows:

(a)(1) clarifies that a non-owner operator must have a provider agreement and that all ICF's-MR must submit a detailed depreciation schedule.

(a)(2) Specifies that central office costs must be reported consistently, based on generally accepted accounting principles.

Further clarifications, wording changes and a new financial and statistical report form are included in this regulation.

30-10-214. ICF-MR rates of reimbursement. This regulation is being amended as follows:

(a)(1) ICF-MR reimbursement limits shall be established based on the level of care of the clients.

(a)(2) Ownership allowance shall be determined as follows:

(A) All ICF's-MR initially certified prior to July 1, 1991 shall be held to established property fees.

(B) All ICF's-MR certified on or before July 1, 1991 shall be subject to an absolute cap on ownership costs.

(a)(3) Per diem rates for ICF-MR cost center shall be determined as follows:

(A)(i) Direct services based on facility size and level of care. Direct services shall include the room and board and habilitation cost centers.

(A)(ii) Administrative costs based on facility size.

(A)(iii) Plant operating based on total allowable costs.

(B) Caps will be reviewed annually for reasonableness.

(a)(4) Rates will be established using a factor for inflation. The rate will be the actual allowable costs or the absolute cost center limits whichever is less.

(e)(2) The agency may approve a new projected cost report for a new provider if it is certified by the department of health and environment that the care of the client are at risk.

(d) The provision which allowed a facility which is changing from a different level of care to be placed on projected status has been deleted.

(h) Projected cost report to meet survey requirements section has been deleted.

(i) Determination of rates for ICF-MR providers re-entering the medicaid program has been deleted.

Some word changes and clarifications have been made in this regulation.

30-10-215. ICF-MR rates; effective dates. This regulation has been amended to clarify requirements in this regulation and to indicate that all projected cost reports for new providers must be approved by the agency.

30-10-217. ICF-MR reserve days. This regulation is being amended to provide a technical correction in subsection (c) and indicate that approval of reserve days is permissive and not required on the part of the agency.

30-10-218. ICF-MR non-reimbursable costs. This regulation is being amended to make the related expenses of airplanes and the costs incurred through providing services to a bed made available through involuntary discharge of a client without prior authorization, as determined by the Kansas Department of Health and Environment, non-reimbursable.

30-10-219. ICF-MR costs allowed with limitations. This regulation is being amended to allow start-up costs of a facility with the following limitations: Administrative salaries shall be limited to three months prior to licensing, other employee salaries shall be limited to one month prior to licensing.

30-10-220. ICF-MR revenues. This regulation is being amended to provide that excess revenue received for services of an agency shall be distributed to the entire agency based on generally accepted accounting principles. Other clarifications are included in this regulation.

30-10-221. ICF-MR compensation of owners, spouses, related parties and administrators. This regulation is being amended to provide technical corrections.

30-10-226. ICF-MR reimbursement for nurse aide training for FY 1990. This regulation is being revoked.

Economic Impact: The anticipated total cost for the proposed changes in the above regulations 30-10-200 through 30-10-221 is \$1,500,000 (\$618,750 state general funds).

Copies of the regulations and their economic impact statements may be obtained from the Office of the Secretary, Room 603-N, Docking State Office Building, Topeka 66612, (913) 296-3969.

The public is invited to this meeting. Telephone hook-ups are provided at the following locations of Social and Rehabilitation Services offices: Chanute, Emporia, Garden City, Hays, Hutchinson, Kansas City, Lawrence, Manhattan, Olathe, Salina, Topeka (area office), and Wichita.

Robert C. Harder
Acting Secretary of Social and
Rehabilitation Services

Doc. No. 010549

State of Kansas

Kansas Commission for the Deaf and Hearing Impaired

Notice of Meeting

The Kansas Commission for the Deaf and Hearing Impaired will meet from 1 to 3 p.m. Friday, June 7, at the Club House Inn, 924 S.W. Henderson Road, Topeka.

Brenda J. Eddy
Executive Director

Doc. No. 010559

State of Kansas

Department of Health and Environment

Notice Concerning Kansas Water Pollution Control Permits

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

Name and Address of Applicant	Waterway	Type of Discharge
Cessna Aircraft Company Mid-Continent Facility Attn: John Miller P.O. Box 7704 Wichita, KS 67277	Arkansas River via Wichita Valley Center Floodway, Arkansas River Basin	Cooling water, stormwater and treated contaminated groundwater

Sedgwick County, Kansas
Kansas Permit No. I-AR94-P009 Fed. Permit No. KS-0000485

Description of Facility: Cooling water and stormwater are directed to a cooling impoundment prior to discharge. Contaminated groundwater is treated with an air stripping tower prior to discharge. This is an existing permit and the requirements have been modified. Proposed effluent limitations are pursuant to Kansas Surface Water Quality Standards, K.A.R. 28-16-28(b-f).

Name and Address of Applicant	Waterway	Type of Discharge
Cessna Aircraft Company Pawnee Facility Attn: John Miller P.O. Box 7704 Wichita, KS 67277	Arkansas River via Gypsum Creek, Arkansas River Basin	Cooling water and stormwater runoff

Sedgwick County, Kansas
Kansas Permit No. I-AR94-P005 Fed. Permit No. KS-0000647

Description of Facility: Non-contact cooling water, cooling tower blowdown, and stormwater runoff are directed to a cooling impoundment prior to discharge. This is an existing permit and the requirements have been modified. Proposed effluent limitations are pursuant to Kansas Surface Water Quality Standards, K.A.R. 28-16-28(b-f).

Name and Address of Applicant
KPL Gas Service
Jeffrey Energy Center
Attn: Richard Finger
818 Kansas Ave.
P.O. Box 889
Topeka, KS 66601

Pottawatomie County, Kansas
Kansas Permit No. I-KS67-P002

Waterway
Kansas River via Lost Creek via unnamed tributary, Kansas River Basin

Type of Discharge
Cooling tower blowdown, process wastewater and stormwater runoff

Fed. Permit No. KS-0080632

Description of Facility: Cooling tower blowdown is discharged directly to an unnamed tributary. In the event of heavy rainfall, an emergency discharge may occur from the ash lake spillway. The ash lake contains wastewater from the coal pile runoff pond, plant drains and demineralize regenerate. This is an existing facility and previous limitations have been modified. Proposed effluent limitations are pursuant to Kansas Surface Water Quality Standards, K.A.R. 28-16-28(b-f).

Name and Address of Applicant
City of Quinter
c/o City Hall
409 Main St.
Quinter, KS 67752
Gove County, Kansas

Kansas Permit No. M-SA15-0001

Waterway
Saline River via unnamed tributary

Type of Discharge
Secondary wastewater treatment facility

Fed. Permit No. KS-0116939

Description of Facility: This facility is designed for the treatment of domestic sewage. This is an existing facility. Proposed effluent limitations are pursuant to Kansas Surface Water Quality Standards, K.A.R. 28-16-28(b-f), and are technology based.

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 31 will be considered in the formulation of final determinations regarding this public notice. Please refer to the appropriate application number (KS-91-79/82) 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. 010561

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 Tarbet Construction Co. to install and operate a ready-mix concrete plant on East 270 Highway, Hugoton. This portable plant has a capacity of 100 cubic yards per hour and will be equipped with a dust collector.

Written materials, including the permit application and information relating to the application submitted by Tarbet, 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 June 3 by contacting Wayne Neese, KDHE, 302 N. McArtor Road, Dodge City 67801, (316) 225-0596; or Eugene Sallee, KDHE, Forbes Field, Topeka 66620, (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 June 3.

Stanley C. Grant
Acting Secretary of Health
and Environment

Doc. No. 010550

State of Kansas

Board of Education

Notice of Hearings on Kansas State Plan for Special Education

The State Board of Education will conduct two public hearings to consider proposed revisions in the Kansas State VI-B Plan for Special Education for fiscal years 1991-1993. The first hearing will be at 1:30 p.m. Monday, June 10, in the auditorium of the Central Vocational Building, 324 N. Emporia, Wichita. The second hearing will be at 1:30 p.m. Tuesday, June 11, in the board room of the State Education Building, 120 E. 10th, Topeka.

The proposed revisions concern the provision of services to children upon their third birthdays and bring Kansas' policies and procedures into compliance with the Individuals with Disabilities Education Act, P.L. 101-476. This change has been required by the U.S. Department of Education. To be eligible to receive federal funding, a state must file plan revisions with

the Office of Special Education Programs, U.S. Department of Education.

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

All interested individuals and organizations will be afforded an opportunity at the hearing to present their views and make recommendations regarding proposed revisions. The hearing shall be conducted in compliance with public hearing procedures of the board.

Dr. Lee Droegemueller
Commissioner of Education

Doc. No. 010555

State of Kansas

Board of Education

Notice of Hearing on Proposed Administrative Regulations

The State Board of Education will conduct a public hearing at 1:30 p.m. Tuesday, June 11, in Room 121 of the State Education Building, 120 E. 10th, Topeka, to consider the revocation of K.A.R. 91-10-1 and the adoption of K.A.R. 91-10-1a. The following is a summary of the substance of the proposed regulations and a summary of their anticipated economic impact.

It is proposed that K.A.R. 91-10-1 be revoked. This regulation will be replaced by K.A.R. 91-10-1a. Both regulations concern eligibility to take the general educational development (GED) test. Proposed K.A.R. 91-10-1a clarifies the eligibility requirements for taking the GED test and provides an appeal for those persons who are 16 or 17 years of age and have not received permission from their local school authorities to take the examination. There will be no economic impact upon the Kansas State Department of Education or upon other governmental agencies, private businesses or individuals.

A copy of the proposed regulations and complete economic impact statements may be obtained by contacting the secretary to the board at the address indicated above.

All interested persons will be given a reasonable opportunity at the hearing to present their views or arguments, either orally or in writing, in regard to the proposed regulations. In addition, the period of public notice hereby provided constitutes a public comment period for the purpose of receiving written public comments on the proposed regulations. Written comments may be submitted to the secretary of the board. The hearing shall be conducted in compliance with the public hearing procedures of the board.

Dr. Lee Droegemueller
Commissioner of Education

Doc. No. 010543

State of Kansas

Board of Education

Notice of Hearing on Proposed
Administrative Regulations

The State Board of Education will conduct a public hearing at 1:30 p.m. Tuesday, June 11, in Room 121 of the State Education Building, 120 E. 10th, Topeka, to consider amendments to Kansas Administrative Regulations 91-12-22, 91-12-25, 91-12-51 and 91-12-73. These proposed regulations concern special education. The following is a summary of the substance of the proposed regulations and a summary of their anticipated economic impact.

K.A.R. 91-12-22 concerns definitions. The new federal Individuals with Disabilities Education Act requires changes in terms and definitions and the addition of a definition for "assistive technology service" and "assistive technology device." There will be no economic impact upon the Kansas State Board of Education. There will be an economic impact upon local education agencies, but the exact amount is unknown because the number of individuals in need of these services is unknown.

K.A.R. 91-12-25 concerns interrelated service units. Changes are being made in interrelated special education programs to reduce the amount of information school districts are required to submit to the State Board of Education. There will be a reduction in staff time and paper needed to process waiver requests at the board, as well as for local school districts. There will be no impact upon private business or individuals.

K.A.R. 91-12-51 concerns early childhood special education. Amendments are being made to reflect changes in the federal law, and a revision of the class size/caseload table is being made for clarification purposes. There will be no financial impact upon the State Board of Education, governmental agencies or private business or individuals.

K.A.R. 91-12-73. The proposed amendments are intended to clarify the age at which services for children with disabilities must be provided. The change is consistent with federal requirements. There will be no financial impact upon the State Board of Education, private business or individuals. There will be an impact upon local schools by having to begin services for children when they become three years of age.

A copy of the regulations and complete economic impact statement may be obtained by contacting the secretary to the board at the address indicated above.

All interested persons will be given a reasonable opportunity at the hearing to present their views or arguments, either orally or in writing, in regard to the proposed regulations. In addition, the period of public notice hereby provided constitutes a public comment period for the purpose of receiving written public comment on the proposed regulations.

Written comments may be submitted to the secretary of the board. The hearing shall be conducted in compliance with the public hearing procedures of the board.

Dr. Lee Droegemueller
Commissioner of Education

Doc. No. 010544

State of Kansas

Board of Education

Notice of Hearing on Proposed
Administrative Regulations

The State Board of Education will conduct a public hearing at 1:30 p.m. Tuesday, June 11, in Room 121 of the State Education Building, 120 E. 10th, Topeka, to consider amendments to State Board regulations numbered 91-1-101b, 91-1-112a, and 91-1-150. These proposed regulations concern teacher education programs and certification. The following is a summary of the substance of the proposed regulations and a summary of their anticipated economic impact.

S.B.R. 91-1-101b concerns foreign language programs. This regulation is being amended to allow for programs in classical languages. There will be no economic impact upon the Kansas State Department of Education or upon other governmental agencies, private businesses or individuals.

S.B.R. 91-1-112a concerns general science programs. The amendment requires that prospective science teachers be able to use computers for classroom instruction. There will be no fiscal impact upon the State Department of Education or upon other governmental agencies, private businesses or individuals.

S.B.R. 91-1-150 concerns the use of active military service to renew a teaching certificate. Amendments are being made to delete the limitation that the length of active military service be four years or less. There will be no financial impact upon the State Department of Education or upon other governmental agencies, private business or individuals.

All interested persons will be given a reasonable opportunity at the hearing to present their views or arguments, either orally or in writing, in regard to the proposed regulations. In addition, the period of public notice hereby provided constitutes a public comment period for the purpose of receiving written public comments on the proposed regulations. Such written comments may be submitted to the secretary of the board. The hearing shall be conducted in compliance with the public hearing procedures of the board.

A complete economic impact statement may be obtained by contacting the secretary to the board at the address indicated above. The regulations proposed for adoption are as follows:

91-1-101b. Foreign or classical languages. (a) Each applicant for a foreign language endorsement shall have completed a state-approved foreign language program and shall be recommended by a teacher education institution.

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

(1) An understanding of the foreign language when it is spoken;

A state-approved foreign language program shall consist of a course of study requiring each student to demonstrate:

(continued)

(2)(1) The ability to be conversant in the foreign language, and to demonstrate a command of vocabulary, syntax and pronunciation sufficient to express thoughts clearly and effectively;

(2) an understanding of the foreign language when it is spoken;

(3) the ability to read and comprehend the foreign language when included in text of moderate difficulty and mature content;

(4) the ability to write in the foreign language, using clear and correct vocabulary, idioms, and syntax;

(5) knowledge of the sound systems and structures of the foreign language and English, and the ability to apply this knowledge to foreign language teaching;

(6) an understanding that language is an essential element of culture and knowledge of the principal ways in which the foreign culture differs from our own;

(7) knowledge of the literary masterpieces, geography, history, art and social customs of the countries where the language is spoken;

(8) knowledge of the present-day objectives of foreign language teaching as communication, and the methods and techniques for attaining these objectives;

(9) knowledge of, and the ability to use, specialized techniques in instructing foreign language;

(10) knowledge of the relationship of foreign language study to other areas of the curriculum; and

(11) the ability to evaluate professional literature and to apply research findings to foreign language teaching.

(b) A state-approved classical language program shall consist of a course of study allowing each student to complete a program which meets the requirements of subsection (a) (2) through (11) with the emphasis on appreciation of the language and gaining control of its sounds, structure, and vocabulary rather than on conversational objectives.

(c) Prior to June 1, 1990, any institution may request that its foreign language program be approved by the State Board under the provisions of this regulation.

(d) On and after June 1, 1990, any institution desiring to have an approved foreign language program shall meet the requirements of this regulation. (Authorized by and implementing Article 6, Section 2 (a) of the Kansas Constitution; effective June 1, 1988; amended P-____.)

91-1-112a. General science. (a) Each applicant for an endorsement in general science shall have completed a state-approved program in general science and shall be recommended by a teacher education institution.

(b) Approved programs shall require students to complete a course of study allowing the student to: A state-approved program in general science shall consist of a course of study requiring each student to demonstrate:

(1) Acquire Knowledge of:

(A) basic processes, concepts and principles of biology, chemistry, physics, and earth and space science;

(B) the cultural, intellectual, and philosophical nature of science; and

(C) advanced algebra, trigonometry, matrices and determinants, exponential and logarithmic functions and probability;

(2) Acquire the ability to:

(A) Demonstrate utilize basic problem-solving processes, including observation, inference, measurement, prediction, use of numbers, classifying and use of space and time relationships in both physical and life science;

(B) demonstrate utilize integrated process skills, including identification and control of variables, interpretation of data, formulation and testing of hypotheses, and experimentation in both physical and life science;

(C) identify and describe broad-based interrelationships among biology, chemistry, physics, and earth and space science;

(D) describe the relationships among the lithosphere, atmosphere, hydrosphere and man's environment as they apply to the study of general biology, chemistry, physics, and earth and space science;

(E) describe and demonstrate the application of apply analytical methods in multidisciplinary approaches to studying and solving problems encountered by societies living in a world with finite resources, population increase, and diminishing energy reserves;

(F) describe the relationship between science and technology, and illustrate the impact of technological developments on cultures with society;

(G) demonstrate illustrate that the science involves the use of basic problem-solving skills to increase personal appreciation of the total environment, as well as their practical application;

(H) demonstrate illustrate, through laboratory experiences, the open-ended, spiraling nature of scientific inquiry as a cyclic, continuous process; and

(I) program in at least one computer language use computers for classroom instruction in science. (Authorized by and implementing Article 6, Section 2(a) of the Kansas Constitution; effective May 1, 1985; amended June 1, 1988; amended P-____.)

91-1-150. Certificate renewal based upon active military service. (a) The Any holder of a current Kansas certificate who enters active military service during all or part of the period the certificate was is valid may be granted a certificate renewal based on active military service provided if:

(1) Entry into active military service was made is on a full time, 24-hour-per-day basis, and occurs during a time of emergency as determined by the state board of education; and

(2) application for renewal is submitted within one year after discharge or separation from active military service under honorable conditions; and

(3) length of military service was four years or less.

(b) A certificate renewed on the basis of active military service shall be issued as a five-year certificate.

(c) This regulation shall take effect on and after July 1, 1989. (Authorized by and implementing Article 6, Section 2(a) of the Kansas Constitution; effective July 1, 1989; amended P-____.)

State of Kansas

Wichita State University

Notice to Bidders

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

CD RAM Drives w/cables & SCSI Interface
for IBM Capatible PC's
Quotation #910439-F
Closing May 14, 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 date. 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. 010562

(Published in the Kansas Register, May 2, 1991.)

**Notice of Redemption
City of Salina, Kansas
\$2,000,000**

**Industrial Development Bonds
Dated June 1, 1978
(Salina Presbyterian Manor, Inc.)**

Notice is hereby given that Presbyterian Manor, Inc. (formerly known as Salina Presbyterian Manor, Inc.) hereby irrevocably elects to exercise the option set forth in Ordinance No. 8639, duly adopted by the city of Salina, Kansas, on June 5, 1978, to redeem \$1,210,000 principal amount of bonds outstanding, as listed below, on June 1, 1991, at the price of 101 percent of principal amount being redeemed plus accrued interest thereon to the redemption date. This is a full call. The bonds to be redeemed are as follows:

June 1, 1992:	159-178
June 1, 1993:	179-200
June 1, 1994:	201-223
June 1, 1995:	224-248
June 1, 1996:	249-274
June 1, 1997:	275-302
June 1, 1998:	303-332
June 1, 1999:	333-365
June 1, 2000:	366-400

On June 1, 1991, all bonds designated for redemption will become due and payable upon presentation at the address given below. On or after June 1, 1991, interest on the principal amount called for redemption shall cease to accrue.

The bonds, along with IRS form W-9 (verification of taxpayer identification number), may be presented for payment in person or by mail at the following address: First Bank and Trust, 235 S. Santa Fe, P.O. Box 1337, Salina, KS 67402-1337.

City of Salina, Kansas

Doc. No. 010571

State of Kansas

State Conservation Commission

Notice to Contractors

Sealed bids for the construction of a 28,600 cubic yard detention dam, Site 2-26 in Marshall County, will be received by the Vermillion Creek Watershed District No. 70 at the district office, 125 W. 4th, Holton 66436, until 5 p.m. May 23, or hand carried and submitted prior to bid opening. Bids will be opened at 8 p.m. May 23 at the Legion Building, West Main Street, Beattie.

A copy of the invitation for bids and the plans and specifications can be obtained from the office of King and Associates Engineering, (913) 364-4312, or reviewed at the Soil Conservation Service Field Office, East Highway 36, Marysville.

Kenneth F. Kern
Executive Director

Doc. No. 010573

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

Department of Administration

Division of Purchases

Notice to Bidders

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

Monday, May 13, 1991

- 25765
University of Kansas Medical Center—Building materials
- 27657
Department of Social and Rehabilitation Services—Muslin
- 87876
Department of Transportation—Bituminous mixture
- 87877
Wichita State University—Multipurpose vehicle

Tuesday, May 14, 1991

- 27518
Statewide—Canned goods
- 28472
University of Kansas—Miscellaneous groceries
- 28473
University of Kansas—Frozen foods
- 28474
University of Kansas—Small animal feed
- 87891
Department of Transportation—Asphalt tank, Ellsworth
- 87892
Wichita State University—Elevated work platform
- 87893
Kansas State University—Printer management and control system
- 87931
El Dorado Correctional Facility—Janitorial supplies

Wednesday, May 15, 1991

- 28475
El Dorado Correctional Facility—Dishwashing supplies
- 28476
El Dorado Correctional Facility—Liquid laundry supplies
- 87908
Department of Human Resources—Office chairs, various locations
- 87914
Osawatomie State Hospital—Hazardous material removal and disposal
- 87915
Kansas State University—Protein sequencer
- 87988
Department of Transportation—Ready-mix concrete, Osage and Emporia
- 87989
Department of Transportation—Ready-mix concrete, Olathe

Thursday, May 16, 1991

- A-6514
Department of Transportation—Prefabricated metal storage building, Marion
- 87927
University of Kansas Medical Center—Diagnostic
- 87928
Kansas State University—Soil analysis/total nitrogen, total phosphorus
- 87929
Kansas State University—SPARC-based workstation and disk/tape subsystem
- 87930
El Dorado Correctional Facility—Radio service monitor and parts
- 87947
Pittsburg State University—Test equipment
- 87951
Department of Transportation—Trailer mounted fuel tank, Hutchinson

Friday, May 17, 1991

- A-6617
University of Kansas—Ellsworth hall lobby reroofing
- 87932
Kansas Correctional Industries—Chromate treated aluminum sheets
- 87933
Department of Revenue—Aluminum, Wichita
- 87950
Kansas State University—Address and bar code printer for envelopes
- 87961
Pittsburg State University—Uninterruptable power supply
- 87962
Fort Hays State University—Microfilm reader-printers
- 87974
University of Kansas—3480 Tape cartridges
- 87975
Kansas State University—80386SX/20MHZ Microcomputers
- 87976
Department of Transportation—Snow plow and grader blades, Garden City
- 87977
Kansas State University—Microcomputers
- 87981
Winfield State Hospital and Training Center and Department of Corrections—Vehicles, Winfield and Topeka

Monday, May 20, 1991

- 87948
El Dorado Correctional Facility—Steel
- 87949
Kansas Correctional Industries—Steel sheets

Friday, May 24, 1991

- 27349
University of Kansas Medical Center—Snow removal

Request for Proposals
Thursday, May 16, 1991
 28471

Alcohol and drug treatment for the Department of Corrections, Topeka

Tuesday, May 21, 1991
 28478

Vocational education for the Department of Corrections, Lansing

Nicholas B. Roach
 Director of Purchases

Doc. No. 010560

(Published in the Kansas Register, May 2, 1991.)

Notice of Bond Sale
\$131,765.77
General Obligation Sewer Bonds
Series A 1991
Montgomery County, Kansas

Sealed Bids

Sealed bids will be received by the undersigned, clerk of Montgomery County, Kansas, on behalf of the county at the County Clerk's Office, Montgomery County Courthouse, Independence, KS 67301, until 10 a.m. C.D.T. on May 16, 1991, for the purchase of \$131,765.77 principal amount of General Obligation Sewer Improvement Bonds, Series A 1991, of Montgomery County hereinafter described. All bids will be publicly opened and read at said time and place and will be acted upon by the governing body immediately thereafter. No oral or auction bids will be considered.

Bond Details

The bonds will consist of fully registered bonds in denominations of \$1,000 or any integral multiple thereof, except No. 1—\$765.77, dated May 1, 1991, and becoming due serially on September 1 in the years as follows:

Year	Principal Payment
September 1, 1992	\$ 765.77
September 1, 1993	4,000.00
September 1, 1994	4,000.00
September 1, 1995	4,000.00
September 1, 1996	4,000.00
September 1, 1997	5,000.00
September 1, 1998	5,000.00
September 1, 1999	5,000.00
September 1, 2000	6,000.00
September 1, 2001	6,000.00
September 1, 2002	6,000.00
September 1, 2003	7,000.00
September 1, 2004	7,000.00
September 1, 2005	8,000.00
September 1, 2006	8,000.00
September 1, 2007	9,000.00
September 1, 2008	10,000.00
September 1, 2009	10,000.00
September 1, 2010	11,000.00
September 1, 2011	12,000.00
Total	\$131,765.77

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.

Place of Payment and Bond Registration

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

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

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

Authority, Purpose and Security

The bonds are being issued pursuant to K.S.A. 19-27a07, as may be amended, for the purpose of paying the cost of certain sewer improvements, payable partly from special assessments for an area known as Sycamore Area in said county. The bonds and the interest thereon will constitute general obligations of the county, if not so paid, then will be paid from ad valorem taxes which may be levied without limitation as to rate or amount upon all the taxable tangible property, real and personal, within the territorial limits of the county.

Submission of Bids

Bids must be submitted in sealed envelopes addressed to the undersigned clerk and marked "Bond Bid." Bids may be submitted by mail or delivered in person to the undersigned at the office of the county clerk and must be received by the undersigned prior to 10 a.m. C.D.T. on May 16, 1991.

Bid Forms

All bids must be made on forms which may be procured from the county clerk or bond counsel. No additions or alterations in such forms shall be made, and any erasures may cause rejection of any bid. The

(continued)

county reserves the right to waive irregularities and to reject any and all bids.

Conditions of Bids

Proposals will be received on the bonds bearing such rate or rates of interest as may be specified by the bidders, subject to the following conditions: The same rate shall apply to all bonds of the same maturity. Each interest rate specified shall be a multiple of $\frac{1}{8}$ or $\frac{1}{20}$ of 1 percent. No interest rate may exceed a rate equal to the index of treasury bonds published by Credit Markets in New York, New York, on the Monday next preceding the day on which the bonds are sold, plus 2 percent. No bid of less than the entire par value of the bonds and accrued interest thereon to the date of delivery will be considered, and no supplemental interest payments will be authorized. Each bid shall specify the total interest cost to the county during the life of the bonds on the basis of such bid, the premium, if any, offered by the bidder, and the net interest cost to the county on the basis of such bid, all certified by the bidder to be correct, and the county will be entitled to rely on the certificate of correctness of the bidder. Each bid shall also specify the average annual net interest rate to the county on the basis of such bid.

Basis of Award

The award of the bonds will be made on the basis of the lowest net interest cost to the county, which will be determined by subtracting the amount of the premium bid, if any, from the total interest cost to the county. If there is any discrepancy between the net interest cost and the average annual net interest rate specified, the specified net interest cost shall govern and the interest rate specified in the bid shall be adjusted accordingly. If two or more proper bids providing for identical amounts for the lowest net interest cost are received, the county's governing body shall determine which bid, if any, shall be accepted, and its determination shall be final. The county reserves the right to reject any and all bids and to waive any irregularities in a submitted bid. Any bids received after 10 a.m. C.D.T. on the date the bids are due will be returned to the bidder unopened.

Good Faith Deposit

Each bid shall be accompanied by a cashier's or certified check drawn on a bank located in the United States of America equal to 2 percent of the total amount of the bid, payable to the order of the county. If a bid is accepted, said check, or the proceeds thereof, will be held by the county until the bidder shall have complied with all of the terms and conditions of this notice. If a bid is accepted by the county and the county shall fail to deliver the bonds to the bidder in accordance with the terms and conditions of this notice, said check, or the proceeds thereof, will be returned to the bidder. If a bid is accepted but the bidder defaults in the performance of any of the terms and conditions of this notice, the proceeds of such check will be retained by the county as and for liquidated damages. No interest will be paid upon the successful bidder's good faith check.

Delivery and Payment

The county will pay for printing the bonds and will deliver the same properly prepared, executed and registered without cost to the successful bidder on or before June 14, 1991, at such bank or trust company in the state of Kansas or Kansas City, Missouri, as may be specified by the successful bidder. The successful bidder will also be furnished with a certified transcript of the proceedings evidencing the authorization and issuance of the bonds and the usual closing proofs, which will include a certificate that there is no litigation pending or threatened at the time of delivery of the bonds affecting their validity. Payment for the bonds shall be made in Federal Reserve funds, immediately subject to use by the county.

Assessed Valuation and Indebtedness

The total assessed valuation of the taxable tangible property within the county, for the year 1990, is as follows:

Equalized assessed valuation of taxable tangible property	\$141,970,667
Tangible valuation of motor vehicles ..	26,453,361
Equalized assessed tangible valuation for computation of bonded debt limitations	\$168,424,028

The total general obligation indebtedness of the county as of the date of the bonds is \$178,198, plus this issue, and there are notes outstanding at this time in the amount of \$292,000, of which \$292,000 will be picked up by this bond issue. Federal funds will pay for a substantial amount of the total cost of this sewer project.

Opinion and Tax Exemption

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

All matters incidental to the authorization and issuance of the bonds are subject to the approval of the bond counsel.

In the opinion of bond counsel, under existing law, the interest on the bonds (a) is excludable from gross income for federal income tax purposes, and (b) is not an item of tax preference for purposes of federal alternative minimum tax imposed on individuals and corporations; however, it should be noted that with respect to corporations (as defined for federal income tax purposes), such interest is taken into account in determining adjusted net book income (adjusted current earnings for taxable years ending after 1989) for the purpose of computing the alternative minimum tax imposed on such corporations. The opinion set forth in clause (a) above is subject to the condition that the county comply with all requirements of the Internal Revenue code of 1986, as amended, that must be satisfied subsequent to the issuance of the bonds in order that interest thereon be (or continue to be) excluded from gross income for federal income tax purposes. Failure to comply with certain of such requirements could cause the interest on the bonds to be so includ-

(Published in the Kansas Register, May 2, 1991.)

Notice of Bond Sale

\$253,368

General Obligation Sewer Bonds

Series A, 1991

of the

City of Elkhart, Kansas

Sealed Bids

Sealed bids will be received by the undersigned, city clerk of Elkhart, Kansas, on behalf of the city at the city clerk's office, Elkhart, KS 67950, until 10 a.m. C.D.T. on June 4, 1991, for the purchase of \$253,368 principal amount of General Obligation Sewer Improvement Bonds, Series A, 1991, of the city of Elkhart, hereinafter described. All bids will be publicly opened and read at said time and place and will be acted upon by the governing body immediately thereafter. No oral or auction bids will be considered.

Bond Details

The bonds will consist of fully registered bonds in the denomination of \$1,000 or any integral multiple thereof, except No. 1—\$1,368, dated June 1, 1991, and will become due serially on October 1 in the years as follows:

Year	Principal Payment
October 1, 1992	\$ 14,368
October 1, 1993	20,000
October 1, 1994	22,000
October 1, 1995	23,000
October 1, 1996	24,000
October 1, 1997	26,000
October 1, 1998	28,000
October 1, 1999	30,000
October 1, 2000	32,000
October 1, 2001	34,000
Total	\$253,368

The bonds will bear interest from the date thereof at rates to be determined when the bonds are sold as hereinafter provided, which interest will be payable semiannually on April 1 and October 1 in each year, beginning on April 1, 1992.

Place of Payment and Bond Registration

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

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

(continued)

able in gross income retroactive to the date of issuance of the bonds. The county has covenanted to comply with all such requirements.

Prospective purchasers of the bonds should be aware that (i) Section 265 of the code denies a deduction for interest on indebtedness incurred or continued to purchase or carry the bonds, except with respect to certain financial institutions (within the meaning of Section 265(b)(5) of the code); (ii) with respect to insurance companies subject to tax imposed by Section 831 of the code, for taxable years beginning after December 31, 1986, Section 832(b)(5)(B)(i) reduces the deduction for loss reserves by 15 percent of the sum of certain items, including interest on the bonds; (iii) for taxable years beginning after December 31, 1986, and before January 1, 1992, interest on the bonds earned by some corporations could be subject to the environmental tax imposed by Section 59A of the code; (iv) for taxable years beginning after December 31, 1986, interest on the bonds earned by certain foreign corporations doing business in the United States could be subject to a branch profits tax imposed by Section 884 of the code; (v) passive investment income, including interest on the bonds, may be subject to federal income taxation under Section 1375 of the code for Subchapter S corporations that have Subchapter C earnings and profits at the close of the taxable year, if greater than 25 percent of the gross receipts of such Subchapter S corporation is passive investment income; and (vi) Section 86 of the code requires recipients of certain Social Security and certain railroad retirement benefits to take into account in determining gross income, receipts or accruals of interest on the bonds.

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

Bond counsel expresses no opinion regarding other federal tax consequences with respect to the bonds.

The bonds are exempt from intangible personal property taxes levied by Kansas counties, cities or townships and interest on same are now exempt from Kansas income taxes.

Additional Information

Additional information regarding the bonds may be obtained from the clerk or from Brian Corrigan, Columbian Securities Co., 550 N. 159th, Wichita, KS 67230, (316) 733-2600; or William P. Timmerman, Bond Counsel, 400 N. Woodlawn, Suite 208, Wichita, KS 67208, (316) 685-7212.

Dated April 30, 1991.

Montgomery County, Kansas
 By: Arva D. Chittum, County Clerk
 Montgomery County Courthouse
 Independence, KS 67301
 (316) 331-4840

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

Authority, Purpose and Security

The bonds are being issued pursuant to K.S.A. 12-617 and 12-618 *et seq.*, as may be amended, for the purpose of paying the cost of certain sewer improvements, payable partly from special assessments for areas known as 1989-1 and 1989-2 in said city. The bonds and the interest thereon will constitute general obligations of the city, if not so paid, then will be paid from ad valorem taxes which may be levied without limitation as to rate or amount upon all the taxable tangible property, real and personal, within the territorial limits of the city.

Submission of Bids

Bids must be submitted in sealed envelopes addressed to the undersigned clerk and marked "Bond Bid." Bids may be submitted by mail or delivered in person to the undersigned at the office of the city clerk and must be received by the undersigned prior to 10 a.m. C.D.T. on June 4, 1991.

Bid Forms

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

Conditions of Bids

Proposals will be received on the bonds bearing such rate or rates of interest as may be specified by the bidders, subject to the following conditions: The same rate shall apply to all bonds of the same maturity. Each interest rate specified shall be multiple of $\frac{1}{8}$ or $\frac{1}{20}$ of 1 percent. No interest rate may exceed a rate equal to the index of treasury bonds published by Credit Markets in New York, New York, on the Monday next preceding the day on which the bonds are sold, plus 2 percent. No bid of less than the entire par value of the bonds and accrued interest thereon to the date of delivery will be considered and no supplemental interest payments will be authorized. Each bid shall specify the total interest cost to the city during the life of the bonds on the basis of such bid, the premium, if any, offered by the bidder, and the net interest cost to the city on the basis of such bid, all certified by the bidder to be correct, and the city will be entitled to rely on the certificate of correctness of the bidder. Each bid shall also specify the average annual net interest rate to the city on the basis of such bid.

Basis of Award

The award of the bonds will be made on the basis

of the lowest net interest cost to the city, which will be determined by subtracting the amount of the premium bid, if any, from the total interest cost to the city. If there is any discrepancy between the net interest cost and the average annual net interest rate specified, the specified net interest cost shall govern and the interest rates specified in the bid shall be adjusted accordingly. If two or more proper bids providing for identical amounts for the lowest net interest cost are received, the city's governing body shall determine which bid, if any, shall be accepted, and its determination shall be final. The city reserves the right to reject any and all bids and to waive any irregularities in a submitted bid. Any bids received after 10 a.m. C.D.T. on the date the bids are due will be returned to the bidder unopened.

Good Faith Deposit

Each bid shall be accompanied by a cashier's or certified check drawn on a bank located in the United States of America equal to 2 percent of the total amount of the bid payable to the order of the city. If a bid is accepted, said check, or the proceeds thereof, will be held by the city until the bidder shall have complied with all of the terms and conditions of this notice. If a bid is accepted by the city and the city shall fail to deliver the bonds to the bidder in accordance with the terms and conditions of this notice, and check, or the proceeds thereof, will be returned to the bidder. If a bid is accepted but the bidder defaults in the performance of any of the terms and conditions of this notice, the proceeds of such check will be retained by the city as and for liquidated damages. No interest will be paid upon the successful bidder's good faith check.

Delivery and Payment

The city will pay for printing the bonds and will deliver the same properly prepared, executed and registered without cost to the successful bidder on or before July 15, 1991, at such bank or trust company in the state of Kansas or Kansas City, Missouri, as may be specified by the successful bidder. The successful bidder will also be furnished with a certified transcript of the proceedings evidencing the authorization and issuance of the bonds and the usual closing proofs, which will include a certificate that there is no litigation pending or threatened at the time of delivery of the bonds affecting their validity. Payment for the bonds shall be made in Federal Reserve funds, immediately subject to use by the city.

Assessed Valuation and Indebtedness

The total assessed valuation of the taxable tangible property within the city, for the year 1990, is as follows:

Equalized assessed valuation of taxable tangible property, including motor vehicles	\$8,811,591
Equalized assessed valuation for computation of bonded debt limitations.....	\$8,811,591

The total general obligation indebtedness of the city as of the date of the bonds is \$1,691,097.24, plus this issue, and there are notes outstanding at this time in the amount of \$614,631.32, which will be picked up by this bond issue and federal funds. Federal funds will pay for a substantial amount of the total cost of this sewer project.

Opinion and Tax Exemption

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

All matter incidental to the authorization and issuance of the bonds are subject to the approval of the bond counsel.

In the opinion of bond counsel, under existing law, the interest on the bonds (a) is excludable from gross income for federal income tax purposes, and (b) is not an item of tax preference for purposes of federal alternative minimum tax imposed on individuals and corporations; however, it should be noted that with respect to corporations (as defined for federal income tax purposes), such interest is taken into account in determining adjusted net book income (adjusted current earnings for taxable years ending after 1989) for the purpose of computing the alternative minimum tax imposed on such corporations. The opinion set forth in clause (a) above is subject to the condition that the city comply with all requirements of the Internal Revenue code of 1986, as amended, that must be satisfied subsequent to the issuance of the bonds in order that interest thereon be (or continue to be) excluded from gross income for federal income tax purposes. Failure to comply with certain of such requirements could cause the interest on the bonds to be so includable in gross income retroactive to the date of issuance of the bonds. The city has covenanted to comply with all such requirements.

Prospective purchasers of the bonds should be aware that (i) Section 265 of the code denies a deduction for interest on indebtedness incurred or continued to purchase or carry the bonds, except with respect to certain financial institutions (within the meaning of Section 265(b)(5) of the code); (ii) with respect to insurance companies subject to tax imposed by Section 831 of the code, for taxable years beginning after December 31, 1986, Section 832 (b)(5)(B)(i) reduces the deduction for loss reserves by 15 percent of the sum of certain items, including interest on the bonds; (iii) for taxable years beginning after December 31, 1986, and before January 1, 1992, interest on the bonds earned by some corporations could be subject to the environmental tax imposed by Section 59A of the code; (iv) for taxable years beginning after December 31, 1986, interest on the bonds earned by certain foreign corporations doing business in the United States could be subject to a branch profits tax imposed by Section 884 of the code; (v) passive investment income, including interest on the bonds, may be subject to federal income taxation under Section 1375 of the code for Subchapter S corporations that have Subchapter C earnings and profits at the close of the taxable year, if greater than 25 percent of the gross receipts of such Subchapter S corporation is passive investment income; and (vi) Section 86 of the code requires recipients of certain Social Security and certain railroad retirement benefits to take into account in determining gross income, receipts or accruals of interest on the bonds.

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

Bond counsel expresses no opinion regarding other federal tax consequences with respect to the bonds.

The bonds are exempt from intangible personal property taxes levied by Kansas counties, cities or townships and interest on same are now exempt from Kansas income taxes.

Additional Information

Additional information regarding the bonds may be obtained from the clerk or William P. Timmerman, Bond Counsel, 400 N. Woodlawn, Suite 208, Wichita, KS 67208, (316) 685-7212.

Dated April 30, 1991.

City of Elkhart, Kansas
By Carolea Wellen, City Clerk
Box 574
Elkhart, KS 67950
(316) 697-2171

Doc. No. 010546

(Published in the Kansas Register, May 2, 1991.)

**Summary Notice of Bond Sale
\$38,330,000**

**General Obligation School Bonds
Series 1991-A
of Unified School District 229
Johnson County, Kansas
(Blue Valley)**

**(general obligation bonds payable from
unlimited ad valorem taxes)**

Sealed Bids

Subject to the terms and conditions of the complete notice of bond sale and preliminary official statement dated April 30, 1991, sealed bids on the official bid form will be received by Diane Harris, district clerk, at the district office, 15020 Metcalf, P.O. Box 23901, Overland Park, KS 66223, on behalf of the district, until 4 p.m. C.D.T. on Monday, May 13, 1991, for the purchase of \$38,330,000 General Obligation School Bonds, Series 1991-A. No bid of less than the par value of the bonds and accrued interest thereon to the date of delivery will be considered. Each bid shall be accompanied by a cashier's or certified check in the amount of \$766,600.

Bond Details

The bonds will consist of fully registered certificated or uncertificated bonds, each in the denomination of \$5,000 or integral multiples thereof not exceeding the principal amount of bonds maturing on the same maturity date. The bonds will be dated June 1, 1991, and will mature serially on October 1 in the years and in the amounts set forth below:

(continued)

Year	Principal Amount
1995	\$ 925,000
1996	1,000,000
1997	1,870,000
1998	2,000,000
1999	2,135,000
2000	2,285,000
2001	1,700,000
2002	1,805,000
2003	1,920,000
2004	2,035,000
2005	2,170,000
2006	2,315,000
2007	2,465,000
2008	2,630,000
2009	2,805,000
2010	3,000,000
2011	3,210,000
2012	2,060,000

The bonds will bear interest from the date thereof at rates to be determined when the bonds are sold as hereinafter provided, which interest will be payable semiannually on April 1 and October 1 in each year, beginning on April 1, 1992. Bonds maturing on October 1, 2002, and thereafter will be subject to redemption prior to maturity at the option of the school district, as a whole at any time or in part on any interest payment date, in inverse order of maturity (selection of bonds for partial redemption of bonds of the same maturity to be by such method as the bond registrar shall deem fair and appropriate) on October 1, 2001, or on any interest payment date thereafter, at the redemption price of 100 percent of the principal amount of bonds redeemed plus accrued interest to the redemption date. A bidder may elect to have all or a portion of the bonds scheduled to mature in 2008 to 2011 issued as term bonds maturing in 2012 and subject to mandatory redemption requirements as described in the complete notice of bond sale.

Paying Agent and Bond Registrar

The Kansas State Treasurer will be the paying agent and bond registrar for the bonds.

Delivery

The school district will pay for printing the bonds and will deliver the same properly prepared, executed and registered without cost to the successful bidder on or about June 12, 1991, at such location as may be specified by the purchaser.

Assessed Valuation and Indebtedness

The total assessed valuation of the taxable tangible property within the school district for 1990 is \$597,644,106. The total general obligation bonded indebtedness of the school district as of this date, including the bonds, is \$122,215,000.

Approval of Bonds

The bonds will be sold subject to the approving legal opinion of Gilmore & Bell, Kansas City, Missouri, bond counsel, which opinion will be furnished and paid for by the school district, printed on the bonds and de-

livered to the successful bidder as and when the bonds are delivered.

Additional Information

Additional information regarding the bonds may be obtained from the undersigned or George K. Baum & Company, Kansas City, Missouri, (816) 474-1100, the school district's financial advisor.

Dated April 30, 1991.

Diane Harris, District Clerk
Board of Education
Unified School District 229
Johnson County, Kansas
15020 Metcalf
P.O. Box 23901
Overland Park, KS 66223

Doc. No. 010565

(Published in the Kansas Register, May 2, 1991.)

Notice of Bond Sale

\$350,000

City of Osage City, Kansas

General Obligation Bonds

Series A1991

(Cable TV Project)

Sealed Bids

Sealed bids for the purchase of \$350,000 principal amount of General Obligation Bonds, Series A1991 (Cable TV Project), of the city hereinafter described, will be received by the undersigned, city clerk of Osage City, Kansas, on behalf of the governing body of the city at City Hall, 5th and Main, Osage City, until 5:30 p.m. C.D.T. on Tuesday, May 14, 1991.

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

Bond Details

The bonds will consist of fully registered bonds without coupons in the denomination of \$5,000 or any integral multiple thereof. The bonds will be dated May 1, 1991, and will become due serially on November 1 in the years as follows:

Year	Principal Amount
1993	\$30,000
1994	30,000
1995	35,000
1996	35,000
1997	40,000
1998	40,000
1999	45,000
2000	45,000
2001	50,000

The bonds will bear interest at rates to be determined when the bonds are sold as hereinafter provided, which interest will be payable semiannually on May 1 and November 1 in each year, beginning on May 1, 1992.

Place of Payment and Bond Registration

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

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

Redemption of Bonds Prior to Maturity

At the option of the city, bonds maturing on November 1, 1997, and thereafter will be subject to redemption and payment prior to maturity on November 1, 1996, and thereafter in whole or in part on any interest payment date (bonds of less than a single maturity to be selected by lot in multiples of \$5,000 principal amount by the paying agent and bond registrar in such equitable manner as it shall designate), at the principal amount thereof, plus accrued interest to the redemption date, without premium.

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

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

Conditions of Bids

Proposals will be received on the bonds bearing such rate or rates of interest as may be specified by the bidders, subject to the following conditions: The same rate shall apply to all bonds of the same maturity. Each interest rate specified shall be a multiple of $\frac{1}{8}$ or $\frac{1}{20}$ of 1

percent. No interest rate shall exceed the index of treasury bonds published by the weekly *MuniWeek, f/k/a Credit Markets*, in New York, New York, on the Monday next preceding the day on which the bonds are sold, plus 2 percent. The difference between the highest rate specified and the lowest rate specified shall not exceed 2 percent. No supplemental interest payments will be authorized. No bid of less than the principal amount of the bonds and accrued interest will be considered. Each bid shall specify the total interest cost to the city during the life of the bond issue on the basis of such bid, the premium, if any, offered by the bidder, and the net interest cost to the city on the basis of such bid. Each bid shall also specify the average annual net interest rate to the city on the basis of such bid. Bidders shall specify in the bid form the prices (exclusive of accrued interest), expressed as a dollar price, at which the bidder intends that each maturity amount of the bonds shall be initially offered to the public (the initial reoffering prices).

Basis of Award

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

Authorization, Purpose and Security for the Bonds

The bonds are being authorized and issued to permanently finance a cable television system to serve the city and its general citizenry. The bonds will be general obligations of the city payable as to both principal and interest in part from ad valorem taxes which may be levied without limitation upon all the taxable tangible property, real and personal, within the territorial limits of the city.

Internal Revenue Code of 1986

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

The code includes interest on tax-exempt obligations, such as the bonds, in the adjusted net book income of certain corporations for taxable years beginning after December 31, 1986, and includes, through 1989, in the calculation of alternative minimum taxable income one-half of the excess of a corporation's adjusted net book income over its alternative minimum taxable income

(continued)

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

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

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

Legal Opinion

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

Delivery and Payment

The city will pay for printing the bonds and will deliver the bonds, without cost to the successful bidder, properly prepared, executed and registered, on or about May 29, 1991, at such bank or trust company in the contiguous United States of America as may be specified by the successful bidder. Said bidder will also be furnished with a certified transcript of the proceedings evidencing the authorization and issuance of the bonds and the usual closing documents, including a certificate that there is no litigation pending or threatened at the time of delivery of the bonds affecting their validity and a certificate regarding the completeness and accuracy of the official statement. Payment for the bonds shall be made in Federal Reserve funds,

immediately subject to use by the city. The denominations of the bonds and the names, addresses and Social Security or taxpayer identification numbers of the registered owners shall be submitted in writing by the successful bidder to the city and bond registrar not later than 3 p.m. C.D.T. on May 17, 1991. In the absence of such information, the city will deliver bonds in the denomination of each maturity registered in the name of the successful bidder.

The successful bidder shall furnish the city by 3 p.m. C.D.T. on May 17, 1991, a certificate acceptable to the city's bond counsel to the effect that (i) the successful bidder has made a bona fide public offering of the bonds at the initial reoffering prices, and (ii) a substantial amount of the bonds was sold to the public (excluding brokers and other intermediaries) at such initial reoffering prices. Such certificate shall state that (1) it is made on the best knowledge, information and belief of the successful bidder, and (2) 10 percent or more in par amount of the bonds of each maturity was sold to the public at or below the initial reoffering prices (such amount being sufficient to establish the sale of a "substantial amount" of the bonds).

Good Faith Deposit

Each bid shall be accompanied by a cashier's or certified check drawn on a bank located in the United States of America in the amount of \$7,000 payable to the order of the city to secure the city from any loss resulting from the failure of the bidder to comply with the terms of the bid. No interest will be paid upon the deposit made by the successful bidder. Said check shall be returned to the bidder if the bid is not accepted. If a bid is accepted, said check shall be held by the city until the bidder shall have complied with all of the terms and conditions of this notice, at which time said check shall, at the option of the city, be returned to the successful bidder or deducted from the purchase price. If a bid is accepted but the city shall fail to deliver the bonds to the bidder in accordance with the terms and conditions of this notice, said check shall be returned to the bidder. If a bid is accepted but the bidder shall default in the performance of any of the terms and conditions of this notice, the proceeds of such check shall be forfeited to the city. The city reserves the right to pursue any consequential damages as a result of such default.

CUSIP Numbers

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

Bid Forms

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

Submission of Bids

Bids must be submitted in sealed envelopes addressed to the undersigned city clerk and marked "Pro-

posal for the Purchase of General Obligation Bonds." Bids may be submitted by mail or delivered in person to the undersigned at city hall and must be received by the undersigned prior to 5:30 p.m. C.D.T. on May 14, 1991.

Date and Delivery of Preliminary and Final Official Statement

The city has authorized the preparation and disbursement of a preliminary official statement containing information relating to the bonds. The preliminary official statement comprises the final official statement required by Rule 15c2-12 of the Securities and Exchange Commission.

The preliminary official statement, when amended to include the interest rates specified by the underwriter(s) and the price or yield at which the underwriter(s) will re-offer the bonds to the public, together with any other information required by law, will constitute a "Final Official Statement" with respect to the bonds as that term is defined in Rule 15c2-12. No more than seven business days after the date of the sale, the city will provide without cost to the purchaser(s) a reasonable number of printed copies of the final official statement and further copies, if desired, will be made available at the underwriter's expense. If the sale of the bonds are awarded to a syndicate, the city will designate the senior managing underwriter of the syndicate as its agent for purposes of distributing copies of the final official statement to each participating underwriter. Any underwriter executing and delivering a bid form with respect to the bonds agrees thereby that if its bid is accepted it shall accept such designation and shall enter into a contractual relationship with all participating underwriters for the purpose of assuring the receipt and distribution by each such participating underwriter of the final official statement.

The city will deliver to the underwriter(s) on the date of delivery of the bonds a certificate executed by the mayor and city clerk to the effect that the final official statement, as of the date of delivery of the bonds, does not contain any untrue statement of a material fact or omit to state a material fact necessary to make the statements made, in the light of the circumstances in which they are made, not misleading.

Copies of the city's preliminary official statement relating to the bonds may be obtained from the city clerk or the city's financial advisor, David Brant, Bank IV, 534 Kansas Ave., Topeka, KS 66603-3412, (913) 295-3543.

Assessed Valuation and Indebtedness

The total assessed valuation of the taxable tangible property within the city for the year 1991 is \$9,562,102. The total general obligation bonded indebtedness of the city as of the date of the bonds, including the bonds, is \$2,615,000, of which \$2,520,000 is exempt from the city's bonded indebtedness limit and the principal and interest thereon is currently paid from utility system revenues and not from ad valorem property taxes.

Dated April 23, 1991.

City of Osage City, Kansas
Nina D. Gragg, City Clerk
City Hall
5th and Main
Osage City, KS 66523
(913) 528-3714

(Published in the Kansas Register, May 2, 1991.)

Summary Notice of Bond Sale

\$215,000

City of Sabetha

Nemaha County, Kansas

General Obligation Water System Bonds
Series 1991

(general obligation bonds payable from
unlimited ad valorem taxes)

Sealed Bids

Subject to the notice of bond sale dated April 1, 1991, sealed bids will be received by the city clerk of the city of Sabetha, Nemaha County, Kansas, on behalf of the city commission of said city at the city clerk's office, City Hall, 805 Main Street, P.O. Box 187, Sabetha, KS 66534, until 6 p.m. C.D.T. on Monday, May 20, 1991, for the purchase of \$215,000 principal amount of General Obligation Water System Bonds, Series 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 each or any integral multiple thereof. The bonds will be dated May 1, 1991, and will become due serially on September 1 in the years as follows:

Year	Principal Amount
1994	\$ 10,000
1995	10,000
1996	25,000
1997	25,000
1998	25,000
1999	30,000
2000	30,000
2001	30,000
2002	30,000

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 \$4,300 (2 percent of the principal amount of the bonds).

Delivery

The city will pay for printing the bonds and will deliver the same properly prepared, executed and registered without cost to the successful bidder on or before June 14, 1991, at such bank or trust company in the state of Kansas or Kansas City, Missouri, as may be specified by the successful bidder.

Redemption Provisions

Bonds maturing in 1997 and thereafter are subject to call and redemption at the option of the city in inverse order of maturity on September 1, 1996, or on any interest payment date thereafter, at par and ac-

(continued)

crued interest to date of redemption, without premium, in the manner described in the bond ordinance.

Assessed Valuation and Indebtedness

The equalized assessed tangible valuation for computation of bonded debt limitations for the year 1990 is \$10,785,776. The total general obligation indebtedness of the city as of the date of the bonds, including the bonds being sold, is \$894,000.

Approval of Bonds

The bonds will be sold subject to the legal opinion of Fred W. Rausch, Jr., Topeka, Kansas, bond counsel, whose approving legal opinion as to the validity of the bonds will be furnished and paid for by the city, printed on the bonds and delivered to the successful bidder as and when the bonds are delivered.

Additional Information

Additional information regarding the bonds may be obtained from George K. Baum & Company, 12 Wyandotte Plaza, 120 W. 12th, Kansas City, MO 64105 (1-800-821-7195); or from bond counsel, Suite 201, 220 S.W. 33rd, Topeka, KS 66611, (913) 267-3470.

Dated April 1, 1991.

Beverly A. Baker
City Clerk

Doc. No. 010572

(Published in the Kansas Register, May 2, 1991.)

Summary Notice of Bond Sale City of Lawrence, Kansas

\$1,545,000

General Obligation Bonds Series L 1991

(general obligation bonds payable from
unlimited ad valorem taxes)

Sealed Bids

Subject to the official notice of bond sale and preliminary official statement, sealed bids will be received by the city clerk of the city of Lawrence, Kansas, on behalf of the governing body at the City Hall, 6 E. 6th, Lawrence, until 11 a.m. C.D.T. on May 14, 1991, for the purchase of \$1,545,000 principal amount of General Obligation Bonds, Series L 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. The bonds will be dated May 1, 1991, and will become due serially on September 1 in the years as follows:

Year	Principal Amount
1992	\$ 95,000
1993	115,000
1994	125,000
1995	135,000
1996	150,000
1997	160,000

1998	175,000
1999	185,000
2000	195,000
2001	210,000

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 \$30,900 (2 percent of the principal amount of the bonds).

Delivery

The city will pay for printing the bonds and will deliver the same properly prepared, executed and registered without cost to the successful bidder on or before 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 \$291,969,584. The total general obligation indebtedness of the city as of the date of the bonds, including the bonds being sold, is \$23,502,000.

Approval of Bonds

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

Additional Information

Additional information regarding the bonds may be obtained from the city clerk, 6 E. 6th, Lawrence, KS 66044, Attention: Raymond J. Hummert, (913) 841-7722).

Dated April 23, 1991.

City of Lawrence, Kansas
By Raymond J. Hummert, City Clerk
City Hall
6 E. 6th
Lawrence, KS 66044
(913) 841-7722

Doc. No. 010564

State of Kansas

Department of Revenue

Temporary Administrative Regulations

Article 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-92-4-25-91, April 25, 1991.)

Mark Beshears
Secretary of Revenue

Doc. No. 010557

(Published in the Kansas Register, May 2, 1991.)

Summary Notice of Bond Sale
\$440,000

City of Coldwater, Kansas
General Obligation Water System 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 April 10, 1991, of the city of Coldwater, Kansas, in connection with the city's General Obligation Water System Bonds hereinafter described, sealed, written bids shall be received at the city's offices at 239 E. Main, Coldwater, until 2 p.m. C.D.T. on Tuesday, May 14, 1991, for the purchase of the bonds. 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 governing body of the city.

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 the public bidding on these bonds, which may be obtained from the city clerk or from the city'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 city, 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 \$440,000. The bonds shall be issued as fully registered bonds in the denomination of \$5,000 or any integral multiple thereof not exceeding the principal amount of bonds maturing in any year. The bonds shall bear a dated date of May 15, 1991. The bonds shall bear interest, payable as hereinafter set forth, at the rates specified by the successful bidder for the bonds. Certain of the bonds are subject to redemption as set forth in the official notice of bond sale.

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

Principal Amount	Maturity Date
\$10,000	1992
10,000	1993
10,000	1994
15,000	1995
15,000	1996
15,000	1997
15,000	1998
15,000	1999
20,000	2000
20,000	2001
20,000	2002
25,000	2003
25,000	2004
25,000	2005
30,000	2006
30,000	2007
30,000	2008
35,000	2009
35,000	2010
40,000	2011

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 payable 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 shall constitute general obligations of the city, and the full faith, credit and resources of the city shall be pledged to the payment thereof. The city shall 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 city 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 city to the successful bidder, or at its direction, on or about Wednesday, May 29, 1991, at such bank or trust

(continued)

company or other qualified depository 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 city. 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 city's 1990 assessed valuation is as follows:

Assessed valuation of taxable tangible property ..	\$2,431,659
Motor vehicle valuation	40,533
Equalized assessed tangible valuation for computation of bonded debt limitations	\$2,472,192

The city's outstanding general obligation bonded indebtedness at May 15, 1991, not including the bonds described herein, will be in the principal amount of \$70,000.

Official Statement

The city has prepared a preliminary official statement relating to the bonds, copies of which may be obtained

from the city or the city's financial advisor. The preliminary official statement is in a form "deemed final" by the city for the purpose of the Securities 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 city 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 city, the bonds and the sale, interested parties are invited to request copies of the complete official notice of bond sale and official bid form and the city's preliminary official statement for the bonds, all of which may be obtained from the undersigned or from the city's financial advisor, Gale Doner, Hanifen Imhoff, Inc., 250 N. Rock Road, Suite 213, Wichita, KS 67206, (316) 682-1001.

Johnita Fleming, City Clerk
City Hall, 239 E. Main
Coldwater, KS 67029
(316) 582-2940

Doc. No. 010574

State of Kansas

Office of Judicial Administration Court of Appeals Docket

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

Kansas Court of Appeals
Court of Appeals Courtroom, 2nd Floor, Kansas Judicial Center
Topeka, Kansas

Before Briscoe, C.J.; Elliott and Larson, JJ.

Tuesday, May 14, 1991

9:30 a.m.

Case No.	Case Name	Attorneys	County
65,098	State of Kansas, Appellee,	Gene M. Olander Attorney General	Shawnee
	v. Nicholas Penland, Appellant.	Malcolm L. Copeland	
65,368	State of Kansas, Appellee,	Gene M. Olander Attorney General	Shawnee
	v. Daniel W. Fulkerson, Appellant.	John A. McKinnon	

10:30 a.m.

65,464	State of Kansas, Appellee,	Gene M. Olander Attorney General	Shawnee
	v. Lesley M. Johnson, Appellant.	Jessica R. Kunen	

64,992	State of Kansas, Appellee,	Gene M. Olander Attorney General	Shawnee
	v.		
	Melvin M. Sledd, Jr., Appellant.	Mike McCoy	
1:30 p.m.			
65,530	State of Kansas, Appellant,	County Attorney Attorney General	Lyon
	v.		
	Feliz Garcia, Appellee.	Don W. Lill	
65,778	In the Matter of the Estate of Joe Cliff Mace, <i>et al.</i>	Jack L. Lively Curt T. Schneider Robert L. Eastman	Montgomery

2:30 p.m.

65,826	Erma Graybeal, Appellant,	C. Bruce Works Steven R. Fabert	Lyon
	v.		
	Irsik & Doll Feed Serv., Inc., Appellee.	W. Irving Shaw	
65,338	State of Kansas, Appellee,	Debra Byrd Wagner Attorney General	Sedgwick
	v.		
	Eddie D. Scales, Appellant.	Jessica R. Kunen	

Wednesday, May 15, 1991

9:30 a.m.

Case No.	Case Name	Attorneys	County
65,875	Danny Ray Lamb, Appellant,	Charles J. Cavenee	Leavenworth
	v.		
	Kansas Parole Board, Appellee.	Attorney General	
65,724	William Stewart, Appellant,	Pantaleon Florez, Jr.	Shawnee
	v.		
	State of Kansas, Department of Administration, <i>et al.</i> , Appellees.	Billy E. Newman	
65,947	Ross A. Clemmons, Appellant,	Kenneth F. Crockett	Shawnee
	v.		
	Farm Bureau Insurance Co., Inc., Appellee.	Charles R. Hay	

Summary Calendar—No Oral Argument

65,677	State of Kansas, Appellee,	Gene M. Olander Attorney General	Shawnee
	v.		
	Curtis L. Zirkle, Appellant.	Jessica R. Kunen	
65,284	State of Kansas, Appellee,	County Attorney Attorney General	Geary
	v.		
	Tina Cooper, Appellant.	Jessica R. Kunen	
65,594	State of Kansas, Appellee,	County Attorney Attorney General	Geary
	v.		
	Hardy Parks, Appellant.	Jessica R. Kunen	(continued)

66,025 Louis Osei Cotton, Appellant, Louis Osei Cotton, *pro se* Leavenworth
 v.
 Director of Kansas State Penitentiary, Linden G. Appel
 Appellee.

Kansas Court of Appeals
 Fatzer Courtroom, 3rd Floor, Kansas Judicial Center
 Topeka, Kansas

Before Rees, P.J.; Davis and Pierron, JJ.

Tuesday, May 14, 1991

9:30 a.m.

Case No.	Case Name	Attorneys	County
65,325	State of Kansas, Appellee, v. Kenneth L. Bennett, Appellant.	Debra Byrd Wagner Attorney General Lucille Marino	Sedgwick
65,447	State of Kansas, Appellee, v. Louis Alford, Jr., Appellant.	Debra Byrd Wagner Attorney General Steven R. Zinn	Sedgwick

10:30 a.m.

65,451	State of Kansas, Appellee, v. Brandon N. Irons, Appellant.	Debra Byrd Wagner Attorney General Pat Lawless	Sedgwick
65,595	Norma L. Mitchell, Appellee, v. Lillian S. Garza, Appellant.	William L. Mitchell Richard J. Rome	Reno

1:30 p.m.

63,519	State of Kansas, Appellee, v. Herbert Jones, Appellant.	Debra Byrd Wagner Attorney General Tom Jacquinot	Sedgwick
65,570	State of Kansas, Appellant, v. John Darin Pote, Appellee.	Debra Byrd Wagner Attorney General M. David Zacharias	Sedgwick

2:30 p.m.

65,386	State of Kansas, Appellee, v. Stephen Michael McMahon, Appellant.	County Attorney Attorney General Steven R. Zinn	Finney
65,577	State of Kansas, Appellee, v. Rafael Barraza-Flores, Appellant.	County Attorney Attorney General Steven R. Zinn	Finney

Wednesday, May 15, 1991

9:30 a.m.

Case No.	Case Name	Attorneys	County
65,538	The Elite Professionals, Inc., Appellant, v. Carrier Corp., Appellees.	Alan R. Welch Sharon L. Chalker	Sedgwick
65,456	Advantage Leasing, Inc., Appellee, v. Gordon R. Weltmer, et al., Appellees, and Steven Imports, Appellant.	Christopher McElgunn Larry B. Spikes Patricia Rose David P. Calvert	Sedgwick

10:30 a.m.

65,333	Maurice A. Yarmer, Appellant, v. Brenda J. Yarmer, Appellee.	Dennis J. Keenan Jerry E. Driscoll	Barton
65,567	In the Matter of the Adoption of J.M.U. v.	Robb W. Rumsey John Brimer	Sedgwick

Summary Calendar—No Oral Argument

65,977	In the Matter of the Marriage of Raymond E. Ferguson and Linda Faye Ferguson.	Robert W. Christensen Tom Black	Pratt
65,245	State of Kansas, Appellee, v. Jake Varah, Appellant.	County Attorney Attorney General Jessica R. Kunen	Barton
65,490	State of Kansas, Appellee, v. Jackie B. Cox II, Appellant.	Debra Byrd Wagner Attorney General Jessica R. Kunen	Sedgwick

Kansas Court of Appeals
Supreme Court Courtroom, 3rd Floor, Kansas Judicial Center
Topeka, Kansas

Before Lewis, P.J.; Brazil and Rulon, JJ.

Tuesday, May 14, 1991

9:30 a.m.

Case No.	Case Name	Attorneys	County
65,774	City of Paola, Appellee, v. John A. Crooks, Appellant.	Lee H. Tetwiler John Crooks, <i>pro se</i>	Miami
65,421	State of Kansas, Appellee, v. Douglas B. Schmidt, Appellant.	County Attorney Attorney General David R. Gilman	Miami

10:30 a.m.

65,206	In the Matter of the Marriage of Suzan D. Hinds and Sam C. Hinds.	William R. McQuillan Alan M. Boeh	Doniphan
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(continued)

65,853 Charles and Debra Tickles, Appellees, Donald P. Herron Johnson
Kenneth Berra
v.
Kent and Kelly Stonestreet, Appellants. Kreg Stonestreet

Summary Calendar—No Oral Argument

64,536 In the Interests of E.E., *et al.* John Knudson Wyandotte
Jeff Dehon
Calvin G. Bender

Before Lewis, P.J.; Rulon and Gernon, JJ.

Tuesday, May 14, 1991

1:30 p.m.

65,679 City of Westwood Hills, Appellee, Ronald S. Reuter Johnson
65,680
v.
Earl L. Nagels, Appellant. Earl Nagels

65,671 Roger E. Slayden, Appellant, Martha A. Peterson Johnson
v.
Jennifer S. Sixta, Appellee. Leonard R. Frischer

2:30 p.m.

65,720 Michael S. Holland, Appellant, Michael S. Holland Johnson
v.
Bunker Motor Co., Appellee. Paul Hasty, Jr.

65,807 Carol Lyon, Appellee, N. Jack Brown Johnson
Mark V. Parkinson
v.
Hardees Food Systems, Inc., Appellant. Paul Hasty, Jr.

Summary Calendar—No Oral Argument

65,904 State of Kansas, Appellee, Nick A. Tomasic Wyandotte
65,905 Attorney General
v.
Donal L. Crawford, Appellant. Jay H. Vader

Before Lewis, P.J.; Brazil and Gernon, JJ.

Wednesday, May 15, 1991

9:30 a.m.

Case No.	Case Name	Attorneys	County
65,475	City of Edwardsville, Appellee, v. Ronald Aitkens, Appellant.	John J. McNally Ronald Aitkens, <i>pro se</i>	Wyandotte
65,995	Alexandra M. Bardwell, Appellee, v. Carl R. Kester, <i>et al.</i> , and Farmers Insurance Co., Inc., Appellants.	Donald T. Taylor William T. Fitzgerald	Wyandotte

10:30 a.m.

- | | | | |
|--------|--|--|-----------|
| 65,878 | K.C.K. Auto Finance, Inc., Appellee,
v.
Twila D. Womack and Lady Foot
Locker Co., Appellants. | Laurence M. Jarvis
J. Nick Badgerow | Wyandotte |
| 65,332 | State of Kansas, Appellant,
v.
1984 Chevrolet Corvette, Appellee. | Kyle G. Smith
Caleb Boone | Rooks |

Summary Calendar—No Oral Argument

- | | | | |
|--------|--|--|---------|
| 65,532 | State of Kansas, Appellee,
v.
Brian D. Burns, Appellant. | District Attorney
Attorney General
David R. Gilman | Johnson |
|--------|--|--|---------|

Before Brazil, P.J.; Rulon and Gernon, JJ.

Wednesday, May 15, 1991

1:30 p.m.

- | | | | |
|--------|---|--|---------|
| 65,317 | State of Kansas, Appellee,
v.
Larry L. Nelson, Appellant. | County Attorney
Attorney General
Rebecca Woodman | Barton |
| 65,046 | State of Kansas, Appellee,
v.
Jerry Dye, Appellant. | County Attorney
Attorney General
Steven R. Zinn | Labette |

2:30 p.m.

- | | | | |
|--------|---|--|----------|
| 65,449 | State of Kansas, Appellee,
v.
John C. Ehmann, Appellant. | County Attorney
Attorney General
Reid Nelson | Franklin |
| 65,260 | State of Kansas, Appellee,
v.
Ronald L. Carpenter, Appellant. | County Attorney
Attorney General
Tom Jacquinet | Franklin |

Summary Calendar—No Oral Argument

- | | | | |
|--------|---|---|---------|
| 65,580 | State of Kansas, Appellee,
v.
Tony E. Doles, Appellant. | District Attorney
Attorney General
Jessica R. Kunen | Johnson |
|--------|---|---|---------|

Lewis C. Carter
Clerk of the Appellate Courts

State of Kansas
Secretary of State

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

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

Bill Graves
Secretary of State

(Published in the Kansas Register, May 2, 1991.)

SUBSTITUTE FOR SENATE BILL No. 118

AN ACT concerning persons in active military service and spouses and persons serving in support thereof; relating to maintenance of licensure by such persons for the practice of certain occupations or professions; exempting such persons from certain penalties and fee payments for failure to comply with certain traffic citations; providing for extensions of time for the performance of certain acts under the Kansas income tax act; amending K.S.A. 79-3221 and K.S.A. 1990 Supp. 8-2110 and repealing the existing sections; also repealing K.S.A. 65-2201 to 65-2205, inclusive.

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

New Section 1. As used in sections 1 through 5 of this act:

(a) "Military service" means active duty by a licensee in the army, navy, marine corps, air force, air or army national guard, coast guard or any branch of the military reserves of the United States.

(b) "License" means any permit, certificate, authority, privilege or registration whether temporary or permanent issued, granted or made by the state of Kansas or any officer, board, department or commission or agency thereof authorizing a person to engage in or practice an occupation or profession in this state.

(c) "Licensee" means a person who had, at the time of commencing a period of military service, a valid, existing license to engage in or practice an occupation or profession in this state. "Licensee" also means a person who, while in military service, obtains a valid license to engage in or practice an occupation or profession in this state.

New Sec. 2. (a) The license of a licensee shall continue to be valid while the licensee is in the military service and for six months following release therefrom. No licensee shall be required to pay a renewal fee, submit a renewal application, obtain continuing education or meet other conditions to maintain a license while such licensee is in the military service. No license of any licensee shall expire, lapse or be canceled, revoked or suspended because of the failure to timely renew such license, including the failure to meet any conditions prerequisite to renewal, during the period of military service.

(b) The provisions of this section are subject to the provisions of section 3. To the extent that the provisions of any other law conflict with this section, this section shall control.

New Sec. 3. (a) A licensee who desires to engage in or practice an occupation or profession in this state after release from military service shall submit, within six months after such release, but not later than two weeks after engaging in or practicing such occupation or profession in this state after such release, the renewal fee required by law for the current license period with a completed renewal application, and thereupon, the licensee shall be deemed to have complied with all requirements of law relating to payment of licensure renewal fees. A licensee who submits the renewal fee and completed renewal application in accordance with this section shall not be charged any late payment fees or penalties. The license of a licensee who fails to renew the license pursuant to this section may be canceled, revoked or suspended in accordance with the applicable law.

(b) A licensee who is required by law to obtain continuing education as a condition prerequisite to renewal of a license shall be given a one-year period of time for fulfillment of such continuing education requirement, such period of time to commence on the

date the licensee submits the renewal fee and completed renewal application in accordance with subsection (a).

New Sec. 4. (a) The provisions of sections *1 through 5 of this act shall not apply to licensees who during the period of military service engage in or practice an occupation or profession in this state outside of the line of duty in the military service.

(b) If the license of any licensee has expired, lapsed or been suspended or revoked prior to the effective date of this act solely because of the failure of such licensee to comply with conditions for renewal while the licensee was in the military service, such expiration, cancellation, suspension or revocation is hereby set aside and canceled.

(c) Any licensee held in default, pursuant to K.S.A. 77-520 and amendments thereto, in any disciplinary action commenced by the licensing agency, may file a written motion before the agency within six months of release from active duty, requesting that such default be set aside. Such motion shall be granted if the agency finds that military service prevented the licensee's appearance or participation in the disciplinary proceeding.

New Sec. 5. No license shall be revoked, suspended or canceled by any licensing board or agency for failure to maintain professional liability insurance or for failure to pay the surcharge to the health care stabilization fund, as required by the health care provider insurance availability act, if such lapse in coverage occurred during the period of military service.

Sec. 6. K.S.A. 1990 Supp. 8-2110 is hereby amended to read as follows: 8-2110. (a) Failure to comply with a traffic citation means failure either to (1) appear before any district or municipal court in response to a traffic citation and pay in full any fine and court costs imposed or (2) otherwise comply with a traffic citation as provided in K.S.A. ~~1989~~ 1990 Supp. 8-2118 and amendments thereto. Failure to comply with a traffic citation is a misdemeanor, regardless of the disposition of the charge for which such citation was originally issued.

(b) In addition to penalties of law applicable under subsection (a), when a person fails to comply with a traffic citation, except for illegal parking, standing or stopping, the district or municipal court in which the person should have complied with the citation shall mail notice to the person that if the person does not appear in district or municipal court or pay all fines, court costs and any penalties within 30 days from the date of mailing, the division of vehicles will be notified to suspend the person's driving privileges. Upon the person's failure to comply within such 30 days, the district or municipal court shall notify the division of vehicles. Upon receipt of a report of a failure to comply with a traffic citation under this subsection, pursuant to K.S.A. 8-255, and amendments thereto, the division of vehicles shall notify the violator and suspend the license of the violator until satisfactory evidence of compliance with the terms of the traffic citation has been furnished the informing court. Upon such compliance the informing court shall notify the division of vehicles and the suspension or suspension action shall be terminated.

(c) *Except as provided in subsection (d)*, when the district or municipal court notifies the division of vehicles of a failure to comply with a traffic citation pursuant to subsection (b), the court shall assess a reinstatement fee of \$50 for each charge on which the person failed to make satisfaction regardless of the disposition of the charge for which such citation was originally issued. Such reinstatement fee shall be in addition to any fine, district or municipal court costs and other penalties. The court shall, at least monthly, remit all reinstatement fees to the state treasurer who shall credit 50% of such moneys to the division of vehicles operating fund, 25% to the community alcoholism and intoxication programs fund created by K.S.A. 41-1126 and amendments thereto, 12.5% to the highway patrol training center fund created by K.S.A. 1990 Supp. 74-2134 and amendments thereto and 12.5% to the juvenile detention facilities capital improvements fund created by K.S.A. 1990 Supp. 38-556 and amendments thereto.

(d) *The district court or municipal court shall waive the reinstatement fee provided for in subsection (c), if the failure to comply with a traffic citation was the result of such person enlisting in or being drafted into the armed services of the United States, being called into service as a member of a reserve component of the military*

service of the United States, or volunteering for such active duty, or being called into service as a member of the state of Kansas national guard, or volunteering for such active duty, and being absent from Kansas because of such military service. In any case of a failure to comply with a traffic citation which occurred on or after August 1, 1990, and prior to the effective date of this act, in which a person was assessed and paid a reinstatement fee and the person failed to comply with a traffic citation because the person was absent from Kansas because of any such military service, the reinstatement fee shall be reimbursed to such person upon application therefor. The state treasurer and the director of accounts and reports shall prescribe procedures for all such reimbursement payments and shall create appropriate accounts, make appropriate accounting entries and issue such appropriate vouchers and warrants as may be required to make such reimbursement payments.

Sec. 7. K.S.A. 79-3221 is hereby amended to read as follows: 79-3221. (a) All returns required by this act shall be made as nearly as practical in the same form as the corresponding form of income tax return by the United States.

(b) All returns shall be filed in the office of the director of taxation on or before the 15th day of the fourth month following the close of the taxable year, except as provided in subsection (c) hereof. Tentative returns may be filed before the close of the taxable year and the estimated tax computed on such return, paid. ~~Provided, however, That, but no interest will be paid on any overpayment of tax liability, computed on such tentative return.~~

(c) The director of taxation may grant a reasonable extension of time for filing returns in accordance with rules and regulations of the secretary of revenue.

(d) ~~Time to be disregarded.~~ In the case of an individual serving in the armed forces of the United States, or serving in support of such armed forces, in an area designated by the president of the United States by executive order as a "combat zone" as defined under the internal revenue code as enacted in 1954 (26 U.S.C.A. 112; 68A Stat. 34) 26 U.S.C. 112 at any time during the period designated by the president by executive order as the period of combatant activities in such zone for the purposes of such section, or hospitalized outside the states of the union and the District of Columbia as a result of injury received or sickness incurred while serving in such an area during such time, the period of service in such area, plus the period of continuous qualified hospitalization outside the states of the union and the District of Columbia attributable to such injury or sickness, and the next 180 days thereafter, shall be disregarded in determining, under the Kansas income tax laws article 32 of chapter 79 of the Kansas Statutes Annotated, in respect of any tax liability (including any interest, penalty, additional amount, or addition to the tax) of such individual.

(1) Whether any of the following acts was performed within the time prescribed therefor: (A) Filing any return of income tax; (B) payment of any income tax or installment thereof; (C) filing a notice of appeal with the director of taxation or the board of tax appeals for redetermination of a deficiency or for a review of a decision rendered by either said director or the board of tax appeals; (D) allowance of a credit or refund of any income tax; (E) filing a claim for credit or refund of any income tax; (F) bringing suit upon any such claim for credit or refund; (G) assessment of any income tax; (H) giving or making any notice or demand for the payment of any income tax, or with respect to any liability to the state of Kansas in respect of any income tax; (I) collection, by the director of taxation or his or her agent, by warrant, levy or otherwise, of the amount of any liability in respect to any income tax; (J) bringing suit by the state of Kansas, or any officer on its behalf, in respect to any liability in respect of any income tax; and (K) any other act required or permitted under the Kansas income tax act specified in rules and regulations adopted by the secretary of revenue under this section;

(2) The amount of any credit or refund.

(e) (1) Subsection (d) shall not apply for purposes of determining the amount of interest on any overpayment of tax.

(2) If an individual is entitled to the benefits of subsection (d) with respect to any return and such return is timely filed (determined after the application of such subsection), subsections (e)(5) and (e)(7) of K.S.A. 79-32,105, and amendments thereto, shall not apply.

(f) The provisions of subsection (d) and the subsequent subsections of this section shall apply to the spouse of any individual entitled to the benefits of subsection (d). Except in the case of the combat zone designated for purposes of the Vietnam conflict, the preceding sentence shall not cause subsection (d) and the subsequent subsections of this section to apply for any spouse for any taxable year beginning more than two years after the date designated under 26 U.S.C. 112 as the date of termination of combatant activities in a combat zone.

(g) The period of service in the area referred to in subsection (d) shall include the period during which an individual entitled to benefits under subsection (d) is in a missing status, within the meaning of 26 U.S.C. 6013(f)(3).

(h) (1) Notwithstanding the provisions of subsection (d), any action or proceeding authorized by K.S.A. 79-3229, and amendments thereto, as well as any other action or proceeding authorized by law in connection therewith, may be taken, begun or prosecuted. In any other case in which the secretary determines that collection of the amount of any assessment would be jeopardized by delay, the provisions of subsection (d) shall not operate to stay collection of such amount by levy or otherwise as authorized by law. There shall be excluded from any amount assessed or collected pursuant to this subsection the amount of interest, penalty, additional amount, and addition to the tax, if any, in respect of the period disregarded under subsection (d). In any case to which this paragraph relates, if the secretary is required to give any notice to or make any demand upon any person, such requirement shall be deemed to be satisfied if the notice or demand is prepared and signed, in any case in which the address of such person last known to the secretary is in an area for which United States post offices under instructions of the postmaster general are not, by reason of the combatant activities, accepting mail for delivery at the time the notice or demand is signed. In such case the notice or demand shall be deemed to have been given or made upon the date it is signed.

(2) The assessment or collection of any tax under the provisions of article 32 of chapter 79 of the Kansas Statutes Annotated, or any action or proceeding by or on behalf of the state in connection therewith, may be made, taken, begun or prosecuted in accordance with law, without regard to the provisions of subsection (d), unless prior to such assessment, collection, action or proceeding it is ascertained that the person concerned is entitled to the benefits of subsection (d).

(i) (1) Any individual who performed Desert Shield services (and the spouse of such individual) shall be entitled to the benefits of subsection (d) and the subsequent subsections of this section in the same manner as if such services were services referred to in subsection (d).

(2) For purposes of this subsection, the term "Desert Shield services" means any services in the armed forces of the United States or in support of such armed forces if:

(A) Such services are performed in the area designated by the president as the "Persian Gulf Desert Shield area", and

(B) such services are performed during the period beginning on August 2, 1990, and ending on the date on which any portion of the area referred to in subparagraph (A) is designated by the president as a combat zone pursuant to 26 U.S.C. 112.

(j) For purposes of subsection (d), the term "qualified hospitalization" means:

(1) Any hospitalization outside the United States, and

(2) any hospitalization inside the United States, except that not more than five years of hospitalization may be taken into account under this paragraph. This paragraph shall not apply for purposes of applying subsection (d) and the subsequent subsections of this section with respect to the spouse of an individual entitled to the benefits of subsection (d).

Sec. 8. K.S.A. 65-2201, 65-2202, 65-2203, 65-2204, 65-2205 and 79-3221 and K.S.A. 1990 Supp. 8-2110 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, May 2, 1991.)
SENATE BILL No. 74

AN ACT making and concerning appropriations for the fiscal years ending June 30, 1991, and June 30, 1992, for a capital improvement project for the university of Kansas medical center; authorizing the initiation and completion of a capital improvement project; authorizing certain transfers, imposing certain restrictions and limitations, and directing or authorizing certain receipts and disbursements and acts incidental to the foregoing.

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

Section 1. For the fiscal years ending June 30, 1991, and June 30, 1992, appropriations are hereby made, restrictions and limitations are hereby imposed, and transfers, receipts, disbursements and acts incidental to the foregoing are hereby directed or authorized to initiate and complete a capital improvement project as provided in this act.

Sec. 2.

UNIVERSITY OF KANSAS MEDICAL CENTER

(a) There is appropriated from the above agency from the state general fund for the fiscal year ending June 30, 1991, the following:

Repair fire damage — Battenfeld auditorium \$175,000

(b) On July 1, 1991, any unencumbered balance in excess of \$100 as of June 30, 1991, in the repair fire damage — Battenfeld auditorium account of the state general fund is hereby reappropriated for the above agency for fiscal year 1992.

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

(Published in the Kansas Register, May 2, 1991.)
SENATE BILL No. 196

AN ACT relating to jurisdiction of the commissioner of insurance; multiple employer welfare arrangements; imposing a gross premium tax on certain such associations; amending K.S.A. 40-2222 and repealing the existing section.

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

Section 1. K.S.A. 40-2222 is hereby amended to read as follows: 40-2222. Any person or other entity which provides coverage in this state for medical, surgical, chiropractic, physical therapy, speech pathology, audiology, professional mental health, dental, hospital, or optometric expenses, whether such coverage is by direct payment, reimbursement, or otherwise, shall be presumed to be subject to the jurisdiction of the commissioner of insurance unless the person or other entity conclusively shows by submission of an appropriate certificate, license or other document issued by a governmental agency that it is: (a) is a professional association of architects incorporated in Kansas on October 4, 1954, which provides coverage for the payment of expenses described herein to or for the members of the association or dependents through a trust established November 1, 1986, and complies with section 2 of this act;

(b) is a professional association of dentists incorporated in Kansas on July 3, 1972, which provides coverage for the payment of expenses described herein to or for the members of the association or dependents through a trust established November 1, 1985, and complies with section 2 of this act;

(c) is a trade association of banks incorporated in Kansas on August 9, 1978, which provides coverage for the payment of expenses described herein to or for the members of the association or dependents through a trust established July 1, 1989, and complies with section 2 of this act;

(d) is a trade association of truckers incorporated in Kansas on July 1, 1985, which provides coverage for the payment of expenses described herein to or for the members of the association or dependents through a trust established January 1, 1990, and complies with section 2 of this act;

(e) is an association of physicians practicing in the Kansas City metropolitan area, incorporated in Missouri on March 5, 1891, and qualified as a foreign corporation in Kansas on May 19, 1987, which provides coverage for the payment of expenses described herein to or for the members of the association, their employees and dependents through a trust established November 1, 1984, and complies with section 2 of this act;

(f) conclusively shows by submission of an appropriate certificate, license, letter or other document issued by the United States de-

partment of labor that such person or entity is not subject to Kansas law; or

(g) conclusively shows that it is subject to the jurisdiction of an agency of this state or the federal government. For purposes of this act, tax exempt status under section 501(c) of the federal internal revenue code of 1986 shall not be deemed to be jurisdiction of the federal government.

New Sec. 2. At the time the initial application for coverage is taken with respect to new applicants and upon the first renewal, reinstatement or extension of coverage following the effective date of this act with respect to persons previously covered, each association described in subsections (a), (b), (c), (d) and (e) of K.S.A. 40-2222, and amendments thereto, shall provide a written notice stating that:

(a) The coverage is not provided by an insurance company;

(b) the plan is not subject to the laws and regulations relating to insurance companies;

(c) the plan is not under the jurisdiction of the commissioner of insurance; and

(d) if the plan does not pay medical expenses that are eligible for payment under the plan for any reason, the individuals covered by the plan may be liable for such expenses.

New Sec. 3. (a) As a condition precedent to continuation of the exemption provided by K.S.A. 40-2222, and amendments thereto, each association described in subsections (a), (b), (c), (d) and (e) thereof shall, no later than May 1 of each year, pay a tax at the rate of 1% per annum upon the annual Kansas gross premium collected during the preceding calendar year. In the computation of the tax, such associations shall be entitled to deduct any annual Kansas gross premiums returned on account of cancellation or dividends returned to members or expenditures used for the purchase of reinsurance or stop-loss coverage.

(b) Every association subject to taxation under the provisions of this section shall pay the tax imposed and make a return thereof under oath to the commissioner of insurance under such rules and regulations and in such form and manner as the commissioner may prescribe.

Sec. 4. K.S.A. 40-2222 is 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, May 2, 1991.)

SENATE BILL No. 267

AN ACT concerning motor vehicles; relating to vehicle dealers and manufacturers; concerning the establishment, addition or relocation of new vehicle dealers; requirements; burden of proof; relevant market area; prohibitions; effect of noncompliance.

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

Section 1. (a) Any licensee, or proposed licensee, who proposes to establish an additional new vehicle dealer for new motor vehicles or permit the relocation of an existing new vehicle dealer in new motor vehicles to a location within the relevant market area where the same line-make vehicle is already presently represented by a new vehicle dealer or dealers in new motor vehicles of that same line-make shall give written notice of its intention by certified mail to the director of vehicles and shall establish good cause for adding or relocating the new vehicle dealer. The notice required hereunder shall state:

(1) The specific location at which the additional or relocated new vehicle dealer in new motor vehicles will be established;

(2) the date on or after which the licensee, or proposed licensee, intends to be engaged in business as a new vehicle dealer in new motor vehicles at the proposed location;

(3) the identity of all new vehicle dealers in new motor vehicles who are franchised to sell the same line-make vehicle from licensed locations whose relevant market areas include the location where the additional or relocated dealer is proposed to be located;

(4) the names and addresses of the new vehicle dealer-operator and principal investors in the proposed new vehicle dealer's business; and

(5) a short and plain statement of the evidence the licensee, or proposed licensee, intends to rely upon in meeting the burden of proof for establishing good cause for an additional new vehicle dealer for new motor vehicles or permit relocation of an existing new vehicle dealer in new motor vehicles within a relevant market area where the same line-make of vehicle is presently represented by a new vehicle dealer.

Immediately upon receipt of such notice the director shall cause a notice to be published in the Kansas register. The published notice shall state that a petition or complaint by any dealer with standing to protest pursuant to subsection (c) must be filed with the director not more than 30 days from the date of publication of the notice in the Kansas register. The published notice shall describe and identify the proposed new vehicle dealer and dealership sought to be licensed, and the director shall cause a copy of the notice to be mailed to those dealers identified in the notice under paragraph (3) of this subsection.

(b) (1) An application for a new vehicle dealer license to act as a vehicle dealer in new motor vehicles in any community or county shall not be granted when the licensee, or proposed licensee, seeking to establish an additional new vehicle dealer or relocate an existing new vehicle dealer in the same line-make of vehicles fails to comply with the requirements of this act, or when:

(A) A timely protest is filed by a presently existing new vehicle dealer in new motor vehicles with standing to protest as defined in subsection (c); and

(B) the director has held a hearing and determined that there is good cause for not permitting the addition or relocation of such new vehicle dealer. The burden of proof in establishing good cause to permit an additional new vehicle dealer in new motor vehicles or to permit the relocation of an existing new vehicle dealer in new motor vehicles shall be on the licensee, or proposed licensee, seeking to establish or relocate a new vehicle dealer and shall be by a preponderance of the evidence presented;

(2) in determining whether good cause has been established for an additional new vehicle dealer or the relocation of an existing new vehicle dealer for the same line-make of vehicle as provided herein, the director shall take into consideration the existing circumstances, including, but not limited to:

(A) Permanency of the investment of both the existing and proposed new vehicle dealers;

(B) growth or decline in population and new car registrations in the relevant market area;

(C) effect on the consuming public in the relevant market area;

(D) whether it is injurious or beneficial to the public welfare for an additional new vehicle dealer to be established;

(E) whether the new vehicle dealers of the same line-make vehicles in that relevant market area are providing adequate competition and convenient customer care for the vehicles of the line-make in the market area which shall include the adequacy of vehicle sales and service facilities, equipment, supply of vehicle parts and qualified service personnel;

(F) whether the establishment of an additional new vehicle dealer would increase competition and whether such increased competition would be in the public interest;

(G) the effect and denial of relocation will have on a relocating dealer; and

(H) the effect the new vehicle dealer addition or relocation which is proposed will have on the existing dealer or dealers.

The application for a new vehicle dealer license shall not be denied after the applicant meets the requirements of this section if the applicant otherwise meets the requirements of the vehicle dealers and salesmen licensing act K.S.A. 8-2401, et seq., and amendments thereto.

(c) An existing new vehicle dealer in new motor vehicles shall have standing to protest the proposed addition or relocation of a new vehicle dealer in new motor vehicles where such existing new vehicle dealer in new motor vehicles has a franchise agreement for the same line-make vehicle as that which is to be sold or offered for sale or transfer by the proposed additional or relocated new vehicle dealer and is physically located such that the protesting dealer's relevant market area, as defined in subsection (e), includes the location where the additional or relocated dealer is proposed to be located.

(d) The director shall not issue a license for the proposed additional or relocated new vehicle dealer until a final decision is rendered determining good cause exists for establishing an additional new vehicle dealer or relocating a new vehicle dealer and that the application for the new vehicle dealer's license should be granted.

(e) The words or phrases used in this section shall have the meanings otherwise provided by law, except the following specific words or phrases shall have the following meanings:

(1) "Line-make vehicle" means those new motor vehicles which are offered for sale, lease or distribution under a common name, trademark, service mark or brand name of the manufacturer or distributor of the same; and

(2) "relevant market area" means the area within:

(A) A radius of 10 miles around an existing new vehicle dealer in new motor vehicles, if the existing new vehicle dealer's principal location is in a county having a population of 30,000 or more persons;

(B) a radius of 15 miles around an existing new vehicle dealer in new motor vehicles, if the existing new vehicle dealer's principal location is in a county having a population of less than 30,000 persons; or

(C) the area of responsibility defined in the franchise agreement of the existing dealer, whichever is greater.

(f) No person, entity, licensee or their agents or employees, shall require the relocation, cancellation or termination of an existing dealer or otherwise take any action to penalize any dealer who exercises the rights provided under this section, or undertake such action for the purpose of preventing or avoiding the exercise by a dealer of the rights provided under this section. No franchise agreement made, entered or renewed after the effective date of this act shall contain provisions which avoid or circumvent the requirements of this act.

(g) A dealer's license may be denied, suspended or revoked, or the renewal of a dealer's license may be refused by the director for the dealer's failure to comply with this section or for otherwise violating its provisions.

(h) Any licensee, or proposed licensee, aggrieved by a final order of the director may appeal as provided in subsection (d) of K.S.A. 8-2410, and amendments thereto.

(i) The provisions of this section shall not apply to a new vehicle dealer who is a party to an agreement, with a first or second stage manufacturer or distributor, which authorizes the vehicle dealer to sell, exchange or transfer motorcycles.

Sec. 2. The provisions of section 1 shall not apply to any proposed establishment of an additional new motor vehicle dealer or relocation of an existing new motor vehicle dealer if a manufacturer, distributor or factory branch provides a dispute resolution mechanism for the establishment of an additional new motor vehicle dealer or for relocating a new motor vehicle dealer which meets the following criteria:

(a) The decision makers under the dispute resolution mechanism shall either be:

(1) Independent and not employed by, or affiliated with the manufacturer, distributor, factory branch or dealers if there is no specific process reached by prior agreement between the protesting dealer and the manufacturer, distributor or factory branch; or

(2) an individual or panel selected by a process mutually agreeable to the protesting dealer and the manufacturer, distributor or factory branch under the terms of the franchise between them.

(b) There is a standard for deciding such cases under the terms of the dispute resolution process which allows a protesting dealer to include evidence on impact upon the existing dealers in addition to any other factors expressly or implicitly considered under the mechanism.

Sec. 3. This act shall be a part of and supplemental to the vehicle dealers and manufacturers licensing act.

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

(Published in the Kansas Register, May 2, 1991.)

HOUSE BILL No. 2606

AN ACT relating to public streets, avenues, alleys or lanes, and adjacent rights-of-way; concerning the transfer of title between cities.

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

Section 1. (a) When used in this act, "city" means a city located within Crawford county.

(b) Any city holding title to a street, avenue, alley or lane that lies upon the boundary line with another city may transfer by quitclaim deed any title or interest of the city in such street, avenue, alley or lane, and the adjacent rights-of-way, to the other city. Such transfer shall be accomplished only following the enactment of an ordinance conveying such title or interest and enactment of an ordinance accepting the title or interest.

(c) Transfers made pursuant to this section shall not be considered vacations of streets, avenues, alleys or lanes or the adjacent rights-of-way.

(d) Following the transfer of such title or interest, the city clerk of the city accepting such transfer shall file a certified copy of the ordinance accepting such title or interest with the register of deeds and county clerk of the county in which such street, avenue, alley or right-of-way is located and the state transportation engineer. No fee shall be charged for such filings.

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

(Published in the Kansas Register, May 2, 1991.)

HOUSE BILL No. 2374

AN ACT concerning crimes and punishments; relating to mandatory terms of imprisonment; relating to victims rights; relating to plea agreements, presentence reports and sentencing; awards of compensation by crime victims compensation board; amending K.S.A. 21-4604 and 22-3424 and K.S.A. 1990 Supp. 21-4627 and 74-7305 and repealing the existing sections.

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

Section 1. On and after July 1, 1991, K.S.A. 21-4604 is hereby amended to read as follows: 21-4604. (1) Whenever a defendant is convicted of a misdemeanor, the court before which the conviction is had may request a presentence investigation by a court services officer. Whenever a defendant is convicted of a felony, the court shall require that a presentence investigation be conducted by a court services officer or in accordance with K.S.A. 21-4603, and amendments thereto, unless the court finds that adequate and current information is available in a previous presentence investigation report or from other sources.

(2) Whenever a presentence report is requested, the court services officer, *with the assistance of the county or district attorney*, shall secure, except for good cause shown, information concerning: (a) The circumstances of the offense and any mitigating or aggravating factors involved in the defendant's behavior; (b) the attitude of the complainant or victim and, if possible in homicide cases, the victim's immediate family; (c) the criminal record, social history and present condition of the defendant; and (d) any other facts or circumstances that may aid the court in sentencing, which may include, but is not limited to, the financial, social, psychological, physical or other harm or loss suffered by victims of the offense and the restitution needs of such victims. Except where specifically prohibited by law, all local governmental and state agencies shall furnish to the officer conducting the presentence investigation any records requested by the officer. If ordered by the court, the presentence investigation shall include a physical and mental examination of the defendant.

(3) Presentence investigation reports shall be in the form and contain the information prescribed by rule of the supreme court, and shall contain any other information prescribed by the district court.

(4) The judicial administrator of the courts shall confer and consult with the secretary of corrections when considering changes or revisions in the form and content of presentence investigation reports so that the reports will be in such form and contain such information as will be of assistance to the secretary in exercising or performing the secretary's functions, powers and duties.

Sec. 2. On and after July 1, 1991, K.S.A. 22-3424 is hereby amended to read as follows: 22-3424. (1) The judgment shall be

rendered and sentence imposed in open court.

(2) If the verdict or finding is not guilty, judgment shall be rendered immediately and the defendant shall be discharged from custody and the obligation of *his the defendant's* appearance bond.

(3) If the verdict or finding is guilty, judgment shall be rendered and sentence pronounced without unreasonable delay, allowing adequate time for the filing and disposition of post-trial motions and for completion of such presentence investigation as the court may require.

(4) Before imposing sentence the court shall: (a) Allow the prosecuting attorney to address the court, if the prosecuting attorney so requests; (b) afford counsel an opportunity to speak on behalf of the defendant and shall; and (c) address the defendant personally and ask *him the defendant* if *he the defendant* wishes to make a statement on *his the defendant's* own behalf and to present any evidence in mitigation of punishment. *Before imposing sentence the court may allow the victim or victim's family to address the court, if they so request.*

(5) After imposing sentence in a case which has gone to trial or a plea of not guilty, the court shall advise the defendant of *his the defendant's* right to appeal and of the right of a person who is unable to pay the costs of an appeal to appeal in *forma pauperis*. If the defendant so requests the clerk of the court should prepare and file forthwith a notice of appeal on behalf of the defendant.

New Sec. 3. On and after July 1, 1991, if a defendant is charged with a crime pursuant to article 34, 35 or 36 of chapter 21 of the Kansas Statutes Annotated, and amendments thereto, the prosecuting attorney, as defined in K.S.A. 22-2202, and amendments thereto, shall inform the victim or the victim's family: (a) Before any dismissal or declining of prosecuting charges; and (b) of the nature of any proposed plea agreement.

Sec. 4. K.S.A. 1990 Supp. 21-4627 is hereby amended to read as follows: 21-4627. (1) A judgment of conviction resulting in a mandatory term of imprisonment ~~hereunder pursuant to K.S.A. 1990 Supp. 21-3401 and 21-3401a, and amendments thereto~~, shall be subject to automatic review by and appeal to the supreme court of Kansas *in the manner provided by the applicable statutes and rules of the supreme court governing appellate procedure*. The review and appeal shall be expedited in every manner consistent with the proper presentation thereof. ~~It shall be the duty of the court reporter to transcribe the entirety of the trial and sentencing proceedings in the case and to prepare a certified record thereof within 60 days of the rendition of sentence by the court. For good cause shown, the trial court may allow an additional period of 30 days in which the transcript shall be completed. Upon completion of the transcript, the clerk of the trial court shall certify the entire record and transmit the same to the clerk of the supreme court, together with a notice setting forth the title and docket number of the case, the name of the defendant, the name and address of the defendant's attorney and a statement of the offense, the judgment and the punishment prescribed. The briefs of the parties shall be filed in accordance with the rules of the supreme court and the review and appeal shall be given priority for hearing over all other types of cases, and given priority pursuant to the statutes and rules of the supreme court governing appellate procedure.~~

(2) The supreme court of Kansas shall consider the question of sentence as well as any errors asserted in the review and appeal and shall be authorized to notice unassigned errors appearing of record if the ends of justice would be served thereby.

(3) With regard to the sentence, the court shall determine:

(a) Whether the mandatory term of imprisonment was imposed under the influence of passion, prejudice or any other arbitrary factor; and

(b) whether the evidence supports the finding that an aggravating circumstance or circumstances existed and that any mitigating circumstances were insufficient to outweigh the aggravating circumstances.

(4) The court shall be authorized to enter such orders as are necessary to effect a proper and complete disposition of the review and appeal.

Sec. 5. K.S.A. 1990 Supp. 74-7305 is hereby amended to read as follows: 74-7305. a) An application for compensation shall be made in the manner and form prescribed by the board.

(b) Compensation may not be awarded unless an application has been filed with the board within one year of the reporting of the incident to law enforcement officials if the victim was less than 16 years of age and the injury or death is the result of any of the following crimes: (1) Indecent liberties with a child as defined in K.S.A. 21-3503 and amendments thereto; (2) aggravated indecent liberties with a child as defined in K.S.A. 21-3504 and amendment thereto; (3) aggravated criminal sodomy as defined in K.S.A. 21-3506 and amendments thereto; (4) enticement of a child as defined in K.S.A. 21-3509 and amendments thereto; (5) indecent solicitation of a child as defined in K.S.A. 21-3510 and amendments thereto; (6) aggravated indecent solicitation of a child as defined in K.S.A. 21-3511 and amendments thereto; (7) sexual exploitation of a child as defined in K.S.A. 21-3516 and amendments thereto; or (8) aggravated incest as defined in K.S.A. 21-3603 and amendments thereto. For all other incidents of criminally injurious conduct, compensation may not be awarded unless the claim has been filed with the board within one year after the injury or death upon which the claim is based. Compensation may not be awarded to a claimant who was the offender or an accomplice of the offender and may not be awarded to another person if the award would unjustly benefit the offender or accomplice.

(c) Compensation otherwise payable to a claimant shall be diminished:

(1) To the extent, if any, that the economic loss upon which the claimant's claim is based is recouped from other persons, including collateral sources; and

(2) to the extent, if any, that the board deems reasonable because of the contributory misconduct of the claimant or of a victim through whom the claimant claims.

(d) Compensation may be awarded only if the board finds that unless the claimant is awarded compensation the claimant will suffer financial stress as the result of economic loss otherwise reparable. A claimant suffers financial stress only if the claimant cannot maintain the claimant's customary level of health, safety and education for self and dependents without undue financial hardship. In making its determination of financial stress, the board shall consider all relevant factors, including:

- (1) The number of claimant's dependents;
- (2) the usual living expenses of the claimant and the claimant's family;
- (3) the special needs of the claimant and the claimant's dependents;
- (4) the claimant's income and potential earning capacity; and
- (5) the claimant's resources.

(e) Compensation may not be awarded unless the criminally injurious conduct resulting in injury or death was reported to a law enforcement officer within 72 hours after its occurrence or the board finds there was good cause for the failure to report within that time.

(f) The board, upon finding that the claimant or victim has not fully cooperated with appropriate law enforcement agencies, may deny, withdraw or reduce an award of compensation.

(g) Except in cases of rape or attempted rape, compensation may not be awarded if the economic loss is less than \$100.

(h) Compensation for work loss, replacement services loss, dependent's economic loss and dependent's replacement service loss may not exceed \$200 per week.

(i) Compensation payable to a victim and to all other claimants sustaining economic loss because of injury to or death of that victim may not exceed \$25,000 in the aggregate.

Sec. 6. K.S.A. 1990 Supp. 21-4627 and 74-7305 are hereby repealed.

Sec. 7. On and after July 1, 1991, K.S.A. 21-4604 and 22-3424 are hereby repealed.

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

(Published in the Kansas Register, May 2, 1991.)

SENATE BILL No. 329

AN ACT concerning criminal procedure; requiring collection of DNA exemplars from convicted felons; authorizing the Kansas bureau of investigation to act as the depository of the markers.

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

Section 1. (a) Any person convicted of an unlawful sexual act as defined in subsection (4) of K.S.A. 21-3501 and amendments thereto or an attempt of such unlawful sexual act or convicted of a violation of K.S.A. 21-3401, 21-3402, 21-3602, 21-3603 or 21-3609 and amendments thereto, regardless of the sentence imposed, shall be required to submit specimens of blood and saliva to the Kansas bureau of investigation in accordance with the provisions of this act, if such person is:

(1) Convicted of a crime specified in subsection (a) on or after the effective date of this act;

(2) ordered institutionalized as a result of being convicted of a crime specified in subsection (a) on or after the effective date of this act; or

(3) convicted of a crime specified in this subsection before the effective date of this act and is presently confined as a result of such conviction in any state correctional facility or county jail or is presently serving an authorized disposition under K.S.A. 21-4603, and amendments thereto.

(b) Any person required by paragraphs (a)(1) and (a)(2) to provide specimens of blood and saliva shall be ordered by the court to have specimens of blood and saliva collected within 10 days after sentencing: (1) If placed directly on probation, as a condition of probation, that person must provide specimens of blood and saliva, at a collection site designated by the Kansas bureau of investigation; or (2) if sentenced to the secretary of corrections, the specimens of blood and saliva will be obtained immediately upon arrival at the Topeka correctional facility.

(c) Any person required by paragraph (a)(3) to provide specimens of blood and saliva shall be required to provide such samples prior to final discharge, parole, or release at a collection site designated by the Kansas bureau of investigation.

(d) The Kansas bureau of investigation shall provide all specimen vials, mailing tubes, labels and instructions necessary for the collection of blood and saliva samples. The collection of samples shall be performed in a medically approved manner. No person authorized by this section to withdraw blood and collect saliva, and no person assisting in the collection of these samples shall be liable in any civil or criminal action when the act is performed in a reasonable manner according to generally accepted medical practices. The withdrawal of blood for purposes of this act may be performed only by: (1) A person licensed to practice medicine and surgery or a person acting under the supervision of any such licensed person; (2) a registered nurse or a licensed practical nurse; or (3) any qualified medical technician. The samples shall thereafter be forwarded to the Kansas bureau of investigation for analysis and categorizing into genetic marker groupings.

(e) The genetic marker groupings shall be maintained by the Kansas bureau of investigation. The Kansas bureau of investigation shall establish, implement and maintain a statewide automated personal identification system capable of, but not limited to, classifying, matching and storing analysis of DNA (deoxyribonucleic acid) and other biological molecules.

(f) The genetic marker grouping analysis information obtained pursuant to this act shall be confidential and shall be released only to law enforcement officers of the United States, of other states or territories, of the insular possessions of the United States, or foreign countries duly authorized to receive the same, to all law enforcement officers of the state of Kansas and to all prosecutor's agencies.

(g) The Kansas bureau of investigation shall be the state central repository for all genetic marker grouping analysis information obtained pursuant to this act. The Kansas bureau of investigation may promulgate rules and regulations for the form and manner of the collection of blood and saliva samples and other procedures for the operation of this act. The provisions of the Kansas administrative procedure act shall apply to all actions taken under the rules and regulations so promulgated.

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

(Published in the Kansas Register, May 2, 1991.)

SENATE BILL No. 183

AN ACT concerning crimes and punishments; relating to the definition of probation and to conditions of probation or suspended sentence; amending K.S.A. 21-4610 and K.S.A. 1990 Supp. 21-4602 and 21-4603 and repealing the existing sections.

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

Section 1. 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. *In felony cases, the court may include confinement in a county jail not to exceed 60 days, which need not be served consecutively, as a condition of suspension of sentence pursuant to subsection (2)(d) of K.S.A. 21-4603 and amendments thereto.*

(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 *except as provided in felony cases*, subject to conditions imposed by the court and subject to the supervision of the probation service of the court. *In felony cases, the court may include confinement in a county jail not to exceed 60 days, which need not be served consecutively, as a condition of probation pursuant to subsection (2)(c) of K.S.A. 21-4603 and amendments thereto.*

(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, 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. 2. 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. *In felony cases, the court may include confinement in a county jail not to exceed 60 days, which need not be served consecutively, as a condition of probation;*

(d) suspend the imposition of the sentence subject to such conditions as the court may deem appropriate, including orders requiring full or partial restitution. *In felony cases, the court may include confinement in a county jail not to exceed 60 days, which need not be served consecutively, as a condition of suspension of sentence;*

(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 addition to or in lieu of any of the above, the court shall order the defendant to submit to and complete an alcohol and drug evaluation, and pay a fee therefor, when required by subsection (4) of K.S.A. 21-4502 and amendments thereto.

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, the provisions of this section shall not apply.

Sec. 3. K.S.A. 21-4610 is hereby amended to read as follows: 21-4610. (1) Except as required by subsection (4), nothing in this section shall be construed to limit the authority of the court to impose or modify any general or specific conditions of probation, suspension of sentence or assignment to a community correctional services program, except that the court shall condition any order granting probation, suspension of sentence or assignment to a community correctional services program on the defendant's obedience of the laws of the United States, the state of Kansas and any other jurisdiction to the laws of which the defendant may be subject.

(2) The court services officer or community correctional services officer may recommend, and the court may order, the imposition of any conditions of probation, suspension of sentence or assignment to a community correctional services program. The court may at any time order the modification of such conditions, after notice to the court services officer or community correctional services officer and an opportunity for such officer to be heard thereon. The court shall cause a copy of any such order to be delivered to the court services officer and the probationer or to the community correctional services

officer and the community corrections participant, as the case may be.

(3) The court may impose any conditions of probation, suspension of sentence or assignment to a community correctional services program that the court deems proper, including but not limited to requiring that the defendant:

(a) Avoid such injurious or vicious habits as directed by the court, court services officer or community correctional services officer;

(b) avoid such persons or places of disreputable or harmful character as directed by the court, court services officer or community correctional services officer;

(c) report to the court services officer or community correctional services officer as directed;

(d) permit the court services officer or community correctional services officer to visit the defendant at home or elsewhere;

(e) work faithfully at suitable employment insofar as possible;

(f) remain within the state unless the court grants permission to leave;

(g) pay a fine or costs, applicable to the offense, in one or several sums and in the manner as directed by the court;

(h) support the defendant's dependents;

(i) reside in a residential facility located in the community and participate in educational, counseling, work and other correctional or rehabilitative programs;

(j) perform community or public service work for local governmental agencies, private corporations organized not for profit, or charitable or social service organizations performing services for the community;

(k) perform services under a system of day fines whereby the defendant is required to satisfy fines, costs or reparation or restitution obligations by performing services for a period of days determined by the court on the basis of ability to pay, standard of living, support obligations and other factors; or

(l) participate in a house arrest program pursuant to K.S.A. 21-4603b, and amendments thereto; or

(m) in felony cases, be confined in a county jail not to exceed 60 days, which need not be served consecutively.

(4) In addition to any other conditions of probation, suspension of sentence or assignment to a community correctional services program, the court shall order the defendant to comply with each of the following conditions:

(a) Make reparation or restitution to the aggrieved party for the damage or loss caused by the defendant's crime, in an amount and manner determined by the court and to the person specified by the court, unless the court finds compelling circumstances which would render a plan of restitution unworkable;

(b) pay the probation or community correctional services fee pursuant to K.S.A. 21-4610a, and amendments thereto; and

(c) reimburse the state general fund for all or a part of the expenditures by the state board of indigents' defense services to provide counsel and other defense services to the defendant. In determining the amount and method of payment of such sum, the court shall take account of the financial resources of the defendant and the nature of the burden that payment of such sum will impose. A defendant who has been required to pay such sum and who is not willfully in default in the payment thereof may at any time petition the court which sentenced the defendant to waive payment of such sum or of any unpaid portion thereof. If it appears to the satisfaction of the court that payment of the amount due will impose manifest hardship on the defendant or the defendant's immediate family, the court may waive payment of all or part of the amount due or modify the method of payment.

Sec. 4. K.S.A. 21-4610 and K.S.A. 1990 Supp. 21-4602 and 21-4603 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, May 2, 1991.)

SENATE BILL No. 22

AN ACT merging the Kansas college of technology with the Kansas state university of agriculture and applied science and providing for the doing of things necessary and appropriate thereto; affecting definitions and conforming statutory references; amending K.S.A. 76-156a, 76-205, 76-213, 76-217, 76-218, 76-219, 76-220, 76-221, 76-222, 76-6a01, 76-6a13, 76-711, 76-712, 76-751, 76-754 and 76-756 and K.S.A. 1990 Supp. 65-1626, 74-3209, 74-3210, 74-3229 and 74-8103, and repealing the existing sections; also repealing K.S.A. 76-204, 76-206, 76-207 and 76-216.

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

Section 1. K.S.A. 76-205 is hereby amended to read as follows: 76-205. (a) ~~The name of the Kansas technical institute established pursuant to the provisions of the Kansas technical institute act is hereby changed to Kansas college of technology hereby is merged with and made a part of the Kansas state university of agriculture and applied science, and the institutional infrastructure of the college hereby is designated as the Kansas state university — Salina, college of technology.~~ All properties, moneys, appropriations, rights and authorities ~~now vested in the Kansas technical institute shall be vested in the Kansas college of technology prior to the effective date of this act hereby are vested in Kansas state university of agriculture and applied science.~~ Whenever the ~~title~~ Kansas technical institute, or the Kansas college of technology, 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 Kansas college of technology state university of agriculture and applied science.

(b) ~~The merger effected by this act shall not affect any contract, agreement or assurance in effect on the effective date of this act. All lawful debts of the Kansas college of technology shall be assumed and paid by the Kansas state university of agriculture and applied science.~~

(c) ~~Subject to authorization by the state board of regents, all personnel of the Kansas college of technology, who are necessary, in the opinion of the president of Kansas state university of agriculture and applied science, to the operation of the Kansas state university — Salina, college of technology, shall become personnel of Kansas state university of agriculture and applied science. All such personnel shall retain all retirement benefits and all rights of employment which had accrued to or vested in such personnel prior to the merger effected by this act. The employment of such personnel shall be deemed to have been uninterrupted.~~

(d) (1) ~~No suit, action or other proceeding, judicial or administrative, lawfully commenced, or which could have been commenced, by or against the Kansas college of technology, or by or against any personnel of the Kansas college of technology, shall abate by reason of the merger effected by operation of this act. The court may allow any such suit, action or other proceeding to be maintained by or against the Kansas state university of agriculture and applied science.~~

(2) ~~No criminal action commenced or which could have been commenced by the Kansas college of technology shall abate by the taking effect of this act.~~

(e) ~~Commencing with the 1992 fiscal year, for the purpose of preparation of the governor's budget report and related legislative measure or measures for submission to the legislature, the Kansas state university — Salina, college of technology shall be considered a separate state agency and shall be titled for such purpose as the "Kansas State University — Salina, College of Technology." The budget estimates and requests of such college shall be presented as a state agency separate from Kansas state university, and such separation shall be maintained in the budget documents and reports prepared by the director of the budget and the governor, or either of them, including all related legislative reports and measures submitted to the legislature.~~

Sec. 2. K.S.A. 76-213 is hereby amended to read as follows: 76-213. (a) ~~The state board of regents shall have has and may exercise the following powers and authority:~~

(a) (1) ~~To determine the programs of technical education and other programs which shall be offered and the certificates of completion of courses or curriculum and degrees which may be granted by Kansas and the certificates of completion of courses or curriculum and degrees which may be granted by the Kansas state university — Salina, college of technology;~~

(b) (2) ~~to acquire any land and buildings formerly comprising any part of what is commonly known as Schilling air force base, Salina, Kansas, by gift, purchase, lease or, contract, or otherwise, from the United States government or any of its agencies or from the city of Salina or any of its agencies and to grant such assurances as may be appropriate to the acquisition and utilization of any such land and buildings;~~

(3) ~~to use the proceeds of the retailers' sales tax levied by the city of Salina for purposes benefiting the Kansas state university — Salina, college of technology, which purposes shall include, but not by way of limitation, site preparation, buildings, campus improvements, equipment, and the financing of capital improvements; and~~

(4) ~~to do all things necessary and appropriate to effectuate the orderly and timely merger of the Kansas college of technology with the Kansas state university of agriculture and applied science.~~

(b) ~~As used in this section, the term "technical education" means vocational or technical education and training or retraining which is given at Kansas state university — Salina, college of technology, and which is conducted as a program of education designed to educate and train individuals as technicians in recognized fields. Programs of technical education include, but not by way of limitation, aeronautical technology inclusive of professional pilot training, construction technology, drafting and design technology, electrical technology, electronic technology, mechanical technology, automatic data processing and computer technology, industrial technology, metals technology, safety technology, tool design technology, cost control technology, surveying technology, industrial production technology, sales service technology, industrial writing technology, communications technology, chemical control technology, quality control technology and such additional programs of technical education which may be specified from time to time by the board of regents.~~

Sec. 3. K.S.A. 76-217 is hereby amended to read as follows: 76-217. ~~The Kansas college of technology state university of agriculture and applied science is hereby authorized to make sales of renovated aircraft on a negotiated basis as determined by the president of the Kansas college of technology university with the advice of the director of purchases and such sales shall not be subject to the competitive bid requirements of K.S.A. 75-3739, and amendments thereto.~~

Sec. 4. K.S.A. 76-218 is hereby amended to read as follows: 76-218. ~~Within the limits of appropriations therefor, the Kansas college of technology state university of agriculture and applied science may purchase insurance for operation and testing of completed project aircraft of Kansas college of technology and for operation of aircraft used in professional pilot training. The insurance may include public liability, physical damage, medical payments and voluntary settlement coverages.~~

Sec. 5. K.S.A. 76-219 is hereby amended to read as follows: 76-219. ~~The Kansas college of technology state university of agriculture and applied science is hereby authorized to purchase aircraft for purposes of renovation and pilot training on a negotiated basis as determined by the president of the Kansas college of technology university with the advice of the director of purchases and such purchases shall not be subject to the competitive bid requirements of K.S.A. 75-3739, and amendments thereto.~~

Sec. 6. K.S.A. 76-220 is hereby amended to read as follows: 76-220. (a) ~~The state board of regents is hereby authorized and empowered, in its discretion, for and on behalf of the Kansas college of technology state university of agriculture and applied science, to sell and convey all of the rights, title and interest in the following described real estate located in Saline county, Kansas: A tract of land located in section 34, township 14 south, range 3 west of the sixth principal meridian in Saline county, Kansas, more particularly described as follows: Beginning at the northeast corner of block 9 of the Schilling subdivision of Saline county, Kansas; thence south 0 degrees 06 minutes 24 seconds east, a distance of 310.00 feet; thence south 89 degrees 53 minutes 36 seconds west, a distance of 360.00 feet; thence north 0 degrees 06 minutes 24 seconds west, a distance of 310.00 feet; thence north 89 degrees 53 minutes 36 seconds east, a distance of 360.00 feet to the point of beginning said tract containing 2.56 acres, more or less.~~

(b) ~~Conveyance of such rights, title and interest in such real~~

estate shall be executed in the name of the state board of regents by its chairperson and executive officer. Any proceeds from the sale of such real estate shall be deposited in the state treasury to the credit of an appropriate account of the restricted fees fund of Kansas ~~college of technology state university of agriculture and applied science~~. Such proceeds shall be applied to or utilized for the repair, remodeling, construction or reconstruction of institutional facilities ~~on the campus of, the acquisition of equipment, and the financing of student scholarships at the Kansas state university — Salina, college of technology.~~

Sec. 7. K.S.A. 76-221 is hereby amended to read as follows: 76-221. (a) The state board of regents is hereby authorized and empowered, in its discretion, for and on behalf of the Kansas ~~technical institute state university of agriculture and applied science~~, to sell and convey or exchange and convey for other real estate of similar value all of the rights, title and interest in any part or parts or all of the following described real estate located in Saline county, Kansas: Block 2; block 7B; block 8A; block 9A and block 9C, except for the tract of land located in section 34, township 14 south, range 3 west of the sixth principal meridian in Saline county, Kansas, more particularly described as follows: Beginning at the northeast corner of block 9 of the Schilling subdivision of Saline county, Kansas; thence south 0 degrees 06 minutes 24 seconds east, a distance of 310.00 feet; thence south 89 degrees 53 minutes 36 seconds west, a distance of 360.00 feet; thence north 0 degrees 06 minutes 24 seconds west, a distance of 310.00 feet; thence north 89 degrees 53 minutes 36 seconds east, a distance of 360.00 feet to the point of beginning said tract containing 2.56 acres, more or less; and block 10 all of Schilling subdivision.

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

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

Sec. 8. K.S.A. 76-222 is hereby amended to read as follows: 76-222. (a) The state board of regents is hereby authorized and empowered, in its discretion, for and on behalf of the Kansas ~~technical institute state university of agriculture and applied science~~, to sell and convey or exchange and convey for other real estate of similar value all of the rights, title and interest in any part or parts or all of the following described real estate located in Saline county, Kansas: A tract of land located in part 16B of block 16, lying in the southeast quarter of section 27, township 14 south, range 3 west of the sixth principal meridian and in the northeast quarter of section 34, township 14 south, range 3 west of the sixth principal meridian in the Schilling subdivision of Saline county, Kansas; more particularly described as follows: Commencing at the northwest corner of the southeast quarter of section 27, township 14 south, range 3 west; thence south 89 degrees 49 minutes 04 seconds east along the north line of said southeast quarter a distance of 1187.93 feet; thence south 0 degrees 06 minutes 24 seconds east a distance of 2323.20 feet; thence south 89 degrees 53 minutes 36 seconds west a distance of 50.00 feet to the northeast corner of block 16B of Schilling subdivision, Saline county, Kansas; thence south 0 degrees 06 minutes 24 seconds east a distance of 316.12 feet to a point on the east boundary of block 16B, on the south line of the southeast quarter of section 27, township 14 south, range 3 west and on the north line of the northeast quarter of section 34, township 14 south, range 3 west; thence south 0 degrees 06 minutes 24 seconds east a distance of 511.41 feet to the southeast corner of block 16B; thence south 89 degrees 53 minutes 36 seconds west a distance of 555.01 feet to

the true point of beginning; thence south 89 degrees 53 minutes 36 seconds west a distance of 410.00 feet to the southwest corner of block 16B; thence north 0 degrees 06 minutes 24 seconds west a distance of 264.38 feet; thence north 89 degrees 53 minutes 36 seconds east a distance of 410.00 feet; thence south 0 degrees 06 minutes 24 seconds east a distance of 264.38 feet to the true point of beginning and containing 2.49 acres, more or less.

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

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

New Sec. 9. (a) The state board of regents is hereby authorized and empowered, in its discretion, for and on behalf of Kansas state university of agriculture and applied science, to sell and convey or exchange and convey for other real estate of similar value all of the rights, title and interest in any part or parts or all of the following described real estate located in Saline county, Kansas: A tract of land, identified as the "Aircraft Engine Test Facility", lying in the Northwest Quarter (NW/4) of Section Four (4), Township Fifteen (15) South, Range Three (3) West of the Sixth (6th) Principal Meridian in the Schilling Subdivision of Saline county, Kansas, more particularly described as follows: Commencing at the Northeast corner of the Northwest Quarter (NW/4) of Section Four (4), Township Fifteen (15) South, Range Three (3) West; thence South 00°06'18" E, along the East line of said Northwest Quarter (NW/4) a distance of 598.41 feet to the centerline of existing Taxiway No. 11; thence South 89°53'26" W along the centerline of said Taxiway No. 11, a distance of 562.05 feet, thence South 00°06'34" E, a distance of 50.00 feet to the true point of beginning, said point being on the south edge of Taxiway No. 11; thence South 89°53'26" W, along the south edge of Taxiway No. 11, a distance of 600.00 feet; thence South 00°06'34" E, a distance of 500.00 feet; thence North 89°53'26" E, a distance of 600.00 feet; thence North 00°06'34" W, a distance of 500.00 feet to the true point of beginning and containing 6.89 acres, more or less, together with certain improvements thereon, but reserving therefrom the facilities and easements for the existing electrical and gas distribution systems as now in place.

(b) Conveyance of such rights, title and interest in such real estate shall be in accordance with the procedures prescribed therefor by the state board of regents and shall be executed in the name of the state board of regents by its chairperson and executive officer. Any proceeds from sale of such real estate shall be deposited in the state treasury to the credit of an appropriate account of the restricted fees fund of Kansas state university of agriculture and applied science. Such proceeds shall be applied to or utilized for the repair, remodeling, construction or reconstruction of institutional facilities, the acquisition of equipment, and the financing of student scholarships at the Kansas state university — Salina, college of technology, or for the purchase of property adjacent thereto.

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

Sec. 10. K.S.A. 1990 Supp. 65-1626 is hereby amended to read as follows: 65-1626. For the purposes of this act:

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

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

(continued)

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(D) employees of a business or other employer.

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

(A) Any registered pharmacy;

(B) any office of a practitioner; or

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

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

(o) "Manufacture" means the production, preparation, propagation, compounding, conversion or processing of a drug either directly or indirectly by extraction from substances of natural origin, independently by means of chemical synthesis or by a combination of extraction and chemical synthesis and includes any packaging or repackaging of the drug or labeling or relabeling of its container, except that this term shall not include the preparation or compounding of a drug by an individual for the individual's own use or the preparation, compounding, packaging or labeling of a drug by: (1) A practitioner or a practitioner's authorized agent incident to such

practitioner's administering or dispensing of a drug in the course of the practitioner's professional practice; (2) a practitioner, by a practitioner's authorized agent or under a practitioner's supervision for the purpose of, or as an incident to, research, teaching or chemical analysis and not for sale; or (3) a pharmacist or the pharmacist's authorized agent acting under the direct supervision of the pharmacist for the purpose of, or incident to, the dispensing of a drug by the pharmacist.

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

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

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

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

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

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

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

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

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

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

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

(aa) "Professional incompetency" means:

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

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

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

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

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

(dd) "Unprofessional conduct" means:

- (1) Fraud in securing a registration or permit;
- (2) intentional adulteration or mislabeling of any drug, medicine, chemical or poison;
- (3) causing any drug, medicine, chemical or poison to be adulterated or mislabeled, knowing the same to be adulterated or mislabeled;
- (4) intentionally falsifying or altering records or prescriptions;
- (5) unlawful possession of drugs and unlawful diversion of drugs to others;
- (6) willful betrayal of confidential information under K.S.A. 1989 Supp. 65-1654 and amendments thereto;
- (7) conduct likely to deceive, defraud or harm the public;
- (8) making a false or misleading statement regarding the licensee's professional practice or the efficacy or value of a drug;
- (9) commission of any act of sexual abuse, misconduct or exploitation related to the licensee's professional practice; or
- (10) performing unnecessary tests, examinations or services which have no legitimate pharmaceutical purpose.

Sec. 11. K.S.A. 1990 Supp. 74-3209 is hereby amended to read as follows: 74-3209. As used in this act:

(a) "Institution" means the university of Kansas at Lawrence, the university of Kansas medical center at Kansas City, the Kansas state university of agriculture and applied science at Manhattan, the Wichita state university, the Emporia state university, the Pittsburg state university, the Fort Hays state university and the Kansas college of technology, and Kansas state university — Salina, college of technology;

(b) "board" means the state board of regents; and

(c) "vehicle" means motor vehicle, motorized bicycle and bicycle.

Sec. 12. K.S.A. 1990 Supp. 74-3210a is hereby amended to read as follows: 74-3210a. (a) As used in this section: (1) The term "institution" means the university of Kansas at Lawrence, the university of Kansas medical center at Kansas City, the Kansas state university of agriculture and applied science at Manhattan, the Wichita state university, the Emporia state university, the Pittsburg state university, the Fort Hays state university, and the Kansas college of technology at Salina, and Kansas state university — Salina, college of technology; and (2) the term "parking permit" means the permits authorized to be issued under K.S.A. 74-3210, and amendments thereto, by institutions for the use of parking areas on the grounds thereof.

(b) The state board of regents is hereby authorized to cause to be manufactured all parking permits required for issuance by institutions. For such purpose, the state board of regents may enter into a contract for the manufacture of such parking permits with any organization or institution designated in K.S.A. 39-1208, and amendments thereto. Any such contract may provide that the state board of regents shall furnish or cause to be furnished the materials and supplies necessary for the manufacture and distribution of parking permits if, in the opinion of the state board of regents, a reduction in the cost of manufacturing and distribution of the parking permits under such contract will be achieved. Subject to the foregoing, the cost to the state for the manufacture of parking permits pursuant to any contract entered into under authority of this section shall be substantially equivalent to such costs under prior contracts. No contract entered into under authority of this section shall be subject to the provisions of K.S.A. 75-3739, and amendments thereto. Any such

contract for the manufacture of parking permits for issuance by institutions shall provide that the parking permits shall be delivered to the institution where the same are to be used.

(c) To the extent that any other provisions of law conflict with this section, this section shall control.

Sec. 13. K.S.A. 1990 Supp. 74-3229 is hereby amended to read as follows: 74-3229. (a) There is hereby established and created the students' advisory committee to the state board of regents. Prior to July 1, 1996, the students' advisory committee shall be composed of seven members who shall be the highest student executive officer elected by the entire student body at the university of Kansas, Kansas state university of agriculture and applied science, Emporia state university, Pittsburg state university, Fort Hays state university, Wichita state university and Kansas college of technology, and Kansas state university — Salina, college of technology. On and after July 1, 1996, the students' advisory committee shall be composed of six members who shall be the highest student executive officer elected by the entire student body at the university of Kansas, Kansas state university of agriculture and applied science, Emporia state university, Pittsburg state university, Fort Hays state university, and Wichita state university.

The chief executive officer of each officers of the state educational institutions under the control and supervision of the state board of regents shall annually certify to the state board the names of the highest student executive officer officers elected by the entire student body of each such state educational institution to membership on the students' advisory committee and, upon such certification, the student officers shall qualify for membership on the students' advisory committee. The members of the advisory committee shall serve for terms expiring concurrently with their terms as elective student officers and upon qualification of their successors.

(b) The students' advisory committee shall be notified of all meetings of the state board of regents and shall have the following functions, powers and duties:

(1) Attend all meetings of the state board of regents except closed or executive meetings held pursuant to the provisions of K.S.A. 75-4319, and amendments thereto;

(2) make recommendations to the board of regents concerning course and curriculum planning and faculty evaluation;

(3) advise and consult with the board of regents in the formulation of policy decisions on student affairs;

(4) identify student concerns;

(5) consider any problems presented to it by the board of regents and give advice thereon; and

(6) disseminate information to their peers concerning the philosophies and standards of education developed by the board of regents and stimulate awareness of student rights and responsibilities.

(c) Members of the students' advisory committee attending meetings of the state board of regents shall receive no compensation for serving on such advisory committee, but shall be paid subsistence allowances, mileage and other expenses as provided in K.S.A. 75-3223, and amendments thereto from moneys appropriated therefor to the state board of regents.

Sec. 14. K.S.A. 1990 Supp. 74-8103 is hereby amended to read as follows: 74-8103. As used in this act:

(a) "Applied research" means those research activities occurring at educational institutions and in private enterprises, which have potential commercial application;

(b) "basic research" means research that has long range generic value to an industry classification or group of companies. Basic research is distinguished from applied research which has more short range present value to a single company or project;

(c) "corporation" means the Kansas technology enterprise corporation;

(d) "educational institutions" means Kansas college of technology, public and private community colleges, colleges and universities in the state;

(e) "enterprise" means a firm with its principal place of business in Kansas which is engaged or proposes to be engaged in this state in agricultural, natural resource-based or other manufacturing, research and development, or the provision of technology-based services;

(continued)

(f) "new technology" means the development through science or research of methods, processes and procedures, including but not limited to those involving the utilization of agricultural products and by-products and oil and gas and other mineral resources for practical application in industrial and service situations;

(g) "person" means any individual, partnership, corporation or joint venture carrying on business or proposing to carry on business within the state;

(h) "product" means any product, device, technique or process, which is or may be developed or marketed commercially; however, "product" does not refer to basic research but shall apply to such products, devices, techniques or processes which have advanced beyond the theoretical stage and are in a prototype or practice stage;

(i) "qualified security" means any public or private financial arrangement, involving any note, security, debenture, evidence of indebtedness, certificate of interest or participation in any profit-sharing agreement, preorganization certificate or subscription, transferable security, investment contract, certificate of deposit for a security, certificate of interest or participation in a patent or application therefor, or in royalty or other payments under such a patent or application, or, in general, any interest or instrument commonly known as a "security" or any certificate for, receipt for, guarantee of, or option, warrant or right to subscribe to or purchase any of the foregoing to the extent allowed by law;

(j) "seed capital" means financing that is provided for the development, refinement and commercialization of a product, process or innovation, whether for the startup of a new firm, the expansion or the restructuring of a small firm.

Sec. 15. K.S.A. 76-156a is hereby amended to read as follows: 76-156a. The Kansas university endowment association is hereby authorized to act as the investing agent for any endowment or bequest to the university of Kansas. The Kansas state university foundation is hereby authorized to act as the investing agent for any endowment or bequest to Kansas state university of agriculture and applied science or to Kansas state university — Salina, college of technology. The Wichita state university endowment association is hereby authorized to act as the investing agent for any endowment or bequest to Wichita state university. The Fort Hays Kansas state university endowment association is hereby authorized to act as the investing agent for any endowment or bequest to Fort Hays state university. The Emporia state university endowment association, inc., is hereby authorized to act as the investing agent for any endowment or bequest to Emporia state university. The Pittsburg state university foundation, inc., is hereby authorized to act as the investing agent for any endowment or bequest to Pittsburg state university. ~~The Kansas college of technology endowment association is hereby authorized to act as the investing agent for any endowment or bequest to Kansas college of technology.~~

Any such investing agent may exercise such fiscal management and administrative powers as may be necessary or appropriate for the lawful and efficient management of any such endowment or bequest. Each investing agent is hereby authorized to execute any agreements or other legal papers appropriate to the accomplishment of the purposes of this act with respect to any such endowment or bequest.

Sec. 16. K.S.A. 76-6a01 is hereby amended to read as follows: 76-6a01. As used in this act, unless the context otherwise requires:

(a) "Board" means the state board of regents.

(b) "Institution" or "institutions" means and includes the university of Kansas, university of Kansas school of medicine at Kansas City, Kansas state university of agriculture and applied science, Wichita state university, Emporia state university, Fort Hays state university, and Pittsburg state university and the Kansas college of technology, together with all other state institutions of learning now or hereafter under the control and supervision of the board.

(c) "Student union building" means a building and related parking area constructed for, and used solely as, a recreational center for students, boarding students and other purposes incidental thereto.

(d) "Student dormitory" means a building erected for, and used solely as, a place for housing and boarding students and other purposes incidental thereto.

Sec. 17. K.S.A. 76-6a13 is hereby amended to read as follows: 76-6a13. As used in this act, unless the context otherwise requires:

(a) "Board" means the state board of regents or a board of regents of a municipal university or a board of education of a unified school district in any county having a population of more than 7,250 and less than 9,000 in which there is located an area vocational-technical school campus, or the board of control of any such area vocational-technical school or the board of trustees of any community college.

(b) "Institution" means and includes the university of Kansas, university of Kansas school of medicine at Kansas City, Fort Hays state university, Kansas state university of agriculture and applied science, Wichita state university, Emporia state university, and Pittsburg state university and the Kansas college of technology, together with all other state institutions of learning now or hereafter under the control and supervision of the state board of regents, any municipal university organized under the laws of Kansas, any community college or any area vocational-technical school the buildings of which are located in a county having a population of more than 7,250 and less than 9,000.

(c) "Building," when heretofore or hereafter constructed by the state board of regents for any institution under the control and supervision of the state board of regents, means and includes one or more dormitories, kitchens, dining halls, student union buildings, field houses, student hospitals, libraries, on-campus parking, additions heretofore or hereafter erected in connection therewith, or rehabilitation or renovation of an existing building, or any combination thereof, or any stadium, structure or facility when the same is deemed necessary by the state board of regents to carry out the purposes of the institution, or additions heretofore or hereafter erected in connection with such stadium, structure or facility. The state board of regents shall not issue any revenue bonds for construction of any structure or facility or additions erected in connection therewith, or for rehabilitation or renovation of an existing building, as authorized by this section, unless such construction or rehabilitation or renovation has been authorized by appropriation or other act of the legislature and the state board of regents has first advised and consulted on such construction or rehabilitation or renovation with the joint committee on state building construction.

(d) "Revenue bonds" means bonds issued hereunder for the purposes herein authorized and payable as to both principal and interest solely and only out of (1) the income and revenues arising from the operation of the building for which such bonds are issued, or (2) in the case of a building to be constructed for an institution under the control and supervision of the state board of regents and upon a determination by the state board of regents that the best interests of the state and the institution will be served thereby, the revenues derived from student fees levied for this purpose or for other bonds after such other bonds are retired, or both, (3) any combination of the revenues described in clause (1) or (2) and (4) in addition to the revenues described in clauses (1), (2) or (3), in the discretion of the board, out of one or both of the following additional sources: (A) The proceeds of any grant in aid of such project which may be received from any source, and (B) the net income and revenues arising from the operation of another building already owned and operated by the board and located on the same campus of the institution where the building for which bonds are to be issued will be located.

(e) "Net income and revenue" means the income arising from the operation of a building remaining after providing for the costs of operation of such building and the costs of maintenance thereof.

(f) "Building," when heretofore or hereafter constructed by a board other than the state board of regents, means and includes one or more dormitories, kitchens, dining halls, student union buildings, field houses, student hospitals, libraries, on-campus parking or additions heretofore or hereafter erected in connection therewith, or any combination thereof.

Sec. 18. K.S.A. 76-711 is hereby amended to read as follows: 76-711. As used in this act, unless the context otherwise requires:

(a) "State educational institution" means the university of Kansas, Kansas state university of agriculture and applied science, Wichita state university, Emporia state university, Pittsburg state university, and Fort Hays state university and Kansas college of technology.

(b) "Board of regents" means the state board of regents provided for in the constitution of this state and described in article 32 of chapter 74 of Kansas Statutes Annotated and amendments thereto.

(Published in the Kansas Register, May 2, 1991.)

HOUSE BILL No. 2114

Sec. 19. K.S.A. 76-751 is hereby amended to read as follows: 76-751. As used in this act, "state educational institution" means the Fort Hays state university, Kansas state university of agriculture and applied science, Kansas state university veterinary medical center, Emporia state university, Pittsburg state university, university of Kansas, university of Kansas medical center, Wichita state university and Kansas college of technology, and Kansas state university — Salina, college of technology.

Sec. 20. K.S.A. 76-754 is hereby amended to read as follows: 76-754. As used in this act, "state educational institution" means the Fort Hays state university, Kansas state university of agriculture and applied science, Kansas state university veterinary medical center, Emporia state university, Pittsburg state university, university of Kansas, university of Kansas medical center, Wichita state university and Kansas college of technology, and Kansas state university — Salina, college of technology.

Sec. 21. K.S.A. 76-756 is hereby amended to read as follows: 76-756. As used in this act:

(a) "State educational institution" means the Fort Hays state university, Kansas state university of agriculture and applied science, Kansas state university veterinary medical center, Emporia state university, Pittsburg state university, university of Kansas, university of Kansas medical center, Wichita state university and Kansas state university, college of technology, and at Salina.

(b) "Endowment association" means:

(1) for the Fort Hays state university, the Fort Hays state university endowment association;

(2) for the Kansas state university of agriculture and applied science and, the Kansas state university veterinary medical center, and the Kansas state university — Salina, college of technology, the Kansas state university foundation;

(3) for the Emporia state university, the Emporia state university endowment association;

(4) for the Pittsburg state university, the Pittsburg state university foundation;

(5) for the university of Kansas and the university of Kansas medical center, the Kansas university endowment association; and

(6) for the Wichita state university, the Wichita state university board of trustees and the Wichita state university endowment association; and

(7) for the Kansas college of technology, the Kansas college of technology endowment association.

Sec. 22. K.S.A. 76-712 is hereby amended to read as follows: 76-712. Except as otherwise provided by act of the legislature, the state educational institutions are separate state agencies and state institutions and shall be controlled by and operated and managed under the supervision of the board of regents. For such control, operation, management or supervision, the board of regents may make contracts and adopt orders, policies or rules and regulations and do or perform such other acts as are authorized by law or are appropriate for such purposes, except that no state educational institution, or campus thereof, shall be closed, combined or merged with any other state educational institution, for administrative or management or other purposes, except as specifically authorized by appropriations or other act of the legislature.

Sec. 23. K.S.A. 76-156a, 76-204, 76-205, 76-206, 76-207, 76-213, 76-216, 76-217, 76-218, 76-219, 76-220, 76-221, 76-222, 76-6a01, 76-6a13, 76-711, 76-712, 76-751, 76-754 and 76-756 and K.S.A. 1990 Supp. 65-1626, 74-3209, 74-3210, 74-3229 and 74-8103 are hereby repealed.

Sec. 24. This act shall take effect and be in force from and after its publication in the Kansas register.

AN ACT relating to certain capital improvement projects; making and concerning appropriations for the fiscal years ending June 30, 1991, June 30, 1992, June 30, 1993, June 30, 1994, and June 30, 1995, and authorizing certain financing, for certain capital improvement projects for the adjutant general, department of administration, Emporia state university, university of Kansas, Wichita state university, Kansas commission on veterans affairs, youth center at Beloit, youth center at Topeka, state board of regents, Fort Hays state university, Kansas state university, university of Kansas medical center, Osawatomie state hospital and attorney general — Kansas bureau of investigation; authorizing the initiation and completion of certain capital improvement projects; and directing or authorizing certain disbursements and acts incidental to the foregoing; amending sections 15 and 16 of chapter 21 of the 1990 Session Laws of Kansas and repealing the existing sections.

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

Section 1. (a) For the fiscal years ending June 30, 1991, June 30, 1992, June 30, 1993, June 30, 1994, and June 30, 1995, appropriations are hereby made, restrictions and limitations are hereby imposed, and transfers, disbursements and acts incidental to the foregoing are hereby directed or authorized to initiate and complete capital improvement projects as provided in this act.

(b) The agencies named in this act are hereby authorized to initiate and complete the capital improvement projects specified and authorized by this act or for which appropriations are made by this act, subject to the restrictions and limitations imposed by this act.

Sec. 2.

ADJUTANT GENERAL

(a) On July 1, 1991, any unencumbered balance in excess of \$100 as of June 30, 1991, in each of the following capital improvement accounts of the state general fund is hereby reappropriated for fiscal year 1992: Architectural and engineering fees for Topeka armory; architectural and engineering fees for Great Bend armory; rehabilitation and repair projects.

(b) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 1992, for the capital improvement projects specified as follows:

Rehabilitation and repair projects \$206,686

Sec. 3.

DEPARTMENT OF ADMINISTRATION

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 1992, for the capital improvement project specified as follows:

Energy conservation improvements — debt service \$5,000
Heating and air conditioning repairs governor's residence 36,000
Statehouse and judicial center — capital improvements 314,000

Provided, however, That no expenditures shall be made from this account until the proposed projects have been reviewed by the joint committee on state building construction.

Total \$355,000

(b) There is appropriated for the above agency from the state general fund for the capital improvement project and for the fiscal years specified as follows:

Cage elevator renovation — statehouse
For the fiscal year ending June 30, 1992 \$100,000
For the fiscal year ending June 30, 1993 75,000

Any unencumbered balance in excess of \$100 as of June 30, 1991, in each of the following capital improvement accounts is hereby reappropriated for fiscal year 1992: Special maintenance, repairs and improvements — statehouse, printing plant, judicial center, and governor's residence; interior repairs and renovations — statehouse; replace cooling towers for statehouse; rotunda lighting and receptacle improvements — statehouse; construct maintenance building — governor's residence; restoration and repairs — statehouse and judicial center.

(b) There is appropriated for the above agency from the following special revenue fund for the fiscal year ending June 30, 1992; all moneys now or hereafter lawfully credited to and available in such fund, except that expenditures other than refunds authorized by law shall not exceed the following:

Energy conservation improvements fund No limit

(c) In addition to the purposes for which expenditures may be made by the above agency from the state buildings depreciation fund for the fiscal year ending June 30, 1992, moneys may be expended

(continued)

by the above agency from the following capital improvement accounts of the state buildings depreciation fund during fiscal year 1992 for the following capital improvement projects, subject to the expenditure limitations prescribed therefor:

Special maintenance—Docking office building, Forbes, heating plant and Landon office building	\$200,000
Replace building chillers and controls—Docking office building	210,000
Replace switchgear—Docking office building	26,000
Replace PCB transformer—Docking office building	25,000
Steamline extension	35,000
Handicapped accessibility—Landon office building	15,000

Provided, That all expenditures from such capital improvement accounts shall be in addition to any expenditure limitation imposed on the state buildings depreciation fund for fiscal year 1992.

(d) In addition to the purposes for which expenditures may be made by the above agency from the state buildings depreciation fund for the fiscal year ending June 30, 1992, expenditures may be made by the above agency from the state buildings depreciation fund of amounts in unexpended balances as of June 30, 1991, in capital improvement accounts for projects approved for prior fiscal years: *Provided, however*, That expenditures from each such account shall not exceed the amount of the unencumbered balance in such account on June 30, 1991: *Provided further*, That all expenditures from such accounts shall be in addition to any expenditure limitation imposed on the state buildings depreciation fund for fiscal year 1992.

(e) On the effective date of this act, of the amount reappropriated for the above agency for the fiscal year ending June 30, 1991, by section 4(k) of chapter 23 of the 1990 Session Laws of Kansas from the state buildings depreciation fund in the special maintenance, repairs and improvements — state office building account, the sum of \$200,000 is hereby lapsed.

(f) On the effective date of this act, of the amount reappropriated for the above agency for the fiscal year ending June 30, 1991, by section 4(k) of chapter 23 of the 1990 Session Laws of Kansas from the state buildings depreciation fund in the renovate Docking office building and Forbes office building 740 account, the sum of \$439,758 is hereby lapsed.

(g) On the effective date of this act, of the amount reappropriated for the above agency for the fiscal year ending June 30, 1991, by section 4(k) of chapter 23 of the 1990 Session Laws of Kansas from the state buildings depreciation fund in the renovate elevators — Docking state office building and Landon state office building account, the sum of \$224,700 is hereby lapsed.

(h) On the effective date of this act, of the amount reappropriated for the above agency for the fiscal year ending June 30, 1991, by section 4(k) of chapter 23 of the 1990 Session Laws of Kansas from the state buildings depreciation fund in the install backflow preventers on fire protection water lines account, the sum of \$3,031 is hereby lapsed.

(i) On the effective date of this act, of the amount reappropriated for the above agency for the fiscal year ending June 30, 1991, by section 4(k) of chapter 23 of the 1990 Session Laws of Kansas from the state buildings depreciation fund in the reroof part of Docking office building account, the sum of \$25,292 is hereby lapsed.

(j) On July 1, 1991, any unencumbered balance as of June 30, 1991, in each of the following capital improvement accounts of the state buildings depreciation fund is hereby lapsed: Special maintenance — state office buildings; replace convactor piping — Docking state office building.

(k) In addition to the purposes for which expenditures may be made by the above agency from the state buildings operating fund for the fiscal year ending June 30, 1992, moneys may be expended by the above agency from the following capital improvement accounts of the state buildings operating fund during fiscal year 1992: Interior repairs and renovation — statehouse; capitol plaza area improvements; energy conservation — capitol complex: *Provided, however*, That expenditures from each such account shall not exceed the amount of the unencumbered balance in such account on June 30, 1991: *Provided further*, That all expenditures from such accounts shall be in addition to any expenditure limitation imposed on the state buildings operating fund for fiscal year 1992.

(l) On the effective date of this act, of the amount reappropriated for the above agency for the fiscal year ending June 30, 1991, by section 30 of chapter 23 of the 1990 Session Laws of Kansas from

the state buildings operating fund in the capitol plaza area improvements account, the sum of \$104,867 is hereby lapsed.

(m) On July 1, 1991, the director of accounts and reports shall transfer \$1,000,000 from the state buildings depreciation fund to the state general fund.

Sec. 4.

EMPORIA STATE UNIVERSITY

(a) On the effective date of this act, any unencumbered balance as of that date in each of the following accounts of the Kansas educational building fund is hereby lapsed: Physical education building rooftop unit replacement project; Brighton lecture hall re-roof project.

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

Plumb hall — plan, remodel and equip	
For the fiscal year ending June 30, 1993	150,000

Sec. 5.

UNIVERSITY OF KANSAS

(a) On the effective date of this act, any unencumbered balance as of that date in the following account of the Kansas educational building fund is hereby lapsed: Remodel Haworth hall — planning.

Sec. 6. On the effective date of this act, section 15 of chapter 21 of the 1990 Session Laws of Kansas is hereby amended to read as follows: Sec. 15.

WICHITA STATE UNIVERSITY

(a) The above agency is hereby authorized to initiate and complete capital improvement projects to plan, construct and equip a science classroom building and to conduct a study of campus utilities, subject to the restrictions and limitations imposed by this section.

(b) There is appropriated for the above agency from the Kansas educational building fund for the capital improvement project and for the fiscal years specified as follows:

Plan, construct and equip science classroom building	
For the fiscal year ending June 30, 1990	\$500,000
For the fiscal year ending June 30, 1991	5,853,299
For the fiscal year ending June 30, 1992	4,250,000
For the fiscal year ending June 30, 1993	2,258,571 358,571

(c) There is appropriated for the above agency from the Kansas educational building fund for the capital improvement project and for the fiscal year specified as follows:

Campus utilities study	
For the fiscal year ending June 30, 1990	\$100,000

(d) *During the fiscal year ending June 30, 1992, or June 30, 1993, Wichita state university is hereby authorized to raze university building number 38.*

Sec. 7.

KANSAS COMMISSION ON VETERANS AFFAIRS

(a) There is appropriated for the above agency from the state institutions building fund for the fiscal year ending June 30, 1992, for the capital improvement projects specified as follows:

Repair and rehabilitation projects	\$50,000
Renovate cottages	50,000
Total	\$100,000

Sec. 8.

YOUTH CENTER AT BELOIT

(a) There is appropriated for the above agency from the state institutions building fund for the fiscal year ending June 30, 1992, for the capital improvement project specified as follows:

Carpet in-service area of administration building	\$6,700
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Sec. 9.

YOUTH CENTER AT TOPEKA

(a) There is appropriated for the above agency from the state institutions building fund for the fiscal year ending June 30, 1992, for the capital improvement project specified as follows:

Addition and remodeling project for dining facility	\$275,900
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Sec. 10. On the effective date of this act, section 16 of chapter 21 of the 1990 Session Laws of Kansas is hereby amended to read as follows: Sec. 16.

STATE BOARD OF REGENTS

(a) There is appropriated for the above agency from the Kansas

educational building fund for the capital improvement projects and for the fiscal years specified as follows:

Rehabilitation and repair projects for institutions of higher education	
For the fiscal year ending June 30, 1991	\$8,000,000
For the fiscal year ending June 30, 1992	9,000,000
For the fiscal year ending June 30, 1993	10,000,000
For the fiscal year ending June 30, 1994	10,000,000
For the fiscal year ending June 30, 1995	10,000,000

Provided, That the state board of regents is hereby authorized to transfer moneys from this account to an account or accounts of the Kansas educational building fund of any institution under its jurisdiction to be expended by the institution for projects approved by the state board of regents: Provided, however, That no expenditures shall be made from the above accounts any such account until the proposed projects have been reviewed by the joint committee on state building construction.

(b) The appropriations made by this section shall not be subject to the provisions of K.S.A. 46-155 and amendments thereto.

Sec. 11.

FORT HAYS STATE UNIVERSITY

(a) There is appropriated for the above agency from the following special revenue fund for the fiscal year ending June 30, 1992, all moneys now or hereafter lawfully credited to and available in such fund, except that expenditures other than refunds authorized by law shall not exceed the following:

Preliminary planning — new physical sciences building — federal fund	\$250,000
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(b) Fort Hays state university is hereby authorized to make expenditures from the memorial student union cafeteria renovation fee fund for a capital improvement and for debt service for a capital improvement project to renovate the memorial union cafeteria in an amount of not more than the total of \$200,000 plus all amounts required for cost of bond issuance, cost of interest on the bonds during the construction of the project and required reserves for the payment of principal and interest on the bonds. Such capital improvement project is hereby approved for Fort Hays state university for the purposes of subsection (b) of K.S.A. 1990 Supp. 74-8905 and amendments thereto.

(c) There is appropriated for the above agency from the following special revenue fund for the fiscal year ending June 30, 1992, all moneys now or hereafter lawfully credited to and available in such fund, except that expenditures other than refunds authorized by law shall not exceed the following:

Memorial student union cafeteria renovation fee fund	No limit
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Sec. 12.

KANSAS STATE UNIVERSITY

(a) In addition to the purposes for which expenditures may be made by the above agency from the agronomy-Ashland farm account of the restricted fees fund for the fiscal year ending June 30, 1992, moneys may be expended by the above agency from the agronomy-Ashland farm account of the restricted fees fund during fiscal year 1992 for the following capital improvement project, subject to the expenditure limitation prescribed therefor:

Construct equipment storage building at Ashland farm, Riley county, Kansas	\$35,000
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(b) In addition to the purposes for which expenditures may be made by the above agency from the Colby experiment station fee fund for the fiscal year ending June 30, 1992, moneys may be expended by the above agency from the Colby experiment station fee fund during fiscal year 1992 for the following capital improvement projects, subject to the expenditure limitations prescribed therefor:

Construct equipment storage building in Thomas county	\$25,000
Construct pesticide storage building in Thomas county	15,000

(c) In addition to the purposes for which expenditures may be made by the above agency from the Fort Hays experiment station fee fund for the fiscal year ending June 30, 1992, moneys may be expended by the above agency from Fort Hays experiment station fee fund during fiscal year 1992 for the following capital improvement project, subject to the expenditure limitation prescribed therefor:

Construct two equipment storage buildings in Ellis county	\$90,000
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(d) During the fiscal year ending June 30, 1992, Kansas state university may make expenditures from moneys appropriated for fiscal year 1992 by this act or any other appropriation act of the 1990 regular session of the legislature to relocate or raze university

buildings numbered 886 and 887 at the northwest research-extension center in Thomas county.

(e) There is appropriated for the above agency from the Kansas educational building fund for the capital improvement project and for the fiscal years specified as follows:

Construct and equip plant science building — phase IIA	
For the fiscal year ending June 30, 1992	\$100,000
For the fiscal year ending June 30, 1993	100,000
For the fiscal year ending June 30, 1994	115,648
For the fiscal year ending June 30, 1995	6,682,912

(f) There is appropriated for the above agency from the following special revenue funds for the fiscal year ending June 30, 1992, all moneys now or hereafter lawfully credited to and available in such funds, except that expenditures other than refunds authorized by law shall not exceed the following:

Plan, construct and equip plant science building — phase II — federal fund	No limit
Plant science building — phase II — special revenue fund	No limit

Provided, That Kansas state university may make expenditures from this fund for the capital improvement project to construct and equip phase II of the plant science building in addition to the expenditure of other moneys appropriated therefor: Provided, however, That expenditures from this fund for such capital improvement project shall not exceed \$5,000,000 plus all amounts required for costs of any bond or loan issuance, costs of interest on any bond or loan during such capital improvement project and required reserves for payment of principal and interest on any bond or loan: Provided further, That all gifts and grants received for the capital improvement project to construct and equip phase II of the plant science building, other than those received from the federal government for such capital improvement project, shall be deposited in the state treasury to the credit of this fund: And provided further, That the above agency may transfer moneys from the sponsored research overhead fund and from appropriate accounts of the restricted fees fund to this fund for such capital improvement project or for debt service for such capital improvement project: And provided further, That all transfers of moneys from the sponsored research overhead fund to this fund shall be in addition to any expenditure limitation imposed on the sponsored research overhead fund: And provided further, That such capital improvement project is hereby approved for Kansas state university for the purposes of subsection (b) of K.S.A. 1990 Supp. 74-8905 and amendments thereto and the authorization of the issuance of bonds by the Kansas development finance authority in accordance with that statute: And provided further, That all moneys received from the issuance of any such bonds shall be deposited in the state treasury to the credit of this fund: And provided further, That, upon request of the president of Kansas state university to provide for any amounts that may be required to be paid for all or part of the cost of such capital improvement project and expenses related thereto, in addition to other available moneys, the pooled money investment board is authorized and directed to loan to Kansas state university sufficient moneys therefor: And provided further, That all loan amounts shall be transferred and credited to this fund upon certifications by the president of Kansas state university: And provided further, That the pooled money investment board is authorized and directed to use any moneys in active accounts, inactive accounts or time deposits, open accounts, of the state of Kansas to provide moneys for such loan: And provided further, That such loan shall bear interest from the date of the loan transfer or transfers at an annual rate of interest which is not less than the rate prescribed by K.S.A. 75-4210 and amendments thereto for inactive accounts of the state effective on January 1 of such year and shall have such other terms as may be agreed upon by the president of Kansas state university and the pooled money investment board: And provided further, That such loan shall not be deemed to be an indebtedness or debt of the state of Kansas within the meaning of section 6 of article 11 of the constitution of the state of Kansas.

(g) The appropriations made by this section shall not be subject to the provisions of K.S.A. 46-155 and amendments thereto.

Sec. 13.

UNIVERSITY OF KANSAS MEDICAL CENTER

(a) There is appropriated for the above agency from the Kansas educational building fund for the capital improvement project and for the fiscal years specified as follows:

Construct and equip research building	
For the fiscal year ending June 30, 1992	\$400,000
For the fiscal year ending June 30, 1993	1,600,777
For the fiscal year ending June 30, 1994	6,600,000
For the fiscal year ending June 30, 1995	399,223

(b) There is appropriated for the above agency from the following special revenue fund for the fiscal year ending June 30, 1992, all moneys now or hereafter lawfully credited to and available in such

(continued)

fund, except that expenditures other than refunds authorized by law shall not exceed the following:

Research building — special revenue fund No limit

Provided, That the university of Kansas medical center may make expenditures from this fund for the capital improvement project to construct and equip a research building in addition to the expenditure of other moneys appropriated therefor: Provided, however, That expenditures from this fund for such capital improvement project shall not exceed \$4,520,000 plus all amounts required for costs of any bond or loan issuance, costs of interest on any bond or loan during such capital improvement project and required reserves for payment of principal and interest on any bond or loan: Provided further, That all gifts and grants received for the capital improvement project to construct and equip a research building, other than those received from the federal government for such capital improvement project, shall be deposited in the state treasury to the credit of this fund: And provided further, That the above agency may transfer moneys from the sponsored research overhead fund and from appropriate accounts of the restricted fees fund to this fund for such capital improvement project or for debt service for such capital improvement project: And provided further, That all transfers of moneys from the sponsored research overhead fund to this fund shall be in addition to any expenditure limitation imposed on the sponsored research overhead fund: And provided further, That such capital improvement project is hereby approved for the university of Kansas medical center for the purposes of subsection (b) of K.S.A. 1990 Supp. 74-8905 and amendments thereto and the authorization of the issuance of bonds by the Kansas development finance authority in accordance with that statute: And provided further, That all moneys received from the issuance of any such bonds shall be deposited in the state treasury to the credit of this fund: And provided further, That, upon request of the chancellor of the university of Kansas to provide for any amounts that may be required to be paid for all or part of the cost of such capital improvement project and expenses related thereto, in addition to other available moneys, the pooled money investment board is authorized and directed to loan to the university of Kansas medical center sufficient moneys therefor: And provided further, That all loan amounts shall be transferred and credited to this fund upon certifications by the chancellor of the university of Kansas: And provided further, That the pooled money investment board is authorized and directed to use any moneys in active accounts, inactive accounts or time deposits, open accounts, of the state of Kansas to provide moneys for such loan: And provided further, That such loan shall bear interest from the date of the loan transfer or transfers at an annual rate of interest which is not less than the rate prescribed by K.S.A. 75-4210 and amendments thereto for inactive accounts of the state effective on January 1 of such year and shall have such other terms as may be agreed upon by the chancellor of the university of Kansas and the pooled money investment board: And provided further, That such loan shall not be deemed to be an indebtedness or debt of the state of Kansas within the meaning of section 6 of article 11 of the constitution of the state of Kansas.

(c) The appropriations made by this section shall not be subject to the provisions of K.S.A. 46-155 and amendments thereto.

Sec. 14.

OSAWATOMIE STATE HOSPITAL

(a) There is hereby appropriated for the above agency from the state institutions building fund for the fiscal year ending June 30, 1992, for the capital improvement project specified as follows:

Remodel Biddle cafeteria \$45,800

Sec. 15.

ATTORNEY GENERAL — KANSAS BUREAU OF INVESTIGATION

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 1992, for the capital improvement project specified as follows:

Headquarters building repair and rehabilitation \$5,000

Sec. 16. Appeals to exceed limitations. Upon written application to the governor and approval of the state finance council, expenditures from special revenue funds may exceed the amounts specified in this act.

Sec. 17. Savings. Any unencumbered balance in any special revenue fund, or account thereof, which is not otherwise specifically appropriated or limited by this or other appropriation act of the 1991 regular session of the legislature, is hereby appropriated for the same use and purpose as the same was heretofore appropriated.

Sec. 18. Any Kansas educational building fund appropriation heretofore appropriated to any institution named in this or other appropriation act of the 1991 regular session of the legislature and having an unencumbered balance as of June 30, 1991, in excess of \$100 is hereby reappropriated for the fiscal year ending June 30,

1992, for the same use and purpose as originally appropriated, unless specific provision is made for lapsing such appropriation.

Sec. 19. Any state institutions building fund appropriation heretofore appropriated to any state agency named in this or other appropriation act of the 1991 regular session of the legislature and having an unencumbered balance as of June 30, 1991, in excess of \$100 is hereby reappropriated for the fiscal year ending June 30, 1992, for the same use and purpose as originally appropriated, unless specific provision is made for lapsing such appropriation.

Sec. 20. On the effective date of this act, sections 15 and 16 of chapter 21 of the 1990 Session Laws of Kansas are hereby repealed.

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

(Published in the Kansas Register, May 2, 1991.)

HOUSE BILL No. 2365

AN ACT concerning crimes and violations occurring on school grounds; relating to the possession of a firearm on school grounds; relating to first degree murder; violating the uniform controlled substances act; amending K.S.A. 1990 Supp. 21-3401, 21-4204, 65-4127a and 65-4127b and repealing the existing sections; also repealing K.S.A. 1990 Supp. 21-3401a, 65-4127f and 65-4127g.

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

Section 1. K.S.A. 1990 Supp. 21-4204 is hereby amended to read as follows: 21-4204. (1) Unlawful possession of a firearm is:

(a) Possession of any firearm by a person who is both addicted to and an unlawful user of a controlled substance;

(b) possession of a firearm with a barrel less than 12 inches long by a person who, within five years preceding such violation has been convicted of a felony under the laws of Kansas or any other jurisdiction or has been released from imprisonment for a felony; or

(c) possession of any firearm by any person who, within the preceding 10 years, has been convicted of a crime to which this subsection (1)(c) applies, or has been released from imprisonment for such a crime, and has not had the conviction of such crime expunged or been pardoned for such crime;

(d) possession of any firearm by any person, other than a law enforcement officer, in or on any school property or grounds upon which is located a building or 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 or at any regularly scheduled school sponsored activity or event; or

(e) refusal to surrender or immediately remove from school property or grounds or at any regularly scheduled school sponsored activity or event any firearm in the possession of any person, other than a law enforcement officer, when so requested or directed by any duly authorized school employee or any law enforcement officer.

(2) Subsection (1)(c) shall apply to a felony under K.S.A. 21-3401, 21-3402, 21-3403, 21-3404, 21-3410, 21-3411, 21-3414, 21-3415, 21-3419, 21-3420, 21-3421, 21-3427, 21-3502, 21-3506, 21-3518, 21-3716, 65-4127a or 65-4127b, and amendments thereto, or a crime under a law of another jurisdiction which is substantially the same as such felony.

(3) Subsection (1)(d) shall not apply to:

(a) Possession of any firearm in connection with a firearms safety course of instruction or firearms education course approved and authorized by the school;

(b) any possession of any firearm specifically authorized in writing by the superintendent of any unified school district or the chief administrator of any accredited nonpublic school;

(c) possession of a firearm secured in a motor vehicle by a parent, guardian, custodian or someone authorized to act in such person's behalf who is delivering or collecting a student; or

(d) possession of a firearm secured in a motor vehicle by a registered voter who is on the school grounds, which contain a polling place for the purpose of voting during polling hours on an election day.

(4) Violation of subsection (1)(a) or (1)(d) is a class B misdemeanor; violation of subsection (1)(b) or (1)(c) is a class D felony; violation of subsection (1)(e) is a class A misdemeanor.

Sec. 2. K.S.A. 1990 Supp. 65-4127a is hereby amended to read as follows: 65-4127a. (a) Except as authorized by the uniform controlled substances act, it shall be unlawful for any person to ~~manufacture~~, possess, have under such person's control, possess with intent to sell, offer for sale, sell, prescribe, administer, deliver, distribute, dispense or compound any opiates, opium or narcotic drugs, or any stimulant designated in subsection (d)(1), (d)(3) or (f)(1) of K.S.A. 65-4107 and amendments thereto. Any person who violates this section shall be guilty of a class C felony, except that, upon conviction for the second offense, such person shall be guilty of a class B felony, and upon conviction for a third or subsequent offense, such person shall be guilty of a class A felony, and the punishment shall be life imprisonment.

(b) Upon conviction of any person pursuant to subsection (a) in which (1) the substances involved were equal to or greater than the amounts for such substances 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.

(c) Notwithstanding any other provision of law, upon conviction of any person for a first offense pursuant to subsection (a), such person shall be guilty of a class B felony if such person is over 18 years of age and 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.

Nothing in this subsection shall be construed as requiring that school be in session or that classes are actually being held at the time of the offense or that children must be present within the structure or on the property during the time of any alleged criminal act. If the structure or property meets the description above, the actual use of that structure or property at the time alleged shall not be a defense to the criminal charged or the sentence imposed.

(d) *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. 3. 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) or (f) (d)(2), (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 (c), (d), (e), (f) or (g) of K.S.A. 65-4111 and amendments thereto; or

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

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

(b) Except as authorized by the uniform controlled substances act, it shall be unlawful for any person to sell, offer for sale or have in such person's possession with the intent to sell, ~~manufacture~~ 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) or (f) (d)(2), (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 (c), (d), (e), (f) or (g) of K.S.A. 65-4111, and amendments thereto; or

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

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

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

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

Nothing in this subsection shall be construed as requiring that school be in session or that classes are actually being held at the time of the offense or that children must be present within the structure or on the property during the time of any alleged criminal act. If the structure or property meets the description above, the actual use of that structure or property at the time alleged shall not be a defense to the criminal charged or the sentence imposed.

(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. 4. K.S.A. 1990 Supp. 21-3401 is hereby amended to read as follows: 21-3401. (a) Murder in the first degree is *premeditated murder* or the killing of a human being committed:

(a) ~~Maliciously, willfully, deliberately and with premeditation;~~

(b) (1) In the perpetration of or attempt to perpetrate any felony;

(c) (2) in the perpetration of abuse of a child, as provided in K.S.A. 21-3609 and amendments thereto; or

(d) (3) in the perpetration of, attempt to perpetrate, or as a result of the commission of any felony offense as provided in K.S.A. 65-4127a or 65-4127b, and amendments thereto.

(b) *As used in this section, "premeditated murder" means the killing of a human being committed maliciously, willfully, deliberately and with premeditation.*

(c) Murder in the first degree is a class A felony.

Sec. 5. K.S.A. 1990 Supp. 21-3401, 21-3401a, 21-4204, 65-4127a, 65-4127b, 65-4127f and 65-4127g are hereby repealed.

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

(Published in the Kansas Register, May 2, 1991.)

SENATE BILL No. 376

AN ACT amending the state certified real estate appraiser act, amending K.S.A. 1990 Supp. 58-4101, 58-4102, 58-4103, 58-4104, 58-4105, 58-4106, 58-4107, 58-4108, 58-4109, 58-4110, 58-4111, 58-4112, 58-4113, 58-4114, 58-4115, 58-4116, 58-4117, 58-4118, 58-4119, 58-4121, 58-4122 and 58-4123 and repealing the existing sections.

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

Section 1. K.S.A. 1990 Supp. 58-4101 is hereby amended to read as follows: 58-4101. This act shall be known and may be cited as the state certified ~~real estate and licensed real property~~ appraisers act.

Sec. 2. K.S.A. 1990 Supp. 58-4102 is hereby amended to read as follows: 58-4102. As used in this act:

(a) "Appraisal" or "real estate appraisal" means an analysis, opinion or conclusion prepared by a real estate appraiser relating to the nature, quality, value or utility of specified interests in, or aspects of, identified real estate. An appraisal may be classified by subject matter into either a valuation or an analysis. A valuation is an estimate of the value of real estate or real property. An analysis is a study of real estate or real property other than estimating value.

(b) "Appraisal assignment" means an engagement for which an appraiser is employed or retained to act, or would be perceived by third parties or the public as acting, as a disinterested party in rendering an unbiased analysis, opinion or conclusion relating to the nature, quality, value or utility of specified interests in, or aspects of, identified real estate.

(c) "Appraisal report" means any communication, written or oral, of an appraisal.

(d) "Board" means the real estate appraisal board established pursuant to the provisions of this act.

(e) "Certified appraisal" or "certified appraisal report" means an appraisal or appraisal report given or signed and certified as such by a state certified real estate appraiser. When identifying an appraisal or appraisal report as certified, the state certified real estate appraiser must indicate which type of certification is held. A certified appraisal or appraisal report represents to the public that it meets the appraisal standards defined in this act.

(f) "Commission" means the Kansas real estate commission.

(g) "Federal law" means title XI of the financial institutions reform, recovery and enforcement act of 1989 (12 U.S.C. 3331 et seq.) and any other federal law, and any regulations adopted pursuant thereto.

(h) "Federally related transaction" means any real estate-related financial transaction which: (1) A federal financial institutions regulatory agency or the resolution trust corporation engages in, contracts for or regulates; and (2) requires the services of an appraiser.

(i) "Real estate" means an identified parcel or tract of land, including improvements, if any.

(j) "Real estate appraisal organization" means any nationally recognized organization of professional appraisers.

(k) "Real estate-related financial transaction" means any transaction involving: (1) The sale, lease, purchase, investment in or exchange of real property, including interests in property or the financing thereof; (2) the refinancing of real property or interests in real property; and (3) the use of real property or interests in property as security for a loan or investment, including mortgage-backed securities.

(l) "Real property" means one or more defined interests, benefits and rights inherent in the ownership of real estate.

(m) "Specialized services" means those appraisal services which do not fall within the definition of appraisal assignment. Specified services may include valuation work and analysis work. Regardless of the intention of the client or employer, if the appraiser would be perceived by third parties or the public as acting as a disinterested party in rendering an unbiased analysis, opinion or conclusion, the work is classified as an appraisal assignment and not specialized services.

(n) A "state certified real estate appraiser" means a person who develops and communicates real estate appraisals and who holds a current, valid general or residential certificate issued to such person under the provisions of this act.

(o) A "state licensed appraiser" means a person who develops

and communicates real estate appraisals and holds a current, valid license issued to such person under the provisions of this act.

(p) "Written appraisal" means a written statement used in connection with a federally related transaction that is independently and impartially prepared by a licensed or certified appraiser setting forth an opinion of defined value of an adequately described property as of a specific date, supported by presentation and analysis of relevant market information.

Sec. 3. K.S.A. 1990 Supp. 58-4103 is hereby amended to read as follows: 58-4103. (a) Except as provided in subsection (b), no person, other than a state certified real estate or licensed appraiser, shall:

(1) Engage in any appraisal of real property written appraisal in connection with a federally related transaction for which certification or licensure is required pursuant to this act federal law; or

(2) assume or use the title of state certified real estate or licensed appraiser or any title, designation or abbreviation likely to create the impression of certification as a real estate appraiser by this state; or

(3) describe or refer to such person's appraisal or other evaluation of real estate located in this state as a state certified appraisal.

(b) The board shall recognize on a temporary basis the certification or license of an appraiser issued by another state in accordance with federal law if:

(1) The property to be appraised is part of a federally related transaction pursuant to federal law;

(2) the appraiser's business in this state is of a temporary nature; and

(3) the appraiser registers with the board, as prescribed by the board.

(c) Violation of subsection (a) is a class B misdemeanor.

(d) The provisions of this act requiring certification or licensure or the issuance of a certificate of authorization to engage in or license authorizing the practice of real estate appraisal shall not be construed to prevent a person who is not a state certified or licensed real estate appraiser from appraising real estate for compensation if state certification or licensure is not required pursuant to federal law.

(e) An individual who is not a state certified or licensed appraiser may assist in the preparation of an appraisal if: (1) The assistant is under the direct supervision of an individual who is a state licensed or certified appraiser; and (2) the final appraisal document is approved and signed by an individual who is a state certified or licensed appraiser.

Sec. 4. K.S.A. 1990 Supp. 58-4104 is hereby amended to read as follows: 58-4104. (a) There is hereby established the real estate appraisal board which shall be attached to the commission for purposes of administrative functions.

(b) The board shall consist of seven members appointed by the governor. At least one member of the board shall represent the general public, at least two shall represent financial institutions and at least three shall be real estate appraisers. No two real estate appraiser members shall be members of the same real estate appraisal organization. Upon expiration of the terms of the first members appointed to the board and thereafter: (1) No real estate appraiser member of the board shall be eligible to serve unless such member is a state certified real estate appraiser. Not more than two years after the effective date of this act at least two of the appraiser members shall hold a current, valid general appraisal certificate or licensed appraiser; and (2) at least one appraiser member shall be a certified general real property appraiser. Any member representing the general public shall not be affiliated with any financial institution or in the practice of real estate appraising.

(c) Members of the board shall serve for terms of three years except that, of the members first appointed to the board, two shall serve for terms of two years and two shall serve for terms of one year, as designated by the governor. Upon expiration of a member's term, the member shall continue to hold office until the appointment and qualification of a successor. No person shall serve as a member of the board for more than two consecutive terms.

(d) The governor may remove a member of the board for cause.

(e) The board shall hold meetings and hearings in the city of

Topeka or at such times and places as it designates, on call of the chairperson or on request of two or more members.

(f) The members of the board shall select a chairperson from among the members to preside at board meetings.

(g) A quorum of the board shall be four members.

(h) Each member of the board shall be paid compensation, subsistence allowances, mileage and other expenses as provided in K.S.A. 75-3223 and amendments thereto for attendance at any meeting of the board or any subcommittee meeting authorized by the board.

(i) The provisions of the Kansas sunset law apply to the real estate appraisal board established by this section, and the board is subject to abolition under that law.

Sec. 5. K.S.A. 1990 Supp. 58-4105 is hereby amended to read as follows: 58-4105. (a) The board may adopt such rules and regulations as necessary to implement, administer and enforce the provisions of this act.

(b) The board shall:

(1) Establish by rules and regulations, consistent with requirements pursuant to federal law, the type of education and experience that will meet the requirements of this act with respect to each class of state certified real estate appraiser;

(2) establish, consistent with requirements pursuant to federal law, examination specifications for each class of state certified real estate appraiser and (1) Approve courses of instruction to meet requirements of this act and monitor approved courses;

(2) adopt rules and regulations prescribing policies and procedures for obtaining board approval of courses, monitoring approved courses and withdrawing board approval of courses;

(3) administer, or designate a testing service to administer, examinations required by this act;

(3) (4) approve or disapprove applications for certification and licensure and renewal of certification certificates and licenses;

(4) establish by rules and regulations, consistent with requirements pursuant to federal law, the continuing education requirements for the renewal of certification that will meet the statutory requirements provided in this act with respect to each class of state certified real estate appraisers;

(5) review from time to time the standards for the development and communication of real estate appraisals provided for in this act and to adopt rules and regulations explaining and interpreting the standards; and

(6) suspend and revoke certificates pursuant to disciplinary proceedings provided for in K.S.A. 1990 Supp. 58-4118; and

(7) (6) perform such other functions and duties as necessary to carry out the provisions of this act.

(e) In adopting rules and regulations pursuant to subsection (b), the board shall determine the education, experience and examination requirements necessary to provide appropriate assurance that an applicant for certification is competent to perform appraisals within the scope of practice of the certified appraisal work authorized for the classification of certification applied for. In making such determination, the board shall take into consideration the following:

(1) Appropriate knowledge of technical terms commonly used in or related to real estate appraising, appraisal report writing and economic concepts applicable to real estate;

(2) understanding of the principles of land economics, real estate appraisal processes and problems likely to be encountered in gathering, interpreting and processing data in carrying out appraisal disciplines;

(3) understanding of the standards for the development and communication of real estate appraisals as provided in this act;

(4) knowledge of theories of depreciation, cost estimating, methods of capitalization and mathematics of real estate appraisal that are appropriate for the classification of certificate applied for;

(5) knowledge of such other principles and procedures as may be appropriate for the respective classifications;

(6) basic understanding of real estate law;

(7) understanding of the types of misconduct for which disciplinary proceedings may be initiated against a state certified real estate appraiser, as set forth in this act;

(8) the requirements of federal law; and

(9) such other matters as the board determines appropriate and relevant.

(d) (c) The board may enter into such contracts for the services of attorneys and appraisers as necessary to administer and enforce the provisions of this act.

(e) (d) Actions of the board shall not be reviewable by the commission.

Sec. 6. K.S.A. 1990 Supp. 58-4106 is hereby amended to read as follows: 58-4106. (a) The commission shall:

(1) Receive applications for certification and licensure and renewal of certification certificates and licenses;

(2) issue certificates and licenses after the board has approved applications for certification and licensure and renewal of certification certificates and licenses;

(3) maintain a registry of the names and addresses of persons certified and licensed under this act and transmit the registry to the federal financial institutions examination council on an annual basis in accordance with federal law;

(4) maintain all records submitted to it;

(5) collect fees prescribed pursuant to K.S.A. 1990 Supp. 58-4107 and amendments thereto;

(6) make such expenditures as are necessary to properly carry out the provisions of this act; and

(7) submit the board's annual budget, assisted by the board, to the department of administration.

(b) The commission may assist the board in such other manner as agreed upon by the board and commission.

Sec. 7. K.S.A. 1990 Supp. 58-4107 is hereby amended to read as follows: 58-4107. (a) The board shall adopt rules and regulations prescribing the fees provided for by this act in amounts necessary to administer and enforce this act, subject to the following:

(1) For application for certification or licensure, a fee not to exceed \$50.

(2) For any examination required for certification or licensure, a fee in an amount equal to the actual cost of the examination and administration thereof.

(3) For original certification or licensure, a fee not to exceed \$150.

(4) For renewal of certification a certificate or license, a fee not to exceed \$100.

(5) For late renewal certification of a certificate or license, a late fee not to exceed \$50.

(6) For certification to another jurisdiction that an individual is certified or licensed, an amount not exceeding \$10.

(7) For approval of a course of instruction approved pursuant to K.S.A. 1990 Supp. 58-4105 and amendments thereto, an amount not to exceed \$100.

(8) For renewal of a course of instruction approved pursuant to K.S.A. 1990 Supp. 58-4105 and amendments thereto, an amount not to exceed \$25.

If a certificate or license is issued or renewed for a period other than one year, the fee shall be prorated to the nearest whole month.

(b) The board may prescribe a fee not to exceed \$50 for registration of an appraiser pursuant to subsection (b) of K.S.A. 1990 Supp. 58-4103 and amendments thereto.

(c) The board may establish different classes of courses of instruction for the purpose of establishing fees pursuant to subsection (a)(7) and (8) and may establish a different fee for each such class.

(d) In addition to the fees prescribed above, the commission shall collect any registry fee required pursuant to federal law. Such registry fee fees shall be transmitted by the commission to the federal financial institutions examination council in accordance with federal law.

(e) (e) Except as provided in subsection (d) (f), the commission shall collect all fees provided for by this act. No original or renewal certification renewed certificate or license shall be issued unless all appropriate fees, including any federal registry fee, have been paid.

(d) (f) If a testing service has been designated by the board to administer the examination, each applicant shall pay the examination fee to the testing service.

(e) (g) The director of the commission shall remit to the state treasurer at least monthly all moneys, received pursuant to this act.

(continued)

Upon receipt thereof the state treasurer shall deposit the entire amount in the state treasury. Twenty percent of each such deposit, other than amounts collected for federal registry fees or for civil fines imposed pursuant to K.S.A. 1990 Supp. 58-4118 and amendments thereto, shall be credited to the state general fund and the balance shall be credited to the appraiser fee fund, which is hereby created in the state treasury. All expenditures from such fund shall be made in accordance with appropriations acts upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the director of the commission or by a person or persons designated by the director.

(h) All amounts collected for federal registry fees shall be credited totally to the federal registry clearing fund, which is hereby created in the state treasury. All disbursements from the federal registry clearing fund shall be made upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the director of the commission or by a person or persons designated by the director. Amounts credited to the federal registry clearing fund under this section shall not be subject to any limitations imposed by any appropriations act of the legislature.

Sec. 8. K.S.A. 1990 Supp. 58-4108 is hereby amended to read as follows: 58-4108. (a) Applications for original certification and licensure and renewal of certification certificates and licenses shall be made in writing to the commission on forms approved by the board and shall be accompanied by the appropriate fees prescribed pursuant to K.S.A. 1990 Supp. 58-4107 and amendments thereto.

(b) Applications for examination shall be made in writing to the commission on forms approved by the board and shall be accompanied by the appropriate fee prescribed pursuant to K.S.A. 1990 Supp. 58-4107 and amendments thereto. If a testing service has been designated by the board to administer the examination, applications for examination shall be made in writing to the testing service on forms approved by the testing service.

(c) At the time of filing an application for certification or licensure, each applicant shall sign a statement agreeing to comply with the standards set forth in this act and stating that the applicant understands the types of misconduct for which disciplinary proceedings may be initiated against a state certified real estate or licensed appraiser, as set forth in this act.

Sec. 9. K.S.A. 1990 Supp. 58-4109 is hereby amended to read as follows: 58-4109. (a) There shall be hereby established the following classes of certification for state certified real estate real property appraisers:

(1) The state certified residential real estate appraiser classification, which shall consist of those persons meeting the requirements for certification relating to the appraisal of residential real property of one to four units, agricultural real property and small commercial real property, except appraisals required pursuant to federal law to be performed by a state certified general real estate appraiser.

(2) The state certified general real estate appraiser classification, which shall consist of those persons meeting the requirements for certification relating to the appraisal of all types of real property.

(3) Such other classifications, to be established by the board, as permitted by federal law.

(b) (1) State licensed real property appraiser classification;
(2) certified general real property appraiser classification; and
(3) certified residential real property appraiser classification.
(b) The board may establish, by rules and regulations, such other classifications as permitted by federal law.

(c) The board shall adopt rules and regulations, consistent with requirements and criteria adopted pursuant to federal law, to:

(1) Define each classification;
(2) establish education and experience requirements for each classification;
(3) establish examination specifications for each classification; and
(4) establish continuing education requirements for renewal of each classification.

(d) In adopting rules and regulations pursuant to subsection (c), the board shall determine the education, experience and examination requirements necessary to provide appropriate assurance that an

applicant for certification or licensure is competent to perform appraisals within the scope of practice of the appraisal work authorized for the classification applied for and that persons renewing their certificates or licenses have current knowledge of real property appraisal theory, practices and techniques which will provide a high degree of service and protection to those members of the public with whom they deal. In making such determination, the board shall take into consideration the following:

(1) Appropriate knowledge of technical terms commonly used in or related to real estate appraising, appraisal report writing and economic concepts applicable to real estate;

(2) understanding of the principles of land economics, real estate appraisal processes and problems likely to be encountered in gathering, interpreting and processing data in carrying out appraisal disciplines;

(3) understanding of the standards for the development and communication of real estate appraisals as provided in this act;

(4) knowledge of theories of depreciation, cost estimating, methods of capitalization and mathematics of real estate appraisal that are appropriate for the classification applied for;

(5) knowledge of such other principles and procedures as may be appropriate for the respective classifications;

(6) basic understanding of real estate law;

(7) understanding of the types of misconduct for which disciplinary proceedings may be initiated against a state certified or licensed appraiser, as set forth in this act;

(8) the requirements of federal law; and

(9) such other matters as the board determines appropriate and relevant.

(e) The application for original certification or licensure and examination shall specify the classification of certification being applied for.

(f) In no event shall a certificate or license be issued to an individual unless the examination required for the classification applied for was passed by the applicant within the two-year period immediately preceding the date of application.

(g) The board may approve applications for transitional licenses received prior to December 31, 1991, if the board determines the applicant has met the education and examination requirements established for state licensed appraisers.

A transitional license shall expire on the next June 30 after issuance and shall not be renewed more than one time. The license shall include a statement that it is a transitional license and that it may be renewed one time only. If the transitional license is renewed, the renewed license shall include a statement that it may not be renewed and extended beyond the expiration date appearing on the license.

The holder of a transitional license may obtain forms from the commission to submit evidence of having completed the experience requirements established for state licensed appraisers. If the board approves issuance of a license prior to the expiration date of the transitional license, the applicant shall return the transitional license to the commission.

Except as provided in this subsection, applicants for transitional licenses and holders of transitional licenses are subject to all provisions of this act and any rules and regulations adopted hereunder.

Sec. 10. K.S.A. 1990 Supp. 58-4110 is hereby amended to read as follows: 58-4110. Certificates and licenses issued pursuant to this act shall expire annually on June 30. The expiration date of the certificate or license shall appear on the certificate and no other notice of its expiration need be given to its holder.

Sec. 11. K.S.A. 1990 Supp. 58-4111 is hereby amended to read as follows: 58-4111. If, in the determination of the board, another state has certification and licensure requirements substantially equivalent to those of this state, an applicant who is certified or licensed under the laws of the other state may obtain certification or licensure under this act upon such terms and conditions as prescribed by the board.

Sec. 12. K.S.A. 1990 Supp. 58-4112 is hereby amended to read as follows: 58-4112. (a) To obtain a renewal certificate as a state certified real estate appraiser renewal of a certificate or license the holder of a current, valid certificate or license shall make application for renewal on a form provided by the commission and pay the fee prescribed pursuant to K.S.A. 1990 Supp. 58-4107 and

amendments thereto to the commission not earlier than 120 days nor later than 30 days prior to the expiration date of the certificate or license then held. With the application for renewal, the state certified real estate appraiser applicant shall present evidence in the form prescribed by the board of having completed the continuing education requirements for renewal specified in this act.

(b) If a person fails to apply for renewal of certificate as a state certified real estate appraiser prior to the date provided by subsection (a) or within a period of extension granted by the board pursuant to this act, the person may obtain a renewal certificate renewal of a certificate or license if the person, not later than three months after expiration of the certification certificate or license, satisfies all of the requirements for renewal and pays the renewal and late fees prescribed pursuant to K.S.A. 1990 Supp. 58-4107. If the applicant satisfies the requirement for renewal during the extended term of certification, the beginning date of the new renewal certificate shall be the day following the expiration of the certificate previously held by the applicant and amendments thereto.

Sec. 13. K.S.A. 1990 Supp. 58-4113 is hereby amended to read as follows: 58-4113. (a) The board may refuse to issue or renew a certificate as a state certified real estate appraiser or license on any applicable grounds enumerated in K.S.A. 1990 Supp. 58-4118 and amendments thereto.

(b) If the board, after an application for certification or licensure or renewal of certification a certificate or license has been filed with the proper form, accompanied by the proper fee, denies an application for certification or renewal of certification, it the application, the board shall give notice to the applicant setting forth the reasons for such refusal. Such notice and an opportunity to be heard shall be given in accordance with the provisions of the Kansas administrative procedure act, unless the application is denied solely because of the applicant's failure to pass a required examination.

Sec. 14. K.S.A. 1990 Supp. 58-4114 is hereby amended to read as follows: 58-4114. (a) Each state certified real estate or licensed appraiser shall advise the commission of the address of the appraiser's principal place of business and all other addresses at which the appraiser is currently engaged in the business of preparing real property appraisal reports.

(b) When a state certified real estate or licensed appraiser changes a place of business, the appraiser shall immediately give written notice of the change to the commission.

(c) Each state certified real estate or licensed appraiser shall notify the commission of the appraiser's current residence address. Residence addresses on file with the commission are exempt from disclosure as public records.

Sec. 15. K.S.A. 1990 Supp. 58-4115 is hereby amended to read as follows: 58-4115. (a) A certificate Each certificate and license issued under authority of this act shall bear the signatures or facsimile signatures include the classification for which the appraiser has qualified and shall bear the signature or facsimile signature of the chairperson of the board and a certificate or license number assigned by the commission.

(b) Each state certified real estate appraiser or licensed appraiser shall designate the appraiser's classification on any appraisal report or in any contract or other instrument used by the appraiser in conducting real property appraisal activities and shall place the appraiser's certificate or license number adjacent to or immediately below the title "state certified residential real estate appraiser" or "state certified general real estate appraiser" when used in an appraisal report or in a contract or other instrument used by the certificate holder in conducting real property appraisal activities classification.

Sec. 16. K.S.A. 1990 Supp. 58-4116 is hereby amended to read as follows: 58-4116. (a) The term "state certified real estate appraiser" or "state licensed appraiser" may be used only to refer to individuals who hold the certificate a certificate or license issued pursuant to this act and may not be used following or immediately in connection with the name or signature of a firm, partnership, corporation or group, or in such manner that it might be interpreted as referring to a firm, partnership, corporation, group or anyone other than an individual holder of the certificate or license.

(b) No certificate or license shall be issued under the provisions

of this act to a corporation, partnership, firm or group. This shall not be construed to prevent a state certified real estate or licensed appraiser from signing an appraisal report on behalf of a corporation, partnership, firm or group practice.

Sec. 17. K.S.A. 1990 Supp. 58-4117 is hereby amended to read as follows: 58-4117. (a) As a prerequisite to renewal of certification, a state certified real estate a certificate or license, the appraiser shall present evidence satisfactory to the board of having met the continuing education requirements.

(b) The basic continuing education requirement for renewal of certification a certificate or license shall be the completion by the applicant, during the immediately preceding term of certification or licensure, of the number of hours of classroom instruction required by the board in courses or seminars which have received the approval of the board. Such requirement shall not exceed the requirements of federal law which have been established pursuant to K.S.A. 1990 Supp. 58-4109 and amendments thereto and which have received the approval of the board.

(c) The board shall adopt rules and regulations for implementation of the provisions of this section to the end of assuring that persons renewing their certifications as state certified real estate appraisers have current knowledge of real property appraisal theory, practices and techniques which will provide a high degree of service and protection to those members of the public with whom they deal in a professional relationship under authority of the certification. The rules and regulations shall prescribe:

(1) Policies and procedures for obtaining board approval of courses of instruction pursuant to subsection (b); and

(2) standards, monitoring methods and systems for recording attendance to be employed by course sponsors as a prerequisite to board approval of courses for credit.

(c) No amendment or repeal of a rule and regulation adopted by the board pursuant to this section shall operate to deprive a state certified real estate appraiser of credit toward renewal of certification shall operate to deprive an applicant of credit toward renewal of a certificate or license for any course of instruction completed by the applicant prior to the amendment or repeal of the rule and regulation which would have qualified for continuing education credit under the rule and regulation as it existed prior to the repeal or amendment.

(d) A certification as a state certified real estate appraiser

(d) A certificate or license that has been revoked as a result of disciplinary action by the board shall not be reinstated unless the applicant presents evidence of completion of the continuing education required pursuant to this act. This requirement of evidence of continuing education shall not be imposed upon an applicant for reinstatement who has been required to successfully complete the examination for state certified real estate appraiser as a condition to reinstatement of certification an examination as a condition of reinstatement.

Sec. 18. K.S.A. 1990 Supp. 58-4118 is hereby amended to read as follows: 58-4118. (a) The certificate of a state certified real estate appraiser may be revoked or suspended, or the holder of the certificate may be otherwise disciplined in accordance with the provisions of this act, upon any of the grounds set forth in this section. The board may investigate the actions of a state certified real estate or licensed appraiser and may revoke or suspend the rights of a certificate holder or otherwise discipline a state certified real estate appraiser the certificate or license of the appraiser, or censure the appraiser, for any of the following acts or omissions:

(1) Procuring or attempting to procure a certificate or license pursuant to this act by knowingly making a false statement, submitting false information, refusing to provide complete information in response to a question in an application for certification or licensure or any form of fraud or misrepresentation;

(2) failing to meet the minimum qualifications established by this act;

(3) paying money, other than provided for by this act, to any member or employee of the board or commission to procure a certificate or license under this act;

(4) a plea of guilty or nolo contendere to, or conviction of: (A)

(continued)

Forgery, embezzlement, obtaining money under false pretenses, larceny, extortion, conspiracy to defraud or any other similar offense; (B) a crime involving moral turpitude; or (C) any felony charge;

(5) an act or omission involving dishonesty, fraud or misrepresentation, with the intent to substantially benefit the certificate holder appraiser or another person or with the intent to substantially injure another person;

(6) violation of any of the standards for the development or communication of real estate appraisals as provided in this act;

(7) failure or refusal without good cause to exercise reasonable diligence in developing an appraisal, preparing an appraisal report or communicating an appraisal;

(8) negligence or incompetence in developing an appraisal, preparing an appraisal report or communicating an appraisal;

(9) willfully disregarding or violating any provision of this act or rules and regulations of the board for the administration and enforcement of the provisions of this act;

(10) accepting an appraisal assignment, described in K.S.A. 1990 Supp. 58-4122 and amendments thereto, when the employment itself is contingent upon the appraiser reporting a predetermined estimate, analysis or opinion, or when the fee to be paid is contingent upon the opinion, conclusion or valuation reached, or upon the consequences resulting from the appraisal assignment;

(11) violating the confidential nature of governmental records to which the appraiser gained access through employment or engagement as an appraiser by a governmental agency; or

(12) entry of a final civil judgment against the person on grounds of fraud, misrepresentation or deceit in the making of any appraisal of real property.

(b) *In addition to or in lieu of any other administrative, civil or criminal remedy provided by law, the board upon a finding that a state certified or licensed appraiser has violated any provision of this act or of any rules and regulations adopted hereunder, may impose upon such appraiser a civil fine not exceeding \$1,000 for each violation. All moneys collected by the board from such fines shall be remitted to the state treasurer at least monthly. Upon receipt thereof, the state treasurer shall deposit the entire amount in the state treasury and credit it to the state general fund.*

(c) In a disciplinary proceeding based upon a civil judgment, the state certified real estate appraiser shall be afforded an opportunity to present matters in mitigation and extenuation but may not collaterally attack the civil judgment.

(e) (d) All administrative proceedings pursuant to this section shall be conducted in accordance with the Kansas administrative procedure act.

Sec. 19. K.S.A. 1990 Supp. 58-4119 is hereby amended to read as follows: 58-4119. The costs of any hearing before the board may be assessed against the state certified real estate appraiser or applicant if the order of the board is adverse to the appraiser or applicant. The board may reduce any such assessment to judgment by filing a petition in the district court of Shawnee county. No certification certificate or license shall be reinstated, renewed or issued if an assessment for costs has not been paid by the holder of or applicant for such certification applicant or appraiser. Costs shall include:

(a) Statutory fees and mileage of witnesses attending a hearing or for the taking of depositions used as evidence;

(b) reporter's or stenographic charges for the taking of depositions used as evidence or for transcripts of the hearing; and

(c) such other charges authorized to be taxed as costs, as specified in K.S.A. 60-2003 and amendments thereto.

Sec. 20. K.S.A. 1990 Supp. 58-4121 is hereby amended to read as follows: 58-4121. A state certified real estate appraiser must or licensed appraiser shall comply with the uniform standards of professional appraisal practice promulgated pursuant to federal law.

Sec. 21. K.S.A. 1990 Supp. 58-4122 is hereby amended to read as follows: 58-4122. A client or employer may retain or employ a state certified real estate or licensed appraiser to act as a disinterested third party in rendering an unbiased estimate of value or analysis. A client or employer may also retain or employ a state certified real estate or licensed appraiser to provide specialized services to facilitate the client's or employer's objectives. In either

case, the appraisal and the appraisal report must comply with the provisions of this act.

Sec. 22. K.S.A. 1990 Supp. 58-4123 is hereby amended to read as follows: 58-4123. (a) A state certified real estate or licensed appraiser shall retain for five years originals or true copies of all written contracts engaging the appraiser's services for real property appraisal work and all reports and supporting data assembled and formulated by the appraiser in preparing the reports.

(b) The five-year period for retention of records is applicable to each engagement of the services of the appraiser and shall commence upon the date of the submittal of the appraisal to the client unless, within such five-year period, the appraiser is notified that the appraisal or report is involved in litigation, in which event the five-year period for the retention of records shall commence upon the date of the final disposition of such litigation.

(c) All records required to be maintained under the provisions of this act shall be made available by the state certified real estate appraiser for inspection and copying by the board on reasonable notice to the appraiser.

Sec. 23. K.S.A. 1990 Supp. 58-4101, 58-4102, 58-4103, 58-4104, 58-4105, 58-4106, 58-4107, 58-4108, 58-4109, 58-4110, 58-4111, 58-4112, 58-4113, 58-4114, 58-4115, 58-4116, 58-4117, 58-4118, 58-4119, 58-4121, 58-4122 and 58-4123 are hereby repealed.

Sec. 24. This act shall take effect and be in force from and after its publication in the Kansas register.

(Published in the Kansas Register, May 2, 1991.)

HOUSE BILL No. 2456

AN ACT making and concerning appropriations for the fiscal year ending June 30, 1991, for the abstracters' board of examiners, board of accountancy, state bank commissioner, Kansas board of barbering, behavioral sciences regulatory board, state board of healing arts, Kansas state board of cosmetology, Kansas dental board, state board of mortuary arts, consumer credit commissioner, board of nursing, board of examiners in optometry, Kansas real estate commission, savings and loan department, office of the securities commissioner of Kansas, state board of technical professions, state board of veterinary examiners, department of transportation, legislative coordinating council, legislature, attorney general, Kansas public employees retirement system, Kansas public disclosure commission, commission on civil rights, state corporation commission, department of administration, Fort Hays state university, Kansas state university, Kansas state university veterinary medical center, Emporia state university, Pittsburg state university, university of Kansas, university of Kansas medical center, Kansas college of technology, department of revenue—homestead property tax refunds, department of human resources, Kansas commission on veterans affairs, department of health and environment, department on aging, adjutant general, state fire marshal, Kansas parole board, Kansas highway patrol, attorney general—Kansas bureau of investigation, youth center at Topeka, youth center at Beloit, emergency medical services board, state board of pharmacy, Wichita state university, secretary of state, state treasurer and corrections ombudsman board; authorizing certain transfers, imposing certain restrictions and limitations, and directing or authorizing certain receipts and disbursements and acts incidental to the foregoing.

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

Section 1. For the fiscal year ending June 30, 1991, appropriations are hereby made, restrictions and limitations are hereby imposed, and transfers, fees, receipts, disbursements and acts incidental to the foregoing are hereby directed or authorized as provided in this act.

Sec. 2.

ABSTRACTERS' BOARD OF EXAMINERS

(a) The expenditure limitation established by section 2(a) of chapter 9 of the 1990 Session Laws of Kansas on the abstracters' fee fund is hereby decreased from \$16,980 to \$16,124.

Sec. 3.

BOARD OF ACCOUNTANCY

(a) The expenditure limitation established by section 3(a) of chapter 9 of the 1990 Session Laws of Kansas on the board of accountancy fee fund is hereby decreased from \$183,042 to \$181,241.

Sec. 4.

STATE BANK COMMISSIONER

(a) The expenditure limitation established by section 4(a) of chapter 9 of the 1990 Session Laws of Kansas on the bank commissioner fee fund is hereby decreased from \$2,803,863 to \$2,723,857.

Sec. 5.

KANSAS BOARD OF BARBERING

(a) The expenditure limitation established by section 14(a) of

chapter 29 of the 1990 Session Laws of Kansas on the barber examiner fee fund is hereby decreased from \$84,828 to \$84,247.

Sec. 6.

BEHAVIORAL SCIENCES REGULATORY BOARD

(a) The expenditure limitation established by section 6(a) of chapter 9 of the 1990 Session Laws of Kansas on the behavioral sciences regulatory board fee fund is hereby decreased from \$260,004 to \$243,786.

Sec. 7.

STATE BOARD OF HEALING ARTS

(a) The expenditure limitation established by section 7(a) of chapter 9 of the 1990 Session Laws of Kansas on the healing arts fee fund is hereby increased from \$1,107,843 to \$1,143,601.

(b) The position limitation established by section 22 of chapter 9 of the 1990 Session Laws of Kansas for the above agency is hereby increased from 20.0 to 22.0.

Sec. 8.

KANSAS STATE BOARD OF COSMETOLOGY

(a) The expenditure limitation established by section 8(a) of chapter 9 of the 1990 Session Laws of Kansas on the cosmetology fee fund is hereby decreased from \$288,626 to \$285,118.

Sec. 9.

KANSAS DENTAL BOARD

(a) The expenditure limitation established by section 10(a) of chapter 9 of the 1990 Session Laws of Kansas on the dental board fee fund is hereby increased from \$145,441 to \$146,989.

Sec. 10.

STATE BOARD OF MORTUARY ARTS

(a) The expenditure limitation established by section 11(a) of chapter 9 of the 1990 Session Laws of Kansas on the mortuary arts fee fund is hereby decreased from \$135,336 to \$134,225.

Sec. 11.

CONSUMER CREDIT COMMISSIONER

(a) The expenditure limitation established by section 13(a) of chapter 9 of the 1990 Session Laws of Kansas on the consumer credit fee fund is hereby decreased from \$316,542 to \$314,188.

Sec. 12.

BOARD OF NURSING

(a) The expenditure limitation established by section 6(a) of chapter 29 of the 1990 Session Laws of Kansas on the board of nursing fee fund is hereby increased from \$682,584 to \$688,194.

Sec. 13.

BOARD OF EXAMINERS IN OPTOMETRY

(a) The expenditure limitation established by section 15(a) of chapter 9 of the 1990 Session Laws of Kansas on the optometry fee fund is hereby decreased from \$37,325 to \$33,224.

Sec. 14.

KANSAS REAL ESTATE COMMISSION

(a) The expenditure limitation established by section 17(a) of chapter 9 of the 1990 Session Laws of Kansas on the real estate fee fund is hereby decreased from \$545,138 to \$532,865.

(b) The expenditure limitation established by section 4(a) of chapter 29 of the 1990 Session Laws of Kansas on the appraiser fee fund is hereby decreased from \$39,157 to \$38,822.

Sec. 15.

SAVINGS AND LOAN DEPARTMENT

(a) The expenditure limitation established by section 18(a) of chapter 9 of the 1990 Session Laws of Kansas on the savings and loan fee fund is hereby decreased from \$210,272 to \$204,215.

Sec. 16.

OFFICE OF THE SECURITIES COMMISSIONER OF KANSAS

(a) The expenditure limitation established by section 19(a) of chapter 9 of the 1990 Session Laws of Kansas on the securities act fee fund is hereby decreased from \$1,287,823 to \$1,278,781.

Sec. 17.

STATE BOARD OF TECHNICAL PROFESSIONS

(a) The expenditure limitation established by section 20(a) of chapter 9 of the 1990 Session Laws of Kansas on the technical professions fee fund is hereby decreased from \$269,885 to \$268,322.

Sec. 18.

STATE BOARD OF VETERINARY EXAMINERS

(a) The expenditure limitation established by section 21(a) of

chapter 9 of the 1990 Session Laws of Kansas on the veterinary examiners fee fund is hereby decreased from \$109,871 to \$103,098.

Sec. 19.

DEPARTMENT OF TRANSPORTATION

(a) The expenditure limitation established by section 2(a) of chapter 25 of the 1990 Session Laws of Kansas on the administration account of the state highway fund is hereby decreased from \$17,869,022 to \$17,660,380.

(b) The expenditure limitation established by section 2(a) of chapter 25 of the 1990 Session Laws of Kansas on the planning and development account of the state highway fund is hereby decreased from \$4,594,323 to \$4,582,090.

(c) The expenditure limitation established by section 2(a) of chapter 25 of the 1990 Session Laws of Kansas on the engineering and design account of the state highway fund is hereby decreased from \$14,303,245 to \$13,953,079.

(d) The expenditure limitation established by section 21(f) of chapter 29 of the 1990 Session Laws of Kansas on the operations account of the state highway fund is hereby decreased from \$127,536,303 to \$125,294,439.

(e) The expenditure limitation established by section 2(a) of chapter 25 of the 1990 Session Laws of Kansas on the aviation account of the state highway fund is hereby decreased from \$368,453 to \$366,894.

Sec. 20.

LEGISLATIVE COORDINATING COUNCIL

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

Legislative coordinating council—operations \$2,408

Sec. 21.

LEGISLATURE

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

Operations (including official hospitality) \$516,071

(b) There is appropriated for the above agency from the following special revenue fund all moneys now or hereafter lawfully credited to and available in such fund, except that expenditures shall not exceed the following:

Water plan fund—CIS \$115,000

Sec. 22.

ATTORNEY GENERAL

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

Kansas bureau of investigation and Kansas highway patrol special asset forfeiture fund \$50,000

Sec. 23.

KANSAS PUBLIC EMPLOYEES RETIREMENT SYSTEM

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

For employers' contributions \$2,113,003

(b) The expenditure limitation established by section 53(a) of chapter 29 of the 1990 Session Laws of Kansas on the administrative expenses account of the Kansas public employees retirement fund is hereby decreased from \$3,400,665 to \$3,367,553.

Sec. 24.

KANSAS PUBLIC DISCLOSURE COMMISSION

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

Operating expenditures \$6,632

(b) On the effective date of this act, the appropriation of \$10,000 made for the above agency by section 57(a) of chapter 29 of the 1990 Session Laws of Kansas from the state general fund in the additional operating expenditures for 1990 Senate Substitute for Substitute for House Bill No. 3065 account is hereby lapsed.

Sec. 25.

COMMISSION ON CIVIL RIGHTS

(a) On the effective date of this act, of the \$1,125,661 appropriated for the above agency by section 4(a) of chapter 11 of the

(continued)

1990 Session Laws of Kansas from the state general fund in the operating expenditures account, the sum of \$43,721 is hereby lapsed.

(b) The expenditure limitation established by section 4(b) of chapter 11 of the 1990 Session Laws of Kansas on the federal fund is hereby decreased from \$390,260 to \$384,916.

Sec. 26.

STATE CORPORATION COMMISSION

(a) The expenditure limitation established by the state finance council on the public service regulation fund is hereby decreased from \$5,454,229 to \$5,277,194.

(b) The expenditure limitation established by section 5(a) of chapter 11 of the 1990 Session Laws of Kansas on the gas pipeline inspection fee fund is hereby decreased from \$121,983 to \$116,852.

(c) The expenditure limitation established by section 58(b) of chapter 29 of the 1990 Session Laws of Kansas on the conservation fee fund is hereby decreased from \$3,937,341 to \$3,899,630.

(d) The expenditure limitation established by section 5(a) of chapter 11 of the 1990 Session Laws of Kansas on the motor carrier license fees fund is hereby decreased from \$1,253,787 to \$1,250,134.

(e) The expenditure limitation established by section 5(b) of chapter 11 of the 1990 Session Laws of Kansas on the amount which may be expended for salaries and wages from the public service regulation fund, the motor carrier license fees fund and the conservation fee fund is hereby decreased from \$7,352,788 to \$7,274,515.

(f) The expenditure limitation established by section 5(a) of chapter 11 of the 1990 Session Laws of Kansas on the amount which may be expended from the public service regulation fund for the citizens' utility ratepayer board is hereby increased from \$303,596 to \$308,547.

Sec. 27.

DEPARTMENT OF ADMINISTRATION

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

Pooled money investment board—salaries and wages	\$4,804
Central management systems operations	988,436
Facilities management—salaries and wages	22,436
Total	\$1,015,676

(b) The department of administration is hereby authorized to pay the following amounts from the construction defects recovery fund for work performed on Weber hall at Kansas state university, to the following claimants:

Piping Contractors of Kansas, Inc., 115 Jackson, P.O. Box 2113, Topeka, Kansas 66601	\$26,690.70
Viro Con, Inc., 200 Mainmark Building, 1627 Main Street, Kansas City, Missouri 64108	862.00
Total	\$27,552.70

(c) The expenditure limitation established by section 19(d) of chapter 29 of the 1990 Session Laws of Kansas on the motorpool service depreciation reserve fund is hereby increased from \$3,131,918 to \$3,268,768.

Sec. 28.

FORT HAYS STATE UNIVERSITY

(a) The expenditure limitation established by section 2(b) of chapter 24 of the 1990 Session Laws of Kansas on the general fees fund is hereby increased from \$4,749,149 to \$5,114,356.

(b) There is appropriated for the above agency from the state general fund the following:

Other operating expenditures for utilities	\$54,680
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Sec. 29.

KANSAS STATE UNIVERSITY

(a) The expenditure limitation established by section 3(b) of chapter 24 of the 1990 Session Laws of Kansas on the general fees fund is hereby increased from \$26,968,332 to \$27,476,159.

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

Construct plant sciences greenhouses—planning For the fiscal year ending June 30, 1991	\$8,010
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(c) On the effective date of this act, any unencumbered balance as of that date in the following account of the Kansas educational building fund is hereby lapsed: Plan and construct plant sciences greenhouses.

Sec. 30.

KANSAS STATE UNIVERSITY VETERINARY MEDICAL CENTER

(a) During the fiscal year ending June 30, 1991, the director of accounts and reports shall transfer monthly an amount specified by the president of Kansas state university, or the president's designee, from the hospital and diagnostic laboratory revenue fund to the following restricted fees fund accounts for expenditures made on behalf of patients: Blood and blood products; ambulatory services; laboratory tests; pharmaceutical and surgical supplies: *Provided*, That all such transfers shall be in addition to any expenditure limitation imposed on the hospital and diagnostic laboratory revenue fund.

(b) In addition to the purposes for which expenditures may be made by the above agency from the restricted fees fund for the fiscal year ending June 30, 1991, moneys may be expended by the above agency from the following accounts: Blood and blood products; ambulatory services; laboratory tests; pharmaceutical and surgical supplies.

(c) There is appropriated for the above agency from the state general fund the following:

Other operating expenditures for utilities	\$1,727
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(d) The expenditure limitation established by section 4(b) of chapter 24 of the 1990 Session Laws of Kansas on the general fees fund is hereby decreased from \$3,413,760 to \$3,385,937.

Sec. 31.

EMPORIA STATE UNIVERSITY

(a) The expenditure limitation established by section 5(b) of chapter 24 of the 1990 Session Laws of Kansas on the general fees fund is hereby increased from \$5,726,376 to \$5,766,358.

(b) There is appropriated for the above agency from the state general fund the following:

Other operating expenditures for utilities	\$22,712
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Sec. 32.

PITTSBURG STATE UNIVERSITY

(a) The expenditure limitation established by section 6(b) of chapter 24 of the 1990 Session Laws of Kansas on the general fees fund is hereby increased from \$6,428,910 to \$6,552,424.

(b) The position limitation established by section 12(a) of chapter 24 of the 1990 Session Laws of Kansas for Pittsburg state university is hereby increased from 284.7 to 286.4.

(c) The position limitation established by section 12(b) of chapter 24 of the 1990 Session Laws of Kansas for Pittsburg state university is hereby increased from 367.0 to 378.6.

Sec. 33.

UNIVERSITY OF KANSAS

(a) The expenditure limitation established by section 13(b) of chapter 21 of the 1990 Session Laws of Kansas on the dormitory improvements account of the housing system repairs, equipment and improvement fund is hereby increased from \$1,730,000 to \$2,969,000.

Sec. 34.

UNIVERSITY OF KANSAS MEDICAL CENTER

(a) The expenditure limitation established by section 8(b) of chapter 24 of the 1990 Session Laws of Kansas on the lease-purchase computed tomography scanner upgrade account of the university of Kansas hospital fund is hereby increased from \$50,177 to \$150,532.

(b) There is appropriated for the above agency from the following special revenue fund all moneys now or hereafter lawfully credited to and available in such fund, except that expenditures shall not exceed the following:

Renovate cardio-thoracic ICU and post-operative ICU fund	\$250,000
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(c) On the effective date of this act, the director of accounts and reports shall transfer all moneys in the renovate cardio-thoracic ICU fund to the renovate cardio-thoracic ICU and post-operative ICU fund. On the effective date of this act, all liabilities of the renovate cardio-thoracic ICU fund to the renovate cardio-thoracic ICU and post-operative ICU fund and the renovate cardio-thoracic ICU fund is hereby abolished.

(d) On the effective date of this act, the director of accounts and reports shall transfer all moneys in the renovate hospital—phase I—planning account of the university of Kansas hospital fund to the

(f) The expenditure limitation established by section 2(b) of chapter 19 of the 1990 Session Laws of Kansas on the emergency pre-

paredness—RADEF instrument maintenance fund is hereby decreased from \$92,472 to \$82,848.

(g) The expenditure limitation established by section 2(b) of chapter 19 of the 1990 Session Laws of Kansas on the emergency preparedness—nuclear civil protection—federal fund is hereby decreased from \$132,555 to \$98,321.

(h) The expenditure limitation established by the state finance council on the training and support of title III—federal fund is hereby increased from \$20,000 to \$80,000.

(i) The position limitation established by section 14 of chapter 19 of the 1990 Session Laws of Kansas for the adjutant general is hereby decreased from 140.5 to 137.5.

Sec. 42.

STATE FIRE MARSHAL

(a) The expenditure limitation established by section 3(b) of chapter 19 of the 1990 Session Laws of Kansas on the indirect cost recovery—social security act—federal fund is hereby decreased from No limit to \$28,600.

(b) The expenditure limitation established by section 16 of chapter 19 of the 1990 Session Laws of Kansas on the support of local unit, in fire prevention—federal fund is hereby decreased from No limit to \$10,000.

Sec. 43.

KANSAS PAROLE BOARD

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

Parole from adult correctional institutions \$6,800

(b) The position limitation established by section 14 of chapter 19 of the 1990 Session Laws of Kansas for the Kansas parole board is hereby decreased from 13.0 to 12.0.

Sec. 44.

KANSAS HIGHWAY PATROL

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

Salaries and wages \$295,371
Other operating expenditures 199,055

Total \$494,426

(b) On the effective date of this act, of the \$623,322 appropriated for the above agency by section 5(a) of chapter 19 of the 1990 Session Laws of Kansas from the state general fund in the capitol area security account, the sum of \$6,440 is hereby lapsed.

(c) The expenditure limitation established by section 5(b) of chapter 19 of the 1990 Session Laws of Kansas on the motor carrier safety assistance program fund is hereby decreased from \$963,588 to \$955,196.

(d) The expenditure limitation established by section 5(b) of chapter 19 of the 1990 Session Laws of Kansas on the for patrol of the Kansas turnpike fund is hereby increased from \$1,568,437 to \$1,768,408.

(e) The expenditure limitation established by section 5(b) of chapter 19 of the 1990 Session Laws of Kansas on the motor carrier inspection fund is hereby decreased from \$5,192,280 to \$4,912,480.

(f) The expenditure limitation established by section 5(b) of chapter 19 of the 1990 Session Laws of Kansas on the state operations account of the motor carrier inspection fund is hereby decreased from \$5,192,280 to \$4,912,480.

(g) The expenditure limitation established by section 5(b) of chapter 19 of the 1990 Session Laws of Kansas on the capitol area security fund is hereby decreased from \$1,215,911 to \$974,487.

Sec. 45.

ATTORNEY GENERAL—KANSAS BUREAU OF INVESTIGATION

(a) On the effective date of this act, of the \$5,766,440 appropriated for the above agency for the fiscal year ending June 30, 1991, comprehensive planning for health care delivery account of the university of Kansas hospital fund, which is hereby established. On the effective date of this act, all liabilities of the renovate hospital—phase I—planning account of the university of Kansas hospital fund are hereby imposed on the comprehensive planning for health care delivery account of the university of Kansas hospital fund and the renovate hospital—phase I—planning account of the university of Kansas hospital fund is hereby abolished.

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

reports shall transfer all moneys in the renovate cardio-thoracic ICU account of the Kansas educational building fund to the renovate cardio-thoracic ICU and post-operative ICU account of the Kansas educational building fund, which is hereby established. On the effective date of this act, all liabilities of the renovate cardio-thoracic ICU account of the Kansas educational building fund are hereby imposed on the renovate cardio-thoracic ICU and post-operative ICU account of the Kansas educational building fund and the renovate cardio-thoracic ICU account of the university of Kansas hospital fund is hereby abolished.

(f) There is appropriated for the above agency from the state general fund the following:

Other operating expenditures for utilities \$132,116

Sec. 35.

KANSAS COLLEGE OF TECHNOLOGY

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

Other operating expenditures for utilities \$50,321

(b) The expenditure limitation established by section 11(b) of chapter 24 of the 1990 Session laws of Kansas on the general fees fund is hereby increased from \$421,492 to \$467,476.

(c) The position limitation established by section 12(c) of chapter 24 of the 1990 Session Laws of Kansas for the Kansas college of technology is hereby decreased from 119.1 to 112.1.

Sec. 36.

DEPARTMENT OF REVENUE—HOMESTEAD PROPERTY TAX REFUNDS

(a) On the effective date of this act, the expenditure limitation established by section 6(b) of chapter 28 of the 1990 Session Laws of Kansas on expenditures for homestead property tax refunds pursuant to K.S.A. 79-4520 fund is hereby decreased from \$2,000,000 to \$679,105.

Sec. 37.

DEPARTMENT OF HUMAN RESOURCES

(a) The expenditure limitation established by section 23(a) of chapter 29 of the 1990 Session Laws of Kansas on the workmen's compensation fee fund is hereby decreased from \$3,265,115 to \$3,223,708.

(b) The expenditure limitation established by section 3(b) of chapter 26 of the 1990 Session Laws of Kansas on the boiler inspection fee fund is hereby increased from \$217,227 to No limit.

(c) The expenditure limitation established by section 3(b) of chapter 26 of the 1990 Session Laws of Kansas on the occupational information system—federal fund is hereby decreased from \$117,849 to \$115,230.

(d) The expenditure limitation established by section 3(b) of chapter 26 of the 1990 Session Laws of Kansas on the federal indirect cost offset fund is hereby decreased from \$200,000 to \$193,062.

(e) The expenditure limitation established by section 3(b) of chapter 26 of the 1990 Session Laws of Kansas on the occupational health and safety—federal fund is hereby decreased from \$324,159 to \$321,017.

Sec. 38.

KANSAS COMMISSION ON VETERANS AFFAIRS

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

Operating expenditures—veterans affairs \$71,565
Operating expenditures—Kansas soldiers home 8,748

Total \$80,313

Sec. 39.

DEPARTMENT OF HEALTH AND ENVIRONMENT

(a) On the effective date of this act, of the \$9,006,948 appropriated for the above agency by section 5(a) of chapter 26 of the 1990 Session Laws of Kansas from the state general fund in the other operating expenditures account, the sum of \$121,653 is hereby lapsed.

(b) The expenditure limitation established by section 22(n) of chapter 29 of the 1990 Session Laws of Kansas on the title XIX fund is hereby decreased from \$3,061,378 to \$3,020,655.

(c) The expenditure limitation established by section 22(o) of chapter 29 of the 1990 Session Laws of Kansas on the medicare fund—federal is hereby increased from \$804,306 to \$829,967.

(continued)

(d) The expenditure limitation established by section 5(b) of chapter 26 of the 1990 Session Laws of Kansas on the state operations account of the federal women, infants, and children health program fund is hereby decreased from \$913,298 to \$872,382.

(e) The expenditure limitation established by section 5(b) of chapter 26 of the 1990 Session Law. of Kansas on the state operations account of the maternal and child health services block grant fund is hereby increased from \$2,263,993 to \$2,352,486.

(f) The expenditure limitation established by section 5(b) of chapter 26 of the 1990 Session Laws of Kansas on the local environmental aid account of the water plan special revenue fund is hereby decreased from \$1,948,512 to \$1,366,137.

(g) On the effective date of this act, the director of accounts and reports shall transfer \$1,949,566 from the water plan fund special revenue fund of the department of health and environment to the state water plan fund of the Kansas water office.

(h) The expenditure limitation established by section 5(b) of chapter 26 of the 1990 Session Laws of Kansas on the non-point source pollution account of the water plan special revenue fund is hereby decreased from \$141,666 to \$140,692.

(i) The expenditure limitation established by section 5(b) of chapter 26 of the 1990 Session Laws of Kansas on the federal air quality program fund is hereby increased from \$739,561 to \$796,247.

Sec. 40.

DEPARTMENT ON AGING

(a) The expenditure limitation established by section 6(b) of chapter 26 of the 1990 Session Laws of Kansas on the state operations account of the older Americans act—federal fund is hereby increased from \$493,831 to \$547,547.

(b) The expenditure limitation established by section 6(b) of chapter 26 of the 1990 Session Laws of Kansas on the state operations account of the senior community service employment program—federal fund is hereby increased from \$48,089 to \$50,638.

Sec. 41.

ADJUTANT GENERAL

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

Physical plant operations \$7,332

(b) On the effective date of this act, of the \$778,483 appropriated for the above agency by section 2(a) of chapter 19 of the 1990 Session Laws of Kansas in the operational management salaries and wages account, the sum of \$7,332 is hereby lapsed.

(c) On the effective date of this act, the director of accounts and reports shall transfer the unencumbered balance in the emergency fund—state public property grants for the presidential disaster declared October 1986 account of the adjutant general in the state emergency fund to the state general fund.

(d) The expenditure limitation established by section 32(d) of chapter 29 of the 1990 Session Laws of Kansas on the military fees fund is hereby decreased from \$4,177,405 to \$4,002,966.

(e) The expenditure limitation established by section 2(b) of chapter 19 of the 1990 Session Laws of Kansas on the state operations account of the emergency preparedness—federal fund matching—administration fund is hereby decreased from \$217,844 to \$213,946.

by section 6(a) of chapter 19 of the 1990 Session Laws of Kansas from the state general fund in the salaries and wages account, the sum of \$45,142 is hereby lapsed.

(b) The expenditure limitation established by section 6(b) of chapter 19 of the 1990 Session Laws of Kansas on the lottery and racing investigation fee fund is hereby increased from \$422,813 to \$442,813.

Sec. 46.

YOUTH CENTER AT TOPEKA

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

Other operating expenditures \$6,298
Salaries and wages 105,665
Total \$111,963

Sec. 47.

YOUTH CENTER AT BELOIT

(a) The expenditure limitation established by section 8(b) of chapter 19 of the 1990 Session Laws of Kansas on the youth center at Beloit fee fund is hereby decreased from \$115,906 to \$115,126.

(b) The expenditure limitation established by section 8(b) of chap-

ter 19 of the 1990 Session Laws of Kansas on the salaries and wages for an alcoholism unit director account of the youth center at Beloit fee fund is hereby decreased from \$32,044 to \$31,264.

Sec. 48.

EMERGENCY MEDICAL SERVICES BOARD

(a) The position limitation established by section 14 of chapter 19 of the 1990 Session Laws of Kansas for the emergency medical services board is hereby decreased from 15.0 to 14.0.

(b) On the effective date of this act, of the \$625,751 appropriated for the above agency by section 12(a) of chapter 19 of the 1990 Session Laws of Kansas from the state general fund in the state operations account, the sum of \$14,000 is hereby lapsed.

Sec. 49.

STATE BOARD OF PHARMACY

(a) The expenditure limitation established by section 16(a) of chapter 9 of the 1990 Session Laws of Kansas on the state board of pharmacy fee fund is hereby increased from \$340,492 to \$347,895.

Sec. 50.

WICHITA STATE UNIVERSITY

(a) During the fiscal year ending June 30, 1991, the director of accounts and reports shall transfer an amount specified by the president prior to July 1, 1991, of not to exceed \$3,087 from the general fees fund to the education opportunity grant—federal fund, which amount shall be in addition to the amount authorized to be transferred by section 9(d) of chapter 24 of the 1990 Session Laws of Kansas.

(b) There is appropriated for the above agency from the state general fund the following:

Other operating expenditures for utilities \$311,497

(c) The expenditure limitation established by section 9(b) of chapter 24 of the 1990 Session Laws of Kansas on the general fees fund is hereby decreased from \$16,486,036 to \$16,389,908.

Sec. 51.

SECRETARY OF STATE

(a) On the effective date of this act, of the \$1,639,072 appropriated for the above agency by section 9(a) of chapter 20 of the 1990 Session Laws of Kansas from the state general fund in the operating expenditures account, the sum of \$30,000 is hereby lapsed.

Sec. 52.

STATE TREASURER

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

Operating expenditures \$50,000

Sec. 53.

CORRECTIONS OMBUDSMAN BOARD

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

Adult corrections oversight \$670

Sec. 54. Appeals to exceed position limitations. The limitations imposed by this act on the full-time equivalent number of full-time and regular part-time positions equated to full-time, excluding seasonal and temporary positions, paid from appropriations for fiscal year 1991 made in this act or in any appropriations act of the 1990 regular session of the legislature or in any other appropriations act of the 1991 regular session of the legislature, may be exceeded upon approval of the state finance council.

Sec. 55. Appeals to exceed limitations. Upon written application to the governor and approval of the state finance council expenditures from special revenue funds may exceed the amounts specified in this act.

Sec. 56. This act shall take effect and be in force from and after its publication in the Kansas register.

(Published in the Kansas Register, May 2, 1991.)

HOUSE BILL No. 2360

AN ACT concerning agriculture; relating to the registration of seed dealers; amending K.S.A. 1990 Supp. 2-1415 and 2-1421a and repealing the existing sections.

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

Section 1. K.S.A. 1990 Supp. 2-1415 is hereby amended to read as follows: 2-1415. As used in this act:

- (a) "Agricultural seed" means the seed of grass, legume, forage, cereal and fiber crops, or mixtures thereof, but shall not include horticultural seeds.
- (b) "Person" means any individual, member of a partnership, corporation, agents, brokers, company, association or society.
- (c) "Conditioned" means cleaned, or cleaned and blended, to meet the requirements of agricultural seed for the purpose of being planted or seeded.
- (d) "Kind" means one or more related species or subspecies which singly or collectively is known by one common name, and includes, among others, wheat, oat, vetch, sweet clover and alfalfa.
- (e) "Variety" means a subdivision of a kind, which is characterized by growth, yield, plant, fruit, seed or other characteristics by which it can be differentiated from other plants of the same kind.
- (f) "Hard seed" means the seeds which because of hardness or impermeability do not absorb moisture or germinate under seed testing procedure.
- (g) "Label" means the statements written, printed, stenciled or otherwise displayed upon, or attached to, the container of agricultural seed, and includes other written, printed, stenciled or graphic representations, in any form whatsoever, pertaining to any agricultural seed, whether in bulk or in containers, and includes declarations and affidavits.
- (h) "Secretary" means the secretary of the state board of agriculture.
- (i) "Weed seed" means the seeds of plants considered weeds in this state and includes noxious weed seed and restricted weed seed, determined by methods established by rule and regulation under this act.
- (j) "Noxious weed seed" means the seed of Kudzu (*Pueraria lobata*), field bindweed (*Convolvulus arvensis*), Russian knapweed (*Centaurea repens*), hoary cress (*Cardaria draba*), Canada thistle (*Cirsium arvense*), leafy spurge (*Euphorbia esula*), quackgrass (*Agropyron repens*), bur ragweed (*Ambrosia grayii*), pignut (*Indian rush-peu*) (*Hoffmannseggia densiflora*), Texas blueweed (*Helianthus ciliaris*), Johnson grass (*Sorghum halepense*), sorghum alnum, and any plant the seed of which cannot be distinguished from Johnson grass, and musk (nodding) thistle (*Carduus nutans* L.).
- (k) "Restricted weed seed" means weed seeds or bulblets which shall not be present in agricultural seed at a rate per pound in excess of the number shown following the name of each weed seed: Silverleaf nightshade (*Solanum elaeagnifolium*) 45, horsenettle, bull-nettle (*Solanum carolinense*) 45, dock (*Rumex spp.*) 45, oxeye daisy (*Chrysanthemum leucanthemum*) 45, perennial sowthistle (*Sonchum arvensis*) 45, giant foxtail (*Setaria faberi*) 45, cheat (*Bromus secalinus*) 45, hairy chess (*Bromus commutatus*) 45, buckthorn plantain (*Plantago lanceolata*) 45, wild onion or garlic (*Allium spp.*) 18, charlock (*Sinapsis arvensis*) 18, wild mustards (*Brassica spp.*) 18, treacle (*Erysimum spp.*) 18, wild carrot (*Daucus carota*) 18, morning glory and purple moonflower (*Ipomoea spp.*) 18, hedge bindweed (*Calystegia spp.*, syn. *Convolvulus sepium*) 18, dodder (*Cuscuta spp.*) 18, except lespedeza seed which may contain 45 dodder per pound, pennycress, fanweed (*Thlaspi arvense*) 18, wild oats (*Avena fatua*) 9, climbing milkweed, sandvine (*Cynanchum laeve*, syn. *Gonolobus laevis*) 9, jointed goatgrass (*Aegilops cylindrica*) 9, black nightshade complex (*Solanum ptycanthum*, *S. americanum*, *S. sarrachoides*, *S. nigrum*, and *S. interius*) 9, wild buckwheat, black bindweed (*Polygonum convolvulus*) 9, velvetleaf, butterprint (*Abutilon theophrasti*) 9, and cocklebur (*Xanthium spp.*) 9. The total number of the restricted weed seed shall not exceed 90 per pound except native grass, smooth bromegrass, tall fescue, wheatgrasses and lespedeza shall not exceed 150 per pound. In smooth bromegrass, fescues, orchard grass, wheatgrasses, and chaffy range grasses, hairy chess or oat shall not exceed 2,500 per pound. For the purposes of this section the following weedy *Bromus spp.* shall be considered as common weeds and collectively referred to as "chess": Japanese chess

(*Bromus japonicus*), soft chess (*Bromus mollis*) and field chess (*Bromus arvensis*).

(l) "Advertisement" means all representations, other than those on the label, disseminated in any manner, or by any means, relating to agricultural seed.

(m) "Record" means all information relating to any shipment of agricultural seed and includes a file sample of each lot of such seed.

(n) "Stop sale order" means an administrative order, authorized by law, restraining the sale, use, disposition and movement of a definite amount of agricultural seed.

(o) "Seizure" means a legal process, issued by court order, against a definite amount of agricultural seed.

(p) "Lot" means a definite quantity of agricultural seed, identified by a lot number or other mark, every portion or bag of which is uniform, within recognized tolerances for the factors which appear in the labeling.

(q) "Germination" means the percentage of seeds capable of producing normal seedlings under ordinarily favorable conditions, in accordance with the methods established by rule and regulation under this act.

(r) "Pure seed" means the kind of seed declared on the label, exclusive of inert matter, other agricultural or other crop seeds and weed seeds.

(s) "Inert matter" means all matter not seeds, and as otherwise determined by rules and regulations under this act.

(t) "Other agricultural seeds or other crop seeds" means seeds of agricultural seeds other than those included in the percentage or percentages of kind or variety and includes collectively all kinds and varieties not named on the label.

(u) "Hybrid" means the first generation seed of a cross produced by controlling the pollination and by combining (1) two or more inbred lines, (2) one inbred or a single cross with an open pollinated variety, or (3) two varieties or species, other than open pollinated varieties of corn (*Zea mays*). Hybrid shall not include the second generation or subsequent generations from such crosses. Hybrid designations shall be treated as variety names. Controlling the pollination means to use a method of hybridization which will produce pure seed which is 75% or more hybrid.

(v) "Type" means a group of varieties so nearly similar that the individual varieties cannot be clearly differentiated except under special conditions.

(w) "Treated" means that the seed has received an application of a substance or process which is designed to reduce, control or repel certain disease organisms, insects or other pests attacking such seeds or seedlings growing therefrom and includes an application of a substance or process designed to increase seedling vigor.

(x) "Tested seed" means that a representative sample of the lot of agricultural seed in question has been subjected to examination and its character as to purity and germination has been determined.

(y) "Native grass seed" means the seeds of aboriginal or native prairie grasses.

(z) "Chaffy range grasses" shall include Bluestems, Gramas, Yellow Indian grass, wild rye grasses, buffalo grass and prairie cord grass.

(aa) "Certified seed" means any class of pedigreed seed or plant parts for which a certificate of inspection has been issued by an official seed certifying agency.

(bb) "Certifying agency" means: (1) an agency which is authorized under the laws of a state, territory or possession to officially certify seed and which has standards and procedures approved by the secretary of agriculture of the United States department of agriculture to assure the genetic purity and identity of the seed certified; or (2) an agency of a foreign country which is determined by the secretary of agriculture of the United States department of agriculture to be an agency which adheres to procedures and standards for seed certification comparable to those adhered to generally by seed certifying agencies under clause (1) of this subsection.

(cc) "Blend" means two or more varieties of the same kind each in excess of 5% of the whole.

(dd) "Mixture" means a combination of seed consisting of more than one kind each in excess of 5% of the whole.

(ee) "Brand" means a term or mark that is proprietary in nature whether or not it is a registered or copyrighted term or mark.

(continued)

(ff) "Commercial means" shall include all forms of advertising for which a person must pay another for the dissemination or distribution of the advertisement.

(gg) "Seed dealer" shall include any person who offers or exposes for sale or sells agricultural seed in Kansas for seeding or planting purposes but shall not include either a farmer dealer or any individual who qualifies for the exemption provided for in subsection (e) of K.S.A. 2-1421, and amendments thereto.

(hh) "Farmer dealer" means an individual: (1) whose primary occupation is farming; (2) who, as an agent for a seed dealer, sells seed which has been tested and labeled as required by this act by a seed dealer; and (3) who sells seed only on such farmer dealer's farm. "Horticultural seeds" means those seeds generally classified as vegetable, fruit, flowers, tree and shrub and grown in gardens or on truck farms.

(hh) "Grower of agricultural seed" means an individual whose primary occupation is farming and offers, exposes or sells agricultural seed of such individual's own growing without the use of a common carrier or a third party as an agent or broker. Seed shall be in compliance with noxious and restricted weed seed requirements and may advertise if the advertisement specifically states variety, bin run and if tested.

(ii) "Wholesaler" means any person who is in the business selling agricultural seed at wholesale to any person other than the end user.

(jj) "Retailer" means any person who sells agricultural seed to the end user.

Sec. 2. K.S.A. 1990 Supp. 2-1421a is hereby amended to read as follows: 2-1421a. (a) On and after September 1, 1990, each: (1) seed dealer who sells agricultural seed for seeding or planting purposes shall register with the secretary and shall file with the secretary a list of farmer dealers who sell seed for such seed dealer. Registration shall be required for each place of business at which agricultural seed is sold, offered or exposed for sale for planting or seeding purposes by a seed dealer; and

(2) retail business who sells prepackaged, prelabeled grass seed only and not any other agricultural seed, as defined by K.S.A. 2-1415, and amendments thereto, shall register with the secretary. (1) Each wholesaler shall register with the secretary and shall pay a registration fee not to exceed \$300. The current wholesale registration fee is hereby set at \$175 and shall remain at that amount until changed by rules and regulations of the state board of agriculture.

(2) Each retailer shall register with the secretary and shall pay a registration fee not to exceed \$30. The current retailer registration fee is hereby set at \$10 and shall remain at that amount until changed by rules and regulations of the state board of agriculture.

(3) Registration shall be required for each place of business at which agricultural seed is sold, offered or exposed for sale by the wholesaler or retailer.

(4) An individual who conducts a wholesaler and retailer business at the same location shall be required to register as both a wholesaler and retailer.

(b) Application for registration shall be made on a form provided by the secretary. Each registration shall expire on August 31 following the date of issuance unless such registration is renewed annually. The registration fee for a seed dealer shall be \$50 for each place of business. Each seed dealer shall pay a fee of \$10 for each farmer dealer who sells agricultural seed for the seed dealer. Each seed dealer shall pay a fee of \$20 for each retail business who sells prepackaged, prelabeled grass seed only and not any other agricultural seed, as defined by K.S.A. 2-1415, and amendments thereto, for the seed dealer.

(c) As used in this section, "agricultural seed" shall include grain when sold as such, or when sold according to grain standards and the seller knows, or has reason to know, that the grain is to be used for seeding or planting purposes.

(d) The state board of agriculture shall remit all moneys received under this section to the state treasurer at least monthly. Upon receipt of any such remittance, the state treasurer shall deposit the entire amount thereof in the seed dealers registration agricultural seed fee fund which is hereby created. All expenditures from such fund shall be made in accordance with appropriation acts upon warrants of the director of accounts and reports issued pursuant to

vouchers approved by the secretary of the state board of agriculture or a person or persons designated by the secretary.

(e) All moneys credited to the seed dealer registration agricultural seed fee fund shall be expended for any purpose consistent with the Kansas seed law.

(f) The state board of agriculture may adopt rules and regulations necessary to administer the provisions of this act.

(g) This section shall be part of and supplemental to the Kansas seed law, K.S.A. 2-1415 et seq., and amendments thereto.

Sec. 3. K.S.A. 1990 Supp. 2-1415 and 2-1421a are hereby repealed.

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

(Published in the Kansas Register, May 2, 1991.)

SENATE BILL No. 370

AN ACT concerning charitable trusts; amending K.S.A. 1990 Supp. 59-22a01 and repealing the existing section.

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

Section 1. K.S.A. 1990 Supp. 59-22a01 is hereby amended to read as follows: 59-22a01. (a) If a trust for charity is or becomes illegal or impossible or impracticable of fulfillment or if a devise or bequest for charity, at the time it was intended to become effective is illegal or impossible or impracticable of fulfillment, and if the settlor or testator, manifested a general intention to devote the property to charity, any judge, on application of any trustee, executor, administrator, any interested party or the attorney general, may order an administration of the trust, devise or bequest as nearly as possible to fulfill the manifested general charitable intention of the settlor or testator. In every such proceeding, the attorney general, as representative of the public interest, shall be notified and given an opportunity to be heard. The provisions of this act shall not be applicable if the settlor or testator has provided, either directly or indirectly, for an alternative plan in the event the charitable trust, devise or bequest is or becomes illegal or impossible or impracticable of fulfillment. If the alternative plan is also a charitable trust or devise or bequest for charity and such trust, devise or bequest for charity fails, the intention shown in the original plan shall prevail in the application of this act.

(b) In the case of a will or a trust, trust or other governing instrument, if a federal estate tax deduction is not allowable at the time of a decedent's death because of the failure of an interest in property which passes from the decedent to a person, or for a use, described in section 2055(a) of the internal revenue code of 1986, to meet the requirements of subsections 2055(e)(2)(A) or (B) section 170(f)(3)(B) or 2055(e)(2) of the internal revenue code of 1986, then in order that such deduction shall nevertheless be allowable under section 2055(e)(3) 2055(a) of the internal revenue code of 1986, any judge, on application of any trustee, executor, administrator or any interested party may:

(1) With the written consent of the charitable beneficiaries, the noncharitable beneficiaries not under any legal disability and duly appointed guardians or guardians ad litem acting on behalf of any beneficiaries under legal disability or conservator; or

(2) upon a finding that the interest of such beneficiaries is substantially preserved, order an amendment to, or construction of, the trust so that the remainder interest is in a trust which is a charitable remainder annuity trust, a charitable remainder unitrust, as those terms are described in section 664 of the internal revenue code of 1986, or a pooled income fund, as that term is described in section 642(e)(5) of the internal revenue code of 1986, or so that any other interest of a charitable beneficiary is in the form of a guaranteed annuity or is a fixed percentage distributed yearly of the fair market value of the property, to be determined yearly, in accordance with the provisions of section 2055(e)(2)(B) a change to the governing instrument by reformation, amendment, construction or otherwise, which changes a reformable interest into a qualified interest within the meaning of section 2055(e)(3) of the internal revenue code of 1986. In every such proceeding, the attorney general, as representative of the public interest, shall be notified and given an opportunity to be heard.

(c) As used in this act:

(1) "Charity" and "charitable" includes, but is not limited to, any eleemosynary, religious, benevolent, educational, scientific, artistic or literary purpose; and

(2) "Impracticable of fulfillment" includes, but is not limited to, the failure of any trust for charity, testamentary or *inter vivos*, including, without limitation, trusts described in section 509 of the internal revenue code of 1986 and charitable remainder trusts described in section 664 of the internal revenue code of 1986, to include, if required to do so by section 508(e) or section 4947(a) of the internal revenue code of 1986, the provisions relating to governing instruments set forth in section 508(e) of the internal revenue code of 1986.

(d) The provisions of this act shall be effective as to all wills and trusts not construed prior to the effective date of this act.

Sec. 2. K.S.A. 1990 Supp. 59-22a01 is hereby repealed.

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

(Published in the Kansas Register, May 2, 1991.)

SENATE BILL No. 340

AN ACT making and concerning appropriations for the fiscal year ending June 30, 1991, for the department of social and rehabilitation services, Larned state hospital, Osawatomie state hospital, Parsons state hospital and training center, Rainbow mental health facility, Topeka state hospital, Winfield state hospital and training center, Hutchinson correctional facility, department of corrections, department of revenue, Kansas state school for the visually handicapped, department of education, state historical society, state board of indigents' defense services, board of agriculture, Kansas animal health department, Kansas state grain inspection department, Kansas state fair, department of wildlife and parks, department of commerce, Kansas technology enterprise corporation, Kansas lottery, Kansas racing commission, Kansas, Inc., Kansas water office, Norton correctional facility, Kansas neurological institute and El Dorado correctional facility; authorizing certain transfers and fees, imposing certain restrictions and limitations, and directing or authorizing certain receipts and disbursements and acts incidental to the foregoing.

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

Section 1. For the fiscal year ending June 30, 1991, appropriations are hereby made, restrictions and limitations are hereby imposed, and transfers, fees, receipts, disbursements and acts incidental to the foregoing are hereby directed or authorized as provided in this act.

Sec. 2.

DEPARTMENT OF SOCIAL AND REHABILITATION SERVICES

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

Public assistance	\$8,291,305
Long-term care medical assistance—intermediate and skilled nursing facilities	7,227,826
Long-term care—ICF-MR medical assistance	1,836,815
Other medical assistance	13,749,097
Disability determination services	7,794
Total	\$31,112,837

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

JOBS child care entitlement block grant—federal fund	\$2,348,482
Drug exposed infants grant—federal fund	No limit

(c) On the effective date of this act, the director of accounts and reports shall transfer an amount specified by the secretary of social and rehabilitation services from the institutional receipts from title XIX—federal fund to the social welfare fund for expenditures during fiscal year 1991 for medical assistance: *Provided*, That the amount transferred for such purposes shall not exceed \$21,217,116, in addition to the amount specified by section 3(j) of chapter 22 of the 1990 Session Laws of Kansas.

(d) The expenditure limitation established by section 3(b) of chapter 22 of the 1990 Session Laws of Kansas on the Kansas vocational rehabilitation center fees fund is hereby increased from \$25,000 to \$25,473.

(e) The expenditure limitation established by section 3(b) of chapter 22 of the 1990 Session Laws of Kansas on the vocational rehabilitation special revenue fund is hereby increased from \$351,217 to \$557,571.

(f) The expenditure limitation established by section 3(b) of chapter 22 of the 1990 Session Laws of Kansas on the community alcoholism and intoxication programs fund is hereby increased from \$1,240,405 to \$1,540,992.

(g) The expenditure limitation established by section 3(b) of chapter 22 of the 1990 Session Laws of Kansas on the oil overcharge—LIEAP fund is hereby decreased from \$5,500,000 to \$3,000,000.

(h) The expenditure limitation established by section 3(b) of chapter 22 of the 1990 Session Laws of Kansas on the social services block grant—federal fund is hereby increased from \$27,331,334 to \$29,844,933.

(i) The expenditure limitation established by section 3(b) of chapter 22 of the 1990 Session Laws of Kansas on the community services block grant—federal fund is hereby increased from \$2,578,469 to \$2,730,616.

(j) The expenditure limitation established by section 3(b) of chapter 22 of the 1990 Session Laws of Kansas on the vocational rehabilitation of disabled persons fund—federal is hereby increased from \$15,483,310 to \$17,174,229.

(k) The expenditure limitation established by section 3(b) of chapter 22 of the 1990 Session Laws of Kansas on the rehabilitation program—social security—federal fund is hereby increased from \$241,628 to \$267,130.

(l) The expenditure limitation established by section 3(b) of chapter 22 of the 1990 Session Laws of Kansas on the child abuse and neglect program fund—federal is hereby increased from \$127,000 to \$173,207.

(m) The expenditure limitation established by section 3(b) of chapter 22 of the 1990 Session Laws of Kansas on the juvenile justice and delinquency act fund—federal is hereby increased from \$854,413 to \$857,519.

(n) The expenditure limitation established by section 3(b) of chapter 22 of the 1990 Session Laws of Kansas on the vocational rehabilitation—-independent living program—federal fund is hereby increased from \$553,724 to \$565,445.

(o) The expenditure limitation established by section 3(b) of chapter 22 of the 1990 Session Laws of Kansas on the department of energy training and technical assistance—federal fund is hereby increased from \$111,174 to \$183,590.

(p) The expenditure limitation established by section 3(b) of chapter 22 of the 1990 Session Laws of Kansas on the federal victims of crime assistance program fund is hereby increased from \$541,500 to \$713,500.

(q) The expenditure limitation established by section 3(b) of chapter 22 of the 1990 Session Laws of Kansas on the mental health services and management block grant—federal fund is hereby increased from \$2,116,223 to \$2,305,127.

(r) The expenditure limitation established by section 3(b) of chapter 22 of the 1990 Session Laws of Kansas on the vocational rehabilitation supported employment—title VI(C)—federal fund is hereby increased from \$250,000 to \$263,383.

(s) The expenditure limitation established by section 3(b) of chapter 22 of the 1990 Session Laws of Kansas on the drug abuse fund—department of social and rehabilitation services—federal fund is hereby increased from \$578,050 to \$648,341.

(t) The expenditure limitation established by section 3(b) of chapter 22 of the 1990 Session Laws of Kansas on the emergency homeless—federal fund is hereby increased from \$158,257 to \$187,257.

(u) The expenditure limitation established by section 3(b) of chapter 22 of the 1990 Session Laws of Kansas on the purchase of services fund—private contributions is hereby increased from \$10,454 to \$21,070.

(v) The expenditure limitation established by section 3(b) of chapter 22 of the 1990 Session Laws of Kansas on the state operations account of the social services clearing fund is hereby decreased from \$163,101,897 to \$160,876,200.

(w) The expenditure limitation established by section 3(b) of chapter 22 of the 1990 Session Laws of Kansas on the salaries and wages account of the social services clearing fund is hereby decreased from \$108,462,627 to \$104,997,627.

(x) The expenditure limitation established by section 3(b) of chapter 22 of the 1990 Session Laws of Kansas on the other operating expenditures account of the social services clearing fund is hereby increased from \$54,639,270 to \$55,878,573.

(continued)

(y) On the effective date of this act, of the \$4,661,812 appropriated for the above agency for the fiscal year ending June 30, 1991, by section 3(a) of chapter 22 of the 1990 Session Laws of Kansas from the state general fund in the homemaker services account, the sum of \$161,341 is hereby lapsed.

(z) On the effective date of this act, of the \$14,898,651 appropriated for the above agency for the fiscal year ending June 30, 1991, by section 3(a) of chapter 22 of the 1990 Session Laws of Kansas from the state general fund in the income maintenance account, the sum of \$497,120 is hereby lapsed.

(aa) On the effective date of this act, of the \$12,602,277 appropriated for the above agency for the fiscal year ending June 30, 1991, by section 3(a) of chapter 22 of the 1990 Session Laws of Kansas from the state general fund in the other medical assistance for long-term care account, the sum of \$6,941,755 is hereby lapsed.

(bb) On the effective date of this act, of the \$3,320,576 appropriated for the above agency for the fiscal year ending June 30, 1991, by section 3(a) of chapter 22 of the 1990 Session Laws of Kansas from the state general fund in the vocational rehabilitation account, the sum of \$183,581 is hereby lapsed.

(cc) On the effective date of this act, of the \$951,680 appropriated for the above agency for the fiscal year ending June 30, 1991, by section 3(a) of chapter 22 of the 1990 Session Laws of Kansas from the state general fund in the blind services account, the sum of \$125,874 is hereby lapsed.

(dd) On the effective date of this act, of the \$5,111,629 appropriated for the above agency for the fiscal year ending June 30, 1991, by section 3(a) of chapter 22 of the 1990 Session Laws of Kansas from the state general fund in the alcohol and drug abuse services account, the sum of \$258,394 is hereby lapsed.

(ee) On the effective date of this act, of the \$23,920,611 appropriated for the above agency for the fiscal year ending June 30, 1991, by section 3(a) of chapter 22 of the 1990 Session Laws of Kansas from the state general fund in the administration account, the sum of \$431,126 is hereby lapsed.

(ff) On the effective date of this act, of the \$30,644,218 appropriated for the above agency for the fiscal year ending June 30, 1991, by section 3(a) of chapter 22 of the 1990 Session Laws of Kansas from the state general fund in the foster care account, the sum of \$2,468,286 is hereby lapsed.

(gg) On the effective date of this act, of the \$14,569,648 appropriated for the above agency for the fiscal year ending June 30, 1991, by section 3(a) of chapter 22 of the 1990 Session Laws of Kansas from the state general fund in the youth services account, the sum of \$2,097,703 is hereby lapsed.

(hh) On the effective date of this act, of the \$8,406,823 appropriated for the above agency for the fiscal year ending June 30, 1991, by section 3(a) of chapter 22 of the 1990 Session Laws of Kansas from the state general fund in the adult services account, the sum of \$3,385,365 is hereby lapsed.

(ii) On the effective date of this act, of the \$454,904 appropriated for the above agency for the fiscal year ending June 30, 1991, by section 3(a) of chapter 22 of the 1990 Session Laws of Kansas from the state general fund in the staff development account, the sum of \$51,187 is hereby lapsed.

(jj) On the effective date of this act, of the \$31,763 appropriated for the above agency for the fiscal year ending June 30, 1991, by section 3(a) of chapter 22 of the 1990 Session Laws of Kansas from the state general fund in the disability determination service account, the sum of \$462 is hereby lapsed.

(kk) On the effective date of this act, of the \$1,053,126 appropriated for the above agency for the fiscal year ending June 30, 1991, by section 3(a) of chapter 22 of the 1990 Session Laws of Kansas from the state general fund in the mental health and retardation services—operating expenditures account, the sum of \$178,989 is hereby lapsed.

(ll) On the effective date of this act, of the \$10,818,159 appropriated for the above agency for the fiscal year ending June 30, 1991, by section 3(a) of chapter 22 of the 1990 Session Laws of Kansas from the state general fund in the special purpose community mental retardation assistance grants account, the sum of \$799,508 is hereby lapsed.

(mm) On the effective date of this act, of the \$65,000 appropriated for the above agency for the fiscal year ending June 30, 1991,

by section 3(a) of chapter 22 of the 1990 Session Laws of Kansas from the state general fund in the grants for court-ordered evaluations account, the sum of \$2,244 is hereby lapsed.

(nn) On the effective date of this act, the expenditure limitation established by section 12 of chapter 43 of the 1990 Session Laws of Kansas on the juvenile detention facilities capital improvements fund is hereby increased from \$0 to No limit.

Sec. 3.

LARNED STATE HOSPITAL

(a) On the effective date of this act, of the \$24,238,612 appropriated for the above agency by section 3(a) of chapter 27 of the 1990 Session Laws of Kansas from the state general fund, the sum of \$6,900,000 is hereby lapsed.

(b) The expenditure limitation established by section 26(b) of chapter 29 of the 1990 Session Laws of Kansas on the title XIX fund of Larned state hospital is hereby increased from \$4,101,836 to \$11,504,824.

(c) On the effective date of this act, the director of accounts and reports shall transfer \$7,402,988 from the institutional receipts from title XIX—federal fund of the department of social and rehabilitation services to the title XIX fund of Larned state hospital.

(d) The expenditure limitation established by section 3(b) of chapter 27 of the 1990 Session Laws of Kansas on the Larned state hospital fee fund is hereby decreased from \$1,874,772 to \$1,646,138.

Sec. 4.

OSAWATOMIE STATE HOSPITAL

(a) On the effective date of this act, the director of accounts and reports shall transfer any unencumbered balance in the Norton state hospital fee fund to the Osawatomi state hospital fee fund.

(b) The expenditure limitation established by section 4(b) of chapter 27 of the 1990 Session Laws of Kansas on the Osawatomi state hospital fee fund is hereby decreased from \$2,253,753 to \$2,156,234.

(c) On the effective date of this act, the director of accounts and reports shall transfer \$100,000 from the institutional receipts from title XIX—federal fund of the department of social and rehabilitation services to the title XIX fund of Osawatomi state hospital.

(d) The expenditure limitation established by section 25(b) chapter 29 of the 1990 Session Laws of Kansas on the title XIX fund of Osawatomi state hospital is hereby increased from \$3,162,149 to \$3,262,149.

Sec. 5.

PARSONS STATE HOSPITAL AND TRAINING CENTER

(a) The expenditure limitation established by section 5(b) of chapter 27 of the 1990 Session Laws of Kansas on the Parsons state hospital and training center fee fund is hereby increased from \$546,634 to \$642,634.

(b) On the effective date of this act, the director of accounts and reports shall transfer \$283,333 from the institutional receipts from title XIX—federal fund of the department of social and rehabilitation services to the title XIX fund of Parsons state hospital and training center.

(c) The expenditure limitation established by section 5(b) of chapter 27 of the 1990 Session Laws of Kansas on the title XIX fund of Parsons state hospital and training center is hereby increased from \$9,049,266 to \$9,332,599.

Sec. 6.

RAINBOW MENTAL HEALTH FACILITY

(a) The expenditure limitation established by section 6(b) of chapter 27 of the 1990 Session Laws of Kansas on the Rainbow mental health facility fee fund is hereby increased from \$302,854 to \$429,680.

(b) On the effective date of this act, the director of accounts and reports shall transfer \$217,788 from the institutional receipts from title XIX—federal fund of the department of social and rehabilitation services to the title XIX fund of Rainbow mental health facility.

(c) The expenditure limitation established by section 6(b) of chapter 27 of the 1990 Session Laws of Kansas on the title XIX fund of Rainbow mental health facility is hereby increased from \$1,515,649 to \$1,733,437.

Sec. 7.

TOPEKA STATE HOSPITAL

(a) The expenditure limitation established by section 7(b) of chap-

ter 27 of the 1990 Session Laws of Kansas on the Topeka state hospital fee fund is hereby increased from \$4,851,753 to \$5,040,517.

(b) On the effective date of this act, the director of accounts and reports shall transfer \$385,604 from the institutional receipts from title XIX—federal fund of the department of social and rehabilitation services to the title XIX fund of Topeka state hospital.

(c) The expenditure limitation established by section 24(b) of chapter 29 of the 1990 Session Laws of Kansas on the title XIX fund of Topeka state hospital is hereby increased from \$5,469,077 to \$5,854,681.

(d) There is appropriated for the above agency from the state general fund the following:

Operating expenditures \$56,836

Sec. 8.

WINFIELD STATE HOSPITAL AND TRAINING CENTER

(a) The expenditure limitation established by section 8(b) of chapter 27 of the 1990 Session Laws of Kansas on the Winfield state hospital and training center fee fund is hereby increased from \$1,308,314 to \$1,473,314.

(b) On the effective date of this act, the director of accounts and reports shall transfer \$133,333 from the institutional receipts from title XIX—federal fund of the department of social and rehabilitation services to the title XIX fund of Winfield state hospital and training center.

(c) The expenditure limitation established by section 39(d) of chapter 29 of the 1990 Session Laws of Kansas on the title XIX fund of Winfield state hospital and training center is hereby increased from \$15,985,511 to \$16,118,844.

Sec. 9.

HUTCHINSON CORRECTIONAL FACILITY

(a) The expenditure limitation established by section 4(b) of chapter 12 of the 1990 Session Laws of Kansas on the Hutchinson correctional facility general fees fund is hereby increased from \$200,000 to \$208,974.

Sec. 10.

DEPARTMENT OF CORRECTIONS

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

County jail inmate work program	\$2,934
Inmate medical and mental health	693,350
Honor camps—salaries and wages	42,538
Honor camps—other operating expenditures	16,572
Central management—other operating expenditures	88,690
Salaries and wages pool	50,000

Provided, That the secretary of corrections is hereby authorized to transfer moneys during fiscal year 1991 from this account to an account or accounts of the state general fund of any institution or facility under the jurisdiction of the secretary of corrections to be expended during fiscal year 1991 by the institution or facility for salaries and wages; *Provided further*, That such expenditures for salaries and wages shall be made only for security staff personnel.

Total \$894,084

(b) On the effective date of this act, of the amount reappropriated for the above agency for the fiscal year ending June 30, 1991, by section 2(a) of chapter 12 of the 1990 Session Laws of Kansas from the state general fund in the class action suit for correctional officers account, the sum of \$399,528 is hereby lapsed.

(c) The expenditure limitation established by section 2(b) of chapter 12 of the 1990 Session Laws of Kansas on the women's educational equity act—federal fund is hereby decreased from \$153,173 to \$24,689.

(d) The expenditure limitation established by section 33(h) of chapter 29 of the 1990 Session Laws of Kansas on the drug abuse fund—federal is hereby decreased from \$30,911 to \$27,886.

(e) The expenditure limitation established by section 33(f) of chapter 29 of the 1990 Session Laws of Kansas on the chapter I—federal fund is hereby decreased from \$86,697 to \$75,000.

(f) The expenditure limitation established by section 2(b) of chapter 12 of the 1990 Session Laws of Kansas on the correctional industries fund is hereby decreased from \$9,075,148 to \$8,635,901.

(g) On the effective date of this act, the director of accounts and reports shall transfer all moneys in the general fees fund to the general fees fund—honor camps. On the effective date of this act, all liabilities of the general fees fund are transferred to and imposed

upon the general fees fund—honor camps. On the effective date of this act, the general fees fund of the department of corrections is abolished.

(h) On the effective date of this act, of the \$2,389,679 appropriated for the above agency by section 2(a) of chapter 12 of the 1990 Session Laws of Kansas from the state general fund in the central management—salaries and wages account, the sum of \$90,000 is hereby lapsed.

Sec. 11.

DEPARTMENT OF REVENUE

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

Other operating expenditures \$25,000

(b) The expenditure limitation established by section 3(b) of chapter 17 of the 1990 Session Laws of Kansas for the vehicle dealers and manufacturers fee fund is hereby decreased from \$113,288 to \$108,703.

(c) The expenditure limitation established by section 3(b) of chapter 17 of the 1990 Session Laws of Kansas for the child support enforcement contractual agreement fund is hereby decreased from \$44,916 to \$41,318.

(d) The expenditure limitation established by section 3(b) of chapter 17 of the 1990 Session Laws of Kansas for the setoff services revenue fund is hereby decreased from \$92,233 to \$88,689.

Sec. 12.

KANSAS STATE SCHOOL FOR THE VISUALLY HANDICAPPED

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

Education improvement—federal fund	No limit
Math and science improvement—federal fund	No limit
Education of handicapped—federal fund	No limit

(b) The expenditure limitation established by section 4(b) of chapter 10 of the 1990 Session Laws of Kansas on the general fees fund is hereby increased from \$34,360 to \$77,424.

Sec. 13.

DEPARTMENT OF EDUCATION

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

Unified school district no. 226, Meade county, Kansas, state school equalization aid	\$288,095
Unified school district no. 332, Kingman county, Kansas, state school equalization aid	172,908
Salaries and wages	39,650
Other operating expenditures	53,000

Total \$553,653

(b) On the effective date of this act, of the \$47,615,135 appropriated for the above agency for the fiscal year ending June 30, 1991, by section 2(a) of chapter 15 of the 1990 Session Laws of Kansas from the state general fund in the state school transportation aid account, the sum of \$354,919 is hereby lapsed.

(c) On the effective date of this act, of the \$724,312 appropriated for the above agency for the fiscal year ending June 30, 1991, by section 2(a) of chapter 15 of the 1990 Session Laws of Kansas from the state general fund in the municipal university out-district state aid account, the sum of \$56,896 is hereby lapsed.

(d) The expenditure limitation established by section 2(b) of chapter 15 of the 1990 Session Laws of Kansas on the state operations account of the state safety fund is hereby increased from \$107,592 to \$108,004.

(e) The expenditure limitation established by section 2(b) of chapter 15 of the 1990 Session Laws of Kansas on the certificate fee fund is hereby increased from \$374,007 to \$385,319.

(f) The expenditure limitation established by section 2(b) of chapter 15 of the 1990 Session Laws of Kansas on the proprietary school fee fund is hereby increased from \$60,308 to \$73,434.

(g) The expenditure limitation established by section 2(b) of chapter 15 of the 1990 Session Laws of Kansas on the state operations fund—federal is hereby increased from \$1,330,392 to \$1,357,231.

(h) The expenditure limitation established by section 2(b) of chapter 15 of the 1990 Session Laws of Kansas on the state operations

(continued)

account of the vocational education amendments of 1968—federal fund is hereby increased from \$807,377 to \$814,425.

(i) The expenditure limitation established by the state finance council on the state operations account of the food assistance—federal fund is hereby increased from \$1,238,443 to \$1,274,140.

(j) The expenditure limitation established by section 2(b) of chapter 15 of the 1990 Session Laws of Kansas on the state operations account of the education of handicapped children fund—federal is hereby increased from \$941,453 to \$956,339.

Sec. 14.

STATE HISTORICAL SOCIETY

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

Other operating expenditures \$14,738

(b) Expenditures for state operating expenses from the heritage trust fund established by section 13(d) of chapter 29 of the 1990 Session Laws of Kansas shall not exceed \$65,565.

(c) On the effective date of this act, of the \$3,832,637 appropriated for the above agency for the fiscal year ending June 30, 1991, by section 6(a) of chapter 10 of the 1990 Session Laws of Kansas from the state general fund in the salaries and wages account, the sum of \$4,738 is hereby lapsed.

Sec. 15.

STATE BOARD OF INDIGENTS' DEFENSE SERVICES

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

State operations \$320,731

Sec. 16.

BOARD OF AGRICULTURE

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

Salaries and wages \$127,446

(b) The expenditure limitation established by section 2(b) of chapter 8 of the 1990 Session Laws of Kansas on the weights and measures fee fund is hereby decreased from \$87,094 to \$86,889.

(c) The expenditure limitation established by section 2(b) of chapter 8 of the 1990 Session Laws of Kansas on the economic development fund is hereby increased from \$180,006 to \$200,006.

(d) The expenditure limitation established by section 2(b) of chapter 8 of the 1990 Session Laws of Kansas on the Kansas corn commission fund is hereby decreased from \$502,316 to \$502,198.

(e) The expenditure limitation established by section 2(b) of chapter 8 of the 1990 Session Laws of Kansas on the Kansas grain sorghum fund is hereby decreased from \$609,302 to \$608,967.

(f) The expenditure limitation established by section 2(b) of chapter 8 of the 1990 Session Laws of Kansas on the Kansas soybean commission fund is hereby increased from \$682,396 to \$807,227.

(g) The expenditure limitation established by section 2(b) of chapter 8 of the 1990 Session Laws of Kansas on the meat and poultry inspection fund—federal is hereby decreased from \$1,233,490 to \$1,210,460.

(h) The expenditure limitation established by section 2(b) of chapter 8 of the 1990 Session Laws of Kansas on the federal pesticide enforcement fund is hereby increased from \$212,200 to \$270,200.

(i) The expenditure limitation established by section 2(b) of chapter 8 of the 1990 Session Laws of Kansas on the medicated feed mill inspection—federal fund is hereby increased from \$15,095 to \$24,343.

Sec. 17.

KANSAS ANIMAL HEALTH DEPARTMENT

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

Companion animal program \$67,500
Animal disease control fund 30,000

Total \$97,500

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

Livestock indemnification fund \$0

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

reports shall transfer \$10,000 from the animal disease control fund to the livestock indemnification fund.

(d) The expenditure limitation established by section 3(b) of chapter 8 of the 1990 Session Laws of Kansas on the livestock market brand inspection fee fund is hereby decreased from \$141,171 to \$98,611.

(e) The expenditure limitation established by section 3(b) of chapter 8 of the 1990 Session Laws of Kansas on the livestock brand fee fund is hereby decreased from \$185,772 to \$185,538.

(f) The expenditure limitation established by section 3(b) of chapter 8 of the 1990 Session Laws of Kansas on the animal disease control fund is hereby decreased from \$533,223 to \$525,647.

(g) The position limitation established by section 10 of chapter 8 of the 1990 Session Laws of Kansas for the above agency is hereby decreased from 38.0 to 36.0.

Sec. 18.

KANSAS STATE GRAIN INSPECTION DEPARTMENT

(a) The expenditure limitation established by section 4(a) of chapter 8 of the 1990 Session Laws of Kansas on the grain inspection fee fund is hereby decreased from \$5,814,373 to \$5,629,654.

Sec. 19.

KANSAS STATE FAIR

(a) The expenditure limitation established by section 5(a) of chapter 8 of the 1990 Session Laws of Kansas on the state fair fee fund is hereby decreased from \$2,257,452 to \$1,617,160.

(b) The expenditure limitation established by section 5(a) of chapter 8 of the 1990 Session Laws of Kansas on the non-fair days activities fee fund is hereby increased from \$218,041 to No limit.

Sec. 20.

DEPARTMENT OF WILDLIFE AND PARKS

(a) The expenditure limitation established by section 38(l) of chapter 29 of the 1990 Session Laws of Kansas on the salaries and wages and other operating expenditures account of the wildlife fee fund is hereby increased from \$13,576,814 to \$13,727,811.

(b) The expenditure limitation established by section 38(o) of chapter 29 of the 1990 Session Laws of Kansas on the state operations account of the parks fee fund is hereby decreased from \$2,680,212 to \$2,530,128.

(c) The expenditure limitation established by section 9(b) of chapter 8 of the 1990 Session Laws of Kansas on the salaries and wages and other operating expenditures account of the boating fee fund is hereby increased from \$524,828 to \$547,677.

(d) In addition to the purposes for which expenditures may be made by the above agency from the parks fee fund for the fiscal year ending June 30, 1991, moneys may be expended by the above agency from the parks fee fund for the fiscal year ending June 30, 1991, in addition to any expenditure limitation imposed on such fund for the fiscal year ending June 30, 1991, for the following capital improvement project, subject to the expenditure limitation prescribed therefor:

Handicapped access \$24,515

Sec. 21.

DEPARTMENT OF COMMERCE

(a) On the effective date of this act, of the \$5,324,320 appropriated for the above agency for the fiscal year ending June 30, 1991, by section 6(a) of chapter 17 of the 1990 Session Laws of Kansas from the state general fund in the state operations (including official hospitality) account, the sum of \$87,762 is hereby lapsed.

(b) The expenditure limitation established by section 6(b) of chapter 17 of the 1990 Session Laws of Kansas on the low-income housing tax credit fee fund is hereby increased from \$47,245 to \$48,377.

(c) The expenditure limitation established by section 6(b) of chapter 17 of the 1990 Session Laws of Kansas on the greyhound tourism fund is hereby decreased from No limit to \$19,215.

(d) The expenditure limitation established by section 6(b) of chapter 17 of the 1990 Session Laws of Kansas on the Kansas partnership program subaccount of the Kansas economic development endowment account of the state economic development initiatives fund is hereby decreased from \$1,250,000 to \$500,000.

(e) The expenditure limitation established by section 8(c) of chapter 28 of the 1990 Session Laws of Kansas on the state operations subaccount of the Kansas economic development endowment account

of the state economic development initiatives fund is hereby decreased from \$3,356,367 to \$3,270,164.

(f) The expenditure limitation established by section 8(b) of chapter 28 of the 1990 Session Laws of Kansas on the Kansas economic development endowment account of the state economic development initiatives fund is hereby decreased from \$8,901,367 to \$8,065,164.

(g) The expenditure limitation established by section 8(a) of chapter 28 of the 1990 Session Laws of Kansas on the state economic development initiatives fund is hereby decreased from \$8,901,367 to \$8,065,164.

(h) The expenditure limitation established by section 6(b) of chapter 17 of the 1990 Session Laws of Kansas on the community development block grant administrative match—federal fund is hereby increased from \$367,429 to \$378,230.

Sec. 22.

KANSAS TECHNOLOGY ENTERPRISE CORPORATION

(a) The expenditure limitation established by section 8(b) of chapter 17 of the 1990 Session Laws of Kansas on the economic development research and development fund is hereby decreased from \$5,815,904 to \$5,670,525.

(b) The expenditure limitation established by section 8(b) of chapter 17 of the 1990 Session Laws of Kansas on the operations, assistance and grants (including official hospitality) account of the economic development research and development fund is hereby decreased from \$5,334,749 to \$5,201,304.

(c) The expenditure limitation established by section 8(b) of chapter 17 of the 1990 Session Laws of Kansas on the agricultural value-added processing center (including official hospitality) account of the economic development research and development fund is hereby decreased from \$481,155 to \$469,221.

Sec. 23.

KANSAS LOTTERY

(a) The expenditure limitation established by section 4(a) of chapter 17 of the 1990 Session Laws of Kansas on the salaries and wages account of the lottery operating fund is hereby decreased from \$3,198,082 to \$3,142,779.

(b) The expenditure limitation established by section 4(a) of chapter 17 of the 1990 Session Laws of Kansas on the other operating expenditures account of the lottery operating fund is hereby decreased from \$5,995,418 to \$5,656,659.

(c) The expenditure limitation established by section 4(a) of chapter 17 of the 1990 Session Laws of Kansas on the lottery operating fund is hereby decreased from \$9,193,500 to \$8,799,438.

Sec. 24.

KANSAS RACING COMMISSION

(a) The expenditure limitation established by section 5(a) of chapter 17 of the 1990 Session Laws of Kansas on the state racing fund is hereby decreased from \$2,084,422 to \$2,033,633.

Sec. 25.

KANSAS, INC.

(a) On the effective date of this act, of the \$285,923 appropriated for the above agency for the fiscal year ending June 30, 1991, by section 7(a) of chapter 17 of the 1990 Session Laws of Kansas from the state general fund in the Kansas, Inc. account, the sum of \$1,073 is hereby lapsed.

Sec. 26.

KANSAS WATER OFFICE

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

Water resources operating expenditures..... \$8,887

(b) On the effective date of this act, of the \$200,000 appropriated for the above agency for the fiscal year ending June 30, 1991, by section 30(a) of chapter 29 of the 1990 Session Laws of Kansas from the state general fund in the geographic information system account, the sum of \$16,000 is hereby lapsed.

(c) On the effective date of this act, the position limitation established by section 10 of chapter 8 of the 1990 Session Laws of Kansas for the Kansas water office is hereby decreased from 23.0 to 22.0.

(d) There is appropriated for the above agency from the following special revenue fund all moneys now or hereafter lawfully credited

to and available in such fund, except that expenditures other than refunds authorized by law shall not exceed the following:

Halstead contingency fund \$0

(e) On the effective date of this act, the director of accounts and reports shall transfer \$300,000 from the state water plan fund to the Halstead contingency fund.

Sec. 27.

NORTON CORRECTIONAL FACILITY

(a) On the effective date of this act, of the \$7,187,615 appropriated for the above agency for the fiscal year ending June 30, 1991, by section 9(a) of chapter 12 of the 1990 Session Laws of Kansas from the state general fund in the salaries and wages account, the sum of \$80,000 is hereby lapsed.

Sec. 28.

KANSAS NEUROLOGICAL INSTITUTE

(a) The expenditure limitation established by section 2(b) of chapter 27 of the 1990 Session Laws of Kansas on the title XIX fund of Kansas neurological institute is hereby increased from \$12,968,011 to \$13,101,344.

(b) On the effective date of this act, the director of accounts and reports shall transfer \$133,333 from the institutional receipts from title XIX—federal fund of the department of social and rehabilitation services to the title XIX fund of the Kansas neurological institute.

Sec. 29.

EL DORADO CORRECTIONAL FACILITY

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

General fees fund No limit
Inmate canteen fund No limit
Inmate benefit fund No limit

Sec. 30. Appeals to exceed position limitations. The limitations imposed by this act on the number of full-time and regular part-time positions equated to full-time, excluding seasonal and temporary positions, paid from appropriations for fiscal year 1991 made in this act or in any appropriation act of the 1990 regular session of the legislature or in any other appropriation act of the 1991 regular session of the legislature may be exceeded upon approval of the state finance council.

Sec. 31. Appeals to exceed limitations. Upon written application to the governor and approval of the state finance council, expenditures from special revenue funds may exceed the amounts specified in this act.

Sec. 32. Effective date. This act shall take effect and be in force from and after its publication in the Kansas register.

INDEX TO ADMINISTRATIVE REGULATIONS

This index lists in numerical order the new, amended and revoked administrative regulations and the volume and page number of the *Kansas Register* issue in which more information can be found. This cumulative index supplements the index found in the 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
4-4-931 through 4-4-937	New	V. 9, p. 1758-1760
4-4-950 through 4-4-954	New	V. 9, p. 1760, 1761
4-7-1	Revoked	V. 9, p. 1761
4-7-2	Amended	V. 9, p. 1762
4-7-4	Amended	V. 9, p. 1762
4-7-5	Revoked	V. 9, p. 1762
4-7-7	Revoked	V. 9, p. 1762
4-7-213	Amended	V. 9, p. 1762
4-7-214	Amended	V. 9, p. 1762
4-7-215	Amended	V. 9, p. 1762
4-7-300 through 4-7-306	Revoked	V. 9, p. 1762
4-7-400 through 4-7-407	Revoked	V. 9, p. 1762
4-7-509	Revoked	V. 9, p. 1762
4-7-510	Amended	V. 9, p. 189
4-7-511	New	V. 9, p. 189
4-7-512	New	V. 9, p. 189
4-7-513	New	V. 9, p. 190
4-7-700	Revoked	V. 9, p. 1762
4-7-702	Revoked	V. 9, p. 1763
4-7-709	Revoked	V. 9, p. 1763
4-7-715 through 4-7-722	Amended	V. 9, p. 1763
4-7-800	Revoked	V. 9, p. 1359
4-7-801	Revoked	V. 9, p. 1359
4-7-802	Amended	V. 9, p. 1076
4-7-802	Amended	V. 9, p. 1359
4-7-803	Revoked	V. 9, p. 1359
4-7-903	Amended	V. 9, p. 1359
4-7-1000	New	V. 9, p. 1764
4-7-1001	New	V. 9, p. 1764
4-8-34	Amended	V. 9, p. 1359
4-8-40	Amended	V. 9, p. 1359
4-13-4	Amended	V. 9, p. 190
4-13-4a	New	V. 9, p. 190
4-13-5	Amended	V. 9, p. 191
4-13-8	Amended	V. 9, p. 191
4-13-15	Amended	V. 9, p. 578
4-13-26	New	V. 9, p. 191

4-13-27	New	V. 9, p. 191
4-16-1a	Amended	V. 9, p. 1785
4-16-1c	Amended	V. 9, p. 1785
4-17-1a	Amended	V. 9, p. 1785
4-17-1c	Amended	V. 9, p. 1786
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
22-7-5	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. 1170
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
30-5-154		
through		
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. 303
40-3-46	New	V. 10, p. 381
40-3-47	New	V. 10, p. 381
40-4-35	Amended	V. 9, p. 1304
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	Amended	V. 9, p. 81
44-11-130		
through		
44-11-135	New	V. 9, p. 82

(continued)

AGENCY 47: DEPARTMENT OF HEALTH AND ENVIRONMENT

Reg. No.	Action	Register
47-1-1	New	Vol. 9, p. 1872
47-1-3	Amended	Vol. 9, p. 1872
47-1-4	Amended	Vol. 9, p. 1872
47-1-8	Amended	Vol. 9, p. 1872
47-1-9	Amended	Vol. 9, p. 1872
47-1-10	Amended	Vol. 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	Amended	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
82-3-100	Amended	V. 9, p. 329
82-3-101	Amended	V. 9, p. 332
82-3-103	Amended	V. 9, p. 332
82-3-103a	Amended	V. 9, p. 332
82-3-106	Amended	V. 9, p. 333
82-3-107	Amended	V. 9, p. 334
82-3-108	Amended	V. 9, p. 334
82-3-109	Amended	V. 9, p. 335
82-3-110	Amended	V. 9, p. 336
82-3-111	Amended	V. 9, p. 336
82-3-113	Amended	V. 9, p. 336
82-3-117	Amended	V. 9, p. 336
82-3-122	Amended	V. 9, p. 337
82-3-123	Amended	V. 9, p. 337
82-3-123a	Amended	V. 9, p. 337
82-3-124	Amended	V. 9, p. 338
82-3-126	Amended	V. 9, p. 338
82-3-128 through 82-3-131	Amended	V. 9, p. 339
82-3-133	Amended	V. 9, p. 339
82-3-134	Revoked	V. 9, p. 339
82-3-135	Amended	V. 9, p. 339
82-3-135a	New	V. 9, p. 340
82-3-135b	New	V. 9, p. 340
82-3-138	Amended	V. 9, p. 341
82-3-139	Revoked	V. 9, p. 341
82-3-140	Amended	V. 9, p. 341
82-3-141	Amended	V. 9, p. 341

82-3-142	Revoked	V. 9, p. 342
82-3-143	Revoked	V. 9, p. 342
82-3-201	Amended	V. 9, p. 342
82-3-203	Amended	V. 9, p. 342
82-3-205	Revoked	V. 9, p. 342
82-3-206	Amended	V. 9, p. 342
82-3-208	Amended	V. 9, p. 342
82-3-209	Amended	V. 9, p. 343
82-3-300	Amended	V. 9, p. 343
82-3-300a	New	V. 9, p. 344
82-3-303	Amended	V. 9, p. 344
82-3-304	Amended	V. 9, p. 344
82-3-306	Amended	V. 9, p. 346
82-3-307	Amended	V. 9, p. 346
82-3-311	Amended	V. 9, p. 346
82-3-312	Amended	V. 9, p. 347
82-3-400	Amended	V. 9, p. 347
82-3-401	Amended	V. 9, p. 349
82-3-403	Amended	V. 9, p. 349
82-3-404 through 82-3-408	Amended	V. 9, p. 349-351
82-3-410	Amended	V. 9, p. 352
82-3-600a	New	V. 9, p. 352
82-3-603	Amended	V. 9, p. 352
82-3-604	New	V. 9, p. 352
82-3-606	New	V. 9, p. 352
82-4-1	Amended	V. 9, p. 381
82-4-3	Amended	V. 9, p. 381
82-4-8a	Amended	V. 9, p. 382
82-4-20	Amended	V. 9, p. 382
82-4-38	Amended	V. 9, p. 383
82-8-100	Amended	V. 9, p. 894
82-8-101	Amended	V. 9, p. 894
82-8-108	New	V. 9, p. 894
82-9-1	Amended	V. 9, p. 1359
82-9-3	Amended	V. 9, p. 1360
82-9-5	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
86-1-5	Amended	V. 10, p. 531
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
91-1-123b	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	Amended	V. 10, p. 531

**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
110-40-1		
through		
110-40-8	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
111-2-17	New	V. 10, p. 529
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
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
111-4-253		
through		
111-4-256	New	V. 10, p. 530

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. 9, 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		
through		
111-9-6	Revoked	V. 9, p. 1680
111-9-13		
through		
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**

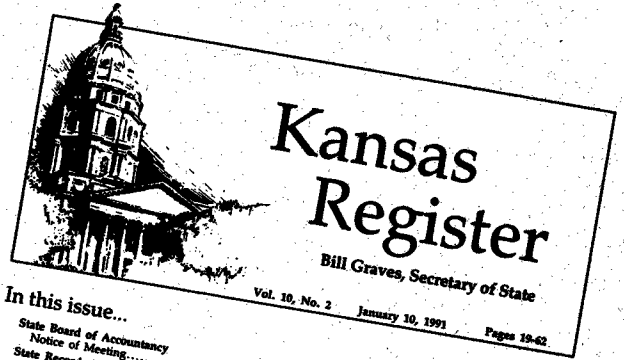
Reg. No.	Action	Register
112-3-16	Amended	V. 9, p. 153
112-3-19	Amended	V. 9, p. 153
112-4-14b	New	V. 10, p. 162
112-4-21	New	V. 10, p. 162
112-5-1	Amended	V. 9, p. 153
112-5-2	Amended	V. 9, p. 154
112-5-3	Amended	V. 9, p. 154
112-5-8	Amended	V. 9, p. 155
112-5-9	Amended	V. 9, p. 155

(continued)

112-6-1			112-13-2	Amended	V. 10, p. 170	115-17-1			
through			112-13-4	New	V. 10, p. 171	through			
112-6-5	Amended	V. 10, p. 163-165	112-13-5	New	V. 10, p. 171	115-17-5	New	V. 9, p. 1137-1139	
112-6-6	Amended	V. 9, p. 155	112-15-1			115-17-6			
112-6-8	Amended	V. 10, p. 165	through			through			
112-7-6	Amended	V. 10, p. 165	112-15-7	New	V. 9, p. 1074, 1075	115-17-9	New	V. 9, p. 1564, 1565	
112-8-3	Amended	V. 10, p. 166	112-15-1			through			
112-8-4	Amended	V. 10, p. 167	through			115-17-10			
112-8-5	Amended	V. 10, p. 167	112-15-7	New	V. 9, p. 1346, 1347	through			
112-8-8	Amended	V. 10, p. 168				115-17-13	New	V. 10, p. 461, 462	
112-8-10	Amended	V. 10, p. 168				115-20-1	New	V. 9, p. 951	
112-9-5	Amended	V. 9, p. 155	AGENCY 115: DEPARTMENT OF WILDLIFE AND PARKS			115-20-2	New	V. 9, p. 1139	
112-9-7	Amended	V. 9, p. 156	Reg. No.	Action	Register	115-20-3	New	V. 9, p. 1140	
112-9-8	Amended	V. 9, p. 156	115-2-1	Amended	V. 9, p. 1564	115-21-1	New	V. 9, p. 1815	
112-9-11	Amended	V. 9, p. 156	115-2-3	Amended	V. 9, p. 1815	115-21-2	New	V. 9, p. 1816	
112-9-13	Amended	V. 9, p. 156	115-2-4	New	V. 9, p. 951	115-30-2			
112-9-18	Amended	V. 9, p. 157	115-4-1	Amended	V. 10, p. 458	through			
112-9-21	Amended	V. 9, p. 157	115-4-3	Amended	V. 10, p. 458	115-30-3	New	V. 9, p. 1344, 1345	
112-9-22	Amended	V. 9, p. 158	115-4-5	Amended	V. 10, p. 459	115-30-9	New	V. 9, p. 1816	
112-9-23	Amended	V. 9, p. 159	115-4-6	New	V. 9, p. 388				
112-9-29	Amended	V. 9, p. 159	115-4-7	Amended	V. 10, p. 460	AGENCY 116: STATE FAIR BOARD			
112-9-34	Amended	V. 9, p. 159	115-4-9	New	V. 9, p. 1135	Reg. No.	Action	Register	
112-9-37	Amended	V. 9, p. 159	115-4-10	Amended	V. 9, p. 1135	116-2-1	Amended	V. 9, p. 1022	
112-10-4	Amended	V. 9, p. 160	115-4-11	Amended	V. 10, p. 461	AGENCY 117: REAL ESTATE APPRAISAL BOARD			
112-10-34	Amended	V. 10, p. 169	115-4-12	New	V. 10, p. 461	Reg. No.	Action	Register	
112-10-35	Amended	V. 10, p. 170	115-5-1	New	V. 9, p. 167	117-1-1	New	V. 9, p. 1786	
112-11-2	Amended	V. 9, p. 160	115-5-2	New	V. 9, p. 168	117-2-1	New	V. 9, p. 1786	
112-11-3	Amended	V. 9, p. 161	115-6-1	New	V. 9, p. 168	117-2-2	New	V. 9, p. 1787	
112-11-6	Amended	V. 9, p. 161	115-7-3	New	V. 9, p. 1135	117-3-1	New	V. 9, p. 1787	
112-11-7	Amended	V. 9, p. 161	115-7-5	Amended	V. 9, p. 951	117-3-2	New	V. 9, p. 1787	
112-11-9	Amended	V. 9, p. 161	115-7-6	New	V. 9, p. 1135	117-6-1	New	V. 9, p. 1788	
112-11-10	Amended	V. 9, p. 161	115-8-2	New	V. 9, p. 391	117-6-2	New	V. 9, p. 1788	
112-11-12	Amended	V. 9, p. 162	115-8-9	New	V. 9, p. 169	117-6-3	New	V. 9, p. 1788	
112-11-14	Amended	V. 9, p. 162	115-8-21	New	V. 9, p. 169	117-7-1	New	V. 9, p. 1789	
112-11-15	Amended	V. 9, p. 162	115-10-1			AGENCY 119: KANSAS DEVELOPMENT FINANCE AUTHORITY			
112-11-20	Amended	V. 9, p. 162	through			Reg. No.	Action	Register	
112-11-21	Amended	V. 10, p. 263, 531	115-10-8	New	V. 9, p. 391, 392	119-1-1	New	V. 10, p. 263	
112-12-2	Amended	V. 9, p. 164	115-16-1			119-1-2	New	V. 10, p. 264	
112-12-4	Amended	V. 9, p. 164	through			119-1-3	New	V. 10, p. 264	
112-12-12	Amended	V. 10, p. 170	115-16-4	New	V. 9, p. 1135-1137				

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In this issue...

State Board of Accountancy	
Notice of Meeting.....	20
State Records Board	
Notice of Meeting.....	20
Kansas Agricultural Value-Added Processing Center	
Notice of Leadership Council Meeting.....	20
Kansas Water Authority	
Notice of Meeting.....	20
Kansas Sentencing Commission	
Notice of Meeting.....	21
Executive Appointments	
Notice of Meeting.....	21
Kansas Apprenticeship Committee	
Notice of Meeting.....	22
Notice to Bidders for State Purchases	
City of Hillsboro	22
	23

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