

Kansas Register

Bill Graves, Secretary of State

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State of Kansas

Board of Agriculture

Notice of Hearing on Proposed
Administrative Regulations

A public hearing will be conducted at 9:30 a.m. Tuesday, June 25, in Conference Room A of the Kansas State Board of Agriculture, 109 S.W. 9th, Topeka, at which time all interested persons will have an opportunity to be heard regarding the adoption of proposed temporary and permanent rules and regulations of the Kansas State Board of Agriculture. The proposed permanent rules and regulations will become effective 45 days after their publication in the Kansas Register unless a specified date is contained in the regulation. The proposed temporary rules and regulations will become effective on July 1, 1991, or as soon thereafter as they may be approved by the Temporary Regulations Board.

All interested persons may attend the hearing and will be given an opportunity to express comments either orally or in writing, or both. In addition, the period of at least 30 days notice constitutes a public comment period for the purpose of receiving comments on the proposed rules and regulations.

Written comments and requests for copies of the regulations and the complete economic impact statement should be sent to Kenneth M. Wilke, Chief Counsel, Kansas State Board of Agriculture, 109 S.W. 9th, Topeka 66612, at or before the time of the hearing. If you intend to present testimony in person at the hearing, prior notice to the board office would be helpful in arranging the agenda. In order to give all parties an opportunity to present their views, it may be nec-

essary to request each participant to limit any oral presentations to five minutes.

A summary of the proposed regulations is as follows:

- 4-33-1. Changes existing language to allow collection of soybean checkoff funds under federal program instead of under state program.
- 4-33-2. Provides for collection of soybean checkoff funds pursuant to the federal soybean checkoff program.

Regarding the proposed amendments to K.A.R. 4-33-1 and new regulation 4-33-2 concerning the soybean checkoff program, there will be an estimated \$1,521,000 collected, of which \$760,725 will remain in the state of Kansas. While this represents a decrease of \$259,165 from the amount currently collected, the new program will allow the state to shift approximately \$241,000 currently funding national and international efforts regarding marketing of soybeans to provide additional funding for state programs and research projects concerning soybeans and their products.

Otherwise, there will be minimal, if any, fiscal impact upon this agency, other governmental agencies, individuals, private businesses or the general public.

Copies of these regulations and the complete fiscal impact statements may be obtained by contacting Kenneth M. Wilke, Chief Counsel, at the address above, (913) 296-3848.

Gary Hall
Acting Secretary of Agriculture

Doc. No. 010658

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State of Kansas

Information Network of Kansas**Notice of Draft Request for Proposal**

The Information Network of Kansas has prepared a draft request for proposal (RFP) to hire a network manager to establish, manage and operate a centralized interactive electronic information system.

Anyone interested in reviewing this draft for the purpose of making comments should contact the Information Network of Kansas, Suite 113, Capitol Tower, 400 S.W. 8th, Topeka 66603-1957, (913) 296-1460. Written comments should be submitted to the same address by June 7.

Brad Bradley
Chair

Doc. No. 010656

State of Kansas

Workers Compensation Maximum Medical Fee Schedule Advisory Panel**Notice of Meeting**

The Workers Compensation Maximum Medical Fee Schedule Advisory Panel will meet from 10 a.m. to 5 p.m. Tuesday, June 11, and from 8:30 a.m. to 5 p.m. Wednesday, June 12, in the lower level, west classroom of the ESSI Building, 1309 S.W. Topeka, Topeka. Parking is available in ESSI Parking Lot Number 2 at the corner of 14th and Tyler. Parking in any other lot is not permitted.

This meeting of the advisory panel (created by Substitute for House Bill No. 3069 as enacted by 1990 Kansas Legislature) is being held to review and discuss the results of a medical utilization review survey form that was mailed to health care providers, hospitals, health care facilities, vocational rehabilitation vendors, pharmacists, vendors providing medical equipment and supplies, self-insured employers, and insurance carriers. It is anticipated that the results of this survey can be used in the establishment of a medical fee schedule for workers compensation and thus assure the continued treatment of injured workers by individuals/organizations involved in the medical profession.

This meeting will also involve a discussion of the following:

- A. Use of CPT codes for non-hospital services. Adoption and/or rejection for using CPT codes.
- B. Use of DRG codes for hospital services. Adoption and/or rejection for using DRG codes.
- C. Use of relative value guides.
- D. Use and application of ground rules to be used in conjunction with a medical fee schedule.
- E. Proposed regulations for placing a medical fee schedule into effect.
- F. Use of proposed forms to use in conjunction with the law.
- G. The drafting and/or use of a uniform billing form in the collection of data. Discuss need of pro-

posed regulation for use of a uniform billing form.

- H. Procedures for administering the utilization and peer review process associated with the law.

The advisory panel welcomes input from the public. Time will be allotted for members of the public wishing to make comments and suggestions in the establishment of a medical fee schedule or the utilization and peer review procedures.

The public is encouraged to send suggestions and concerns the advisory panel should consider to George E. McCullough, Chairman of the Workers Compensation Maximum Medical Fee Schedule Advisory Panel, c/o Director Robert Anderson, Division of Workers Compensation, 600 Merchants Bank Tower, 800 S.W. Jackson, Topeka 66612-1227. Chairman McCullough also requests that any members of the public wishing to address the panel notify him in writing through the Division of Workers Compensation prior to the meeting so that adequate time can be allotted for public comment.

The advisory panel encourages members of the public with any specific experience, knowledge and concerns about implementation of fee schedules, utilization and peer review procedures to share this information with the panel during this meeting.

Michael L. Johnston
Secretary of Human Resources

Doc. No. 010654

State of Kansas

Wildlife and Parks Commission**Notice of Meeting**

The Wildlife and Parks Commission will meet at 1:30 p.m. Wednesday, May 29, in the Salina Room at the Mid-America Best Western, 1846 W. 9th, Salina. A workshop will be conducted on upcoming business and regulatory efforts scheduled for action by the commission.

The workshop items will include the discussion of regulating falconry and migratory birds; reports on boat registration in Kansas and surrounding states and on proposed federal boating permits and their impact; a legislative update; and lease hunting. Gary Hall, Acting Secretary of Agriculture, will also meet with the commission.

The meeting will continue at 7 p.m. for a public hearing on regulations as previously announced. The commission will reconvene, if necessary, at 9 a.m. Thursday, May 30, at the same location for continuance of the public hearing and the workshop meeting. The public is invited to attend the workshop meeting and the public hearing.

Ron Hopkins
Chairman

Doc. No. 010664

State of Kansas

Department of Administration

Division of Purchases

Notice to Bidders

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

Monday, June 3, 1991

26083

Kansas State Fair—Canvas supplies and tent rental

88299

Department of Transportation—Drainage pipe end sections, Garden City

88300

Department of Transportation—Furnish and install fire protection system and ceiling tile and grid, Hutchinson

88301

Kansas Correctional Industries—Furnish and install roof system

88302

Department of Transportation—Paint radio towers, various locations

88303

University of Kansas—Plain paper photocopier

88304

Department of Transportation—Plain paper photocopier

88305

Topeka State Hospital—Tractor

88315

Department of Transportation—Generator-alternator tester, Chanute

88316

Department of Transportation—Wood posts, Hutchinson

88348

Kansas State University—Modular music practice room

88356

Kansas State University—Professional audio-video equipment

88376

Department of Transportation—Trucks, Topeka and Garden City

88375

Department of Transportation—Fuel tanks, various locations

88377

Department of Transportation—Tractor/boom mower

88425

El Dorado Correctional Facility—Electric heat pump and refrigeration training equipment

Tuesday, June 4, 1991

26303

Statewide—Work shoes

27128

Statewide—Family planning pharmaceuticals and supplies

27651

Department of Revenue—Mailing services, tax books, packets and cards

88306

Department of Transportation—Truck mounted attenuator, Wichita

88330

Department of Transportation—Aggregate, Wamego

88331

Department of Transportation—Truck, Salina

88333

Department of Transportation—Trailers, Hutchinson and Chanute

88334

Department of Transportation—Arrowboards, Topeka and Norton

88380

Kansas Highway Patrol—Fleet management package

Wednesday, June 5, 1991

27119

Kansas State Fair, University of Kansas and University of Kansas Medical Center—Animal bedding

27288

University of Kansas Medical Center—Clinical analyzer reagents (Beckman Astra*)

27645

Kansas State University—Laboratory equipment maintenance services

28049

University of Kansas Medical Center—Detergents (animal care unit)

28498

Kansas Highway Patrol—MCR uniforms

87759A

Department of Transportation—Engine lath, Salina

88349

University of Kansas Medical Center—Plain paper photocopier

88350

Department of Transportation—Sweeper, Garden City

88351

Department of Transportation—Slope mower, Hutchinson

88352

Department of Transportation—Spreader

88353

Department of Transportation—Saw, Garden City

Thursday, June 6, 1991

A-6630

Fort Hays State University—Concrete pavement replacement at Gustad Drive

27264

Department of Health and Environment—STD culture supplies

87736A

University of Kansas—Saddle stitcher/trimmer

88135A
 Kansas State University, Winfield Correctional Facility, Department of Corrections, and Department of Transportation—Light fixtures and poles

88361
 Department of Transportation—Asphalt paving, Olathe

88362
 Department of Transportation—Loader/backhoe

88363
 Department of Transportation—Generators, various locations

88373
 Department of Transportation—Drill presses and band saw, Salina and Hutchinson

88374
 Department of Transportation—Collator

88407
 Pittsburg State University—Workstation

Friday, June 7, 1991

27268
 University of Kansas and University of Kansas Medical Center—Immuno assay kits

28495
 University of Kansas—Toner and toner boxes

28496
 Department of Wildlife and Parks and Department of Corrections—Fence materials

88401
 Department of Transportation—Tractor/mower, various locations

88402
 Topeka Correctional Facility East—Furnish and install fire alarm system

88403
 Department of Corrections—Waterless toilet system

88404
 Wichita State University—Printing equipment

88405
 Kansas Highway Patrol and Winfield Correctional Facility—Firearms

88406
 El Dorado Correctional Facility—Recreation (weightlifting equipment)

88409
 Department of Transportation—Replace controls on testing system

88410
 Department of Transportation—Deflector test system

88411
 Department of Transportation—Replace controllers for freeze-thaw apparatus

88412
 Department of Transportation—Testing equipment

88413
 Department of Transportation—Microfilm reader-printers

88414
 Wichita State University—Plain paper photocopier

88415
 Department of Transportation—Loaders, various locations

88416
 Department of Transportation—Rollers, various locations

88426
 Department of Administration, Buildings and Grounds Services—Remove, replace and inspect boiler tubes

88427
 Department of Transportation—Hoists, Salina

88428
 Department of Transportation—Snow plows, Garden City

88429
 Department of Transportation and Winfield State Hospital and Training Center—Shop machinery

88430
 Youth Center at Beloit—Asbestos/pipe removal

88431
 University of Kansas Medical Center—Professional audio/visual and video equipment

Monday, June 10, 1991

88313
 Department of Education—Workstation/LAN database/file server

88314
 Department of Social and Rehabilitation Services—Upgrade/replace/add data general equipment

Tuesday, June 11, 1991

88307
 Department of Health and Environment—Groundwater investigation

88378
 Wichita State University—Image management system

88379
 University of Kansas Medical Center—Photoimaging system for ID cards

Wednesday, June 12, 1991

88381
 Wichita State University—Upgrade mainframe computer

Thursday, June 13, 1991

A-6507
 Department of Transportation—Insulate and weatherproof central materials lab

A-6515
 Department of Transportation—Revise main electrical service to area and sub-area buildings, Mankato

27421
 Statewide—Miscellaneous hospital supplies (Class 09)

88408
 Department of Human Resources—Mainframe terminal controllers

Request for Proposals
 Tuesday, June 11, 1991

28485
 Cafeteria service, Docking State Office Building for the Department of Administration

Nicholas B. Roach
 Director of Purchases

State of Kansas

Attorney General

Opinion No. 91-49

Public Health—Solid and Hazardous Waste—Kansas Storage Tank Act; Statement of Legislative Findings; Third Party Liability Insurance Plan, Contents; Duties of Commissioner of Insurance. Ron Todd, Commissioner of Insurance, Department of Insurance, Topeka; Dr. Stanley C. Grant, Secretary, Kansas Department of Health and Environment, Topeka, May 9, 1991.

The legislature intended that the term "noneconomic loss," found in K.S.A. 1990 Supp. 65-34,126 and not otherwise defined, has the meaning commonly accorded it and as defined by case law interpreting generally similar statutes. Cited herein: K.S.A. 1990 Supp. 65-34,100; 65-34,102; 65-34,126. GE

Opinion No. 91-50

Laws, Journals and Public Information—Records Open to Public—Certain Records Not Required to be Open; Personnel Records; Invasion of Personal Privacy. Representative Anthony Hensley, 58th District, Topeka, May 9, 1991.

If a public record qualifies as a personnel record, it may be closed pursuant to K.S.A. 1990 Supp. 45-221(a)(4), with the exception of the information noted herein. However, not every public record concerning public employees automatically qualifies as a personnel record. Public records may be closed pursuant to K.S.A. 1990 Supp. 45-221(a)(30) when public disclosure would constitute a clearly unwarranted invasion of personal privacy. Closure under this subsection may not occur if the elements of invasion of privacy are not present, if the invasion of privacy can be eliminated by deleting the identifying personal information pursuant to K.S.A. 1990 Supp. 45-221(d), by providing statistical information pursuant to K.S.A. 1990 Supp. 45-221(e), or if the individual whose privacy interest is at risk consents to the disclosure. Closure under K.S.A. 1990 Supp. 45-221(a)(4) or (a)(30) is discretionary, not mandatory. Cited herein: K.S.A. 45-215; 45-216; 45-217; K.S.A. 1990 Supp. 45-221. TMN

Opinion No. 91-51

Eminent Domain—Condemnation in Cities—Cities; Authority to Condemn Public Property. DeAnne E. Hupe, Legal Counsel, Kansas Wildlife and Parks, Topeka, May 10, 1991.

K.S.A. 26-201, which delegates to cities in Kansas the right of eminent domain in general terms, does not authorize such cities to condemn property already devoted to public use, if such condemnation will substantially destroy or materially interfere with the present public use. In our opinion, the city of Derby may not condemn property in Spring Creek upon which the Department of Wildlife and Parks currently possesses easements. Cited herein: K.S.A. 26-201; K.S.A. 1990 Supp. 32-807. CN

Opinion No. 91-52

State Boards, Commissions and Authorities—State Board of Agriculture; Election and Duties of Board—Annual Meeting; Election of Members; Agricultural Districts Established; Officers; Expenses. Senator Edward F. Reilly, Third District, Leavenworth, May 13, 1991.

The election process of the secretary of agriculture by the State Board of Agriculture pursuant to K.S.A. 1990 Supp. 74-503 is constitutional. Cited herein: K.S.A. 1990 Supp. 74-502; 74-503; Kan. Const., art. 15, § 1. GE

Opinion No. 91-53

Counties and County Officers—General Provisions—Home Rule Powers; Expenditures; Public Purpose. Senator Bill Brady, 14th District, Parsons, May 13, 1991.

A county may, by resolution, pay for the legal fees incurred when an action is brought by a county employee if the commissioners determine that the action arose out of the employee's scope of employment, the money is being spent for a public purpose, the funds expended are derived from an appropriate fund, and the expense has been submitted pursuant to the uniform procedure for payment of claims. Cited herein: K.S.A. 1990 Supp. 12-105b; 19-101a; K.S.A. 19-229; 19-236a; K.S.A. 1990 Supp. 79-1946; K.S.A. 79-2927; and 79-2934. MJS

Opinion No. 91-54

Procedure, Civil—Executions and Orders of Sale—Writ of Execution. Thomas R. Powell, Wichita City Attorney, Wichita, May 14, 1991.

K.S.A. 1990 Supp. 60-303 does not authorize a special process server to execute. However, the district court may appoint a civilian to execute an order issued by it pursuant to K.S.A. 60-2401. Execution must be performed within the parameters of the statute and the court's order. Cited herein: K.S.A. 1990 Supp. 60-303; K.S.A. 60-2401. JLM

Opinion No. 91-55

Counties and County Officers—Parks, Museums, Lakes and Recreational Grounds; Johnson County Park and Recreation District—Bid Procedure. Bruce E. Moore, General Counsel, Johnson County Park and Recreation District, Leawood, May 14, 1991.

The Johnson County Park and Recreation District must follow the competitive bid process even when the money to be spent is derived from insurance proceeds. Cited herein: K.S.A. 19-2881. MJS

Robert T. Stephan
Attorney General

Doc. No. 010663

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
City of Garden Plain P.O. Box 235 Garden Plain, KS 67050	Ninnescah River via Pole Cat Creek	Secondary wastewater treatment facility

Sedgwick County, Kansas
Kansas Permit No: M-AR35-0001 Fed. Permit No. KS-0116386
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.

Name and Address of Applicant	Waterway	Type of Discharge
City of Hutchinson P.O. Box 1567, Route 4 Hutchinson, KS 67501	Arkansas River	Secondary wastewater treatment facility

Reno County, Kansas
Kansas Permit No: M-AR49-I001 Fed. Permit No. KS-0036188
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 water quality limited.

Name and Address of Applicant	Waterway	Type of Discharge
City of Leon 111 S. Main Leon, KS 67074	Little Walnut River	Secondary wastewater treatment facility

Butler County, Kansas
Kansas Permit No: M-WA11-0001 Fed. Permit No. KS-0026247
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 water quality limited.

Name and Address of Applicant	Waterway	Type of Discharge
City of Moline c/o City Clerk City Hall Moline, KS 67353 Elk County, Kansas	Elk River via Wildcat Creek	Secondary wastewater treatment facility

Kansas Permit No: M-VE27-0001 Fed. Permit No. KS-0027162
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.

Name and Address of Applicant	Waterway	Type of Discharge
Phillips 66 Company Kansas City Former Refinery 13 A2 Phillips Bldg. 2029 Fairfax Trafficway Bartlesville, OK 74004 Wyandotte County, Kansas	Missouri River	Groundwater cleanup plus stormwater

Kansas Permit No: I-M025-P005 Fed. Permit No. KS-0003140
Description of Facility: Inactive refinery site. 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
Topeka Oakland Wastewater Treatment Plant c/o City of Topeka 1115 N. Poplar Topeka, KS 66603 Shawnee County, Kansas	Kansas River	Secondary wastewater treatment facility

Kansas Permit No: M-KS72-I001 Fed. Permit No. KS-0042722
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 water quality limited.

Name and Address of Applicant	Waterway	Type of Discharge
City of Wichita 455 N. Main Wichita, KS 67202	Arkansas River	Secondary wastewater treatment facility

Sedgwick County, Kansas
Kansas Permit No: M-AR94-I001 Fed. Permit No. KS-0043036
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 water quality limited.

Written comments on the proposed determinations may be submitted to Bethel Spotts, Permit Clerk, Kansas Department of Health and Environment, Division of Environment, Bureau of Water, Forbes Field, Topeka 66620. All comments received prior to June 21 will be considered in the formulation of final determinations regarding this public notice. Please refer to the appropriate application number (KS-91-96/102) and name of applicant as listed when preparing comments.

If no objections are received, the Secretary of Health and Environment will issue the final determinations. If response to this notice indicates significant public interest, a public hearing may be held in conformance with state regulation 28-16-61. 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. 010660

State of Kansas

Department of Health and Environment

Notice Concerning Kansas Water Pollution Control Permits

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

Table with 3 columns: Name and Address of Applicant, Legal Description, Receiving Water. Row 1: Lynch Feed Yard, Inc., SE/4 Sec. 16 & NW/4 Sec. 21, T. 26S., R.26W., Ford County, Kansas, Upper Arkansas River.

Kansas Permit No: A-UAFO-C002 Fed. Permit No. KS-0115142 The facility has capacity for approximately 9,500 cattle and a contributing drainage area of approximately 178 acres. This is an existing facility.

Runoff Control Facilities: Feedlot runoff is impounded for subsequent disposal upon agricultural land. Storage capabilities are provided in excess of 70 acre-feet.

Compliance Schedule:

- 1) By August 1, 1991, the northeast runoff containment pond shall be dewatered. The pond dimensions and usable runoff storage volume shall be evaluated by a licensed surveyor and reported to the department by August 15, 1991.
2) By August 1, 1991, land area in the amount of at least 570 acres shall be identified for application of solid manure wastes. The land may be owned, leased, or underwritten waste application agreement.
3) By September 1, 1991, solid manure waste piles and solids accumulations in runoff collection/transfer channels shall be removed and land applied in compliance with permit conditions.
4) By October 1, 1991, additional wastewater application equipment shall be obtained to achieve the minimum required capacity of 1000 gpm. Equipment may be acquired through ownership or written rental agreement. Capacity shall be rated at normal operating head through the distribution system.
5) By October 1, 1991, at least 60 acres of additional land area for wastewater application shall be obtained to meet the minimum required amount. The land may be owned, leased, or underwritten wastewater application agreement.
6) A livestock waste management plan for the facility shall be developed. The plan shall cover, but not be limited to, the following items: handling and disposal equipment for both solid and liquid wastes, land application practices used to protect against runoff and leaching, waste application rates based on crop nutrient utilization, and identification of adequate land areas of application of all wastes. Detailed guidance and requirements will be provided by the department. A plan shall be submitted to the department within six months following receipt of detailed requirements. The approved plan will become part of this permit.

Table with 3 columns: Name and Address of Applicant, Legal Description, Receiving Water. Row 1: Thiessen Swine, c/o David Thiessen, 14811 E. 82nd Ave., Buhler, KS 67522, NW/4 Sec. 25, T.21S., R.4W., McPherson County, Kansas, Little Arkansas River Basin.

Kansas Permit No: A-LAMP-S021

The existing facility has capacity for approximately 480 swine. Wastewater Control Facilities: Wastewater will be impounded for subsequent disposal upon agricultural land. Storage capabilities will provide in excess of minimum requirements.

Compliance Schedule:

- 1) The 800-gallon tank wagon is smaller than normally required for an operation of this size. Should waste management monitoring indicate problems in complying with permit conditions, additional wastewater disposal capacity will be required.
2) A livestock waste management plan for the facility shall be developed. The plan shall cover, but not be limited to, the following items: handling and disposal equipment for both solid and liquid wastes, land application practices used to protect against runoff and leaching, waste application rates based on crop nutrient utilization, and identification of adequate land areas of application of all wastes. Detailed guidance and requirements will be provided by the department. A plan shall be submitted to the department within six months following receipt of detailed requirements. The approved plan will become part of this permit.

Table with 3 columns: Name and Address of Applicant, Legal Description, Receiving Water. Row 1: Vincent Weber, Route 3, Box 70, Fredonia, KS 66736, NW/4 Sec. 33, T.30S., R.14E., Wilson County, Kansas, Verdigris River Basin.

Kansas Permit No: A-VEWL-S029

The existing facility has capacity for approximately 600 swine. Wastewater Control Facilities: Wastewater will be impounded for subsequent disposal upon agricultural land. Storage capabilities will provide in excess of minimum requirements.

Compliance Schedule: A livestock waste management plan for the facility shall be developed. The plan shall cover, but not be limited to, the following items: handling and disposal equipment for both solid and liquid wastes, land application practices used to protect against runoff and leaching, waste application rates based on crop nutrient utilization, and identification of adequate land areas of application of all wastes. Detailed guidance and requirements will be provided by the department. A plan shall be submitted to the department within six months following receipt of detailed requirements. The approved plan will become part of this permit.

Written comments on the proposed permits may be submitted to Angela Buie, Bureau of Water, Industrial Programs Section, Kansas Department of Health and Environment, Forbes Field, Topeka 66620-0001. All comments received prior to June 22 will be considered in the formulation of final determinations regarding this public notice. Please refer to the appropriate application number (KS-AG-91-30/32) and name of applicant as listed when preparing comments.

If no objections are received, the Secretary of Health and Environment will issue the final determinations within 30 days of this notice. If response to this notice indicates significant public interest, a public hearing may be held in conformance with state regulation 28-16-61.

The application, proposed permit, special conditions, fact sheets as appropriate, comments received, and other information are on file and may be inspected at the Kansas Department of Health and Environment offices, Building 740, Forbes Field, Topeka, from 8 a.m. to 4:30 p.m. Monday through Friday. The documents

are available upon request at the copying cost assessed by KDHE. Additional copies of this public notice also may be obtained at the address above.

Stanley C. Grant
Acting Secretary of Health
and Environment

Doc. No. 010669

State of Kansas

University of Kansas

Notice to Bidders

Sealed bids for items listed below will be received by the University of Kansas Purchasing Office, Lawrence, until 2 p.m. local time on the date indicated and then will be publicly opened. Interested bidders may call (913) 864-3416 or FAX (913) 864-3454 for additional information.

Monday June 3, 1991

RFQ #91 1223

Modular steel shelving work units for
museum collection storage

RFQ #91 1224

Specimen drawers for museum collections

Gene Puckett, L.C.P.M.
Director of Purchasing

Doc. No. 010661

State of Kansas

State Employees Health Care
Commission

Public Notice

The Health Care Commission of the State of Kansas issued a request for proposals on May 15 for its insured indemnity (which includes medical, dental and prescription drug programs) and HMO plans which now cover 37,029 active state employees and 7,680 retired state employees. The 1992 premium for this plan is expected to exceed \$145,000,000. The deadline for receipt of proposals is 5 p.m. June 28.

The plan has been substantially strengthened over the last three years by lessening the adverse selection caused by HMOs and by including over 21,000 of the indemnity plan participants in a managed care program. As a result, the claims experience has become much more predictable. The estimated claims loss ratio for 1990 was 81.4 percent.

If interested, please forward your request to Dave Charay, Health Benefits Administration, State of Kansas, Room 553, Landon State Office Building, Topeka 66612, (913) 296-7483.

Dave Charay
Health Benefits Administrator

Doc. No. 010673

State of Kansas

Department of Commerce

Notice of Hearing on Low-Income
Housing Tax Credit Program

The Office of Housing, Kansas Department of Commerce, will conduct a public hearing Friday, June 7, to solicit public comment on the proposed 1991 Low-Income Housing Tax Credit (LIHTC) Allocation Plan. The hearing will be from 9-11 a.m. in the first floor conference room at the KDOC offices, Capitol Tower, 400 S.W. 8th, Topeka.

A display copy of the proposed 1991 plan will be available for review beginning June 3 from 8 a.m. to 5 p.m. Monday through Friday at the Department of Commerce offices.

Copies of the proposed 1991 plan will be distributed to those in attendance at the hearing. There will be a review of the application, review, ranking, reservation, and carryover procedures at the hearing.

In order to be considered, all comments must be submitted by 5 p.m. June 7 to the attention of David L. Ross, Program Administrator, Kansas Department of Commerce, State Office of Housing, 5th Floor, Capitol Tower, 400 S.W. 8th, Topeka 66603-3957, (913) 296-4913.

Laura E. Nicholl
Secretary of Commerce

Doc. No. 010668

State of Kansas

Department of Wildlife and Parks

Request for Comments on
Draft Environmental Assessment

Pursuant to requirements of the National Environmental Policy Act of 1969, the Kansas Department of Wildlife and Parks announces the release of a draft environmental assessment covering a proposed project entitled "Renovation of Cheyenne Bottoms Wildlife Area." This project proposes to 1) subdivide Pool 1 to create deep water storage; 2) extend the inlet canal and replace a bridge structure; 3) subdivide Pools 1B, 3 and 4; 4) construct pump stations for independent operation of pools; 5) construct level ditches; 6) create islands in the new Pool 1C; and 7) mitigate for wetland losses due to construction of dikes.

Interested groups and individuals are encouraged to provide comments regarding these assessments to: Federal Aid Coordinator, Kansas Department of Wildlife and Parks, Suite 502-N., Landon State Office Building, 900 S.W. Jackson, Topeka 66612.

Review copies may be requested from the address above or by calling (913) 296-2281. Comments should be submitted by June 7, which will allow a 15-day comment period from date of this publication.

Jack Lacey
Acting Secretary of
Wildlife and Parks

Doc. No. 010657

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

Monday, June 3, 1991

Before Briscoe, C.J.; Brazil and Rulon, JJ.

9:30 a.m.

Case No.	Case Name	Attorneys	County
66,002	Paul Eugene Mendez, Appellant, v. Rhonda Sue Greening, Appellee.	Judith A. Jones Cathleen M. Reeder	Jackson
65,582	State of Kansas, Appellee, v. Lacinda D. Jennings, Appellant.	County Attorney Attorney General Jessica R. Kunen	Clay

10:30 a.m.

66,014	Allied Mutual Insurance Co., Appellee, v. Shawn Patrick, <i>et al.</i> , Appellants.	R. Michael Steele Bruce W. Kent Bruce C. Barry	Rooks
66,190	Robert J. and Nancy Keith, Appellants, v. Phillip P. and Dixie L. Samyn, Appellees.	Karl V. Shawver Lynn E. Martin	Miami

Summary Calendar—No Oral Argument

65,908	State of Kansas, Appellee, v. David M. Lasater, Appellant.	County Attorney Attorney General Jessica R. Kunen	Rice
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Before Briscoe, C.J.; Rulon, J.; and David S. Knudson,
 District Judge, assigned.

1:30 p.m.

65,808	S.E. Kansas Community Action, Program, Inc., Appellee, v. Department of Health and Environment, <i>et al.</i> , Appellants.	William E. Metcalf Marvin Stottlemire Linda J. Fund	Shawnee
65,850	Farm Service Center, Inc., Appellant, v. Sandlove Cattle Co., Appellee.	Ronald L. Hodgson Dennis J. Keenan	Barton
65,694	State of Kansas <i>ex rel.</i> SRS, Appellee, v. James L. Deal, Appellant.	David N. Sutton Sheryl Bussell Tim J. Larson James M. Immel	Allen

Summary Calendar—No Oral Argument

65,960	State of Kansas, Appellee, v. Jonathan G. Staggs, Appellant.	County Attorney Attorney General Gregory C. Nye	Harvey
65,481	Harold L. Claus, Jr., Appellant, v. Department of Revenue, Appellee.	John A. McKinnon Brian Cox	Shawnee

Tuesday, June 4, 1991

Before Briscoe, C.J.; Brazil, J.; and David S. Knudson,
District Judge, assigned.

9:30 a.m.

Case No.	Case Name	Attorneys	County
65,528	State of Kansas, Appellee, v. Warren Cross, Appellant.	County Attorney Attorney General Kenneth W. Carpenter	Reno
65,550	Raymond B. Lund, Appellee, v. Department of Revenue, Appellant.	Richard P. Senecal Brian Cox	Atchison

10:30 a.m.

65,846	In the Matter of the Estate of Inez Alsop, deceased.	Donald E. Klaassen D. Eric Stonecipher Robert Littrell	Riley
65,390	State of Kansas, Appellee, v. Timothy Alan Jordan, Appellant.	County Attorney Attorney General Mike Sheahon	Jewell

Summary Calendar—No Oral Argument

65,813	State of Kansas, Appellee, v. Ronald Smith, Appellant.	County Attorney Attorney General Jessica R. Kunen	Geary
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Before Brazil, P.J.; Rulon, J.; and David S. Knudson,
District Judge, assigned.

1:30 p.m.

65,131	State of Kansas, Appellee, v. Thomas P. Guilfoyle, Appellant.	County Attorney Attorney General Benjamin C. Wood	Jefferson
65,736	Mid-Continent Energy Corp., Appellee, v. Board of County Commissioners of Trego County, Appellant.	John G. Pike Robert Suelter County Attorney	Trego

2:30 p.m.

65,950	Judith Ann Golay, Appellee, v. Kansas State Board of Nursing, Appellant.	Eugene T. Hackler Attorney General	Shawnee (continued)
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65,649	State of Kansas, Appellee, v. Timothy C. Chapman, Appellant.	County Attorney Attorney General Harold T. McCubbin	Decatur
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Summary Calendar—No Oral Argument

65,563	State of Kansas, Appellee, v. Don M. Muir, Jr., Appellant.	County Attorney Attorney General Jessica R. Kunen	McPherson
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Kansas Court of Appeals
Fatzer Courtroom, 3rd Floor, Kansas Judicial Center
Topeka, Kansas

Monday, June 3, 1991

Before Elliott, P.J.; Rees, and Gernon, JJ.

9:30 a.m.

Case No.	Case Name	Attorneys	County
65,731	State of Kansas, Appellee, v. Mark D. Davenport, Appellant.	District Attorney Attorney General William K. Rork	Douglas
65,861	City of Edwardsville, Appellee, v. Jo Ann Sanders, Appellant.	Jan A. Way Bryan E. Nelson	Wyandotte
10:30 a.m.			
65,920	Paul Elder, Appellee, v. Midwest Road Boring, <i>et al.</i> , Appellants.	Thomas J. Koehler Thomas R. Hill	Wyandotte
66,017	In the Matter of the Marriage of Susan M. Collier and John R. Collier.	Allen B. Angst Stan Martin	Dickinson

Summary Calendar—No Oral Argument

65,812	State of Kansas, Appellee, v. Calvin C. Flenoy, Appellant.	District Attorney Attorney General Jessica R. Kunen	Johnson
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Before Elliott, P.J.; Gernon, J.; and William D. Clement,
District Judge, assigned.

1:30 p.m.

65,840	Wallace, Saunders, Austin, Brown & Enochs, Chtd., Appellant, v. Louisburg Grain Co., Inc., <i>et al.</i> , Appellees.	Mark V. Bodine Thomas J. Ruzicka	Miami
65,782	Country Club Bank, Trustee, Appellee, v. Uwe and Earlerae Haendler, Appellants.	Thomas J. Ruzicka Ernest C. Ballweg	Johnson

2:30 p.m.

65,599	Linda Kaufman, Appellant, v. Margie S. Reifel, Appellee.	Annette C. Kraus Michael P. Oliver	Johnson
65,322	James William Van Horn, Jr., and Rosalie Mae Van Horn, Appellees, v. City of Kansas City, Appellant.	L. D. McDonald, Jr. Kyle G. Smith Timothy P. Orrick	Wyandotte

Summary Calendar—No Oral Argument

65,707	State of Kansas, Appellee, v. Michael A. White, Appellant.	District Attorney Attorney General Jessica R. Kunen	Johnson
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Tuesday, June 4, 1991

Before Elliott, P.J.; Rees, J.; and William D. Clement,
District Judge, assigned.

9:30 a.m.

Case No.	Case Name	Attorneys	County
65,749	Industrial Sales Co., Inc., Appellee, v. Jim Morrison, et al., Appellants.	Loren Moll Kreg S. Stonestreet	Johnson
64,796	State of Kansas, Appellee, v. James A. Warren, Jr., Appellant.	Jerome Gorman Attorney General John S. Sutherland	Wyandotte

10:30 a.m.

65,994	Forrest R. Edgington, Appellant, v. City of Overland Park, et al., Appellees.	Mark L. Bennett, Jr. James M. Kaup J. Nick Badgerow	Johnson
65,388	State of Kansas, Appellee, v. Arnold P. Scholl, Appellant.	County Attorney Attorney General Robert L. Bezek, Jr.	Franklin

Summary Calendar—No Oral Argument

65,794	State of Kansas, Appellee, v. Lee Lunsford, Appellant.	County Attorney Attorney General Jessica R. Kunen	Atchison
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Before Rees, P.J.; Gernon, J.; and William D. Clement,
District Judge, assigned.

1:30 p.m.

65,068	Stuart McGrath, Appellee, v. Kathleen E. Waldman, et al., Appellants.	Gregory Westbrook Kip A. Kubin	Johnson
66,011	R.L. Brown Construction, Inc., Appellee, v. Bavarian Village Assoc., Appellant.	J. Lawrence Louk Stephen L. Hill, Jr. Frank W. Lipsman	Johnson

(continued)

2:30 p.m.

64,840	Minnesota Mining & Mfg. Co., Appellee, v. Kan-Sun Energy and Ronald E. Dyson, Appellants.	Harlan L. Long James M. Sheeley	Johnson
65,408	Cynthia L. Diehl, Appellant, v. Jeffrey W. Wagner, Appellee.	Judy A. Pope Thomas V. Murray	Douglas

Summary Calendar—No Oral Argument

65,190	State of Kansas, Appellee, v. Hosea Leroy McClelland, Appellant.	Nick A. Tomasic Attorney General John J. McNally	Wyandotte
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Kansas Court of Appeals
Supreme Court Courtroom, 3rd Floor, Kansas Judicial Center
Topeka, Kansas

Before Larson, P.J.; Lewis and Pierron, JJ.

Monday, June 3, 1991

1:30 p.m.

Case No.	Case Name	Attorneys	County
66,188	Archie Foster, Appellant, v. Day & Zimmerman, Inc., <i>et al.</i> , Appellees.	Timothy A. Short Richard C. Dearth	Labette
65,936	Myrna White, Appellant, v. Ivan W. Burton, Appellee.	W. J. Fitzpatrick John M. Wall	Montgomery
65,737	Commonwealth Mortgage Corp., Appellant, v. Dale E. Washburn, <i>et al.</i> , Appellees.	R. Kent Pringle Richard L. Reid	Neosho

3:00 p.m.

65,961	Vicki K. Clark, Appellee, v. Beech Aircraft Corp., <i>et al.</i> , Appellants.	James R. Roth James B. Zongker Jeff C. Spahn, Jr.	Sedgwick
65,925	Danny F. Coffman, Appellee, v. Lien Enterprises, Inc., and Farmers Alliance Mutual Insurance, Appellants.	Vincent Bogart Roger Sherwood James B. Zongker Floyd G. Gehrt Brian G. Boos	Sedgwick

Tuesday, June 4, 1991

9:30 a.m.

Case No.	Case Name	Attorneys	County
65,715	In the Matter of the Adoption of H.R.D., a minor.	Brad L. Jones Stephen J. Smith	Coffey

65,845	Blaine Skewes, Appellee, v. Shearson Lehman Hutton, Inc., Appellant.	Jim L. Lawing W. Joseph Hatley	Sedgwick
10:30 a.m.			
65,753	Hentzen Contr., Inc., Appellant, v. City of Wichita, <i>et al.</i> , Appellees.	Kurt A. Harper Douglas J. Moshier H.E. Jones Vernon D. Just	Sedgwick
65,548	State of Kansas, Appellee, v. Ralph Hayward, Appellant.	County Attorney Attorney General Jessica R. Kunen	Montgomery
1:30 p.m.			
65,721	State of Kansas, Appellee, v. Hugo Ribadeneira, Appellant.	Debra Byrd Wagner Attorney General Roger N. Walter John V. Wachtel	Sedgwick
65,340	State of Kansas, Appellee, v. Michal A. Williams, Appellant.	Debra Byrd Wagner Attorney General Jessica R. Kunen	Sedgwick
65,472	State of Kansas, Appellee, v. Miguel Rodriguez, Appellant.	Debra Byrd Wagner Attorney General Jessica R. Kunen	Sedgwick

Summary Calendar—No Oral Argument

64,356	In the Interests of T.L.O., <i>et al.</i> , minors.	Gerald J. Domitrovic E. Jolene Rooney Pamela J. Guizlo	Sedgwick
65,684	In the Interest of C.J.R., a minor.	Richard L. Dickson William R. Griffith Verlin A. Ingram M. Jane Whiteman	Sedgwick
64,598	State of Kansas, Appellee, v. Jeffery L. Hill, Appellant.	Debra Byrd Wagner Attorney General Jessica R. Kunen	Sedgwick

Lewis C. Carter
Clerk of the Appellate Courts

State of Kansas

Board of Emergency Medical Services

Notice of Meeting

The Board of Emergency Medical Services will meet at 9 a.m. Friday, June 7, in Room 11, State Defense Building, 2800 S. Topeka Blvd., Topeka. Agenda items include committee reports, waiver requests, Wichita UHF/EMS communication problems, and review of K.A.R. 109-2-7.

All meetings of the board are open to the public. For more information, contact the administrator at 109 S.W. 6th, Topeka, (913) 296-7296.

Bob McDanel
Administrator

Doc. No. 010659

(Published in the Kansas Register, May 23, 1991.)

**Notice of Call for Redemption
to the holders of
City of Mulvane, Kansas
Water Utility System Revenue Bonds
Series 1980
Dated July 1, 1980**

Notice is hereby given that pursuant to the provisions of Section 3 of Ordinance No. 629 of the city of Mulvane, Kansas, that the above-mentioned bonds maturing July 1, 1992, and thereafter, have been called for redemption and payment on July 1, 1991, at the principal office of the Kansas State Treasurer, Topeka, Kansas (the bond registrar and paying agent).

Bond Nos.	Maturity Date	Principal Amount	Interest Rate
46-51	7-1-92	\$30,000	7.50%
52-58	7-1-93	35,000	7.50%
59-66	7-1-94	40,000	7.75%
67-75	7-1-95	45,000	7.75%

On such redemption date there shall become due and payable, upon the presentation and surrender of each such bond, and all unpaid coupons appertaining thereto, the redemption price thereof equal to 103 percent of the principal amount of each bond together with interest accrued to the redemption date upon the presentation and surrender of each such bond and unpaid coupons. Interest shall cease to accrue on the bonds so called for redemption from and after July 1, 1991, provided such funds for redemption are on deposit with the paying agent.

City of Mulvane, Kansas
by Robert Laswell
Southwest National Bank
Wichita, Kansas
as Escrow Trustee

Doc. No. 010667

State of Kansas

Kansas State University

Notice to Bidders

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

Tuesday, June 4, 1991

#10199

Gradient high performance liquid
chromatographic system

#10201

Grain pumps

William H. Sesler
Director of Purchasing

Doc. No. 010662

(Published in the Kansas Register, May 23, 1991.)

**Notice of Redemption
Unified School District 204
Wyandotte County, Kansas
\$7,145,000
Series 1983A
General Obligation Refunding Bonds
Dated June 1, 1983**

Notice is hereby given that Unified School District 204, Wyandotte County, Kansas, hereby irrevocably elects to exercise the option set forth in the resolution authorizing the above-described bonds, duly adopted by the Board of Education of said school district on May 31, 1983, to redeem \$5,090,000 principal amount of said bonds outstanding, as listed below, on September 1, 1993, at the price of the percent of the principal amount being redeemed plus accrued interest thereon to the redemption date. This is a full call. The bonds are to be redeemed as follows:

Bonds Maturing	Principal Amount Maturing	Redemption Price as Related to Face Value
September 1, 1994	\$480,000	102%
September 1, 1995	545,000	102%
September 1, 1996	625,000	102%
September 1, 1997	755,000	102%
September 1, 1998	820,000	102%
September 1, 1999	890,000	102%
September 1, 2000	975,000	102%

On September 1, 1993, all bonds designated for redemption will become due and payable upon presentation at the address given below. On and after September 1, 1993, interest on the principal amount of bonds 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: Kansas State Treasurer, Bond Department, Suite 201, Landon State Office Building, 900 S.W. Jackson, Topeka, KS 66612.

Unified School District 204
Wyandotte County, Kansas

Doc. No. 010651

State of Kansas

Department of Transportation

Notice to Contractors

Sealed proposals for the construction of road and bridge work in the following Kansas counties will be received at the office of the Chief of Construction and Maintenance, KDOT, Topeka, until 10 a.m. C.D.T. June 20, 1991, and then publicly opened:

District One—Northeast

Jackson—75-43 M-1645-01—U.S. 75, from the Shawnee-Jackson county line north to the junction of K-16, 17.3 miles, pavement patching. (State Funds)

Jefferson—92-44 K-3699-01—K-92, Agnes Street north 1,100 feet in McLouth, 0.2 mile, pavement reconstruction. (State Funds)

Jefferson—24-44 M-1635-01—U.S. 24, 2.2 miles east of the Shawnee County line bridges 35,37,38,39 and 40, bridge repair. (State Funds)

Johnson—35-46 K-4453-01—I-35, southbound Vehicle Inspection Station southwest of Olathe, surface parking area. (State Funds)

Johnson—46 U-1315-01—71st and Nall in Prairie Village, intersection improvement. (Federal Funds)

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

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

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

Leavenworth—73-52 K-2612-01—U.S. 73, Depression Creek bridge 14, 2.9 miles northwest of the north junction of K-92, bridge removal. (Federal Funds)

Leavenworth—52 U-1251-01—County Road, 7th Street at Three Mile Creek in Leavenworth, 0.1 mile, grading, surfacing and bridge. (Federal Funds)

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

Leavenworth—73-52 M-1638-01—U.S. 73 and Helen Street in Lansing, 0.1 mile, overlay. (State Funds)

Leavenworth—73-52 M-1637-01—U.S. 73, railroad crossing 0.2 mile south of Limit Street in Leavenworth, 0.1 mile, overlay. (State Funds)

Marshall—36-58 K-4315-01—U.S. 36 (Center Street) and 20th Street in Marysville, intersection improvement. (State Funds)

Marshall—36-58 K-4467-01—U.S. 36 and 8th Street and U.S. 36 and 10th Street (U.S. 77) in Marysville, traffic signals. (State Funds)

Nemaha—187-66 X-1456-02—K-187, Union Pacific system crossing of K-187, 0.8 mile south of U.S. 36, grading and surfacing. (Federal Funds)

Osage—75-70 M-1639-01—U.S. 75, 3.1 miles north of

the Coffey-Osage county line north to the K-31 intersection, 2.8 miles, overlay. (State Funds)

Shawnee—470-89 K-2454-04—I-470, from Wanamaker to KTA connector, I-470 to U.S. 75, 4.2 miles, seeding. (Federal Funds)

Shawnee—75-89 M-1644-01—U.S. 75, from the end of the four lane north to Shawnee-Jackson county line, 3.8 miles, pavement patching. (State Funds)

Wyandotte—105 U-1204-01—County Road, Goddard Avenue viaduct in Kansas City, 0.4 mile, grading, surfacing and bridge. (Federal Funds)

Wyandotte—32-105 U-1290-01—K-32, Intersection of Park Street, 18th Street and Central Avenue in Kansas City, traffic signal. (Federal Funds)

District Two—Northcentral

Chase—57-9 K-4661-01—Fox Creek drainage bridge 23, Fox Creek bridge 24 and U.S. 50 bridge 25, bridge overlay. (State Funds)

Chase—177-9 K-4296-01—K-177, 0.8 mile south of Cottonwood Falls, culvert work. (State Funds)

Cloud—81-15 M-1642-01—U.S. 81, from the north city limits of Concordia, north 1.5 miles, slurry seal. (State Funds)

Dickinson—4-21 X-1451-02—Atchison, Topeka and Santa Fe Railway crossing of K-4 at the south edge of Hope, grading and surfacing. (Federal Funds)

Dickinson—15-21 X-1611-02—K-15, railroad crossing at K-15 and Union Pacific System (Missouri Pacific) at Elmo, grading and surfacing. (Federal Funds)

Jewell—45 K-1804-02—Lovewell State Park, 5.2 miles, overlay. (State Funds)

Mitchell—62 K-1315-04—Glen Elder State Park, 6.0 miles, overlay. (State Funds)

Republic—81-79 M-1643-01—U.S. 81, from the north city limits of Belleville, south 7.1 miles, slurry seal. (State Funds)

Saline—85 C-2842-01—County Road, 3.0 miles south and 2.5 miles west of Solomon, then north, 0.3 mile, grading and bridge. (Federal Funds)

District Three—Northwest

Cheyenne—27-12 K-2106-01—K-27, Cherry Creek bridge 6, 1.4 miles north of U.S. 36, bridge deck. (State Funds)

Ellis—183-26 K-4124-01—U.S. 183, from the Rush-Ellis county line, north to the junction of U.S. 183 alternate in Hays, 11.4 miles, surfacing and bridge. (State Funds)

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

Smith—36-92 K-4336-01—U.S. 36, from the junction of K-8, east to 0.7 mile east of the west junction of U.S. 281, 9.0 miles, recycling. (Federal Funds)

District Four—Southeast

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

(continued)

Cherokee—57-11 K-3305-01—K-57, from the junction of U.S. 69, east to the Kansas-Missouri state line, 4.9 miles, recycling. (Federal Funds)

Crawford—126-19 K-4287-01—K-126, Middle Cow Creek bridge 38, 0.1 mile west of U.S. 69, bridge overlay. (State Funds)

Labette—160-50 K-4291-01—U.S. 160, Labette Creek bridge 23, 0.6 mile east of U.S. 59, bridge repair. (State Funds)

Montgomery—75-63 K-3231-01—U.S. 75, from the west junction of U.S. 160 east 1,010 feet east of the west city limits of Independence, 1.3 miles, overlay. (State Funds)

Montgomery—75-63 K-4452-01—U.S. 75, Vehicle Inspection Station, south edge of Caney, modification of parking area. (State Funds)

Montgomery—75-63 M-1631-01—U.S. 75, 7.2 miles south of the west junction of U.S. 160, culvert repair. (State Funds)

Montgomery—75-63 M-1633-01—U.S. 75, north of bridge 13 near Sycamore, slope repair. (State Funds)

Montgomery—166-63 M-1634-01—U.S. 166, 4.3 miles east of east city limits of Tyro, east to the west city limits of Coffeyville, 3.7 miles, shoulder work. (State Funds)

Neosho—169-67 K-4660-01—U.S. 169, 0.3 mile north of K-39 north approximately 500 feet, 0.1 mile, grading and surfacing. (State Funds)

District Five—Southcentral

Butler—54-8 K-3694-01—U.S. 54, from Lula Street to Walnut Street in Augusta, 0.4 mile, overlay and widening. (State Funds)

Butler—54-8 K-4220-01—U.S. 54, Lula Street intersection in Augusta, traffic signal. (State Funds)

Butler—8 C-2715-01—County Road, 4.5 miles south and 1.8 miles west of El Dorado, then west 0.2 mile, grading and bridge. (Federal Funds)

Harvey—135-40 M-1641-01—I-135, 8.3 miles north of the Sedgwick-Harvey county line, north to K-15, 4.1 miles, overlay. (State Funds)

Kiowa—54-49 M-1640-01—U.S. 54, from the east city limits of Greensburg, east 9.9 miles, slurry seal. (State Funds)

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

Reno—78 U-0983-01—County road, 11th Avenue over Cow Creek in Hutchinson, 0.1 mile, bridge replacement. (Federal Funds)

Sedgwick—96-87 K-4434-01—K-96, from the east city limits of Wichita, south to U.S. 54, 4.5 miles, grading and bridge. (State Funds)

Sedgwick—87 U-1294-01—Hillside and 13th in Wichita, traffic signal. (Federal Funds)

District Six—Southwest

Finney—50-28 K-4526-01—U.S. 50, railroad crossings 0.5 and 2.5 miles west of the west junction U.S. 50 and U.S. 83, railroad crossing improvement. (State Funds)

Ford—54-29 M-1636-01—U.S. 54, from the Ford-Clark county line, northeast to the west city limits of Bucklin, 17.5 miles, milling. (State Funds)

Hamilton—38 C-2748-01—County Road, 8.0 miles south and 5.2 miles east of Syracuse, then east, 0.3 mile, grading and bridge. (Federal Funds)

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

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

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

Gary Stotts
Secretary of Transportation

Doc. No. 010671

(Published in the Kansas Register, May 23, 1991.)

Summary Notice of Bond Sale \$3,100,000

Unified School District 379
Clay County, Kansas

General Obligation School Building Bonds
Series 1991

(general obligation bonds payable from
unlimited ad valorem taxes)

Sealed Bids

Subject to the notice of bond sale dated May 13, 1991, sealed bids will be received by the clerk of the Board of Education of Unified School District 379, Clay County, Kansas, on behalf of the Board of Education of said school district at the school district's office, 807 Dexter St., P.O. Box 97, Clay Center, KS 67432, until 7:30 p.m. C.D.T. on Monday, June 3, 1991, for the purchase of \$3,100,000 principal amount of General Obligation School Building 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 June 1, 1991, and will become due serially on October 1 in the years as follows:

Year	Principal Amount
October 1, 1992	\$ 50,000
October 1, 1993	110,000
October 1, 1994	120,000
October 1, 1995	130,000
October 1, 1996	130,000
October 1, 1997	140,000
October 1, 1998	140,000
October 1, 1999	150,000
October 1, 2000	150,000
October 1, 2001	150,000
October 1, 2002	150,000
October 1, 2003	160,000
October 1, 2004	170,000
October 1, 2005	180,000
October 1, 2006	180,000
October 1, 2007	190,000
October 1, 2008	190,000
October 1, 2009	200,000
October 1, 2010	200,000
October 1, 2011	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 April 1 and October 1 in each year, beginning on April 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 \$62,000 (2 percent of the principal amount of 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 July 8, 1991, at such bank or trust company in the state of Kansas or in Kansas City, Missouri, as may be specified by the successful bidder.

Redemption Provisions

Bonds maturing in 2002 and thereafter are subject to call and redemption at the option of the school district in inverse order of maturity on October 1, 2001, or on any interest payment date thereafter, at par and accrued 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 \$41,757,469. The total general obligation indebtedness of the school district as of the date of the bonds, including the bonds being sold, is \$3,100,000.

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 school district, printed on the bonds and delivered to the successful bidder as and when the bonds are delivered.

Bond Rating and Optional Bond Insurance

The school district has not applied for a rating on the bonds herein offered for sale, nor has it applied for a commitment for municipal bond insurance covering the bonds. AMBAC Indemnity Corporation has not issued a commitment for municipal bond insurance covering the bonds; however, the school district has reason to believe that AMBAC Indemnity would issue such a policy. Said insurance may be purchased at the option and expense of the successful bidder. The details of the cost of the insurance would need to be obtained from AMBAC Indemnity. All bids may be conditioned upon the issuance, effective as of the date on which the bonds are issued, of a policy of insurance by AMBAC Indemnity, insuring the payment when due of principal of and interest on the bonds. Each bond will bear a legend referring to the insurance. If such a policy is issued, the purchaser, holder, or owner is not authorized to make any statement beyond those set out herein and in the bond legend without the approval of AMBAC Indemnity. If the successful bidder elects to purchase said insurance, the school district must be so notified in writing on or before June 13, 1991, if information that such insurance has been purchased is desired by the bidder to be included in the legal opinion, which will be printed on the bonds. It is the school district's understanding that AMBAC insured bonds are now rated "Aaa" by Moody's Investors Service and "AAA" by Standard & Poor's Corporation; however, bidders should confirm these ratings with said rating agencies.

Additional Information

Additional information regarding the bonds may be obtained from Kenneth Woods, Assistant Superintendent of Schools, P.O. Box 97, Clay Center, KS 67432, (913) 632-3176; or from bond counsel, Suite 201, 220 S.W. 33rd, Topeka, KS 66611, (913) 267-3470.

Dated May 13, 1991.

Lynn Ruthstrom
Clerk of the Board of Education
Unified School District 379
Clay County, Kansas

Doc. No. 010653

(Published in the Kansas Register, May 23, 1991.)

Notice of Bond Sale
\$520,000
City of Ulysses, Kansas
General Obligation Bonds
Series 1991

Sealed Bids

Sealed bids for the purchase of \$520,000 principal amount of General Obligation Bonds, Series 1991, of the city hereinafter described, will be received by the undersigned, city clerk of the city of Ulysses, Kansas, on behalf of the governing body of the city at City Hall, 115 W. Grant, Ulysses, until 5 p.m. C.D.T. on Wednesday, June 5, 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 July 1, 1991, and will become due serially on August 1 in the years as follows:

Year	Principal Amount
1992	\$45,000
1993	50,000
1994	50,000
1995	50,000
1996	50,000
1997	55,000
1998	55,000
1999	55,000
2000	55,000
2001	55,000

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 February 1 and August 1 in each year, beginning on August 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 August 1, 1997, and thereafter will be subject to redemption and payment prior to maturity on August 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 United States 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 hereinafter 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 pre-

mium 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 various internal improvements to the city. The bonds will be general obligations of the city payable as to both principal and interest in part from special assessments levied upon specially benefited property and, if not so paid, from ad valorem taxes which may be levied without limitation upon all the taxable tangible property, real and personal, within the territorial limits of the city. The balance of the principal of and interest on the bonds is payable from ad valorem taxes which may be levied without limitation as to rate or amount on all the taxable tangible property, real and personal, within the territorial limits of the 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 current earnings of certain corporations for taxable years beginning after December 31, 1989, in the calculation of alternative minimum taxable income 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 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 excludable from gross income for federal income tax purposes. Interest on the bonds may also be excludable 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 July 15, 1991, at such bank or trust company in the state of Kansas or the greater Kansas City, Missouri, metropolitan area as may be specified by the successful bidder. Delivery elsewhere will be at the expense of the bidder. Said bidder will also be furnished with a certified transcript of the proceedings evidencing the authorization and issuance of the bonds and the usual closing documents, including a certificate that there is no litigation pending or threatened at the time of delivery of the bonds affecting their validity. Payment for the bonds shall be made in Federal Reserve funds, immediately subject to use by the 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 1 p.m. C.D.T. on June 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 1 p.m. C.D.T. on June 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

(continued)

States of America in the amount of \$10,400 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 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 and all bids.

Submission of Bids

Bids must be submitted in sealed envelopes addressed to the undersigned city clerk and marked "Proposal for the Purchase of General Obligation Bonds." Bids may be submitted by mail or delivered in person to the undersigned at city hall and must be received by the undersigned prior to 5 p.m. C.D.T. on Wednesday, June 5, 1991.

Assessed Valuation and Indebtedness

The total assessed valuation of the taxable tangible property within the city for the year 1990 is \$16,360,813. The total general obligation bonded indebtedness of the city as of the date of the bonds, including the bonds, is \$1,344,500, including, as of the date of the bonds, temporary notes outstanding in the principal amount of \$738,200, all of which will be paid out of the proceeds of the bonds and from other legally available and unencumbered funds of the city.

Dated May 16, 1991.

City of Ulysses, Kansas
Paula Shapland
City Clerk
City Hall
115 W. Grant
Ulysses, KS 67880-2597
(316) 356-4600

Doc. No. 010672

(Published in the Kansas Register, May 23, 1991.)

Summary Notice of Bond Sale

City of Ottawa, Kansas

\$156,973

General Obligation Internal Improvement Bonds

Series A 1991

(general obligation bonds payable from unlimited ad valorem taxes)

Sealed Bids

Subject to the notice of bond sale and official statement dated May 17, 1991, sealed bids will be received by the city clerk of the city of Ottawa, Kansas, on behalf of the governing body at the City Hall, 4th and Walnut, Ottawa, until 7 p.m. C.D.T. on Wednesday, June 5, 1991, for the purchase of \$156,973 principal amount of General Obligation Internal Improvement Bonds, Series "A" 1991. No bid of less than the entire par value of the bonds and accrued interest thereon to the date of delivery will be considered.

Bond Details

The bonds will consist of fully registered bonds in the denomination of \$5,000 or any integral multiple thereof, except one bond in the amount of \$6,973. The bonds will be dated June 1, 1991, and will become due serially on November 1 in the years as follows:

Year	Principal Amount
1992	\$ 6,973
1993	10,000
1994	15,000
1995	15,000
1996	15,000
1997	15,000
1998	20,000
1999	20,000
2000	20,000
2001	20,000

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 May 1 and November 1 in each year, beginning on May 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 \$3,140 (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 within 45 days after the date of sale at such bank or trust company in the city of Ottawa, Kansas, or the Kansas City, Missouri, metropolitan area, as may be specified by the successful bidder.

Assessed Valuation and Indebtedness

The equalized assessed tangible valuation for com-

putation of bonded debt limitations for the year 1990 is \$36,572,408. The total general obligation indebtedness of the city as of the date of the bonds, including the bonds being sold, is \$3,253,196.67.

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, 4th and Walnut, Ottawa, KS 66067, (913) 242-2190; or from Gilmore & Bell, Bond Counsel, 6800 College Blvd., Financial Plaza II, Overland Park, KS 66211-1533, (913) 661-0001.

Dated May 17, 1991.

City of Ottawa, Kansas
By Orlin W. Smith
City Clerk
4th and Walnut
Ottawa, KS 66067
(913) 242-2190

Doc. No. 010665

State of Kansas

The Kansas Lottery

Temporary Administrative Regulations

Article 4.—INDIVIDUAL GAME RULES

111-4-257. Name of Drawing. The Kansas lottery shall conduct a series of cash drawings, ticket giveaways and promotional theme giveaways, entitled "Wrangler Drawings." The dates of the drawings shall coincide with 1991 Wichita Wranglers home baseball games in Wichita, Kansas. The dates of the drawings shall be as follows:

Friday	May 10	"The Kansas Lottery Big Scratch"
Friday	May 31	"Winning Innings"
Saturday	June 22	"Cash Lotto Night"
Saturday	August 31	"KENO Night"

(Authorized by and implementing K.S.A. 1989 Supp. 74-8710; effective, T-111-5-10-91, April 19, 1991.)

111-4-258. Definitions. (a) All definitions contained in the Kansas lottery act (K.S.A. 1989 Supp. 74-8701 *et seq.*) and lottery regulations are hereby incorporated by reference and govern unless otherwise indicated.

(b) "Wichita Wranglers" or "Wranglers" means the Double A baseball team based in Wichita, Kansas.

(c) "Kansas Lottery Wichita Wrangler Drawings" or "Wrangler Drawings" are the acts of drawing prizes conducted by the Kansas lottery at the Wichita Wrangler home baseball games in which participants are selected to win various prizes as described in K.A.R. 111-4-261.

(d) "Co-sponsor drawings" are the acts of drawing

for prizes which may be held subsequent to the "Wrangler Drawings."

(e) "Co-sponsor(s)" means the person, retailer or organization designated by the executive director to assist in organizing the "Kansas Lottery Wichita Wranglers Drawings."

(f) "Non-winning ticket" means any valid Kansas instant game lottery ticket not eligible to win a prize under any instant game rules.

(g) "Receptacle" or "drum" means a container in which non-winning Kansas instant game lottery tickets are placed and from which the "Wrangler Drawings" are made. Receptacles or drums shall be sealable and capable of being rotated for the purpose of mixing.

(h) "Bare arm technique" means a type of drawing where the person drawing the winning ticket from the receptacle or drum wears a short-sleeved (sleeve not extending past the elbow) or a no-sleeve shirt which exposes the drawer's bare arm.

(i) "Lottery security" means the lottery security officer or a certified law enforcement officer(s) designated by the executive director or the person designated by the executive director. (Authorized by and implementing K.S.A. 1989 Supp. 74-8710; effective, T-111-5-10-91, April 19, 1991.)

111-4-259. Location of Drawings. "Wrangler drawings" shall be held at the Wichita Wrangler baseball stadium, 300 S. Sycamore, Wichita, Kansas. (Authorized by and implementing K.S.A. 1989 Supp. 74-8710; effective, T-111-5-10-91, April 19, 1991.)

111-4-260. Prerequisites for a Drawing. Before "Wrangler Drawings" may be validly conducted, a location and a receptacle or drum must be approved by the executive director or his designee and the drawing must be open to the public. (Authorized by and implementing K.S.A. 1989 Supp. 74-8710; effective, T-111-5-10-91, April 19, 1991.)

111-4-261. Prizes. The winners selected at the various Kansas lottery "Wrangler Drawings" listed at K.A.R. 111-4-257, shall receive prizes as follows:

Friday	May 10	\$100
Friday	May 31	Ten (10) \$100 prizes
Saturday	June 22	Lottery ballcaps (approximately 545 winners) or Free Cash Lotto play
Saturday	August 31	Free KENO play or Lottery ballcaps

All prize awards are subject to lottery validation, set offs and deductions as provided by law. (Authorized by and implementing K.S.A. 1989 Supp. 74-8710; effective, T-111-5-10-91, April 19, 1991.)

111-4-262. Entry into Drawing. Entry into the "Wrangler Drawing" is accomplished by the process detailed in the following subparagraphs:

(a) Obtain a valid Kansas instant lottery ticket;

(b) Determine if the ticket is a winning ticket in accordance with any instant game rules. If the ticket is a winning ticket, it is not eligible for "Wrangler Drawings" and shall be redeemed in accordance with the instant game rules;

(c) If the ticket is a valid non-winning ticket, the ticket is eligible for winning the drawing and the

(continued)

holder of the ticket may enter the "Wrangler Drawings."

(d) The holder of the non-winning ticket must complete the information form on the back of the ticket in a legible manner and sign it. Unsigned tickets shall not be considered valid entries in any drawing conducted by the lottery;

(e) The holder of the ticket must personally attend the "Wrangler Drawing" in which he or she is entered, be present at the time of the drawing and provide proper identification to be determined a winner;

(f) The drawing will be conducted at the approximate times listed in K.A.R. 111-4-262.

(g) There is no limit to the number of entries a participant may make, except the May 10, 1991 second chance drawing where a participant may only enter once.

(h) On Friday, May 10, 1991, the Kansas lottery will sponsor a promotion entitled "The Kansas Lottery Big Scratch." Each person 18 years or older entering the stadium will receive one coupon redeemable for one free instant ticket. At the conclusion of a designated inning, lottery representatives will enter the stands and redeem the coupons for instant tickets. Announcement will be made instructing those with tickets to scratch the tickets and redeem winning tickets at the customer service booth. Those with non-winning tickets should fill out the information form on the back of the ticket. Lottery representatives will go through the stands and collect non-winning tickets and deposit them in the drum. At the conclusion of the following inning, a second chance drawing will be held in accordance with K.A.R. 111-4-261 and 111-4-263 with the winner receiving \$100.

(i) On Friday, May 31, 1991, the Kansas lottery will sponsor a promotion entitled "Winning Innings." Players enter this drawing by placing non-winning tickets into the drum located inside the entry area of the stadium. Players may enter as often as they like and may win more than once. There will be 10 drawings conducted during the 9 innings with the winner's name announced at the end of each inning. Each winner will receive \$100.

(j) On Saturday, June 22, 1991, the Kansas Lottery will sponsor a promotion entitled "Cash Lotto Night." Each person 18 years or older attending the game will receive a number between 1 - 33 as they enter the stadium. After the 8:16 p.m. Cash Lotto drawing, a Lottery representative will call Lottery headquarters in Topeka for the six winning numbers. After the half inning closest to the end of the Cash Lotto Drawing, the six winning numbers will be announced to the crowd and shown on the scoreboard. Any person whose number matches one of the six winning numbers is eligible to receive either a free Cash Lotto play or a Lottery baseball cap at the customer service booth.

(k) On Saturday, August 31, 1991, the Kansas lottery will sponsor a promotion entitled "KENO Night." Each person 18 years or older attending the game will receive a number between 1 - 60 as they enter the stadium. An announcement will be made at a designated inning after the KENO drawing in Topeka announcing the winning numbers. Persons whose numbers match

one of those announced are eligible to receive either a free KENO play or a Lottery ballcap at the customer service booth. (Authorized by and implementing K.S.A. 1989 Supp. 74-8710(b); effective, T-111-5-10-91, April 19, 1991.)

111-4-263. Determination of "Wrangler Drawing" Winners. (a) The receptacle or drum shall be sealed and mixed to ensure random selection.

(b) The executive director shall designate one individual of his choice to participate in the selection process.

(c) The selection of the "Wrangler Drawing" winner shall be accomplished by the individual designated by the executive director, using a bare arm technique, removing only one ticket from the receptacle in which all entries were placed. Lottery security shall review the selected ticket to determine if the ticket is valid, the name stated on the information form located on the back of the selected ticket is legible and the ticket is signed. If the ticket is valid, the name is determined to be legible and the ticket is signed, the name shall be announced to the audience.

(d) The named person must be present and provide proper identification in order to win the "Wrangler Drawing" prize.

(e) The person whose ticket has been drawn from the receptacle or drum shall be determined the "Wrangler Drawing" winner.

(f) The winner shall be given a prize claim form to be completed and returned to the lottery;

(g) If the ticket is not valid, the name on the ticket is not legible or the ticket is not signed, the person is not present or cannot provide proper identification the ticket drawn will be void and the selection process shall be repeated until a winner is selected. (Authorized by and implementing K.S.A. 1989 Supp. 74-8710; effective, T-111-5-10-91, April 19, 1991.)

111-4-264. Security of Drawing. (a) The receptacle or drum located at the Wranglers' baseball stadium, into which drawing entries are placed, shall be monitored from the commencement of ticket entries until completion of the event by Lottery security.

(b) The actual drawing event shall be recorded on both audio and video tape by Lottery security. The audio and video tape shall contain no other material than the actual drawing beginning with the sealing of the receptacle or drum and continuing through the announcement and verification of the winner. (Authorized by and implementing K.S.A. 1989 Supp. 74-8710; effective, T-111-5-10-91, April 19, 1991.)

111-4-265. Ticket Disqualification. Any non-winning Kansas instant game lottery ticket entered into a "Wrangler Drawing" shall become the property of the Kansas lottery and is disqualified from any other Kansas lottery prize or drawing. (Authorized by and implementing K.S.A. 1989 Supp. 74-8710; effective, T-111-5-10-91, April 19, 1991.)

111-4-266. Co-sponsor Drawings. Co-sponsors of "Wrangler Drawings" may hold co-sponsor drawings in conjunction with local retailers, businesses and organizations at the drawing event. In no instance shall

these drawings take place prior to a lottery "Wrangler Drawing." Such drawings, if conducted, shall be a part of the lottery "Wrangler Drawing" and prizes, in addition to cash prizes presented by the lottery, may be donated by the co-sponsor(s). The person drawing tickets for the lottery may draw additional tickets for the co-sponsor(s) prizes. (Authorized by and implementing K.S.A. 1989 Supp. 74-8710; effective, T-111-5-10-91, April 19, 1991.)

111-4-267. Certification of Drawing. (a) All "Wrangler Drawings" shall be personally observed by the Lottery security.

(b) Upon completion of the drawing, the persons designated to officially observe the drawing shall issue a signed report to the executive director. This report shall certify that to the best of their knowledge, the procedures required by these rules were followed in selecting the winner at the "Wrangler Drawing." The winning ticket, all other tickets placed in the receptacle or drum, the audio and video tape of the drawing, the prize claim form completed by the winner, and the signed affidavit shall be delivered to the Topeka lottery headquarters by Lottery security or a lottery employee attending the event. (Authorized by and implementing K.S.A. 1989 Supp. 74-8710; effective, T-111-5-10-91, April 19, 1991.)

111-4-268. Validation of Winner. The following validation requirements shall apply to all tickets for the "Wrangler Drawings":

(a) The ticket must have been issued by the Kansas lottery in an authorized manner and must not be counterfeit in whole or in part;

(b) The ticket must be complete and intact and not mutilated, altered, unreadable, reconstructed, or tampered with in any way;

(c) The ticket must not be blank or partially blank, misregistered, defective, or printed or produced in error;

(d) The display printing on the ticket must be regular in every respect and correspond precisely with the artwork on file at the Kansas lottery;

(e) The ticket must not be stolen nor appear on any list of omitted tickets on file at the Kansas lottery;

(f) The ticket must be for a current or unexpired game;

(g) The ticket must have exactly one ticket validation number, one book-ticket number, and two retailer validation codes, each of which must be present in its entirety, be fully legible, be exactly as described in paragraph (b) above, and correspond precisely to the artwork on file at the Kansas lottery. The ticket validation number shall correspond to the play symbols on the ticket; and

(h) The ticket validation number of an apparent "Wrangler Drawing" winning ticket shall not appear on the Kansas lottery's official list of ticket validation numbers of winning tickets. (Authorized by and implementing K.S.A. 1989 Supp. 74-8710; effective, T-111-5-10-91, April 19, 1991.)

111-4-269. Payment of Prizes. The executive director or his designee shall award the designated prize

to each person whose ticket was drawn from the receptacle or drum at each drawing site as soon as it has been determined that all laws, regulations, and rules have been adhered to. (Authorized by K.S.A. 1989 Supp. 74-8710(c); implementing K.S.A. 1989 Supp. 74-8710(c); and K.S.A. 1988 Supp. 74-8720(b); effective, T-111-5-10-91, April 19, 1991.)

111-4-270. Disputes. In the event of a dispute concerning "Wrangler Drawings," the executive director or the person designated by the executive director shall:

(a) determine the facts underlying the dispute;

(b) settle any dispute by determining the holder of the ticket drawn at a Kansas lottery "Wrangler Drawing";

(c) pay a prize to the person determined to be the holder of a valid ticket drawn at a "Wrangler Drawing"; and

(d) if unable to determine the holder of a ticket drawn at a "Wrangler Drawing," solely at his or her discretion, reimburse the ticket holder for the price of the disputed ticket. (Authorized by K.S.A. 1989 Supp. 74-8710(c); implementing K.S.A. 1989 Supp. 74-8710(c); and K.S.A. 1989 Supp. 74-8720(b); effective, T-111-5-10-91, April 19, 1991.)

111-4-271. Cancellation of Game/Drawing. (a) If a "Wrangler Drawing" is not held due to the Wrangler game being "called" because of rain out, power failure or any other unforeseen circumstance beyond the control of the Kansas lottery and the Wichita Wranglers, the drawing will be rescheduled. The rescheduled drawing will be held as soon as practicable and at a location and time determined by the executive director or the person designated by the executive director.

(b) Lottery security personnel or designated security personnel will, upon cancellation of a "Wrangler Drawing," take possession of and secure the receptacle or drum containing all entries for the cancelled "Wrangler Drawing," and hold all ticket entries contained therein until the rescheduled drawing.

(c) The winner of the rescheduled "Wrangler Drawing" need not be present at the time of that drawing to be determined a winner. (Authorized by and implementing K.S.A. 1988 Supp. 74-8710(b).)

(d) If a Wranglers game is cancelled before the gates are open to the public, no entries will be allowed, and the "Wrangler Drawing" will also be cancelled. If a "Wrangler Drawing" is cancelled under (d), it will not be rescheduled. (Authorized by and implementing K.S.A. 1989 Supp. 74-8710; effective, T-111-5-10-91, April 19, 1991.)

TREASURE ISLAND DRAWINGS

111-4-272. Name of Drawing. The Kansas lottery shall conduct a series of drawings entitled "Treasure Island Drawings." The date of "Treasure Island Drawings" will coincide with the beginning of Treasure Island K.A.R. 111-4-253 through 111-4-256, a new instant game of the Kansas lottery. (Authorized by and implementing K.S.A. 1989 Supp. 74-8710(b); effective, T-111-5-10-91, April 19, 1991.)

(continued)

111-4-273. Definitions. (a) All definitions contained in the Kansas lottery act (K.S.A. 1989 Supp. 74-8701 *et seq.*) and lottery regulations are hereby incorporated by reference and govern unless otherwise indicated.

(b) "Treasure Island Drawing" means an event held to promote lottery ticket sales for the new Kansas instant game, Treasure Island.

(c) "Sponsor drawings" means an act of drawing a door prize which may be held at the gala event subsequent to the "Gala Drawing."

(d) "Sponsor" means the person designated by the executive director to be in charge of organizing each gala event.

(e) "Non-winning ticket" means a Kansas Treasure Island instant game lottery ticket not eligible to win a prize under the new instant game rules.

(f) "Receptacle" means a container in which non-winning Kansas instant game lottery tickets are placed and from which the "Treasure Island Drawing" is made. Receptacles shall be sealable and capable of being rotated for the purpose of mixing.

(g) "Bare arm technique" means a type of drawing where the person drawing the winning ticket from the receptacle wears a short-sleeved (sleeve not extending past the elbow) or a no-sleeve shirt which exposes the drawer's bare arm. (Authorized by and implementing K.S.A. 1989 Supp. 74-8710(a)&(b); effective, T-111-5-10-91, April 19, 1991.)

111-4-274. Location of Drawings. Treasure Island drawings shall be held in Topeka, Wichita, Atchison, Salina, Parsons and Garden City. (Authorized by and implementing K.S.A. 1989 Supp. 74-8710(b); effective, T-111-5-10-91, April 19, 1991.)

111-4-275. Prerequisites for a Drawing. Before a "Treasure Island Drawing" may be validly conducted, a sponsor(s), a location, and a receptacle must be approved in writing by the executive director or his designee and the drawing must be open to the public. (Authorized by and implementing K.S.A. 1989 Supp. 74-8710(b); effective, T-111-5-10-91, April 19, 1991.)

111-4-276. Prizes. The Grand Prize winner selected at each of the approved "Treasure Island" locations shall receive a one thousand dollar (\$1,000) prize. In addition to the Grand Prize, there shall be awarded pursuant to drawings at each approved location one second prize of 300 instant tickets, one third prize of 200 instant tickets, one fourth prize of 100 instant tickets, one fifth prize of 50 instant tickets and one sixth prize of 25 instant tickets. All prize awards are subject to lottery validation, set offs, and deductions as provided for by law. (Authorized by and implementing K.S.A. 1989 Supp. 74-8710; effective, T-111-5-10-91, April 19, 1991.)

111-4-277. Entry into Drawing. Entry into the "Treasure Island Drawing" is accomplished by the process detailed in the following subparagraphs:

(a) Obtain a valid Kansas Treasure Island instant lottery ticket;

(b) Determine if the ticket is a winning ticket in accordance with the new instant game rules. If the

ticket is a winning ticket, it is not eligible for the "Treasure Island Drawing" and shall be redeemed in accordance with the instant game rules;

(c) If the ticket is a non-winning ticket in the new instant game, the ticket is eligible for winning the drawing and the holder of the ticket may enter the "Treasure Island Drawing;"

(d) The holder of the non-winning ticket must complete the information form on the back of the ticket in a legible manner and sign it. Unsigned tickets shall not be considered valid entries in any drawing conducted by the lottery;

(e) The holder of the non-winning ticket must take the non-winning ticket with the completed information form to the location of the "Treasure Island Drawing" and place it in the receptacle provided;

(f) The receptacle shall be available and entries may be made between 12:00 noon and 3:00 p.m. in Topeka and Salina; in Garden City between 9:00 a.m. and 12:00 noon, and between 10:00 a.m. and 1:00 p.m. in Wichita, Parsons and Atchison on that day. Entries shall be allowed until the actual winner selection process begins;

(g) The holder of the ticket must personally attend the "Treasure Island Drawing," be present at the time of the drawing and provide proper identification to be determined a winner;

(h) The drawing will be conducted no sooner than three hours after the commencement of the "Treasure Island Drawing" event;

(i) There is no limit to the number of entries a participant may make. (Authorized by and implementing K.S.A. 1989 Supp. 74-8710(b); effective, T-111-5-10-91, April 19, 1991.)

111-4-278. Determination of "Treasure Island Drawing" Winners. (a) The sponsor shall announce to the audience at least ten minutes before the drawing, the time that the winner selection process will begin. Any persons wishing to enter the drawing who have not yet done so, shall immediately place their tickets into the receptacle at this time.

(b) Prior to sealing the receptacle, the sponsor shall announce that entries into the "Treasure Island Drawing" are closed. No further entries will be accepted.

(c) The receptacle shall be sealed and mixed to ensure random selection.

(d) The sponsor(s) of each approved "Treasure Island Drawing" event shall designate one individual of their choice to participate in the selection process.

(e) The selection of the "Treasure Island Drawing" winner shall be accomplished by the individual designated by the sponsor, using a bare arm technique, removing only one ticket from the receptacle in which all entries were placed. A person representing the sponsor of the "Treasure Island Drawing" event as well as a law enforcement officer approved by the Kansas lottery, division of security, and a Kansas lottery employee, shall review the selected ticket to determine if the name stated on the information form located on the back of the selected ticket is legible and if the ticket is signed. If the name is determined to be legible and the ticket is signed, the name shall be

announced to the audience.

(f) The named person must be present in order to win the "Treasure Island Drawing" prize.

(g) The person whose ticket has been drawn from the receptacle shall be determined the "Treasure Island Drawing" winner.

(h) The winner shall be given a prize claim form to be completed and returned to the lottery.

(i) If the name on the ticket is not legible or the ticket is not signed the ticket drawn will be void and the selection process shall be repeated until a winner is selected. (Authorized by and implementing K.S.A. 1989 Supp. 74-8710(b); effective, T-111-5-10-91, April 19, 1991.)

111-4-279. Security of Drawing. (a) The receptacle located at the drawing site into which drawing participants place their ticket entries shall be monitored from the commencement of ticket entries until completion of the "Treasure Island Drawing" event by a law enforcement officer approved by the Kansas lottery, division of security and approved by the executive director.

(b) The actual drawing event shall be recorded on audio and video tape by the designated law enforcement officer. The video tape shall contain no other material than the actual drawing beginning with the sealing of the receptacle and continuing through the announcement and verification of the winner. (Authorized by and implementing K.S.A. 1989 Supp. 74-8710(d); effective, T-111-5-10-91, April 19, 1991.)

111-4-280. Ticket Disqualification. Any non-winning Kansas instant game lottery ticket entered into the "Treasure Island Drawing" is disqualified from any other Kansas lottery prize or drawing. (Authorized by and implementing K.S.A. 1989 Supp. 74-8710(d); effective, T-111-5-10-91, April 19, 1991.)

111-4-282. Disposal of Tickets. Upon completion of the "Treasure Island Drawings," the law enforcement officer selected by the Kansas lottery, division of security, or their substitutes, and the Kansas lottery employee shall return to the Topeka lottery headquarters all tickets remaining in the receptacle. (Authorized by and implementing K.S.A. 1989 Supp. 74-8710(b); effective, T-111-5-10-91, April 19, 1991.)

111-4-283. Certification of Drawing. (a) The "Treasure Island Drawing" shall be personally observed by the sponsor(s) of the event, the law enforcement officer selected by the Kansas lottery, division of security, and an employee of the Kansas lottery.

(b) Should any of these individuals be unable to attend, the executive director shall designate a replacement.

(c) Upon completion of the drawing, the designated Kansas lottery security person and the auditor observing the drawing shall issue a signed report to the executive director certifying that to the best of their knowledge, the procedures required by these rules were followed in selecting the winner at the "Treasure Island Drawing." The winning ticket, all other tickets placed in the receptacle, the video tape of the drawing,

the prize claim form completed by the winner, and the signed affidavit shall be delivered to the Topeka lottery headquarters by the lottery security person attending the event. (Authorized by and implementing K.S.A. 1989 Supp. 74-8710; effective, T-111-5-10-91, April 19, 1991.)

111-4-284. Validation of Winner. The following validation requirements shall apply to all Treasure Island tickets for the "Treasure Island Drawing":

(a) The ticket must have been issued by the Kansas lottery in an authorized manner and must not be counterfeit in whole or in part;

(b) The ticket must be complete and intact and not mutilated, altered, unreadable, reconstructed, or tampered with in any way;

(c) The ticket must not be blank or partially blank, misregistered, defective, or printed or produced in error;

(d) The display printing on the ticket must be regular in every respect and correspond precisely with the artwork on file at the Kansas lottery;

(e) The ticket must not be stolen nor appear on any list of omitted tickets on file at the Kansas lottery;

(f) The ticket must have exactly one ticket validation number, one book-ticket number, and two retailer validation codes, each of which must be present in its entirety, be fully legible, be exactly as described in paragraph (b) above, and correspond precisely to the artwork on file at the Kansas lottery. The ticket validation number shall correspond to the play symbols on the ticket; and

(g) The ticket validation number of an apparent "Treasure Island Drawing" winning ticket shall not appear on the Kansas lottery's official list of ticket validation numbers of winning tickets. (Authorized by and implementing K.S.A. 1989 Supp. 74-8710; effective, T-111-5-10-91, April 19, 1991.)

111-4-285. Payment of Prizes. The executive director or his designee shall award the designated prize to the person whose ticket was drawn from the receptacle as soon as it has been determined that all laws, regulations, and rules have been adhered to. (Authorized by and implementing K.S.A. 1989 Supp. 74-8710; effective, T-111-5-10-91, April 19, 1991.)

111-4-286. Disputes. In the event of a dispute concerning the "Treasure Island Drawing," the executive director shall determine the facts underlying the dispute. The executive director has the authority to settle any dispute by determining the holder of the ticket drawn at a "Treasure Island Drawing." The executive director has the authority to pay a prize to the person the executive director determines to be the holder of a valid ticket drawn at a "Treasure Island Drawing." If the executive director is unable to determine the holder of a ticket drawn at a "Treasure Island Drawing," the executive director may, solely at his or her discretion, reimburse the ticket holder for the price of the disputed ticket. (Authorized by and implementing K.S.A. 1989 Supp. 74-8710(b)(c); effective, T-111-5-10-91, April 19, 1991.)

Ralph Decker
Executive Director

Doc. No. 010650

State of Kansas

Department of Administration

Permanent Administrative Regulations

Article 9.—HOURS; LEAVES; EMPLOYEE-MANAGEMENT RELATIONS

1-9-7a. Military leave; voluntary or involuntary service in the Armed Forces. (a) Subject to the additional requirements and limitations of Title 38, U.S. Code, Chapter 43, each permanent, probationary, or conditional employee in the classified service, excluding any employee on a temporary or emergency appointment, who enlists or is drafted into the armed forces of the United States, including reservists and members of the national guard who are activated to military duty, shall be granted military leave without pay upon the employee's notice to the appointing authority of a military order requiring active duty for other than training purposes. The appointing authority shall require the employee to provide, within a reasonable period of time, documentation to substantiate the military order for active duty.

Any person on military leave, as mentioned above, who applies to the appointing authority for permission to return to the classified service within 90 days after receiving a discharge from the military service under honorable conditions, or from hospitalization, shall:

(1) if the person is qualified to perform the duties

of the former position, be restored to that position or to a similar position with like status and salary in the same geographic location, as determined pursuant to K.A.R. 1-5-11;

(2) if the person is not qualified to perform the duties of the former position by reason of disability sustained during such service, but is qualified to perform the duties of any other position, be offered employment in the same geographic location in a position comparable in status and salary to the former position; or

(3) if the agency's circumstances have so changed as to make it unreasonable to offer the person a position under either paragraph (1) or (2) above, appeal to the secretary of administration for appropriate placement.

(b) Military leave shall be counted as part of the employee's length of service as prescribed in K.A.R. 1-2-46. Sick leave and vacation leave shall not be earned or accrued during a period of military leave without pay.

(c) Reenlistment or continuation of active duty beyond the time prescribed by Title 38, U.S. Code, Chapter 43, shall be considered a voluntary resignation from military leave status. (Authorized by and implementing K.S.A. 75-3747; effective May 1, 1985; amended, T-1-3-14-91, March 14, 1991; amended July 8, 1991.)

Arthur H. Griggs
Acting Secretary of Administration

Doc. No. 010655

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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
30-4-41	Amended	V. 10, p. 692
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. 692
30-4-113	Amended	V. 10, p. 693
30-4-120	Amended	V. 10, p. 343
30-5-58	Amended	V. 10, p. 693
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	Amended	V. 10, p. 698
30-5-81	Amended	V. 10, p. 699
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. 10, p. 699
30-5-87	Amended	V. 9, p. 987
30-5-88	Amended	V. 10, p. 700
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. 10, p. 701
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. 701
30-6-79	Amended	V. 9, p. 195

(continued)

30-6-82	New	V. 10, p. 702
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. 702
30-6-106	Amended	V. 10, p. 703
30-6-107	Amended	V. 10, p. 705
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. 705
30-6-113	Amended	V. 10, p. 706
30-7-65	Amended	V. 10, p. 707
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. 10, p. 708
30-10-15b	Amended	V. 9, p. 1610, 1647
30-10-16	Amended	V. 10, p. 709
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
30-10-226	New	V. 10, p. 77-87
30-22-33	New	V. 9, p. 942
30-41-1	Amended	V. 10, p. 710
30-41-7a	Amended	V. 10, p. 711
30-41-7i	New	V. 10, p. 711
30-41-20	New	V. 10, p. 711
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

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
91-1-128b	New	V. 9, p. 1857
91-1-132a	Amended	V. 9, p. 1103
91-1-153	New	V. 9, p. 1817
91-12-48	Amended	V. 9, p. 1674
91-12-63	Amended	V. 9, p. 1674
91-12-70	Revoked	V. 9, p. 1674
91-31-7	Amended	V. 10, p. 686

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, 587

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
100-10a-4	Amended	V. 10, p. 653

100-11-1	Amended	V. 10, p. 653
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

(continued)

111-4-8	Amended	V. 7, p. 1064	111-7-33			112-11-15	Amended	V. 9, p. 162
111-4-12	Amended	V. 7, p. 1190	through			112-11-20	Amended	V. 9, p. 162
111-4-66			111-7-43	New	V. 7, p. 1197, 1198	112-11-21	Amended	V. 10, p. 263, 531
through			111-7-33a	New	V. 8, p. 300	112-12-2	Amended	V. 9, p. 164
111-4-77	New	V. 7, p. 207-209	111-7-44			112-12-4	Amended	V. 9, p. 164
111-4-96			through			112-12-12	Amended	V. 10, p. 170
through			111-7-54	New	V. 9, p. 1367-1370	112-13-2	Amended	V. 10, p. 170
111-4-114	New	V. 7, p. 1606-1610	111-7-55			112-13-4	New	V. 10, p. 171
111-4-100	Amended	V. 9, p. 1364	through			112-13-5	New	V. 10, p. 171
111-4-101	Amended	V. 9, p. 1364	111-7-63	New	V. 10, p. 201, 202	112-15-1		
111-4-102	Amended	V. 9, p. 1364	111-7-58	Amended	V. 10, p. 261	through		
111-4-104	Amended	V. 9, p. 1364	111-7-60	Amended	V. 10, p. 262	112-15-7	New	V. 9, p. 1074, 1075
111-4-105	Amended	V. 9, p. 1365	111-8-1	New	V. 7, p. 1633	112-15-1		
111-4-106	Amended	V. 9, p. 1365	111-8-2	New	V. 7, p. 1633	through		
111-4-106a	New	V. 9, p. 1365	111-8-3	Amended	V. 9, p. 505	112-15-7	New	V. 9, p. 1346, 1347
111-4-107	Amended	V. 9, p. 1366	111-8-4	New	V. 7, p. 1714			
111-4-108	Amended	V. 9, p. 1366	111-8-4a	New	V. 7, p. 1995			
111-4-111	Amended	V. 9, p. 1366	111-8-5					
111-4-113	Amended	V. 9, p. 1366	through					
111-4-114	Amended	V. 9, p. 1366	111-8-13	New	V. 7, p. 1634			
111-4-153			111-9-1					
through			through					
111-4-160	Revoked	V. 9, p. 1676, 1677	111-9-12	New	V. 7, p. 1714-1716			
111-4-177			111-9-1					
through			through					
111-4-212	Revoked	V. 9, p. 1677, 1678	111-9-6	Revoked	V. 9, p. 1680			
111-4-213			111-9-13					
through			through					
111-4-220	New	V. 9, p. 728, 729	111-9-18	Revoked	V. 9, p. 1680			
111-4-217	Amended	V. 9, p. 986	111-9-25					
111-4-221			through					
111-4-224	New	V. 9, p. 1197	111-9-30	New	V. 9, p. 699, 700			
111-4-225			111-9-31					
through			through					
111-4-228	New	V. 9, p. 1366, 1367	111-9-36	New	V. 10, p. 262			
111-4-229			111-10-1					
through			through					
111-4-236	New	V. 9, p. 1566-1568	111-10-9	New	V. 8, p. 136-138			
111-4-237			111-10-7	Amended	V. 8, p. 301			
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						

AGENCY 115: DEPARTMENT OF WILDLIFE AND PARKS

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

AGENCY 116: STATE FAIR BOARD

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

AGENCY 117: REAL ESTATE APPRAISAL BOARD

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

AGENCY 119: KANSAS DEVELOPMENT FINANCE AUTHORITY

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

State of Kansas
Secretary of State

I, Bill Graves, Secretary of State of the State of Kansas, do hereby certify that the following bill 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 23, 1991.)

SENATE BILL No. 81

AN ACT concerning liens; assignment of rents of real property and other amounts as security for repayment of indebtedness.

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

Section 1. (a) As used in this section:

(1) "Assignment instrument" means any mortgage, deed of trust, or other instrument or agreement by which a borrower assigns, transfers, pledges, or otherwise grants a lien upon or encumbers its rights to rents of real property therein described to or for the benefit of a lender as security for the repayment of any indebtedness or the performance of any obligations.

(2) "Borrower" means any mortgagor, deed of trust grantor, assignor, or debtor of any lender.

(3) "Lender" means any mortgagee, deed of trust beneficiary, assignee, or creditor, or its assigns, holding an assignment instrument.

(4) "Rents" includes the rents, income, proceeds, profits, royalties and other sums which (A) are derived under present and future leases, licenses, contracts and other agreements for the use or possession of real property and (B) are either in the possession or control of the borrower or are due and unpaid or are to become due and payable.

(b) The lien of an assignment instrument shall be a good, valid and enforceable lien on the rents from the real property therein described. Such lien shall be valid and binding against, unavoidable by and fully perfected as to the borrower and all subsequent purchasers, mortgagees, lien creditors, other lienholders and other persons for all purposes from the time of filing the assignment instrument or an affidavit of assignment of rents signed by the borrower for record in accordance with K.S.A. 58-2221 and amendments thereto, with a priority dating from the time of such filing, without any necessity for the lender to take possession or control of such rents or the property from which such rents are derived, to take any action tantamount to the taking of such possession or control, or to take other action whatsoever.

(c) Upon default by a borrower under the terms of an assignment instrument, the lender shall be entitled to enforce the assignment instrument in accordance with its terms and applicable law, and may apply to the district court having jurisdiction for appropriate relief to gain possession and control of the rents in enforcement of the assignment instrument. Upon such application, the court shall enter such orders and take such actions as appear necessary to collect, protect and preserve the rents and protect and preserve the lender's interest therein pending final disposition of an action upon the obligations secured by the assignment instrument.

(d) Any tenant who, upon due notice from the lender, makes rent payments to the lender in accordance with the terms of the assignment instrument shall be given credit for such payment as if the payments had been made, to the borrower, but nothing herein shall affect the other rights and obligations of the borrower or the tenant as to one another.

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 23, 1991.)

SENATE BILL No. 395

AN ACT concerning state officers and employees; relating to salaries and compensation; authorizing and providing for certain increases; making appropriations for the fiscal year ending June 30, 1992, and authorizing certain transfers and adjustments in expenditure limitations therefor.

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

Section 1. (a) Upon recommendation of the director of the budget, the state finance council, acting on this matter which is hereby characterized as a matter of legislative delegation and subject to the guidelines prescribed in subsection (c) of K.S.A. 75-3711c and amendments thereto, except paragraph (3) of such subsection (c), is hereby authorized to increase expenditure limitations on special revenue funds and accounts established for the fiscal year ending on June 30, 1992, for the purpose of paying from such funds or accounts the proportionate share of the cost to such funds or accounts, including associated employer contributions, of: (1) Salary step increases under the pay plan for state officers and employees in the classified service under the Kansas civil service act according to the applicable provisions of the pay plan, effective on the first day of the first payroll period which is chargeable to the fiscal year ending June 30, 1992; (2) base salary increases to be effective on the first day of the first payroll period which is chargeable to the fiscal year ending June 30, 1992, and to be distributed on a merit basis from a merit salary increase pool, the average of such increases shall not exceed 2.5% of the base salaries, for state officers and employees in the unclassified service under the Kansas civil service act in the executive branch of state government, other than any elected state officer, any member of any state board, commission, council or committee receiving per diem compensation as provided by statute and other than state officers and employees of the state board of regents who are in the unclassified service under the Kansas civil service act; (3) base salary increases to be effective on the first day of the first payroll period which is chargeable to the fiscal year ending June 30, 1992, and to be distributed on a merit basis from a merit salary increase pool, the average of such increases shall not exceed 2.5% of the base salaries for state officers and employees of the state board of regents who are in the unclassified service under the Kansas civil service act; and (4) longevity payments pursuant to K.S.A. 75-5541 and amendments thereto or determined in the manner provided by that statute.

(b) There is hereby appropriated from the state general fund for the state finance council, for the fiscal year ending on June 30, 1992, the sum of \$20,291,530 to be used for the purpose of paying the proportionate share of the cost to the state general fund, including associated employer contributions, of: (1) Salary step increases under the pay plan for state officers and employees in the classified service under the Kansas civil service act according to the applicable provisions of the pay plan, effective on the first day of the first payroll period which is chargeable to the fiscal year ending June 30, 1992; (2) base salary increases to be effective on the first day of the first payroll period which is chargeable to the fiscal year ending June 30, 1992, and to be distributed on a merit basis from a merit salary increase pool, the average of such increases shall not exceed 2.5% of the base salaries for state officers and employees in the unclassified service under the Kansas civil service act in the executive branch of state government, other than any elected state officer, any member of any state board, commission, council or committee receiving per diem compensation as provided by statute and other than state officers and employees of the state board of regents who are in the unclassified service under the Kansas civil service act; (3) base salary increases to be effective on the first day of the first payroll period which is chargeable to the fiscal year ending June 30, 1992, and to be distributed on a merit basis from a merit salary increase pool, the average of such increases shall not exceed 2.5% of the base salaries for state officers and employees of the state board of regents who are in the unclassified service under the Kansas civil service act; and (4) longevity payments pursuant to K.S.A. 75-5541 and amendments thereto or determined in the manner provided by that statute. To pay the proportionate share of the cost to the state general fund of each state agency for such salary increases and such longevity payments, upon recommendation of the director of the budget, the

(continued)

state finance council, acting on this matter which is hereby characterized as a matter of legislative delegation and subject to the guidelines prescribed in subsection (c) of K.S.A. 75-3711c and amendments thereto, except paragraph (3) of such subsection (c), is hereby authorized and directed to transfer moneys from the appropriation made by this subsection to proper accounts created by state general fund appropriations for the fiscal year ending on June 30, 1992.

(c) Each state agency of the executive branch of state government, which employs officers and employees who are receiving (1) salary step increases under the pay plan, (2) base salary increases to be distributed on a merit basis from a merit salary increase pool under this section, or (3) longevity bonus payments pursuant to K.S.A. 75-5541 and amendments thereto or determined in the manner provided by that statute, shall prepare and submit a budget estimate for such salary increases and such longevity payments, and all amendments and revisions of such estimates, to the director of the budget on forms prescribed by the director of the budget. At the same time as each state agency submits such estimate, and all amendments and revisions thereof, each such state agency shall submit a copy of such estimate, and all amendments and revisions thereof, directly to the legislative research department.

Sec. 2.

LEGISLATIVE COORDINATING COUNCIL

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 1992, the following:

Legislative coordinating council—operations	\$11,328
Legislative research department—operations	38,548
Office of the revisor of statutes—operations	41,034
Total	\$90,910

Sec. 3.

LEGISLATURE

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 1992, the following:

Operations (including official hospitality)	\$16,019
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Sec. 4.

DIVISION OF POST AUDIT

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 1992, the following:

Operations (including legislative post audit committee)	\$28,199
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Sec. 5.

JUDICIAL COUNCIL

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 1992, the following:

Operating expenditures	\$5,759
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Sec. 6.

JUDICIAL BRANCH

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 1992, the following:

Appellate operations	\$119,104
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Provided, That expenditures shall be made from this account for an additional amount of compensation for each justice of the supreme court and for each judge of the court of appeals in an amount for each justice or judge equal to 2.5% of the annual salary of such justice or judge that is payable to such justice or judge for fiscal year 1991, adjusted to the nearest dollar: *Provided further*, That expenditures from this account for such additional amount of compensation for each justice or judge shall be made in substantially equal amounts in the same manner and at the same times that compensation is payable to such justice, in accordance with K.S.A. 75-3120f and amendments thereto, or is payable to such judge, in accordance with K.S.A. 75-3120h and amendments thereto, each payroll period chargeable to fiscal year 1992, and such additional amount of compensation shall be deemed to be part of the annual salary of such judicial officers for all purposes of the annual salary for any other public officer whose compensation is fixed in accordance with the annual salary of any such judicial officer.

District court operations	1,232,259
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Provided, That expenditures shall be made from this account for an additional amount of compensation for each district judge in an amount for each district judge equal to 2.5% of the annual salary of such district judge that is payable to such district judge for fiscal year 1991, adjusted to the nearest dollar: *Provided further*, That expenditures from this account for such additional amount of compensation for each district judge shall be made in substantially equal amounts in the same manner and at the same times that compensation is payable to such district judge, in accordance with K.S.A. 75-3120g and amendments thereto, each payroll period chargeable

to fiscal year 1992, and such additional amount of compensation shall be deemed to be part of the annual salary of such district judges for all purposes of the annual salary for any other public officer whose compensation is fixed in accordance with the annual salary of any such district judge: *And provided further*, That expenditures shall be made from this account for an additional amount of compensation for each district magistrate judge equal to 2.5% of the annual salary of such district magistrate judge that is payable to such district magistrate judge for fiscal year 1991, adjusted to the nearest dollar: *And provided further*, That expenditures from this account for such additional amount of compensation for each district magistrate judge shall be made in substantially equal amounts in the same manner and at the same times that compensation is payable to such district magistrate judge, in accordance with K.S.A. 75-3120k and amendments thereto, each payroll period chargeable to fiscal year 1992.

Total	\$1,351,363
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Sec. 7. *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 for such funds by this act or by the state finance council under this act.

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 23, 1991.)

HOUSE BILL No. 2188

AN ACT authorizing cities and counties to issue general obligation bonds for the payment of the cost of public facilities or improvements, authorizing the pledge of revenues received from a countywide or city's retailers' sales tax for the payment thereof; amending K.S.A. 1990 Supp. 12-188, as amended by section 1 of 1991 Senate Bill No. 150, 12-189 and 12-195 and repealing the existing sections; also repealing K.S.A. 1990 Supp. 12-189b.

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

Section 1. K.S.A. 1990 Supp. 12-195 is hereby amended to read as follows: 12-195. (a) Except as otherwise provided in section 2 or subsection (b), no city or county shall commit any of the funds or proceeds derived from a retailers' sales tax as a guarantee for the payment of bonds issued by such city or county.

(b) Any city or county which is the recipient of funds derived from a local option sales tax pursuant to K.S.A. 12-187 *et seq.*, and amendments thereto is hereby authorized to issue revenue bonds to provide for the payment of all or any portion of the cost of public facilities or improvements of such city or county for which such city or county is authorized pursuant to the constitution or laws of this state to issue general obligation bonds and to pledge revenues received from countywide or city retailers' sales taxes for the payment thereof. No such bonds shall be issued for the payment of all or any portion of the cost of any facilities or improvements to be used for commercial or retail purposes, except that such prohibition shall not apply to revenue bonds issued for the payment of the cost of constructing or improving a convention or exposition hall or center or public auditorium. In the event the governing body of a city or county proposes to issue such bonds, and the question of pledging the revenues received from the countywide or city retailers' sales tax has not previously been submitted to and approved by the voters of the city or county, such proposition shall be published once each week for two consecutive weeks in the official city or county newspaper, as the case requires. If, within 30 days after the last publication of the proposition, a petition is filed with the county election officer signed by not less than 4% of the electors of the city or county, as the case requires, who voted for the office of secretary of state at the last preceding general election for such office requesting an election thereon, no such bonds shall be issued unless the proposition is submitted to and approved by a majority of the voters of the city or county, as the case requires, voting at an election held thereon. Any such election shall be called and held in accordance with the provisions of K.S.A. 10-120, and amendments thereto, or in accordance with the provisions of the mail ballot election act.

(1) Such bonds shall be authorized by ordinance of the governing body of such city or resolution of the governing body of such county. The bonds may be issued as registered bonds or coupon bonds, payable to bearer, and, if coupon bonds, may be registrable as to principal only or as to principal and interest, and may be made exchangeable for bonds of another denomination or in another form. The bonds may be in such form and denominations, may have such

date or dates, may be stated to mature at such time or times, may bear interest payable at such times and at such rate or rates, may be payable at such places within or without the state, may be subject to such terms of redemption in advance of maturity at such prices, and may contain such terms and conditions, all as the city or county shall determine. The bonds shall have all the qualities of and shall be deemed to be negotiable instruments under the laws of the state of Kansas. The authorizing ordinance or resolution may contain any other terms, covenants and conditions that the city or county deems reasonable and desirable, including without limitation those pertaining to the maintenance of various funds and reserves, the nature and extent of any security for payment of the bonds, the custody and application of the proceeds of the bonds, the collection, transfer and disposition of sales tax revenues, the investing of bond proceeds or any funds pledged to the repayment of the bonds, and the rights, duties and obligations of the city or county and the owners of the bonds.

(2) The authorizing ordinance or resolution may provide for the execution of a trust indenture between the city or county and any financial institution within or without the state of Kansas. The trust indenture may contain any terms, covenants and conditions that are deemed desirable by the city or county.

(3) Any authorizing ordinance or resolution and trust indenture relating to the issuance of and security for the bonds shall constitute a contract between the city or county and the owners of the bonds, which contract, and all covenants, agreements and obligations therein, shall be promptly performed in strict compliance with the terms and provisions of such contract, and the covenants, agreements and obligations of the city or county may be enforced by mandamus or other appropriate proceeding at law or in equity. The pledge of revenues made by the city or county shall be valid and binding from the time when such pledge is made and the revenues so pledged and thereafter received by the city or county shall immediately be subject to the lien of such pledge without such physical delivery thereof or further act on the part of the city or county, and the lien of any such pledge shall be valid and binding as against all parties having claims of any kind against the issuer, irrespective of whether such parties have notice thereof. Neither the authorizing ordinance or resolution nor any other instrument by which a pledge is created need be filed or recorded except in the records of the city or county.

(4) The revenue bonds may be sold in such manner, either at public or private sale, and upon such terms as the city or county shall determine to be reasonable, including sale at discount. It shall be plainly stated on the face of each such bond that it has been issued under this act, that the bonds shall be special obligations of the city or county, payable solely and only from the revenues pledged to the payment of the bonds and that in no event, shall the bonds constitute an indebtedness of the state of Kansas or the city or county for which the faith and credit of the state of Kansas or city or county is pledged.

(5) Any bonds issued under the provisions of this section and the interest thereon, shall be exempt from all taxes levied by the state of Kansas, or any political or taxing subdivision thereof, except inheritance taxes.

(6) Bonds may be issued for the purpose of refunding, either at maturity or in advance of maturity, any bonds issued under this section. Such refunding bonds may either be sold or delivered in exchange for the bonds being refunded. If sold, the proceeds may either be applied to the payment of the bonds being refunded or deposited in trust and there maintained in cash or investments for the retirement of the bonds being refunded, as shall be specified by the city or county and the authorizing ordinance or resolution or trust indenture securing such refunding bonds. The authorizing ordinance or resolution or trust indenture securing the refunding bonds may provide that the refunding bonds shall have the same security for their payment as provided for the bonds being refunded. Refunding bonds shall be sold and secured in accordance with the provisions of this act pertaining to the sale and security of the bonds.

(7) Bonds issued under the provisions of this act shall be eligible to secure the deposit of public funds under article 14 of chapter 9 of the Kansas Statutes Annotated and amendments thereto.

(8) Bonds issued under the provisions of this act shall be in addition to and not subject to any statutory limitation of bonded indebtedness imposed on such city or county.

New Sec. 2. The governing body of any city or county by the appropriate ordinance or resolution, may authorize the issuance of general obligation bonds to provide for the payment of all or any portion of the cost of any public facilities or improvements for which such city or county is otherwise authorized pursuant to the constitution or laws of this state to issue general obligation bonds. The governing body may pledge revenues received from countywide or city retailers' sales taxes imposed pursuant to K.S.A. 12-187 *et seq.*, and amendments thereto, for the payment of such bonds. The pledge of revenues received from countywide or city retailers' sales taxes for payment of such bonds shall constitute an irrevocable pledge of the revenues and shall be made a lien on the revenues for the benefit of bondholders. Any bonds issued under this section shall be subject to the following requirements:

(a) Before the governing body of any city or county shall issue any general obligation bonds as authorized herein, the governing body shall cause to be prepared a comprehensive feasibility study showing that revenues received from a countywide or city retailers' sales tax would be sufficient to retire such bonds.

(b) Such bonds shall constitute a general obligation of the city or county payable from the pledged revenue received from countywide or city retailers' sales taxes and if not so paid such bonds shall be payable from ad valorem taxes which for the purpose of paying such bonds may be levied without limit as to rate or amount by the city or county, and shall be printed as provided in K.S.A. 10-112, and amendments thereto.

(c) Any bonds issued under the provisions of this section and the interest thereon, shall be exempt from all taxes levied by the state of Kansas or any political or taxing subdivision thereof, except inheritance taxes.

(d) All bonds which are to be financed in accordance with the provisions of this section shall be subject to any statutory limitation of bonded indebtedness imposed on a city or county unless:

(1) The law authorizing the issuance of such bonds specifically excludes such bonds from any statutory limitation of bonded indebtedness;

(2) the bonds are excluded from the computation of bonded indebtedness pursuant to K.S.A. 10-307 or 10-309, and amendments thereto; or

(3) the bonds are issued by a class C city.

(e) In the event the governing body of a city or county proposes to issue such bonds, and the question of issuing bonds as authorized herein has not previously been submitted to and approved by the voters of the city or county such proposition shall be published once each week for two consecutive weeks in its official newspaper. If within 30 days after the last publication of the proposition, a petition is filed with the county election officer signed by not less than 5% of the electors of the city or county who voted in the last preceding general election of the city or county, then no such bonds shall be issued unless the proposition is submitted to and approved by a majority of the voters of the city or county voting at an election held thereon. Any such elections shall be called and held in accordance with the provisions of K.S.A. 10-120, and amendments thereto, or in accordance with the provisions of the mail ballot election act.

Sec. 3. K.S.A. 1990 Supp. 12-188, as amended by section 1 of 1991 Senate Bill No. 150, is hereby amended to read as follows: 12-188. The following classes of cities are hereby established for the purpose of imposing limitations and prohibitions upon the levying of sales and excise taxes or taxes in the nature of an excise upon sales or transfers of personal or real property or the use thereof, or the rendering or furnishing of services by cities as authorized and provided by article 12, section 5, of the constitution of the state of Kansas:

Class A cities. All cities in the state of Kansas which have the authority to levy and collect excise taxes or taxes in the nature of an excise upon the sales or transfers of personal or real property or the use thereof, or the rendering or furnishing of services by cities.

Class B cities. All cities in the state of Kansas having a population of more than 1,000 but less than 2,000 located in a county having a population of more than 150,000 but less than 175,000 which has the authority to levy and collect excise taxes or taxes in the nature of an excise upon the sales or transfers of personal or real property or the use thereof, or the rendering or furnishing of services.

(continued)

Class C cities. All cities in the state of Kansas having a population of more than 290,000 located in a county having a population of more than 350,000 which has the authority to levy and collect excise taxes or taxes in the nature of an excise upon the sales or transfers of personal or real property or the use thereof, or the rendering or furnishing of services.

Sec. 4. K.S.A. 1990 Supp. 12-189 is hereby amended to read as follows: 12-189. The rate of any class A or class C city retailers' sales tax shall be fixed in the amount of .5% or 1% which amount shall be determined by the governing body of the city. The rate of any class B city retailers' sales tax shall be fixed in the amount of .5%, 1%, 1.5% or 2%. The rate of any countywide retailers' sales tax shall be fixed in an amount of either .5% or 1% which amount shall be determined by the board of county commissioners, except that:

(a) The board of county commissioners of Wyandotte county, for the purposes of paragraph (2) of subsection (b) of K.S.A. 12-187, and amendments thereto, may fix such rate at 1.5%;

(b) the board of county commissioners of Jackson county, for the purposes of paragraph (3) of subsection (b) of K.S.A. 12-187, and amendments thereto, may fix such rate at 2%; or

(c) the board of county commissioners of Finney and Ford counties, for the purposes of paragraph (4) of subsection (b) of K.S.A. 12-187, and amendments thereto, may fix such rate at .25%.

Any county or city levying a retailers' sales tax is hereby prohibited from administering or collecting such tax locally, but shall utilize the services of the state department of revenue to administer, enforce and collect such tax. Except as otherwise specifically provided in K.S.A. 12-189a, and amendments thereto, such tax shall be identical in its application, and exemptions therefrom, to the Kansas retailers' sales tax act and all laws and administrative rules and regulations of the state department of revenue relating to the Kansas retailers' sales tax shall apply to such local sales tax insofar as such laws and rules and regulations may be made applicable. The state director of taxation is hereby authorized to administer, enforce and collect such local sales taxes and to adopt such rules and regulations as may be necessary for the efficient and effective administration and enforcement thereof.

Upon receipt of a certified copy of an ordinance or resolution authorizing the levy of a local retailers' sales tax, the state director of taxation shall cause such taxes to be collected within or without the boundaries of such taxing subdivision at the same time and in the same manner provided for the collection of the state retailers' sales tax. All moneys collected by the director of taxation under the provisions of this section shall be credited to a "county and city retailers' sales tax fund" which fund is hereby established in the state treasury. Any refund due on any county or city retailers' sales tax collected pursuant to this act shall be paid out of the sales tax refund fund and reimbursed by the director of taxation from collections of local retailers' sales tax revenue. All local retailers' sales tax revenue collected within any county or city pursuant to this act shall be apportioned and remitted at least quarterly by the state treasurer, on instruction from the director of taxation, to the treasurer of such county or city.

The director of taxation shall provide, upon request by a city or county clerk or treasurer of any city or county levying a local retailers' sales tax, a monthly report identifying each retailer having a place of business in such city or county and setting forth the amount of such tax remitted by each retailer during the preceding month. Such report shall be made available to the clerk or treasurer of such city or county within a reasonable time after it has been requested from the director of taxation. The director of taxation shall be allowed to assess a reasonable fee for the issuance of such report. Information received by any city or county pursuant to this section shall be confidential, and it shall be unlawful for any officer or employee of such city or county to divulge any such information in any manner. Any violation of this paragraph by a city or county officer or employee is a class B misdemeanor, and such officer or employee shall be dismissed from office.

Sec. 5. K.S.A. 1990 Supp. 12-188, as amended by section 1 of 1991 Senate Bill No. 150, 12-189, 12-189b and 12-195 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 23, 1991.)

SENATE BILL No. 251

AN ACT concerning insurance; relating to Kansas municipal group-funded pool act; amending K.S.A. 1990 Supp. 12-2618, 12-2621, 12-2624, 12-2625, 12-2626, 12-2627 and 12-2628 and repealing the existing sections.

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

Section 1. K.S.A. 1990 Supp. 12-2618 is hereby amended to read as follows: 12-2618. Application for a certificate of authority to operate a pool shall be made to the commissioner of insurance not less than 30 days prior to the proposed inception date of the pool. The application shall include the following:

(a) A copy of the bylaws of the proposed pool, a copy of the articles of incorporation, if any, and a copy of all agreements and rules of the proposed pool. If any of the bylaws, articles of incorporation, agreements or rules are changed, the pool shall notify the commissioner within 30 days after such change.

(b) Designation of the initial board of trustees and administrator. When there is a change in the membership of the board of trustees or change of administrator, the pool shall notify the commissioner within 30 days after such change.

(c) The address where the books and records of the pool will be maintained at all times. If this address is changed, the pool shall notify the commissioner within 30 days after such change.

(d) Evidence that the annual Kansas gross premium of the pool will be not less than \$250,000 for each of the categories described in subparagraphs (1) through (4) of this subsection: (1) All property insurance under article 9 of chapter 40 of the Kansas Statutes Annotated except motor vehicle physical damage; (2) motor vehicle liability and physical damage insurance; (3) workers' compensation and employers' liability insurance; (4) all casualty insurance under article 11 of chapter 40 of the Kansas Statutes Annotated except insurance under categories (2) and (3) above; (5) group sickness and accident insurance if at the date of issue the annual gross premium for such coverage will be not less than \$1,000,000; and (6) group life insurance if at the date of issue the coverage will insure at least 60% of the eligible participants or the total number of persons covered will exceed 600. The pool shall notify the commissioner within 30 days if the minimum premium qualification or participation requirement is less than that specified in this subsection for any of the above categories of insurance.

(e) An agreement binding the group and each member thereof to comply with the provisions of the workers compensation act if such coverage is to be provided by the pool. For all lines of coverage, all members of the pool shall be jointly liable for the payment of claims to the extent of the assets of the pool.

(f) A copy of the procedures adopted by the pool to provide services with respect to underwriting matters and, with respect to the categories identified in subsection (d)(1) through (4), safety engineering.

(g) A copy of the procedures adopted by the pool to provide claims adjusting and accumulation of income and expense and loss data.

(h) A confirmation that specific and aggregate excess insurance provided by an insurance company holding a Kansas certificate of authority is or will be in effect concurrent with the assumption of risk by the pool, as selected by the board of trustees of the pool, or adequate surplus funds as approved by the commissioner, in the pool. The pool shall notify the commissioner within 30 days of any change in the specific or aggregate excess insurance carried by the pool. For the purposes hereof, "surplus funds" shall mean retained earnings of the pool after reserves have been established for all known and incurred but not reported losses of the pool and after all other liabilities of the pool, including unearned premium reserves, have been deducted from total assets. The term "adequate surplus funds" shall mean the amount necessary for the pool to fund its self-insured obligations.

(i) After evaluating the application the commissioner shall notify the applicant if the plan submitted is inadequate, fully explaining to the applicant what additional requirements must be met. If the application is denied, the applicant shall have 10 days to make an application for hearing by the commissioner after the denial notice is received. A record shall be made of such hearing, and the cost

thereof shall be assessed against the applicant requesting the hearing.

(j) Any other relevant factors the commissioner may deem necessary.

Sec. 2. K.S.A. 1990 Supp. 12-2621 is hereby amended to read as follows: 12-2621. (a) With respect to the categories of coverage described in subparagraphs (d)(1) through (4) of K.S.A. ~~1989~~ 1990 Supp. 12-2618, and amendments thereto, premium contributions to the pool shall be based upon appropriate manual classification and rates, plus or minus applicable experience credits or debits, and minus any advance discount approved by the trustees, not to exceed 25% of manual premium. The pool shall use rules, classifications and rates as promulgated by the national council on compensation insurance for workers' compensation. Premium contributions to the pool for all other lines of insurance shall be based on rates filed by a licensed rating organization or on rates of certain companies filing rates with the commissioner and approved by the commissioner for the pool. In lieu of the foregoing, the board of trustees may determine such classification, rates and discounts as approved by the commissioner.

Premium contributions to any pool providing life insurance or any pool providing group sickness and accident insurance as described in K.S.A. ~~1989~~ 1990 Supp. 12-2617, and amendments thereto, shall be based on sound actuarial principles.

(b) An amount equal to at least 70% of the annual premium shall be maintained in a designated depository for the purpose of paying claims in a claims fund account. The remaining annual premium shall be placed into a designated depository for the payment of taxes, fees and administrative and other operational costs in an administrative fund account.

(c) Any ~~surplus~~ moneys for a fund year in excess of the amount necessary to fulfill all obligations of the pool for that fund year, *including any obligation to retain adequate surplus funds, as defined by subsection (h) of K.S.A. 1990 Supp. 12-2618, and amendments thereto, in lieu of specific and aggregate excess insurance,* may be declared to be refundable by the trustees not less than 12 months after the end of the fund year. Any such refund shall be paid only to those members who remained participants in the pool for an entire year. Payment of previously earned refunds shall not be contingent on continued membership in the pool.

Sec. 3. K.S.A. 1990 Supp. 12-2624 is hereby amended to read as follows: 12-2624. In addition to the fees required to be paid in K.S.A. ~~1987~~ 1990 Supp. 12-2622 and amendments thereto, and as a condition precedent to the continuation of the certificate of authority provided in this act, all group-funded pools shall pay no later than 90 days after the end of each fiscal year a tax upon the annual Kansas gross premium collected by the pool at the rate of 1% per annum applied to the collective premium *relating to all Kansas members of the pool for the preceding fiscal year.* In the computation of the tax, all pools shall be entitled to deduct any annual Kansas gross premiums returned on account of cancellation or dividends returned to members of such pools or expenditures used for the purchase of specific and aggregate excess insurance, as provided in subsection (h) of K.S.A. ~~1987~~ 1990 Supp. 12-2618 and amendments thereto.

Sec. 4. K.S.A. 1990 Supp. 12-2625 is hereby amended to read as follows: 12-2625. (a) Each pool shall be assessed annually as provided by K.S.A. 44-566a and 74-713, and amendments thereto.

(b) Each *proposed and authorized pool and each person representing such proposed or authorized pool* shall be subject to the provisions of article 24 of chapter 40 of the Kansas Statutes Annotated.

(c) Each pool shall be subject to the provisions of K.S.A. 40-246b to 40-246e, inclusive, and amendments thereto.

(d) *Whenever a pool is available providing workers compensation coverage to a statewide group of municipalities, the premium on workers compensation coverage written on municipalities eligible to become members of such pool by an insurer shall not be considered in the determination of any assessments levied by the Kansas workers compensation plan established pursuant to K.S.A. 40-2109 and amendments thereto.*

Sec. 5. K.S.A. 1990 Supp. 12-2626 is hereby amended to read as follows: 12-2626. (a) After the inception date of the group-funded pool, prospective new members of the pool shall submit an appli-

cation for membership to the board of trustees or its administrator. The trustees may approve the application for membership pursuant to the bylaws of the pool.

(b) *Before the time that membership in a group funded pool is granted, the applicant for such membership shall be provided a written notice stating that: (1) The group funded pool is not an insurance company subject to the general laws and rules and regulations relating to insurance companies; and (2) the group funded pool is subject to separate regulation by the Kansas insurance department as authorized by state statute and cannot commence or continue operations without a certificate of authority. Such authorization does not constitute an endorsement or recommendation of the coverage provided.*

(b)(c) Individual members may elect to terminate their participation in a pool or be subject to cancellation by the pool pursuant to the bylaws of the pool. On termination or cancellation of a workers' compensation member, the pool shall notify the division of workers' compensation within 10 days and shall maintain coverage of each cancelled or terminating member for 30 days after notice to such division or until such division gives notice that the cancelled or terminating member has procured workers' compensation and employers' liability insurance, whichever occurs first.

Sec. 6. K.S.A. 1990 Supp. 12-2627 is hereby amended to read as follows: 12-2627. To ensure the financial stability of the operations of each group-funded pool, the board of trustees of each pool is responsible for all operations of the pool. The board of trustees shall consist of not less than three persons selected according to the bylaws of the pool for stated terms of office to direct the administration of a pool, and whose duties include approving applications by new members of the pool. The majority of the trustees must be a member of the governing body or an officer or employee of members of the pool, but a trustee may not be an owner, officer or employee of any service agent or representative. All trustees shall be residents of this state *unless the pool was formed on or before January 1, 1990, in which event the number of Kansas resident trustees of the pool must be that percentage of all trustees of the pool that equals the percentage of the number of Kansas lives covered by the pool with respect to all lives covered by the pool on the last day of the prior fiscal year of the operation of the pool.* The board of trustees of each fund shall take all necessary precautions to safeguard the assets of the fund, including all of the following:

(a) Designate an administrator to administer the financial affairs of the pool who shall furnish a fidelity bond to the pool in an amount determined by the trustees to protect the pool against the misappropriation or misuse of any moneys or securities. The administrator shall file evidence of the bond with the commissioner. The bond shall be one of the conditions required for approval of the establishment and continued operation of a pool. Any administrator so designated shall be a resident of Kansas if an individual or shall be authorized to do business in Kansas if a corporation.

(b) Retain control of all moneys collected or disbursed from the pool and segregate all moneys into a claims fund account and an administrative fund account. All administrative costs and other disbursements shall be made from the administrative fund account. The trustees may establish a revolving fund for use by the authorized service agent which is replenished from time to time from the claims fund account. The service agent and its employees shall be covered by a fidelity bond, with the pool as obligee, in an amount sufficient to protect all moneys placed in the revolving fund.

(c) Audit the accounts and records of the pool annually or at any time as required. The commissioner shall prescribe the type of audits and a uniform accounting system for use by pool and service agents to determine the ability of the pool to pay current and future claims.

(d) The trustees shall not extend credit to individual members for any purpose.

(e) The board of trustees shall not borrow any moneys from the pool or in the name of the pool without advising the commissioner of the nature and purpose of the loan.

(f) The board of trustees may delegate authority for specific functions to the administrator of the pool. The functions which the board may delegate include such matters as contracting with a service agent, determining the premium chargeable to and refunds payable to members, investing surplus moneys and approving applications

(continued)

for membership. The board of trustees shall specifically define all authority it delegates in the written minutes of the trustees' meetings. Any delegation of authority shall not be effective without a formal resolution passed by the trustees.

Sec. 7. K.S.A. 1990 Supp. 12-2628 is hereby amended to read as follows: 12-2628. Any person or agency soliciting the business of insurance for a proposed or authorized group-funded pool shall hold a current license authorizing such person to sell each line of insurance offered for sale. Any person licensed for the kinds of insurance offered by the pool shall be deemed to be certified by a company for the kinds of insurance permitted by the pool.

New Sec. 8. Notwithstanding the provisions of K.S.A. 1990 Supp. 12-2616 through 12-2629 and amendments thereto, any municipalities as defined in K.S.A. 75-6102 and amendments thereto, located in and including Douglas, Johnson, Leavenworth, Miami and Wyandotte counties, may qualify to enter into agreements to pool their sickness and accident related liabilities in accordance with K.S.A. 1990 Supp. 12-2617 *et seq.* and amendments thereto with municipalities located in other states if such a pool was formed on or before January 1, 1990. Any investments held by such pool shall be held in an entity described in K.S.A. 1990 Supp. 12-2622 and amendments thereto. In the event the law or laws of any other state in which a member of the pool is located are inconsistent with or contrary to any provision of K.S.A. 1990 Supp. 12-2617 through 12-2626, 12-2628 and 12-2629 and amendments thereto, the law of the state with the more stringent requirement shall apply.

Sec. 9. K.S.A. 1990 Supp. 12-2618, 12-2621, 12-2624, 12-2625, 12-2626, 12-2627 and 12-2628 are hereby repealed.

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

(Published in the Kansas Register, May 23, 1991.)

HOUSE BILL No. 2457

AN ACT relating to workers compensation; authorizing insurers to offer policies with deductible options relating to certain definitions; reimbursement of travel expenses; amending K.S.A. 44-508, 44-510, 44-510g, 44-515 and repealing the existing sections; relating to self-insurance; amending K.S.A. 1990 Supp. 44-532 and repealing the existing section; duties and responsibilities of the secretary of human resources; amending K.S.A. 44-552 and 44-555 and K.S.A. 1990 Supp. 44-573 and repealing the existing sections.

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

New Section 1. (a) Each insurer issuing a policy to assure the payment of compensation under the workers compensation act may offer, as a part of the policy or as an optional endorsement to the policy, deductibles optional to the policyholder for benefits payable under the workers compensation act.

(b) The insurer shall pay all or part of the deductible amount, whichever is applicable to a compensable claim, to the person or medical provider entitled to the benefits conferred by the workers compensation act and seek reimbursement from the insured employer for the applicable deductible amount. The payment or nonpayment of deductible amounts by the insured employer to the insurer shall be treated under the policy insuring the liability for workers compensation in the same manner as payment or nonpayment of premiums. The insurer may require adequate security to provide for reimbursement of the paid deductible from the insured. An employer's failure to reimburse deductible amounts to the insurer shall not cause the deductible amount to be paid from the workers compensation fund under K.S.A. 44-532a, and amendments thereto, or any other statute. The insurer shall have the right to offset unpaid deductible amounts against unearned premium, if any, in the event of cancellation.

(c) Such deductible shall provide premium credits as approved by the commissioner of insurance, and losses paid by the employer under the deductible shall not apply in calculating the employer's experience modification.

(d) The commissioner of insurance shall not approve any policy form that permits, directly or indirectly, any part of the deductible to be charged to or be passed on to the worker.

(e) The deductible amounts paid by an employer shall be subject to reimbursement as provided for under K.S.A. 44-567, and amendments thereto, when applicable. All compensation benefits paid by the insurer including the deductible amounts shall be subject to

assessments under K.S.A. 40-566a and 74-713, and amendments thereto. The Kansas workers compensation plan under K.S.A. 40-2109, and amendments thereto, shall not require deductibles under policies issued by the plan.

(f) This section shall not apply to employers who self-insure against liability for workers compensation, group-funded workers compensation pools established pursuant to K.S.A. 44-581 *et seq.*, and amendments thereto, or municipal group-funded pools established pursuant to K.S.A. 12-2616 *et seq.*, and amendments thereto.

(g) The provisions of this section shall be effective on or after July 1, 1991.

(h) The provisions of this section shall be effective on and after July 1, 1991.

Sec. 2. K.S.A. 1990 Supp. 44-508 is hereby amended to read as follows: 44-508. As used in the workers compensation act:

(a) "Employer" includes (1) any person or body of persons, corporate or unincorporate, and the legal representative of a deceased employer or the receiver or trustee of a person, corporation, association or partnership; (2) the state or any department, agency or authority of the state, any city, county, school district or other political subdivision or municipality or public corporation and any instrumentality thereof; and (3) for the purposes of community service work, the entity for which the community service work is being performed and the governmental agency which assigned the community service work, if any, if either such entity or such governmental agency has filed a written statement of election with the director to accept the provisions under the workers compensation act for persons performing community service work and in such case such entity and such governmental agency shall be deemed to be the joint employer of the person performing the community service work and both shall have the rights, liabilities and immunities provided under the workers compensation act for an employer with regard to the community service work, except that the liability for providing benefits shall be imposed only on the party which filed such election with the director, or on both if both parties have filed such election with the director; for purposes of community service work, "governmental agency" shall not include any court or any officer or employee thereof and any case where there is deemed to be a "joint employer" shall not be construed to be a case of dual or multiple employment.

(b) "Workman" or "employee" or "worker" means any person who has entered into the employment of or works under any contract of service or apprenticeship with an employer. Such terms shall include but not be limited to: Executive officers of corporations; professional athletes; persons serving on a volunteer basis as duly authorized law enforcement officers, ambulance attendants, mobile intensive care technicians, firemen or firefighters, but only to the extent and during such periods as they are so serving in such capacities; persons employed by educational, religious and charitable organizations, but only to the extent and during the periods that they are paid wages by such organizations; persons in the service of the state, or any department, agency or authority of the state, any city, school district, or other political subdivision or municipality or public corporation and any instrumentality thereof, under any contract of service, express or implied, and every official or officer thereof, whether elected or appointed, while performing official duties; persons in the service of the state as volunteer members of the Kansas department of civil air patrol, but only to the extent and during such periods as they are officially engaged in the performance of functions specified in K.S.A. 1989 1990 Supp. 48-3302 and amendments thereto; volunteers in any employment, if the employer has filed an election to extend coverage to such volunteers; minors, whether such minors are legally or illegally employed; and persons performing community service work, but only to the extent and during such periods as they are performing community service work and if an election has been filed an election to extend coverage to such persons. Any reference to an employee who has been injured shall, where the employee is dead, include a reference to the employee's dependents, to the employee's legal representatives, or, if the employee is a minor or an incapacitated person, to the employee's guardian or conservator. Unless there is a valid election in effect which has been filed as provided in K.S.A. 44-542a and amendments thereto, such terms shall not include individual employers, limited or general partners or self-employed persons.

(c) (1) "Dependents" means such members of the employee's family as were wholly or in part dependent upon the employee at the time of the accident.

(2) "Members of a family" means only surviving legal spouse and children; or if no surviving legal spouse or children, then parents or grandparents; or if no parents or grandparents, then grandchildren; or if no grandchildren, then brothers and sisters. In the meaning of this section, parents include stepparents, children include stepchildren, grandchildren include stepgrandchildren, brothers and sisters include stepbrothers and stepsisters, and children and parents include that relation by legal adoption. In the meaning of this section, a surviving spouse shall not be regarded as a dependent of a deceased employee or as a member of the family, if the surviving spouse shall have for more than six months willfully or voluntarily deserted or abandoned the employee prior to the date of the employee's death.

(3) "Wholly dependent child or children" means:

(A) A ~~natural~~ birth child or adopted child of the employee except such a child whose relationship to the employee has been severed by adoption;

(B) a stepchild of the employee who lives in the employee's household;

(C) any other child who is actually dependent in whole or in part on the employee and who is related to the employee by marriage or consanguinity; or

(D) any child as defined in subsections (3)(A), (3)(B) or (3)(C) who is less than 23 years of age and who is not physically or mentally capable of earning wages in any type of substantial and gainful employment or who is a full-time student attending an accredited institution of higher education or vocational education.

(d) "Accident" means an undesigned, sudden and unexpected event or events, usually of an afflictive or unfortunate nature and often, but not necessarily, accompanied by a manifestation of force. The elements of an accident, as stated herein, are not to be construed in a strict and literal sense, but in a manner designed to effectuate the purpose of the workers compensation act that the employer bear the expense of accidental injury to a worker caused by the employment.

(e) "Personal injury" and "injury" mean any lesion or change in the physical structure of the body, causing damage or harm thereto, so that it gives way under the stress of the worker's usual labor. It is not essential that such lesion or change be of such character as to present external or visible signs of its existence.

(f) The words "arising out of and in the course of employment" as used in the workers compensation act shall not be construed to include injuries to the employee occurring while the employee is on the way to assume the duties of employment or after leaving such duties, the proximate cause of which injury is not the employer's negligence. An employee shall not be construed as being on the way to assume the duties of employment or having left such duties at a time when the worker is on the premises of the employer or on the only available route to or from work which is a route involving a special risk or hazard and which is a route not used by the public except in dealings with the employer.

(g) "Burden of proof" means the burden of a party to persuade the trier of facts by a preponderance of the credible evidence that such party's position on an issue is more probably true than not true on the basis of the whole record.

(h) "Director" means the director of workers compensation as provided for in K.S.A. 75-5708 and amendments thereto.

(i) "Health care provider" means any person licensed, by the proper licensing authority of this state, another state or the District of Columbia, to practice medicine and surgery, osteopathy, chiropractic, dentistry, optometry or podiatry.

(j) "Secretary" means the secretary of human resources.

(k) "Construction design professional" means any person who is an architect, professional engineer, landscape architect or land surveyor who has been issued a license by the state board of technical professions to practice such technical profession in Kansas or any corporation organized to render professional services through the practice of one or more of such technical professions in Kansas under the professional corporation law of Kansas or any corporation issued a certificate of authorization under K.S.A. 74-7036 and amendments thereto to practice one or more of such technical professions in Kansas.

(l) "Community service work" means (1) public or community service performed as a result of a contract of diversion or of assignment to a community corrections program or *conservation camp* or suspension of sentence or as a condition of probation or in lieu of a fine imposed by court order; or (2) public or community service or other work performed as a requirement for receipt of any kind of public assistance in accordance with any program administered by the secretary of social and rehabilitation services.

(m) "Utilization review" means the initial evaluation of appropriateness in terms of both the level and the quality of health care and health services provided a patient, based on accepted standards of the health care profession involved. Such evaluation is accomplished by means of a system which identifies the utilization of health care services above the usual range of utilization for such services, which is based on accepted standards of the health care profession involved, and which refers instances of possible inappropriate utilization to the director for referral to a peer review committee.

(n) "Peer review" means an evaluation by a peer review committee of the appropriateness, quality and cost of health care and health services provided a patient, which is based on accepted standards of the health care profession involved and which is conducted in conjunction with utilization review.

(o) "Peer review committee" means a committee composed of health care providers licensed to practice the same health care profession as the health care provider who rendered the health care services being reviewed.

Sec. 3. On and after July 1, 1991, K.S.A. 1990 Supp. 44-510 is hereby amended to read as follows: 44-510. Except as otherwise provided therein, medical compensation under the workers compensation act, shall be as follows:

(a) It shall be the duty of the employer to provide the services of a health care provider, and such medical, surgical and hospital treatment, including nursing, medicines, medical and surgical supplies, ambulance, crutches, and apparatus, and transportation to and from the home of the injured employee to a place outside the community in which such employee resides, and within such community if the director in the director's discretion so orders, *including transportation expenses computed in accordance with subsection (a) of K.S.A. 44-515 and amendments thereto*, as may be reasonably necessary to cure and relieve the employee from the effects of the injury.

(1) The director shall prepare and adopt rules and regulations which establish a schedule for the state approved by the advisory panel, or schedules approved by the advisory panel which are limited to defined localities, fixing the maximum fees for medical, surgical, hospital, dental, nursing, vocational rehabilitation or any other treatment or services provided or ordered by health care providers and rendered to employees under this section. Each such schedule shall include provisions and review procedures for exceptional cases involving extraordinary medical procedures or circumstances and shall include costs and charges for medical records and testimony.

(2) The schedules of maximum fees shall be reasonable, shall promote health care cost containment and efficiency with respect to the workers compensation health care delivery system, and shall be sufficient to ensure availability of such reasonably necessary treatment, care and attendance to each injured employee to cure and relieve the employee from the effects of the injury.

(3) (A) In every case, all fees, transportation costs and charges under this section and all costs and charges for medical records and testimony shall be subject to approval by the director and shall be limited to such as are fair, reasonable and necessary.

(B) There is hereby created an advisory panel to assist the director in establishing schedules of maximum fees as required by this section. The panel shall consist of the commissioner of insurance and seven members appointed as follows: (i) One person shall be appointed by the Kansas medical society, (ii) one member shall be appointed by the Kansas association of osteopathic medicine, (iii) one member shall be appointed by the Kansas hospital association, (iv) one member shall be appointed by the Kansas chiropractic association, and (v) three members appointed by the secretary. One member appointed by the secretary shall be a representative of employers recommended to the secretary by the Kansas chamber of commerce

(continued)

and industry. One member appointed by the secretary shall be a representative of employees recommended to the secretary by the Kansas AFL-CIO. One member appointed by the secretary shall be a representative of entities providing vocational rehabilitation services pursuant to K.S.A. 44-510g and amendments thereto. Each appointed member shall be appointed for a term of office of two years which shall commence on July 1 of the year of appointment.

(C) The panel shall annually review and approve the schedules of maximum fees for such reasonably necessary treatment, care and attendance to each injured employee to cure and relieve the employee from the effects of the injury. All fees and other charges paid for such treatment, care and attendance, including treatment, care and attendance provided by any health care provider, hospital or other entity providing health care services, shall not exceed the amounts prescribed by the schedules of maximum fees established under this section or the amounts authorized pursuant to the provisions and review procedures prescribed by the schedules for exceptional cases. A health care provider, hospital or other entity providing health care services shall be paid either such health care provider, hospital or other entity's usual charge for the treatment, care and attendance or the maximum fees as set forth in the applicable schedule, whichever is less. In reviewing and approving the schedules of maximum fees, the panel shall consider the following:

(i) The levels of fees for similar treatment, care and attendance imposed by other health care programs or third-party payors in the locality in which such treatment or services are rendered;

(ii) The impact upon cost to employers for providing a level of fees for treatment, care and attendance which will ensure the availability of treatment, care and attendance required for injured employees;

(iii) The potential change in workers compensation insurance premiums or costs attributable to the level of treatment, care and attendance provided; and

(iv) The financial impact of the schedule of maximum fees upon health care providers and health care facilities and its effect upon their ability to make available to employees such reasonably necessary treatment, care and attendance to each injured employee to cure and relieve the employee from the effects of the injury.

(D) Members of the advisory panel attending meetings of the advisory panel, or attending a subcommittee of the advisory panel authorized by the advisory panel, shall be paid subsistence allowances, mileage and other expenses as provided in K.S.A. 75-3223 and amendments thereto.

(4) Any contract or any billing or charge which any health care provider, hospital, person, or institution enters into with or makes to any patient for services rendered in connection with injuries covered by the workers compensation act or a fee schedule adopted under this section, which is or may be in excess of or not in accordance with such act or fee schedule is unlawful, void and unenforceable as a debt.

(5) The director shall have jurisdiction to hear and determine all disputes as to such charges and interest due thereon and shall prescribe procedural rules to be followed by the parties to such disputes. In the event of any controversy arising under this section, payments shall not be delayed for any amounts not in dispute or controversy. Acceptance by any provider of services of a payment amount under this section which is less than the full amount charged for the services, shall not affect the right to have a review of the claim for the outstanding or remaining amounts.

(6) If the director finds, after utilization review and peer review, that a health care provider or health care facility has made excessive charges or provided or ordered unjustified treatment, services, hospitalization or visits, the health care provider or health care facility shall not receive payment pursuant to this section from an insurance carrier, employer or employee for the excessive fees or unjustified treatment, services, hospitalization or visits and such health care provider or health care facility shall repay any fees or charges collected therefor.

(7) The director shall develop and implement, or contract with a qualified entity to develop and implement, utilization review and peer review procedures relating to the services rendered by a health care provider, which services are paid for in whole or in part pursuant to this section. The director may contract with a private foundation

or organization to provide utilization review, as appropriate, of entities providing health care services pursuant to this section.

(8) By accepting payment pursuant to this section for treatment or services rendered to an injured employee, a health care provider or health care facility shall be deemed to consent to submitting all necessary records to substantiate the nature and necessity of the service or charge and other information concerning such treatment to utilization review and peer review under this section. Such health care provider shall comply with any decision of the director pursuant to subsection (a)(9).

(9) If it is determined by a peer review committee that a health care provider improperly overutilized or otherwise rendered or ordered unjustified medical treatment or services or that the fees for such treatment or services were excessive, the director may order the health care provider to show cause why the health care provider should not be required to repay the amount which was paid for rendering or ordering such treatment or services and shall provide the health care provider a hearing thereon if requested. If a hearing is not requested within 30 days of receipt of the order and the director decides to proceed with the matter, a hearing shall be conducted and if a prima facie case is established a final order shall be issued by the director. If the final order is adverse to the health care provider, the director shall provide a report to the licensing board of the health care provider with full documentation of any such determination, except that no such report shall be provided until after judicial review if the order is appealed. Any order of the director under this section shall be subject to review in accordance with the act for judicial review and civil enforcement of agency actions in the district court for Shawnee county.

(10) Except as provided by K.S.A. 60-437 and amendments thereto, all reports, information, statements, memoranda, proceedings, findings and records submitted to the director for the purposes of this section, including any records of peer review committees, shall be privileged and shall not be subject to discovery, subpoena, or other means of legal compulsion for release to any person or entity and shall not be admissible in evidence in any judicial or administrative proceeding, except those authorized pursuant to this section.

(11) A health care provider or health care facility may not improperly charge or overcharge a workers compensation insurer or charge for services which were not provided, for the purpose of obtaining additional payment.

(12) Any violation of the provisions of this section which is willful or which demonstrates a pattern of improperly charging or overcharging workers compensation insurers constitutes grounds for the director to impose a civil fine not to exceed \$5,000. Any civil fine imposed under this section shall be subject to review in accordance with the act for judicial review and civil enforcement of agency actions in the district court for Shawnee county. All moneys received for civil fines imposed under this section shall be deposited in the state treasury to the credit of the workers compensation fund.

(b) Any health care provider, nurse, physical therapist, any entity providing medical, physical or vocational rehabilitation services or providing reeducation or training pursuant to K.S.A. 44-510g and amendments thereto, medical supply establishment, surgical supply establishment, ambulance service or hospital who accept the terms of the workers compensation act by providing services or material thereunder shall be bound by the fees approved by the director and no injured employee or dependent of a deceased employee shall be liable for any charges above the amounts approved by the director. If the employer has knowledge of the injury and refuses or neglects to reasonably provide the benefits required by this section, the employee may provide the same for such employee, and the employer shall be liable for such expenses subject to the regulations adopted by the director. No action shall be filed in any court by a health care provider or other provider of services under this section for the payment of an amount for medical services or materials provided under the workers compensation act and no other action to obtain or attempt to obtain or collect such payment shall be taken by a health care provider or other provider of services under this section, including employing any collection service, until after final adjudication of any claim for compensation for which an application for hearing is filed with the director under K.S.A. 44-534 and amendments thereto. In the case of any such action filed in a court prior

to the date an application is filed under K.S.A. 44-534 and amendments thereto, no judgment may be entered in any such cause and the action shall be stayed until after the final adjudication of the claim. In the case of an action stayed hereunder, any award of compensation shall require any amounts payable for medical services or materials to be paid directly to the provider thereof plus an amount of interest at the rate provided by statute for judgments. No period of time under any statute of limitation, which applies to a cause of action barred under this subsection, shall commence or continue to run until final adjudication of the claim under the workers compensation act.

(c) If the services of the health care provider furnished as provided in subsection (a) are not satisfactory to the injured employee, the director may authorize the appointment of some other health care provider subject to the limitations set forth in this section and the rules and regulations adopted by the director. Without application or approval, an employee may consult a health care provider of the employee's choice for the purpose of examination, diagnosis or treatment, but the employer shall only be liable for the fees and charges of such health care provider up to a total amount of \$350.

(d) An injured employee whose injury or disability has been established under the workers compensation act may rely, if done in good faith, solely or partially on treatment by prayer or spiritual means in accordance with the tenets of practice of a church or religious denomination without suffering a loss of benefits subject to the following conditions:

(1) The employer or the employer's insurance carrier agrees thereto in writing either before or after the injury;

(2) the employee submits to all physical examinations required by the workers compensation act;

(3) the cost of such treatment shall be paid by the employee unless the employer or insurance carrier agrees to make such payment;

(4) the injured employee shall be entitled only to benefits that would reasonably have been expected had such employee undergone medical or surgical treatment; and

(5) the employer or insurance carrier that made an agreement under paragraph (1) or (3) of this subsection may withdraw from the agreement on 10 days' written notice.

(e) In any employment to which the workers compensation act applies, the employer shall be liable to each employee who is employed as a duly authorized law enforcement officer, ambulance attendant, mobile intensive care technician, fireman or firefighter, including any person who is serving on a volunteer basis in such capacity, for all reasonable and necessary preventive medical care and treatment for hepatitis to which such employee is exposed under circumstances arising out of and in the course of employment.

Sec. 4. On and after July 1, 1991, K.S.A. 1990 Supp. 44-510g is hereby amended to read as follows: 44-510g. (a) A primary purpose of the workers compensation act shall be to restore to the injured employee the ability to perform work in the open labor market and to earn comparable wages, as determined pursuant to subsection (a) of K.S.A. 44-510e and amendments thereto. To this end, the director shall appoint, subject to the approval of the secretary, a specialist in medical, physical and vocational rehabilitation, who shall be referred to as the rehabilitation administrator. The director shall appoint, subject to the approval of the secretary, five assistant rehabilitation administrators. The rehabilitation administrator and the assistant rehabilitation administrators shall be in the classified service under the Kansas civil service act. The rehabilitation administrator and the assistant rehabilitation administrators, subject to the direction of the rehabilitation administrator, shall: (1) Continuously study the problems of physical and vocational rehabilitation; (2) investigate and maintain a directory of all rehabilitation facilities, public or private, in this state, and, where such rehabilitation administrator determines necessary, in any other state; and (3) be fully knowledgeable regarding the eligibility requirements of all state, federal and other public medical, physical and vocational rehabilitation facilities and benefits. With respect to private facilities and agencies providing medical, physical and vocational rehabilitation services, including rehabilitation service programs provided directly by employers, the director shall approve as qualified such facilities, institutions, agencies, employer programs and health care providers as are capable of rendering competent rehabilitation services. No such facility, insti-

tution, agency or employer program shall be considered qualified unless it is specifically equipped to provide rehabilitation services for persons suffering from either some specialized type of disability or some general type of disability within the field of occupational injury or disease, and is staffed with trained and qualified personnel and, with respect to medical and physical rehabilitation, unless it is supervised by a health care provider qualified to render such service. No health care provider shall be considered qualified unless such health care provider has had such experience and training as the director may deem necessary.

(b) Under the direction of the director, and subject to the director's final approval, the rehabilitation administrator shall have the duties of directing and auditing medical, physical and vocational rehabilitation of employees in accordance with the provisions of this section.

(c) An employee who has suffered an injury shall be entitled to prompt medical and physical rehabilitation services as may be reasonably necessary to restore to such employee the ability to perform work in the open labor market and to earn comparable wages, as determined pursuant to subsection (a) of K.S.A. 44-510e and amendments thereto, and as provided in this section.

(d) When as a result of an injury or occupational disease which is compensable under the workers compensation act, the employee is unable (1) to perform work for the same employer at a comparable wage with or without accommodation or (2) to enter the open labor market to perform work for which such employee has previous training, education, qualifications or experience and earn a comparable wage, such employee shall be entitled to such vocational rehabilitation services, including retraining and job placement, as may be reasonably necessary to restore to such employee the ability to perform work in the open labor market and to earn comparable wages, as determined pursuant to subsection (a) of K.S.A. 44-510e and amendments thereto, and as provided in this section.

(e) (1) If the employee has remained off work for 90 days or if it is apparent to the director the employee requires vocational rehabilitation services and, in either case, if approved rehabilitation services are not voluntarily furnished to the employee by the employer, the director, on such director's own motion or upon application of any party, may refer the employee to a qualified public agency, if the employee is eligible, or to a private agency or facility, or the employer's rehabilitation service program, if qualified, for an assessment and for a report of the practicability of, need for, and kind of service, treatment, training or rehabilitation which is or may be necessary and appropriate to render such employee able to perform work in the open labor market and to earn comparable wages, as determined pursuant to subsection (a) of K.S.A. 44-510e and amendments thereto. Such referral for an assessment by a qualified agency or facility shall be subject to the employer's right to select the qualified agency or facility under subsection (k). If the employee is referred for assessment, the director may order the employer to pay temporary total disability compensation, computed as provided in K.S.A. 44-510c and amendments thereto, or temporary partial disability compensation, computed as provided in K.S.A. 44-510e and amendments thereto, to the employee which may be payable commencing on the date that the assessment is determined to be necessary and may continue to be paid during the period of rehabilitation assessment through the date that the assessment and the rehabilitation plan, if needed, are delivered by the rehabilitation administrator to the director as provided in subsection (e)(2), except that such temporary total disability compensation or temporary partial disability compensation shall cease to be payable if the assessment and plan development or completion are delayed and the delay is determined by an administrative law judge to be the fault of the employee. The date of the order by the administrative law judge or the written notification by the rehabilitation administrator, regarding the assessment, shall be the date that the assessment is determined to be necessary. The costs of such assessment and report shall be at the expense of the employer. Each report shall contain a determination as to whether a rehabilitation plan is needed. If it is determined that a rehabilitation plan is needed, the report shall contain a rehabilitation plan which shall adhere to the following priority listing of rehabilitation goals:

(A) The first priority is to return the employee to the same work for the same employer;

(continued)

(B) the second priority is to return the employee to the same work, with accommodation, for the same employer;

(C) the third priority is to return the employee to other work, with or without accommodation, for the same employer;

(D) the fourth priority is to return the employee to the same work for another employer;

(E) the fifth priority is to return the employee to other work for another employer; and

(F) the sixth priority is to provide vocational rehabilitation, reeducation and training.

(2) Within 50 days after such referral, the report shall be submitted to and reviewed by the rehabilitation administrator and copies shall be furnished to each party. If all parties do not agree with the report, the rehabilitation administrator shall confer with the rehabilitation service provider, the employee and the employer to review the assessment and the proposed rehabilitation plan in the report. The rehabilitation administrator shall ensure the assessment and the rehabilitation plan are objective and reasonable and the rehabilitation goal is reasonably obtainable. Within 20 days after the initial review of the report, the rehabilitation administrator shall deliver copies of the report, together with the rehabilitation administrator's recommendations and any revisions of or objections to the assessment or the rehabilitation plan, to each party, to the director and to the assigned administrative law judge, if there is one. Within 10 days after receipt of such report, any party may request a hearing before the director on any matter contained in the report or any such recommendations or revisions. After affording the parties an opportunity to be heard and present evidence, the director:

(A) May order any treatment, or medical and physical rehabilitation, as recommended in the report or as the director may deem necessary, be provided at the expense of the employer;

(B) may order the employer to pay temporary total disability compensation, computed as provided in K.S.A. 44-510c and amendments thereto, or temporary partial disability compensation, computed as provided in K.S.A. 44-510e and amendments thereto *and transportation expenses computed in accordance with subsection (a) of K.S.A. 44-515 and amendments thereto*, to the employee which may be payable commencing on the date that the assessment is determined to be necessary and may continue to be paid during the period of rehabilitation assessment through the date that the assessment and the rehabilitation plan, if needed, are delivered by the rehabilitation administrator to the director as provided in subsection (e)(2), except that such temporary total disability compensation or temporary partial disability compensation shall cease to be payable if the assessment and plan development or completion are delayed and the delay is determined by an administrative law judge to be the fault of the employee; the date of the order by the administrative law judge or the written notification by the rehabilitation administrator, regarding the assessment, shall be the date that the assessment is determined to be necessary;

(C) where vocational rehabilitation, reeducation or training is recommended in the report, or is deemed necessary by the director to restore to the employee the ability to perform work in the open labor market and to earn comparable wages, as determined pursuant to subsection (a) of K.S.A. 44-510e and amendments thereto, may direct the employee to the appropriate federal, state or other public facility or agency where such services will or may be provided at no cost to the employer, except as otherwise provided in this section, or, upon the request of the employer, to a qualified rehabilitation service program provided directly by the employer; and

(D) if the employee is not eligible for such vocational rehabilitation, reeducation or training through any such state, federal or other public facility or agency, or where such services through such facilities or agencies are not available to the employee within a reasonable period of time, may order such services, *including transportation expenses computed in accordance with subsection (a) of K.S.A. 44-515 and amendments thereto*, be provided at the expense of the employer by any qualified private agency or facility in this state or any state contiguous to this state or by a qualified rehabilitation service program provided directly by the employer, subject to the right of the employer to select the qualified agency or facility under subsection (k).

(3) Any vocational rehabilitation, reeducation or training to be provided at the expense of the employer under subsection (e)(2) shall

not extend for a period of more than 36 weeks, except, in extremely unusual cases, after a hearing and the presentation of evidence, the director, by special order, may extend the period for not more than an additional 36 weeks. The employer shall have a right to appeal to the district court any such special order by the director for any extension of the initial ~~thirty-six week~~ 36-week period, within the time and in the manner provided in K.S.A. 44-556 and amendments thereto and any such special order shall be stayed until the district court has determined the appeal. There shall be no right of appeal to the Kansas supreme court or court of appeals from a judgment of the district court sustaining or overruling any such special order of the director.

(f) Where vocational rehabilitation, reeducation or training is to be furnished at the expense of the employer under this section, and such services require that the employee reside at or near a facility or institution, away from the employee's customary county of residence, either in or out of the state of Kansas, the reasonable costs of the employee's board, *and lodging and travel*, not to exceed a maximum total of \$3,500 for any ~~thirty-six week~~ 36-week period, shall be paid by the employer, except, in unusual cases where, after a hearing and the presentation of evidence the director finds the costs are clearly reasonable and necessary, the director may require by special order that the employer pay an additional amount for the costs of the employee's board, *and lodging and travel* of not more than \$2,000.

(g) The employer shall pay temporary total disability compensation during any period of vocational rehabilitation, reeducation or training, computed as provided in K.S.A. 44-510c and amendments thereto, but the employer shall receive credit for any weekly, monthly or other monetary payments made to the employee or such employee's family by any state, federal or other public agency during any such period, exclusive of any such payments for the board, lodging and travel expenses of the employee. Subject to a maximum of 26 weeks, the number of weeks during which temporary total disability compensation is paid during vocational rehabilitation, reeducation or training shall not be deducted from the maximum number of weeks available for the payment of disability compensation under the schedule provided in K.S.A. 44-510d and amendments thereto.

(h) The director shall cooperate with federal, state and other public or private agencies for vocational assessment, rehabilitation, reeducation or training, or medical or physical rehabilitation. The employer shall not be required to pay the reasonable costs of the employee's board, lodging and travel where such costs are borne by any federal, state or other public agency, nor shall any costs for vocational assessment, rehabilitation, reeducation or training be assessed to the employer if such vocational assessment, rehabilitation, reeducation or training is in fact furnished by and at the expense of any federal, state or other public agency.

(i) Whenever the director determines there is a reasonable probability that with appropriate medical, physical or vocational rehabilitation, reeducation or training, a person, who is entitled to compensation for permanent total disability, partial disability or any other disability under the workers compensation act, may be rehabilitated to the extent such person can become able to perform work in the open labor market and to earn comparable wages, as determined pursuant to subsection (a) of K.S.A. 44-510e and amendments thereto, and it is for the best interests of such person to undertake such rehabilitation, reeducation or training, if the injured employee without good cause refuses to undertake the rehabilitation, educational or training program determined by the director to be suitable for such employee or refuses to be evaluated under the provisions of subsection (e) and the refusal is not due to the employee's physical or mental ability to do so, the employee shall be considered as having elected not to participate in such rehabilitation, reeducation or training and the director may suspend the payment of any disability compensation until the employee consents to undertake such program or to be so evaluated. The director may reduce the disability compensation otherwise payable if any such refusal persists for a period in excess of 90 days, except disability compensation shall not be reduced to less than that payable for permanent partial disability in accordance with K.S.A. 44-510d and amendments thereto or for permanent partial general disability for functional impairment in accordance with K.S.A. 44-510e and amendments thereto.

(j) At such time as any medical, physical or vocational rehabilitation, reeducation or training has been completed under this section, the employer shall have the right, by the filing of an application with the director, to seek a modification of any award which has been rendered granting any compensation to the employee for any disability. Upon at least 20 days' notice by registered mail to all parties, the director shall set the application for hearing and the parties shall present all material and relevant evidence. In the event the director determines the employee is rehabilitated so such employee is able to perform work in the open labor market and to earn comparable wages, as determined pursuant to subsection (a) of K.S.A. 44-510e and amendments thereto, the director shall modify any award of compensation or, if no such award has been made, the director shall make an award to reflect only such disability, if any, as exists at the conclusion of such rehabilitation. Any award of partial disability, or modification of an existing award, made pursuant to this subsection (j) shall be subject to the provisions of K.S.A. 44-510d and 44-510e and amendments thereto.

(k) The employer has the right to select the qualified agency or facility to provide vocational assessment, rehabilitation, reeducation or training for an employee under this section if the selection is made by the employer within 15 days after receipt of an order issued by an administrative law judge or a notification by the rehabilitation administrator that the vocational assessment, rehabilitation, reeducation or training is needed for the employee.

(l) Upon proper application by either party, after a review for good cause shown by substantial evidence, a qualified agency or facility providing vocational assessment, rehabilitation, reeducation or training under this section may be replaced if the administrative law judge, in litigated cases, or the rehabilitation administrator, in nonlitigated cases, concur that there is adequate cause for a change of such qualified agency or facility. If an application made under this subsection is approved, the employer shall provide the employee a list of at least three qualified agencies or facilities to provide the vocational assessment, rehabilitation, reeducation or training under this section and the employee shall select a replacement from such list.

(m) Any qualified agency or facility providing vocational assessment, rehabilitation, reeducation or training under this section may be replaced by another such qualified agency or facility upon written notice by all parties, including the rehabilitation administrator, if there is an agreement by all parties to make such replacement.

(n) As used in this section, "assessment" means the process of determining the need for services and the vocational potential of the injured worker. The assessment process includes the appointment of a rehabilitation vendor to review the injured worker's medical restrictions, education, experience and training, the worker's aptitude and abilities, and the job the worker was doing at the time of injury. The assessment must include a documented recommendation of the need for vocational rehabilitation services, and if needed, an individualized rehabilitation plan that identifies realistic vocational goals. The assessment must identify the obstacles to returning to a comparable wage position in the open labor market and the plan must provide a step-by-step procedure that will either circumvent or alleviate the obstacles identified in the counselor's determination that services are needed.

(o) For any week with respect to which the employee is receiving unemployment compensation benefits under the employment security law or any other unemployment compensation law of any other state or a similar federal law, no temporary total disability compensation or temporary partial disability compensation shall be payable under this section.

Sec. 5. On and after July 1, 1991, K.S.A. 1990 Supp. 44-515 is hereby amended to read as follows: 44-515. (a) After an employee sustains an injury, the employee shall, upon request of the employer, submit to an examination at any reasonable time and place by any one or more reputable health care providers, selected by the employer, and shall so submit to an examination thereafter at intervals during the pendency of such employee's claim for compensation, upon the request of the employer, but the employee shall not be required to submit to an examination oftener than twice in any one month, unless required to do so in accordance with such orders as may be made by the director. Any employee so submitting to an examination or such employee's authorized representative shall upon

request be entitled to receive and shall have delivered to such employee a copy of the health care provider's report of such examination within 15 days after such examination, which report shall be identical to the report submitted to the employer. If the employee is notified to submit to an examination before any health care provider in any town or city other than the residence of the employee at the time that the employee received an injury, the employee shall not be required to submit to an examination until such employee has been furnished with sufficient funds to pay for transportation to and from the place of examination at the rate prescribed for compensation of state officers and employees under K.S.A. 75-3203a and amendments thereto, for each mile actually and necessarily traveled to and from the place of examination, *any turnpike or other tolls and any parking fees actually and necessarily incurred*, and in addition the sum of \$15 per day for each day or a part thereof that the employee was required to be away from such employee's residence to defray such employee's board and lodging and living expenses. The employee shall not be liable for any fees or charge of any health care provider selected by the employer for making any examination of the employee. The employer or the insurance carrier of the employer of any employee making claim for compensation under the workers compensation act shall be entitled to a copy of the report of any health care provider who has examined or treated the employee in regard to such claim upon written request to the employee or the employee's attorney within 15 days after such examination or treatment, which report shall be identical to the report submitted to the employee or the employee's attorney.

(b) If the employee requests, such employee shall be entitled to have health care providers of such employee's own selection present at the time to participate in such examination.

(c) Unless a report is furnished as provided in subsection (a) and unless there is a reasonable opportunity thereafter for the health care providers selected by the employee to participate in the examination in the presence of the health care providers selected by the employer, the health care providers selected by the employer or employee shall not be permitted afterwards to give evidence of the condition of the employee at the time such examination was made.

(d) Except as provided in this section, there shall be no disqualification or privilege preventing the furnishing of reports by or the testimony of any health care provider who actually makes an examination or treats an injured employee, prior to or after an injury.

(e) Any health care provider's opinion, whether the provider is a treating health care provider or is an examining health care provider, regarding a claimant's need for medical treatment, inability to work, prognosis, diagnosis and disability rating shall be considered and given appropriate weight by the trier of fact together with consideration of all other evidence.

Sec. 6. K.S.A. 1990 Supp. 44-508 is hereby repealed.

Sec. 7. On and after July 1, 1991, K.S.A. 1990 Supp. 44-510, 44-510g and 44-515 are hereby repealed.

Sec. 8. K.S.A. 1990 Supp. 44-532 is hereby amended to read as follows: 44-532. (a) Where the payment of compensation of the employee or the employee's dependents is insured by a policy or policies, at the expense of the employer, or the employer is a member of a qualified group-funded workers compensation pool, the insurer or the qualified group-funded workers compensation pool shall be subrogated to the rights and duties under the workers compensation act of the employer so far as appropriate, including the immunities provided by K.S.A. 44-501 and amendments thereto.

(b) Every employer shall secure the payment of compensation to the employer's employees by insuring in one of the following ways: (1) By insuring and keeping insured the payment of such compensation with an insurance carrier authorized to transact the business of workers compensation insurance in the state of Kansas; (2) by showing to the director that the employer carries such employer's own risk and is what is known as a self-insurer and by furnishing proof to the director of the employer's financial ability to pay such compensation for the employer's self; (3) by maintaining a membership in a qualified group-funded workers compensation pool. The cost of carrying such insurance or risk shall be paid by the employer and not the employee.

(continued)

(c) The knowing and intentional failure of an employer to secure the payment of workers compensation to the employer's employees as required in subsection (b) of this section is a class C misdemeanor.

(d) (1) Every insurance carrier writing workers' compensation insurance for any employment covered under the workers compensation act shall file, with the director, written notice of the issuance, nonrenewal or cancellation of a policy or contract of insurance, or any endorsement, providing workers compensation coverage, within 10 days after such issuance, nonrenewal or cancellation. Every such insurance carrier shall file, with the director, written notice of all such policies, contracts and endorsements in force on the effective date of this act.

(2) Every employer covered by the workers compensation act who is a qualified self-insurer shall give written notice to the director if such employer changes from a self-insurer status to insuring through an insurance carrier or by maintaining a membership in a qualified group-funded workers compensation pool, such notice to be given within 10 days after the effective date of such change. Every self-insurer shall file with the director annually a report verifying the employer's continuing ability to pay compensation to the employer's employees.

(3) Every employer covered by the workers compensation act who is a member of a qualified group-funded workers compensation pool shall give written notice to the director if such employer changes from a group-funded workers compensation pool to insuring through an insurance carrier or becoming a self-insurer, such notice to be given within 10 days after the effective date of such change.

(4) The mailing of any written notice or report required by this subsection (d) in a stamped envelope within the prescribed time shall comply with the requirements of this subsection.

(5) The director shall provide by regulation for the forms of written notices and reports required by this subsection (d).

(e) As used in this section, "qualified group-funded workers compensation pool" means any qualified group-funded workers compensation pool under K.S.A. 44-581 through 44-591 and amendments thereto or any group-funded pool under the Kansas municipal group-funded pool act which includes workers compensation and employers' liability under the workers compensation act.

(f) A private firm shall not be eligible to apply to become a self-insurer unless it has been in continuous operation for at least five years or is purchasing an existing self-insured Kansas firm, plant or facility and the operation of the purchased firm, plant or facility:

(1) Has been in continuous operation in Kansas for at least 10 years; (2) has generated an after-tax profit of at least \$1,000,000 annually for the preceding three consecutive years; and (3) has a ratio of debt to equity of not greater than 3.5 to 1. As used in this subsection, "debt" means the sum of long-term borrowing maturing in excess of one year plus the current portion of long-term borrowing plus short-term financial institution borrowing plus commercial paper borrowing, and "equity" means the sum of the book value of stock plus paid-in capital plus retained earnings.

Sec. 9. K.S.A. 1990 Supp. 44-532 is hereby repealed.

Sec. 10. On and after July 1, 1991, K.S.A. 44-552 is hereby amended to read as follows: 44-552. The director or administrative law judge with the approval of the secretary of human resources shall at each hearing appoint a certified shorthand reporter, who

may be within the classified service of the Kansas civil service act, to attend each hearing where testimony is introduced, and preserve a complete record of all oral or documentary evidence introduced and all proceedings had at such hearing unless such appointment be waived by mutual agreement. At the conclusion of the hearing in any case, if neither party has requested opportunity to file briefs, the administrative law judge may read into the record for certification to the director such stipulations, findings, rulings or orders the administrative law judge deems expedient to the early disposition of the case, and if the administrative law judge uses such procedure, and with the consent of the parties, no transcript of the record of the hearing shall be made, except that part which is read into the record by the administrative law judge.

All testimony introduced and proceedings had in hearings shall be taken down by such reporter, and if an action for review is commenced or if the director, or either party or the best interests of the administration of justice, so instructs, the reporter shall transcribe the reporter's notes of such hearing. If an action for review is commenced, the cost of preparing a transcript shall be paid as provided by K.S.A. 77-620 and amendments thereto. If no action for review is commenced, the cost of preparing a transcript shall be taxed as costs in the case at the discretion of the director in accordance with fair and customary rates charged in the state of Kansas. All official notes of such certified shorthand reporters shall be preserved and filed in the office of the director. Any transcript prepared as above provided and duly certified shall be received as evidence by the director and by any court with the same effect as if such reporter were present and testified to the records so certified. The director or administrative law judge may make the findings, awards, decisions, rulings or modifications of findings or awards and do all acts at any time without awaiting the transcription of the testimony of the reporter if the director or administrative law judge deems it expedient and advisable to do so.

Sec. 11. On and after July 1, 1991, K.S.A. 44-555 is hereby amended to read as follows: 44-555. The ~~director~~ secretary of human resources or the secretary's designee is hereby authorized, ~~at his discretion~~, to assess all or a part of the reporter's fees to any party to the proceedings for compensation and shall note the amounts assessed on the findings, award or order.

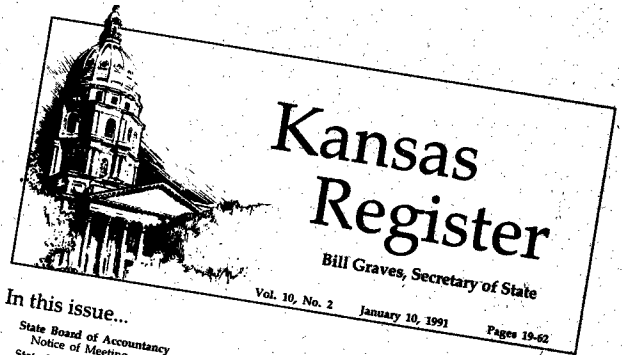
Sec. 12. On and after July 1, 1991, K.S.A. 1990 Supp. 44-573 is hereby amended to read as follows: 44-573. The ~~director~~ secretary of human resources may adopt and promulgate such rules and regulations as the ~~director~~ secretary deems necessary for the purposes of administering and enforcing the provisions of the workers compensation act. The commissioner of insurance may adopt and promulgate such rules and regulations as the commissioner of insurance deems necessary for the purposes of administering the workers' compensation fund and group-funded workers' compensation pools. All such rules and regulations shall be filed in the office of the secretary of state as provided by article 4 of chapter 77 of the Kansas Statutes Annotated and amendments thereto.

Sec. 13. On and after July 1, 1991, K.S.A. 44-552 and 44-555 and K.S.A. 1990 Supp. 44-573 are hereby repealed.

Sec. 14. This act shall take effect and be in force from and after its publication in the Kansas register.

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