



Kansas Register

Bill Graves, Secretary of State

Vol. 11, No. 15

April 9, 1992

Pages 491-538

In this issue . . .	Page
Department of Wildlife and Parks	
Request for comments	492
Social and Rehabilitation Services	
Request for proposals	492
Request for comments	493
Kansas Supreme Court	
Order proclaiming LAW WEEK 1992	493
Kansas Water Authority	
Notice of meeting	493
Department of Health and Environment	
Notices concerning proposed permit action	493, 494
Notice concerning Kansas water pollution control permits	495
Department of Transportation	
Notice to bidders	494
State Conservation Commission	
Notice to contractors	494
Legislative bills introduced March 26-April 1	496
Kansas Commission on Governmental Standards and Conduct	
Advisory Opinions No. 92-10 through 92-13	497
Department of Administration	
Public notice	499
Attorney General	
Opinions No. 92-37 through 92-43	499
Notice of Bond Redemption	
City of DeSoto	500
Department on Aging	
Request for proposals	500
Notice to bidders for state purchases	501
Temporary Administrative Regulations	
Department of Commerce	502
Kansas Human Rights Commission	504
Court of Appeals docket	508
State Board of Agriculture	
Order of Designation	513
New State Laws	
Senate Bill 584, concerning Washburn University	518
Senate Bill 731, concerning educational institutions; relating to the issuance of revenue bonds	518
House Bill 3040, concerning insurance	519
Senate Bill 383, amending and supplementing the Kansas parimutuel racing act	522
House Bill 2709, concerning crimes and punishments; relating to crimes involving firearms	530
House Bill 2764, providing for a temporary license for vehicle salesman	532
Senate Bill 619, concerning the disposition of unclaimed property	532
Senate Bill 517, concerning insurance	532
Index to administrative regulations	532

State of Kansas

Department of Wildlife and Parks

Request for Comments

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 entitled "Wichita Urban Fishing Waters Expansion: Buffalo Park Lake Construction." The project proposes to convert an abandoned sewage lagoon into a recreational use area by developing the lagoon into a small lake. The lake will be stocked to provide an urban fishery in west Wichita.

Interested groups and individuals are encouraged to provide comments regarding this assessment to the Federal Aid Coordinator, Kansas Department of Wildlife and Parks, Suite 502, Landon State Office Building, 900 S.W. Jackson, Topeka 66612. Review copies may be requested from the above address or by calling (913) 296-2281. Persons with a hearing impairment may contact the department using the Kansas Relay Center at 1-800-766-3777.

Written comments should be received by 5 p.m. April 24.

Jack Lacey
Secretary of Commerce

Doc. No. 011812

State of Kansas

Social and Rehabilitation Services

Request for Proposals

Kansas Rehabilitation Services (KRS) is requesting proposals for the conduct of independent living service programs. Priority will be given to funding projects that meet the state's definition of an independent living center. The projects must provide services in the following Kansas counties: Allen, Anderson, Atchison, Coffey, Franklin, Geary, Jackson, Jefferson, Lyon, Morris, Osage, Pottawatomie, Riley and Wabaunsee.

Independent living program funds are available for three projects for one year. A total of \$15,000 is available to fund services in Osage, Coffey, Lyon, Franklin, Allen and Anderson counties. A total not to exceed \$15,000 is available to fund services in Atchison, Jackson and Jefferson counties. A total not to exceed \$15,000 is available for funding a project for services in Riley, Pottawatomie, Geary, Morris and Wabaunsee counties. The closing date for receipt of proposals is May 6.

To obtain a request for proposal and grant application packet, contact Melba Gwaltney at (913) 296-3911 or TDD (913) 296-7029.

Stephen Schiffelbein
Kansas Rehabilitation Services

Doc. No. 011817

The Kansas Register (ISSN No. 0744-2254) is an official publication of the State of Kansas, published by authority of K.S.A. 75-430. The Kansas Register is published weekly by the Kansas Secretary of State, State Capitol, Topeka, KS 66612-1594. One-year subscriptions are \$60 (Kansas residents must include \$3.15 state and local sales tax). Single copies may be purchased, if available, for \$2 each. Second class postage paid at Topeka, KS.

Postmaster. Send change of address form to Kansas Register, Secretary of State, State Capitol, Topeka, KS 66612-1594.

© Kansas Secretary of State 1992. Reproduction of this publication in its entirety or for commercial purposes is prohibited without prior permission. Official enactments of the Kansas Legislature and proposed and adopted administrative regulations of state agencies may be reproduced in any form without permission.

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



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

State of Kansas
Social and Rehabilitation Services

Request for Comments

The draft social service block grant (SSBG) state plan for fiscal year 1993 will be in the public comment period from April 20 to May 20. Copies of the draft plan will be available for review during that period at each of the 12 SRS area offices throughout Kansas as well as the SRS Management Services Division, Room 611-N, Docking State Office Building, 915 S.W. Harrison, Topeka 66612.

Comments concerning the draft plan are to be submitted by May 20 to the SRS Management Services Division.

The SSBG state plan is scheduled to be adopted by the Secretary of Social and Rehabilitation Services at the June 2 SRS open meeting.

Donna L. Whiteman
 Secretary of Social and
 Rehabilitation Services

Doc. No. 011818

(Published in the Kansas Register, April 9, 1992.)

In the Supreme Court of the State of Kansas

**Order
 Proclaiming April 27-May 1, 1992
 LAW WEEK
 in the Kansas Judicial System**

April 27-May 1, 1992, is hereby proclaimed to be LAW WEEK throughout the Kansas judicial system and is to be observed by all judges and nonjudicial employees of the Judicial Branch of state government.

The 105 district courts in Kansas are encouraged to treat LAW WEEK in their respective counties as a special opportunity to recognize that governance of our society of laws is the basis of our personal freedoms and the only assurance that the rights of all our citizens will be protected.

"Struggle for Justice," as the theme of LAW WEEK, commemorates the continuing importance the rule of law plays in America and honors those around the world currently engaged in the democratic struggle for justice. All Kansans are invited to share with their courts in the observance of LAW WEEK 1992.

The Clerk of the Supreme Court is hereby directed to file this order forthwith and deliver a copy to the Judicial Administrator who shall publish it in the Kansas Register.

By order of the court this 26th day of February, 1992.

Richard W. Holmes
 Chief Justice

Doc. No. 011802

State of Kansas
Kansas Water Authority

Notice of Meeting

The Kansas Water authority will meet April 22-23 at the Ramada Inn in Emporia. A copy of the agenda may be obtained by contacting Dotty Kester, Kansas Water Office, 109 S.W. 9th, Suite 300, Topeka 66612-1249, (913) 296-3185.

John L. Baldwin
 Chairman

Doc. No. 011822

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

Notice Concerning Proposed Permit Action

The Secretary of Health and Environment is proposing to issue an air emission source construction permit in accordance with K.A.R. 28-19-14 (permits required) to Hall Brothers Quarry (HB), Blue Rapids, to install and operate rock crushing equipment at Section 5, T6S, R7E, Riley County.

Written materials, including the permit application and information relating to the application submitted by HB, draft permit, permit summary and analysis by KDHE describing the basis for the proposed permit, are available for public inspection during normal business hours through May 7 by contacting Pat Simpson, KDHE, 808 W. 24th, Lawrence 66046, (913) 842-4600. This material also can be reviewed at the KDHE office in Building 740, Forbes Field, Topeka. Questions concerning this proposed permit should be directed to L. C. Hinther, KDHE, (913) 296-1576.

K.S.A. 65-3008 provides that any person affected by the issuance of a permit can request a public hearing prior to its issuance. The request must be in writing and addressed to the secretary. If the secretary determines there is sufficient reason in the request, a public hearing will be conducted—the place, date and time of the hearing will be announced in this publication. A request for a hearing or written comments on the proposed permit must be submitted to the Secretary, Kansas Department of Health and Environment, Landon State Office Building, 900 S.W. Jackson, Topeka 66612, before May 7.

Azzie Young
 Secretary of Health
 and Environment

Doc. No. 011804

State of Kansas

Department of Transportation

Notice to Bidders

The Kansas Secretary of Transportation will offer for sale by sealed bids the following tract of land located in the city of Atchison, Atchison County, Kansas, described as follows:

A tract of land in the Southeast quarter of Section 2, Township 6 South, Range 20 East of the 6th P.M., described as follows: BEGINNING at a point on the Southerly right of way line of the existing highway which point is South 62 degrees 36 minutes West, 526.7 feet from the Northeast corner of said Quarter Section, the North line having an assumed bearing of South 84 degrees 07 minutes West; thence on a curve of 2,749.93 feet radius to the left, along said right of way line, an arc distance of 379.2 feet with a chord which bears South 66 degrees 28 minutes West, 378.9 feet; thence South 62 degrees 31 minutes West, 149.4 feet along said right of way line; thence North 05 degrees 53 minutes West, 59.2 feet along said right of way line; thence North 62 degrees 31 minutes East, 127.7 feet; thence on a curve of 2,804.93 feet radius to the right, an arc distance of 400.2 feet with a chord which bears North 66 degrees 36 minutes East, 399.8 feet; thence South 05 degrees 53 minutes East to the place of beginning. The above contains 0.67 acre, more or less. The party of the first part hereby retains a permanent easement of the West 60 feet of the above described tract for an entrance to adjoining property.

This tract of land is on the south side of U.S. 59 and east of the tire company.

Sealed bid forms may be obtained from the Atchison field office, 313 Woodlawn Ave.; by writing the Bureau of Right of Way, 217 E. 4th, Topeka 66603; or by calling (913) 296-3501 or FAX (913) 296-0009. The bids will be received in the Topeka office until 10 a.m. May 11, at which time the bids will be opened. Bidders are welcome.

The Kansas Department of Transportation ensures the acceptance of any bid pursuant to this notice will be without discrimination on the grounds of sex, race, color, religion, physical handicap, or national origin.

Terms of the sale are money order or certified or cashier's check for full price. Make check payable to "Secretary of Transportation." The purchaser will receive a bill of sale and a quitclaim deed.

The seller reserves the right to reject any and all bids. For additional information contact Beverly Lee, Bureau of Right of Way, Kansas Department of Transportation.

Michael L. Johnston
Secretary of Transportation

Doc. No. 011815

State of Kansas

State Conservation Commission

Notice to Contractors

Sealed bids for the construction of a 25,100 cubic yard detention dam, Site 112 in Anderson County, will be received by Deer Creek Watershed Joint District No. 55 at the office of Agricultural Engineering Associates, 102 E. 2nd, Uniontown 66779, (316) 756-4845, until 5 p.m.—or bids may be hand carried and submitted immediately prior to bid opening at 8 p.m.—on April 28, at City Hall, Colony, (316) 852-3530. Bidder prequalification is required prior to obtaining contract documents and/or bidding.

Contract documents may be examined at the office of Agricultural Engineering Associates. A \$15 non-refundable deposit is required for each set of plans.

Kenneth F. Kern
Executive Director

Doc. No. 011803

State of Kansas

Department of Health
and Environment

Notice Concerning Proposed Permit Action

The Secretary of Health and Environment is proposing to issue an air emission source construction permit in accordance with K.A.R. 28-19-14 (permits required) to Meier's Ready Mix, Inc., P.O. Box 8477, Topeka, to install and operate a ready-mixed concrete plant south of New Strawn on Highway 75.

Written materials, including the permit application and information relating to the application submitted by Meier's Ready Mix, Inc., draft permit, permit summary and analysis by KDHE describing the basis for the proposed permit, are available for public inspection during normal business hours through May 6 by contacting Lynn Ranabarger at the KDHE office, 1500 W. Henshall Drive, Chanute 66720, (316) 431-2390. This material also can be reviewed at the KDHE office in Building 740, Forbes Field, Topeka. Questions concerning this proposed permit should be directed to Ward A. Burns, KDHE, (913) 296-1581.

K.S.A. 65-3008 provides that any person affected by the issuance of a permit can request a public hearing prior to its issuance. The request must be in writing and addressed to the secretary. If the secretary determines there is sufficient reason in the request, a public hearing will be conducted—the place, date and time of the hearing will be announced in this publication. A request for a hearing or written comments on the proposed permit must be submitted to the Secretary, Kansas Department of Health and Environment, Landon State Office Building, 900 S.W. Jackson, Topeka 66612, before May 6.

Azzie Young
Secretary of Health
and Environment

Doc. No. 011808

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, 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 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 staff review, applying the appropriate standards, regulations, and effluent 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.

Public Notice No. KS-AG-92-31/32

Name and Address of Applicant	Legal Description	Receiving Water
Kenneth Penner Route 1, Box 67 Whitewater, KS 67154	SE/4 Section 25, Township 14S, Range 8W, Ellsworth County	Smoky Hill River Basin

Kansas Permit No. A-SHEW-S004

The proposed expanded facility will have capacity for approximately 2,400 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: The wastewater retention structures are designed to be primarily dewatered by evaporation; however, if dewatering becomes necessary to provide the minimum required 120-day storage on December 1st any given year, the wastewater shall be applied to agricultural land at a uniform rate not to exceed 4 acre-inches per acre. Should sludge removal become necessary, application rates shall be based on soil testing and waste analysis such that the planned crops will utilize the nutrients.

Name and Address of Applicant	Legal Description	Receiving Water
Randy and Denise Shadle Route 1 Morganville, KS 67468	SE/4 Section 19, Township 7S, Range 2E, Clay County	Lower Republication River Basin

Kansas Permit No. A-LRCY-S040

The proposed facility will have capacity for approximately 500 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: Dewatering equipment shall be obtained by May 1, 1992, through purchase or written rental agreement and submitted to the department. Required dewatering and application capacities are specified in Section A., Permit Limitations.

Public Notice No. KS-92-86/87

Name and Address of Applicant	Waterway	Type of Discharge
Coleman Company— Factory B 250 N. St. Francis Wichita, KS 67201 Sedgwick County, Kansas	Arkansas River via drainage canal via storm sewer	Cooling water

Kansas Permit No. I-AR94-C007

Fed. Permit No. KS-0001147

Description of Facility: This facility manufactures outdoor camping equipment, lanterns, camp stoves, jugs and coolers. Cooling water is discharged from air compressors and spot welders. 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
Wilde Tool Company, Inc. 13th and Pottawatomie Streets P.O. Box 30 Hiawatha, KS 66434 Brown County, Kansas	Missouri River via Wolf River	Cooling water, sand tumbling water, and stormwater

Kansas Permit No. I-M008-P001

Fed. Permit No. KS-0081353

Description of Facility: This facility manufactures hand tools. Its domestic waste and electroplating wastewater are directed to the city sanitary sewer system. A lagoon is utilized as a holding basin for roof drains, stormwater runoff, sand tumbling operations and cooling water. This water is recycled and used as a supplemental water source in the facility's process operations. Proposed effluent limitations are pursuant to Kansas Surface Water Quality Standards, K.A.R. 28-16-28(b-f).

Written comments on the proposed determinations may be submitted to Bethel Spotts or Angela Buie (agricultural permits), Permit Clerk, Kansas Department of Health and Environment, Division of Environment, Bureau of Water, Forbes Field, Topeka 66620. All comments received prior to May 8 will be considered in the formulation of final determinations regarding this public notice. Please refer to the appropriate public notice number (KS-AG-92-31/32, KS-92-86/87) and the name of applicant as listed when preparing comments.

If no objections are received, the Secretary of Health and Environment will issue the final determinations. If response to this notice indicates significant public interest, a public hearing may be held in conformance with state regulation 28-16-61. Media coordination (newspapers, radio) for publication and/or announcement of the public notice or public hearing is handled by the Kansas Department of Health and Environment.

The application, proposed permit, including proposed effluent limitations and special conditions, fact sheets as appropriate, comments received, and other information are on file and may be inspected at the 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 Division of Environment.

Azzie Young
Secretary of Health and Environment

Doc. No. 011819

State of Kansas

Legislature

Legislative Bills Introduced

The following numbers and titles of bills and resolutions have been recently introduced by the 1992 Kansas Legislature. Copies of bills and resolutions are available free of charge from the Legislative Document Room, 145-N, State Capitol, Topeka 66612, (913) 296-4096.

Bills Introduced March 26-April 1:

House Bills

HB 3192, by Committee on Appropriations: An act relating to state correctional institutions; affecting disposition of compensation received by inmates; amending K.S.A. 1991 Supp. 75-5211 and repealing the existing section.

HB 3193, by Committee on Appropriations: An act concerning the state board of regents; relating to awards of vocational education scholarships; amending K.S.A. 1991 Supp. 72-4461 and 72-4463 and repealing the existing sections.

HB 3194, by Committee on Appropriations: An act concerning insurance of state-owned buildings; amending K.S.A. 74-4703 and repealing the existing section.

HB 3195, by Committee on Taxation: An act concerning the limitation on bonded indebtedness of counties; amending K.S.A. 10-307 and repealing the existing section.

HB 3196, by Committee on Appropriations: An act concerning mental health institutions of the department of social and rehabilitation services; placing certain employees in the unclassified service under the Kansas civil service act; amending K.S.A. 76-12a05 and repealing the existing section.

HB 3197, by Committee on Appropriations: An act enacting the Kansas nuclear safety emergency preparedness act; authorizing certain fees for emergency planning and preparedness activities by state and local government agencies; relating to accidents at nuclear electricity production facilities; prescribing powers, duties and functions for the adjutant general; establishing the nuclear safety emergency preparedness fee fund.

HB 3198, by Committee on Appropriations: An act concerning the state fire marshal; relating to certain certification and registration programs under the Kansas fire prevention code; prescribing the adoption of rules and regulations and fees therefore; establishing a fire marshal fee fund; amending K.S.A. 1991 Supp. 75-3170a and repealing the existing section.

HB 3199, by Committee on Appropriations: An act repealing K.S.A. 21-2801, 21-2802, 21-2803, 21-2804, 21-2804a and 21-2805; relating to prohibiting the use of trading stamps redeemable in merchandise or other items of value.

HB 3200, by Committee on Appropriations: An act concerning civil procedure; civil penalties for theft.

HB 3201, by Committee on Federal and State Affairs: An act concerning child abuse or neglect; amending K.S.A. 21-3612, 38-501, 38-505, 38-506, 38-511, 38-523, 38-553, 38-1303, 38-1504, 38-1505, 38-1510, 38-1513, 38-1519, 38-1520, 38-1521, 38-1525, 38-1526, 38-1529, 38-1531, 38-1533, 38-1534, 38-1553, 38-1555, 38-1556, 38-1562, 39-713c, 65-503 and K.S.A. 1991 Supp. 38-1502, 38-1503, 38-1512, 38-1522, 38-1523, 38-1523a, 38-1524, 38-1527, 38-1528, 38-1542, 38-1563, 38-1568, 38-1583, 39-708c, 60-460, 60-1610, 65-516, 72-962, 72-1113 and 76-6b04 and repealing the existing sections.

House Concurrent Resolutions

HCR 5059, A concurrent resolution urging the Kansas Supreme Court to conduct a thorough needs analysis for the Unified Judicial Branch for the purposes of a Judicial Branch Information System which is consistent and compatible with and which produces data that is directly useable by the information systems of other state agencies that are required to receive information from or exchange information with the Judicial Branch Information System.

HCR 5060, A concurrent resolution requesting the Secretary of Commerce to establish a committee to study and make recommendations regarding state contracting with African American-owned

businesses, other minority-owned businesses and women-owned businesses.

House Resolutions

HR 6091, A resolution requesting the national highway traffic safety administration modify its proposal on window tinting for vehicles.

HR 6092, A resolution in memory of Eugene J. "Gene" Toby.

HR 6093, A resolution congratulating and commending the Hayden High School girls' basketball team and Coach Rick Strecker for winning the 1992 Class 4A State Basketball Championship in Kansas.

HR 6094, A resolution congratulating and commending Bill and Wilma Mai on being named to the Kansas Master Farmer-Master Homemaker Class of 1991.

HR 6095, A resolution congratulating and commending Diane Low on being selected a Kansas Master Teacher for 1992.

HR 6096, A resolution congratulating and commending the Kansas Master Teachers for 1992.

HR 6097, A resolution congratulating and commending the Topeka Goodyear Tire and Rubber Company plant for winning the General Motors Corporation Mark of Excellence Award.

HR 6098, A resolution congratulating and commending Ernest Brown on being selected a Kansas Master Teacher for 1992.

HR 6099, A resolution designating April 5-11, 1992, as National Auctioneers Week.

Senate Bills

SB 780, by Committee on Federal and State Affairs: An act concerning the militia; relating to ordering to active service for certain purposes; amending K.S.A. 48-241 and repealing the existing section.

SB 781, by Committee on Ways and Means: An act concerning examinations for applicants for licensure as psychologists; amending K.S.A. 1991 Supp. 74-5311 and repealing the existing section.

SB 782, by Committee on Ways and Means: An act establishing the Kansas youth environmental action corps.

Senate Concurrent Resolutions

SCR 1645, A proposition to amend article 7 of the constitution of the state of Kansas by adding a new section thereto, relating to public health.

Senate Resolutions

SR 1848, A resolution congratulating and commending the Burrton High School girls' basketball team and Coach Ernie Alexander for winning the 1992 Class 1A State Basketball Championship in Kansas.

SR 1849, A resolution congratulating and commending the Moundridge High School boys' basketball team and Coach Vance Unrau for winning the 1992 Class 2A State Basketball Championship in Kansas.

SR 1850, A resolution congratulating and commending the Nemaha Valley High School girls' basketball team and Coach Mike Terpening for winning the 1992 Class 3A State Basketball Championship in Kansas.

SR 1851, A resolution in memory of Theodore A. "Ted" Sanborn.

SR 1852, A resolution congratulating and commending Cynthia L. Johnson upon her retirement after 52 years of teaching.

SR 1853, A resolution congratulating and commending the America 3 Foundation Syndicate and Bill Koch upon the commissioning of the *Kanza* and for competing in the America's Cup sailing race.

SR 1854, A resolution congratulating and commending the Riley Presbyterian Church on its 100th anniversary.

SR 1855, A resolution congratulating and commending the Hayden High School girls' basketball team and Coach Rick Strecker for winning the 1992 Class 4A State Basketball Championship in Kansas.

SR 1856, A resolution congratulating and commending Clay Loyd on the publication of the 100th issue of *Golf Course Management* magazine under his uninterrupted leadership.

SR 1857, A resolution designating April 5-11, 1992, as National Auctioneers Week.

Doc. No. 011821

State of Kansas

Kansas Commission on Governmental Standards and Conduct

Advisory Opinion No. 92-10

Written March 26, 1992, to Joy E. Gustin, Executive Director, Terrace Heights, Seneca.

This opinion is in response to your letter of February 24, 1992, in which you request an opinion from the Kansas Commission on Governmental Standards and Conduct concerning the local conflict of interests law (K.S.A. 75-4301 *et seq.*).

We understand you request this opinion in your capacity as executive director for a local housing authority. You describe the situation where a mayor of the local municipality who appoints the board of directors of the housing authority has applied for a clerical position with the housing authority. You ask whether hiring the mayor would violate K.S.A. 75-4301 *et seq.*

K.S.A. 75-4301 *et seq.* prohibits certain contracts between local governments and "persons" or "businesses" in which a local government officer or employee holds a substantial interest. We have consistently held under the local law that another governmental agency, in this case the housing authority, is not a "person" or "business" for the purposes of K.S.A. 75-4301 *et seq.* Thus, this law does not preclude the situation you have described. We note that a different outcome might be reached under K.S.A. 46-215 *et seq.*, which applies to state officers and employees, since under that law "person" is specifically defined to include governmental entities.

In closing, we would suggest that you contact the Attorney General's office for his advice on the application of the common law theory of incompatibility of offices. We are aware of several opinions issued by the Attorney General which may be of assistance to you on the issue you raise.

Advisory Opinion No. 92-11

Written March 26, 1992, to David Sutton, Kansas Child Support Enforcement Program, Central Office, Topeka.

This opinion is in response to your letter of March 17, 1992, in which you request an opinion from the Kansas Commission on Governmental Standards and Conduct concerning the state level conflict of interests law (K.S.A. 46-215 *et seq.*).

We note at the outset that the commission's jurisdiction is limited to the application of K.S.A. 46-215 *et seq.* to your question. Thus, whether some other statutory system, common law, or agency policy relates to your question is not covered by this opinion.

We understand you request this opinion in your capacity as an attorney for the Child Support Enforcement Program of the Department of Social and Rehabilitation Services. In that capacity, you have responsibility for drafting specifications and negotiating with potential bidders for the provision of laboratory analysis on blood and tissue samples to determine paternity.

Your agency deems it an appropriate precaution for an on-site review of each laboratory facility but does

not have funding available to pay for on-site reviews. You ask whether it would be permissible to include in the bid specifications a requirement by the vendor to pay for an on-site review.

Two sections of the act may apply to your question. K.S.A. 46-236 states:

No state officer or employee or candidate for state office shall solicit any economic opportunity, gift, loan, gratuity, special discount, favor, hospitality, or service from any person known to have a special interest, under circumstances where such officer, employee or candidate knows or should know that a major purpose of the donor in granting the same could be to influence the performance of the official duties or prospective official duties of such officer, employee or candidate.

Except when a particular course of official action is to be followed as a condition thereon, this section shall not apply to (1) any contribution reported in compliance with the campaign finance act; (2) a commercially reasonable loan or other commercial transaction in the ordinary course of business; or (3) any solicitation for the benefit of any charitable organization which is required to file a registration statement with the secretary of state pursuant to K.S.A. 17-1740 or which is exempted from filing such statement pursuant to K.S.A. 17-1741 or for the benefit of any educational institution or such institution's endowment association, if such association has qualified as a nonprofit organization under paragraph (3) of subsection (c) of section 501 of the internal revenue code of 1954, as amended.

In addition, K.S.A. 1991 Supp. 46-237(a), (b) and (c) state:

(a) No state officer or employee or candidate for state office shall accept, or agree to accept, any economic opportunity, gift, loan, gratuity, special discount, favor, hospitality, or service having an aggregate value of \$40 or more in any calendar year from any one person known to have a special interest, under circumstances where such person knows or should know that a major purpose of the donor is to influence such person in the performance of their official duties or prospective official duties.

(b) No person with a special interest shall offer, pay, give or make any economic opportunity, gift, loan, gratuity, special discount, favor, hospitality or service having an aggregate value of \$40 or more in any calendar year to any state officer or employee or candidate for state office with a major purpose of influencing such officer or employee in their performance of official duties or prospective official duties.

(c) No person licensed, inspected or regulated by a state agency shall offer, pay, give or make any economic opportunity, gift, loan, gratuity, special discount, favor, hospitality, or service having an aggregate value of \$40 or more in any calendar year to such agency or any state officer or employee of that agency.

(continued)

Although the language of K.S.A. 46-236 is very broad, we do not believe it was intended to reach the situation where a contract specification requires the inclusion of certain travel expenses in a bid. In support of this position, we note that no particular state officer or employee is soliciting anything, rather the state as an entity is soliciting a bid with specific provisions.

Turning to K.S.A. 1991 Supp. 46-237(a) and (b), it is our opinion so long as the amounts received by the state official who does the on-site review are necessary and reasonable, the state officer or employee is not receiving anything of value. Rather, the state is receiving a benefit by reducing the burden on the state budget to otherwise finance the trips.

Lastly, subsection (c) of K.S.A. 46-237 does not apply to this particular situation since the provision of travel expenses in the bid process is a bargained for exchange and is given for valuable consideration. Under those circumstances, it does not constitute an "economic opportunity" (see K.S.A. 46-217) or a "gift, loan, gratuity, special discount, favor, hospitality or service" as those terms are used in this situation.

In summary, it is our opinion that it is permissible under K.S.A. 46-215 *et seq.* for a state agency to include in a bid specification the payment by a vendor of reasonable and necessary expenses for on-site reviews.

Advisory Opinion No. 92-12

Written March 26, 1992, to Steven R. Wiechman, General Counsel, Kansas Association of Counties, Topeka.

This opinion is in response to your letter of January 10, 1992, in which you request an opinion from the Kansas Commission on Governmental Standards and Conduct concerning K.S.A. 46-215 *et seq.*

We understand you request this opinion in your capacity as general counsel for the Kansas Association of Counties (KAC).

You advise us that KAC publishes a magazine for the benefit of its members as well as a form of communication for elected county officials in Kansas. Publication and mailing costs are approximately \$2.19 per magazine.

The association has traditionally provided a copy of its magazine to all legislators and certain other state employees to provide them information about counties. The magazine has no residual value other than as reference material or pleasure reading. This magazine provides feature articles, profiles of counties and board members, summaries of Attorney General opinions and information regarding legislative matters. In 1991, there were six issues published. It is anticipated that there will be twelve issues in 1992. The association would like to continue to provide the courtesy copies of the magazine to legislators and certain other state employees.

You request the commission rule this expenditure as a non-reportable expense because it is part of general office overhead. In the alternative, you request the commission categorize the magazine as either mass media, as a communication for the purpose of influencing legislative or executive action, or as another reportable expenditure.

K.S.A. 1991 Supp. 46-271 prohibits lobbyists from giving any ". . . gift, special discount, favor, hospitality or service" having a value over \$40 in a calendar

year to a state officer or employee with a major purpose of influencing the officer or employee. There seems to be little argument that the purpose of giving the magazine to legislators is to influence them, otherwise, under this situation it would make no sense to give state officials the magazine. The magazine is being given without legal consideration and that constitutes a gift. Thus, the \$40 gift threshold is applicable to trade magazines.

Advisory Opinion No. 92-13

Written March 26, 1992, to Tino M. Monaldo, Hutchinson.

This opinion is in response to your letter of March 5, 1992, in which you request an opinion from the Kansas Commission on Governmental Standards and Conduct concerning the Campaign Finance Act.

We understand you request this opinion in your capacity as chairman of the Reno County Democratic Central Committee.

You first ask several questions concerning whether a person who is running for the elected position of state chairperson, vice-chairperson, treasurer or secretary of the Kansas State Democratic Central Committee, or is a candidate for Democratic national committeeman or committeewoman from the state of Kansas, or is a candidate for chairperson for a county or congressional district Democratic party, is covered by the Campaign Finance Act (K.S.A. 25-4101 *et seq.*). "Candidate" is defined for the purpose of the Campaign Finance Act to include persons who are seeking "state or local office" (see K.S.A. 1991 Supp. 25-4143(a)).

"State office" is defined by K.S.A. 25-2505 and "local office" by K.S.A. 1991 Supp. 25-4143(n). Neither definition applies to any of the situations you have described. Thus, the Campaign Finance Act does not relate to these circumstances.

You also ask two questions concerning contribution limitations. Specifically, you ask whether a corporation's political action committee contributions must be aggregated with the corporation's contribution, and whether contributions by the corporation must be aggregated with contributions of officers, directors and stockholders.

Although there was a brief time when the law did have complex restrictions in this area, these restrictions were repealed by the Legislature effective July 1, 1990. Currently, so long as contributions are made from existing funds and funds are not funnelled from one source to another as prohibited by K.S.A. 25-4154 for the purpose of making a contribution, aggregation is not required in either circumstance.

Richard C. Loux
Chairman

Doc. No. Doc. No. 011814

State of Kansas

Department of Administration

Public Notice

Under requirements of K.S.A. 1991 Supp. 65-34,117(b), records of the Division of Accounts and Reports show the unobligated balance in the petroleum storage tank release trust fund is \$4,799,715.49 at March 31, 1992.

Susan Seltsam
Secretary of Administration

Doc. No. 011813

State of Kansas

Attorney General

Opinion No. 92-37

Elections—Registration of Voters—Deputy County Election Officers; Appointment; Additional Places of Registration Permitted; Door-to-Door Voter Registration. Senator Phil Martin, 13th District, Pittsburg; Representative Ed McKechnie, 3rd District, Pittsburg; Representative Robert Grant, 2nd District, Cherokee, March 13, 1992.

Pursuant to K.S.A. 25-2303, the county election officer has the authority to appoint any qualified elector of the county to serve as deputy county election officer provided the county election officer determines that the qualified elector possesses similar character and trustworthiness as that commonly associated with those persons who are city clerks of any city or personnel of any public high school, public library, or public institution of higher education. The intent of the legislature as expressed in K.S.A. 25-2313 is to allow designation of fixed places to which persons may go to register to vote. The statute does not authorize registration of voters to be conducted door-to-door. Cited herein: K.S.A. 25-2303; 25-2310; K.S.A. 1991 Supp. 25-2311; K.S.A. 25-2312; 25-2313; K.A.R. 1991 Supp. 7-23-4. RDS

Opinion No. 92-38

Taxation—Property Valuation, Equalizing Assessments, Appraisers and Assessment of Property—Real Estate Sales Validation Questionnaires; Access to and Copies of; Licensed or Certified Appraisers.

Public Records, Documents and Information—Records Open to Public—Inspection of Records; Abstracts or Copies of; Certain Records Not Required to be Open; Real Estate Sales Validation Questionnaires; Certified or Licensed Appraisers. Wade Dixon, Greeley County Attorney, Tribune, March 23, 1992.

K.S.A. 1991 Supp. 79-1437f provides that the contents of real estate sales validation questionnaires filed in accordance with that act, while closed to most individuals, shall be made available to appraisers licensed or certified pursuant to K.S.A. 58-4101 *et seq.*

Such questionnaires meet the definition of a public record set forth at K.S.A. 45-217(f), and thus, copies

of and access to such records must be provided to licensed or certified appraisers in accordance with the applicable provisions of K.S.A. 45-215 *et seq.* A custodian of such a public record may not refuse to make copies of such records for persons entitled to access to the contents of a questionnaire filed under K.S.A. 1991 Supp. 79-1437f nor may a custodian delay access or copying until the information in the questionnaire is verified or refuted. Cited herein: K.S.A. 45-215; 45-217; K.S.A. 1991 Supp. 45-221; 58-4101; 79-1437c; 79-1437f. TMN

Opinion No. 92-39

Drainage and Levees—Watershed Districts; Taxation and Bonded Indebtedness—Use of Watershed District Funds. Senator Ross O. Doyen, 23rd District, Concordia, March 23, 1992.

Membership dues for a watershed district association may not be paid from the watershed district's general fund. Cited herein: K.S.A. 1991 Supp. 24-1219. GE

Opinion No. 92-40

Counties and County Officers—County Commissioners—County Equipment Reserve Funds; Purpose of the Fund.

Counties and County Officers—County Clerk—Duties and Authority. Leigh Hood, Ford County Attorney, Dodge City, March 23, 1992.

K.S.A. 19-119 allows the board of county commissioners latitude in authorizing appropriate expenditures by the use of the term "any other equipment or personal property." The county clerk does not have the authority nor the responsibility of making sure that the orders issued by the board of county commissioners are wise or proper as long as the expenditures are within the scope of their authority. Cited herein: K.S.A. 19-119; 19-305; 19-306. MJS

Opinion No. 92-41

Cities and Municipalities—Planning and Zoning; Planning, Zoning and Subdivision Regulations in Cities and Counties—Protest Petitions; Mayor in Mayor-Council Form of Government Not a Voting Member. Vernon Jarboe, Topeka City Attorney, Elsbeth D. Schafer, Topeka Assistant City Attorney, Topeka, March 1992.

A mayor in a mayor-council form of municipal government may not vote on any matters before the council pursuant to K.S.A. 12-10a02. Therefore, only the votes of the council should be considered in determining the $\frac{3}{4}$ vote of all of the members of the governing body which is required to override a protest petition, pursuant to K.S.A. 12-757(e). Cited herein: K.S.A. 12-742; 12-757; 12-10a01; 12-10a02. JLM

Opinion No. 92-42

Constitution of the State of Kansas—Miscellaneous—Membership or Nonmembership in Labor Organizations; Representation Fee.

(continued)

Labor and Industries—Employer and Employee Relations—Rights of Employees. Senator Frank D. Gaines, 16th District, Augusta, March 24, 1992.

1992 Senate Bill No. 174 does not violate the provisions of article 15, section 12 of the Kansas constitution. Cited herein: K.S.A. 44-803; 44-809; Kan. Const., art. 15, sec. 12. MJS

Opinion No. 92-43

Public Health—Social Workers—Definition; Social Work Practice; Psychotherapy; Authority to Diagnose. Mary Ann Gabel, Executive Director, Behavioral Sciences Regulatory Board, Topeka, March 26, 1992.

Social workers are not prohibited from diagnosing mental conditions other than psychological disorders or mental illnesses. However, any diagnostic work by a social worker must be consistent with the social worker's training, education and experience. Cited herein: K.S.A. 1991 Supp. 65-2869; 65-6301; 65-6302; 65-6311; 74-5340. CN.

Robert T. Stephan
Attorney General

Doc. No. 011826

(Published in the Kansas Register, April 9, 1992.)

**Notice of Call for Redemption
to the holders of
City of DeSoto, Kansas**

**Waterworks and Electrical System Revenue Bonds
Series 1984, dated July 1, 1984**

Notice is hereby given that pursuant to the provisions of Section 9 of an ordinance adopted June 28, 1984, of the city of DeSoto, Johnson County, Kansas (the issuer), that the above mentioned bonds maturing July 1, 1992, and thereafter and all unmatured coupons appertaining thereto (the redeemed bonds), have been called for redemption and payment on July 1, 1992 (the redemption date), at the principal office of the Kansas State Treasurer (the paying agent).

Maturity Date	Principal Amount	Interest Rate
1993	40,000	10.75%
1994	45,000	10.75%

On the redemption date there shall become due and payable, upon the presentation and surrender of each such refunded bond, the redemption price thereof equal to 102½ percent of the principal amount thereof together with interest accrued to the redemption date. Interest shall cease to accrue on the refunded bonds so called for redemption from and after the redemption date provided such funds for redemption are on the deposit with the paying agent.

City of DeSoto
Johnson County, Kansas
By Kansas State Treasurer
Topeka, Kansas

Doc. No. 011806

State of Kansas

Department on Aging

Request for Proposals

The Kansas Department on Aging is currently accepting proposals for in-home nutrition services funded by state resources for the program period July 1, 1992, through June 30, 1993. Complete proposals must be submitted on or before May 8.

The In-Home Nutrition Program provides home delivered meals containing at least one-third of the current recommended dietary allowance to income eligible homebound individuals age 60 or older once a day, five or more days a week. Programs may be funded in all areas of the state; however, priority will be given to maintaining services in areas currently served by the In-Home Nutrition Program.

Organizations interested in receiving a request for proposal should contact Tamara Tiemann, R.D., Nutrition Specialist, Kansas Department on Aging, Room 122-S, Docking State Office Building, 915 S.W. Harrison, Topeka 66612-1500, (913) 296-4986.

Joanne E. Hurst
Secretary of Aging

Doc. No. 011816

(Published in the Kansas Register, April 9, 1992.)

**Notice of Call for Redemption
to the holders of
City of DeSoto, Kansas**

**Waterworks and Electrical System Revenue Bonds
Series 1987, dated January 1, 1987**

Notice is hereby given that pursuant to the provisions of Section 3 of an ordinance adopted January 8, 1987, of the city of DeSoto, Johnson County, Kansas (the issuer), that the above mentioned bonds maturing January 1, 1997, and thereafter and all unmatured coupons appertaining thereto (the redeemed bonds), have been called for redemption and payment on July 1, 1992 (the redemption date), at the principal office of the Kansas State Treasurer (the paying agent).

Maturity Date	Principal Amount	Interest Rate
1/1/97	110,000	8.00%

On the redemption date there shall become due and payable, upon the presentation and surrender of each such refunded bond, the redemption price thereof equal to 102 percent of the principal amount thereof together with interest accrued to the redemption date. Interest shall cease to accrue on the refunded bonds so called for redemption from and after the redemption date provided such funds for redemption are on the deposit with the paying agent.

City of DeSoto
Johnson County, Kansas
By Kansas State Treasurer
Topeka, Kansas

Doc. No. 011807

State of Kansas

Department of Administration

Division of Purchases

Notice to Bidders

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

• **Monday, April 20, 1992**

28618-Supp.

Statewide—Microcomputer

28851

Department of Health and Environment—Janitorial services, Hays

28854

Kansas Correctional Industries—Liquid concentrated bleach

91716

Kansas State University—Furnish and install wood frame building

91717

Kansas State University—Furnish and install wood frame building, Colby

91718

Kansas State University—Furnish and install wood frame building, Colby

91720

Wichita State University—Unix workstations and Postscript laser printer

91725

Kansas State University—Salina—Laboratory training stations

91732

University of Kansas—Elevator control

91799

Wichita State University—Computer command center

91820

Norton Correctional Facility—Chiller repairs

Tuesday, April 21, 1992

28792 Rebid

Winfield State Hospital—Dishwashing supplies

28850

Adjutant General's Department—Termite control services, Salina

28855

University of Kansas Medical Center—Small animal feed

91726

University of Kansas—Plain paper photocopiers

91743

Kansas State University—Salina—Oscilloscopes

91744

University of Kansas—Cable and connectors

91766

Kansas State University—Chiller repairs

Wednesday, April 22, 1992

A-6834

Wichita State University—Conference room remodel/Campus Activities Center

A-6847

Kansas State University—A5/7 Justin Parking Lot expansion

27854-Supp.

Statewide—Orthotic supplies (Class 15)

91719

University of Kansas—A/V equipment

91742

University of Kansas—Paper, printing and binding

Thursday, April 23, 1992

A-6787

Department of Social and Rehabilitation Services, School for the Visually Handicapped—Replace roof, Brighton Rec Center

91765

Kansas Correctional Industries—Truck, Topeka

91781

Kansas State University—Power supply

91782

Kansas State University—DNA amplifier

91788

Kansas State University—Plain paper laser printer

91805

Topeka Correctional Facility—Kitchen equipment

Friday, April 24, 1992

28853

University of Kansas—June (1992) meat products

28856

University of Kansas Medical Center—June (1992) meat products

91790

El Dorado Correctional Facility—Steel

91791

Department of Transportation—Bituminous plant mix, Winfield

91800

Wichita State University—Engineering copier

91801

Wichita State University—Printing press

91802

Department of Transportation—Aggregate, Winfield

91803

Department of Transportation—Derrick truck

91808

Department of Transportation—Printers and controllers, Hutchinson

91809

Kansas State University—Disk units (IBM)

Thursday, April 30, 1992

A-6804

University of Kansas Medical Center—Remodel 3rd floor, Robinson Hall

(continued)

© Kansas Secretary of State, 1992

Request for Proposals**Monday, April 20, 1992****28858**

Lockbox services for the Kansas Supreme Court

Jack R. Shipman
Director of Purchases

Doc. No. 011820

State of Kansas**Department of Commerce****Temporary Administrative
Regulations****Article 4.—STATE OF KANSAS
INVESTMENTS IN LIFELONG
LEARNING (SKILL) ACT**

110-4.1. Definitions. As used in these regulations, and for purposes of administering the SKILL act, the following terms shall have the following meanings:

(a) "Job that formerly existed" means a job of an employer:

(1) with the same or similar description, or performing the same or a similar function as a job being created by such employer; and

(2) which was filled or in use within the 18 months prior to the date of filing of an application with the secretary for funding from the SKILL program services fund.

(b) "Maximum funding amount" means the maximum dollar amount for which a qualified project would be eligible under the SKILL act assuming sufficient funds exist to fund the maximum dollar amount permitted for all qualified projects as determined by the secretary pursuant to K.A.R. 110-4-2(c).

(c) "Qualified project" means any project described in an application which has been determined by the secretary to be complete and in compliance with the funding limitations set forth in the SKILL act and qualified for funding from the SKILL program services fund.

(d) "Project costs" means the total costs of a qualified project, including program costs.

(e) "Secretary" means the secretary of commerce.

(f) "SKILL act" means K.S.A. 1991 Supp. 74-50,102 *et. seq.* (Authorized by and implementing K.S.A. 1991 Supp. 74-50,104; effective, T-110-3-27-92, March 27, 1992.)

110-4.2. Review standards and priorities for approval of proposed agreements and limits on program costs and on project and program size. (a) Each proposal for an agreement shall be submitted jointly by an employer and an educational institution to the secretary. Each proposal shall be submitted as an application in the form provided by the secretary or in such other form as is sufficient to provide the information required to be provided herein. Each proposal shall include:

- (1) general information as follows:
 - (A) the employer's name;
 - (B) the employer's address;
 - (C) the name and title of the employer's designated contact person;
 - (D) the telephone number of the employer's contact person;
 - (E) the employer's federal taxpayer identification number, or social security number;
 - (F) a description of the employer's business operation;
 - (G) the employer's Standard Industrial Classification designation as established by the Executive Office of the President, Office of Management and Budget;
 - (H) the educational institution's name;
 - (I) the educational institution's address;
 - (J) the name and title of the educational institution's designated contact person;
 - (K) the telephone number of the educational institution's contact person;
 - (L) information demonstrating the impact of the proposed project on the local economy; and
 - (M) a summary of the employer's business plan relating to the project;
- (2) information relating to the new jobs and the training program as follows:
 - (A) the job title and a description or the classification of each type of new job;
 - (B) the number of trainees per job title or classification;
 - (C) the anticipated hiring schedule for each classification;
 - (D) the number of hours of instruction for each trainee;
 - (E) a description of the training or instruction to be provided to each trainee;
 - (F) the location of training;
 - (G) the anticipated starting and ending dates for training;
 - (H) the expected longevity of each new job;
 - (I) the wage scale applicable to each new job;
 - (J) the benefits package applicable to each new job;
 - (K) if the project is for an existing Kansas facility, the current employment level at that facility for each job description and the employment level at that facility for each job description 18 months prior to the date of the application; and
 - (L) the estimated amount of gross wages and withholding tax of all new jobs created under the project over a 10-year period from the date the first new job is filled and the raw data, details of calculations and assumptions used in determining such gross wages and withholding tax; and
- (3) information relating to the project budget and costs as follows:
 - (A) salaries of instructors, including the number of hours of instruction and hourly rates;
 - (B) costs of adult basic education and job-related instruction;
 - (C) costs of vocational and skill-assessments services and testing;

(D) costs for lease of training equipment, including the costs of installation;

(E) costs for purchase of training equipment, including the costs of installation, for the educational institutions;

(F) costs of training materials and supplies;

(G) administrative expenses of the educational institutions;

(H) costs of subcontracted services with educational institutions or federal, state or local agencies, vendors or consultants;

(I) costs of contracted or professional services;

(J) training curriculum planning and development costs;

(K) costs of textbooks, manuals, audio-visual or other training aids;

(L) travel expenses of trainers or trainees;

(M) costs of temporary training facilities;

(N) the amount, if any, of tuition, student fees or special charges included in the cost of the project;

(O) the raw data, details of calculations, and assumptions used in determining the project budget and costs;

(P) the total estimated costs for the project;

(Q) the amount of project costs proposed to be paid by the employer, by the educational institution, by federal, state or other public or private grants; and

(R) the amount of project costs requested to be paid from the SKILL program services fund; and

(4) any other information deemed necessary by the secretary.

(b) Each application shall be reviewed by the secretary for completeness and compliance with the funding limitations set forth in the SKILL act. Additional data may be requested by the secretary to verify the accuracy and completeness of the information set forth in an application. The review of each application shall be completed by the secretary within 30 days of the date of filing of a complete application. Any project described in an application determined by the secretary to be complete and in compliance with the funding limitations set forth in the SKILL act shall be considered to be a "qualified project."

(c)(1) The best method of funding the qualified projects shall be determined by the secretary and the funding requirements of part or all of two or more qualified projects may be pooled to facilitate the issuance of bonds by the Kansas development finance authority. One or more qualified projects may be funded from amounts on deposit or anticipated to be on deposit in the SKILL program services fund that are not required to be used to pay program costs for other qualified projects.

(2) The maximum funding amount for any qualified project may be funded in more than one increment as may be necessary to accommodate the needs and funding resources of the SKILL program. However, the sum of these increments shall not exceed the maximum funding amount for the qualified project. The determinations by the secretary as to whether a qualified project will be funded in increments and the amount

of such increments shall be made on the basis of the considerations listed in K.A.R. 110-4-2(d).

(d) The following factors shall be used to determine whether a qualified project should be funded and the amount of such funding. In the event that two or more qualified projects compete for limited funds, these same factors shall be applied to determine the level of funding for each project;

(1) the per capita cost of training expenses to be funded from the SKILL program services fund;

(2) the amount of funds used to pay project costs from sources other than funds from the SKILL program services fund;

(3) the needs and impact of the project, including current local employment conditions, resultant new economic activity, the project schedule, leveraging of other resources, beneficial impact on the tax base and project feasibility, as well as the probability that the project will accomplish the projected benefits;

(4) the quality of jobs to be created, with priority given to those full-time jobs that have a higher wage scale, higher benefit levels, a low turnover rate, opportunity for career development or advancement or other related factors;

(5) the extent to which the project is being coordinated with other projects of that applicant or other applicants to be funded from the SKILL program services fund. Priority will be given to projects that are able to share training facilities, instructors, training equipment, and other program services;

(6) the extent to which the project or components of the project do not duplicate existing training resources;

(7) the extent to which the project utilizes funds in the most efficient and effective manner to train employees. Each applicant shall demonstrate that a reasonable effort has been made to investigate alternate training methods and has selected the most efficient and effective method of training;

(8) the extent to which funding from the SKILL program services fund is essential to the training of the employee, the creation of the new jobs, or both;

(9) the extent to which the employer requesting assistance can continue in business at the levels necessary to retain the new jobs created for the periods indicated in its application if provided with the requested assistance; and

(10) the extent to which the employer intends to continue its operations in Kansas for the periods indicated in its application.

(e) Each qualified project which has been approved for funding by the secretary shall be submitted by the secretary within 30 days of such approval to the governor's council on work force training for review and approval. No final agreement shall be approved by the secretary unless each project under the agreement has been approved by the governor's council on work force training. (Authorized by and implementing K.S.A. 1991 Supp. 74-50,104, 74-50,105, 74-50,106; effective, T-110-3-27-92, March 27, 1992.)

110-4.3. Limit on maximum funding amount. The limitation on program costs set forth in K.S.A. 74-

(continued)

50,104(b) of the SKILL act shall limit only the maximum funding amount for each qualified project and shall not limit the amount of project costs which are to be paid from sources other than the SKILL program services fund. (Authorized by and implementing K.S.A. 1991 Supp. 74-50,104, 74-50,105; effective, T-110-3-27-92, March 27, 1992.)

110-4.4. Enforcement of agreements by the secretary. Compliance of each agreement shall be enforced by the secretary. In order to facilitate enforcement by the secretary each agreement shall either:

(a) include the department of commerce as a party to the agreement with enforcement rights; or

(b) name the department of commerce as a third party beneficiary of the agreement with enforcement rights. (Authorized by and implementing K.S.A. 1991 Supp. 74-50,104, 74-50,105; effective, T-110-3-27-92, March 27, 1992.)

Laura Nicholl
Secretary of Commerce

Doc. No. 011809

State of Kansas

Human Rights Commission

Temporary Administrative Regulations

Article 34.—GUIDELINES ON DISCRIMINATION BECAUSE OF DISABILITY

21-34-1. Definitions. (a) "Covered entity" means an employer, labor organization, employment agency, or joint labor-management committee.

(b) "Direct threat" means a significant risk of substantial harm to the health or safety of the individual or others that cannot be eliminated or reduced by reasonable accommodation.

(c) "Essential function" means the fundamental job duties of the employment position the individual with a disability holds or desires. The term "essential function" does not include the marginal functions of the position.

(d) "Has a record of such impairment" means has a history of, or has been misclassified as having, a mental or physical impairment that substantially limits one or more major life activities.

(e) "Is regarded as having such an impairment" means:

(1) Has a physical or mental impairment that does not substantially limit major life activities but is treated by a covered entity as constituting a limitation;

(2) Has a physical or mental impairment that substantially limits major life activities only as a result of the attitudes of others toward the impairment; or

(3) Has none of the impairments defined in subsections (h) (1) or (2) of this subsection but is treated by a covered entity as having an impairment.

(f) "Illegal use of drugs" means the use of drugs, the possession or distribution of which is unlawful under the Controlled Substances Act (21 U.S.C. 812). This term does not include the use of a drug taken

under the supervision of a licensed health care professional, or other uses authorized by Controlled Substances Act or other provisions of Federal or Kansas law.

(g) "Major life activities" means functions such as caring for oneself, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, and working.

(h) "Physical or mental impairment" means:

(1) any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more of the following body systems: neurological, musculoskeletal, special sense organs, respiratory (including speech organs), cardiovascular, reproductive, digestive, genitourinary, hemic and lymphatic, skin, and endocrine; or

(2) any mental or psychological disorder, such as mental retardation, organic brain syndrome, emotional or mental illness, and specific learning disabilities.

(i) "Qualified individual with a disability" means an individual with a disability who satisfies with requisite skill, experience, education and other job-related requirements of the employment position the person holds or desires, and who, with or without reasonable accommodation, can perform the essential functions of the position.

(j) "Qualification standards" means the personal and professional attributes including the skill, experience, education, physical, medical, safety and other requirements established by a covered entity as requirements which an individual must meet in order to be eligible for the position held or desired.

(k) "Substantially limits" means:

(1) unable to perform a major life activity that the average person in the general population can perform; or

(2) significantly restricted as to the condition, manner or duration under which an individual can perform a particular major life activity as compared to the condition, manner, or duration under which the average person in the general population can perform the same major life activity. (Authorized by K.S.A. 44-1004; implementing K.S.A. 44-1009, as amended by L. 1991, Chapter 147, Section 6; effective, T-21-3-27-92, March 27, 1992; effective April 27, 1992.)

21-34-2. Medical examinations and inquiries; general prohibition. The prohibition against discrimination as referred to in K.S.A. 44-1009(a) (1) and 44-1009(a) (8) shall include medical examinations and inquiries. (Authorized by K.S.A. 44-1004; implementing K.S.A. 44-1009, as amended by L. 1991, Chapter 147, Section 6; effective, T-21-3-27-92, March 27, 1992; effective April 27, 1992.)

21-34-3. Preemployment medical examinations and inquiries. (a) Prohibited examination or inquiry. A covered entity shall not conduct a medical examination or make inquiries of a job applicant as to whether the applicant is an individual with a disability or as to the nature or severity of the applicant's disability, except as provided in 21-34-4.

(b) Acceptable inquiry. A covered entity may make preemployment inquiries into the ability of an appli-

cant to perform job-related functions. (Authorized by K.S.A. 44-1004; implementing K.S.A. 44-1009, as amended by L. 1991, Chapter 147, Section 6; effective, T-21-3-27-92, March 27, 1992; effective April 27, 1992.)

21-34-4. Employment entrance examinations and inquiries; exception. A covered entity may require a medical examination, inquiry, or both after an offer of employment has been made to a job applicant and prior to the commencement of the employment duties of the applicant, and may condition an offer of employment on the results of the examination, inquiry, or both if:

(a) all entering employees in the same job category are subjected to an examination, inquiry, or both regardless of disability;

(b) information obtained regarding the medical condition or history of the applicant is collected and maintained on separate forms and in separate medical files and is treated as a confidential medical record, except that:

(1) supervisors and managers may be informed regarding necessary restrictions on the work or duties of the employee and necessary accommodations;

(2) first aid and safety personnel may be informed, when appropriate, if the disability might require emergency treatment; and

(3) government officials investigating compliance with this act shall be provided relevant information on request; and

(c) the results of such physical examination, inquiry, or both are used only in accordance with these regulations. (Authorized by K.S.A. 44-1004; implementing K.S.A. 44-1009, as amended by L. 1991, Chapter 147, Section 6; effective, T-21-3-27-92, March 27, 1992; effective April 27, 1992.)

21-34-5. Prohibited medical examinations and inquiries. A covered entity shall not require a medical examination and shall not make inquiries of an employee as to whether such employee is an individual with a disability or as to the nature or severity of the disability, unless such examination or inquiry is shown to be job-related and consistent with business necessity. (Authorized by K.S.A. 44-1004; implementing K.S.A. 44-1009, as amended by L. 1991, Chapter 147, Section 6; effective, T-21-3-27-92, March 27, 1992; effective April 27, 1992.)

21-34-6. Acceptable medical examinations and inquiries. (a) A covered entity may conduct voluntary medical examinations, including voluntary medical histories, which are part of an employee health program available to employees at the work site. A covered entity may make inquiries into the ability of an employee to perform job-related functions.

(b) Information obtained under subsection (a) regarding the medical condition or history of any employee is subject to the requirements of subsection (b) and (c) of 21-34-4. (Authorized by K.S.A. 44-1004; implementing K.S.A. 44-1009, as amended by L. 1991, Chapter 147, Section 6; effective, T-21-3-27-92, March 27, 1992; effective April 27, 1992.)

21-34-7. Regulation of alcohol and drugs. These regulations do not prohibit a covered entity from:

(a) prohibiting the illegal use of drugs and the use of alcohol at the workplace by all employees;

(b) requiring that employees not be under the influence of alcohol or drugs at the workplace;

(c) requiring that employees behave in conformance with the requirements established pursuant to the Drug-Free Workplace Act of 1988 (41 U.S.C. 701 et seq.);

(d) holding an employee who engages in the illegal use of drugs or who is an alcoholic to the same qualification standards for employment or job performance and behavior that the entity holds other employees, even if any unsatisfactory performance or behavior is related to the employee's drug use or alcoholism;

(e) requiring that its employees employed in an industry subject to federal regulations comply with the standards established in those regulations, if any, regarding alcohol and the illegal use of drugs; and

(f) requiring that employees employed in sensitive positions in an industry subject to federal regulations comply with those regulations, if any, that apply to employment in sensitive positions. (Authorized by K.S.A. 44-1004; implementing K.S.A. 44-1009, as amended by L. 1991, Chapter 147, Section 6; effective, T-21-3-27-92, March 27, 1992; effective April 27, 1992.)

21-34-8. Drug testing. (a) A test to determine the illegal use of drugs shall not be considered a medical examination.

(b) Nothing in this paragraph shall be construed to encourage, prohibit, or authorize the conducting of drug tests for the illegal use of drugs by job applicants or employees or making employment decisions based on the test results. (Authorized by K.S.A. 44-1004; implementing K.S.A. 44-1009, as amended by L. 1991, Chapter 147, Section 6; effective, T-21-3-27-92, March 27, 1992; effective April 27, 1992.)

21-34-9. Transportation employees. Nothing in these regulations should be construed to encourage, prohibit, restrict or authorize the otherwise lawful exercise by entities subject to the jurisdiction of the United States Department of Transportation of authority to:

(a) test employees of entities in, and applicants for, positions involving safety sensitive duties for the illegal use of drugs and/or for on-duty impairment by alcohol; and

(b) remove persons who test positive for illegal use of drugs or on-duty impairment by alcohol pursuant to subsection (b)(1) of this regulation from safety-sensitive positions. (Authorized by K.S.A. 44-1004; implementing K.S.A. 44-1009, as amended by L. 1991, Chapter 147, Section 6; effective, T-21-3-27-92, March 27, 1992; effective April 27, 1992.)

21-34-10. Information from a drug test. Any information regarding the medical condition or history of any employee or applicant obtained from a drug test, except information regarding illegal use of drugs, is subject to the requirements of subsection (b) and (c) of 21-34-4. (Authorized by K.S.A. 44-1004; imple-

(continued)

menting K.S.A. 44-1009, as amended by L. 1991, Chapter 147, Section 6; effective, T-21-3-27-92, March 27, 1992; effective April 27, 1992.)

21-34-11. Illegal use of drugs and alcohol; exception to definition of "qualified individual with a disability"; policies and procedures. (a) The term "qualified individual with a disability" shall not include any employee or applicant who is engaging in the illegal use of drugs, when the covered entity acts on the basis of the illegal use of drugs.

(b) Nothing in subsection (a) of this regulation shall be construed to exclude as a "qualified individual with a disability" an individual who:

(1) has successfully completed a supervised drug rehabilitation program and is no longer engaging in the illegal use of drugs, or has otherwise been rehabilitated successfully and is no longer engaging in the illegal use of drugs; or

(2) is participating in a supervised rehabilitation program and is no longer engaging in the illegal use of drugs; or

(3) is erroneously regarded as engaging in the illegal use of drugs, but is not engaging in the illegal use of drugs.

(c) It shall not be a violation of this act for a covered entity to adopt or administer reasonable policies or procedures, including but not limited to drug testing, designed to ensure that an individual described in paragraph (b)(1) or (2) of this section is no longer engaging in the illegal use of drugs. (Authorized by K.S.A. 44-1004; implementing K.S.A. 44-1009; as amended by L. 1991, Chapter 147, Section 6, effective, T-21-3-27-92, March 27, 1992; effective April 27, 1992.)

21-34-12. Regulation of smoking. A covered entity may prohibit or impose restrictions on smoking in places of employment. (Authorized by K.S.A. 44-1004; implementing K.S.A. 44-1009, as amended by L. 1991, Chapter 147, Section 6; effective, T-21-3-27-92, March 27, 1992; effective April 27, 1992.)

21-34-13. Direct threat; criteria for determination. (a) The determination that an individual with a disability poses a "direct threat" shall be based on an individualized assessment of the individual's present ability to safely perform the essential functions of the job. This assessment shall be based on a reasonable medical judgment that relies on the most current medical knowledge, on the best available objective evidence, or both.

(b) In determining whether an individual would pose a direct threat, the factors to be considered include:

(1) the duration of the risk;

(2) the nature and severity of the potential harm;

(3) the likelihood that the potential harm will occur; and

(4) the imminence of the potential harm. (Authorized by K.S.A. 44-1004; implementing K.S.A. 44-1009, as amended by L. 1991, Chapter 147, Section 6; effective, T-21-3-27-92, March 27, 1992; effective April 27, 1992.)

21-34-14. Essential function; criteria for determination. (a) A job function may be considered essential for any of several reasons, including but not limited to the following:

(1) the function may be essential because the reason the position exists is to perform that function;

(2) the function may be essential because of the limited number of employees available among whom the performance of that job function can be distributed; and

(3) the function may be highly specialized so that the incumbent in the position is hired for his or her expertise or ability to perform the particular function.

(b) Evidence of whether a particular function is essential includes, but is not limited to:

(1) the employer's judgment as to which functions are essential;

(2) written job descriptions prepared before advertising or interviewing applicants for the job;

(3) the amount of time spent on the job performing the function;

(4) the consequences of not requiring the incumbent to perform the function;

(5) the terms of a collective bargaining agreement;

(6) the work experience of past incumbents in the job; and

(7) the current work experience of incumbents in similar jobs. (Authorized by K.S.A. 44-1004; implementing K.S.A. 44-1009, as amended by L. 1991, Chapter 147, Section 6; effective, T-21-3-27-92, March 27, 1992; effective April 27, 1992.)

21-34-15. Direct threat as qualification standard. The term "qualification standards" may include a requirement that an individual shall not pose a direct threat to the health or safety of that individual or others in the workplace. (Authorized by K.S.A. 44-1004; implementing K.S.A. 44-1009, as amended by L. 1991, Chapter 147, Section 6; effective, T-21-3-27-92, March 27, 1992; effective April 27, 1992.)

21-34-16. Infectious and communicable diseases; food handling jobs. (a) If an individual with a disability is disabled by an infectious or communicable disease and if the risk of transmitting the disease associated with the handling of food cannot be eliminated by reasonable accommodation, a covered entity may refuse to assign or continue to assign the individual to a job involving food handling. However, if the individual with a disability is a current employee, the employer must consider whether he or she can be accommodated by reassignment to a vacant position not involving food handling.

(b) This regulation does not preempt, modify, or amend any State, county or local law, ordinance or regulation applicable to food handling which:

(1) provide greater or equal protection for the rights of individuals with disabilities disabled by an infectious or communicable disease that are afforded by the Americans with Disabilities Act of 1990; and

(2) is designed to protect the public from individuals who pose a significant health risk to the health and safety of others, where that risk cannot be eliminated by reasonable accommodation. (Authorized by K.S.A.

44-1004; implementing K.S.A. 44-1009, as amended by L. 1991, Chapter 147, Section 6; effective, T-21-3-27-92, March 27, 1992; effective April 27, 1992.)

21-34-17. Substantially limit; criteria for determination. (a) The following factors should be considered in determining whether an individual is substantially limited in a major life activity:

- (1) the nature and severity of the impairment;
- (2) the duration or expected duration of the impairment; and
- (3) the permanent or long term impact of the impairment, or the expected permanent or long term impact of the impairment. (Authorized by K.S.A. 44-1004; implementing K.S.A. 44-1009, as amended by L. 1991, Chapter 147, Section 6; effective, T-21-3-27-92, March 27, 1992; effective April 27, 1992.)

21-34-18. Substantially limit; definition with respect to the major life activity of "working"; criteria for determination. (a) With respect to the major life activity of "working," the term "substantially limits" means significantly restricted in the ability to perform either a class of jobs or a broad range of jobs in various classes as compared to the average person having comparable training, skills and abilities. The inability to perform a single, particular job does not constitute a substantial limitation in the major life activity of working.

(b) In addition to the factors listed in paragraph (a) of 21-34-17, the following factors may be considered in determining whether an individual is substantially limited in the major life activity of "working":

- (1) the geographical area to which the individual has reasonable access;
- (2) the job from which the individual has been disqualified because of an impairment, and the number and types of jobs utilizing similar training, knowledge, skills or abilities, within that geographical area, from which the individual is also disqualified because of the impairment (class of jobs); and
- (3) the job from which the individual has been disqualified because of an impairment, and the number and types of other jobs not utilizing similar training, knowledge, skill or abilities, within that geographical area, from which the individual is also disqualified because of the impairment (broad range of jobs in various classes). (Authorized by K.S.A. 44-1004; implementing K.S.A. 44-1009, as amended by L. 1991, Chapter 147, Section 6; effective, T-21-3-27-92, March 27, 1992; effective April 27, 1992.)

21-34-19. Undue hardship; definition; criteria for determination. (a) "Undue hardship" means an action requiring significant difficulty or expense.

(b) Criteria for determination. In determining whether an accommodation would impose an undue hardship on a covered entity, factors to be considered include:

- (1) the nature and net cost of the accommodation needed under this act, taking into consideration the availability of tax credits and deductions, outside funding, or both;

(2)(A) the overall financial resources of the facility or facilities involved in the provision of the reasonable accommodation;

(B) the number of persons employed at the facility;

(C) the effect on expenses and resources, or any other impact of the accommodation upon the operation, of the facility;

(3)(A) the overall financial resources of the covered entity;

(B) the overall size of the business of a covered entity with respect to the number of its employees;

(C) the number, type, and location of its facilities; and

(4)(A) the type of operation or operations of the covered entity, including the composition, structure, and functions of the workforce of the entity;

(B) the geographic separateness, administrative, or fiscal relationship of the facility or facilities in question to the covered entity. (Authorized by K.S.A. 44-1004; implementing K.S.A. 44-1009, as amended by L. 1991, Chapter 147, Section 6; effective, T-21-3-27-92, March 27, 1992; effective April 27, 1992.)

21-34-20. Exceptions to the definitions of "disability." (a) The term "disability" does not include:

(1) transvestism, transsexualism, pedophilia, exhibitionism, voyeurism, gender identity disorders not resulting from physical impairments, or other sexual behavior disorders;

(2) compulsive gambling, kleptomania, or pyromania; or

(3) psychoactive substance use disorders resulting from current illegal use of drugs.

(b) Homosexuality and bisexuality are not impairments and so are not disabilities as defined in this act. (Authorized by K.S.A. 44-1004; implementing K.S.A. 44-1009, as amended by L. 1991, Chapter 147, Section 6; effective, T-21-3-27-92, March 27, 1992; effective April 27, 1992.)

21-34-21. Health insurance, life insurance, and other benefit plans. (a) An insurer, hospital, or medical service company, health maintenance organization, or any agent or entity that administers benefit plans, or similar organizations, may underwrite risks, classify risks, or administer risks that are based on or not inconsistent with state law.

(b) A covered entity may establish, sponsor, observe or administer the terms of a bona fide benefit plan that are based on underwriting risks, classifying risks, or administering such risks that are based on or not inconsistent with State law.

(c) A covered entity may establish, sponsor, observe, or administer the terms of a bona fide benefit plan that is not subject to State laws that regulate insurance.

(d) The activities described in paragraphs (a), (b), and (c) are permitted unless these activities are a subterfuge to evade the purposes of this act. (Authorized by K.S.A. 44-1004; implementing K.S.A. 44-1009, as amended by L. 1991, Chapter 147, Section 6; effective, T-21-3-27-92, March 27, 1992; effective April 27, 1992.)

Michael Brungardt
Executive Director

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, 3rd Floor, Old Sedgwick County Courthouse
 510 N. Main, Wichita, Kansas

Tuesday, April 21, 1992

Before Rees, P.J., Davis and Rulon, JJ.

9:00 a.m.

Case No.	Case Name	Attorneys	County
67,384	Billie Wilson, Appellee,	John C. Nodgaard Tamara J. Pistotnik	Sedgwick
	v.		
	Beech Aircraft Corp., Appellant.	Terry J. Torline	
67,116	Leona A. McCrary, Appellant,	Robert L. Feldt Jerry Moran	Edwards
	v.		
	Cross Mfg. Co., et al., Appellees.	Allen G. Glendenning	
Summary Calendar—No Oral Argument			
66,828	In the Matter of T.W.F.	Jon S. Womack Orval L. Fisher Debra Byrd Wagner	Sedgwick
67,233	In the Interest of D.D.A., C.R.A., & D.R.A.	William R. Griffith Gerald J. Domitrovic Rebecca L. Pilshaw Sheila C. Maksimowicz	Sedgwick
66,896	Nasif Gadelkarim, Appellant,	Jessica R. Kunen	Sedgwick
	v.		
	State of Kansas, Appellee.	Attorney General Debra Byrd Wagner	

Before Rees, P.J., Larson and Rulon, JJ.

10:30 a.m.

Case No.	Case Name	Attorneys	County
66,969	State of Kansas, Appellee,	County Attorney Attorney General	McPherson
	v.		
	Joseph S. Parsons, Appellant.	Tim R. Karstetter	
67,125	In the Matter of the Estate of Gaines H. Billue, deceased.	Alfred Mayfield, <i>pro se</i> Robert W. Wise	McPherson
67,086	State of Kansas, Appellant,	Melanie S. Jack Alan Fenster	Finney
	v.		
	Maurice Steven Hoult, Appellee.	Michael Quint	
Summary Calendar—No Oral Argument			
67,153	State of Kansas, Appellee,	County Attorney Attorney General	Butler
	v.		
	Troy D. Ball, Appellant.	Norman G. Manley	

66,776	State of Kansas, Appellee, v. Terrence L. Parks, Appellant.	County Attorney Attorney General Jessica R. Kunen	Butler
--------	---	---	--------

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

1:00 p.m.

Case No.	Case Name	Attorneys	County
66,760	Geri Watts, Appellant, v. Bruce Watts, Appellee.	Kiehl Rathbun Ed L. Randels	Sedgwick
66,990	Robert L. Nicholson, Appellee, v. Halliburton Serv., et al., Appellants.	Grover Bryan Stephen J. Jones	Seward

Summary Calendar—No Oral Argument

66,894	State of Kansas, Appellee, v. Justin W. Bass, Appellant.	Debra Byrd Wagner Attorney General Jessica R. Kunen	Sedgwick
67,311	James L. Holterman, et al., v. Foremost Insurance Co., Appellee, and Connie S. Young, Appellant.	James H. Morain Tom R. Smith	Seward
66,470	Curtis Lee Moody, Appellant, v. State of Kansas, Appellee.	Roger L. Falk Attorney General County Attorney	Cowley

Before Davis, P.J.; Larson and Rulon, JJ.

2:30 p.m.

Case No.	Case Name	Attorneys	County
66,997	State of Kansas, Appellee, v. Billy Gale Lawson, Appellant.	County Attorney Attorney General Lucille Marino	Cowley
66,047	Lydia Saucedo, Appellant, v. Ray Winger M.D., et al., Appellees.	Gene H. Sharp Ray H. Calihan Jr.	Stevens

Summary Calendar—No Oral Argument

66,159	State of Kansas, Appellee, v. Richard Schwark, Appellant.	Debra Byrd Wagner Attorney General Jessica R. Kunen	Sedgwick
66,667	State of Kansas, Appellee, v. William F. Fifer, Appellant.	Debra Byrd Wagner Attorney General Jessica R. Kunen	Sedgwick
66,080	State of Kansas, Appellee, v. Willis J. Hockett, Appellant.	Debra Byrd Wagner Attorney General Jessica R. Kunen	Sedgwick

(continued)

Kansas Court of Appeals
Division 3 Courtroom, Wyandotte County Courthouse
Kansas City, Kansas

Wednesday, April 22, 1992

Before Elliott, P.J.; Pierron, J.; and Theodore B. Ice,
District Judge, assigned.

9:30 a.m.

Case No.	Case Name	Attorneys	County
66,864	John Raccagno, Appellant, v. Wyandotte County Commission, Appellee.	J. R. Russell David M. Cooper	Wyandotte
66,502	Karen Luebbert, <i>et al.</i> , Appellees, v. Morris & King, P.C., Appellant.	Jason R. Brown Gregory A. Dean	Johnson

10:30 a.m.

Case No.	Case Name	Attorneys	County
66,563	State of Kansas, Appellee, v. Darrell L. Clark, Appellant.	County Attorney Attorney General Jessica R. Kunen	Lyon
67,222	City of Chanute, <i>et al.</i> , Appellees, v. Irene Polson, <i>et al.</i> , Appellants.	Edwin H. Bideau III Kurt F. Kluin	Neosho

1:00 p.m.

Case No.	Case Name	Attorneys	County
67,201	Resolution Trust Corp., Appellee, v. Real Estate Inv., Inc., <i>et al.</i> , Appellants.	Phillip A. Miller Timothy J. Grillot	Labette
67,313	Pan Oil & Gas Expl., Appellant, v. Kelt Kansas, Inc., <i>et al.</i> , Appellees.	John R. Horst Jon R. Viets	Montgomery
67,293	J. D. Cook Corp., <i>et al.</i> , Appellants, v. Jeffery Weil, Appellee.	Keith K. Couch Robert L. Eastman	Labette
Summary Calendar—No Oral Argument			
67,187	Robert Ted Keisler, Appellant, v. IBP, Inc., Appellee.	Michael C. Helbert Michael Downing	Lyon
67,524	Sherry P. Allen, Appellant, v. National Union Fire Insurance, Appellee.	Thomas V. Black Gerald A. King	Pratt
67,142	In the Matter of the Treatment of James K. Albright.	Stephens A. Smiley District Attorney	Johnson
67,205	State of Kansas, Appellee, v. Michael H. Jenkins, Appellant.	District Attorney Attorney General Michael W. Milnar	Johnson
66,973	In the Interest of M.T.	Rawley J. Dent Philip J. Bernhart County Attorney Roger L. Gossard	Montgomery

67,141	State of Kansas, Appellee,	County Attorney Attorney General	Labette
	v. Gary R. Jackson, Sr., Appellant.	Edward W. Dosh	
66,598	State of Kansas, Appellee,	County Attorney Attorney General	Crawford
	v. Scott Cooper, Appellant.	Jessica R. Kunen	
66,808	State of Kansas, Appellee,	County Attorney Attorney General	Lyon
	v. Donald Beeman Dollar Jr., Appellant.	Jessica R. Kunen	

**Kansas Court of Appeals
Topeka West High School, 2001 Fairlawn,
Topeka, Kansas**

Tuesday, April 21, 1992

Before Gernon, P.J.; Brazil, J.; and Sam K. Bruner,
District Judge, assigned.

9:30 a.m.

Case No.	Case Name	Attorneys	County
66,723	Willie Nickel, Appellant, v. State of Kansas, Appellee.	Lucille Marino Attorney General County Attorney	Saline
67,081	Credit Union One of Kansas, Appellee, v. Susan D. Stamm, Appellant.	Steven Johnson Thomas A. Valentine Lynn D. Lauver	Shawnee
66,768	Metro Properties, Inc., Appellee, v. Phil Thacher, Appellant.	Thomas E. Wright Michael E. Francis John C. Frieden	Shawnee
66,810	State of Kansas, Appellee, v. George E. Hinkle, Jr., Appellant.	Gene M. Olander Attorney General Rick Kittel	Shawnee

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

Tuesday, April 21, 1992

Before Gernon, P.J.; Lewis, J.; and Sam K. Bruner,
District Judge, assigned.

1:30 p.m.

Case No.	Case Name	Attorneys	County
67,026	Gary Richard, Appellee, v. James R. Betts, et al., Appellant.	Scott Condray James M. Milliken James R. Betts, pro se	Cheyenne

(continued)

67,117	In the Matter of the Guardianship and Conservatorship of Ruth Vivian Hazel Vollan.	Charley Laman Tracy J. Thull Jim L. Lawing Donna J. Long Gene Johnson	Cloud
--------	--	---	-------

Summary Calendar—No Oral Argument

66,721	State of Kansas, Appellee, v. Sonny James Blanton, Appellant.	County Attorney Attorney General Jessica R. Kunen	Brown
67,106	State of Kansas, Appellee, v. Brian D. Davenport, Appellant.	County Attorney Attorney General Jessica R. Kunen	Norton

**Before Brazil, P.J.; Lewis, J.; and Sam K. Bruner,
District Judge, assigned.**

Summary Calendar—No Oral Argument

67,000	State of Kansas, Appellee, v. James Robertson, Appellant.	County Attorney Attorney General Jessica R. Kunen	Saline
66,779	State of Kansas, Appellee, v. Jeffery Manis, Appellant.	Gene M. Olander Attorney General Jessica R. Kunen	Shawnee
66,999	State of Kansas, Appellee, v. Michael Roberts, Appellant.	County Attorney Attorney General Jessica R. Kunen	Geary

**Kansas Court of Appeals
Johnson County Community College
Olathe, Kansas**

Tuesday, April 28, 1992

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

10:00 a.m.

Case No.	Case Name	Attorneys	County
67,024	Wayne Harvey, Appellee, v. Ann Bridgewater, Appellant.	Brenda Watkins	Wyandotte
66,920 67,379	Floyd M. Scott, Appellee, v. James E. Ashley, Appellant.	Rosie M. Quinn Howard E. Bodney	Wyandotte
66,770	State of Kansas, Appellee, v. Carl D. Thompson, Appellant.	Eric C. Rajala District Attorney Attorney General Donald C. Long	Johnson

1:30 p.m.

Case No.	Case Name	Attorneys	County
66,646	State of Kansas, Appellee, v. Blaine Joseph Lemoine, Appellant.	District Attorney Attorney General Hazel Haupt	Johnson
65,882	Edward P. Carnes, et al., Appellants, v. Meadowbrook Exec. Bldg. Corp., et al., Appellees.	Randolph G. Willis Laurence M. Jarvis	Johnson
67,049	In the Matter of the Marriage of John T. Losik and Nancy J. Losik.	Steven D. Treaster Eugene T. Hackler	Johnson
Summary Calendar—No Oral Argument			
65,770	In the Interest of J.S. and J.S.	R. Bruce Kips Gary W. Long II Clifford Wiley Sheryl L. Cox	Wyandotte
66,819	In the Interest of E.H.B., D.M.B., & J.A.B.	Gary P. Kessler John Knudsen Michael G. Jones	Wyandotte
67,014	State of Kansas, Appellee, v. James Ross Davis, Appellant.	District Attorney Attorney General Jessica R. Kunen	Wyandotte

Carol G. Green
Clerk of the Appellate Courts

Doc. No. 011805

State of Kansas
Board of Agriculture
Order of Designation
Before
Samuel D. Brownback, Secretary
Kansas State Board of Agriculture
in the Matter of the Designation of a
Temporary and Permanent
Pesticide Management Area
in the Delaware River Basin
in Atchison, Brown, Jackson, Jefferson and Nemaha
Counties, Kansas

Now, therefore, it is the order of designation of the Secretary, Kansas State Board of Agriculture, that a temporary and permanent Pesticide Management Area (hereinafter referred to as the "PMA") should be and is hereby established in Atchison, Brown, Jackson, Jefferson and Nemaha counties, Kansas, within the boundaries set forth below, and the following corrective control provisions shall be in full force and effect within the area described from and after the date of this Order of Designation:

1. That the PMA is created for the purpose of limiting the input of Atrazine into surface water in the Delaware River Basin in Northeast Kansas.
2. That the PMA and its components created herein is a temporary PMA pursuant to K.S.A. 2-2475 ef-

fective immediately from and after the date of this Order of Designation.

3. That the PMA and its components created herein is also a permanent PMA pursuant to K.S.A. 2-2476 effective sixty (60) days from Publication in the *Kansas Register*.
4. That the boundaries for the PMA are the Delaware River Basin which includes four watershed districts: the Delaware Joint District #10, Nemaha Brown, Little Delaware Mission Creek and Thompsonville. The PMA is not intended to infringe upon the rights of existing sovereign nations within the boundaries.
5. That the components of the PMA Plan include Management and Conservation Practices, Education, Monitoring, Research, Enforcement and Evaluation, and outlined as follows:

Management and Conservation
Practices: Mandatory

Public Drinking Water Supplies

Atrazine use is prohibited in any form within 500 feet of the public water supplies of Mission Lake, Banner Creek Lake (new Holton City Lake), Holton City Lake (Prairie Lake), and Perry Reservoir Flood Plain.

(continued)

Drinking Water Wells

Application, mixing, and loading is prohibited within 100 feet from all public drinking water supply wells or within 50 feet of all wells including abandoned wells, drainage wells, and sink holes. The exception is if an impervious mixing/loading pad is in place then mixing/loading can occur within the parameters of other applicable state and federal law.

Atrazine Use on Non-Cropland Lands

The use of atrazine on non-cropland lands is prohibited. This includes railroad and highway right-of-ways and lawn applications.

Voluntary Provisions**Atrazine Application Rate**

Lbs. active ingredient/acre/year	management practice
2.25 maximum	Mechanical incorporation within 24 hours after application
2.25 maximum	Surface application on or before April 15 application
1.25 maximum	Preemerge broadcast after April 15
1.25 maximum	Postemerge application
2.25 maximum	When using No Till planting practices

Any combination of pre- plus post-emerge application should not exceed 2.25 pounds of active ingredient per acre per year consistent with the annual application rates otherwise prescribed.

Application Practices

The following application practices are recommended to reduce chemical runoff: incorporation, banding, postemerge applications.

Alternate Weed Control Practices

Integrated pest management is promoted and alternative weed control practices are encouraged.

Stream Buffer Zones

The use of atrazine is not recommended within 66 feet of the point of entry of water into an intermittent or perennial stream as evident on U.S. Geological Survey topography maps unless the atrazine is incorporated. This does not include grass waterways or w-ditches.

Vegetative Buffer Strips

The order encourages the promotion of existing buffer or riparian areas and the creation of new riparian and vegetative strips.

Field Borders

The order encourages participation in the Agricultural Stabilization and Conservation Service Acreage Conservation Reserve program for 33' minimum field borders.

Atrazine Use on State and Federal Land

The order encourages maintenance of the current prohibition on atrazine in state wildlife mitigation properties and Corps of Engineer properties adjacent to Perry Reservoir.

Education

An intensive educational and outreach program with widespread participation shall be conducted. The educational program shall include integrated pest management and weed control alternatives.

Monitoring

An intensive atrazine monitoring effort in the PMA shall be conducted to determine: 1. a reliable baseline in the Delaware basin from which to determine future changes in atrazine regulation and to determine the effectiveness of the PMA; 2. the documentation of any improvements in atrazine levels in surface waters and finished drinking water resulting from the creation of the PMA; 3. the identification of the location of major sources of atrazine loading in Lake Perry; 4. monitor or survey amounts of atrazine being applied in the Delaware River Basin.

Research

An intensive, broad approach, research effort will be made into ways of controlling the introduction of atrazine into the waters of the Delaware River Basin. Those efforts will include various weed management alternatives.

Enforcement

Enforcement of the PMA will follow the Kansas State Board of Agriculture Pesticide Program protocol of education, warning and prosecution.

Evaluation

Water quality data will be submitted quarterly to the Board and Secretary. Annual evaluations of the PMA will be initiated 12 months after an acceptable water quality monitoring program has been established.

Some voluntary provisions will initially be used with close monitoring of water quality and periodic review of effectiveness of the plan. If the plan proves ineffective with voluntary provisions, mandatory and/or other provisions may be invoked.

The PMA will be subject to review and revocation on or before July 21, 1996, following the completion of the EPA-mandated drinking water sampling scheme. Upon revocation, a final report will be prepared.

6. That the legal description for the boundaries of the PMA is as follows:

Lands in Atchison County, Kansas**Township 5 South, Range 17 East:**

Secs. 1 through 36: All

Township 5 South, Range 18 East:

Sec. 1: SW¹/₄ of NW¹/₄; S¹/₂

Secs. 2 through 23: All

Sec. 24: NW¹/₄; W¹/₂ of NE¹/₄; NW¹/₄ of SE¹/₄; N¹/₂ of SW¹/₄; SW¹/₄ of SW¹/₄

Sec. 26: NW¹/₄; N¹/₂ of NE¹/₄; NW¹/₄ of SW¹/₄

Secs. 27 through 32: All

Sec. 33: N¹/₂; N¹/₂ of SE¹/₄; N¹/₂ of SW¹/₄; SW¹/₄ of SW¹/₄

Sec. 34: N¹/₂ of NW¹/₄

Township 5 South, Range 19 East:Sec. 7: W¹/₂Sec. 18: W¹/₂ of NW¹/₄; NW¹/₄ of SW¹/₄**Township 6 South, Range 17 East:**

Secs. 1 and 36: All

Township 6 South, Range 18 East:Sec. 4: N¹/₂ of NW¹/₄; SW¹/₄ of NW¹/₄;NW¹/₄ of SW¹/₄

Secs. 5, 6 and 7: All

Sec. 8: W¹/₂; W¹/₂ of NE¹/₄; NE¹/₄ of NE¹/₄;W²/₂ of SE¹/₄; SE¹/₄ of SE¹/₄

Secs. 17, 18 and 19: All

Sec. 20: W¹/₂; W¹/₂ of NE¹/₄Sec. 29: W¹/₂; W¹/₂ of SE¹/₄; SW¹/₄ of NE¹/₄

Secs. 30 through 32: All

Sec. 33: W¹/₂ of SW¹/₄; SE¹/₄ of SW¹/₄; SW¹/₄ of NW¹/₄; SW¹/₄ of SE¹/₄**Township 7 South, Range 17 East:**

Secs. 1 through 24: All

Township 7 South, Range 18 East:Sec. 4: W¹/₂; SE¹/₄; W¹/₂ of NE¹/₄; SE¹/₄ of NE¹/₄

Secs. 5 through 9: All

Sec. 10: W¹/₂ of NW¹/₄; SW¹/₄ of SW¹/₄Sec. 15: SW¹/₄; W¹/₂ of SE¹/₄; SW¹/₄ of NW¹/₄

Secs. 16 through 22: All

Sec. 23: S¹/₂; S¹/₂ of NW¹/₄; S¹/₂ of NE¹/₄Sec. 24: SW¹/₄; W¹/₂ of SE¹/₄; SE¹/₄ of SE¹/₄; SW¹/₄ of NW¹/₄**Lands in Brown County, Kansas****Township 2 South, Range 15 East:**Sec. 5: SW¹/₄ of SW¹/₄Sec. 6: W¹/₂ of SE¹/₄; SE¹/₄ of SE¹/₄; that land in the W¹/₂ of section lying south of railroad right of waySec. 7: W¹/₂; NE¹/₄; W¹/₂ of SE¹/₄Sec. 8: NW¹/₄ of NW¹/₄Sec. 18: W¹/₂; SE¹/₄; W¹/₂ of NE¹/₄

Sec. 19: All

Sec. 20: W¹/₂ of SW¹/₄Sec. 28: SW¹/₄; S¹/₂ of NW¹/₄; SW¹/₄ of SE¹/₄

Secs. 29 through 33: All

Sec. 34: SW¹/₄; S¹/₂ of SE¹/₄; S¹/₂ of NW¹/₄**Township 3 South, Range 15 East:**Sec. 2: W¹/₂

Secs. 3 through 10: All

Sec. 11: W¹/₂; W¹/₂ of SE¹/₄; SW¹/₄ of NE¹/₄Sec. 13: SW¹/₄; W¹/₂ of SE¹/₄; SE¹/₄ of SE¹/₄Sec. 14: W¹/₂; SE¹/₄; W¹/₂ of NE¹/₄; SE¹/₄ of NE¹/₄

Secs. 15 through 36: All

Township 3 South, Range 16 East:Sec. 17: SW¹/₄Sec. 18: SE¹/₄; E¹/₂ of SW¹/₄; SW¹/₄ of SW¹/₄

Sec. 19 through 22: All

Sec. 23: S¹/₂Sec. 25: W¹/₂ of NW¹/₄; SW¹/₄; S¹/₂ of SE¹/₄

Secs. 26 through 36: All

Township 3 South, Range 17 East:Sec. 31, SW¹/₄**Township 4 South, Range 15 East:**

Secs. 1 through 36: All

Township 4 South, Range 16 East:

Secs. 1 through 36: All

Township 4 South, Range 17 East:Sec. 4, S¹/₂ of S¹/₂; NW¹/₄ of SW¹/₄Sec. 5, S¹/₂

Secs. 6 through 9: All

Sec. 10: W¹/₂; S¹/₂ of SE¹/₄; NE¹/₄ of SE¹/₄Sec. 11: S¹/₂; S¹/₂ of NW¹/₄; S¹/₂ of NE¹/₄Sec. 12: S¹/₂; S¹/₂ of NW¹/₄; S¹/₂ of NE¹/₄;NW¹/₄ of NW¹/₄

Secs. 13 through 36: All

Township 4 South, Range 18 East:Sec. 7: S¹/₂ of SW¹/₄; NW¹/₄ of SW¹/₄; SW¹/₄ of NW¹/₄; SW¹/₄ of SE¹/₄Sec. 17: W¹/₂ of SW¹/₄; SW¹/₄ of NW¹/₄

Secs. 18 and 19: All

Sec. 20: W¹/₂ of SW¹/₄; SW¹/₄ of NW¹/₄Sec. 29: S¹/₂; S¹/₂ of NW¹/₄; NW¹/₄ of NW¹/₄

Secs. 30 through 32: All

Sec. 33: S¹/₂; S¹/₂ of NW¹/₄; S¹/₂ of NE¹/₄; NE¹/₄ of NE¹/₄Sec. 34: SW¹/₄; S¹/₂ of NW¹/₄; NW¹/₄ of NW¹/₄; NW¹/₄ of SE¹/₄**Lands in Jackson County, Kansas****Township 5 South, Range 15 East:**

Secs. 1 through 36: All

Township 5 South, Range 16 East:

Secs. 1 through 36: All

Township 6 South, Range 13 East:

Sec. 1: All

Sec. 2: E¹/₂; E¹/₂ of SW¹/₄Sec. 11: E¹/₂; E¹/₂ of NW¹/₄; E¹/₂ of SW¹/₄; SW¹/₄ of SW¹/₄

Secs. 12 and 13: All

Sec. 14: E¹/₂; NW¹/₄; E¹/₂ of SW¹/₄Sec. 23: NE¹/₄; N¹/₂ of SE¹/₄; SE¹/₄ of SE¹/₄; NE¹/₄ of NW¹/₄

Secs. 24 and 25: All

Sec. 26: NE¹/₄ of NE¹/₄Sec. 36: E¹/₂; E¹/₂ of SW¹/₄; NE¹/₄ of NW¹/₄**Township 6 South, Range 14 East:**

Secs. 1 through 36: All

Township 6 South, Range 15 East:

Secs. 1 through 36: All

Township 6 South, Range 16 East:

Secs. 1 through 36: All

Township 7 South, Range 13 East:Sec. 1 : NE¹/₄; NE¹/₄ of SE¹/₄**Township 7 South, Range 14 East:**

Secs. 1 through 5: All

Sec. 6: N¹/₂; SE¹/₄; N¹/₂ of SW¹/₄; SE¹/₄ of SW¹/₄Sec. 7: NE¹/₄

Secs. 8 through 16: All

Sec. 17: NE¹/₄; N¹/₂ of NW¹/₄Sec. 21: N¹/₂ of NE¹/₄; SE¹/₄ of NE¹/₄; NE¹/₄ of SE¹/₄

(continued)

Secs. 22 through 25: All
 Sec. 26: NE¹/₄; N¹/₂ of NW¹/₄; NE¹/₄ of SE¹/₄
 Sec. 27: N¹/₂ of NW¹/₄; NW¹/₄ of NE¹/₄
 Sec. 36: NE¹/₄; E¹/₂ of NW¹/₄; E¹/₂ of SE¹/₄

Township 7 South, Range 15 East:

Secs. 1 through 36: All

Township 7 South, Range 16 East:

Secs. 1 through 36: All

Township 8 South, Range 14 East:

Sec. 1: E¹/₂ of NE¹/₄

Township 8 South, Range 15 East:

Secs. 1 through 5: All

Sec. 6: N¹/₂; SE¹/₄; N¹/₂ of SW¹/₄; SE¹/₄ of SW¹/₄

Sec. 7: N¹/₂ of NE¹/₄; SE¹/₄ of NE¹/₄

Sec. 8: N¹/₂; SE¹/₄; E¹/₂ of SW¹/₄; NW¹/₄ of SW¹/₄

Secs. 9 through 16: All

Sec. 17: NE¹/₄; NE¹/₄ of NW¹/₄; NE¹/₄ of SE¹/₄

Sec. 21: E¹/₂ of NW¹/₄; NW¹/₄ of NE¹/₄

Sec. 22: N¹/₂ of NE¹/₄; SE¹/₄ of NE¹/₄

Secs. 23 through 25: All

Sec. 26: E¹/₂; E¹/₂ of SW¹/₄; E¹/₂ of NW¹/₄;
 NW¹/₄ of NW¹/₄

Sec. 35: E¹/₂ of SE¹/₄; E¹/₂ of NE¹/₄; NW¹/₄ of NE¹/₄

Sec. 36: N¹/₂; W¹/₂ of SW¹/₄

Township 8 South, Range 16 East:

Secs. 2 through 11: All

Secs. 14 through 23: All

Secs. 26 through 30: All

Sec. 31: N¹/₂; N¹/₂ of SE¹/₄

Secs. 32 through 35: All

Township 9 South, Range 16 East:

Secs. 2 and 3: All

Sec. 4: NE¹/₄; N¹/₂ of SE¹/₄; N¹/₂ of NW¹/₄;
 SE¹/₄ of NW¹/₄

Sec. 5: NE¹/₄ of NE¹/₄

Sec. 10: N¹/₂ of NE¹/₄

Sec. 11: E¹/₂; SW¹/₄; N¹/₂ of NW¹/₄; SE¹/₄ of NW¹/₄

Sec. 14: E¹/₂; E¹/₂ of NW¹/₄; E¹/₂ of SW¹/₄

Sec. 23: E¹/₂; NE¹/₄ of NW¹/₄

Sec. 26: E¹/₂

Sec. 35: E¹/₂ of NE¹/₄; SE¹/₄ of SE¹/₄

Lands in Jefferson County, Kansas**Township 7 South, Range 16 East:**

Secs. 25 and 36: All

Township 7 South, Range 17 East:

Secs. 25 and 36: All

Township 7 South, Range 18 East:

Secs. 25 and 36: All

Township 7 South, Range 19 East:

Sec. 30: SW¹/₄

Sec. 31: All

Township 8 South, Range 16 East:

Secs. 1, 12, 13, 24, 25 and 36: All

Township 8 South, Range 17 East:

Secs. 1 through 36: All

Township 8 South, Range 18 East:

Secs. 1 through 12: All

Sec. 13: N¹/₂; SW¹/₄; W¹/₂ of SE¹/₄

Secs. 14 through 23: All

Sec. 24: S¹/₂; NW¹/₄; SW¹/₄ of NE¹/₄

Secs. 25 through 36: All

Township 8 South, Range 19 East:

Sec. 5: W¹/₂ of NW¹/₄; W¹/₂ of SW¹/₄

Sec. 6: All

Sec. 7: N¹/₂; N¹/₂ of SE¹/₄; N¹/₂ of SW¹/₄;
 SW¹/₄ of SW¹/₄

Sec. 18: NW¹/₄ of NW¹/₄

Sec. 19: W¹/₂ of SW¹/₄; SE¹/₄ of SW¹/₄

Sec. 30: NW¹/₄; W¹/₂ of SW¹/₄

Sec. 31: W¹/₂ of NW¹/₄; NW¹/₄ of SW¹/₄

Sec. 34: S¹/₂ of SE¹/₄; SE¹/₄ of SW¹/₄

Township 9 South, Range 16 East:

Secs. 1, 12, 13, 24, 25 and 36: All

Township 9 South, Range 17 East:

Secs. 1 through 36: All

Township 9 South, Range 18 East:

Secs. 1 through 36: All

Township 9 South, Range 19 East:

Sec. 2: W¹/₂ of SW¹/₄

Sec. 3: All

Sec. 4: SE¹/₄; S¹/₂ of NE¹/₄; S¹/₂ of SW¹/₄

Sec. 6: S¹/₂; S¹/₂ of NE¹/₄; S¹/₂ of NW¹/₄;
 NW¹/₄ of NW¹/₄

Sec. 7: All

Sec. 8: S¹/₂; S¹/₂ of NE¹/₄; S¹/₂ of NW¹/₄;
 NW¹/₄ of NW¹/₄

Secs. 9 and 10: All

Sec. 11: W¹/₂; SW¹/₄ of NE¹/₄

Sec. 14: W¹/₂; SE¹/₄; SW¹/₄ of NE¹/₄

Secs. 15 through 22: All

Sec. 23: W¹/₂; W¹/₂ of SE¹/₄; W¹/₂ of NE¹/₄;
 NE¹/₄ of NE¹/₄

Sec. 25: W¹/₂ of SW¹/₄; SW¹/₄ of NW¹/₄

Sec. 26: S¹/₂; NW¹/₄; S¹/₂ of NE¹/₄; NW¹/₄ of NE¹/₄

Secs. 27 through 35: All

Sec. 36: W¹/₂ of NW¹/₄; W¹/₂ of SW¹/₄; SE¹/₄ of
 SW¹/₄; SW¹/₄ of SE¹/₄

Township 10 South, Range 16 East:

Sec. 1: E¹/₂; E¹/₂ of NW¹/₄; NW¹/₄ of NW¹/₄;
 NE¹/₄ of SW¹/₄

Township 10 South, Range 17 East:

Secs. 1 through 6: All

Sec. 7: E¹/₂; NE¹/₄ of NW¹/₄

Secs. 8 through 17: All

Sec. 18: E¹/₂; SE¹/₄ of SW¹/₄

Sec. 19: E¹/₂ of SE¹/₄; E¹/₂ of NE¹/₄; NW¹/₄ of NE¹/₄

Secs. 20 through 27: All

Sec. 28: N¹/₂; SE¹/₄; N¹/₂ of SW¹/₄; SE¹/₄ of SW¹/₄

Sec. 29: NE¹/₄; N¹/₂ of NW¹/₄

Sec. 33: NE¹/₄; NE¹/₄ of NW¹/₄; NE¹/₄ of SE¹/₄

Sec. 34: N¹/₂

Sec. 35: E¹/₂; NW¹/₄; E¹/₂ of SW¹/₄

Sec. 36: All

Township 10 South, Range 18 East:

Secs. 1 through 35: All

Sec. 36: N¹/₂; SW¹/₄; N¹/₂ of SE¹/₄; SW¹/₄ of SE¹/₄

Township 10 South, Range 19 East:

- Secs. 1 through 9: All
 Sec. 10: N¹/₂ of NW¹/₄; SW¹/₄ of NW¹/₄; NW¹/₄ of SW¹/₄; N¹/₂ of NE¹/₄; SE¹/₄ of NE¹/₄
 Sec. 11: N¹/₂; NE¹/₄ of SE¹/₄
 Sec. 12: N¹/₂; N¹/₂ of SW¹/₄; NE¹/₄ of SE¹/₄
 Sec. 17: NW¹/₄ of NW¹/₄
 Sec. 18: All
 Sec. 19: W¹/₂; SE¹/₄; W¹/₂ of NE¹/₄
 Sec. 30: NW¹/₄; W¹/₂ of SW¹/₄; W¹/₂ of NE¹/₄; NE¹/₄ of NE¹/₄
 Sec. 31: NW¹/₄ of NW¹/₄

Township 10 South, Range 20 East:

- Sec. 6: S¹/₂; S¹/₂ of NW¹/₄; SW¹/₄ of NE¹/₄
 Sec. 7: NW¹/₄; N¹/₂ of NE¹/₄; SW¹/₄ of NE¹/₄; NW¹/₄ of SW¹/₄

Township 11 South, Range 17 East:

- Sec. 1: N¹/₂; SE¹/₄; S¹/₂ of SW¹/₄; NE¹/₄ of SW¹/₄
 Sec. 12: All
 Sec. 13: All
 Sec. 24: NW¹/₄; NE¹/₄ north of the Union Pacific Railroad; SW¹/₄ north of the Union Pacific Railroad

Township 11 South, Range 18 East:

- Secs. 1 through 12: All
 Sec. 13: N¹/₂; N¹/₂ of SW¹/₄; N¹/₂ of SE¹/₄
 Sec. 14: All
 Sec. 15: N¹/₂; that land in S¹/₂ lying N of center line of the Delaware River
 Secs. 16 through 18: All
 Sec. 19: All except the portion lying south of the Union Pacific Railroad
 Sec. 20: All except the portion lying south of the Union Pacific Railroad and except all of Survey 16 and the W¹/₂ of Survey 17 of the Kaw Half Breed Indian lands lying north of the Union Pacific Railroad
 Sec. 21: the west 4.48 acres of lot 4
 Sec. 22: that land in NW¹/₄ lying N of center line of the Delaware River; that land in the NE¹/₄ lying E of center line of the Delaware River
 Sec. 23: NW¹/₄; W¹/₂ of NE¹/₄

Township 11 South, Range 19 East:

- Sec. 6: W¹/₂
 Sec. 7: NW¹/₄; W¹/₂ of SW¹/₄
 Sec. 18: NW¹/₄ of NW¹/₄

Lands in Nemaha County, Kansas**Township 1 South, Range 14 East:**

- Sec. 27: S¹/₂ of SW¹/₄
 Sec. 33: S¹/₂ of NE¹/₄; NE¹/₄ of NE¹/₄; N¹/₂ of SE¹/₄; SE¹/₄ of SE¹/₄
 Sec. 34: All
 Sec. 35: W¹/₂ of SW¹/₄; SE¹/₄ of SW¹/₄

Township 2 South, Range 14 East:

- Sec. 1: S¹/₂ of S¹/₂
 Sec. 2: W¹/₂; SE¹/₄; S¹/₂ of NE¹/₄
 Secs. 3: All
 Sec. 4: SE¹/₄; S¹/₂ of NE¹/₄; NE¹/₄ of NE¹/₄; S¹/₂ of SW¹/₄; NE¹/₄ of SW¹/₄

- Sec. 8: S¹/₂ of SE¹/₄; NE¹/₄ of SE¹/₄; SE¹/₄ of SW¹/₄
 Secs. 9 through 16: All
 Sec. 17: E¹/₂; SW¹/₄; S¹/₂ of NW¹/₄; NE¹/₄ of NW¹/₄
 Sec. 18: E¹/₂ of SE¹/₄; SE¹/₄ of NE¹/₄
 Sec. 19: E¹/₂
 Secs. 20 through 29: All
 Sec. 30: E¹/₂; E¹/₂ of NW¹/₄; E¹/₂ of SW¹/₄
 Sec. 31: E¹/₂; SW¹/₄; S¹/₂ of NW¹/₄; NE¹/₄ of NW¹/₄
 Secs. 32 through 36: All

Township 3 South, Range 13 East:

- Sec. 1: E¹/₂; E¹/₂ of SW¹/₄
 Sec. 12: E¹/₂; E¹/₂ of NW¹/₄; SW¹/₄ of NW¹/₄; E¹/₂ of SW¹/₄
 Sec. 13: All
 Sec. 23: SE¹/₄ of NE¹/₄
 Secs. 24 and 25: All
 Sec. 26: E¹/₂ of SE¹/₄; SW¹/₄ of SE¹/₄; SE¹/₄ of NE¹/₄
 Sec. 35: NE¹/₄; S¹/₂ of SE¹/₄; NE¹/₄ of SE¹/₄
 Sec. 36: All

Township 3 South, Range 14 East:

- Secs. 1 through 36: All

Township 4 South, Range 13 East:

- Sec. 1: All
 Sec. 2: E¹/₂; SE¹/₄ of NW¹/₄; E¹/₂ of SW¹/₄; SW¹/₄ of SW¹/₄
 Sec. 10: E¹/₂ of SE¹/₄
 Secs. 11 through 14: All
 Sec. 15: E¹/₂; SW¹/₄; S¹/₂ of NW¹/₄; NE¹/₄ of NW¹/₄
 Sec. 16: SE¹/₄
 Sec. 21: E¹/₂; E¹/₂ of SW¹/₄; SW¹/₄ of SW¹/₄
 Secs. 22 through 28: All
 Sec. 29: E¹/₂ of SE¹/₄; SE¹/₄ of NE¹/₄
 Sec. 32: S¹/₂ of NE¹/₄; NE¹/₄ of NE¹/₄; N¹/₂ of SE¹/₄; SE¹/₄ of SE¹/₄
 Sec. 33: E¹/₂; NW¹/₄; N¹/₂ of SW¹/₄; SE¹/₄ of SW¹/₄
 Secs. 34 through 36: All

Township 4 South, Range 14 East:

- Secs. 1 through 36: All

Township 5 South, Range 13 East:

- Secs. 1 and 2: All
 Sec. 3: N¹/₂; SE¹/₄; NE¹/₄ of SW¹/₄
 Sec. 10: E¹/₂ of NE¹/₄; E¹/₂ of SE¹/₄
 Secs. 11 through 13: All
 Sec. 14: E¹/₂; N¹/₂ of NW¹/₄; SE¹/₄ of NW¹/₄; S¹/₂ of SW¹/₄; NE¹/₄ of SW¹/₄
 Sec. 15: NE¹/₄ of NE¹/₄
 Secs. 23 through 25: All
 Sec. 26: E¹/₂; N¹/₂ of NW¹/₄
 Sec. 35: E¹/₂; E¹/₂ of SW¹/₄
 Sec. 36: All

Township 5 South, Range 14 East:

- Secs. 1 through 36: All

7. That in all other respects not inconsistent with this Order of Designation, the Secretary shall continue to administer the Kansas Pesticide Law within the PMA, in accordance with other federal and state laws, and rules and regulations and policies of the Division of Plant Health, Kansas State Board of Agriculture, where applicable.

(continued)

8. That the Secretary specifically retains jurisdiction in this matter with authority to make such changes in the boundaries of the PMA or the PMA plan components which have been instituted or any other provisions of this Order of Designation, and to hold any subsequent hearings in the matter of the PMA or the plan components as required by law or which he or she may deem to be in the public interest.

Dated at Topeka, Kansas this 2nd day of April, 1992.

Samuel D. Brownback
Secretary of Agriculture

Doc. No. 011827

State of Kansas

Secretary of State

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

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

Bill Graves
Secretary of State

(Published in the Kansas Register, April 9, 1992.)

SENATE BILL No. 584

AN ACT concerning Washburn university; relating to the financing thereof; amending K.S.A. 1991 Supp. 72-6503 and 72-6508 and repealing the existing sections.

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

Section 1. K.S.A. 1991 Supp. 72-6503 is hereby amended to read as follows: 72-6503. (a) In each fiscal year, commencing with fiscal year 1992, the university is entitled to receive an operating grant from the state general fund in an amount provided therefor by appropriation act.

(b) For fiscal years after fiscal year 1992, the president of the university shall submit to the state board a budget estimate for the university and a request for an operating grant from the state. The budget estimate and request shall be submitted in the manner and at the time prescribed by the state board for ~~submission to it of budget estimates and requests by the state educational institutions~~. The state board shall determine an amount to be received by the university as an operating grant from the state by reviewing the budget estimate submitted by the university and approving or adjusting and approving the amount requested. The state board shall submit the amount so determined, along with the amount of the request made by the university, to the director of the budget for presentation to the governor and submission to the legislature in the manner and at the time prescribed by law for submission of budget estimates and requests by state agencies.

(c) Moneys received as operating grants from the state general fund shall not be expended for the purpose of expansion of graduate programs or for the purpose of expansion of off-campus programs without the prior approval of the state board.

Sec. 2. K.S.A. 1991 Supp. 72-6508 is hereby amended to read as follows: 72-6508. The university shall be eligible to receive payments of operating grants from the state general fund to continue and further its traditional program of operating a liberal arts college, a school of business, a school of law, a school of nursing and a school of applied ~~and continuing education studies~~. While receiving payments from the state general fund, the university shall be limited to associates, bachelors, masters and juris doctor degree work and shall not establish specialized schools such as journalism, medicine, pharmacy and engineering, or other new educational schools unless authorized by act of the legislature.

Sec. 3. K.S.A. 1991 Supp. 72-6503 and 72-6508 are hereby repealed.

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

(Published in the Kansas Register, April 9, 1992.)

SENATE BILL No. 731

AN ACT concerning educational institutions; relating to the issuance of revenue bonds for construction or acquisition of certain properties; amending K.S.A. 1991 Supp. 76-6a13 and repealing the existing section.

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

Section 1. K.S.A. 1991 Supp. 76-6a13 is hereby amended to read as follows: 76-6a13. As used in this act, unless the context otherwise requires:

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

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

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

(d) "Revenue bonds" means bonds issued ~~hereunder for the purposes herein authorized by a board under authority of K.S.A. 76-6a13 et seq., and amendments thereto,~~ and payable as to both principal and interest solely and only out of (1) the income and revenues arising from the operation of the building for which such bonds are issued, or (2) in the case of a building to be constructed for an institution under the control and supervision of the state board of regents and upon a determination by the state board of regents that the best interests of the state and the institution will be served thereby, the revenues derived from student fees levied for this purpose or for other bonds after such other bonds are retired, or both, (3) any combination of the revenues described in clause (1) or (2), and (4) in addition to the revenues described in clauses (1), (2) or (3), in the discretion of the board, out of one or both of the following additional sources: (A) The proceeds of any grant in aid of such

project which may be received from any source, and (B) the net income and revenues arising from the operation of another building already owned and operated by the board and located on the same campus of the institution where the building for which bonds are to be issued will be located.

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

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

Sec. 2. K.S.A. 1991 Supp. 76-6a13 is hereby repealed.

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

(Published in the Kansas Register, April 9, 1992.)

HOUSE BILL No. 3040

AN ACT concerning insurance; health care provider insurance; health care stabilization fund; amending K.S.A. 1991 Supp. 40-3403 and 40-3413 and repealing the existing sections.

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

Section 1. K.S.A. 1991 Supp. 40-3403 is hereby amended to read as follows: 40-3403. (a) For the purpose of paying damages for personal injury or death arising out of the rendering of or the failure to render professional services by a health care provider, self-insurer or inactive health care provider subsequent to the time that such health care provider or self-insurer has qualified for coverage under the provisions of this act, there is hereby established the health care stabilization fund. The fund shall be held in trust in a segregated fund in the state treasury. The commissioner shall administer the fund or contract for the administration of the fund with an insurance company authorized to do business in this state.

(b) (1) There is hereby created a board of governors. The board of governors shall:

(A) Provide technical assistance with respect to administration of the fund;

(B) provide such expertise as the commissioner may reasonably request with respect to evaluation of claims or potential claims;

(C) provide advice, information and testimony to the appropriate licensing or disciplinary authority regarding the qualifications of a health care provider;

(D) prepare and publish, on or before October 1 of each year, a summary of the fund's activity during the preceding fiscal year, including but not limited to the amount collected from surcharges, the highest and lowest surcharges assessed, the amount paid from the fund, the number of judgments paid from the fund, the number of settlements paid from the fund and the amount in the fund at the end of the fiscal year; and

(E) have the authority to grant exemptions from the provisions of subsection (m) of this section when a health care provider temporarily leaves the state for the purpose of obtaining additional education or training or to participate in religious, humanitarian or government service programs. Whenever a health care provider has previously left the state for one of the reasons specified in this paragraph and returns to the state and recommences practice, the board of governors may refund any amount paid by the health care provider pursuant to subsection (m) of this section if no claims have been filed against such health care provider during the provider's temporary absence from the state.

(2) The board shall consist of 14 persons appointed by the commissioner of insurance, as follows: (A) The commissioner of insurance, or the designee of the commissioner, who shall act as chairperson; (B) two members appointed from the public at large who are not affiliated with any health care provider; (C) three members licensed to practice medicine and surgery in Kansas who are doctors of medicine; (D) three members who are representatives of Kansas hospitals; (E) two members licensed to practice medicine and surgery in Kansas who are doctors of osteopathic medicine; (F) one member licensed to practice chiropractic in Kansas; (G) one member who is a licensed professional nurse authorized to practice as a registered nurse anes-

thetist; and (H) one member of another category of health care providers. Meetings shall be called by the chairperson or by a written notice signed by three members of the board. The board, in addition to other duties imposed by this act, shall study and evaluate the operation of the fund and make such recommendations to the legislature as may be appropriate to ensure the viability of the fund.

(3) The board shall be attached to the insurance department and shall be within the insurance department as a part thereof. All budgeting, purchasing and related management functions of the board shall be administered under the direction and supervision of the commissioner of insurance. All vouchers for expenditures of the board shall be approved by the commissioner of insurance or a person designated by the commissioner.

(c) Subject to subsections (d), (e), (f), (i), (k), (m), (n), and (o), the fund shall be liable to pay: (1) Any amount due from a judgment or settlement which is in excess of the basic coverage liability of all liable resident health care providers or resident self-insurers for any personal injury or death arising out of the rendering of or the failure to render professional services within or without this state; (2) subject to the provisions of subsection (m), any amount due from a judgment or settlement which is in excess of the basic coverage liability of all liable nonresident health care providers or nonresident self-insurers for any such injury or death arising out of the rendering or the failure to render professional services within this state but in no event shall the fund be obligated for claims against nonresident health care providers or nonresident self-insurers who have not complied with this act or for claims against nonresident health care providers or nonresident self-insurers that arose outside of this state; (3) subject to the provisions of subsection (m), any amount due from a judgment or settlement against a resident inactive health care provider, or an optometrist or pharmacist who purchased coverage pursuant to subsection (n), for any such injury or death arising out of the rendering of or failure to render professional services; (4) subject to the provisions of subsection (m), any amount due from a judgment or settlement against a nonresident inactive health care provider, or an optometrist or pharmacist who purchased coverage pursuant to subsection (n), for any injury or death arising out of the rendering or failure to render professional services within this state, but in no event shall the fund be obligated for claims against: (A) Nonresident inactive health care providers who have not complied with this act; or (B) nonresident inactive health care providers for claims that arose outside of this state, unless such health care provider was a resident health care provider or resident self-insurer at the time such act occurred; (5) reasonable and necessary expenses for attorney fees incurred in defending the fund against claims; (6) any amounts expended for reinsurance obtained to protect the best interests of the fund purchased by the commissioner, which purchase shall be subject to the provisions of K.S.A. 75-3738 through 75-3744, and amendments thereto, but shall not be subject to the provisions of K.S.A. 75-4101 and amendments thereto; (7) reasonable and necessary actuarial expenses incurred in administering the act, including expenses for any actuarial studies contracted for by the legislative coordinating council, which expenditures shall not be subject to the provisions of K.S.A. 75-3738 through 75-3744, and amendments thereto; (8) ~~annually~~ periodically to the plan or plans, any amount due pursuant to subsection (a)(3) of K.S.A. 40-3413 and amendments thereto; (9) reasonable and necessary expenses incurred by the insurance department and the board of governors in the administration of the fund; (10) return of any unearned surcharge; (11) reasonable and necessary expenses for attorney fees and other costs incurred in defending a person engaged or who was engaged in residency training or the private practice corporations or foundations and their full-time physician faculty employed by the university of Kansas medical center from claims for personal injury or death arising out of the rendering of or the failure to render professional services by such health care provider; (12) notwithstanding the provisions of subsection (m), any amount due from a judgment or settlement for an injury or death arising out of the rendering of or failure to render professional services by a person engaged or who was engaged in residency training or the private practice corporations or foundations and their full-time physician faculty employed by the university of Kansas medical center; (13) reasonable and necessary expenses for the development and promotion of risk management education pro-

(continued)

grams; (14) notwithstanding the provisions of subsection (m), any amount, but not less than the required basic coverage limits, owed pursuant to a judgment or settlement for any injury or death arising out of the rendering of or failure to render professional services by a person, other than a person described in clause (12) of this subsection, who was engaged in a postgraduate program of residency training approved by the state board of healing arts but who, at the time the claim was made, was no longer engaged in such residency program; and (15) reasonable and necessary expenses for attorney fees and other costs incurred in defending a person described in clause (14) of this subsection.

(d) All amounts for which the fund is liable pursuant to subsection (c) shall be paid promptly and in full except that, if the amount for which the fund is liable is \$300,000 or more, it shall be paid, by installment payments of \$300,000 or 10% of the amount of the judgment including interest thereon, whichever is greater, per fiscal year, the first installment to be paid within 60 days after the fund becomes liable and each subsequent installment to be paid annually on the same date of the year the first installment was paid, until the claim has been paid in full. Any attorney fees payable from such installment shall be similarly prorated.

(e) In no event shall the fund be liable to pay in excess of \$3,000,000 pursuant to any one judgment or settlement against any one health care provider relating to any injury or death arising out of the rendering of or the failure to render professional services on and after July 1, 1984, and before July 1, 1989, subject to an aggregate limitation for all judgments or settlements arising from all claims made in any one fiscal year in the amount of \$6,000,000 for each provider.

(f) The fund shall not be liable to pay in excess of the amounts specified in the option selected by the health care provider pursuant to subsection (l) for judgments or settlements relating to injury or death arising out of the rendering of or failure to render professional services by such health care provider on or after July 1, 1989.

(g) A health care provider shall be deemed to have qualified for coverage under the fund: (1) On and after the effective date of this act if basic coverage is then in effect; (2) subsequent to the effective date of this act, at such time as basic coverage becomes effective; or (3) upon qualifying as a self-insurer pursuant to K.S.A. 40-3414 and amendments thereto.

(h) A health care provider who is qualified for coverage under the fund shall have no vicarious liability or responsibility for any injury or death arising out of the rendering of or the failure to render professional services inside or outside this state by any other health care provider who is also qualified for coverage under the fund. The provisions of this subsection shall apply to all claims filed on or after the effective date of this act.

(i) Notwithstanding the provisions of K.S.A. 40-3402 and amendments thereto, if the board of governors determines due to the number of claims filed against a health care provider or the outcome of those claims that an individual health care provider presents a material risk of significant future liability to the fund, the board of governors is authorized by a vote of a majority of the members thereof, after notice and an opportunity for hearing in accordance with the provisions of the Kansas administrative procedure act, to terminate the liability of the fund for all claims against the health care provider for damages for death or personal injury arising out of the rendering of or the failure to render professional services after the date of termination. The date of termination shall be 30 days after the date of the determination by the board of governors. The board of governors, upon termination of the liability of the fund under this subsection, shall notify the licensing or other disciplinary board having jurisdiction over the health care provider involved of the name of the health care provider and the reasons for the termination.

(j) (1) Upon the payment of moneys from the health care stabilization fund pursuant to subsection (c)(11), the commissioner shall certify to the director of accounts and reports the amount of such payment, and the director of accounts and reports shall transfer an amount equal to the amount certified, reduced by any amount transferred pursuant to paragraph (3) of this subsection, from the state general fund to the health care stabilization fund.

(2) Upon the payment of moneys from the health care stabilization fund pursuant to subsection (c)(12), the commissioner shall

certify to the director of accounts and reports the amount of such payment which is equal to the basic coverage liability of self-insurers, and the director of accounts and reports shall transfer an amount equal to the amount certified, reduced by any amount transferred pursuant to paragraph (3) of this subsection, from the state general fund to the health care stabilization fund.

(3) The university of Kansas medical center private practice foundation reserve fund is hereby established in the state treasury. On July 1, 1989, or as soon thereafter as is practicable, the private practice corporations or foundations referred to in subsection (c) of K.S.A. 40-3402, and amendments thereto, shall remit \$500,000 to the state treasurer, and the state treasurer shall credit the same to the university of Kansas medical center private practice foundation reserve fund. If the balance in such reserve fund is less than \$500,000 on July 1 of any succeeding year, the private practice corporations or foundations shall remit the amount necessary to increase such balance to \$500,000 to the state treasurer for credit to such fund as soon after such July 1 date as is practicable. When compliance with the foregoing provisions of this paragraph have been achieved on or after July 1 of any year in which the same are applicable, it shall be the duty of the state treasurer to certify to the commissioner that the reserve fund has been funded for the year in the manner required by law. Moneys in such reserve fund may be invested or reinvested in accordance with the provisions of K.S.A. 40-3406, and amendments thereto, and any income or interest earned by such investments shall be credited to the reserve fund. Upon payment of moneys from the health care stabilization fund pursuant to subsection (c)(11) or (c)(12) with respect to any private practice corporation or foundation or any of its full-time physician faculty employed by the university of Kansas, the director of accounts and reports shall transfer an amount equal to the amount paid from the university of Kansas medical center private practice foundation reserve fund to the health care stabilization fund or, if the balance in such reserve fund is less than the amount so paid, an amount equal to the balance of the fund.

(4) Upon payment of moneys from the health care stabilization fund pursuant to subsection (c)(14) or (15), the commissioner shall certify to the director of accounts and reports the amount of such payment, and the director of accounts and reports shall transfer an amount equal to the amount certified from the state general fund to the health care stabilization fund.

(k) Notwithstanding any other provision of the health care provider insurance availability act, no psychiatric hospital licensed under K.S.A. 75-3307b and amendments thereto shall be assessed a premium surcharge or be entitled to coverage under the fund if such hospital has not paid any premium surcharge pursuant to K.S.A. 40-3404 and amendments thereto prior to January 1, 1988.

(l) On or after July 1, 1989, every health care provider shall make an election to be covered by one of the following options provided in this subsection which shall limit the liability of the fund with respect to judgments or settlements relating to injury or death arising out of the rendering of or failure to render professional services on or after July 1, 1989. Such election shall be made at the time the health care provider renews the basic coverage in effect on the effective date of this act or, if basic coverage is not in effect, such election shall be made at the time such coverage is acquired pursuant to K.S.A. 40-3402, and amendments thereto. Notice of the election shall be provided by the insurer providing the basic coverage in the manner and form prescribed by the commissioner and shall continue to be effective from year to year unless modified by a subsequent election made prior to the anniversary date of the policy. The health care provider may at any subsequent election reduce the dollar amount of the coverage for the next and subsequent fiscal years, but may not increase the same, unless specifically authorized by the board of governors. Such election shall be made for persons engaged in residency training and persons engaged in other postgraduate training programs approved by the state board of healing arts at medical care facilities or mental health centers in this state by the agency or institution paying the surcharge levied under K.S.A. 40-3404, and amendments thereto, for such persons. Such options shall be as follows:

(1) **OPTION 1.** The fund shall not be liable to pay in excess of \$100,000 pursuant to any one judgment or settlement for any party against such health care provider, subject to an aggregate limitation

for all judgments or settlements arising from all claims made in the fiscal year in an amount of \$300,000 for such provider.

(2) *OPTION 2.* The fund shall not be liable to pay in excess of \$300,000 pursuant to any one judgment or settlement for any party against such health care provider, subject to an aggregate limitation for all judgments or settlements arising from all claims made in the fiscal year in an amount of \$900,000 for such provider.

(3) *OPTION 3.* The fund shall not be liable to pay in excess of \$800,000 pursuant to any one judgment or settlement for any party against such health care provider, subject to an aggregate limitation for all judgments or settlements arising from all claims made in the fiscal year in an amount of \$2,400,000 for such provider.

(m) The fund shall not be liable for any amounts due from a judgment or settlement against resident or nonresident inactive health care providers who first qualify as an inactive health care provider on or after July 1, 1989, unless such health care provider has been in compliance with K.S.A. 40-3402, and amendments thereto, for a period of not less than five years. If a health care provider has not been in compliance for five years, such health care provider may make application and payment for the coverage for the period while they are nonresident health care providers, nonresident self-insurers or resident or nonresident inactive health care providers to the fund. Such payment shall be made within 30 days after the health care provider ceases being an active health care provider and shall be made in an amount determined by the commissioner to be sufficient to fund anticipated claims based upon reasonably prudent actuarial principles. The provisions of this subsection shall not be applicable to any health care provider which becomes inactive through death or retirement, or through disability or circumstances beyond such health care provider's control, if such health care provider notifies the board of governors and receives approval for an exemption from the provisions of this subsection. Any period spent in a postgraduate program of residency training approved by the state board of healing arts shall not be included in computation of time spent in compliance with the provisions of K.S.A. 40-3402, and amendments thereto.

(n) Notwithstanding the provisions of subsection (m) or any other provision in article 34 of chapter 40 of the Kansas Statutes Annotated to the contrary, the fund shall not be liable for any claim made on or after July 1, 1991, against a licensed optometrist or pharmacist relating to any injury or death arising out of the rendering of or failure to render professional services by such optometrist or pharmacist prior to July 1, 1991, unless such optometrist or pharmacist qualified as an inactive health care provider prior to July 1, 1991, and obtained coverage pursuant to subsection (m). Optometrists and pharmacists not qualified as inactive providers prior to July 1, 1991, may purchase coverage from the fund for periods of prior compliance by making application prior to August 1, 1991, and payment within 30 days from notice of the calculated amount as determined by the commissioner to be sufficient to fund anticipated claims based on reasonably prudent actuarial principles.

(o) Notwithstanding anything in article 34 of chapter 40 of the Kansas Statutes Annotated to the contrary, the fund shall in no event be liable for any claims against any health care provider based upon or relating to the health care provider's sexual acts or activity, but in such cases the fund may pay reasonable and necessary expenses for attorney fees incurred in defending the fund against such claim. The fund may recover all or a portion of such expenses for attorney fees if an adverse judgment is returned against the health care provider for damages resulting from the health care provider's sexual acts or activity.

Sec. 2. K.S.A. 1991 Supp. 40-3413 is hereby amended to read as follows: 40-3413. (a) Every insurer and every rating organization shall cooperate in the preparation of a plan or plans for the equitable apportionment among such insurers of applicants for professional liability insurance and such other liability insurance as may be included in or added to the plan, who are in good faith entitled to such insurance but are unable to procure the same through ordinary methods. Such plan or plans shall be prepared and filed with the commissioner within a reasonable time but not exceeding 60 calendar days from the effective date of this act. Such plan or plans shall provide:

(1) Reasonable rules governing the equitable distribution of risks by direct insurance, reinsurance or otherwise including the authority

to make assessments against the insurers participating in the plan or plans;

(2) rates and rate modifications applicable to such risks which shall be reasonable, adequate and not unfairly discriminatory;

(3) a method whereby ~~annually~~ *periodically* the plan shall compare the premiums earned to the losses and expenses sustained by the plan ~~for the preceding fiscal year~~. If there is any surplus of premiums over losses and expenses received for that year such surplus shall be transferred to the fund. If there is any excess of losses and expenses over premiums earned such losses shall be transferred from the fund, *however such transfers shall not occur more often than once each three months*;

(4) the limits of liability which the plan shall be required to provide, but in no event shall such limits be less than those limits provided for in subsection (a) of K.S.A. 40-3402 and amendments thereto;

(5) a method whereby applicants for insurance, insureds and insurers may have a hearing on grievances and the right of appeal to the commissioner.

(b) The commissioner shall review the plan as soon as reasonably possible after filing in order to determine whether it meets the requirements set forth in subsection (a). As soon as reasonably possible after the plan has been filed the commissioner shall in writing approve or disapprove the plan. Any plan shall be deemed approved unless disapproved within 30 days. Subsequent to the waiting period the commissioner may disapprove any plan on the ground that it does not meet the requirements set forth in subsection (a), but only after a hearing held upon not less than 10 days' written notice to every insurer and rating organization affected specifying in what respect the commissioner finds that such plan fails to meet such requirements, and stating when within a reasonable period thereafter such plan shall be deemed no longer effective. Such order shall not affect any assignment made or policy issued or made prior to the expiration of the period set forth in the order. Amendments to such plan or plans shall be prepared, and filed and reviewed in the same manner as herein provided with respect to the original plan or plans.

(c) If no plan meeting the standards set forth in subsection (a) is submitted to the commissioner within 60 calendar days from the effective date of this act or within the period stated in any order disapproving an existing plan, the commissioner shall after a hearing, if necessary to carry out the purpose of this act, prepare and promulgate a plan meeting such requirements.

(d) If, after a hearing conducted in accordance with the provisions of the Kansas administrative procedure act, the commissioner finds that any activity or practice of any insurer or rating organization in connection with the operation of such plan or plans is unfair or unreasonable or otherwise inconsistent with the provisions of this act, the commissioner may issue a written order specifying in what respects such activity or practice is unfair or unreasonable or otherwise inconsistent with the provisions of this act and requiring discontinuance of such activity or practice.

(e) For every such plan or plans, there shall be a governing board which shall meet at least annually to review and prescribe operating rules. Such board shall consist of nine members to be appointed by the commissioner as follows: Three members shall be representatives of foreign insurers, two members shall be representatives of domestic insurers, two members shall be representatives of the general public, one member shall be a licensed insurance agent actively engaged in the solicitation of casualty insurance and one member shall be a health care provider. The members shall be appointed for a term of two years.

(f) An insurer participating in the plan approved by the commissioner may pay a commission with respect to insurance written under the plan to an insurance agent licensed for any other insurer participating in the plan or to any insurer participating in the plan. Such commission shall be reasonably equivalent to the usual customary commission paid on similar types of policies issued in the voluntary market.

Sec. 3. K.S.A. 1991 Supp. 40-3403 and 40-3413 are hereby repealed.

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

(Published in the Kansas Register, April 9, 1992.)

SENATE BILL No. 383

AN ACT amending and supplementing the Kansas parimutuel racing act; providing for licensure to display simulcast races and conduct parimutuel wagering on such races; amending K.S.A. 1991 Supp. 74-8802, 74-8804, 74-8810, 74-8813, 74-8819, 74-8820, 74-8821, 74-8822 and 74-8823 and repealing the existing sections.

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

Section 1. K.S.A. 1991 Supp. 74-8802 is hereby amended to read as follows: 74-8802. As used in this act unless the context otherwise requires:

(a) "Breakage" means the odd cents by which the amount payable on each dollar wagered in a parimutuel pool exceeds:

(1) A multiple of \$.10, for parimutuel pools from races conducted in this state; and

(2) a multiple of such other number of cents as provided by law of the host jurisdiction, for interstate combined wagering pools.

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

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

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

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

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

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

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

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

(j) "Host facility" means the racetrack at which the race is run or, if the race is run in a jurisdiction which is not participating in the interstate combined wagering pool, the racetrack or other facility which is designated as the host facility.

(k) "Host jurisdiction" means the jurisdiction where the host facility is located.

(l) "Interstate combined wagering pool" means a parimutuel pool established in one jurisdiction which is combined with comparable parimutuel pools from one or more racing jurisdictions for the purpose of establishing the amount of money returned on a successful wager in the participating jurisdictions.

(m) "Intertrack wagering" means wagering on a simulcast race at a licensed racetrack facility or at a facility which is licensed in its racing jurisdiction to conduct live races.

(n) "Intrastate combined wagering pool" means a parimutuel pool which is combined with comparable parimutuel pools from one or more racetrack facilities for the purpose of establishing the amount of money returned on a successful wager at the participating racetrack facilities.

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

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

(q) "Nonprofit organization" means:

(1) A corporation which is incorporated in Kansas as a not-for-profit corporation pursuant to the Kansas general corporation code

and the net earnings of which do not inure to the benefit of any shareholder, individual member or person; or

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

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

(s) "Off-track wagering" means wagering on a simulcast race at a facility which is not licensed in its jurisdiction to conduct live races.

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

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

(v) "Parimutuel wagering" means a form of wagering on the outcome of horse and greyhound races in which those who wager purchase tickets of various denominations on one or more horses or greyhounds and all wagers for each race are pooled and the winning ticket holders are paid prizes from such pool in amounts proportional to the total receipts in the pool.

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

(x) "Racing jurisdiction" or "jurisdiction" means a governmental authority which is responsible for the regulation of live or simulcast racing in its jurisdiction.

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

(z) "Recognized greyhound owners' group" means the duly recognized group elected by a majority of the Kansas licensed greyhound owners at the racetrack facility.

(aa) "Recognized horsemen's group" means the duly recognized group, representing the breeds of horses running at a racetrack facility, elected by a majority of the licensed owners and trainers at the racetrack facility. If the licensee does not have a recognized horsemen's group, the commission shall designate as the recognized horsemen's group one that serves another organization licensee, but not one that serves a county fair association organization licensee.

(bb) "Simulcast" means a live audio-visual broadcast of an actual horse or greyhound race at the time it is run.

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

New Sec. 2. (a) Any organization licensee that conducts at least 150 days of live racing during a calendar year or a county fair association that conducts fewer than 22 days of live racing during a calendar year may apply to the commission for a simulcasting license to display simulcast horse or greyhound races and to conduct intertrack parimutuel wagering thereon. If the organization licensee conducts races at a racetrack facility that is owned by a facility owner licensee, both licensees shall join in the application. A simulcasting license granted to a county fair association that conducts fewer than 22 days of live racing shall restrict the county fair association's display of simulcast races to a number of days, including days on which it conducts live horse races, equal to not more than twice the number of days on which it conducts live races.

(b) (1) A simulcasting license granted to an organization licensee other than a county fair association shall authorize the display of

simulcast races at the racetrack facility where the live races are conducted. If a simulcasting licensee conducts live horse races on a day when simulcast races are displayed by the licensee and the licensee conducts fewer than 10 live horse races on such day, not less than 80% of the races on which wagers are taken by the licensee during such day shall be live races conducted by the licensee. If a simulcast licensee conducts live greyhound races on a day when simulcast races are displayed by the licensee and the licensee conducts fewer than 13 live greyhound races during a performance on such day, not less than 80% of the races on which wagers are taken by the licensee during such performance shall be live races conducted by the licensee.

(2) A simulcasting license granted to a county fair association shall authorize the display of simulcast races at the racetrack facility where the races are conducted only if live races are scheduled for two or more days of the same calendar week, except that the licensee may conduct simulcast races in the week immediately before and immediately after a live meeting if the total number of days on which simulcast races are displayed does not exceed the total authorized in subsection (a). In no case shall the live meet or simulcast races allowed under this subsection exceed nine consecutive weeks. For purposes of this subsection, a calendar week shall be measured from Monday through the following Sunday.

(3) Notwithstanding the provisions of subsection (a), (b)(1) or (b)(2), a county fair association may apply to the commission for not more than five additional days of simulcasting of special events. In addition, the commission may authorize a county fair association to display additional simulcast races but, if such county fair association is less than 100 miles from an organization licensee that is not a county fair association, it must also secure written consent from that organization licensee.

(4) Notwithstanding the provisions of subsection (b)(1), if an emergency causes the cancellation of all or any live races scheduled for a day or performance by a simulcasting licensee, the commission or the commission's designee may authorize the licensee to display any simulcast races previously scheduled for such day or performance.

(5) Notwithstanding the provisions of subsection (b)(1), the commission may authorize the licensee to display simulcast special racing events as designated by the commission.

(c) The application for a simulcasting license shall be filed with the commission at a time and place prescribed by rules and regulations of the commission. The application shall be in a form and include such information as the commission prescribes.

(d) To qualify for a simulcasting license the applicant shall:

(1) Comply with the interstate horse racing act of 1978 (15 U.S.C. 3001 *et seq.*) as in effect December 31, 1991;

(2) submit with the application a written approval of the proposed simulcasting schedule signed by: (A) The recognized horsemen's group for the track, if the applicant is licensed to conduct only horse races; (B) the recognized greyhound owners' group, if the applicant is licensed to conduct only greyhound races and only greyhound races are to be simulcast; (C) both the recognized greyhound owners' group and a recognized horsemen's group, if the applicant is licensed to conduct only greyhound races and horse races are to be simulcast; (D) the recognized greyhound owners' group, if the applicant is licensed to conduct both greyhound and horse races, only greyhound races are to be simulcast and races are to be simulcast only while the applicant is conducting live greyhound races; (E) the recognized horsemen's group for the track, if the applicant is licensed to conduct both greyhound and horse races, only horse races are to be simulcast and races are to be simulcast only while the applicant is conducting live horse races; or (F) both the recognized greyhound owners' group and the recognized horsemen's group for the track, if the applicant is licensed to conduct both greyhound races and horse races and horse races are to be simulcast while the applicant is conducting live greyhound races or greyhound races are to be simulcast while the applicant is conducting live horse races; and

(3) submit, in accordance with rules and regulations of the commission and before the simulcasting of a race, a written copy of each contract or agreement which the applicant proposes to enter into with regard to such race, and any proposed modification of any such contract or agreement.

(e) The term of a simulcasting license shall be one year.

(f) A simulcasting licensee may apply to the commission or its designee for changes in the licensee's approved simulcasting schedule if such changes are approved by the respective recognized greyhound owners' group or recognized horsemen's group needed throughout the term of the license. Application shall be made upon forms furnished by the commission and shall contain such information as the commission prescribes.

(g) Except as provided by subsection (j), the takeout for simulcast horse and greyhound races shall be the same as it is for the live horse and greyhound races conducted during the current or next live race meeting at the racetrack facility where the simulcast races are displayed. For simulcast races the tax imposed on amounts wagered shall be as provided by K.S.A. 1991 Supp. 74-8823 and amendments thereto. The simulcasting licensee shall be entitled to retain sufficient revenue to pay expenses directly related to the simulcast race or performance. The commission, by rules and regulations, shall define what constitutes such expenses. Of the balance of the takeout remaining after deduction of taxes and expenses, 50% shall be paid to the simulcasting licensee. The remainder shall be used for purses, as follows:

(1) For purses for greyhound races conducted by the licensee, if the simulcast race is a greyhound race and the licensee conducts only live greyhound races;

(2) for purses for horse races conducted by the licensee, if the simulcast race is a horse race and the licensee conducts only live horse races;

(3) for purses, as determined by both the recognized horsemen's group and the recognized greyhound owners' group, if the simulcast race is a greyhound race and the licensee does not conduct or is not currently conducting live greyhound races; or

(4) for purses, as determined by both the recognized horsemen's group and the recognized greyhound owners' group, if the simulcast is a horse race and the licensee does not conduct or is not currently conducting live horse races.

(h) Except as provided by subsection (j):

(1) If a simulcasting licensee has a license to conduct live horse races and the licensee displays a simulcast horse race, breakage and unclaimed winning ticket proceeds shall be distributed in the manner provided by K.S.A. 1991 Supp. 74-8821 and 74-8822, and amendments thereto, for breakage and unclaimed winning ticket proceeds from live horse races.

(2) If a simulcasting licensee has a license to conduct live greyhound races and the licensee displays a simulcast greyhound race, breakage and unclaimed winning ticket proceeds shall be distributed in the manner provided by K.S.A. 1991 Supp. 74-8821 and 74-8822, and amendments thereto, for breakage and unclaimed winning ticket proceeds from live greyhound races.

(3) If a simulcasting licensee has a license to conduct live racing of only horses and the licensee displays a simulcast greyhound race, unclaimed winning ticket proceeds shall be distributed in the manner provided by K.S.A. 1991 Supp. 74-8822, and amendments thereto, for unclaimed winning ticket proceeds from live greyhound races. Breakage for such races shall be distributed for use to benefit greyhound racing as determined by the commission.

(4) If a simulcasting licensee has a license to conduct live racing of only greyhounds and the licensee displays a simulcast horse race, breakage and unclaimed winning ticket proceeds shall be distributed in the manner provided by K.S.A. 1991 Supp. 74-8821 and 74-8822, and amendments thereto, for breakage and unclaimed winning ticket proceeds from live horse races.

(i) The commission may approve a request by two or more simulcasting licensees to combine wagering pools within the state of Kansas pursuant to rules and regulations adopted by the commission.

(j) (1) The commission may authorize any simulcasting licensee to participate in an interstate combined wagering pool with one or more other racing jurisdictions.

(2) If a licensee participates in an interstate pool, the licensee may adopt the takeout of the host jurisdiction or facility, except that the takeout shall not be more than 20% on win, place and show bets and not more than 25% on all other bets. The amount and manner of paying purses from the takeout in an interstate pool shall be as provided by subsection (g).

(continued)

(3) The tax imposed on amounts wagered in an interstate pool shall be as provided by K.S.A. 1991 Supp. 74-8823 and amendments thereto. Parimutuel taxes may not be imposed on any amounts wagered in an interstate combined wagering pool other than amounts wagered within this jurisdiction.

(4) Breakage for interstate combined wagering pools shall be calculated in accordance with the statutes and rules and regulations of the host jurisdiction and shall be allocated among the participating jurisdictions in a manner agreed to among the jurisdictions. Breakage allocated to this jurisdiction shall be distributed as provided by subsection (h).

(5) Upon approval of the respective recognized greyhound owners' group or recognized horsemen's group, the commission may permit an organization licensee to simulcast to other racetrack facilities or off-track wagering or intertrack wagering facilities in other jurisdictions one or more races conducted by such licensee, use one or more races conducted by such licensee for an intrastate combined wagering pool or use one or more races conducted by such licensee for an interstate combined wagering pool at off-track wagering or intertrack wagering locations outside the commission's jurisdiction and may allow parimutuel pools in other jurisdictions to be combined with parimutuel pools in the commission's jurisdiction for the purpose of establishing an interstate combined wagering pool.

(6) The participation by a simulcasting licensee in a combined interstate wagering pool does not cause that licensee to be considered to be doing business in any jurisdiction other than the jurisdiction which the licensee is physically located.

(k) This section shall be part of and supplemental to the Kansas parimutuel racing act.

Sec. 3. K.S.A. 1991 Supp. 74-8804 is hereby amended to read as follows: 74-8804. (a) The commission and its designated employees may observe and inspect all racetrack facilities operated by licensees and all racetracks simulcasting races to racetrack facilities in Kansas, including but not limited to all machines, equipment and facilities used for parimutuel wagering, whether or not race meetings are being conducted at the time.

(b) Commission members and hearing officers designated by the commission may administer oaths and take depositions to the same extent and subject to the same limitations as would apply if the deposition was in aid of a civil action in the district court.

(c) The commission may examine, or cause to be examined by any agent or representative designated by the commission, any books, papers, records or memoranda of any licensee, or of any racetrack or business involved in simulcasting races to racetrack facilities in Kansas, for the purpose of ascertaining compliance with any provision of this act or any rule and regulation adopted hereunder.

(d) The commission may issue subpoenas to compel access to or for the production of any books, papers, records or memoranda in the custody or control of any licensee or officer, member, employee or agent of any licensee, or to compel the appearance of any licensee or officer, member, employee or agent of any licensee, or of any racetrack or business involved in simulcasting races to racetrack facilities in this state, for the purpose of ascertaining compliance with any of the provisions of this act or any rule and regulation adopted hereunder. Subpoenas issued pursuant to this subsection may be served upon individuals and corporations in the same manner provided in K.S.A. 60-304 and amendments thereto for the service of process by any officer authorized to serve subpoenas in civil actions or by the commission or an agent or representative designated by the commission. In the case of the refusal of any person to comply with any such subpoena, the executive director may make application to the district court of any county where such books, papers, records, memoranda or person is located for an order to comply.

(e) The commission shall allocate equitably race meeting dates, racing days and hours to all organization licensees and assign such dates and hours so as to minimize conflicting dates and hours within the same geographic market area.

(f) The commission shall have the authority, after notice and an opportunity for hearing in accordance with rules and regulations adopted by the commission, to exclude, or cause to be expelled, from any race meeting or racetrack facility, or to prohibit a licensee from conducting business with any person:

(1) Who has violated the provisions of this act or any rule and

regulation or order of the commission;

(2) who has been convicted of violating the racing or gambling laws of this or any other state or of the United States; or

(3) whose presence, in the opinion of the commission, reflects adversely on the honesty and integrity of horse or greyhound racing or interferes with the orderly conduct of a race meeting.

(g) The commission shall review and approve all proposed construction and major renovations to racetrack facilities owned or leased by licensees.

(h) *The commission shall review and approve all proposed contracts with racetracks or businesses involved in simulcasting races to racetrack facilities in Kansas.*

(i) The commission may suspend a horse or greyhound from participation in races if such horse or greyhound has been involved in any violation of the provisions of this act or any rule and regulation or order of the commission.

(j) The commission, within 72 hours after any action taken by a steward or racing judge and upon appeal by any interested party or upon its own initiative, may overrule any decision of a steward or racing judge, other than a decision regarding disqualifications for interference during the running of a race, if the preponderance of evidence indicates that:

(1) The steward or racing judge mistakenly interpreted the law;

(2) new evidence of a convincing nature is produced; or

(3) the best interests of racing and the state may be better served.

A decision of the commission to overrule any decision of a steward or racing judge shall not change the distribution of parimutuel pools to the holders of winning tickets. A decision of the commission which would affect the distribution of purses in any race shall not result in a change in that distribution unless a written claim is submitted to the commission within 48 hours after completion of the contested race by one of the owners or trainers of a horse or greyhound which participated in such race and a preponderance of evidence clearly indicates to the commission that one or more of the grounds for protest, as provided for in rules and regulations of the commission, has been substantiated.

(k) The commission, after notice and a hearing in accordance with rules and regulations adopted by the commission, may impose a civil fine not exceeding \$250 \$5,000 for each violation of any provision of this act, or any rule and regulation of the commission, for which no other penalty is provided.

(l) The commission shall adopt rules and regulations specifying and regulating:

(1) Those drugs and medications which may be administered, and possessed for administration, to a horse or greyhound within the confines of a racetrack facility; and

(2) that equipment for administering drugs or medications to horses or greyhounds which may be possessed within the confines of a racetrack facility.

(m) The commission may adopt rules and regulations providing for the testing of any licensees of the commission, and any officers, directors and employees thereof, to determine whether they are users of any controlled substances.

(n) The commission may require fingerprinting of all persons necessary to verify qualification for any license, including a simulcasting license, issued pursuant to this act. The commission shall submit such fingerprints to the Kansas bureau of investigation and to the federal bureau of investigation for the purposes of verifying the identity of such persons and obtaining records of criminal arrests and convictions.

(o) The commission may receive from the Kansas bureau of investigation or other criminal justice agencies such criminal history record information (including arrest and nonconviction data), criminal intelligence information and information relating to criminal and background investigations as necessary for the purpose of determining qualifications of licensees of the commission and applicants for licensure, including applicants for simulcasting licenses, by the commission. Disclosure or use of any such information received by the commission, or of any record containing such information, for any purpose other than that provided by this subsection is a class A misdemeanor and shall constitute grounds for removal from office, termination of employment or denial, revocation or suspension of any license issued under this act. Nothing in this subsection shall be construed to make unlawful the disclosure of any such information

by the commission in a hearing held pursuant to this act.

(p) The commission, in accordance with K.S.A. 75-4319 and amendments thereto, may recess for a closed or executive meeting to receive and discuss information received by the commission pursuant to subsection (n) (o) and to negotiate with licensees of or applicants for licensure by the commission regarding any such information.

(q) The commission shall adopt such rules and regulations as necessary to implement and enforce the provisions of this act.

Sec. 4. K.S.A. 1991 Supp. 74-8810 is hereby amended to read as follows: 74-8810. (a) It is a class A misdemeanor for any person to have a financial interest, directly or indirectly, in any racetrack facility within the state of Kansas or in any host facility for a simulcast race displayed in this state:

(1) While such person is a member of the commission or during the five years immediately following such person's term as member of the commission; or

(2) while such person is an officer, director or member of an organization licensee, other than a county fair association, or during the five years immediately following the time such person is an officer, director or member of such an organization licensee.

(b) It is a class A misdemeanor for any member, employee or appointee of the commission, including stewards and racing judges, to knowingly:

(1) Participate in the operation of or have a financial interest in any business which has been issued a concessionaire license, facility owner license or facility manager license, or any business which sells goods or services to an organization licensee;

(2) participate directly or indirectly as an owner, owner-trainer or trainer of a horse or greyhound, or as a jockey of a horse, entered in a race meeting conducted in this state;

(3) place a wager on an entry in a horse or greyhound race conducted by an organization licensee; or

(4) accept any compensation, gift, loan, entertainment, favor or service from any licensee, except such suitable facilities and services within a racetrack facility operated by an organization licensee as may be required to facilitate the performance of the member's, employee's or appointee's official duties.

(c) It is a class A misdemeanor for any member, employee or appointee of the commission, or any spouse, parent, grandparent, brother, sister, child, grandchild, uncle, aunt, parent-in-law, brother-in-law or sister-in-law thereof, to:

(1) Hold any license issued by the commission, except that a steward or racing judge shall hold an occupation license to be such a steward or judge; or

(2) enter into any business dealing, venture or contract with an owner or lessee of a racetrack facility in Kansas.

(d) It is a class A misdemeanor for any officer, director or member of an organization licensee, other than a county fair association, to:

(1) Receive, for duties performed as an officer or director of such licensee, any compensation or reimbursement or payment of expenses in excess of the amounts provided by K.S.A. 75-3223 and amendments thereto for board members' compensation, mileage and expenses; or

(2) enter into any business dealing, venture or contract with the organization licensee or, other than in the capacity of an officer or director of the organization licensee, with a facility owner licensee, facility manager licensee or concessionaire licensee or with any host facility for a simulcast race displayed in this state.

(e) It is a class A misdemeanor for any facility owner licensee or facility manager licensee, or any officer, director or employee thereof, to participate directly or indirectly as an owner, owner-trainer or trainer of a horse or greyhound, or as a jockey of a horse, entered in a race meeting live race conducted in this state.

(f) It is a class A misdemeanor for any licensee of the commission, or any person who is an officer, director, member or employee of a licensee, to place a wager at a racetrack facility located in Kansas on an entry in a horse or greyhound race conducted at a racetrack facility where the licensee is authorized to engage in licensed activities if:

(1) The commission has by rules and regulations designated such person's position as a position which could influence the outcome of such race; and

(2) such race is conducted at or simulcast to the racetrack facility where the licensee is authorized to engage in licensed activities.

(g) It is a class B misdemeanor for any person to use any animal or fowl in the training or racing of racing greyhounds.

(h) It is a class A misdemeanor for any person to:

(1) Sell a parimutuel ticket or an interest in such a ticket to a person knowing such person to be under 18 years of age, upon conviction of the first offense;

(2) accept, transmit or deliver, from a person outside a racetrack facility, anything of value to be wagered in any parimutuel system of wagering within a racetrack facility, upon conviction of the first offense;

(3) administer or conspire to administer any drug or medication to a horse or greyhound within the confines of a racetrack facility in violation of rules and regulations of the commission, upon conviction of the first offense;

(4) possess or conspire to possess, within the confines of a racetrack facility, any drug or medication for administration to a horse or greyhound in violation of rules and regulations of the commission, upon conviction of the first offense;

(5) possess or conspire to possess, within the confines of a racetrack facility, equipment for administering drugs or medications to horses or greyhounds in violation of rules and regulations of the commission, upon conviction of the first offense;

(6) enter any horse or greyhound in any race knowing such horse or greyhound to be ineligible to compete in such race pursuant to K.S.A. 1990 1991 Supp. 74-8812 and amendments thereto; or

(7) prepare or cause to be prepared an application for registration of a horse pursuant to K.S.A. 1990 1991 Supp. 74-8830 and amendments thereto knowing that such application contains false information.

(i) It is a class E felony for any person to:

(1) Sell a parimutuel ticket or an interest in such a ticket to a person knowing such person to be under 18 years of age, upon conviction of the second or a subsequent offense;

(2) accept, transmit or deliver, from any person outside a racetrack facility, anything of value to be wagered in any parimutuel system of wagering within a racetrack facility, upon the second or a subsequent conviction;

(3) conduct or assist in the conduct of a horse or greyhound race, or the display of a simulcast race, where the parimutuel system of wagering is used or is intended to be used and where no license has been issued to an organization to conduct or simulcast such race;

(4) enter any horse or greyhound in any race conducted by an organization licensee knowing that the class or grade in which such horse or greyhound is entered is not the true class or grade or knowing that the name under which such horse or greyhound is entered is not the name under which such horse or greyhound has been registered and has publicly performed;

(5) use or conspire to use any device, other than an ordinary whip for horses or a mechanical lure for greyhounds, for the purpose of affecting the speed of any horse or greyhound at any time during a race conducted by an organization licensee;

(6) administer or conspire to administer any drug or medication to a horse or greyhound within the confines of a racetrack facility in violation of rules and regulations of the commission, upon conviction of the second or a subsequent offense;

(7) possess or conspire to possess, within the confines of a racetrack facility, any drug or medication for administration to a horse or greyhound in violation of rules and regulations of the commission, upon conviction of the second or a subsequent offense;

(8) possess or conspire to possess, within the confines of a racetrack facility, equipment for administering drugs or medications to horses or greyhounds in violation of rules and regulations of the commission, upon conviction of the second or a subsequent offense;

(9) sponge the nostrils or windpipe of a horse for the purpose of stimulating or depressing such horse or affecting its speed at any time during a race meeting conducted by an organization licensee;

(10) alter or attempt to alter the natural outcome of any race conducted by, or any simulcast race displayed by, an organization licensee or transmit or receive an altered race or delayed broadcast

(continued)

race if parimutuel wagering is conducted or solicited after off time of the race;

(11) influence or attempt to influence, by the payment or promise of payment of money or other valuable consideration, any person to alter the natural outcome of any race conducted by, or any simulcast race displayed by, an organization licensee;

(12) influence or attempt to influence any member, employee or appointee of the commission, by the payment or promise of payment of money or other valuable consideration, in the performance of any official duty of that member, employee or appointee;

(13) fail to report to the commission or to one of its employees or appointees knowledge of any violation of this act by another person for the purpose of stimulating or depressing any horse or greyhound, or affecting its speed, at any time during any race conducted by an organization licensee;

(14) commit any of the following acts with respect to the prior racing record, pedigree, identity or ownership of a registered horse or greyhound in any matter related to the breeding, buying, selling or racing of the animal: (A) Falsify, conceal or cover up, by any trick, scheme or device, a material fact; (B) make any false, fictitious or fraudulent statement or representation; or (C) make or use any false writing or document knowing that it contains any false, fictitious or fraudulent statement or entry; or

(15) pass or attempt to pass, cash or attempt to cash any altered or forged parimutuel ticket knowing it to have been altered or forged.

(j) No person less than 18 years of age shall purchase a parimutuel ticket or an interest in such a ticket. Any person violating this subsection shall be subject to adjudication as a juvenile offender pursuant to the Kansas juvenile offenders code.

(k) Possession of any device described in subsection (i)(5) by anyone within the confines of a racetrack facility shall be prima facie evidence of intent to use such device.

Sec. 5. K.S.A. 1991 Supp. 74-8813 is hereby amended to read as follows: 74-8813. (a) A nonprofit organization may apply to the commission for an organization license to conduct horse races or an organization license to conduct greyhound races, or both such licenses. In addition, an organization license may authorize the licensee to construct or own a racetrack facility if so provided by the commission. The application for an organization license shall be filed with the commission at a time and place prescribed by rules and regulations of the commission. The application shall specify the days when and the exact location where it proposes to conduct such races and shall be in a form and include such information as the commission prescribes. A nonrefundable application fee in the form of a certified check or bank draft shall accompany the application. Except as provided pursuant to K.S.A. 1987 1991 Supp. 74-8814 and amendments thereto, such fee shall be as follows: (1) For an application for an organization license to conduct horse or greyhound races with parimutuel wagering, a fee of \$5,000 for each application; and (2) for an application for an organization license to conduct horse races without parimutuel wagering, a fee of \$500 for each application. If the application fee is insufficient to pay the reasonable expenses of processing the application and investigating the applicant's qualifications for licensure, the commission shall require the applicant to pay to the commission, at such times and in such form as required by the commission, any additional amounts necessary to pay such expenses. No license shall be issued to an applicant until the applicant has paid such additional amounts in full, and such amounts shall not be refundable except to the extent that they exceed the actual expenses of processing the application and investigating the applicant's qualifications for licensure.

(b) If an applicant for an organization license is proposing to construct a racetrack facility, such applicant, at the time of submitting the application, shall deposit with the commission, in such form as prescribed by rules and regulations of the commission, the sum of: (1) \$500,000, if the number of racing days applied for in a racing season is 150 days or more; (2) \$250,000, if the number of racing days applied for is less than 150 days; or (3) a lesser sum established by the commission, if the applicant meets the qualifications set forth in subsection (a)(1) or (a)(2) of K.S.A. 1987 1991 Supp. 74-8814 and amendments thereto or if the applicant will be conducting races only on the state fairgrounds. Only one such deposit shall be required for a dual racetrack facility. The executive director shall promptly remit any deposit received pursuant to this subsection to the state

treasurer. The state treasurer shall deposit the entire amount in the state treasury and credit it to the racing applicant deposit fund created by K.S.A. 1987 1991 Supp. 74-8828 and amendments thereto. If the application is denied by the commission, the deposit, and any interest accrued thereon, shall be refunded to the applicant. If the license is granted by the commission in accordance with the terms of the application or other terms satisfactory to the applicant, the deposit, and any interest accrued thereon, shall be refunded to the licensee upon completion of the racetrack facility in accordance with the terms of the license. If the licensee fails to complete the racetrack facility in accordance with the terms of the license, the deposit, and any interest accrued thereon, shall be forfeited by the applicant.

(c) To qualify for an organization license to conduct horse or greyhound races:

(1) The applicant shall be a bona fide, nonprofit organization which, if applicable, meets the requirements of subsection (d);

(2) the applicant shall have, either by itself or through contractual relationships with other persons or businesses approved by the commission, the financial capability, manpower and technical expertise, as determined by the commission, to properly conduct horse races or greyhound races, or both, and, if applicable, to operate a parimutuel wagering system;

(3) if the applicant is proposing to construct a racetrack facility, the applicant shall submit detailed plans for the construction of such facility, including the means and source of financing such construction and operation, sufficient to convince the commission that such plans are feasible;

(4) submit for commission approval a written copy of each contract and agreement which the applicant proposes to enter into, including all those listed in subsection (n), which contracts and agreements shall conform to the restrictions placed thereon by subsections (n), (o) and (p);

(5) the applicant shall propose to conduct races within only one county, and in such county the majority of the qualified electors have approved either: (A) The constitutional amendment permitting the conduct of horse and dog races and parimutuel wagering thereon; or (B) a proposition permitting horse and dog races and parimutuel wagering thereon within the boundaries of such county;

(6) no director, officer, employee or agent of the applicant shall have been convicted of any of the following in any court of any state or of the United States: (A) Fixing of horse or greyhound races; (B) illegal gambling activity; (C) illegal sale or possession of any controlled substance; (D) operation of any illegal business; (E) repeated acts of violence; or (F) any felony; and

(7) no director or officer of the applicant shall be addicted to, and a user of, alcohol or a controlled substance.

(d) To qualify for an organization license to conduct horse or greyhound races, a nonprofit organization, other than a county fair association or a nonprofit organization conducting races only on the state fair grounds, shall:

(1) Distribute all of its net earnings from the conduct of horse and greyhound races, other than that portion of the net earnings which is necessary to satisfy the debt service obligations, not otherwise deducted from net earnings, of an organization licensee owning the racetrack facility or that portion of the net earnings which is set aside as reasonable reserves for future improvement, maintenance and repair of the racetrack facility owned by the organization licensee, only to organizations, other than itself, which: (A) Have been exempted from the payment of federal income taxes pursuant to section 501(c)(3) of the federal internal revenue code of 1986, as in effect July 1, 1987, (B) are domiciled in this state and (C) expend the moneys so distributed only within this state;

(2) distribute not more than 25% of such net earnings to any one such organization in any calendar year;

(3) not engage in, and have no officer, director or member who engages in, any prohibited transaction, as defined by section 503(b) of the federal internal revenue code of 1986, as in effect July 1, 1987; and

(4) have no officer, director or member who is not a bona fide resident of this state.

(e) Within 30 days after the date specified for filing, the commission shall examine each application for an organization license for compliance with the provisions of this act and rules and regulations

of the commission. If any application does not comply with the provisions of this act or rules and regulations of the commission, the application may be rejected or the commission may direct the applicant to comply with the provisions of this act or rules and regulations of the commission within a reasonable time, as determined by the commission. Upon proof by the applicant of compliance, the commission may reconsider the application. If an application is found to be in compliance and the commission finds that the issuance of the license would be within the best interests of horse and greyhound racing within this state from the standpoint of both the public interest and the horse or greyhound industry, as determined solely within the discretion of the commission, the commission may issue an organization license to the applicant. The commission shall approve the issuance of organization licenses for a period established by the commission but not to exceed 25 years. Such license may provide that during its term it constitutes an exclusive license within a radius of the location specified in the license, as determined by the commission. No racing of any kind regulated by this act shall be conducted by any other person within the territory covered by such exclusive license without the written consent of the licensee. For each license issued, the commission shall specify the location, type, time and date of all races and race meetings which the commission has approved for the licensee to conduct. The license shall be issued upon receipt of the license fee and the furnishing of a surety bond or other financial security approved by the commission, conditioned on, and in an amount determined by the commission as sufficient to pay, the licensee's potential financial liability for unpaid taxes, purses and distribution of parimutuel winnings and breakage. No organization license shall be transferred to any other organization or entity.

(f) When considering the granting of organization licenses or racing days between two or more competing applicants, the commission shall give consideration to the following factors:

(1) The character, reputation, experience and financial stability of those persons within the applicant organizations who will be supervising the conduct of the races and parimutuel wagering for the organization;

(2) the quality of the racing facilities and adjoining accommodations;

(3) the amount of revenue that can reasonably be expected to be generated from state and local taxes, the economic impact for the respective horse or greyhound breeding industries in Kansas and the indirect economic benefit to the surrounding area, in the determination of which economic benefit the commission shall solicit written recommendations from all interested parties in the surrounding area;

(4) the location of the race meetings in relation to the principal centers of population and the effect of such centers on the ability of the organizations to sustain a financially sound racing operation; and

(5) testimony from interested parties at public hearings to be conducted in the geographic areas where the applicants would be conducting their race meetings.

(g) Except as otherwise provided pursuant to K.S.A. 1987 1991 Supp. 74-8814 and amendments thereto, each organization licensee shall pay a license fee in the amount of \$200 for each day of racing approved by the commission. Such fees shall be paid at such times and by such means as prescribed by rules and regulations of the commission. The commission may authorize the state treasurer to refund from the state racing fund a fee paid for any racing day which was canceled with advance notice to and with the approval of the commission.

(h) Organization licensees may apply to the commission for changes in approved race meetings or dates or for additional race meetings or dates as needed throughout the terms of their licenses. Application shall be made upon forms furnished by the commission and shall contain or be accompanied by such information as the commission prescribes. Upon approval by the commission, the organization licensee shall pay an additional license fee for any race days in excess of the number originally approved and included in the calculation of the initial license fee.

(i) All organization licenses shall be reviewed annually by the commission to determine if the licensee is complying with the provisions of this act and rules and regulations of the commission and

following such proposed plans and operating procedures as were approved by the commission. The commission may review an organization license more often than annually upon its own initiative or upon the request of any interested party. The commission shall require each organization licensee, other than a county fair association, to file annually with the commission a certified financial audit of the licensee by an independent certified public accountant, which audit shall be open to inspection by the public, and may require an organization licensee to provide any other information necessary for the commission to conduct the annual or periodic review.

(j) Subject to the provisions of subsection (k), the commission, in accordance with the Kansas administrative procedure act, may suspend or revoke an organization license or may impose a civil fine not exceeding \$5,000, or may both suspend such license and impose such fine, for each of the following violations by a licensee:

(1) One or more violations, or a pattern of repeated violations, of the provisions of this act or rules and regulations of the commission;

(2) failure to follow one or more provisions of the licensee's plans for the financing, construction or operation of a racetrack facility as submitted to and approved by the commission;

(3) failure to maintain compliance with the requirements of subsection (c) or (d), if applicable, for the initial issuance of an organization license;

(4) failure to properly maintain or to make available to the commission such financial and other records sufficient to permit the commission to verify the licensee's nonprofit status and compliance with the provisions of this act or rules and regulations of the commission;

(5) providing to the commission any information material to the issuance, maintenance or renewal of the licensee's license knowing such information to be false or misleading;

(6) failure to meet the licensee's financial obligations incurred in connection with the conduct of a race meeting; or

(7) a violation of K.S.A. 1987 1991 Supp. 74-8833 and amendments thereto or any rules and regulations adopted pursuant to that section.

(k) Prior to suspension or revocation of a license pursuant to subsection (j), the commission shall give written notice of the reason therefor in detail to the organization licensee and to all facility owner and facility manager licensees with whom the organization licensee is doing business. Upon receipt of such notice by all of such licensees, the organization licensee shall have 30 days in which to cure the alleged violation, if it can be cured. If the commission finds that the violation has not been cured upon expiration of the 30 days, or upon a later deadline granted by the commission, or if the commission finds that the alleged violation is of such a nature that it cannot be cured, the commission shall proceed to suspend or revoke the license pursuant to subsection (j). Nothing in this subsection shall be construed to preclude the commission from imposing a fine pursuant to subsection (j) even if the violation is cured with 30 days or such other period as provided by the commission.

(l) Prior to the expiration of an organization license, the organization may apply to the commission for renewal of such license. The renewal application shall be in a form and include such information as the commission prescribes. The commission shall grant such renewal if the organization meets all of the qualifications required for an initial license. The commission may charge a fee for the processing of the renewal application not to exceed the application fee authorized for an initial license.

(m) Once an organization license has been issued, no person thereafter and during the term of such license shall in any manner become the owner or holder, directly or indirectly, of any shares of stock or certificates or other evidence of ownership or become a director or officer of such organization licensee without first having obtained the written approval of the commission.

(n) An organization licensee shall submit to the commission for approval a copy of each contract and agreement which the organization licensee proposes to enter into and any proposed modification of any such contract or agreement, including but not limited to those involving:

(1) Any person to be employed by the organization licensee;

(continued)

(2) any person supplying goods and services to the organization licensee, including management, consulting or other professional services;

(3) any lease of facilities, including real estate or equipment or other personal property; or

(4) the operation of any concession within or adjacent to the racetrack facility.

The commission shall reject any such contract or agreement which violates any provision of this act or rules and regulations of the commission, which provides for payment of money or other valuable consideration which is clearly in excess of the fair market value of the goods, services or facilities being purchased or leased or which, in the case of a contract or agreement with a facility owner licensee or a facility manager licensee, would not protect the organization licensee from incurring losses due to contractual liability.

(o) Organization licensees shall not by lease, contract, agreement, understanding or arrangement of any kind grant, assign or turn over to any person the parimutuel system of wagering described in K.S.A. 1987 1991 Supp. 74-8819 and amendments thereto or the operation and conduct of any horse or greyhound race to which such wagering applies, but this subsection shall not prohibit the organization licensee from contracting with and compensating others for providing services in connection with the financing, acquisition, construction, equipping, maintenance and management of the racetrack facility; the hiring and training of personnel; and the promotion of the facility; *operation and conduct of a simulcast race displayed by a simulcasting licensee; parimutuel wagering at racetrack facilities; and parimutuel wagering at off-track wagering and intertrack wagering facilities in other jurisdictions to which live races conducted by the organization licensee are simulcast.*

(p) An organization licensee shall not in any manner permit a person other than such licensee to have a share, percentage or proportion of money received from parimutuel wagering at the racetrack facility except as specifically set forth in this act, except that:

(1) A facility owner licensee may receive gross percentage rental fees under a lease if all terms of the lease are disclosed to the commission and such lease is approved by the commission; and

(2) a person who has contracted with an organization licensee to provide one or more of the services permitted by subsection (o) may receive compensation in the form of a percentage of the money received from parimutuel wagering if such contract is approved by the commission and such person is licensed as a facility manager; and

(3) *a person who has contracted with a simulcasting licensee to allow such licensee to display a simulcast race conducted by such person may receive compensation in the form of a percentage of or a fee deducted from the money received by the licensee from parimutuel wagers placed on such race if such contract is filed with the commission.*

(q) Directors or officers of an organization licensee are not liable in a civil action for damages arising from their acts or omissions when acting as individual directors or officers, or as a board as a whole, of a nonprofit organization conducting races pursuant to this act, unless such conduct constitutes willful or wanton misconduct or intentionally tortious conduct, but only to the extent the directors and officers are not required to be insured by law or are not otherwise insured against such acts or omissions. Nothing in this section shall be construed to affect the liability of an organization licensee for damages in a civil action caused by the negligent or wrongful acts or omissions of its directors or officers, and a director's or officer's negligence or wrongful act or omission, while acting as a director or officer, shall be imputed to the organization licensee for the purpose of apportioning liability for damages to a third party pursuant to K.S.A. 60-258a and amendments thereto.

(r) If an applicant for an organization license proposes to construct a racetrack facility and the commission determines that such license should be issued to the applicant, the commission shall issue to the applicant an organization license conditioned on the submission by the licensee to the commission, within a period of time prescribed by the commission, of a commitment for financing the construction of the racetrack facility by a financial institution or other source, subject to approval by the commission. If such commitment is not submitted within the period of time originally prescribed by the

commission or such additional time as authorized by the commission, the license shall expire at the end of such period.

(s) If an organization licensee's license authorizes the construction of a dual racetrack facility, such license shall be conditioned on the completion of such facility within a time specified by the commission. If, within the time specified by the commission, the licensee has not constructed a dual racetrack facility in accordance with the plans submitted to the commission pursuant to subsection (c)(3), the commission, in accordance with the Kansas administrative procedure act, shall:

(1) Impose upon the licensee a civil fine equal to 5% of the total parimutuel pools for all races held at the licensee's facility on and after the date that racing with parimutuel wagering is first conducted at such facility and until the date that construction of the dual racetrack facility is completed and horse racing has begun; and

(2) revoke the licensee's license unless the licensee demonstrates reasonable cause for the failure to complete the facility.

(t) Any license granted an organization licensee to conduct races at a dual racetrack facility shall be conditioned on the organization licensee's conducting horse races on not less than 20% of the annual racing days granted the licensee by the commission. If an organization licensee fails to comply with such condition, the commission shall revoke the organization licensee's license unless the licensee demonstrates reasonable justification for the failure to complete the facility.

(u) The refusal to renew an organization license shall be in accordance with the Kansas administrative procedure act and shall be subject to review under the act for judicial review and civil enforcement of agency actions.

(v) The grant or denial of an original organization license shall not be subject to the Kansas administrative procedure act. Such grant or denial shall be a matter to be determined in the sole discretion of the commission, whose decision shall be final upon the grant of a license to one of two or more competing applicants without the necessity of a hearing on the denial of a license to each other competing applicant. Any action for judicial review of such decision shall be by appeal to the supreme court in accordance with the act for judicial review and civil enforcement of agency actions, except that the scope of review shall be limited to whether the action of the commission was arbitrary or capricious or constituted an abuse of discretion. All competing applicants for the organization license shall be parties to such appeal. Any such appeal shall have priority over other cases except those having statutory priority.

Sec. 6. K.S.A. 1991 Supp. 74-8819 is hereby amended to read as follows: 74-8819. (a) Organizations licensed pursuant to K.S.A. 1990 1991 Supp. 74-8813 or 74-8814, and amendments thereto, may conduct parimutuel wagering on the results of horse and greyhound races held on dates and at racetrack facilities approved by the commission and on simulcast races as provided by section 2. All persons participating in such wagering shall be present within the confines of the approved racetrack facility.

(b) Organization licensees shall issue a ticket to each person placing a wager, which ticket shall show the date and number of the race, the amount wagered and the number of the horse or greyhound selected by the person. The licensee may receive wagers on horses or greyhounds to finish first, second, third, fourth or any combination thereof within the same race or among two or more live races conducted or simulcast races displayed on the same day at the same racetrack facility, as authorized by the commission.

(c) After wagering has been closed for each ~~race~~ live race conducted by the licensee, the organization licensee may deduct an amount not exceeding 18% of the total wagered in each parimutuel pool and the balance, less the breakage, shall be paid to holders of winning tickets for that pool in accordance with procedures authorized by the commission. The commission may authorize a higher amount not exceeding 22% to be deducted from the total wagered in parimutuel pools for multiple and exotic bets.

(d) From the amount deducted as provided in subsection (c), the organization licensee shall pay the purses as provided in K.S.A. 1990 1991 Supp. 74-8820 and amendments thereto and the tax as specified in K.S.A. 1990 1991 Supp. 74-8823 and amendments thereto. The balance of the amount deducted shall be used for the purposes of the organization licensee as such purposes have been represented to the commission.

(e) *The provisions of section 2 shall govern takeout and its distribution in the case of simulcast races displayed by an organization licensee.*

(f) No organization licensee shall loan money or any other thing of value to any person for the purpose of permitting that person to wager on any race.

(g) All parimutuel tellers and clerks shall be employees of the organization licensee approved by the commission to conduct the parimutuel wagering at a race meeting.

Sec. 7. K.S.A. 1991 Supp. 74-8820 is hereby amended to read as follows: 74-8820. (a) An organization licensee shall be required to pay a minimum purse equal to at least $\frac{4}{18}$ of the total takeout on all parimutuel pools from ~~greyhound races live, greyhound races conducted by the licensee~~, computed weekly, and $\frac{6}{18}$ of the total takeout on all parimutuel pools from ~~horse races live horse races conducted by the licensee~~, computed for the entire race meeting. Moneys paid for purses or stakes from breakage, from the Kansas horse breeding development fund, from the Kansas greyhound breeding development fund or from owners' payments in the form of nominations, entry fees, stakes payments or other payments by owners shall not be considered in calculating the minimum purse requirements of this section. The commission shall approve the amount of minimum purse which may be paid in stakes races during each race meeting. None of the minimum purse shall be used for any other purpose except as specified by this section.

(b) Nothing contained in this section shall be construed to limit the maximum purse to be paid.

(c) Purses shall be paid directly to the owner of a greyhound or, if a greyhound is leased, the purse shall be paid directly to the lessor and lessee as agreed in a written lease agreement on file with the organization licensee.

Sec. 8. K.S.A. 1991 Supp. 74-8821 is hereby amended to read as follows: 74-8821. (a) The breakage deducted from the amounts paid to winning ticket holders for each parimutuel pool shall be computed by the organization licensee and disbursed as set forth in subsections (b) ~~and (c)~~, (c) and (d). An accounting of the amount and disposition of the breakage shall be made by each organization licensee as directed by the commission. *Except as otherwise provided by section 2*, the breakage on minus pools shall be calculated in multiples of \$.05 rather than \$.10.

(b) All breakage proceeds from *parimutuel wagering conducted by the organization licensee on live horse races conducted by the licensee* shall be remitted by the ~~organization~~ licensee to the commission not later than the 15th day of the month following the race from which the breakage is derived. The commission shall promptly remit any such proceeds received to the state treasurer, who shall deposit the entire amount in the state treasury and credit it to the Kansas horse breeding development fund created by K.S.A. 1987 1991 Supp. 74-8829 and amendments thereto.

(c) All breakage proceeds from *parimutuel wagering conducted by the organization licensee on live greyhound races conducted by the licensee* shall be distributed by the ~~organization~~ licensee not later than the 15th day of the month following the race from which the breakage is derived as follows:

(1) An amount equal to 50% of the breakage shall be used at racetrack facilities where derived to supplement open stakes races as approved by the commission; and

(2) an amount equal to 50% of the breakage shall be paid as purses directly to the breeders of Kansas-whelped greyhounds pursuant to rules and regulations of the commission.

(d) *All breakage proceeds from parimutuel wagering conducted by a simulcast licensee on simulcast races displayed by the licensee shall be distributed as provided by section 2.*

Sec. 9. K.S.A. 1991 Supp. 74-8822 is hereby amended to read as follows: 74-8822. (a) Any person who claims to be entitled to any part of a parimutuel pool conducted by an organization licensee and who fails to claim the money due such person prior to the completion of the race meeting at which the pool was formed may file with the organization licensee within 60 days after the close of the race meeting:

(1) A verified claim on a form prescribed and furnished by the commission, setting forth such information as necessary to identify the particular pool and the amount claimed therefrom; and

(2) a substantial portion of the parimutuel ticket upon which the claim is based, sufficient to identify: (A) The particular racetrack, race and horse or greyhound involved; (B) the amount wagered; and (C) whether the ticket was a win, place or show ticket.

(b) Upon proper application by the claimant or by the organization licensee, the commission shall hear any disputed claim filed in accordance with subsection (a) and shall consider the proof offered in its support. Unless the claimant satisfactorily establishes the right to participate in the pool, the claim shall be rejected. If the claim is allowed, the organization licensee shall pay the amount of the claim to the claimant upon order of the commission.

(c) All unclaimed ticket proceeds from parimutuel wagering ~~on~~ *conducted by the organization licensee on live horse race meetings conducted by the licensee* shall be remitted by the ~~organization~~ licensee to the commission on the 61st day after the close of each race meeting. The commission shall promptly remit any such proceeds received to the state treasurer, who shall deposit the entire amount in the state treasury and credit it to the Kansas horse breeding development fund created by K.S.A. 1987 1991 Supp. 74-8829 and amendments thereto.

(d) All unclaimed ticket proceeds from parimutuel wagering ~~on~~ *conducted by the organization licensee on live greyhound race meetings conducted by the licensee* shall be remitted by the ~~organization~~ licensee to the commission on the 61st day after the close of each race meeting. The commission shall promptly remit any such proceeds received to the state treasurer, who shall deposit the entire amount in the state treasury and credit it to the Kansas greyhound breeding development fund created by K.S.A. 1987 1991 Supp. 74-8831 and amendments thereto.

(e) *All unclaimed ticket proceeds from parimutuel wagering conducted by a simulcasting licensee on simulcast races displayed by the licensee shall be distributed as provided by section 2 on the 61st day after the end of the calendar year.*

Sec. 10. K.S.A. 1991 Supp. 74-8823 is hereby amended to read as follows: 74-8823. (a) There is hereby imposed a tax on the gross sum wagered by the parimutuel method as follows:

(1) Of the total daily takeout from parimutuel pools for horse races *conducted in this state*, a tax at the rate of $\frac{3}{18}$;

(2) except as provided by subsection (a)(3), of the total daily takeout from parimutuel pools for greyhound races ~~held~~ *conducted in this state* at a racetrack facility for the racing of only greyhounds, a tax at the rate of: (A) $\frac{3}{18}$ during the first four years when racing with parimutuel wagering is conducted at such facility; (B) $\frac{4}{18}$ during the fifth year when racing with parimutuel wagering is conducted at such facility; and (C) $\frac{5}{18}$ during the sixth and any subsequent year when racing with parimutuel wagering is conducted at such facility; and

(3) of the total daily takeout from parimutuel pools for greyhound races ~~held~~ *conducted in this state* at a dual racetrack facility or at a racetrack facility owned by a licensee whose license authorizes the construction of a dual racetrack facility, a tax at the rate of: (A) $\frac{3}{18}$ during the first seven years when racing with parimutuel wagering is conducted at such facility; (B) $\frac{4}{18}$ during the eighth and ninth years when racing with parimutuel wagering is conducted at such facility; and (C) $\frac{5}{18}$ during the tenth and any subsequent year when racing with parimutuel wagering is conducted at such facility; and

(4) *of the total daily takeout from amounts wagered in this jurisdiction on simulcast races displayed in this state*, a tax at the rate of $\frac{3}{18}$.

(b) The tax imposed by this section shall be no less than 3% nor more than 6% of the total money wagered each day at a racetrack facility.

(c) The tax imposed by this section shall be remitted to the commission by each organization licensee by the next business day following the day on which the wagers took place. The commission shall promptly remit any such tax moneys received to the state treasurer, who shall deposit the entire amount in the state treasury and credit it to the state racing fund created by K.S.A. 1987 1991 Supp. 74-8826 and amendments thereto.

(d) The commission shall audit and verify that the amount of tax received from each organization licensee hereunder is correct.

(continued)

Sec. 11. K.S.A. 1991 Supp. 74-8802, 74-8804, 74-8810, 74-8813, 74-8819, 74-8820, 74-8821, 74-8822 and 74-8823 are hereby repealed.

Sec. 12. This act shall take effect and be in force from and after its publication in the Kansas register.

(Published in the Kansas Register, April 9, 1992.)

HOUSE BILL No. 2709

AN ACT concerning crimes and punishments; relating to crimes involving firearms; allowing forfeiture proceedings in certain situations; relating to confiscation and disposition of weapons; amending K.S.A. 1991 Supp. 21-4206 and repealing the existing section.

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

New Section 1. (a) Unlawful discharge of a firearm at an unoccupied dwelling is the malicious, willful and unauthorized discharge of any firearm at an unoccupied dwelling.

Unlawful discharge of a firearm at an unoccupied dwelling is a class E felony.

(b) Except as provided in K.S.A. 21-3411, and amendments thereto, unlawful discharge of a firearm at an occupied building or occupied vehicle is the malicious, willful and unauthorized discharge of a firearm at a dwelling, building, structure, motor vehicle, aircraft, watercraft, railroad car or other means of conveyance of persons or property in which there is a human being who is not placed in immediate apprehension of bodily harm.

Unlawful discharge of a firearm at an occupied building or occupied vehicle is a class D felony.

Unlawful discharge of a firearm at an occupied building or occupied vehicle which results in bodily harm to a person during the commission thereof is a class C felony.

(c) A felony offense charged in this section shall be considered a felony as the term is used pursuant to subsection (a)(1) of K.S.A. 21-3401, and amendments thereto.

New Sec. 2. (a) The following property is subject to forfeiture pursuant to this act:

(1) Contraband property used or intended to be used in the commission of a violation of section 1;

(2) the proceeds gained from the commission of a violation of section 1;

(3) property acquired with proceeds gained from the commission of a violation of section 1;

(4) all conveyances, including aircraft, vehicles or vessels, which are used or intended for the use to transport or in any manner to facilitate the transportation for the purpose of the commission of a violation of section 1. No conveyance used by any person as a common carrier in the transportation of business as a common carrier is subject to forfeiture under this section unless it appears that the owner or other person in charge of the conveyance is a consenting party or privy to a violation of this act. No conveyance is subject to forfeiture under this section by reason of any act or omission established by the owners thereof to have been committed or omitted without the owners knowledge or consent. A forfeiture of a conveyance encumbered by a bona fide security interest is subject to the interest of the secured party or parties;

(5) all books, records and research products and materials including microfilm, tapes and data which are used or intended for the use in violation of section 1;

(6) everything of value furnished, or intended to be furnished or traded or used as payment or invested for anything of value. It may be presumed that this property was acquired with proceeds gained from the commission of a violation of section 1 and are subject to forfeiture;

(7) (A) Property subject to forfeiture under this section may be seized by any law enforcement officer upon process issued by any district court having jurisdiction over the property. Seizure by a law enforcement officer may be made without process if: (i) The seizure is incident to a lawful arrest or a lawful search conducted by a law enforcement officer; (ii) the property subject to seizure has been the subject of a prior judgment in favor of the state or municipality under this act; or (iii) there is probable cause to believe that the property was used in violation of this act.

(B) In the event of seizure pursuant to this section, proceedings pursuant to section 3 shall be instituted promptly.

(C) Property taken or detained under this section shall not be replevin, but is deemed to be in the custody of the law enforcement agency seizing it subject only to the orders of the district court having jurisdiction over the forfeiture proceedings. When property is seized under this act, the law enforcement agency seizing it may: (i) Place the property under seal; (ii) remove the property to a place designated by it; or (iii) require the board to take custody of the property and remove it to an appropriate location for disposition in accordance with law.

(b) No property is subject to forfeiture under this section belonging to a spouse of a person, whose acts gave rise to the forfeiture of community property, because of an act of violence against the spouse who was unable to prevent the act giving rise to the forfeiture.

(c) Property which is used in the commission of a violation of section 1 or the proceeds of an above-described felony which has title of ownership with two parties on the title or a cosigner is subject to forfeiture, if one party on the title uses the property in the commission of a violation of section 1 or receives titled property as the proceeds of such felony even if the second party claims that such second party did not have knowledge or involvement in such felony.

(d) As used in this section, "contraband property" means property of any nature including real, personal, tangible or intangible.

New Sec. 3. (a) The county or district attorney within whose jurisdiction there is property which is sought to be forfeited pursuant to section 2, or such attorney as employed by the law enforcement agency and approved by the county or district attorney seeking forfeiture of such property, shall promptly proceed against the property by filing in the district court having jurisdiction of such property a petition for an order to show cause why the court should not order forfeiture of such property. The petition shall be verified and shall set forth:

(1) A statement that the action is brought pursuant to section 2;

(2) the law enforcement agency bringing the action;

(3) a description of the property sought to be forfeited;

(4) a statement that on or about a date certain the property was used or intended to be used in violation of this act or a violation of this act took place in, upon or by means of the property;

(5) a statement detailing the facts in support of subsection (a); and

(6) a list of all persons known to the law enforcement agency, after diligent search and inquiry, that may claim an ownership interest in the property by title, registration or deed or by virtue of a lien allegedly perfected in the manner prescribed by law.

(b) Upon receipt of a petition complying with the requirements of subsection (a), the judge of the district court shall issue an order to show cause setting forth a statement that the controlling statutes are section 2 *et seq.* In addition, the order shall set a date at least 41 days from the date of first publication of the order pursuant to subsection (c) for all persons claiming an interest in the property to file such pleadings as they desire as to why the court should not order the forfeiture of such property to use, sale or other disposition by the law enforcement agency seeking forfeiture of the property. The court shall further order that all persons who do not appear on that date are deemed to have defaulted and waive any claim to the subject property.

(c) The county or district attorney, or such attorney as employed by the law enforcement agency approved by the county or district attorney seeking forfeiture, shall give notice of the forfeiture proceedings by:

(1) Causing to be published a copy of the order to show cause once each week for three consecutive weeks in a newspaper having general circulation in the county where the property is located and meeting the requirements of K.S.A. 64-101, and amendments thereto; and

(2) sending a copy of the petition and order to show cause by certified mail, return receipt requested, to each person having ownership of or a security interest in the property if:

(A) The property is of a type for which title, registration or deed is required by law;

(B) the owner of the property is known in fact to the law enforcement agency at the time of seizure; or

(C) the property is subject to a security interest perfected in accordance with the uniform commercial code. The law enforcement agency shall be obligated only to make diligent search and inquiry as to the owner of the property and if, after diligent search and inquiry, such agency is unable to ascertain the owner, the requirement of actual notice by mail with respect to persons having perfected security interest in the property shall not be applicable.

(d) At the hearing on the matter, the petitioner shall have the burden to establish by clear and convincing evidence that the property is subject to forfeiture as provided in section 2.

(e) The final order of forfeiture by the court shall perfect in the law enforcement agency right, title and interest in and to such property and shall relate back to the date of the seizure.

(f) Physical seizure of property shall not be necessary in order to allege in a petition under this section that property is forfeitable. Upon filing the petition, the county or district attorney or the attorney for the law enforcement agency approved by the county or district attorney seeking forfeiture may also seek such protective orders as necessary to prevent the transfer, encumbrance or other disposal of any property named in the petition.

(g) Unless otherwise stated, proceedings brought pursuant to this section are separate and distinct from and in no way supplemental to or dependent upon the outcome of any criminal charges, indictment, complaint or information.

New Sec. 4. (a) Subject to the provisions of subsection (c), if property forfeited pursuant to section 2 is harmful to the public or required by law to be destroyed, the law enforcement agency to which the property is forfeited shall:

(1) Require the sheriff of the county to take custody of the property and remove it to an appropriate location for disposition in accordance with law; or

(2) forward it to the Kansas bureau of investigation for disposition.

(b) Subject to the provisions of subsection (c), if property forfeited pursuant to section 2 is not harmful to the public and is not required by law to be destroyed, the law enforcement agency to which the property is forfeited shall:

(1) Sell the property in accordance with subsection (d); or

(2) if the property is not subject to a lien which has been preserved by the court, retain the property for official use.

(c) If the property is a controlled substance, the law enforcement agency to which the property is forfeited shall transfer it to another law enforcement agency for use in training canines for detection of controlled substances so long as a record is kept of the substance similar to that required in a chain of custody for evidence handling.

(d) If a law enforcement agency desires to sell property forfeited to it pursuant to section 2, the agency shall first cause notice of the sale to be made by publication at least once a week for three consecutive weeks in a newspaper having general circulation in the county and meeting the requirements of K.S.A. 64-101, and amendments thereto. Such notice shall include the time, place and conditions of the sale and a description of the property to be sold. The property shall then be disposed of at public auction to the highest bidder for cash without appraisal.

(e) In lieu of the sale of property ordered forfeited pursuant to section 2, if the head of the law enforcement agency considers it necessary or expedient, the property may be salvaged unless such property is subject to a lien preserved by the court.

(f) Upon the sale of any vessel, motor vehicle or aircraft pursuant to this section, the state shall issue a title certificate to the purchaser. Upon the request of any law enforcement agency which elects to retain titled property after forfeiture, the state shall issue a certificate of title for such property to the agency.

New Sec. 5. The proceeds of any sale pursuant to section 4 and any moneys forfeited pursuant to section 2 shall be applied: First, to payment of the balance due on any lien preserved by the court in the forfeiture proceedings; second, to payment of the cost incurred by the seizing agency in connection with the storage, maintenance, security and forfeiture of the property; third, to payment of the costs incurred by the county or district attorney or attorney for the law enforcement agency approved by the county and district attorney to which the property is forfeited; and fourth, to payment of costs incurred by the court. The remaining proceeds or moneys shall be

disposed of as follows: (a) If such agency is a state agency, the entire amount shall be deposited into the forfeiture account for that agency for general law enforcement purposes for that agency; (b) if such agency is a county agency, the entire amount shall be deposited in the county treasury and credited to a special law enforcement fund in the county treasury; and (c) if such law enforcement agency is a city agency, the entire amount shall be deposited in the city treasury and credited to a special law enforcement trust fund in the city treasury. Moneys in the special law enforcement forfeiture fund in the county or city treasury shall be expended only upon appropriation to the sheriff's office or police department, by the respective board of county commissioners or governing body of the city, to defray the costs of protracted investigations, to provide additional technical equipment or expertise, to provide matching funds to obtain federal grants or for such other law enforcement purposes as the respective board of county commissioners or governing body of the city deems appropriate and shall not be considered a source of revenue to meet normal operating expenses.

New Sec. 6. If more than one law enforcement agency is substantially involved in effecting a forfeiture pursuant to section 2, the court having jurisdiction over the forfeiture proceeding shall equitably distribute the property among such agencies. Any forfeited moneys, or any proceeds remaining after the sale of the property, shall be equitably distributed to the board of county commissioners or the governing body of the city having budgetary control over such agencies for deposit in the respective county or city treasury and credit to the law enforcement trust fund provided in section 5. Any forfeited moneys, or any proceeds remaining after the sale of the property shall be equitably distributed in the manner as provided in section 5.

New Sec. 7. Any law enforcement agency receiving forfeited property or proceeds from the sale of forfeited property in accordance with this act shall submit a quarterly report to the entity which has budgetary authority over such agency, which report shall specify, for such period, the type and approximate value of the property received and the amount of any proceeds received. Neither the law enforcement agency nor the entity having budgetary control shall anticipate future forfeitures or proceeds therefrom in the adoption and approval of the budget for the law enforcement agency.

Sec. 8. K.S.A. 1991 Supp. 21-4206 is hereby amended to read as follows: 21-4206. (1) Upon conviction of a violation of section 1, K.S.A. 21-4201, 21-4202 or 21-4204, and amendments thereto, any weapon seized in connection therewith shall remain in the custody of the trial court.

(2) Any stolen weapon so seized and detained, when no longer needed for evidentiary purposes, shall be returned to the person entitled to possession, if known. All other confiscated weapons when no longer needed for evidentiary purposes, shall in the discretion of the trial court, be destroyed, preserved as county property, or forfeited to the law enforcement agency seizing the weapon or sold and the proceeds of such sale shall be paid to the state treasurer pursuant to K.S.A. 20-2801, and amendments thereto. All weapons forfeited to any law enforcement agency may be traded for materials for use by such law enforcement agency or sold and the proceeds thereof used for law enforcement purposes, or such agency may donate any such weapons may be donated to the department of wildlife and parks or to the Kansas bureau of investigation for law enforcement, testing, comparison or destruction by the Kansas bureau of investigation forensic laboratory.

Sec. 9. K.S.A. 1991 Supp. 21-4206 is 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, April 9, 1992.)

HOUSE BILL No. 2764

AN ACT providing for a temporary license for vehicle salesman.

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

Section 1. (a) Whenever application for a license as a vehicle salesman has been made, a temporary permit may be granted by the director, effective with the application date for the salesman license provided the salesman is under direct supervision whenever any sale for a vehicle is conducted. The temporary permit shall be valid until such time as the application is approved or denied by the director of vehicles but in no case shall such temporary license be valid for a period exceeding 45 days.

(b) This section shall be a part of and supplemental to the vehicle dealers and manufacturers licensing act.

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

(Published in the Kansas Register, April 9, 1992.)

SENATE BILL No. 619

AN ACT concerning the disposition of unclaimed property; amending K.S.A. 1991 Supp. 58-3933 and repealing the existing section.

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

Section 1. K.S.A. 1991 Supp. 58-3933 is hereby amended to read as follows: 58-3933. (a) All intangible property, including but not limited to any interest, dividend or other earnings thereon, less any lawful charges, held by a business association, federal, state or local government or governmental subdivision, agency or entity, or any other person or entity, regardless of where the holder may be found, if the owner has not claimed or corresponded in writing concerning the property within three years after the date prescribed for payment or delivery, is presumed abandoned and subject to the custody of this state as unclaimed property if:

- (1) The last known address of the owner is unknown; and
- (2) the person or entity originating or issuing the intangible property is this state or any political subdivision of this state or is incorporated, organized or created or otherwise located in this state.

(b) The provisions of subsection (a) shall not apply to property which is or may be presumed abandoned and subject to the custody of this state pursuant to any other provision of law containing a dormancy period different from that prescribed in subsection (a).

(c) The provisions of subsection (a) shall apply to all property held at the time of enactment, or at any time thereafter, regardless of when such property became or becomes presumptively abandoned.

(d) This section shall be part of and supplemental to the disposition of unclaimed property act.

Sec. 2. K.S.A. 1991 Supp. 58-3933 is hereby repealed.

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

(Published in the Kansas Register, April 9, 1992.)

SENATE BILL No. 517

AN ACT concerning insurance; advance of money to certain insurance companies; interest thereon; amending K.S.A. 40-1209 and repealing the existing section.

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

Section 1. K.S.A. 40-1209 is hereby amended to read as follows: 40-1209. Any director, officer or member of any such company, or any other person, may advance to such company any sum or sums of money necessary for the purposes of its business or to enable it to comply with any of the requirements of the laws of this state, and such moneys and such interest thereon as may have been agreed upon, not exceeding ~~five percentum per annum~~, shall an amount equal to 1 1/2 percentage points below the maximum rate of interest prescribed by subsection (b) of K.S.A. 16-207 and amendments thereto for real estate transactions. The rate of interest to be applied to any specific certificate of indebtedness shall be calculated using the most immediate prior month's usury rate published by the secretary of state in the Kansas register. The sum or sums of money advanced pursuant to this authorization and any interest thereon shall be payable only out of the surplus remaining after providing for all reserves and other liabilities, and shall not otherwise be a liability or claim against the company or any of its assets. No commission or promotion expenses shall be paid in connection with the advance of any such money to the company, and the amount of such advance shall be reported in each annual statement. Provided, however, That. Such certificates of indebtedness shall not be issued nor retired and no interest thereon shall be paid without the approval of the commissioner of insurance who must be satisfied that all requirements of the law have been met.

New Sec. 2. Any mutual fire and tornado insurance company organized under the laws of this state pursuant to K.S.A. 40-1001 et seq. and amendments thereto may accept advances of money and issue certificates of indebtedness thereon subject to the terms and conditions prescribed by K.S.A. 40-1209 and amendments thereto.

Sec. 3. K.S.A. 40-1209 is hereby repealed.

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

INDEX TO ADMINISTRATIVE REGULATIONS

This index lists in numerical order the new, amended and revoked administrative regulations and the volume and page number of the Kansas Register issue in which more information can be found. This cumulative index supplements the index found in the 1991 Supplement to the Kansas Administrative Regulations.

1-5-30	Amended	V. 10, p. 1689	4-7-531	New	V. 10, p. 1319
1-6-2	Amended	V. 11, p. 278	4-7-532	New	V. 10, p. 1319
1-6-29	Amended	V. 10, p. 1689	4-7-533	New	V. 10, p. 1320
1-6-32	Amended	V. 11, p. 278	4-7-716	Amended	V. 10, p. 1320
1-9-4	Amended	V. 10, p. 1690	4-7-717	Amended	V. 10, p. 1320
1-9-5	Amended	V. 10, p. 1691	4-7-719	Amended	V. 11, p. 63
1-9-7a	Amended	V. 10, p. 382, 760	4-7-722	Amended	V. 10, p. 1320
1-9-19a	Amended	V. 11, p. 279	4-8-14	Revoked	V. 10, p. 1320
1-9-21	Amended	V. 10, p. 1692	4-8-14a	New	V. 10, p. 1320
1-16-18	Amended	V. 10, p. 1470, 1497	4-8-27	Amended	V. 11, p. 63
1-17-1	Amended	V. 10, p. 1471	4-8-30	Amended	V. 10, p. 1321
1-17-2	Amended	V. 10, p. 1471	4-8-39	Amended	V. 10, p. 1321
1-17-2a	Amended	V. 10, p. 1471	4-8-40	Amended	V. 10, p. 1321
1-45-26	Amended	V. 10, p. 1692	4-13-28	New	V. 10, p. 1321
1-49-1	Amended	V. 10, p. 1472	4-33-1	Amended	V. 10, p. 1315, 1321
			4-33-2	New	V. 10, p. 1315, 1321

AGENCY 4: BOARD OF AGRICULTURE

AGENCY 1: DEPARTMENT OF ADMINISTRATION

Reg. No.	Action	Register
1-2-30	New	V. 11, p. 278
1-2-81	Revoked	V. 11, p. 278
1-5-15	Amended	V. 10, p. 1688
1-5-27	Revoked	V. 10, p. 1688
1-5-28	Amended	V. 10, p. 1688

Reg. No.	Action	Register
4-3-47	Amended	V. 10, p. 1319
4-3-49	Amended	V. 10, p. 1319
4-7-2	Amended	V. 10, p. 1319
4-7-510	Amended	V. 10, p. 1319
4-7-513	Amended	V. 10, p. 1319
4-7-530	New	V. 10, p. 1319

AGENCY 5: BOARD OF AGRICULTURE—DIVISION OF WATER RESOURCES

Reg. No.	Action	Register
5-23-3	Amended	V. 10, p. 1194
5-23-4a	New	V. 10, p. 1195
5-24-2	Amended	V. 10, p. 976
5-24-5	Amended	V. 10, p. 977
5-40-1	Amended	V. 11, p. 15, 40

5-42-1	Amended	V. 11, p. 40, 361
5-42-3	Amended	V. 11, p. 361
5-44-1		
through		
5-44-6	New	V. 11, p. 15-17, 40-42
5-45-1		
through		
5-45-4	Amended	V. 11, p. 42-44, 361-363
5-45-6	Amended	V. 11, p. 44, 363
5-45-7	Amended	V. 11, p. 44, 363
5-45-12	Amended	V. 11, p. 44, 363
5-45-13	Amended	V. 11, p. 45, 364
5-45-14		
through		
5-45-17	New	V. 11, p. 45, 364, 365

AGENCY 7: SECRETARY OF STATE

Reg. No.	Action	Register
7-30-1	Amended	V. 10, p. 728
7-32-1	Amended	V. 10, p. 728
7-32-2	New	V. 10, p. 728

AGENCY 9: ANIMAL HEALTH DEPARTMENT

Reg. No.	Action	Register
9-13-1		
through		
9-13-3	Revoked	V. 10, p. 1821, 1822
9-13-4	Revoked	V. 10, p. 257
9-18-1	Amended	V. 10, p. 1822
9-19-1		
through		
9-19-11	New	V. 10, p. 1822-1827
9-20-1	New	V. 10, p. 1827
9-20-2	New	V. 10, p. 1828
9-20-3	New	V. 10, p. 1828
9-21-1	New	V. 10, p. 1828
9-21-2	New	V. 10, p. 1829
9-21-3	New	V. 10, p. 1829
9-22-1	New	V. 10, p. 1829
9-22-2	New	V. 10, p. 1830
9-22-3	New	V. 10, p. 1830
9-23-1	New	V. 10, p. 1830
9-23-2	New	V. 10, p. 1831
9-23-3	New	V. 10, p. 1831
9-24-1	New	V. 10, p. 1831
9-24-2	New	V. 10, p. 1832
9-24-3	New	V. 10, p. 1832

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

Reg. No.	Action	Register
14-19-24	Amended	V. 10, p. 689
14-19-36	Amended	V. 10, p. 689
14-20-25	Amended	V. 10, p. 689
14-20-26	Amended	V. 10, p. 690
14-21-9	Amended	V. 10, p. 690
14-22-6	Amended	V. 10, p. 690
14-22-9	Amended	V. 10, p. 691
14-23-4	Amended	V. 10, p. 691

AGENCY 17: STATE BANKING DEPARTMENT

Reg. No.	Action	Register
17-11-17	Amended	V. 10, p. 1768
17-11-18	Amended	V. 10, p. 1768
17-11-21	Amended	V. 10, p. 1768
17-12-1	Amended	V. 10, p. 1768
17-12-2	Amended	V. 10, p. 1769
17-14-1	Amended	V. 10, p. 1769
17-15-1	Amended	V. 10, p. 1769
17-16-1	Amended	V. 10, p. 1772
17-16-2	Amended	V. 10, p. 1772
17-16-3	Amended	V. 10, p. 1772
17-16-5	Amended	V. 10, p. 1773
17-16-6	Amended	V. 10, p. 1773
17-16-8	Amended	V. 10, p. 1773
17-16-9	Amended	V. 10, p. 1773
17-18-4	Amended	V. 10, p. 1773
17-20-1	New	V. 10, p. 1773

AGENCY 21: KANSAS HUMAN RIGHTS COMMISSION

Reg. No.	Action	Register
21-34-1		
through		
21-34-21	New	V. 11, p. 357-360

AGENCY 23: DEPARTMENT OF WILDLIFE AND PARKS

Reg. No.	Action	Register
23-3-16	Revoked	V. 10, p. 916
23-8-24	Revoked	V. 10, p. 916
23-12-1	Revoked	V. 10, p. 916
23-12-8	Revoked	V. 10, p. 916
23-12-11	Revoked	V. 10, p. 917
23-21-1		
through		
23-21-14	Revoked	V. 10, p. 1441

AGENCY 25: STATE GRAIN INSPECTION DEPARTMENT

Reg. No.	Action	Register
25-4-1	Amended	V. 10, p. 405
25-4-4	Amended	V. 11, p. 164

AGENCY 26: DEPARTMENT ON AGING

Reg. No.	Action	Register
26-8-1		
through		
26-8-14	New	V. 10, p. 1285-1287

AGENCY 28: DEPARTMENT OF HEALTH AND ENVIRONMENT

Reg. No.	Action	Register
28-4-405	Amended	V. 10, p. 257
28-4-530	New	V. 10, p. 1246
28-4-531	New	V. 10, p. 1246
28-17-6	Amended	V. 10, p. 1246
28-17-12	Amended	V. 10, p. 1246
28-19-61	Amended	V. 10, p. 1246
28-19-62	Amended	V. 10, p. 1250
28-19-76	New	V. 10, p. 1251
28-19-77	New	V. 10, p. 1252
28-19-78	New	V. 10, p. 1254
28-31-8a	Revoked	V. 11, p. 232
28-31-10a	New	V. 11, p. 232
28-35-147	Amended	V. 11, p. 130
28-36-30	Amended	V. 10, p. 1655
28-39-77	Amended	V. 10, p. 1655
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. 10, p. 1353
30-4-34	Amended	V. 10, p. 956
30-4-41	Amended	V. 10, p. 1648
30-4-63	Amended	V. 10, p. 1353
30-4-64	Amended	V. 10, p. 1355
30-4-90	Amended	V. 10, p. 1356
30-4-101	Amended	V. 10, p. 1357
30-4-111	Amended	V. 10, p. 341
30-4-112	Amended	V. 10, p. 1648
30-4-113	Amended	V. 10, p. 693
30-4-120	Amended	V. 10, p. 343
30-4-130	Amended	V. 10, p. 961
30-4-140	Amended	V. 11, p. 365
30-5-58	Amended	V. 11, p. 365
30-5-59	Amended	V. 11, p. 371
30-5-64	Amended	V. 11, p. 372
30-5-65	Amended	V. 11, p. 372
30-5-70	Amended	V. 11, p. 372
30-5-77	Amended	V. 10, p. 1291
30-5-78	New	V. 10, p. 1364
30-5-79	New	V. 10, p. 1364
30-5-81	Amended	V. 10, p. 699
30-5-86	Amended	V. 10, p. 699
30-5-88	Amended	V. 10, p. 700
30-5-92	Amended	V. 10, p. 344
30-5-94	Amended	V. 10, p. 345
30-5-95	Amended	V. 11, p. 205
30-5-101	Amended	V. 10, p. 1365

30-5-103	Amended	V. 10, p. 1365
30-5-104	Amended	V. 10, p. 701
30-5-110	Amended	V. 11, p. 373
30-5-112	Amended	V. 10, p. 963
30-5-113	Amended	V. 10, p. 963
30-5-114	Amended	V. 10, p. 1365
30-5-115	Amended	V. 10, p. 963
30-5-116	Amended	V. 10, p. 1496, 1649
30-5-116a	Amended	V. 10, p. 1496, 1649
30-5-151	Amended	V. 10, p. 963
30-5-152	Amended	V. 10, p. 963
30-5-154	Amended	V. 10, p. 963
30-5-156	Amended	V. 10, p. 963
30-5-157	Amended	V. 10, p. 964
30-5-159	Amended	V. 10, p. 964
30-5-160	Amended	V. 10, p. 964
30-5-161	Amended	V. 10, p. 964
30-5-162	Amended	V. 10, p. 964
30-5-163	Amended	V. 10, p. 964
30-5-164	Amended	V. 10, p. 964
30-5-166	Amended	V. 10, p. 964
30-5-167	Amended	V. 10, p. 964
30-5-168	Amended	V. 10, p. 964
30-5-169	Amended	V. 10, p. 964
30-5-170	Amended	V. 10, p. 965
30-5-171	Amended	V. 10, p. 965
30-6-53	Amended	V. 10, p. 1366
30-6-55	Amended	V. 11, p. 374
30-6-56	Amended	V. 11, p. 374
30-6-65	Amended	V. 10, p. 1650
30-6-74	Revoked	V. 10, p. 1366
30-6-77	Amended	V. 10, p. 701
30-6-82	New	V. 10, p. 702
30-6-86	Amended	V. 10, p. 348
30-6-94	New	V. 10, p. 1651
30-6-103	Amended	V. 10, p. 1651
30-6-106	Amended	V. 10, p. 1651
30-6-107	Amended	V. 10, p. 705
30-6-111	Amended	V. 10, p. 351
30-6-112	Amended	V. 10, p. 1653
30-6-113	Amended	V. 10, p. 706
30-7-65	Amended	V. 10, p. 707
30-7-75	Amended	V. 10, p. 708
30-7-76	Amended	V. 10, p. 1654
30-7-77	Amended	V. 10, p. 1655
30-7-78	Amended	V. 10, p. 1655
30-10-1a	Amended	V. 11, p. 205
30-10-1b	Amended	V. 11, p. 376
30-10-7	Amended	V. 10, p. 354
30-10-11	Amended	V. 11, p. 376
30-10-15a	Amended	V. 10, p. 708
30-10-15b	Amended	V. 10, p. 1372
30-10-16	Revoked	V. 10, p. 709
30-10-17	Amended	V. 10, p. 1373
30-10-18	Amended	V. 11, p. 378
30-10-19	Amended	V. 10, p. 1376
30-10-23a	Amended	V. 11, p. 379
30-10-23b	Amended	V. 11, p. 380
30-10-24	Amended	V. 10, p. 1377
30-10-25	Amended	V. 10, p. 1378
30-10-27	Amended	V. 10, p. 1379
30-10-29	Amended	V. 10, p. 1379
30-10-30	Revoked	V. 10, p. 355
30-10-200	Amended	V. 11, p. 207
30-10-207	Amended	V. 10, p. 1200
30-10-208	Amended	V. 10, p. 1200
30-10-210		
through		
30-10-226	New	V. 10, p. 48-57
30-10-210	Amended	V. 11, p. 209
30-10-211	Amended	V. 10, p. 1203
30-10-212	Amended	V. 11, p. 210
30-10-213	Amended	V. 10, p. 1204
30-10-214	Amended	V. 10, p. 1230
30-10-215	Amended	V. 10, p. 1206
30-10-217	Amended	V. 11, p. 210
30-10-218	Amended	V. 10, p. 1207
30-10-219	Amended	V. 11, p. 211
30-10-220	Amended	V. 10, p. 1208
30-10-221	Amended	V. 10, p. 1208
30-10-226	Revoked	V. 10, p. 1209
30-22-1	Amended	V. 11, p. 1380
30-22-2	Amended	V. 10, p. 1380
30-22-5	Amended	V. 10, p. 1381
30-22-6	Amended	V. 10, p. 1381

(continued)

30-22-11 through		
30-22-28	Revoked	V. 10, p. 1381
30-41-1	Amended	V. 10, p. 710
30-41-7a	Amended	V. 10, p. 711
30-41-71	New	V. 10, p. 711
30-41-20	New	V. 10, p. 711
30-46-13	Amended	V. 10, p. 1381
30-46-14	Revoked	V. 10, p. 1381
30-46-15	Amended	V. 10, p. 1381
30-60-1	New	V. 10, p. 1381
30-60-2	New	V. 10, p. 1381
30-60-5	New	V. 10, p. 1382
30-60-6	New	V. 10, p. 1382
30-60-7	New	V. 10, p. 1383
30-60-10	New	V. 10, p. 1383
30-60-11	New	V. 10, p. 1383
30-60-12	New	V. 10, p. 1384
30-60-17	New	V. 10, p. 1384
30-60-18	New	V. 10, p. 1384
30-60-19	New	V. 10, p. 1384
30-60-25	New	V. 10, p. 1385
30-60-26	New	V. 10, p. 1385
30-60-27	New	V. 10, p. 1385
30-60-28	New	V. 10, p. 1386
30-60-40	New	V. 10, p. 1386
30-60-41	New	V. 10, p. 1386
30-60-45	New	V. 10, p. 1386
30-60-46	New	V. 10, p. 1386
30-60-47	New	V. 10, p. 1386
30-60-50	New	V. 10, p. 1387
30-60-55	New	V. 10, p. 1387
30-60-60	New	V. 10, p. 1388
30-60-61	New	V. 10, p. 1389
30-60-62	New	V. 10, p. 1389
30-60-70	New	V. 10, p. 1389
30-60-71	New	V. 10, p. 1390
30-60-72	New	V. 10, p. 1390
30-60-73	New	V. 10, p. 1390
30-60-74	New	V. 10, p. 1390
30-60-75	New	V. 10, p. 1390
30-60-76	New	V. 10, p. 1390
30-61-1	New	V. 10, p. 1391
30-61-2	New	V. 10, p. 1391
30-61-5	New	V. 10, p. 1391
30-61-6	New	V. 10, p. 1391
30-61-10	New	V. 10, p. 1391
30-61-15	New	V. 10, p. 1391
30-61-16	New	V. 10, p. 1392

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

AGENCY 40: KANSAS INSURANCE DEPARTMENT

Reg. No.	Action	Register
40-1-28	Amended	V. 10, p. 1582
40-1-38	New	V. 10, p. 1693
40-2-15	Amended	V. 10, p. 1693
40-2-20	New	V. 10, p. 259, 383
40-2-21	New	V. 10, p. 1583
40-3-22	Amended	V. 10, p. 1693
40-3-46	New	V. 10, p. 381
40-3-47	New	V. 10, p. 381
40-3-48	New	V. 10, p. 1584
40-4-35	Amended	V. 11, p. 82
40-4-37	Amended	V. 10, p. 1695

AGENCY 44: DEPARTMENT OF CORRECTIONS

Reg. No.	Action	Register
44-6-106	Amended	V. 10, p. 1195
44-6-108	Amended	V. 10, p. 1195
44-6-114c	Amended	V. 10, p. 1196
44-6-120	Amended	V. 11, p. 230
44-6-124	Amended	V. 11, p. 230
44-6-125	Amended	V. 11, p. 231
44-6-126	Amended	V. 10, p. 1197
44-6-133	Amended	V. 10, p. 1197
44-6-134	Amended	V. 10, p. 1197
44-6-135	Amended	V. 11, p. 231
44-6-142	Amended	V. 10, p. 1198

44-7-113	Amended	V. 11, p. 316
44-7-115	New	V. 11, p. 316
44-12-101	Amended	V. 11, p. 316
44-12-102	Amended	V. 11, p. 316
44-12-104	Amended	V. 11, p. 316
44-12-105	Amended	V. 11, p. 317
44-12-201	Amended	V. 11, p. 317
44-12-202	Amended	V. 11, p. 317
44-12-204	Amended	V. 11, p. 317
44-12-205	Amended	V. 11, p. 317
44-12-208	Amended	V. 11, p. 317
44-12-209	Amended	V. 11, p. 317
44-12-209	Amended	V. 11, p. 317
44-12-301	Amended	V. 11, p. 317
44-12-307	Amended	V. 11, p. 317
44-12-308	Amended	V. 11, p. 317
44-12-309	Amended	V. 11, p. 317
44-12-312	Amended	V. 11, p. 317
44-12-313	Amended	V. 11, p. 318
44-12-314	Amended	V. 11, p. 318
44-12-315	Amended	V. 11, p. 318
44-12-316	Revoked	V. 11, p. 318
44-12-317	Amended	V. 11, p. 318
44-12-319	Amended	V. 11, p. 318
44-12-321	Amended	V. 11, p. 318
44-12-323	Amended	V. 11, p. 318
44-12-324	Amended	V. 11, p. 319
44-12-325	Amended	V. 11, p. 319
44-12-326	Amended	V. 11, p. 319
44-12-328	New	V. 11, p. 319
44-12-401	Amended	V. 11, p. 319
44-12-501	Amended	V. 11, p. 319
44-12-502	Amended	V. 1, p. 319
44-12-503	Amended	V. 11, p. 319
44-12-505b	New	V. 11, p. 320
44-12-601	Amended	V. 11, p. 320
44-12-602	Amended	V. 11, p. 321
44-12-701	Revoked	V. 11, p. 321
44-12-901	Amended	V. 11, p. 321
44-12-902	Amended	V. 11, p. 322
44-12-1001	Amended	V. 11, p. 322
44-12-1002	Amended	V. 11, p. 322
44-12-1101	Amended	V. 11, p. 322
44-12-1201	Amended	V. 11, p. 322
44-12-1202	Amended	V. 11, p. 322
44-12-1301	Amended	V. 11, p. 323
44-12-1302	Amended	V. 11, p. 323
44-12-1303	Amended	V. 11, p. 323
44-12-1304	Revoked	V. 11, p. 323
44-12-1306	Amended	V. 11, p. 323
44-12-1307	Amended	V. 11, p. 324
44-13-101	Amended	V. 11, p. 324
44-13-101a	Amended	V. 11, p. 325
44-13-103	Amended	V. 11, p. 325
44-13-104	Amended	V. 11, p. 325
44-13-106	Amended	V. 11, p. 325
44-13-115	Revoked	V. 11, p. 325
44-13-201	Amended	V. 11, p. 325
44-13-201b	New	V. 11, p. 326
44-13-202	Amended	V. 11, p. 327
44-13-203	Amended	V. 11, p. 327
44-13-301	Revoked	V. 11, p. 327
44-13-302	Revoked	V. 11, p. 327
44-13-302a	New	V. 11, p. 327
44-13-303	Revoked	V. 11, p. 328
44-13-304	Amended	V. 11, p. 328
44-13-401	Amended	V. 11, p. 328
44-13-402	Amended	V. 11, p. 328
44-13-403	Amended	V. 11, p. 330
44-13-404	Amended	V. 11, p. 331
44-13-405	Revoked	V. 11, p. 331
44-13-405a	Amended	V. 11, p. 331
44-13-406	Amended	V. 11, p. 331
44-13-407	Revoked	V. 11, p. 332
44-13-408	Amended	V. 11, p. 332
44-13-501	Amended	V. 11, p. 332
44-13-502	Revoked	V. 11, p. 332
44-13-502a	New	V. 11, p. 332
44-13-503	Revoked	V. 11, p. 332
44-13-504	Revoked	V. 11, p. 333
44-13-506	Amended	V. 11, p. 333
44-13-507	Amended	V. 11, p. 333
44-13-601	Amended	V. 11, p. 333
44-13-603	Amended	V. 11, p. 333
44-13-610	Amended	V. 11, p. 333
44-13-701	Amended	V. 11, p. 333

44-13-702	Amended	V. 11, p. 334
44-13-703	Amended	V. 11, p. 334
44-13-704	Amended	V. 11, p. 334
44-13-705	Amended	V. 11, p. 334
44-13-706	Amended	V. 11, p. 334
44-13-707	Amended	V. 11, p. 335
44-15-101	Amended	V. 11, p. 335
44-15-102	Amended	V. 11, p. 335
44-15-105a	New	V. 11, p. 336
44-16-104	Amended	V. 11, p. 337

AGENCY 51: DEPARTMENT OF HUMAN RESOURCES—

DIVISION OF WORKERS' COMPENSATION

Reg. No.	Action	Register
51-24-1	Amended	V. 11, p. 212
51-24-4	Amended	V. 11, p. 212
51-24-8	New	V. 11, p. 213
51-24-9	New	V. 11, p. 213
51-24-10	New	V. 11, p. 214

AGENCY 60: BOARD OF NURSING

Reg. No.	Action	Register
60-3-105	Amended	V. 10, p. 1040
60-3-106	Amended	V. 10, p. 1040
60-4-101	Amended	V. 11, p. 83
60-8-101	Amended	V. 10, p. 496
60-9-101	Revoked	V. 10, p. 1040
60-9-102	Revoked	V. 10, p. 1040
60-9-103	Revoked	V. 10, p. 1041
60-9-104	Revoked	V. 11, p. 83
60-9-105	Amended	V. 11, p. 83
60-9-106	New	V. 10, p. 1041
60-9-107	New	V. 11, p. 83
60-9-109	New	V. 10, p. 1041
60-11-103	Amended	V. 11, p. 84
60-11-110	Revoked	V. 10, p. 1042
60-11-111	Revoked	V. 10, p. 1042
60-11-112	New	V. 10, p. 1042
60-11-113	New	V. 10, p. 1042, 1497
60-11-114	New	V. 11, p. 85
60-11-116	New	V. 10, p. 1042
60-11-117	New	V. 10, p. 1042
60-11-118	New	V. 10, p. 1042
60-11-119	New	V. 10, p. 1043
60-12-101	Revoked	V. 10, p. 1043
60-12-102	Revoked	V. 10, p. 1043
60-12-103	Revoked	V. 10, p. 1043
60-12-105	New	V. 11, p. 85
60-12-106	New	V. 10, p. 1043
60-12-109	New	V. 10, p. 1043
60-13-101	Amended	V. 10, p. 496
60-13-105	Revoked	V. 10, p. 1044
60-13-106	Revoked	V. 10, p. 1044
60-13-107	Revoked	V. 10, p. 1044
60-13-108	Revoked	V. 10, p. 1044
60-13-110	New	V. 10, p. 1044
60-13-111	New	V. 10, p. 1044
60-13-112	New	V. 10, p. 1044
60-13-113	New	V. 11, p. 85
60-13-115	New	V. 10, p. 1044
60-15-101	Amended	V. 10, p. 1045
60-15-102	Amended	V. 10, p. 1045
60-15-103	Amended	V. 10, p. 1046
60-15-104	Amended	V. 10, p. 1046

AGENCY 63: BOARD OF MORTUARY ARTS

Reg. No.	Action	Register
63-1-1	Amended	V. 10, p. 1698
63-1-3	Amended	V. 10, p. 1698
63-1-12	Amended	V. 10, p. 1699
63-3-11	Amended	V. 10, p. 1700
63-3-17	Amended	V. 10, p. 1700
63-3-19	Amended	V. 10, p. 1700
63-3-20	Amended	V. 11, p. 133
63-3-21	New	V. 11, p. 133
63-4-1	Amended	V. 10, p. 1701
63-6-1	Amended	V. 10, p. 1701

AGENCY 65: BOARD OF EXAMINERS IN OPTOMETRY

Reg. No.	Action	Register
65-4-1 through 65-4-5	New	V. 11, p. 470, 471
65-5-1 through 65-5-8	New	V. 11, p. 472, 473

65-6-8	Revoked	V. 11, p. 473
65-6-11	Revoked	V. 11, p. 474
65-6-12	Revoked	V. 11, p. 474
65-6-16	Revoked	V. 11, p. 474
65-6-25	Revoked	V. 11, p. 474
65-6-30	Revoked	V. 11, p. 474
65-6-33	Revoked	V. 11, p. 474
65-6-36	Revoked	V. 11, p. 474
65-6-37	Revoked	V. 11, p. 474
65-7-1	Revoked	V. 11, p. 474
65-7-2	Revoked	V. 11, p. 474
65-7-4	Revoked	V. 11, p. 474
65-7-8	Revoked	V. 11, p. 474
65-7-9	Revoked	V. 11, p. 474
65-7-11	Revoked	V. 11, p. 474
65-7-12	Revoked	V. 11, p. 474
65-7-13	Revoked	V. 11, p. 474
65-7-14	Revoked	V. 11, p. 474
65-8-1		
through		
65-8-4	New	V. 11, p. 474, 475
65-9-1		
through		
65-9-5	New	V. 11, p. 475, 476
65-10-1	New	V. 11, p. 476
65-10-2	New	V. 11, p. 477
65-10-3	New	V. 11, p. 477
65-11-1	New	V. 11, p. 477
65-11-2	New	V. 11, p. 477
65-11-3	New	V. 11, p. 477

AGENCY 66: BOARD OF TECHNICAL PROFESSIONS

Reg. No.	Action	Register
66-6-1	Amended	V. 11, p. 406
66-6-3	Amended	V. 11, p. 407
66-6-4	Amended	V. 11, p. 407
66-6-6		
through		
66-6-9	Amended	V. 11, p. 408
66-7-1	Amended	V. 11, p. 408
66-7-2	Amended	V. 11, p. 408
66-8-1		
through		
66-8-6	Amended	V. 11, p. 409
66-9-1		
through		
66-9-4	Amended	V. 11, p. 409, 410
66-10-1		
through		
66-10-12	Amended	V. 11, p. 410, 411
66-11-1	Amended	V. 11, p. 411
66-11-2	Amended	V. 11, p. 412
66-11-3	Amended	V. 11, p. 412
66-12-1	New	V. 11, p. 412
66-13-1	New	V. 11, p. 412

AGENCY 67: BOARD OF HEARING AID EXAMINERS

Reg. No.	Action	Register
67-3-4	New	V. 10, p. 887

AGENCY 68: BOARD OF PHARMACY

Reg. No.	Action	Register
68-7-10	Amended	V. 10, p. 1082
68-9-1	Amended	V. 10, p. 1083
68-11-1	Amended	V. 10, p. 216
68-20-15a	Amended	V. 10, p. 1084
68-20-18	Amended	V. 10, p. 1084
68-20-19	Amended	V. 10, p. 1085

AGENCY 74: BOARD OF ACCOUNTANCY

Reg. No.	Action	Register
74-2-7	Amended	V. 10, p. 840
74-4-6	Amended	V. 10, p. 841
74-5-2	Amended	V. 10, p. 841
74-5-403	Amended	V. 10, p. 842

AGENCY 75: CONSUMER CREDIT COMMISSIONER

Reg. No.	Action	Register
75-6-26	Amended	V. 10, p. 1353

AGENCY 81: OFFICE OF THE SECURITIES COMMISSIONER

Reg. No.	Action	Register
81-2-1	Amended	V. 10, p. 1242
81-3-1	Amended	V. 10, p. 1242

81-3-2	Amended	V. 10, p. 1244
81-4-1	Amended	V. 10, p. 1245, 1316
81-4-2	New	V. 10, p. 172
81-4-3	New	V. 10, p. 1440
81-5-8	Amended	V. 10, p. 1245
81-5-9	New	V. 10, p. 1440
81-6-1	Amended	V. 10, p. 173

AGENCY 82: STATE CORPORATION COMMISSION

Reg. No.	Action	Register
82-3-101	Amended	V. 10, p. 887
82-3-103	Amended	V. 11, p. 38
82-3-106	Amended	V. 11, p. 38
82-3-307	Amended	V. 10, p. 976
82-3-600	Amended	V. 10, p. 890
82-3-600b	New	V. 10, p. 890
82-3-601	Revoked	V. 10, p. 891
82-3-601a	New	V. 10, p. 891
82-3-601b	New	V. 10, p. 891
82-3-602	Amended	V. 10, p. 891
82-3-605	New	V. 10, p. 892
82-4-1	Amended	V. 10, p. 1121
82-4-2	Amended	V. 10, p. 1121
82-4-3	Amended	V. 10, p. 1122
82-4-6a	Amended	V. 10, p. 1122
82-4-6b	Revoked	V. 10, p. 1122
82-4-6d	Amended	V. 10, p. 1122
82-4-19a	Revoked	V. 10, p. 1123
82-4-20	Amended	V. 10, p. 1123
82-4-27	Amended	V. 10, p. 1123
82-4-27a	Amended	V. 10, p. 1124
82-4-27c	Amended	V. 10, p. 1124

AGENCY 86: REAL ESTATE COMMISSION

Reg. No.	Action	Register
86-1-4	Amended	V. 10, p. 1466
86-1-5	Amended	V. 10, p. 531
86-1-11	Amended	V. 10, p. 1466
86-3-10	Amended	V. 10, p. 1467
86-3-21	Amended	V. 10, p. 1467

AGENCY 88: BOARD OF REGENTS

Reg. No.	Action	Register
88-2-1	Amended	V. 10, p. 1467
88-2-2	Amended	V. 10, p. 1467
88-2-3	Amended	V. 10, p. 1467
88-2-4	Amended	V. 10, p. 1468
88-3-1	Amended	V. 10, p. 1468
88-3-2	Amended	V. 10, p. 1508
88-3-3	Amended	V. 10, p. 1469
88-3-5	Amended	V. 10, p. 1469
88-3-8	Amended	V. 10, p. 1469
88-3-9	Amended	V. 10, p. 1469
88-3-10	Amended	V. 10, p. 1469
88-3-11	Amended	V. 10, p. 1469
88-3-12	Amended	V. 10, p. 1470

AGENCY 91: DEPARTMENT OF EDUCATION

Reg. No.	Action	Register
91-1-68	Revoked	V. 10, p. 1046
91-1-68a	New	V. 10, p. 1046
91-1-68b	New	V. 10, p. 1047
91-1-68c	New	V. 10, p. 1048
91-1-68d	New	V. 10, p. 1049
91-1-69	Revoked	V. 10, p. 1050
91-1-101b	Amended	V. 10, p. 1050
91-1-112a	Amended	V. 10, p. 1051
91-1-150	Amended	V. 10, p. 1051
91-10-1	Revoked	V. 10, p. 1051
91-10-1a	New	V. 10, p. 1052
91-12-22	Amended	V. 10, p. 1052
91-12-25	Amended	V. 10, p. 1053
91-12-51	Amended	V. 10, p. 1056
91-12-73	Amended	V. 10, p. 1056
91-31-7	Amended	V. 10, p. 686
91-35-1		
through		
91-35-4	New	V. 10, p. 909, 910
91-37-1		
through		
91-37-4	New	V. 10, p. 910, 911

AGENCY 92: DEPARTMENT OF REVENUE		
Reg. No.	Action	Register
92-55-2a	New	V. 10, p. 531, 587

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

Reg. No.	Action	Register
99-8-8	Amended	V. 10, p. 1322
99-8-9	Amended	V. 10, p. 1322
99-25-1	Amended	V. 10, p. 1322
99-25-2	Amended	V. 10, p. 1322
99-25-3	Amended	V. 10, p. 1322
99-30-2	Amended	V. 10, p. 1322
99-30-3	Amended	V. 10, p. 1323
99-30-4	Amended	V. 10, p. 1323
99-30-5	Amended	V. 10, p. 1323
99-30-6	Amended	V. 10, p. 1323
99-31-3	Amended	V. 10, p. 1323
99-31-4	Amended	V. 10, p. 1323
99-32-1		
through		
99-32-6	Revoked	V. 10, p. 1323

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

AGENCY 109: BOARD OF EMERGENCY MEDICAL SERVICES

Reg. No.	Action	Register
109-1-1	Amended	V. 11, p. 131
109-2-7	Amended	V. 10, p. 1789
109-5-1	Amended	V. 10, p. 1789
109-5-4	New	V. 10, p. 1790
109-7-1	Amended	V. 10, p. 1790
109-8-1	Amended	V. 10, p. 1791
109-9-1	Amended	V. 10, p. 1791
109-9-4	Amended	V. 10, p. 1791
109-9-5	New	V. 11, p. 133
109-11-2	Amended	V. 10, p. 1792
109-11-6	Amended	V. 10, p. 1792
109-11-9	New	V. 10, p. 1792

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	Amended	V. 11, p. 136
111-2-7	Revoked	V. 10, p. 1210
111-2-13	Revoked	V. 10, p. 881
111-2-14	New	V. 9, p. 30
111-2-15	Revoked	V. 10, p. 881
111-2-16	Revoked	V. 10, p. 1210
111-2-17	Revoked	V. 10, p. 1210
111-2-18	Revoked	V. 11, p. 413
111-2-19	Revoked	V. 11, p. 413
111-2-20	New	V. 11, p. 199
111-3-1	Amended	V. 10, p. 1210
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. 10, p. 1014
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. 10, p. 1211
111-3-21	Amended	V. 10, p. 882
111-3-22	Amended	V. 10, p. 882
111-3-23	Revoked	V. 10, p. 883
111-3-25	Amended	V. 10, p. 883
111-3-27	Amended	V. 10, p. 883
111-3-29	Amended	V. 10, p. 883
111-3-31	Amended	V. 8, p. 209
111-3-32	Amended	V. 10, p. 883
111-3-33	New	V. 7, p. 1434
111-4-1	Amended	V. 8, p. 134

(continued)

111-4-2	Amended	V. 7, p. 1063	111-4-362			111-9-1		
111-4-4	Amended	V. 7, p. 1063	through			through		
111-4-6	Amended	V. 7, p. 1434	111-4-365	New	V. 10, p. 1723	111-9-12	New	V. 7, p. 1714-1716
111-4-7	Amended	V. 7, p. 1945	111-4-362	Amended	V. 11, p. 13	111-9-1		
111-4-8	Amended	V. 7, p. 1064	111-4-366			through		
111-4-12	Amended	V. 7, p. 1190	through			111-9-6	Revoked	V. 9, p. 1680
111-4-66			111-4-379	New	V. 11, p. 136-139	111-9-13		
through			111-4-380			through		
111-4-77	New	V. 7, p. 207-209	through			111-9-18	Revoked	V. 9, p. 1680
111-4-96			111-4-383	New	V. 11, p. 477, 478	111-9-25		
through			111-4-384			through		
111-4-114	New	V. 7, p. 1606-1610	through			111-9-30	New	V. 9, p. 699, 700
111-4-100	Amended	V. 10, p. 1211	111-4-387	New	V. 11, p. 414	111-9-31		
111-4-101	Amended	V. 10, p. 1211	111-4-388			through		
111-4-102	Amended	V. 10, p. 1211	through			111-9-36	New	V. 10, p. 262
111-4-103	Amended	V. 10, p. 1211	111-4-400	New	V. 11, p. 478-481	111-9-37		
111-4-104	Amended	V. 10, p. 1212	111-5-1			through		
111-4-105	Amended	V. 10, p. 1410	through			111-9-48	New	V. 10, p. 1439, 1440
111-4-106	Amended	V. 10, p. 1212	111-5-23	New	V. 7, p. 209-213	111-10-1		
111-4-106a	Amended	V. 10, p. 1213	111-5-9			through		
111-4-107	Amended	V. 9, p. 1366	through			111-10-9	New	V. 8, p. 136-138
111-4-108	Amended	V. 10, p. 1213	111-5-15	Amended	V. 8, p. 210, 211	111-10-7	Amended	V. 8, p. 301
111-4-111	Amended	V. 9, p. 1366	111-5-11	Amended	V. 9, p. 505			
111-4-113	Amended	V. 9, p. 1366	111-5-12	Amended	V. 11, p. 415			
111-4-114	Amended	V. 9, p. 1366	111-5-17	Amended	V. 8, p. 211			
111-4-153			111-5-18	Amended	V. 10, p. 13			
through			111-5-19	Amended	V. 8, p. 212			
111-4-160	Revoked	V. 9, p. 1676, 1677	111-5-21					
111-4-177			through					
through			111-5-33	New	V. 11, p. 415-418			
111-4-212	Revoked	V. 9, p. 1677, 1678	111-5-22	Amended	V. 11, p. 481			
111-4-213			111-5-23	Amended	V. 11, p. 481			
through			111-5-24	Amended	V. 11, p. 482			
111-4-220	Revoked	V. 10, p. 1213	111-5-25	Amended	V. 11, p. 482			
111-4-217	Amended	V. 9, p. 986	111-5-27	Amended	V. 11, p. 482			
111-4-221			111-5-28	Amended	V. 11, p. 483			
through			111-6-1					
111-4-224	Revoked	V. 10, p. 1585	through					
111-4-225			111-6-15	New	V. 7, p. 213-217			
through			111-6-1	Amended	V. 10, p. 1474			
111-4-228	Revoked	V. 10, p. 1585	111-6-3	Amended	V. 9, p. 200			
111-4-229			111-6-4	Amended	V. 10, p. 1413			
through			111-6-5	Amended	V. 10, p. 14			
111-4-236	Revoked	V. 10, p. 1585, 1586	111-6-6	Amended	V. 10, p. 1474			
111-4-237			111-6-9	Amended	V. 10, p. 1217			
through			111-6-12	Amended	V. 8, p. 212			
111-4-240	Revoked	V. 11, p. 413	111-6-13	Amended	V. 8, p. 299			
111-4-241			111-6-17	Revoked	V. 10, p. 1475			
through			111-7-1					
111-4-244	New	V. 9, p. 1812	through					
111-4-245			111-7-10	New	V. 7, p. 1192, 1193			
through			111-7-1	Amended	V. 8, p. 212			
111-4-248	New	V. 10, p. 200	111-7-3	Amended	V. 10, p. 1475			
111-4-249			111-7-4	Amended	V. 9, p. 1367			
through			111-7-5	Amended	V. 9, p. 986			
111-4-252	New	V. 9, p. 1813	111-7-6	Amended	V. 9, p. 987			
111-4-253			111-7-9	Amended	V. 9, p. 1569			
through			111-7-11	Amended	V. 10, p. 1475			
111-4-256	New	V. 10, p. 530	111-7-12					
111-4-257			through					
through			111-7-32	New	V. 7, p. 1194-1196			
111-4-286	Revoked	V. 11, p. 413, 414	111-7-33					
111-4-287			through					
through			111-7-43	New	V. 7, p. 1197, 1198			
111-4-300	New	V. 10, p. 883-886	111-7-33a	New	V. 8, p. 300			
111-4-301			111-7-44					
through			through					
111-4-307	New	V. 10, p. 1015, 1016	111-7-54	New	V. 9, p. 1367-1370			
111-4-308			111-7-46	Amended	V. 10, p. 1476			
through			111-7-54	Amended	V. 10, p. 1476			
111-4-320	New	V. 10, p. 1214, 1215	111-7-55					
111-4-308	Amended	V. 10, p. 1472	through					
111-4-311	Amended	V. 10, p. 1472	111-7-63	Revoked	V. 10, p. 1217			
111-4-312	Amended	V. 10, p. 1472	111-7-60	Amended	V. 10, p. 262			
111-4-322			111-7-64					
through			through					
111-4-331	New	V. 10, p. 1411-1413	111-7-75	New	V. 11, p. 13, 14			
111-4-332			111-8-1	New	V. 7, p. 1633			
through			111-8-2	New	V. 7, p. 1633			
111-4-335	New	V. 10, p. 1473	111-8-3	Amended	V. 10, p. 886			
111-4-336			111-8-4	New	V. 7, p. 1714			
through			111-8-4a	New	V. 7, p. 1995			
111-4-345	New	V. 10, p. 1526-1528	111-8-5					
111-4-346			through					
through			111-8-13	New	V. 7, p. 1634			
111-4-361	New	V. 10, p. 1586-1589						

AGENCY 112: KANSAS RACING COMMISSION

Reg. No.	Action	Register
112-4-1	Amended	V. 11, p. 36, 86
112-4-4	Amended	V. 11, p. 165
112-4-14b	New	V. 10, p. 162
112-4-21	New	V. 10, p. 162
112-6-1		
through		
112-6-5	Amended	V. 10, p. 163-165
112-6-8	Amended	V. 10, p. 165
112-7-6	Amended	V. 10, p. 165
112-8-3	Amended	V. 10, p. 166
112-8-4	Amended	V. 10, p. 167
112-8-5	Amended	V. 10, p. 167
112-8-8	Amended	V. 10, p. 168
112-8-10	Amended	V. 10, p. 168
112-9-41	Revoked	V. 11, p. 134
112-9-41a	New	V. 11, p. 134
112-10-34	Amended	V. 10, p. 169
112-10-35	Amended	V. 10, p. 170
112-10-36	Revoked	V. 11, p. 165
112-10-36a	New	V. 11, p. 37, 135
112-11-21	Amended	V. 10, p. 263, 531
112-12-12	Amended	V. 10, p. 170
112-13-2	Amended	V. 10, p. 170
112-13-4	New	V. 10, p. 171
112-13-5	New	V. 10, p. 171
112-16-1		
through		
112-16-14	New	V. 10, p. 1316-1318

AGENCY 115: DEPARTMENT OF WILDLIFE AND PARKS

Reg. No.	Action	Register
115-1-1	Amended	V. 10, p. 1818
115-4-1	Amended	V. 10, p. 458
115-4-3	Amended	V. 10, p. 458
115-4-5	Amended	V. 10, p. 782
115-4-7	Amended	V. 10, p. 460
115-4-11	Amended	V. 10, p. 461
115-4-12	New	V. 10, p. 461
115-7-1	Amended	V. 10, p. 1820
115-8-9	Amended	V. 10, p. 1820
115-12-3	New	V. 10, p. 1821
115-13-1		
through		
115-13-5	New	V. 10, p. 917-919
115-14-1		
through		
115-14-10	New	V. 10, p. 1441-1443
115-17-10		
through		
115-17-13	New	V. 10, p. 461, 462
115-20-3	Amended	V. 10, p. 1821
115-20-4	New	V. 10, p. 1821

AGENCY 117: REAL ESTATE APPRAISAL BOARD

Reg. No.	Action	Register
117-1-1	Amended	V. 10, p. 911, 951
117-2-1	Amended	V. 10, p. 911, 952
117-2-2	Amended	V. 10, p. 912, 952
117-2-3	New	V. 10, p. 912, 952

117-2-4 New V. 10, p. 912, 952
 117-3-1 Amended V. 10, p. 912, 953
 117-3-2 Amended V. 10, p. 913, 953
 117-3-3 New V. 10, p. 913, 953
 117-3-4 New V. 10, p. 913, 953
 117-4-1 through
 117-4-4 New V. 10, p. 913, 914, 954

117-6-1 Amended V. 10, p. 914, 954
 117-6-2 Amended V. 10, p. 915, 955
 117-6-3 Amended V. 10, p. 915, 955
 117-7-1 Amended V. 10, p. 916, 956
 117-8-1 New V. 10, p. 916, 956
 117-9-1 New V. 10, p. 916, 956

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

**Kansas Register
Secretary of State
2nd Floor, State Capitol
Topeka, KS 66612-1594**

Use this form or a copy of it to enter a subscription:

_____ **One-year subscriptions @ \$60 ea.**
(Kansas residents must include
\$3.15 state and local sales tax.)

Total Enclosed _____
(Make checks payable to the Kansas Register)

Send to:

(Please, no
more than
4 address
lines.)

Zip code must be included

This space for Register office use only.
Rec. No. _____
Exp. _____
Code _____

Use this form or a copy of it to enter a name or address change:

Remove your mailing label (above) and affix it here:

Indicate change of name or address here:

**Mail either form to: Kansas Register, Secretary of State, 2nd Floor,
State Capitol, Topeka, KS 66612-1594**