

Kansas Register

Bill Graves, Secretary of State

Vol. 11, No. 18

April 30, 1992

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State of Kansas

Secretary of State

Certificate of the State Board of Canvassers
 Presidential Preference Primary, April 7, 1992

We the undersigned, constituting the State Board of Canvassers of the State of Kansas, do hereby certify that we have examined the certified abstract of votes on file in the office of the Secretary of State, as prescribed by law, and we find the statement given therein of the whole number of votes cast in the Presidential Preference Primary is true and correct as shown by such abstract.

Democrat		Republican	
Bill Clinton	82,145	George Bush	132,131
Paul E. Tsongas	24,413	None of the Names Shown	35,450
None of the Names Shown	22,159	Patrick J. Buchanan	31,494
Edmund G. Brown, Jr.	20,811	Pat Paulsen	5,105
Bob Kerrey	2,215	David E. Duke	3,837
Gary Hauptli	1,303	Isabell Masters	1,303
Charles Woods	1,119	Philip P. Skow	1,105
Don Beamgard	1,009	George A. Zimmerman	766
Tom Harkin	940	Jack J. H Beemont	735
John A. Barnes	892	Charles R. Doty	417
Tod Howard Hawks	765	Stephen A. Koczak	262
Lyndon H. LaRouche Jr.	631	Paul C. Daugherty	236
Ralph Spelbring	537	Jack Fellure	164
Raymond J Vanskiver	510	Tennie Rogers	85
William D. Pawley, Jr.	364	Hubert David Patty	62
Jeffrey F. Marsh	160	Thomas S Fabish	44
Larry Agran	147		
J Louis McAlpine	131		
Total Votes Cast	160,251	Total Votes Cast	213,196

We further certify and declare that each of the following named persons received the highest number of votes from voters in their respective parties at the Presidential Preference Primary held on the seventh day of April, A.D. 1992.

President of the United States

George Bush, Republican
 Bill Clinton, Democrat

IN TESTIMONY WHEREOF, we have hereunto subscribed our names this 22nd day of April, A.D. 1992.

JOAN FINNEY
 Governor
 BILL GRAVES
 Secretary of State
 BOB STEPHAN
 Attorney General

Doc. No. 011922

State of Kansas

State Banking Board

Notice of Hearing on Proposed
 Administrative Regulations

The State Banking Board will meet at 9:30 a.m. Monday, June 15, in the conference room of the Office of the State Bank Commissioner, Suite 300, 700 S.W. Jackson, Topeka. The scheduled agenda includes reports by the State Bank Commissioner, a public hearing concerning proposed permanent administrative regulations effective upon publication in the Kansas Register (the summary and economic impact statement developed for the proposed permanent regulations are set forth below), adoption of proposed permanent regulations, and other items as necessary.

There are eight new proposed regulations concerning the following:

- 17-21-1. Interstate banking definitions.
- 17-21-2. Interstate banking applications.
- 17-21-3. Contents of application.
- 17-21-4. Filing of application.
- 17-21-5. When application is complete.
- 17-21-6. Concurrent state and federal jurisdiction.
- 17-21-7. Bank holding companies; examination.
- 17-21-8. Application response within 20 days.

The proposed regulations provide for implementation of state interstate banking laws and are not mandated by federal law as a requirement for participating in or implementing a federally subsidized or assisted program. The proposed regulation cost will be borne by the interstate bank holding company applicant. Those affected are interstate bank holding companies and Kansas banks.

A complete copy of the proposed regulations and the economic impact statement may be obtained by contacting Joyce H. Crandon, Suite 300, Jayhawk Tower, 700 S.W. Jackson, Topeka 66603, (913) 296-2266.

This 30-day notice of the hearing is for the purpose of receiving comments concerning the proposed regulations. Written comments may be submitted prior to the hearing to Frank D. Dunnick, State Bank Commissioner, at the address above.

Interested persons will be given reasonable opportunity at the hearing to present their views and arguments on the adoption of the proposed regulations. Presentations should be in writing whenever possible.

Frank D. Dunnick
 State Bank Commissioner

Doc. No. 011908

State of Kansas

University of Kansas

Notice to Bidders

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

May 18, 1992

RFQ 92-1059

Optical mark reader for scoring computer tests

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

Doc. No. 011910

State of Kansas

Attorney General

Opinion No. 92-50

Automobiles and Other Vehicles—General Provisions; Registration of Vehicles—Application for Registration; County of Registration. Richard N. Raleigh, Barber County Attorney, Medicine Lodge, April 13, 1992.

K.S.A. 8-129(a) provides to persons required to register in this state a possible option as to the county in this state with which the person may register. It does not authorize registration of Kansas residents' vehicles in other states where they have places of business. Cited herein: K.S.A. 8-127; 8-129; 8-138a; 8-1,138. JLM

Opinion No. 92-51

State Departments; Public Officers and Employees—Public Officers and Employees; Open Public Meetings—Closed and Executive Meetings; Conditions; Authorized Subjects for Discussions; Personnel Exception; Employer-Employee Negotiations; Students.

Schools—Teachers' Contracts; Professional Negotiations—Applicability of Open Meetings Law; Executive Sessions. Joe Zima, School District Attorney, Unified School District No. 501, Topeka, April 15, 1992.

K.S.A. 1991 Supp. 72-5423 and K.S.A. 75-4317 *et seq.* may be read in harmony. Thus, although K.S.A. 1991 Supp. 72-5423 mandates applicability of the Kansas open meetings act to certain meetings between professional employee organizations or their representatives and a board of education or its representative, the provisions of K.S.A. 75-4319 nevertheless permit certain discussions to be closed. If a specific employee or student may be discussed pursuant to K.S.A. 75-4319, a closed executive session may permissibly include individuals who aid the public body. Mere observers may not attend executive sessions. Cited herein: K.S.A. 1991 Supp. 72-5423; K.S.A. 75-4317; 75-4317a; 75-4318; 75-4319. TMN

Opinion No. 92-52

Constitution of the State of Kansas—Legislature—Subject and Title of Bills; 1992 House Bill No. 2646 Regarding Health Care; Abortion. Governor Joan Finney, State of Kansas, Topeka, April 17, 1992.

1992 House Bill No. 2646, dealing with health care issues and regulation of abortion, does not violate the constitutional prohibition against bills containing more than one subject. Cited herein: K.S.A. 21-3407; 21-3721; Kan. Const., art. 2, § 16; 1992 House Bills No. 2646, 2778.

Opinion No. 92-53

Procedure, Civil—Divorce and Maintenance—Decree; Authorized Orders; Sole Custody; Treatment of Child; Confidential Information About Child. Mary Ann Gabel, Executive Director, Behavioral Sciences Regulatory Board, Topeka, April 20, 1992.

When a court awards sole custody of a child, the noncustodial parent is not authorized to obtain treatment for or receive confidential information about the child from a psychologist, a registered masters level psychologist, a professional counselor, a social worker or a marriage and family therapist. Cited herein: K.S.A. 1991 Supp. 60-1610. CN

Opinion No. 92-54

Counties and County Officers—Fire Protection; Districts in Certain Counties Over 90,000—Fire Districts in Johnson County; Annexation of District Property by Cities; Procedure; Retroactive Effect. Senator Dave Webb, 11th District, Stilwell, April 20, 1992.

The provisions of 1991 Senate Bill No. 24 apply retroactively to pending annexation and detachment proceedings. The bill has no application, however, to annexation and detachment proceedings concluded prior to its enactment. Cited herein: K.S.A. 1991 Supp. 19-3616; 19-3623f; L. 1991, ch. 82, §§ 1, 2. JLM

Opinion No. 92-55

Constitution of the State of Kansas—Bill of Rights—Religious Liberty; Voucher System Program; Sectarian Schools; Constitutionality.

Constitution of the State of Kansas—Education—Finance; Voucher System Program; Sectarian Schools; Constitutionality. Representative Rick Bowden, 93rd District, Goddard; Senator Richard Rock, 32nd District, Arkansas City, April 20, 1992.

The three versions of the voucher system program proposed by the legislature permit sectarian schools to obtain reimbursement of the vouchers by the State Board of Education, thereby resulting in a violation of section 7 of the Bill of Rights of the Kansas Constitution and section 6 of article 6 of the Kansas Constitution. The voucher system program as proposed is unconstitutional. Cited herein: Kan. Const., Bill of Rights, § 7; Kan. Const., art. 6, § 6; U.S. Const., Amend. I. RDS

Doc. No. 011914

Robert T. Stephan
Attorney General

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 Brenemen, Inc., Bonner Springs, to install and operate a ready-mix concrete plant at 4101 Powell Drive in Bonner Springs.

Written materials, including the permit application and information relating to the application submitted by Brenemen, 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 28 by contacting Pat Simpson, KDHE, 808 W. 24th, Lawrence 66066, (913) 842-4600. This material also can be reviewed at the KDHE office in Building 740, Forbes Field, Topeka. Questions concerning this proposed permit should be directed to L.C. Hinthier, 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 28.

Azzie Young
Secretary of Health
and Environment

Doc. No. 011916

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 Abrams Ready Mix, Inc., Beloit, to install and operate a concrete ready-mix plant at 915 E. 8th in Beloit.

Written materials, including the permit application and information relating to the application submitted by Abrams Ready Mix, draft permit, permit summary and analysis by KDHE describing the basis for the proposed permit, are available for public inspection during normal business hours through May 28 by contacting Peter Denning, KDHE District Office, 2501 Market Place, Salina 67401, (913) 827-9639. 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 Eugene Sallee, KDHE, (913) 296-1575.

K.S.A. 65-3008 provides that any person affected by the issuance of a permit can request a public hearing prior to its issuance. The request must be in writing and addressed to the secretary. If the secretary determines there is sufficient reason in the request, a public hearing will be conducted—the place, date and time of the hearing will be announced in this publication. A request for a hearing or written comments on the proposed permit must be submitted to the Secretary, Kansas Department of Health and Environment, Landon State Office Building, 900 S.W. Jackson, Topeka 66612, before May 28.

Azzie Young
Secretary of Health
and Environment

Doc. No. 011915

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 Construction Co., Inc. (HB), Marysville, to install and operate a portable asphalt concrete mixing plant.

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 28 by contacting Pat Simpson, KDHE, 808 W. 24th, Lawrence 66066, (913) 842-4600. This material also can be reviewed at the KDHE office in Building 740, Forbes Field, Topeka. Questions concerning this proposed permit should be directed to L.C. Hinthier, 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 28.

Azzie Young
Secretary of Health
and Environment

Doc. No. 011917

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, 28-46-7, 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-92-100/104

Name and Address of Applicant	Waterway	Type of Discharge
Enron Corporation Clifton D-Line Hydrotest 11121 "O" St. P.O. Box 3330 Omaha, NE 68137 Clay County, Kansas	Republican River	Hydrostatic test water
Kansas Permit No. I-LR06-P002		Fed. Permit No. KS-0088765

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

Name and Address of Applicant	Waterway	Type of Discharge
Panhandle Eastern Olpe 300-Waverly Hydrotest 1221 McKinney Houston, TX 77010-2070 Coffey County, Kansas	Unnamed tributary to Long Creek	Hydrostatic test water
Kansas Permit No. I-MC47-P003		Fed. Permit No. KS-0088790

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

Name and Address of Applicant	Waterway	Type of Discharge
Security Oil Company Highway 54 Facility P.O. Box 48220 Wichita, KS 67201 Sedgwick County, Kansas	Arkansas River via Cow Creek via storm sewer	Remediated groundwater
Kansas Permit No. I-AR49-P033		Fed. Permit No. KS-0086983

Description of Facility: This is a gasoline service station. The discharge consists of gasoline contaminated groundwater treated by an air stripper(s). 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
Stuckey's Dairy Queen Paxico Facility c/o James Cook Route 2-Box 358 Columbia, MO 65201 Wabaunsee County, Kansas	Mill Creek via unnamed tributary	Secondary wastewater treatment facility
Kansas Permit No. C-KS57-0003		Fed. Permit No. KS-0088366

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

Name and Address of Applicant	Waterway	Type of Discharge
City of Winfield P.O. Box 646 Winfield, KS 67156 Cowley County, Kansas	Walnut River	Secondary wastewater treatment facility
Kansas Permit No. M-WA17-0001		Fed. Permit No. KS-0051926

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

Public Notice No. KS-EG-92-28

Name and Address of Applicant	Well Location
IBP, Inc. Jones #2-Holcomb Dakota City, NE 68731 Kansas Permit No. KS-01-055-002	SWSWNW 2-24-34W, Finney County, Kansas 3254' fsl and 4841' fel of SE Corner

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

Written comments on the proposed determinations may be submitted to Bethel Spotts 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 29 will be considered in the formulation of final determinations regarding this public notice. Please refer to the appropriate public notice number (KS-92-100/104, KS-EG-92-28) 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 (28-46-21 for UIC). 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. 011927

State of Kansas

Kansas Racing Commission

Notice of Hearing on Proposed
Administrative Regulations

A public hearing will be conducted at 9:30 a.m. Friday, June 12, in the hearing room at commission offices, 3400 Van Buren, Topeka, to consider the adoption of proposed permanent regulations of the Kansas Racing Commission. This 30-day notice constitutes a public comment period for the purpose of receiving written public comments on these proposed regulations.

A copy of the full text of the regulations and the economic impact statement may be reviewed or obtained at the commission office. The following is a summary of the proposed regulations.

K.A.R. 112-17-1 through and including K.A.R. 112-17-14 establish the simplified and less costly procedures and requirements for county fair associations applying for or holding a license to conduct race meetings in accordance with K.S.A. 1991 Supp. 74-8814(c). The individual regulations are as follows:

- 112-17-1. Application procedure, county fair association organization applicant.
- 112-17-2. Application form, county fair association organization applicant.
- 112-17-3. Site and physical plant, county fair association organization applicant.
- 112-17-4. Financial resources, county fair association organization applicant.
- 112-17-5. Financial plan, county fair association organization applicant.
- 112-17-6. Governmental actions, county fair association organization applicant.
- 112-17-7. Development process, county fair association organization applicant.
- 112-17-8. Management of racetrack facility, county fair association organization applicant.
- 112-17-9. Background investigations, county fair association organization applicants or licensees.
- 112-17-10. Additional information, county fair association organization applicant or licensee.
- 112-17-11. Certified financial audit, county fair association organization licensee.
- 112-17-12. Licensee file, county fair association organization licensee.
- 112-17-13. Testing for controlled substances, county fair association organization licensees.
- 112-17-14. General regulation, county fair association organization license order.

Economic Impact: These related regulations are intended to facilitate substantial savings for the county fair association applicant or licensee by eliminating expensive licensing requirements such as title searches, architects' drawings, and independent audits, and substituting simplified reporting requirements for them. The commission's traditional application requirements are modified for fair associations so that they may

execute and file the license application using their existing resources, with little, if any, necessity for the engagement of independent services. After licensure, K.A.R. 112-17-14 authorizes the granting of regulation exceptions to fair associations if a written request and justification is filed by the association, approved by the commission and included in the organization license order.

Dana Nelson
Executive Director

Doc. No. 011919

State of Kansas

Department of Administration
Division of Purchases

Notice to Bidders

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

Monday, May 11, 1992

28906

Osawatomie State Hospital—Infectious waste disposal

28912

Statewide—Basic clothing

28926

University of Kansas Medical Center—Rubella and diagnostic chemistry kits

28929

Kansas State University—Janitorial services, Colby

28935

University of Kansas—Media reagents

91982

Emporia State University—Central processing unit and peripherals (IBM 4381 R92E)

91983

Kansas State University—Bio safety cabinet and CO2 incubator

Tuesday, May 12, 1992

A-6831

Fort Hays State University—Fiscal year 92/93 parking improvements

A-6845(b)

Fort Hays State University—Storefront installation, Memorial Union cafeteria remodeling

A-6848

Fort Hays State University—Wood floor system, Cunningham Hall

A-6855

Wichita State University—Campus restroom remodeling, various buildings

28873

Statewide—Satellite network paging services

(continued)

28874

Department of Transportation—Above-ground fuel storage tanks, various locations

28911

Kansas Insurance Department—Transcutaneous electrical nerve stimulation (tens) units

28916

University of Kansas—Frozen foods

28918

University of Kansas—Small animal feed

28927

Statewide—Personnel radiation monitoring

28928

Winfield State Hospital and Training Center—Pest control services

28934

University of Kansas Medical Center—Carpet

91990

Kansas State University—Ethernet cards

91991

Kansas State University—Light fixtures

91992

Kansas State University—Research microscope

91993

University of Kansas—Electrophoresis system

92096

Fort Hays State University—Removal of asbestos

Wednesday, May 13, 1992

A-5164(a)

University of Kansas—Stone joint replacement, Science and Technology Library

27657A

Department of Social and Rehabilitation Services—Muslin

28914

University of Kansas Medical Center—Blood bank sets

28917

University of Kansas—Yogurt (frozen and unfrozen)

28930

University of Kansas Medical Center—Environmental sampling services

91986

University of Kansas—Parking system

91998

Fort Hays State University—Fiber optic equipment and installation

91999

Wichita State University—Furnish and set up hazardous waste storage building

92000

Kansas State University—Electric motors and controllers

Thursday, May 14, 1992

A-6679

Topeka State Hospital—Boiler replacement in Aichorn Building and boiler installation in Smith-Wilson Building

A-6695

Kansas Neurological Institute—Boiler 2 control improvement

A-6714

Department of Social and Rehabilitation Services—Remove high pressure boiler and change kitchen equipment, Chanute

28919

University of Kansas—Miscellaneous groceries

28921

University of Kansas Medical Center—Perfusion services

28923

Statewide—Winter clothing

92015

University of Kansas—Paper, printing and binding

92025

Department of Health and Environment—Sampling and flowmeter equipment

92026

Kansas State University—Ultracentrifuge

Friday, May 15, 1992

28932

Statewide—Work gloves

90768—Rebid

Department of Transportation—Core drill, Salina

92033

Department of Transportation—Aggregate, Iola

92050

University of Kansas Medical Center—Window washing services

Thursday, May 21, 1992

A-6684

Parsons State Hospital and Training Center—Renovation of Birch Cottage; window replacement in Birch, Holly and Maple cottages

A-6685

Parsons State Hospital and Training Center—Tuckpoint and waterproof, various buildings

Wednesday, May 27, 1992

28933

Department of Transportation—Contract audit services

Request for Proposals

Monday, May 11, 1992

28907

Emergency Department physicians for the University of Kansas Medical Center

28925

Temporary therapy staff services for the University of Kansas Medical Center

Thursday, May 14, 1992

28922

Department of Commerce—Space lease

Jack R. Shipman
Director of Purchases

Doc. No. 011923

State of Kansas

Speech-Language Pathology
and Audiology Board

Notice of Meeting

The Speech-Language Pathology and Audiology Board will meet at 9 a.m. Friday, May 15, in Room 106 of the Landon State Office Building, 900 S.W. Jackson, Topeka.

Cathy Rooney, Director
Health Occupations Credentialing

Doc. No. 011918

State of Kansas

Social and Rehabilitation Services

Notice of Hearing on Proposed
Administrative Regulations

A public hearing will be conducted at 9 a.m. Tuesday, June 2, in the SRS Staff Development conference room, 300 S.W. Oakley, Topeka, to consider the adoption of proposed changes in existing rules and regulations, the adoption of new regulations and the revocation of certain regulations on a temporary and permanent basis. This 30-day notice of the public hearing shall constitute a public comment period for the purpose of receiving written public comments on the proposed regulations. All interested parties may submit written comments prior to the hearing to the Secretary of Social and Rehabilitation Services, Room 603-N, Docking State Office Building, 915 S.W. Harrison, Topeka 66612. All interested parties will be given a reasonable opportunity to present their views orally on the adoption of proposed regulations during the hearing. In order to give all parties an opportunity to present their views, it may be necessary to request each participant to limit any oral presentation to five minutes.

A summary of the proposed regulations and their economic impact follows.

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

July 1, 1992 Temporary Regulations and
October 1, 1992 Permanent Regulations

Article 4.—PUBLIC ASSISTANCE PROGRAM

30-4-72. ADC child. This regulation is being amended to clarify and expand the criteria for relatives with whom the dependent child must live. In regards to blood relatives, they must now be within the fifth degree of kinship to the child. This includes all of the currently allowable blood relations such as parents, siblings, and grandparents and also adds a first cousin once removed and a great-great-great grandparent. (Federal Mandate.)

Economic Impact: It is estimated this change will result in approximately 12 children per year shifting

from foster care assistance to ADC assistance as the relative with whom the child has been living will now be able to qualify as an eligible relative for AFDC purposes. This will then result in estimated savings of \$18,864 (\$7,781 state general funds).

30-4-90. Eligibility factors specific to the GA-unrestricted (GAU) program. This regulation is being amended to reflect a change in facility from which persons being released can qualify for a presumptive eligibility determination. Persons being released from the Larned correctional mental health facility can now receive assistance up to three months based upon a finding of presumptive eligibility in order to provide immediate access to needed cash and medical benefits upon their release. Previously the program was available through the extended care unit at the Kansas state penitentiary but affected clients are now being housed at the Larned facility.

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

30-4-101. Standards for persons in own home, other family home, specialized living, commercial board and room, or commercial room-only living arrangements. This regulation is being amended to increase the basic standard in the AFDC and GA programs by an average of \$2.25 per person.

Economic Impact: The Legislature appropriated \$2,655,000 (\$1,237,581 state general funds) for this increase in standards.

Article 6.—MEDICAL ASSISTANCE PROGRAM—
CLIENTS' ELIGIBILITY FOR PARTICIPATION

30-6-72. ADC child. This regulation is being amended to clarify and expand the criteria for relatives with whom the dependent child must live. In regards to blood relatives, they must now be within the fifth degree of kinship to the child. This includes all of the currently allowable blood relations such as parents, siblings, and grandparents and also adds a first cousin once removed and a great-great-great grandparent. (Federal Mandate.)

Economic Impact: See the economic impact statement for K.A.R. 30-4-72.

30-6-103. Determined eligibles; protected income levels. This regulation is being amended to increase the two- and three-person protected income levels for persons in independent living. The two-person level is increasing from \$466 per month to \$475 per month and the three-person level is increasing from \$470 per month to \$480 per month. The increases are based on the increase in the AFDC standards which also take effect July 1, 1992. (Federal Mandate.)

Economic Impact: The increase in the two- and three-person protected income levels will affect approximately 4,265 households and result in an increase in expenditures of approximately \$479,052 (\$199,094 state general funds).

30-6-106. General rules for consideration of resources, including real property, personal property, and income. This regulation is being amended to in-

(continued)

crease the income level upon which the community spouse and dependent family member allowances are based upon to 150 percent of the federal poverty level. (Federal Mandate.)

Economic Impact: This change is expected to increase the community spouse allowance for approximately 754 persons resulting in a total cost increase of \$808,027 (\$335,816 state general funds).

30-6-113. Income exempt as applicable income. This regulation is being amended to expand the income exemption allowed previously for early widow and widower benefits to also incorporate disabled widow benefits. The person must have become eligible for SSI because of the receipt of such benefits, would be currently eligible for SSI in the absence of such benefits, and is not entitled to Medicare Part A. (Federal Mandate.)

Economic Impact: It is estimated that six additional persons per year would qualify for medical assistance based on this change resulting in an increase in expenditures of \$79,704 (\$32,878 state general funds).

30-6-150. Estate recovery. The secretary is proposing to adopt a new regulation in regards to the establishment of an estate recovery program. The text of the regulation is set forth below:

30-6-150. Estate recovery. (a) A claim against the property and estate of a deceased recipient shall be established for the amount of any medical assistance paid after June 30, 1992 on that person's behalf if he or she:

(1) Was 65 years of age or older or was institutionalized while receiving such assistance; and

(2) has no surviving spouse or no surviving child who is under 21 years of age or meets the disability criteria of K.A.R. 30-6-85(c).

(b) If there is no estate, a claim shall be filed against the estate of the surviving spouse, if any.

(c) No recovery of medical assistance correctly paid shall occur until the death of the surviving spouse, if any, and at the time when the deceased individual has no surviving child under 21 years of age or who is disabled as specified in subsection (a).

(d) The amount of medical assistance paid shall be a claim against the estate in any guardianship or conservator proceeding.

(e) The secretary shall not be required to pursue every claim but shall have discretion in determining which claims to pursue.

(f) Insurance payments for the cost of long-term nursing facility coverage made on behalf of a recipient shall be a credit against the estate claim under this provision.

Economic Impact: The Legislature appropriated \$102,780 (\$42,397 state general funds) to hire four new staff positions for an estate recovery unit. It is expected the agency will be able to recover this same amount of money in the first year of operation. Thus, the change is not expected to have any discernible economic impact at first, but will be expected to recover substantial dollars in the future.

July 31, 1992 Permanent Regulations

Article 5.—PROVIDER PARTICIPATION, SCOPE OF SERVICES, AND REIMBURSEMENTS FOR THE MEDICAID (MEDICAL ASSISTANCE) PROGRAM

30-5-58. Definitions. This regulation is being amended to move the definition of "medicaid home- and community-based services (HCBS)" from Article 9 to this regulation.

Economic Impact: None.

30-5-80. Scope of and reimbursement for medicaid home- and community-based services (HCBS). This regulation incorporates the content of five regulations in Article 9 concerning HCBS into one regulation. This new regulation is placed in Article 5 to be consistent with the placement of the other HCBS waiver regulations and to reflect the organizational change within SRS which moved the administration of the HCBS program to the Commission of Income Support and Medical Services.

Economic Impact: None.

Article 7.—APPEALS, FAIR HEARINGS AND AFDC/GA DISQUALIFICATION HEARINGS

30-7-100. Definition of intentional AFDC or GA program violation. The secretary is proposing to adopt a new regulation in regards to establishing a fraud disqualification program for AFDC and GA. The text of the regulation is set forth below:

30-7-100. Definition of intentional AFDC or GA program violation. An intentional program violation is an action by an individual which results in the establishment or maintenance of a family's eligibility for aid to families with dependent children (AFDC) or general assistance (GA), or an increase in or maintenance of the amount of the family's AFDC or GA grant, which is intentionally: (a) A false or misleading statement, misrepresentation, concealment, or withholding of facts; or

(b) any act intended to mislead, misrepresent, conceal, withhold facts, or propound a falsity.

Economic Impact: See the economic impact statement for K.A.R. 30-7-102.

30-7-101. Administrative hearings section, hearing officer. The secretary is proposing to adopt a new regulation in regards to establishing a fraud disqualification program for AFDC and GA. The text of the regulation is set forth below:

30-7-101. Administrative hearings section, hearing officer. The disqualification hearing program shall be administered by the administrative hearings section of the agency.

Economic Impact: See the economic impact statement for K.A.R. 30-7-102.

30-7-102. Disqualification hearings. The secretary is proposing to adopt a new regulation in regards to establishing a fraud disqualification program for AFDC and GA. The text of the regulation is set forth below:

30-7-102. Disqualification hearings. (a) An individual's fair hearing may be consolidated with a dis-

qualification hearing by the agency when the circumstances surrounding the hearings are the same or related, provided that the individual receives prior notice of the consolidation. Also, either the hearing officer for the fair hearing or the hearing officer for the disqualification hearing may be assigned by the agency to preside at a consolidated hearing.

(b) The hearing officer shall:

- (1) Administer oaths and affirmations;
- (2) consider all relevant issues;
- (3) request, receive and make part of the record all evidence necessary to decide the issues raised;
- (4) conduct the hearing in a manner consistent with due process. The hearing officer will advise the accused individual that the individual may refuse to answer questions during the hearing; and
- (5) render a final decision that will resolve the issues in dispute.

(c) The hearing officer shall base a determination of intentional program violation on clear and convincing evidence which demonstrates that the individual committed an intentional program violation.

(d) The hearing officer will conduct the fair hearing or any prehearing by telephone or other electronic means if each participant in the hearing or prehearing has an opportunity to participate in the entire proceeding while the proceeding is taking place. A party may be granted a face to face hearing or prehearing if good cause can be shown that a fair and impartial hearing or prehearing could not be conducted by telephone or electronic means.

(e) (1) A written notice shall be provided by the agency to the individual alleged to have committed the intentional program violation at least 30 days prior to the date of the disqualification hearing.

(2) The advance written notice to the individual shall include the following items:

- (A) The date, time and location of the hearing;
- (B) the charge or charges against the individual;
- (C) a summary of the evidence, and how and where the evidence can be examined;
- (D) a warning that the individual's failure to appear without good cause will result in a decision by the hearing officer based solely on the information provided by the agency at the hearing;
- (E) a statement that the individual may request a postponement of the hearing provided that such request is made to the state agency at least 10 days in advance of the scheduled hearing;
- (F) a statement that the individual will have 10 days from the date of the scheduled hearing to present to the agency good cause for failure to appear in order to receive a new hearing;
- (G) a description of the penalties that can result from a determination that the individual has committed an intentional program violation and a statement of which penalty is applicable to the individual;

(H) a statement that the hearing does not preclude the state government from prosecuting the individual for an intentional program violation in a civil or criminal court action, or from collecting an overpayment;

(I) provide information regarding free legal representation to individuals alleged to have committed intentional program violations;

(J) a statement of the accused individual's right to remain silent concerning the charge or charges and that anything said or signed by the individual concerning the charge or charges may be used against the individual in a court of law;

(K) a statement that the individual may waive the right to appear at an administrative disqualification hearing;

(L) the date that the signed waiver must be received by the agency and a signature block for the accused individual, along with a statement that the caretaker relative must also sign the waiver, if the accused individual is not the caretaker relative, with an appropriately designated signature block;

(M) a statement that waiver of the individual's right to appear at a disqualification hearing may result in a disqualification penalty and a reduction in the assistance payment for the appropriate period even if the accused individual does not admit to the facts as presented by the agency; and

(N) an opportunity for the accused individual to specify whether the individual admits to the facts as presented by the agency.

(f) The hearing officer will postpone the scheduled hearing at the individual's request provided the request for postponement is made at least 10 days in advance of the scheduled disqualification hearing. However, the hearing officer shall not postpone for more than a total of 30 days. The hearing officer may limit the number of postponements to one.

(g) The hearing officer assigned to conduct the hearing shall be impartial and not previously involved in the case.

(h) Medical assessments shall be obtained by the agency at the agency's expense and shall be made part of the record if the hearing officer considers it necessary.

(i) The individual, or the individual's representative, shall have adequate opportunity to:

- (1) Examine the contents of the individual's case file, and all documents and records to be used by the agency at the hearing, at a reasonable time before the date of the hearing, and during the hearing;
- (2) present the individual's case alone or with the aid of an authorized representative;
- (3) bring witnesses;
- (4) establish all pertinent facts and circumstances;
- (5) advance any arguments without undue influence; and
- (6) question or refute any testimony or evidence, including the opportunity to confront and cross-examine adverse witnesses.

(j) Decisions made by the hearing officer shall be based exclusively on the evidence and other material admitted into the case record at the hearing. The transcript or recording of testimony, exhibits, or official reports admitted at the hearing, together with all papers and requests filed in the proceeding, and the decision of the hearing officer shall be made available to the individual or to the individual's representative at a reasonable time and place.

(continued)

(k) Decisions by the hearing officer shall:

(1) Consist of a decision memorandum summarizing the facts, evidence and regulations supporting the decision; and

(2) be made within 90 days of the date of service of the notice of hearing.

(l) An individual may not be disqualified by the agency per this section until the hearing officer finds that the individual has committed an intentional program violation. However, assistance may be discontinued, terminated, suspended, or reduced by the agency, or changed in the manner or form of payment to a protective, vendor, or two-party payment for other reasons.

(m) If the hearing officer finds that the individual committed an intentional program violation, a written notice shall be provided by the agency to the individual prior to disqualification. The notice shall inform the individual of the following:

(1) The decision and the reason for the decision;

(2) the period of disqualification, which shall begin no later than the first day of the second month which follows the date of the notice;

(3) the amount of payment the household will receive during the disqualification period;

(4) in the case of an individual's disqualification resulting from a prior receipt of assistance, the disqualification will be postponed until after a reapplication for AFDC or GA is approved; and

(5) the individual's right to appeal the decision to the district court of Shawnee County or the individual's county within 30 days of the date of the decision and that an appeal may result in a reversal of the decision.

(n) In cases of an individual's disqualification resulting from a prior receipt of assistance, the disqualification will be postponed until after a reapplication for AFDC or GA is approved.

Economic Impact: It is estimated that a total of 150 AFDC and GA recipients per year will be rendered ineligible for assistance based on these provisions resulting in a total savings of \$113,760 (\$64,692 state general funds).

30-7-103. Waiver of the administrative disqualification hearing. The secretary is proposing to adopt a new regulation in regards to establishing a fraud disqualification program for AFDC and GA. The text of the regulation is set forth below:

30-7-103. Waiver of the administrative disqualification hearing. (a) An individual will be allowed by the agency to waive the right to appear at an administrative disqualification hearing.

(b) When the individual waives the right to appear at a disqualification hearing, the disqualification and appropriate reduction of assistance shall result regardless of whether the individual admits or denies the charges. A written notice shall be sent by the agency informing the individual of the period of disqualification, which shall begin no later than the first day of the second month which follows the date of notice, and the amount of payment the household will receive during the disqualification period. If an individual whose case has been terminated waives the disqualification hearing rights, the disqualification shall be

postponed until after a reapplication for AFDC or GA is approved.

Economic Impact: See the economic impact statement for K.A.R. 30-7-102.

30-7-104. Court actions on consent agreements. The secretary is proposing to adopt a new regulation in regards to establishing a fraud disqualification program for AFDC and GA. The text of the regulation is set forth below:

30-7-104. Court actions on consent agreements. (a) An accused individual will be allowed by the agency to sign a written agreement confirmed by a court of competent jurisdiction in which the individual admits committing an intentional program violation.

(b) The written agreement shall include:

(1) A statement that the individual understands the consequences of signing the agreement, along with a statement that the caretaker relative must also sign the agreement if the accused is not the caretaker relative; and

(2) a statement that signing the agreement will result in a reduction in payment for the appropriate period.

(c) After the court confirms the agreement, a written notice shall be provided by the agency to the individual which specifies the period of disqualification, which shall begin no later than the first day of the second month which follows the date of the notice, and the amount of payment the household will receive during the disqualification period. However, if the court specifies the date for initiating the disqualification period, the accused individual shall be disqualified by the agency in accordance with the court order. If an individual whose case has been terminated signs an agreement, the disqualification period shall be postponed until after a reapplication for AFDC or GA assistance is approved.

Economic Impact: See the economic impact statement for K.A.R. 30-7-102.

Article 9.—NON-INSTITUTIONAL, COMMUNITY-BASED SERVICES FOR ADULTS

30-9-13 and 30-9-18 through 39-9-22. These regulations are being revoked as the content of these regulations is being moved to K.A.R. 30-5-58 and K.A.R. 3-5-80.

Economic Impact: None.

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

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

Donna L. Whiteman
Secretary of Social and
Rehabilitation Services

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
Courtroom 11-1, Sedgwick County Courthouse
525 N. Main, Wichita, Kansas

Before Brazil, P.J.; Elliott and Pierron, JJ.

Tuesday, May 12, 1992

1:00 p.m.

Case No.	Case Name	Attorneys	County
67,381	Fred D. Wieland, Appellee, v. Patrick Hill, Appellant.	Myrlen L. Bell	Barber
67,034	Dessie E. Whaley, Appellee, v. Jack Whaley, Appellant.	Joseph H. Cassell Mark E. Fern	Sumner
67,070	In the Matter of the Estate of Fred Marcotte, deceased.	Linda L. Pfalzgraf Lelyn J. Braun Scott E. Daniel Gerald Shultz Clyde C. Farris Jr.	Finney

2:30 p.m.

67,133	Garst Seed Co., Appellant, v. Robert D. Wilson, <i>et al.</i> , Appellees.	Daniel H. Diepenbrock K. Mike Kimball	Seward
67,019	State of Kansas, Appellee, v. Nicholas G. Rome, Appellant.	J. Douglas Miller L. Laverne Fiss County Attorney Attorney General	Finney
66,945	State of Kansas, Appellee, v. Denise Fay Rassette, Appellant.	M. Kristine Paredes County Attorney Attorney General Richard M. Blackwell	Saline

Wednesday, May 13, 1992

9:00 a.m.

Case No.	Case Name	Attorneys	County
67,305	Willis and Delia Harder, Appellants, v. Glen R. Wagler, <i>et al.</i> , Appellees.	Stanley R. Juhnke	Reno
66,745	State of Kansas, Appellee, v. John Erick Tarrant, Appellant.	Carolyn Patterson County Attorney Attorney General	Reno
67,456	Edward N. Curiel, Appellant, v. Jeanice and Kirby Quinn, Appellees.	Richard J. Rome E. Dexter Galloway Stanley R. Juhnke Jeanice Quinn, <i>pro se</i>	Reno

(continued)

10:30 a.m.

67,022	State of Kansas, Appellee,	County Attorney Attorney General	Cowley
	v. Colin E. Winters, Appellant.	Hazel Haupt	
66,943	Robert Ramey, Appellee,	Richard Boeckman	Barton
	v. Robert Ramey Trucking, <i>et al.</i> , Appellants.	Jerry M. Ward	

Summary Calendar—No Oral Argument

67,045	State of Kansas, Appellee,	County Attorney Attorney General	Montgomery
	v. Paul Leo McCloskey Jr., Appellant.	Steven R. Zinn	
66,774 66,775	State of Kansas, Appellee,	County Attorney Attorney General	Bourbon
	v. Carroll Richard Olson, Appellant.	Carroll Olson, <i>pro se</i> ,	
66,546	State of Kansas, Appellee,	County Attorney Attorney General	Saline
	v. Alan Leon Novotny, Appellant.	Jessica R. Kunen	
67,104	In the Matter of the Marriage of Kim- berly Guse and Richard Guse.	Kim R. Karstetter Ty Kaufman	McPherson

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

Before Larson, P.J.; Rees, J.; and James W. Bouska,
District Judge, assigned.

Tuesday, May 12, 1992

10:00 a.m.

Case No.	Case Name	Attorneys	County
67,089	Bernice Biggs, Appellee,	Bruce C. Barry	Riley
	v. Crum's Enterprises, Inc., Appellant.	John D. Conderman	
66,118	State of Kansas, Appellee,	County Attorney Attorney General	Riley
	v. Gerald Ladd Hersh, Appellant.	Steven L. Opat	
66,974	Shirley D. Fanning, Appellee,	Cheryl D. Myers	Shawnee
	v. Econo Lodges of America, Appellee.	Paul Hasty Jr.	
65,757	State of Kansas, Appellee,	County Attorney Attorney General	Pottawatomie
	v. John Anthony Baldwin, Appellant.	Rebecca Woodman	

1:30 p.m.

67,063	In the Matter of the Marriage of Milton Ray Laird and Elisabeth M. Laird.	Patrick Caffey Mark Edwards	Geary
66,955	Raymond Stein, Appellant,	Robert S. Jones	Cloud
	v. NC Ks. Elec. Coop, Appellant.	Steven R. Fabert	

2:30 p.m.

66,902	State of Kansas, Appellee,	County Attorney Attorney General	Logan
	v. Bobby Gene Laymon, Appellant.	Tom Jacquinet	
67,278	In the Matter of the Estate of Leo Beneda, deceased.	Douglas G. Simms Don W. Noah Mark B. Pilley	Republic
Summary Calendar—No Oral Argument			
67,188	State of Kansas, Appellee,	District Attorney Attorney General	Wyandotte
	v. Jacob Kanatzar, Appellant.	Carl E. Cornwell	
66,849	State of Kansas, Appellee,	County Attorney Attorney General	Saline
	v. Bryan Van Russ, Appellant.	Hazel Haupt	
67,338	White Lakes Shopping Center Co., Appellant,	Patrick C. Smith	Shawnee
	v. Town Crier of Topeka, Inc., <i>et al.</i> , Appellees.	Jerold E. Berger	
67,250	State of Kansas, Appellant,	County Attorney Attorney General	Geary
	v. Willie Dawson, Appellee.	Michael P. McKone	
66,976	Edward E. Rouse, Jr., Appellant,	Gary L. Fuller	Leavenworth
	v. Ray Roberts, <i>et al.</i> , Appellees.	Linden G. Appel	
66,608	In the Interest of M.B. and D.B.	Karen Black John A. Reynolds Robert G. German County Attorney	Saline

**Kansas Court of Appeals
Court of Appeals Courtroom, 3rd Floor, Old Sedgwick County Courthouse
510 N. Main, Wichita, Kansas**

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

Tuesday, May 12, 1992

1:00 p.m.

Case No.	Case Name	Attorneys	County
67,268	N-B Company Inc., <i>et al.</i> , Appellees,	John G. Pike Kenneth L. Cole Joseph W. Jeter	Trego
	v. A. Scott Ritchie, <i>et al.</i> , Appellants.	Dennis L. Bieker Michael S. Holland Ronald S. Shalz Jack McInteer	

(continued)

66,783	Home Royalty Association Inc., Appellee, v. Ernestine Broadhurst Howard, <i>et al.</i> , Appellants.	Arthur B. McKinley Donald E. Wilson Walker A. Hendrix C. Bruce Jones	Haskell
67,099	Community National Bank of Chanute, Appellee, v. Darrell D. Moyer, <i>et al.</i> , Appellants.	R. Kent Pringle Gregory T. House Peter G. Olson	Neosho
2:30 p.m.			
66,201	State of Kansas, Appellee, v. George B. Hayes, Appellant.	Debra Byrd Wagner Attorney General Geary N. Gorup Sara S. Beezley	Sedgwick
66,663	In re Bose Speakers, <i>et al.</i> (King's Pawn Shop, Appellant).	Geary N. Gorup Ray Hodge Debra Byrd Wagner	Sedgwick

Wednesday, May 13, 1992

9:00 a.m.

Case No.	Case Name	Attorneys	County
66,979	Doyle Merriam, Appellant, v. Professional Printing, <i>et al.</i> , Appellees.	Steven M. Dickson William L. Townsley	Sedgwick
67,127	G&G Investment, <i>et al.</i> , Appellees, v. Everett F. Hale, Appellant.	Vernon D. Just Daniel T. Brooks	Sedgwick

10:00 a.m.

66,940	State of Kansas, Appellee, v. Wade B. Vickery, Appellant.	Debra Byrd Wagner Attorney General Kiehl Rathbun	Sedgwick
66,882	State of Kansas, Appellee, v. Patricia Black, Appellant.	Debra Byrd Wagner Attorney General Steven R. Zinn	Sedgwick
66,975	Harold J. Orindgreff, Appellee, v. C. Wayne Stearns, <i>et al.</i> , Appellants.	Gaye B. Tibbets D. Michael Case James T. McIntyre	Sedgwick

Summary Calendar—No Oral Argument

67,412	Frank D. Bumgardner, Appellant, v. Frank Bills Trucking, Inc., <i>et al.</i> , Appellees.	Carl W. Shewmaker B.G. Larson	Sheridan
67,462	Farm Bureau Mutual Insurance, Appellee, v. American Family Mutual Insurance, Appellant.	B.G. Larson David L. Dahl	Commanche
67,189	James Weber, Appellant, v. Mel Hamblen Ford, Appellee.	F.C. Davis II Timothy A. Frieden	Sedgwick
66,622	State of Kansas, Appellant, v. Larnell Dykes, Appellee.	Debra Byrd Wagner Attorney General Hazel Haupt	Sedgwick
66,348	State of Kansas, Appellee, v. James E. Armstrong III, Appellant.	Debra Byrd Wagner Attorney General Jessica R. Kunen	Sedgwick

Kansas Court of Appeals
Court of Appeals Courtroom, 2nd Floor, Kansas Judicial Center
Topeka, Kansas
Before Davis, P.J.; Lewis, J.; and Marvin W. Meyer, J., Retired.

Wednesday, May 13, 1992

10:00 a.m.

Case No.	Case Name	Attorneys	County
66,922	State of Kansas, Appellee, v. Jon Gregory Logan, Appellant.	Roger N. Walter Attorney General John J. Ambrosio	Jaackson
66,573	State of Kansas, Appellee, v. 1978 Chevrolet Auto, <i>et al.</i> , Appellants.	District Attorney Benjamin C. Wood	Johnson

11:00 a.m.

66,429	State of Kansas, Appellee, v. Muryel Josenberger, Appellant.	District Attorney Attorney General Lucille Marino	Wyandotte
66,311	In the Matter of the Marriage of Sherri Foster and Lance Foster.	Janet S. Ensign Donna M. Manning	Wyandotte

(continued)

1:30 p.m.

66,785	Hartford Acc. and Ind. Co., Appellee, v. Barry, Inc., <i>et al.</i> , Appellant.	Bill L. Klapper	Wyandotte
66,986	In the Interests of K.D.J., <i>et al.</i>	Andrew Heyl Robert F. Chase James M. Immel County Attorney	Allen

2:30 p.m.

66,340	Inez Perkins, Appellant, v. Philip L. Matthews, Appellee.	Bernis G. Terry Thomas D. Billam	Johnson
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Summary Calendar—No Oral Argument

67,378	Pers. Computer Center, Appellant, v. Jon Rasmussen, <i>et al.</i> , Appellees.	Barry R. Grissom T. Bradley Manson	Johnson
66,863	City of Overland Park, Appellant, v. Colleen N. Roste, Appellee.	David R. Gilman John Harvell	Johnson
67,078	Robert E. Doran III, <i>et al.</i> , Appellees, v. Gary L. Hutchinson, <i>et al.</i> , AT&SF Rwy., Appellant.	Robert D. Beall Robert Hadle Hall David C. Van Parys Jeffrey L. Baxter Michael D. Herd Roth A. Gatewood Paul R. Hoferer	Leavenworth
67,018	State of Kansas, Appellee, v. Robert A. Lawrence, Appellant.	District Attorney Attorney General Lucille Marino	Johnson
66,684	State of Kansas, Appellee, v. Artis Lee Johnson, Appellant.	District Attorney Attorney General Elizabeth Sterns	Wyandotte
67,274	State of Kansas, Appellee, v. Wayne E. Temple II, Appellant.	District Attorney Attorney General M. Kristine Paredes	Johnson
66,816	State of Kansas, Appellee, v. Bernard L. Smith, Appellant.	District Attorney Attorney General Tom Jacquinot	Wyandotte
67,450	Vincent Gonzalez, Appellant, v. ATSF Rwy., Appellee,	Wallace M. Buck Jr. Laurence E. Garrett	Shawnee

Carol G. Green
Clerk of the Appellate Courts

Doc. No. 011902

State of Kansas

Kansas State University

Notice to Bidders

Sealed bids for items listed below will be received by Kansas State University Purchasing Office, Manhattan, until 2 p.m. local time on the date indicated and then will be publicly opened. Interested bidders may call (913) 532-6214 or FAX (913) 532-5632 for additional information.

Tuesday, May 12, 1992

#20133

High pressure liquid chromatography system

#20134

Stationary plot thrasher

William H. Sesler
Director of Purchasing

Doc. No. 011909

State of Kansas

Real Estate Appraisal Board

**Temporary Administrative
Regulations**

Article 7.—FEES

117-7-1. Fees. The following fees shall be submitted to the commission:

- (a) for application for certification or licensure, \$50;
- (b) for original certification or licensure, an amount, based on an annual amount of \$200, prorated to the nearest whole month for the period of time from the date of issuance of the certificate or license until its expiration;
- (c) for renewal of a certificate or license, \$200;
- (d) for late renewal of a certificate or license, an additional \$50;
- (e) except as provided in subsection (h), for approval of a course of instruction to meet any portion of the education requirements of K.A.R. 117-2-1, 117-3-1 or 117-4-1, a fee of \$100;
- (f) except as provided in subsection (h), for approval of a course of instruction to meet the continuing education requirements of K.A.R. 117-6-1, a fee of \$50;
- (g) except as provided in subsection (h), for renewal of any course of instruction, a fee of \$25; and
- (h) for approval or renewal of any course of instruction which is endorsed by the appraisal qualifications board, a fee of \$10. (Authorized by and implementing K.S.A. 1991 Supp. 58-4107, as amended by 1992 SB 515, Sec. 3; effective Jan. 21, 1991; amended, T-117-6-10-91, June 10, 1991; amended Aug. 5, 1991; amended, T-117-4-22-92, April 22, 1992.)

Jean Duncan
Administrative Officer

Doc. No. 011935

State of Kansas

Department of Transportation

**Permanent Administrative
Regulations**

Article 13.—SCHOOL BUS TRANSPORTATION

36-13-30. School bus chassis and body standards.

(a) All school bus chassis and body construction standards promulgated by the U.S. department of transportation found at 49 C.F.R. 571.101 through 571.302, as of October 1, 1990, are adopted by reference.

(b) Additionally, school buses manufactured on and after July 1, 1992, except those ordered prior to April 1, 1992, shall meet or exceed the chassis and body construction specifications contained in the 1990 revised edition, "Standards for School Buses and Operations," pages 5-21. School buses shall be referred to as Type A, Type B, Type C, and Type D vehicles, as defined on page four of the publication.

The following exceptions to the chassis and body construction standards in subsections (a) and (b) shall apply to all sizes of school buses, unless otherwise indicated: (1) Chassis construction standards.

(A) Color. The school bus hood may be lusterless black. Lettering on the exterior of the school bus shall be black.

(B) Fuel tank. A fuel tank with a minimum capacity of 22 gallons shall be permitted on Type A vehicles only.

(C) Tires. Type B, Type C, and Type D vehicles shall be prohibited from using retreaded tires on the front wheels.

(2) Body construction standards.

(A) Doors. Only locks approved by the school bus manufacturer may be installed on the doors and emergency exits of school buses. Without regard to the type of locks installed, all emergency exits shall be unlocked when there are students on the bus.

(B) Identification. The owner's name shall be displayed on the sides of the school bus body. The designation shall include:

- (i) the contractor's name;
- (ii) unified school district name, number, or both;
- (iii) nonpublic school name;
- (iv) governmental agency name; or
- (v) other owner's name.

(C) Identification Numbers. School bus identification numbers shall be displayed on the rear and on both sides of the school bus body. The identification numbers shall be plainly legible, in black numbers, four inches high with a minimum 1/2 inch stroke. Identification numbers may be displayed on the front of the school bus. The placement of the numbers shall not interfere with lettering requirements on the school bus.

(D) Seats. Jump seats shall be prohibited.

(E) Stop signal arm. The stop signal arm shall contain alternately flashing red lamps which are visible to motorists approaching the bus from both the front and the rear. (Authorized by and implementing K.S.A. 8-

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2009; effective May 1, 1983; amended May 1, 1984; amended June 15, 1992.)

36-13-31. Transportation supervisor. (a) The governing board or body of every school district or non-public school shall designate a person or persons as the transportation supervisor. The transportation supervisor shall be responsible for and maintain supervision over the school transportation system. The duties of the transportation supervisor shall include the following:

(1) Annual inspection.

(A) Procedure. Each school vehicle used for student transportation, except short-term leased vehicles as defined in K.A.R. 36-13-39, shall be inspected annually by the Kansas highway patrol. The annual inspection shall be conducted no earlier than July 1 nor later than September 30 of each school year, except that any vehicle purchased or otherwise acquired after September 30 of each school year or a school vehicle which has not passed an inspection pursuant to this subsection shall not be used in school transportation until an inspection has been passed. For purposes of this subsection, the term "school year" shall mean the twelve consecutive months beginning on October 1 and ending on September 30. Unannounced spot inspections may be conducted at any time by the Kansas highway patrol.

(B) Rejection. Failure of any vehicle subject to K.A.R. 36-13-31(1)(A) to comply with applicable specifications shall be cause for rejection of that vehicle. A vehicle, if rejected, shall not be used for school transportation purposes until the necessary repair or correction is completed and that repair or correction is approved by the Kansas highway patrol. The transportation supervisor shall be allowed 10 days, beginning the day after the initial inspection is conducted, to complete repair or correction of defective items on the rejected vehicle in order to avoid reinspection. If repair or correction is completed within the 10-day period, the transportation supervisor may contact the Kansas highway patrol and request an examination of the subject vehicle to note if defective items have been repaired so that the vehicle performs as required by specifications.

(C) Reinspection. If a vehicle is rejected and the defective items are not repaired or corrected before the expiration of the 10-day correction period, it shall be necessary for the transportation supervisor to request a reinspection. The vehicle shall not be used for school transportation until the vehicle passes the reinspection. Reinspection shall be conducted in the same manner as provided in paragraphs (A) and (B) of this subsection.

(D) Inspection sticker. After passing an inspection or reinspection, each vehicle shall receive an official school vehicle inspection sticker which shall be applied to the front windshield on the lower corner of the driver's side.

(2) Driver's meetings. Each transportation supervisor or the supervisor's representative shall organize monthly safety meetings for school and activity bus drivers in order to provide for exchanges of informa-

tion regarding changes in law, safety procedures, route information and similar topics. Documentation of attendance at these meetings shall be kept and retained by the supervisor for a period of two years.

(3) School transportation routes.

(A) Each transportation supervisor or the supervisor's representative shall carefully plan and study all school transportation routes with particular consideration given to hazards encountered on each route. Hazards shall be avoided whenever possible.

(B) A map of school transportation routes, complete with school centers, shall be maintained on a current basis.

(C) Whenever practicable, transportation routes shall be planned so that no student will be required to ride in the school vehicle more than one hour for each trip, or be compelled to walk more than one mile to board the school vehicle.

(D) The transportation supervisor shall encourage the reporting of all unsafe locations, road conditions, or other hazards appearing on each route.

(4) School transportation route stops.

(A) Each transportation supervisor or the supervisor's representative shall establish all regular school transportation stops for the loading or unloading of students.

(B) Stops shall be reviewed at least annually for safety hazards.

(C) Whenever practicable, a stop shall not be established where visibility is obstructed to motorists for 500 feet in any direction. If a stop must be established where visibility is less than 500 feet, highway warning signs or other safety procedures shall be provided.

(D) Stops shall not be established on any interstate highway or state toll road, but those roads or highways may be used for travel as part of a school transportation route.

(5) Loading and unloading assistance. Each transportation supervisor or the supervisor's representative shall be responsible for providing supervision of the loading and unloading of school transportation passengers.

(6) Lubrication, maintenance and repair records. Each transportation supervisor shall keep records for two years on the lubrication, maintenance and repair of every vehicle used for student transportation, except short-term leased vehicles. The records shall be made available to the Kansas highway patrol and the department upon request. (Authorized by and implementing K.S.A. 8-2009; effective, E-78-22, Aug. 10, 1977; effective May 1, 1978; amended May 1, 1983; amended June 15, 1992.)

36-13-32. School transportation driver qualifications and duties. (a) Each person employed as a school bus driver for a school district, or any other person transporting school students who is employed by the school or employed by a firm contracting with the school to provide transportation, shall possess:

(1) A commercial class A or B drivers license with passenger endorsement to drive a school or activity bus with a gross weight over 26,000 lbs;

(2) a commercial class A, B, or C drivers license with passenger endorsement to drive a school or activity bus with a gross weight of 26,000 lbs. or less; or

(3) a class C license in order to drive passenger vehicles used for student transportation; and

(4) an air brake endorsement on the commercial drivers license of any person who drives a bus equipped with air brakes.

(b) Upon application of any person seeking to become a school or activity bus driver, or to drive any school motor vehicle for student transportation, the prospective employer shall inspect the applicant's driving record through the division of vehicles, of the Kansas department of revenue, in accordance with K.S.A. 1990 Supp. 74-2012, as amended by L. 1991, ch. 36, Sec. 22. The provisions of this subsection, paragraphs (1) through (7) below, shall not apply to persons employed by the school who, in conjunction with their other supervisory responsibilities, provide student transportation to activities in school motor vehicles.

(1) Any employer of either a school bus driver or any other person driving a school motor vehicle for student transportation shall not employ, re-employ nor retain any person as a school bus driver or allow them to drive any school motor vehicle for student transportation if:

(A) The person's driving record indicates the person has been convicted of:

- (i) hit and run driving as described in K.S.A. 8-1602;
- (ii) driving while intoxicated or under the influence of drugs, as described in K.S.A. 1990 Supp. 8-1567;
- (iii) vehicular homicide as described in K.S.A. 21-3405;
- (iv) reckless driving, as described in K.S.A. 1990 Supp. 8-1566; or

(B) the person has had a driver's license revoked or suspended by the division of vehicles, Kansas department of revenue, pursuant to K.S.A. 1990 Supp. 8-254 and 8-255.

(2) Absent actual knowledge of the employer as to any convictions for the above violations, the employer shall be deemed to be in compliance with these provisions upon obtaining the applicant's record through the division of vehicles, inspecting the driving record, and not employing or allowing any person convicted of the offenses as set out in parts (i) through (iv) of paragraph (1) to provide student transportation. If, subsequent to the original hiring, the employer has actual knowledge of any school bus driver or other employee driving school motor vehicles for student transportation being convicted of any of the offenses set out in parts (i) through (iv) of paragraph (1), that driver or employee shall not be retained, re-employed nor allowed to drive a bus or school motor vehicle for student transportation.

(3) Upon application for employment or prior to allowing the employee to provide pupil transportation, the employer shall require the applicant's written statement as to whether or not the applicant has ever been convicted, in Kansas or in any other state, of a felony or Class A, B, or C misdemeanor. An employer shall not employ, re-employ, retain nor allow any person

convicted of a felony or a Class A, B, or C misdemeanor to provide student transportation.

(4) Absent actual knowledge of the employer concerning an employee's conviction, the employer shall be deemed to be in compliance with these provisions upon requiring the applicant's written statement as provided in paragraph (3), and not employing any person convicted of a felony or Class A, B, or C misdemeanor, or allowing any employee indicating a conviction of a felony or Class A, B, or C misdemeanor to provide student transportation. If, subsequent to the original hiring, the employer has actual knowledge of any school bus driver or other employee driving school motor vehicles for student transportation being convicted of a felony or a Class A, B, or C misdemeanor, that driver or employee shall not be retained, re-employed nor allowed to provide student transportation.

(5) An employer of a school bus driver or other employee driving a school motor vehicle for student transportation shall not employ, re-employ, retain nor allow any person to provide student transportation if the person has practiced or attempted to practice any material deception or fraud in the application for employment.

(6) For purposes of this subsection (c), a conviction means a plea of guilty, or nolo contendere, or a verdict, or finding of guilty by court in trial with or without a jury, or a forfeiture of bail.

(7) Upon request from the school district, non-public school, or other employer, the application of the disqualifications to employment described in paragraphs (1) and (3) of subsection (c) may be waived by the secretary of transportation. An otherwise disqualified applicant or school bus driver may be allowed to be employed, retained or re-employed if the secretary determines, based on facts submitted, that the person would be or is a satisfactory school bus driver.

(c) Every school bus driver or person driving a school motor vehicle for student transportation, except employees of the school who drive school motor vehicles to provide student activity transportation in conjunction with their other supervisory duties, shall comply with the following requirements.

(1) Each driver or other person subject to this subsection shall be experienced in driving some type of motor vehicle, which may be a private automobile, for not less than one year, including experience throughout each of the four seasons.

(2) Each driver or other person subject to this subsection shall have the following behind-the-wheel training.

(A) Each driver of buses designed for fewer than 25 passengers shall have a minimum of two hours of training in a bus of the same type that will be operated during the driver's actual route. The training shall be supervised by a properly licensed and experienced bus driver. Training shall take place prior to the first day of the route without children on the bus. Documentation of such training shall be kept by the employer for the duration of the driver's employment plus two years.

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(B) Each driver of buses designed for 25 or more passengers shall have a minimum of six hours of training in a bus of the same type that will be operated during the driver's actual route. The training shall be supervised by a properly licensed and experienced bus driver. The first two hours of the training shall take place prior to the first day of the route without children on the bus. Documentation of such training shall be kept by the employer for the duration of the driver's employment plus two years.

(3) Each driver or other person subject to this subsection shall complete a first aid and CPR course approved by the secretary of transportation prior to the first date on which they transport students. Each driver's certification in first aid and CPR shall be kept current.

(4) Each driver or other person subject to this subsection shall complete the following driver training course requirements prior to the first date the driver transports students:

(A) Each newly employed driver shall complete the national safety council defensive driving course, or the American automobile association driver improvement program, or an equivalent course approved by the secretary of transportation or the secretary's representative. Completion of the course shall be evidenced by a certificate. The certificate shall indicate satisfactory completion of the course, and shall be valid for three years from date of issue.

(B) Each experienced driver needing certification shall complete, every three years, the national safety council defensive driving course, the American automobile association driver improvement program, or an equivalent course as outlined in paragraph (A) or shall attend the Kansas department of transportation school bus driver workshops annually.

(5) Each school bus and activity bus driver shall attend monthly safety meetings provided by the driver's employer. Documentation of such attendance shall be kept by the employer for a period of two years.

(d) Each substitute school bus driver shall complete, within 30 consecutive days of the date of employment, the required courses described in subsections (3) and (4) of subsection (c). An extension of 30 days may be granted by the secretary of transportation for just cause shown. For the purposes of this article, the term "substitute school bus driver" means those persons who have not been employed as a school bus driver during the preceding three years. The term "date of employment" means the date the person first drove a school bus loaded with passengers.

(e) Each person employed as a school bus driver or to drive a school motor vehicle for student transportation, except persons who are employed by the school and provide student activity transportation in motor vehicles in conjunction with their other supervisory duties, shall be required to pass a physical examination performed by a physician licensed by the state of Kansas.

(1) Timing. A physical examination shall be given:

(A) Prior to beginning employment which includes driving buses or school motor vehicles for student transportation;

(B) at any time at the request of the driver's employer, the transportation supervisor, or the secretary or the secretary's representative; and

(C) within two years of the last completed physical examination.

(2) Each driver required by this subsection to have a physical examination shall be deemed to have passed a physical examination if the driver satisfies the qualifications outlined in the medical examination report form, as approved by the secretary or the secretary's representative. The report shall include the following minimum qualifications:

(A) No loss of a foot, leg, fingers, hand, arm, or other structural defect, or limitation of movement likely to interfere with safe driving;

(B) no mental, nervous, organic, or functional disease likely to interfere with safe driving;

(C) no use of medication which the examining physician determines is likely to interfere with safe driving;

(D) no indication of coronary or heart ailment which the examining physician determines is likely to interfere with safe driving. An electrocardiogram shall be required when other findings indicate desirability of using such a test;

(E) visual acuity of at least 20/40 (Snellen) in each eye either without glasses or by correction with glasses, or contact lenses. The driver's field of vision in the horizontal meridian shall not be less than a total of 140 degrees. The driver shall have ability to distinguish the colors red, green and yellow. If the driver's eyesight requires correction by glasses or contact lenses, the driver shall wear them at all times when driving;

(F) ability to perceive whispered voice in the better ear at not less than five feet with or without the use of a hearing aid. If tested by use of an audiometric device, the driver shall not have an average hearing loss in the better ear greater than forty decibels at 400 Hz, 1,000 Hz, and 2,000 Hz, with or without a hearing aid, when the audiometric device is calibrated to American national standard (formerly ASA standard) Z24.5-1951; and

(G) no addiction to the use of narcotics, illegal drugs, alcohol or liquor.

(3) Each medical examination report shall be kept on file at the office of the school district, the nonpublic school, or the employer, and shall be retained by that office for a minimum of two years from the date of completion of the physical examination.

(4) In addition to the physical examination described above employers may develop and require an agility test to ascertain that school and activity bus drivers have the ability to enter and exit the bus through all emergency exits.

(f) No person shall be permitted to drive a school bus or other school motor vehicle used to transport students when under the influence of any narcotic, illegal drug, cereal malt beverage or liquor, except prescription drugs if the physician prescribing the drug

determines that it will not interfere with safe driving. Drivers shall not consume nor have in their possession any narcotic, illegal drug, cereal malt beverage or liquor while on duty, except a required prescription drug as allowed above.

(g) The following conditions shall be met in the operation of buses and school motor vehicles operated by or under the direction of schools in the state of Kansas:

(1) No person shall drive any such vehicle for more than 10 consecutive hours or for more than an aggregate of 10 hours spread over a period of 15 consecutive hours.

(2) Each driver shall operate the bus in a safe, prudent, and careful manner with due regard to traffic and the use of the highway by others. All requirements of the Kansas motor vehicle code and all other applicable laws and regulations shall be strictly adhered to at all times.

(3) Each driver shall use the provided seat belt at all times while the bus or vehicle is in motion.

(4) Each school or activity bus driver shall not permit the bus to be operated or driven with any trailer or other vehicle attached. The use of a tractor or any other motor vehicle in combination with a trailer, semitrailer or pole trailer as a school bus shall be prohibited.

(5) Each school or activity bus driver shall not permit a bus, when traveling, to coast with the transmission in neutral or the clutch disengaged. The doors of the bus shall be closed before the bus is put into motion and shall remain closed when traveling, except that the service door may be opened upon approaching and crossing railroad crossings.

(6) The fuel tank shall not be filled while the engine is running or when students are inside the bus or vehicle. Fuel shall only be carried or transported in the regularly provided fuel tank of the bus or vehicle.

(7) No person shall be permitted to stand in any school or activity bus while the bus is in motion. A bus shall not be put in motion until all students are seated. When unloading students, the bus driver shall not allow students to leave their seats until the bus comes to a complete stop.

(8) Each school or activity bus driver shall not allow anyone, other than school personnel and students, to ride the bus unless written permission has been issued by the transportation supervisor or the supervisor's representative. This provision shall not apply to law enforcement or emergency personnel who are passengers of a bus in emergency periods as designated by the governing board of a school district, nonpublic school or the secretary.

(9) Each driver shall not require any student to leave the bus or other school motor vehicle before the destination of the student has been reached.

(10) Each driver shall not leave the bus or school motor vehicle while the engine is running.

(11) Each driver shall not make any repairs, except emergency repairs as may be necessary, while on the road.

(12) Each of the drivers for a school or activity bus shall inspect that bus daily before use to ascertain that

it is in safe condition, equipped as required by all provisions of law, and that all equipment is in good working order. The driver shall test for the proper operation of the parking, service, and emergency braking systems, and shall open and close all emergency exits before using the bus for transporting students. No student shall be transported until any defects which may be discovered have been corrected. Documentation of all daily inspections shall be kept by the employer for a period of two years.

(13) No smoking shall be allowed on a school or activity bus whether loaded or unloaded, nor in other school motor vehicles in which students are being transported.

(14) All aisles and doors and emergency exits on school and activity buses and other vehicles being used to transport students shall remain unobstructed at all times.

(h) Each substitute school bus driver shall fulfill the requirements of a licensed school bus driver except as otherwise provided in this article.

(i) Any person who holds a valid commercial class A or B drivers license may be permitted to operate a school bus over 26,000 lbs. in an emergency situation. Any person who holds a commercial class A, B, or C drivers license may be permitted to operate a school bus weighing 26,000 lbs. or under in an emergency situation. Each emergency driver shall be limited to a maximum of five driving days in a school year and shall be used only when a regular or substitute school bus driver is unavailable. (Authorized by and implementing K.S.A. 8-2009; effective, E-78-22, Aug. 10, 1977; effective May 1, 1978; amended May 1, 1983; amended May 1, 1984; amended May 1, 1985; amended May 1, 1986; amended June 15, 1992.)

36-13-33. Loading and unloading procedures. (a) The following procedures shall be used for the loading and unloading of students on school buses.

(1) At school.

(A) The loading and unloading of students onto and from buses shall be conducted off the roadway, highway or street, in an area away from the vehicular traffic, whenever possible.

(B) Whenever adequate space is provided, buses shall be parked in single file, one behind the other.

(C) Buses shall be parked as described in paragraph (B) above prior to the dismissal time of the school. In those instances when a bus takes on students at more than one school, the bus shall be parked prior to dismissal time only at the school where the bus initially takes on students.

(D) Whenever the loading and unloading of students must be conducted on a roadway, highway or street, the following rules shall apply in addition to those contained elsewhere in these regulations:

(i) Buses shall be parked on the side of the roadway that is nearest the school with the entry door facing away from the roadway.

(ii) If roadway curbing is present, buses shall be parked adjacent to the curbing.

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(iii) If roadway curbing is not present, buses shall be parked off of the roadway if adequate space is available, unless to do so would threaten the stability of the bus.

(E) The transportation supervisor of every school district or nonpublic school shall adopt a procedure for the loading or unloading of students that is consistent with these regulations.

(2) On routes.

(A) Whenever adequate space is provided, the school bus driver shall load and unload students off the roadway unless to park the bus off the roadway would threaten the stability or safety of the bus or the students.

(B) Whenever the school bus does not pull off the roadway, highway or street, the loading and unloading of students shall take place in the right hand lane of the roadway, highway or street.

(C) A school bus driver shall not require a student to cross a divided highway in order to board the bus or to reach the student's destination after leaving the bus. School bus drivers shall load and unload students on that side of the divided highway on which the student lives.

(D) The school bus driver shall require the student or students to cross the roadway, highway or street upon which the bus is stopped, in front of the bus, and at a distance that allows the school bus driver to see the student or students as they cross.

(E) The school bus driver shall not move the school bus from the bus stop until all students discharged who must cross the roadway upon which the bus is stopped have done so. The driver shall ascertain that other students not crossing the roadway are a safe distance from the bus so that movement of the bus would not endanger the students.

(E) The driver shall not permit students who are to be loaded on or unloaded from the bus to cross the roadway upon which the bus is stopped until the students may safely do so.

(3) On activity trips.

(A) Loading and unloading along the activity trip route shall be limited to stops designated in advance by the transportation supervisor. Each district which chooses to allow loading and unloading along the activity trip route shall adopt a policy which governs the location of such stops and requires parental approval for discharging a student at other than the end point of the activity trip.

(B) If unloading is allowed by the district along the activity route, the provisions of paragraph (2) above shall be applied.

(4) The alternately flashing warning lamps on a school bus shall be used whenever a school bus is stopped on the highway for the purpose of receiving or discharging students, pursuant to K.S.A. 8-1556.

(b) The following procedures shall be used for loading and unloading of students on activity buses:

(1) The loading and unloading of students should be conducted off the roadway, highway or street in an area away from vehicular traffic, and whenever possible, in a parking lot.

(2) Whenever the loading and unloading of students must be conducted on a roadway, street or highway, the bus involved shall be parked with the entry door facing away from the roadway.

(3) Loading and unloading along the activity trip route is limited to stops designated in advance by the transportation supervisor. Such stops shall be limited to off roadway locations. Each district which chooses to allow loading and unloading along the activity trip route shall adopt a policy which governs the location of such stops and requires parental approval for discharging a student at other than the end point of the activity trip.

(c) Students being transported in school motor vehicles which are not classified as buses shall be loaded and unloaded off the roadway, highway or street in an area away from vehicular traffic, and whenever possible, in a driveway or parking lot. This subsection shall apply to vehicles with a manufacturer capacity rating for 10 or less persons. (Authorized by and implementing K.S.A. 8-2009; effective, E-78-22, Aug. 10, 1977; effective May 1, 1978; amended May 1, 1983; amended June 15, 1992.)

36-13-34. Accident and emergency procedure. (a) Each person employed to provide student transportation, and each person employed by the school who, in conjunction with other responsibilities, provides student transportation shall comply with the following requirements.

(b) Duties in event of accident.

(1) Duty to give notice. A driver shall immediately notify or cause to be notified a duly authorized law enforcement agency, the driver's employer, and if different from the employer, the transportation supervisor of the school district or nonpublic school for which such vehicle is operated directly or under contract, of any accident which results in personal injury or property damage and where:

(A) the vehicle being driven is involved in the accident;

(B) a collision occurs between a vehicle and a student crossing a roadway for the purpose of immediately boarding a bus or immediately after being discharged; or

(C) a student or the driver is injured inside the vehicle as a result of acceleration, deceleration or other movement of the vehicle or while boarding or alighting from the vehicle.

(2) Discontinuance of use. Each driver shall be held responsible for immediately discontinuing transportation of passengers in the vehicle whenever or wherever any accident occurs to the vehicle, or any defect develops in, the vehicle which renders the continued operation of the vehicle unsafe for passengers. When such accident occurs or defects develop while the vehicle is in use, the vehicle shall immediately be discontinued from service and arrangements made for the safe transportation of passengers to their respective destinations. The arrangements shall be made in accordance with rules of the school district's board of education.

(3) Sending for help. A driver shall not leave his or her bus to seek aid in case of accident or emergency unless there is no adult or student aboard who may be sent for help.

(4) Accident procedure at the scene. Whenever a school transportation accident occurs, the driver, unless incapacitated, shall adhere to the following procedures at the scene of the accident:

(A) The driver shall stop the vehicle immediately at or as near to the scene of the accident as possible. The vehicle shall be stopped without obstructing traffic more than is necessary.

(B) The driver shall remain at the scene of the accident unless forced to leave the scene to seek assistance.

(C) The driver shall render assistance to any person injured in the accident.

(D) The driver shall not allow students to leave the scene of the accident except as is necessary for emergency medical treatment, until alternate transportation in conformity with the rules of the district board of education is available.

(E) The driver shall direct passengers to a safe place away from traffic.

(F) If required, flares or warning devices shall be displayed to warn traffic.

(c) Bus evacuation.

(1) Drills.

(A) At least twice during each school year, each student who is regularly transported to and from school in a bus shall receive appropriate classroom instruction in safe riding practices and shall participate in emergency bus evacuation drills.

(B) All bus evacuation drills shall be conducted on school grounds.

(C) All bus evacuation drills shall be supervised by the school principal or others appointed by the transportation supervisor to act in a supervisory capacity.

(D) Whenever a bus evacuation drill is conducted, the bus driver shall set the emergency brake, turn the ignition switch off and take out the keys, and shall put the transmission in gear if the bus is equipped with a standard transmission.

(E) Documentation of bus evacuation drills, including the date, number of participants, and names of drivers shall be kept for a period of two years by the transportation supervisor.

(F) Prior to the beginning of each activity trip in a school or activity bus, a brief explanation shall be given to passengers concerning emergency evacuation procedures of the bus in use. Students and school personnel shall be shown the location of emergency exits in case of an accident.

(2) A bus shall be evacuated at any time it appears the safety of those passengers inside will be jeopardized if they remain inside.

(d) Duties when approached by authorized emergency vehicles.

(1) When stopping upon the approach of an authorized emergency vehicle pursuant to K.S.A. 8-1530, a school or activity bus driver shall not pull off the

roadway onto the shoulder when to do so would present a hazard to the passengers of the bus.

(2) Whenever a school bus is stopped in the roadway to unload students and the students have not begun to leave the bus, the service door shall be closed, the alternately flashing warning signal lamps turned off, and the authorized emergency vehicle waved past. If students have already stepped outside the bus when the authorized emergency vehicle appears, the school bus driver shall leave the stop arm extended and the alternately flashing warning signal lamps turned on until those students have safely crossed the roadway.

(3) Whenever a school bus is stopped in the roadway to load students and students have started to cross the roadway, the school bus driver shall leave the alternately flashing warning signal lamps turned on and shall finish loading as soon as possible. If students have not started to cross the roadway upon the appearance of an authorized emergency vehicle, the alternately flashing warning signal lamps shall be turned off and the authorized emergency vehicle shall be waved around the bus.

(e) Emergency transportation. The transportation supervisor of every school district or nonpublic school shall adopt a planned procedure to serve as a guide for drivers providing student transportation regarding circumstances in which the driver while on the road with passengers is confronted with an impending man-made or natural disaster. (Authorized by and implementing K.S.A. 8-2009; effective, E-78-22, Aug. 10, 1977; effective May 1, 1978, amended June 15, 1992.)

36-13-36. (Authorized by K.S.A. 1978 Supp. 8-2009; effective May 1, 1979; revoked June 15, 1992.)

36-13-37. Use of urban mass transportation buses.
(a) Each bus designed for operation as a common carrier in urban transportation, including every such bus which is owned and operated for mass public transportation by a metropolitan transit authority, that is contracted for, leased, or hired by a school district for the transportation of pupils, students or school personnel, to or from school or to or from school-related functions or activities shall comply with the following requirements.

(b) General requirements.

(1) Vehicle requirements.

(A) Lubrication, maintenance, and repair records shall be kept on file for at least one year and made available to the secretary of transportation or the secretary's authorized representative upon request.

(B) The following emergency equipment shall be available on each bus:

(i) A UHF commercial two-way radio or other two-way communication system;

(ii) At least one 2A-10BC fire extinguisher located in full view of and readily accessible to the driver;

(iii) At least one first-aid kit that is removable, readily identified, and mounted in full view of and readily accessible to the driver. The contents shall meet the requirements for first aid kits, as established on page 14 of the 1990 Revised Edition, "Standards for School Buses and Operations."

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(2) Each driver shall meet the requirements of K.A.R. 36-13-32 (a), (b), (c)(3) and (4), (e), (f), and (g).

(c) Loading and unloading on school activity trips shall conform to the requirements of K.A.R. 36-13-33 (b) and the requirements of K.A.R. 36-13-34 (c)(1)(F) concerning emergency evacuation procedures shall be met.

(d) Route transportation. The following requirements shall be met in the transportation of students to and from school:

(1) Vehicle requirements. Each bus used for regular route pickups shall have temporary signs located conspicuously on the front and rear of the vehicle. (A) The sign on the front of the vehicle shall have the words "School Bus" printed in black letters not less than six inches high, on a background of national school bus glossy yellow.

(B) The sign on the rear of the bus shall be at least 10 square feet in size and shall be painted national school bus glossy yellow, and have the words "School Bus" printed in black letters not less than eight inches high.

(C) All letters shall be series "D" as specified in the "standard alphabets," Federal Highway Administration 1966.

(2) Loading and unloading of students at the school.

(A) The loading and unloading of students shall be conducted off the roadway, highway, or street and in an area away from vehicular traffic whenever possible.

(B) Whenever the loading and unloading of students must be conducted on a roadway, street, or highway, the buses involved shall be parked on that side of the roadway nearest the school with the entry door facing away from the roadway.

(C) Buses shall be parked prior to the dismissal time of the school. In those instances when a bus loads students at more than one school, the bus shall be parked prior to dismissal time only at the school where the bus initially loads students.

(3) Loading and unloading of students on the route.

(A) Routes and route pick-up points shall be designated by the school district.

(B) All loading and unloading of students on a route shall be done on the right hand edge of the road away from other vehicular traffic.

(C) Students required to cross the roadway to board a bus shall do so at an intersection or at a designated crosswalk prior to the arrival of the bus. Students shall not be allowed to cross the roadway midblock for loading and unloading.

(4) Bus evacuation drills. Students riding on a regular route bus shall receive instructions on emergency evacuation procedures twice a year. Instruction shall include, but not be limited to, location of emergency exits and rules for completing a safe and orderly evacuation. (Authorized by and implementing K.S.A. 8-2009; effective May 1, 1979; amended June 15, 1992.)

36-13-38. Special needs student transportation. (a) The provisions of the 1990 revised edition, "Standards for School Buses and Operations," relating to special education found at pages 49-56 of that publication are adopted by reference with the limitation that each district shall retain the discretion to determine, on a case by case basis, the level, type and extent of involvement of the transportation staff in the assessment process

and development of the individual education program (IEP) of any particular student.

(b) Each specially equipped school bus ordered on or after July 1, 1992 shall comply with applicable provisions of the 1990 revised edition, "Standards for School Buses and Operations," relating to specially equipped school buses found at pages 22-25 of that publication. (Authorized by and implementing K.S.A. 8-2009; effective June 15, 1992.)

36-13-39. School vehicle definitions and limitations. (a) Definitions.

(1) "School bus" means a vehicle that is designed for carrying more than 10 persons and which is in conformity with the provisions of K.A.R. 36-13-30.

(2) "Activity bus" means an over-the-road commercial-type bus utilized by school districts for the purpose of transporting students to and from school activities as authorized in K.S.A. 72-8301 (c)(3).

(3) "School passenger vehicles or motor vehicles" means a vehicle that has a manufacturer capacity rating for 10 or less persons and that is used to provide student transportation by a school district or under its direction.

(4) "Short-term leased vehicle" means a school bus, activity bus or school motor vehicle, as defined above, that is leased by a school district for 30 days or less.

(b) Limitations.

(1) Each school bus used for any purpose shall have been manufactured after April 1, 1977. This provision shall become effective on January 1, 1992.

(2) Activity buses shall not be utilized as route buses. The owner's name shall be displayed on the sides of the bus body. This designation shall include the unified school district name or number. Each activity bus shall have the following emergency equipment:

(A) at least one 2A-10BC fire extinguisher located in full view of and readily accessible to the driver;

(B) at least one first aid kit that is removable, readily identified, and mounted in full view of and readily accessible to the driver. The contents of the kit shall be the same as the requirements for a school bus set out in K.A.R. 36-13-37(b).

(C) Warning devices shall be securely stored in an accessible location to minimize flying objects in the event of an accident. Warning devices shall comply with requirements of "federal motor vehicle safety standard no. 125" dated October 1, 1990.

(3) Passenger vehicle use shall be limited as follows:

(A) Only vehicles which are manufacturer capacity rated for 10 or less persons shall be used. No van which is manufacturer capacity rated for more than 10 persons or which carry a door label that rates the vehicle as a bus shall be used unless the van meets all school bus standards. No additional seating over 10 positions shall be added after purchase of vans that are rated as multi-purpose passenger vehicles.

(B) Seat belts shall be worn by all occupants of passenger vehicles when being used to provide student transportation. (Authorized by and implementing K.S.A. 8-2009; effective June 15, 1992.)

Michael Johnston
Secretary of Transportation

Doc. No. 011901

State of Kansas

Board of Pharmacy

Permanent Administrative
Regulations

Article 14.—WHOLESALE DISTRIBUTORS

68-14-1. Wholesale distributors. This applies to any person, partnership, corporation, or business firm licensed or registered in this state and engaging in the wholesale distribution of human prescription drugs. (Authorized by and implementing K.S.A. 1991 Supp. 65-1655, effective June 15, 1992.)

68-14-2. Definitions. (a) "Blood" means whole blood collected from a single donor and processed either for transfusion or further manufacturing.

(b) "Blood component" means that part of blood separated by physical or mechanical means.

(c) "Common control" means the power to direct or cause the direction of the management and policies of a person or an organization, whether by ownership of stock, voting rights, by contract, or otherwise.

(d) "Drug sample" means a unit of a prescription drug that is not intended to be sold and is intended to promote the sale of the drug and is distributed on a gratuitous basis.

(e) "Emergency medical reasons" include transfers of prescription drugs by a retail pharmacy to another retail pharmacy to alleviate a temporary shortage, except that the gross dollar value of such transfers shall not exceed five percent of the total prescription drug sales revenue of either the transferor or transferee pharmacy during any 12-consecutive month period.

(f) "Intracompany sales" means any transaction or transfer between any division, subsidiary, parent, affiliated or related company under the common ownership and control of a corporate entity.

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

(h) "Primary owner" means any person owning or controlling more than 50 percent of the wholesaler's business.

(i) "Wholesale distribution" means distribution of prescription drugs to persons other than a consumer or patient, but does not include:

- (1) Intracompany sales;
- (2) the purchase or other acquisition by a hospital or other health care entity that is a member of a group purchasing organization of a drug for its own use from the group purchasing organization or from other hospitals or health care entities that are members of such organizations;

- (3) the sale, purchase, or trade of a drug or an offer to sell, purchase, or trade a drug by a charitable organization described in section 501(c)(3) of the U.S. internal revenue code of 1954 to a nonprofit affiliate of the organization to the extent otherwise permitted by law;

- (4) the sale, purchase, or trade of a drug or an offer to sell, purchase, or trade a drug among hospitals or other health care entities that are under common control;

- (5) the sale, purchase, or trade of a drug or an offer to sell, purchase, or trade a drug for emergency medical reasons;

- (6) the sale, purchase, or trade of a drug, an offer to sell, purchase, or trade a drug, or the dispensing of a drug pursuant to a prescription;

- (7) the distribution of drug samples by manufacturers' representatives or distributors' representatives; or

- (8) the sale, purchase, or trade of blood and blood components intended for transfusion.

(j) "Wholesale distributor" means anyone doing business in this state and engaging in wholesale distribution of prescription drugs, including:

- (1) manufacturers;

- (2) repackers;

- (3) own-label distributors;

- (4) private-label distributors;

- (5) jobbers;

- (6) brokers;

- (7) warehouses; including manufacturers' and distributors' warehouses, chain drug warehouses, and wholesale drug warehouses;

- (8) independent wholesale drug traders; and

- (9) retail pharmacies that conduct wholesale distributions.

(Authorized by and implementing K.S.A. 1991 Supp. 65-1655, effective June 15, 1992.)

68-14-3. Wholesale distributor licensing or registration requirement. Every wholesale distributor doing business in this state who engages in wholesale distributions of prescription drugs shall be licensed or registered by the board in accordance with the laws of the pharmacy act and regulations before engaging in wholesale distributions of prescription drugs. (Authorized by and implementing K.S.A. 1991 Supp. 65-1655, effective June 15, 1992.)

68-14-4. Minimum required information for licensure or registration. (a) Each wholesale distributor shall provide the board with the following minimum information as part of the license or registration described in K.S.A. 65-1645 and as part of any renewal of such a license or registration:

- (1) The name, full business address, and telephone number of the licensee or registrant;

- (2) each trade or business name used by the licensee or registrant;

- (3) the address, telephone number, and the name of the contact person for each facility used by the licensee or registrant for the storage, handling, and distribution of prescription drugs;

- (4) the type of ownership or operation, including partnership, corporation, or sole proprietorship; and

- (5) the name of each owner, operator, or both of the licensee or registrant, including:

- (A) If a person, the name of the person;

- (B) if a partnership, the name of each partner, and the name of the partnership;

(continued)

(C) if a corporation, the name and title of each corporate officer and director, the corporate name, and the name of the state of incorporation; and

(D) if a sole proprietorship, the full name of the sole proprietor and the name of the business entity.

(b) A single license may be issued by the board for any business entity operating more than one facility within this state, or for a parent entity with divisions, subsidiaries, affiliate companies or some combination thereof within this state when operations are conducted at more than one location and there exists joint ownership and control among all the entities.

(c) Each licensee or registrant shall submit revised information requested by subsection (a) within 30 days after any change in that information. (Authorized by and implementing K.S.A. 1991 Supp. 65-1630, 65-1645, and 65-1655; effective June 15, 1992.)

68-14-5. Personnel. As a condition for receiving and retaining a wholesale distributor license or registration, the licensee or registrant shall require each person employed in any prescription drug wholesale distribution activity to have education, training, and experience, or any combination thereof, sufficient for that person to perform the assigned functions in such a manner as to provide assurance that the drug product quality, safety and security will at all times be maintained as required by law. (Authorized by and implementing K.S.A. 1991 Supp. 65-1655, effective June 15, 1992.)

68-14-6. Violations and penalties. Any license or registration granted under this article may be suspended or revoked by the board for willful and serious violation of these regulations. (Authorized by and implementing K.S.A. 1991 Supp. 65-1655, effective June 15, 1992.)

68-14-7. Minimum requirements for the storage and handling of prescription drugs and for the establishment and maintenance of prescription drug distribution records. Each licensee or registrant shall meet the following minimum requirements for the storage and handling of prescription drugs, and for the establishment and maintenance of prescription drug distribution records by wholesale distributors and their officers, agents, representatives, and employees.

(a) Facilities. Each facility at which prescription drugs are stored, warehoused, handled, held, offered, marketed, or displayed shall:

(1) Be of suitable size and construction to facilitate cleaning, maintenance, and proper operations;

(2) have storage areas designed to provide adequate lighting, ventilation, temperature, sanitation, humidity, space, equipment and security conditions;

(3) have a quarantine area for storage of prescription drugs that are outdated, damaged, deteriorated, misbranded, or adulterated, or that are in immediate or sealed, secondary containers that have been opened;

(4) be maintained in a clean and orderly condition; and

(5) be free from infestation by insects, rodents, birds, or vermin of any kind.

(b) Security.

(1) Each facility used for wholesale drug distribution shall be secure from unauthorized entry.

(A) Access from outside the premises shall be kept to a minimum and be well-controlled.

(B) The outside perimeter of the premises shall be well-lighted.

(C) Entry into areas where prescription drugs are held shall be limited to authorized personnel.

(2) Each facility shall be equipped with an alarm system to detect entry after hours.

(3) Each facility shall be equipped with a security system that will provide suitable protection against theft and diversion. When appropriate, the security system shall provide protection against theft or diversion that is facilitated or hidden by tampering with computers or electronic records.

(c) Storage. All prescription drugs shall be stored at appropriate temperatures and under appropriate conditions in accordance with requirements, if any, in the labeling of such drugs, or with requirements in the current edition of the United States pharmacopeia/national formulary (USP/NF).

(1) If no storage requirements are established for a prescription drug, the drug may be held at "controlled" room temperature, as defined in an official compendium, to help ensure that its identity, strength, quality, and purity are not adversely affected.

(2) Appropriate manual, electromechanical, or electronic temperature and humidity recording equipment, devices, logs or a combination of these methods shall be utilized to document proper storage of prescription drugs.

(3) The recordkeeping requirements in subsection (f) of this regulation shall be followed for all stored drugs.

(d) Examination of materials.

(1) Upon receipt, each outside shipping container shall be visually examined for identity and to prevent the acceptance of contaminated prescription drugs or prescription drugs that are otherwise unfit for distribution. This examination shall be adequate to reveal container damage that would suggest possible contamination or other damage to the contents.

(2) Each outgoing shipment shall be carefully inspected for identity of the prescription drug products and to ensure that there is no delivery of prescription drugs that have been damaged in storage or held under improper conditions.

(3) The recordkeeping requirements in subsection (f) of this regulation shall be followed for all incoming and outgoing prescription drugs.

(e) Returned, damaged, and outdated prescription drugs.

(1) Prescription drugs that are outdated, damaged, deteriorated, misbranded, or adulterated shall be quarantined and physically separated from other prescription drugs until they are destroyed or returned to their supplier.

(2) Any prescription drugs whose immediate or sealed outer or sealed secondary containers have been opened or used shall be identified as such, and shall be quarantined and physically separated from other

prescription drugs until they are either destroyed or returned to the supplier.

(3) If the conditions under which a prescription drug has been returned cast doubt on the drug's safety, identity, strength, quality, or purity, then the drug shall be destroyed, or returned to the supplier, unless examination, testing, or other investigations proves that the drug meets appropriate standards of safety, identity, strength, quality and purity. In determining whether the conditions under which a drug has been returned cast doubt on the drug's safety, identity, strength, quality, or purity, the wholesale distributor shall consider, among other things, the conditions under which the drug has been held, stored, or shipped before or during its return and the condition of the drug and its container, carton, or labeling, as a result of storage or shipping.

(4) The recordkeeping requirements in subsection (f) of this regulation shall be followed for all outdated, damaged, deteriorated, misbranded, or adulterated prescription drugs.

(f) Recordkeeping.

(1) Each wholesale distributor shall establish and maintain inventories and records of all transactions regarding the receipt and distribution or other disposition of prescription drugs. These records shall include the following information:

(A) The source of the drugs, including the name and principal address of the seller or transferor, and the address of the location from which the drugs were shipped;

(B) the identity and quantity of the drugs received and distributed or disposed of; and

(C) the dates of receipt and distribution or other disposition of the drugs.

(2) Inventories and records shall be made available for inspection and photocopying by authorized federal, state, or local law enforcement agency officials for a period of five years following disposition of the drugs.

(3) Records described in this regulation that are kept at the inspection site or that can be immediately retrieved by computer or other electronic means shall be readily available for authorized inspection during the retention period. Records kept at a central location apart from the inspection site and not electronically retrievable shall be made available for inspection within two working days of a request by an authorized official of a federal, state, or local law enforcement agency.

(g) Written policies and procedures. Each wholesale distributor shall establish, maintain, and adhere to written policies and procedures as to the receipt, security, storage, inventory, and distribution of prescription drugs, including policies and procedures for identifying, recording, and reporting losses or thefts, and for correcting all errors and inaccuracies in inventories. In addition, each wholesale distributor shall establish, maintain and adhere to the following written policies and procedures:

(1) A procedure whereby the oldest approved stock of a prescription drug product is distributed first. The

procedure may permit deviation from this requirement, if such deviation is temporary and appropriate;

(2) A procedure to be followed for handling recalls and withdrawals of prescription drugs. Such procedure shall be adequate to deal with recalls and withdrawals due to:

(A) Any action initiated at the request of the food and drug administration or other federal, state or local law enforcement or other government agency, including the board;

(B) any voluntary action by the manufacturer to remove defective or potentially defective drugs from the market; or

(C) any action undertaken to promote public health and safety by replacing existing merchandise with an improved product or new package design;

(3) A procedure to ensure that wholesale distributors prepare for, protect against, and handle any crisis that affects security or operation of any facility in the event of strike, fire, flood, or other natural disaster, or other situations of local, state or national emergency; and

(4) A procedure to ensure that any outdated prescription drugs shall be segregated from other drugs and either returned to the manufacturer or destroyed. This procedure shall provide for written documentation of the disposition of outdated prescription drugs. This documentation shall be maintained for five years after disposition of the outdated drugs.

(h) Responsible persons. Each wholesale distributor shall establish and maintain lists of officers, directors, managers, and other persons in charge of wholesale drug distribution, storage, and handling, including a description of their duties and a summary of their qualifications.

(i) Compliance with federal, state, and local law. Each wholesale distributor shall operate in compliance with applicable federal, state and local laws and regulations.

(1) Each wholesale distributor shall permit the board's authorized personnel and authorized federal, state, and local law enforcement officials, to enter and inspect their premises and delivery vehicles, and to audit their records and written operating procedures, at reasonable times and in a reasonable manner, to the extent authorized by law. Such officials shall be required to show appropriate identification prior to being permitted access to wholesale distributors' premises and delivery vehicles.

(2) Each wholesale distributor that deals in controlled substances shall register with the appropriate state controlled substance authority and with the drug enforcement administration, and shall comply with all applicable state, local, and drug enforcement administration regulations.

(j) Salvaging and reprocessing. Each wholesale distributor shall be subject to the provisions of any applicable federal, state, or local laws or regulations that relate to prescription drug product salvaging or reprocessing. (Authorized by and implementing K.S.A. 1991 Supp. 65-1655, effective June 15, 1992.)

Thomas C. Hitchcock
Executive Secretary

Doc. No. 011905

(Published in the Kansas Register, April 30, 1992.)

Summary Notice of Bond Sale**City of Bel Aire, Kansas****\$117,600****General Obligation Bonds, Series A, 1992****(general obligation bonds payable from
unlimited ad valorem taxes)****Sealed Bids**

Subject to the notice of bond sale dated April 21, 1992, and preliminary official statement dated April 10, 1992, sealed bids will be received by the city clerk of Bel Aire, Kansas (the issuer), on behalf of the governing body at City Hall, 4551 N. Auburn, Wichita, KS 67220, until 11 a.m. C.D.T. on May 19, 1992, for the purchase of \$117,600 principal amount of General Obligation Bonds, Series A, 1992. No bid of less than the entire par value of the bonds and accrued interest thereon to the date of delivery will be considered.

Bond Details

The bonds will consist of fully registered bonds in the denomination of \$5,000 or any integral multiple thereof, except one bond in the denomination of \$7,600. The bonds will be dated June 1, 1992, and will become due on March 1 in the years as follows:

Year	Principal Amount
1993	\$ 7,600
1994	10,000
1995	10,000
1996	10,000
1997	10,000
1998	10,000
1999	10,000
2000	15,000
2001	15,000
2002	20,000

The bonds will bear interest from the date thereof at rates to be determined when the bonds are sold as hereinafter provided, which interest will be payable semiannually on March 1 and September 1 in each year, beginning on March 1, 1993.

Paying Agent and Bond Registrar

Kansas State Treasurer, Topeka, Kansas.

Good Faith Deposit

Each bid shall be accompanied by a cashier's or certified check drawn on a bank located in the United States of America in the amount of \$2,352 (2 percent of the principal amount of the bonds).

Delivery

The issuer will pay for printing the bonds and will deliver the same properly prepared, executed and registered without cost to the successful bidder on or before June 3, 1992, at such bank or trust company in the state of Kansas or Kansas City, Missouri, as may be specified by the successful bidder.

Assessed Valuation and Indebtedness

The equalized assessed tangible valuation for computation of bonded debt limitations for the year 1991 is \$15,722,205. The total general obligation indebtedness of the issuer as of the date of the bonds, including the bonds being sold, is \$3,682,600, which includes temporary improvement notes in the principal amount of \$145,000 to be retired out of proceeds of the bonds and other available funds.

Approval of Bonds

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

Additional Information

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

Dated April 21, 1992.

City of Bel Aire, Kansas

Doc. No. 011921

(Published in the Kansas Register, April 30, 1992.)

Notice of Bond Sale**\$300,000****City of Paola, Kansas****General Obligation Bonds****Series A, 1992****Sealed Bids**

Sealed bids for the purchase of \$300,000 principal amount of General Obligation Bonds, Series A, 1992, of the city hereinafter described, will be received by the undersigned, city clerk of the city of Paola, Kansas, on behalf of the governing body of the city at City Hall, 19 E. Peoria St., Paola, until 4 p.m. C.D.T. on Tuesday, May 12, 1992. All bids will be publicly opened and read at said time and place and will be acted upon by the city immediately thereafter. No oral or auction bids will be considered.

Bond Details

The bonds will consist of fully registered bonds without coupons in the denomination of \$5,000 or any integral multiple thereof. The bonds will be dated as of May 1, 1992, and will become due serially on November 1 in the years as follows:

Year	Principal Amount
1993	\$15,000
1994	\$25,000
1995	\$25,000
1996	\$25,000
1997	\$30,000
1998	\$30,000
1999	\$30,000

2000	\$40,000
2001	\$40,000
2002	\$40,000

The bonds will bear interest at rates to be determined when the bonds are sold as hereinafter provided, which interest will be payable semiannually on May 1 and November 1 in each year, beginning May 1, 1993.

Place of Payment and Bond Registration

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

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

Conditions of Bids

Proposals will be received on the bonds bearing such rate or rates of interest as may be specified by the bidders, subject to the following conditions: The same rate shall apply to all bonds of the same maturity. Each interest rate specified shall be a multiple of $\frac{1}{8}$ or $\frac{1}{20}$ of 1 percent. No interest rate shall exceed the index of treasury bonds published by the weekly *Muni Week* in New York, New York, on the Monday next preceding the day on which the bonds are sold, plus 2 percent.

The difference between the highest rate specified and the lowest rate specified shall not exceed 2 percent. No supplemental interest payments will be authorized. No bid of less than the principal amount of the bonds and accrued interest will be considered. Each bid shall specify the total interest cost to the city during the life of the bond issue on the basis of such bid, the premium, if any, offered by the bidder, and the net interest cost to the city on the basis of such bid. Each bid shall also specify the average annual net interest rate to the city on the basis of such bid. Bidders shall specify in the bid form the prices (exclusive of accrued interest), expressed as a dollar price, at which the bidder intends that each maturity amount of the bonds shall be initially offered to the public (the initial reoffering prices).

Basis of Award

The award of the bonds will be made on the basis of the lowest net interest cost of the city, which will

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

Authorization, Purpose and Security for the Bonds

The bonds are being authorized and issued to permanently finance a portion of the costs of main sewer improvements in said city. The bonds will be general obligations of the city payable as to both principal and interest from ad valorem taxes which may be levied, without limitation as to rate or amount on all the taxable tangible property, real and person, within the territorial limits of the city, pursuant to K.S.A. 12-619 and 12-624.

Internal Revenue Code of 1986

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

The code includes interest on tax-exempt obligations, such as the bonds, in the adjusted current earnings of certain corporations in the calculation of alternative minimum taxable income with certain other adjustments. Furthermore, Section 59A of the code, as added by the Superfund Amendments and Reauthorization Act of 1986, provides for a new environmental tax generally based on corporate alternative minimum taxable income. The amount of the tax is equal to 0.12 percent of the excess of alternative minimum taxable income, without regard to net operating losses and the deduction for this tax, over \$2 million. The environmental tax is imposed whether or not the taxpayer is subject to the alternative minimum tax. The environmental tax may subject certain bondowners to additional taxation for interest earned on the bonds.

The code also requires property and casualty insurance companies to reduce the amount of their deductible underwriting losses by a percentage of the amount of tax-exempt interest received or accrued on such obligations.

With the exception of certain "qualified tax-exempt obligations," the code provides that banks and thrift institutions may not deduct any portion of the interest cost of purchasing or carrying tax-exempt obligations

(continued)

such as the bonds. The city does intend to designate the bonds as "qualified tax-exempt obligations" under Section 265 of the code.

Legal Opinion

The bonds will be sold subject to the legal opinion of Gilmore & Bell, Overland Park, Kansas, bond counsel, whose approving legal opinion as to the validity of the bonds will be furnished and paid for by the city, printed on the bonds and delivered to the successful bidder when the bonds are delivered. Said opinion will also state that in the opinion of bond counsel, assuming continued compliance by the city with the provisions of the ordinance authorizing the issuance of the bonds and the code, under existing law, the interest on the bonds is excludable from gross income for federal income tax purposes. Interest on the bonds will also be excludable from the computation of Kansas adjusted gross income.

Delivery and Payment

The city will pay for printing the bonds and will deliver the bonds, without cost to the successful bidder, properly prepared, executed and registered, on or about June 5, 1992, at such bank or trust company in the state of Kansas or greater Kansas City, Missouri, metropolitan area, as may be specified by the successful bidder. Delivery elsewhere will be at the bidder's expense. Said bidder will also be furnished with a certified transcript of the proceedings evidencing the authorization and issuance of the bonds and the usual closing documents, including a certificate that there is no litigation pending or threatened at the time of delivery of the bonds affecting their validity. Payment for the bonds shall be made in Federal Reserve funds, immediately subject to use by the city. The denomination of the bonds and the names, addresses and Social Security or taxpayer identification numbers of the registered owners shall be submitted in writing by the successful bidder to the city and bond registrar not later than 3 p.m. C.D.T. on May 22, 1992. In the absence of such information, the city will deliver bonds in the denomination of each maturity registered in the name of the successful bidder.

The successful bidder shall furnish the city by 3 p.m. C.D.T. on May 22, 1992, a certificate acceptable to the city's bond counsel to the effect that: (i) the successful bidder has made a bona fide public offering of the bonds at the initial reoffering prices; and (ii) a substantial amount of the bonds was sold to the public (excluding brokers and other intermediaries) at such initial reoffering prices. Such certificate shall state that: (1) it is made on the best knowledge, information and belief of the successful bidder; and (2) 10 percent or more in par amount of the bonds of each maturity was sold to the public at or below the initial reoffering prices (such amount being sufficient to establish the sale of a "substantial amount" of the bonds).

Good Faith Deposit

Each bid shall be accompanied by a cashier's or certified check drawn on a bank located in the United States of America in the amount of \$6,000, payable to

the order of the city to secure the city from any loss resulting from the failure of the bidder to comply with the terms of the bid. No interest will be paid upon the deposit made by the successful bidder. Said check shall be returned to the bidder if the bid is not accepted. If a bid is accepted, said check shall be held by the city until the bidder shall have complied with all of the terms and conditions of this notice, at which time said check shall, at the option of the city, be returned to the successful bidder or deducted from the purchase price. If a bid is accepted but the city shall fail to deliver the bonds to the bidder in accordance with the terms and conditions of this notice, said check shall be returned to the bidder. If a bid is accepted but the bidder shall default in the performance of any of the terms and conditions of this notice, the proceeds of such check shall be forfeited to the city, and the city reserves the right to pursue any consequential damages as a result of such default.

CUSIP Numbers

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

Bid Forms

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

Submission of Bids

Bids must be submitted in sealed envelopes addressed to the undersigned city clerk and marked "Proposal for the Purchase of General Obligation Bonds." Bids may be submitted by mail or delivered in person to the undersigned at Paola City Hall and must be received by the undersigned prior to 4 p.m. C.D.T. on Tuesday, May 12, 1992.

Assessed Valuation and Indebtedness

The total assessed valuation of the taxable tangible property (including motor vehicles) within the city for the year 1992 is \$19,529,191. The total general obligation bonded indebtedness of the city as of the date of the bonds, including the bonds, is \$3,055,000, including, as of the date of the bonds, temporary notes outstanding in the principal amount of \$75,000, of which the same will be retired out of the proceeds of the bonds herein offered for sale.

Dated April 14, 1992.

The City of Paola, Kansas
By: Jill Ann Holmes
City Clerk
City Hall
19 E. Peoria St.
Paola, KS 66071
(913) 294-2397

Doc. No. 011900

State of Kansas

State Employees Health Care Commission

Notice of Meeting

The Kansas State Employees Health Care Commission will meet at 11:30 a.m. Monday, May 4, at the SRS Staff Development Training Center, Room C, 300 S.W. Oakley, Topeka State Hospital Grounds (north on Oakley—second building to the north from Oakley entrance), Topeka.

Robert C. Harder
Chairman

Doc. No. 011911

(Published in the Kansas Register, April 30, 1992.)

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

Notice is hereby given pursuant to Section 3.01 of the Indenture dated as of February 1, 1980, and as amended by the First Supplemental Indenture dated April 1, 1989, that \$600,000 principal amount of bonds has been drawn pro-rata among maturities and by lot for redemption at par on June 1, 1992.

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

AM7	889	1902	2492	2810
476	894	1929	2516	2859
504	AT2	2018	2520	2862
509	930	2035	2549	2877
AN5	946	2041	2560	2883
534	961	2054	2564	2886
548	983	2066	2571	2936
579	1013	2071	2609	2941
AP0	1023	2092	2639	2949
587	AU9	2095	2660	2960
601	1057	2150	2664	2974
647	1089	2160	2667	2976
AQ8	1095	2197	2677	3005
666	1098	2212	2682	3043
700	1123	2226	2687	3044
702	1125	2231	2704	3045
AR6	1138	2260	2736	3046
772	AW5	2306	2740	3051
784	1706	2350	2758	3090
793	1731	2356	2760	3129
799	1744	2364	2773	3130
AS4	1777	2366	2791	3162
838	1804	2384	2794	
853	1867	2409	2805	
884	1901	2448		

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

Bond Number	Par Value	Amount Called	Suffix
R195	\$20,000	\$5,000	AP0
R178	15,000	5,000	AQ8
R247	5,000	5,000	AR6
R232	5,000	5,000	AS4
R216	20,000	5,000	AW5
R236	20,000	10,000	AW5
R242	30,000	5,000	AW5

Bonds with the June 1, 1992, coupons and all subsequent coupons attached should be presented to one of the offices of the paying agents:

By Mail:

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

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

By Hand Delivery:

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

To assure prompt payment of the redemption price, bond certificates should be sent, unendorsed, approximately two weeks before June 1, 1992, to the above Continental Bank address. The method of delivery of the bonds for payment is at the election and risk of the holder, but if sent by mail, insured, registered or certified mail, return receipt requested, is recommended.

Although registered bondholders have the option of presenting bonds to the Kansas paying agent, there will be a delay in the issuance of bonds for any unredeemed portion unless such presentment is made to the principal paying agent in Chicago. Accordingly, the registered bonds which have been called in part should be presented to the paying agent in Chicago at the address given above.

Where fully registered bond is redeemed in part, a new fully registered bond for the unredeemed portion will be issued and returned without charge. Interest on the bonds or portions of the bonds called for redemption will cease to accrue on June 1, 1992.

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

Dated April 30, 1992.

By: Continental Bank, National Association
as Trustee for Crawford County, Kansas

Doc. No. 011920

State of Kansas

Department of Education

Notice of Available Federal Funding

Pursuant to Section 723, Subtitle VII-B of the Stewart B. McKinney Homeless Assistance Amendments Act of 1990 (P.L. 101-645), notification of available federal funding for the education of homeless children and youth is announced.

The McKinney Act provides federal financial assistance to state educational agencies to facilitate the enrollment, attendance, and success of homeless children and youth in school. The state anticipates receiving approximately \$110,000 to fund not more than 10 local educational agency projects. Applications will be accepted through June 8.

For further information and applications, contact Sandy Suttle, Program Support Services, Kansas State Board of Education, 120 S.E. 10th, Topeka 66612, (913) 296-6066.

Dr. Lee Droegemueller
Commissioner of Education

Doc. No. 011913

(Published in the Kansas Register, April 30, 1992.)

IRREVOCABLE NOTICE OF CALL FOR REDEMPTION TO THE OWNERS OF

City of Wichita, Kansas

General Obligation Bonds, Series 688

You are hereby advised that the City of Wichita, Kansas (the "City"), has directed a call for redemption and payment prior to their respective maturities, under the provisions of Section 1 of Ordinance No. 37-871 of the City, of the City's General Obligation Bonds, Series 688, dated June 1, 1982, which mature June 1, 1993, and thereafter (which Bonds are more specifically described below). The date established for such redemption and payment, subject to any provisions and limitations set forth herein, is June 1, 1992 (the "Redemption Date").

The Series 688 Bonds called for redemption and payment on the Redemption Date are numbered, mature and bear interest as follows:

Bond Numbers (Inclusive)	Maturity Date	Aggregate Principal Amount	Interest Rate	CUSIP No.'s
1608 to 1875	6-1-93	\$1,340,000	10.60%	967240 DS8
1876 to 2170	6-1-94	\$1,475,000	10.80%	967240 DT6
2171 to 2496	6-1-95	\$1,630,000	8.50%	967241 AT7
2497 to 2856	6-1-96	\$1,800,000	8.50%	967241 AU7
2857 to 3252	6-1-97	\$1,980,000	8.50%	967241 AV2

The Series 688 Bonds described above shall become due and payable on the Redemption Date at a price (expressed as a percentage of the principal amount) of 102%, plus accrued interest for the 6-month period from December 1, 1991 to the Redemption Date. Interest shall cease to accrue on the Series 688 Bonds so called for redemption from and after June 1, 1992.

On the Redemption Date, the Series 688 Bonds shall become due and payable at the offices of either of the Co-Paying Agents, The Chase Manhattan Bank, N.A., 4 Chase Metro Tech Center, Brooklyn, NY 11245, or Kansas State Bank & Trust Company, KSB&T Building, 123 North Market, P. O. Box 2, Wichita, Kansas 67201-0002.

The Trustee shall not be responsible for the selection or use of the CUSIP number, nor is any representation made as to its correctness indicated in the Redemption Notice or on any Bond. It is included solely for convenience of the Holders.

Under the provisions of the Interest and Dividend Tax Compliance Act of 1983, paying agents making payments of interest or principal on municipal securities may be obligated to withhold a 20 percent tax from remittances to individuals who have failed to furnish the paying agent with a valid taxpayer identification number. Owners of the Series 688 Bonds who wish to avoid the imposition of the tax should submit certified taxpayer identification numbers when presenting Series 688 Bonds for payment.
Dated April 23, 1992.

Kansas State Bank & Trust Company
Wichita, Kansas, Paying Agent

Doc. No. 011907

(Published in the Kansas Register, April 30, 1992.)

Notice of Redemption
Franklin County, Kansas
Certificate of Participation Series 1991
(Ransom Hospital Project)

Notice is hereby given that \$1,750,000 principal amount of bonds are called for redemption on June 1, 1992, at the price of 105 percent of the principal amount being redeemed plus accrued interest thereon to the redemption date. This is a full call.

On June 1, 1992, all bonds outstanding are designated for redemption and will become due and payable upon presentation thereof at the address given below. On and after June 1, 1992, interest on the principal amount called for redemption shall cease to accrue.

The bonds, along with IRS form W-9 (verification of taxpayer identification number), may be presented for payment in person or by mail at the Merchants National Bank of Topeka, Attn: Corporate Trust, 800 S.W. Jackson, P.O. Box 178, Topeka, KS 66612.

Franklin County, Kansas

Doc. No. 011926

(Published in the Kansas Register, April 30, 1992.)

Notice of Call for Redemption
to the holders of
State Board of Regents
Fort Hays State University
Physical Education Building Revenue Bonds
Series 1970, Dated December 1, 1970

Notice is hereby given pursuant to the provisions of Section 8 of the resolution of the Kansas State Board of Regents (the issuer) that the above mentioned bonds maturing December 1, 1992, and thereafter and all unmatured coupons appurtenant thereto (the called bonds), have been called for redemption and payment on June 1, 1992 (the redemption date), at the principal office of the Kansas State Treasurer (the paying agent).

Bond Nos.	Maturity Date	Principal Amount	Interest Rate	Cusip Nos.
708-770	12/1/1992	\$315,000	6.90%	347424HS5
771-842	12/1/1993	360,000	6.90%	347424HT3
920-1000	12/1/1995	405,000	5.50%	347424HV8

On the redemption date there shall become due and payable, upon the presentation and surrender of each such called bond, the redemption price thereof equal to 100.5 percent of the principal amount thereof together with interest accrued to the redemption date. Interest shall cease to accrue on the bonds so called for redemption from and after the redemption date provided such funds for redemption are on deposit with the paying agent.

Kansas State Board of Regents
By: Kansas State Treasurer
Topeka, Kansas

Doc. No. 011906

(Published in the Kansas Register, April 30, 1992.)

**Notice of Redemption
City of Westwood, Kansas
Industrial Revenue Bonds
Series 1978**

(Great Atlantic and Pacific Tea Co.)

Notice is hereby given that \$55,000 principal amount of bonds, as listed below, are called for redemption on June 1, 1992, at the price of 100 percent of the principal amount being redeemed plus accrued interest thereon to the redemption date. The outstanding amount for this issue remaining after this call is \$910,000. Term bonds to be redeemed are as follows:

Term Bonds

June 1, 2003 Cusip 961774 AK2

75 90 102 112 154 161 175 188 217 253 268

On June 1, 1992, all bonds designated for redemption will become due and payable upon presentation thereof at the address given below. On and after June 1, 1992, interest on the principal amount called for redemption shall cease to accrue. The bonds, along with IRS form W-9 (verification of taxpayer identification number), may be presented for payment in person or by mail at the Merchants National Bank of Topeka, Attn: Corporate Trust, 800 S.W. Jackson, P.O. Box 178, Topeka, KS 66612.

City of Westwood, Kansas

Doc. No. 011925

(Published in the Kansas Register, April 30, 1992.)

**Notice of Call for Redemption
to the owners of
City of Larned, Kansas
Industrial Revenue Bonds
(Hammond Holiday Home, Inc.)
\$1,850,000 Series 1980**

Notice is hereby given that the above-mentioned bonds maturing December 1, 1993, and thereafter have been called for redemption and payment on June 1, 1992 (the redemption date), at the principal corporate trust office of The Southwest National Bank of Wichita, P.O. Box 1401, 400 E. Douglas, Wichita, KS 67201 (the paying agent).

Maturity Date	Principal Amount	Interest Rate
12/1/99	\$1,370,000	9 1/2%

On such redemption date there shall become due and payable, upon the presentation and surrender of each such bond, the redemption price thereof equal to 3 percent of the principal amount of each bond together with interest accrued to the redemption date. Interest shall cease to accrue on the bonds so called for redemption from and after June 1, 1992, provided such funds for redemption are on deposit with the paying agent.

Under the provisions of the Interest and Dividend Tax Compliance Act of 1983, paying agents making

payments of interest or principal on corporate securities or making payments of principal on municipal securities may be obligated to withhold a 20 percent tax from remittances to individuals who have failed to furnish the paying agent with a valid taxpayer identification number. Holders of the Series A, 1987 Bonds who wish to avoid the imposition of the tax should submit certified taxpayer identification numbers when presenting the bonds for payment.

The Southwest National Bank of Wichita
Fiscal Agent for the
City of Larned, Kansas
P.O. Box 1401
Wichita, KS 67201

Doc. No. 011942

(Published in the Kansas Register, April 30, 1992.)

**Notice of Redemption
City of Fort Scott, Kansas
Industrial Development Revenue Bonds
(Peerless Products, Inc. Project)
Series June 1, 1977**

Notice is hereby given that pursuant to Section 4(b) of Ordinance No. 2650 of the city of Fort Scott, Kansas (issuer), dated June 17, 1977, the issuer has called for redemption on June 1, 1992 (the redemption date), all of the outstanding series June 1, 1977 Bonds having a maturity date of June 1, 1993, and thereafter. All outstanding bonds shall have a redemption price of 102 1/2 percent of the principal amount thereof. All outstanding bonds are to be paid interest accrued thereon to the redemption date.

On and after June 1, 1992, interest on the Series June 1, 1977 Bonds shall cease to accrue.

Upon presentation and surrender of the coupon bonds to be redeemed with all appurtenant coupons maturing after the redemption date, payment of the redemption price thereof will be made on or after June 1, 1992. Coupons maturing on and prior to the redemption date should be detached and surrendered for payment in the usual manner.

The June 1, 1977 Bonds called for redemption should be surrendered for payment of the redemption price on or before the redemption date to the Highland Park Bank & Trust, Trust Department, 2100 S.E. 29th, P.O. Box 5228, Topeka, KS 66605-2460.

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

Dated May 1, 1992.

Highland Park Bank & Trust
as Trustee

Doc. No. 011941

State of Kansas

State Corporation Commission

Notice of Hearing

The State Corporation Commission has directed that a hearing be conducted (pursuant to K.S.A. 1991 Supp. 55-603, 55-604, 55-703, and K.S.A. 55-703a) to allow the following to show cause as to why their basic proration orders should not be dissolved.

- In the matter of establishing a well spacing pattern in the Viola Oil Reservoir of the Foley Field, Stafford County, Kansas, and for the establishment of appropriate allowables for wells drilled therein, affecting the S/2 of Section 7; S/2 of Section 8, all of Sections 17, 18, 19 and 20, Township 25 South, Range 14 West; and the SE/4 of Section 12; E/2 of Section 13; and E/2 of Section 24, Township 25 South, Range 15 West, Stafford, County, Kansas. Docket No. 65-898-C (C-8642).
- In the matter of establishing a well spacing pattern in the Lansing-Kansas City Oil Reservoir of the Foley Field, Stafford County, Kansas, and for the establishment of appropriate allowables for wells drilled therein, affecting the S/2 of Section 7, S/2 of Section 8, all of Sections 17, 18, 19 and 20, Township 25 South, Range 14 West; and the SE/4 of Section 12; E/2 of Section 13, Township 25 South, Range 15 West, Stafford County, Kansas. Docket No. 65,899-C (C-8643).
- In the matter of establishing a well spacing pattern in the Mississippi Oil Reservoir of the Foley Field, Stafford County, Kansas, and for the establishment of appropriate allowables for wells drilled therein, affecting all of Sections 17, 18, 19 and 20, Township 25 South, Range 14 West; and the E/2 of Section 13, Township 25 South, Range 15 West, Stafford County, Kansas. Docket No. 67,487-C (C-9061).
- In the matter of establishing a well spacing pattern in the Mississippi Oil Reservoir of the Guzzlers Gulch Mississippi Pool, Ness County, Kansas, and for the establishment of appropriate allowables for wells drilled therein, affecting all of Sections 23, 24, 25 and 26, Township 20 South, Range 25 West, Ness County, Kansas. Docket No. 61,194-C (C-7342)
- In the matter of establishing a well spacing pattern in the Mississippi Oil Reservoir of the Kleweno Field, Ness County, Kansas, and for the establishment of appropriate allowables for wells drilled therein, affecting Sections 7, 18 and 19, Township 17 South, Range 21 West; and Sections 11, 12, 13, 14, 23 and 24, Township 17 South, Range 22 West, Ness County, Kansas. Docket No. 71,042-C (C-10,104).
- In the matter of establishing a well spacing pattern in the Mississippi Oil Reservoir of the Mount Carmel Field, Ness County, Kansas, and for the establishment of appropriate allowables for wells drilled therein, affecting all of Section 19, Township 20 South, Range 21 West, Ness County, Kansas. Docket No. 79,581-C (C-12,879).
- In the matter of establishing rules and regulations relating to the formation of drilling units, well spacing, and location, production, sale and conservation of oil in the Mississippian formation in certain lands in Ness County, Kansas, affecting the SE/4 of Section 18; S/2 of Section 17; SW/4 of Section 16; all of Section 20; W/2 of Section 21; NE/4 of Section 30; N/2 of Section 29; and the NW/4 of Section 28, Township 20 South, Range 21 West, Ness County, Kansas. Docket No. 89,818-C (C-15,666).
- In the matter of establishing a well spacing pattern in the Cherokee Oil Reservoir of the Start Field, Ness and Rush counties, Kansas, and for the establishment of appropriate allowables for wells drilled therein, affecting the W/2 of Section 7 and the N/2 NW/4 of Section 18, Township 17 South, Range 20 West, Rush County, Kansas; and the NE/4 of Section 11, all of Section 12, and the E/2 NW/4 and NE/4 of Section 13, Township 17 South, Range 21 West, Ness County, Kansas. Docket Nos. 78-286-C (C-12,489), 79-891-C (C-13,015), and 81,869-C (C-13,558).
- In the matter of establishing a well spacing pattern in the Cherokee Oil Reservoir of the McCracken, North Field, Rush and Ness counties, Kansas, and for the establishment of appropriate allowables for wells drilled therein, affecting the S/2 NW/4, NE/4 and S/2 of Section 18 and the N/2 N/2 of Section 19, Township 17 South, Range 20 West, Rush County, Kansas; and the SE/4 of Section 13 and the NE/4 of Section 24, Township 17 South, Range 21 West, Ness County, Kansas. Docket Nos. 70-346-C (C-9895) and 79,981-C (C-13,015).
- In the matter of establishing a well spacing pattern in the Pennsylvania Oil Reservoir of the Arnold Southwest Field, Ness County, Kansas, and for the establishment of appropriate allowables for wells drilled therein, affecting the SE/4 of Section 19, all of Section 20, SW/4 of Section 21, all of Sections 28 and 29, all of Section 30, all of Section 31, all of Section 32, and the W/2 and NE/4 of Section 33, Township 16 South, Range 25 West, Ness County, Kansas. Docket Nos. 66,762-C (C-8884) and 72,210-C (C-10,461).
- In the matter of establishing a well spacing pattern in the Mississippi Oil Reservoir of the Arnold Southwest Field, Ness County, Kansas, and for the establishment of appropriate allowables for wells drilled therein, affecting the SE/4 of Section 19, all of Section 20, SW/4 of Section 21, SE/4 and W/2 of Section 28, all of Section 29, all of Section 30, all of Section 31, all of Section 32, and the W/2 and NE/4 of Section 33, Township 16 South, Range 25 West, Ness County, Kansas. Docket No. 67,110-C (C-8963) and 72,210-C (C-10,461).
- In the matter of establishing a well spacing pattern in the Marmaton Oil Reservoir of the Arnold North Field, Ness County, Kansas, and for the establishment of appropriate allowables for wells drilled therein, affecting all of Sections 2, 3, 4, 9, 10 and 11, Township 16 South, Range 25 West, Ness County, Kansas. Docket No. 75,163-C (C-11,443).

- In the matter of establishing a well spacing pattern in the Mississippi Oil Reservoir of the Arnold North Field, Ness County, Kansas, and for the establishment of appropriate allowables for wells drilled therein, affecting all of Sections 2, 4, 9, 10 and 11, Township 16 South, Range 25 West, Ness County, Kansas. Docket Nos. 75,162-C (C-11,442) and 148,826-C (C-21,425).
- In the matter of establishing a well spacing pattern in the Morrow Oil and Gas Reservoir of the Lemon NE Field, in Haskell County, Kansas, and for the establishment of appropriate allowables for wells drilled therein, affecting Sections 19 and 30, Township 29 South, Range 32 West; and Sections 11, 14, 23, 24, 25, 26 and 27, Township 29 South, Range 33 West, Haskell County, Kansas. Docket No. 79,602-C (C-12,888).
- In the matter of establishing a well spacing pattern in the Morrow Oil and Gas Reservoir of the Lemon Northwest Field, in Haskell County, Kansas, and for the establishment of appropriate allowables for wells drilled therein, affecting Sections 3, 4, 5, 6, 7, 8, 9, 10, 15, 16, 17, 18, 19, 20, 21, 22, 27, 28, 33 and 34, Township 30 South, Range 33 West; and Sections 1, 12, 13 and 24, Township 30 South, Range 34 West, Haskell County, Kansas. Docket No. 75,455-C (C-11,574).
- In the matter of establishing a well spacing pattern in the Cherokee Oil and Gas Reservoir of the Lemon NE Field, Haskell County, Kansas, and for the establishment of appropriate allowables for wells drilled therein, affecting Sections 7, 18, 19 and 30, Township 29 South, Range 32 West; and sections 11, 12, 13, 14, 22, 23, 24, 25, 26 and 27, Township 29 South, Range 33 West, Haskell County, Kansas. Docket No. 79,601-C (C-12,887).
- In the matter of establishing rules and regulations relating to the production, sale, and conservation of natural gas and crude oil in the Kansas City "B" reservoir of the Lemon North Field in Haskell County, Kansas, affecting Sections 20, 21, 22, 23, 26, 27, 28, 29, 32, 33, 34 and 35, Township 29 South, Range 33 West, Haskell County, Kansas. Docket No. 71,408-C (C-10,217).
- In the matter of establishing a well spacing pattern and well location restrictions in the Lorraine-Waubunsee Pool, Ellsworth County, Kansas, and for the establishment of appropriate allowables for wells drilled therein, affecting all of Sections 6, 7 and 18, Township 17 South, Range 08 West; all of Sections 1, 2, 11, 12 and 13, Township 17 South, Range 09 West; all of section 31, Township 16 South, Range 08 West; and all of Sections 35 and 36, Township 16 South, Range 09 West, Ellsworth County, Kansas. Docket No. 100,017-C (C-17,205).
- In the matter of the application for a spacing order in a common source of gas in the Lansing-Kansas City formation in Ellsworth County, Kansas, affecting all of Sections 7, 17, 18, 19, 20, 29 and 30, and the W/2 of Section 28, Township 15 South, Range 08 West, Ellsworth County, Kansas. Docket No. 105,035-C (C-17,864).
- In the matter of establishing rules and regulations relating to the production, sale, and conservation of natural gas and crude oil in the Sperling Mississippi Pool of Harvey County, Kansas, affecting the SE/4 of Section 22, S/2 of Section 23, SW/4 of Section 24, W/2 of Section 25, all of Section 26, E/2 of Section 27, NE/4 of Section 34 and NW/4 of Section 35, Township 22 South, Range 02 West, Harvey County, Kansas. Docket No. 66,318-C (C-8752).
- In the matter of establishing rules and regulations relating to the production, sale, and conservation of natural gas in the Chaffee Arbuckle Gas Pool of Barton County, Kansas, affecting all of Section 31, Township 19 South, Range 13 West; all of Section 36, Township 19 South, Range 14 West; all of Section 06, Township 20 South, Range 13 West; and all of Section 01, Township 20 South, Range 14 West; Barton County, Kansas. Docket No. 72,715-C (C-10,677).
- In the matter of establishing rules and regulations relating to the formation of drilling units, well spacing and location, production, sale and conservation of gas in the Chase Group of the Permian System in certain lands in Barton County, Kansas, affecting all of Sections 19, 20, 21, 28, 29, 30, 31, 32 and 33, Township 20 South, Range 11 West, Barton County, Kansas. Docket No. 98,978-C (C-17,058).
- In the matter of establishing a well spacing pattern in the Mississippi Oil and Gas Reservoir of the Eubank Field, in Haskell County, Kansas, and for the establishment of appropriate allowables for wells drilled therein, affecting all of Township 28 South, Range 34 West; all of Township 29 South, Range 34 West; and Sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11 and 12, Township 30 South, Range 34 West, Haskell County, Kansas. Docket No. 65,758-C (C-8619).
- In the matter of establishing a well spacing pattern in the Morrow Oil and Gas Reservoir of the Eubank Field in Haskell County, Kansas, and for the establishment of appropriate allowables for wells drilled therein, affecting Sections 1 and 2, the E/2 of Section 3, the W/2 of Section 5, the NW/4 and S/2 of Section 8, the S/2 of Section 9, the NE/4 and S/2 of Section 10, and all of Sections 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, and 36, Township 28 South, Range 34 West; all of Township 29 South, Range 34 West; and Sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11 and 12, Township 30 South, Range 34 West, Haskell County, Kansas. Docket No. 65,-757-C (C-8618).
- In the matter of establishing rules and regulations relating to acreage and well spacing for the production of natural gas in the Eubank Toronto-Lansing "A" Limestone Pool, Haskell County, Kansas, affecting all of Townships 28 and 29 South, and Sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11 and 12, Township 30 South, Range 34 West, Haskell County, Kansas. Docket No. 65,394-C (C-8512).

(continued)

- In the matter of establishing rules and regulations relating to acreage and well spacing for the production of natural gas in the Eubank Kansas City "B" Limestone Pool, Haskell County, Kansas, affecting all of Townships 28 and 29 South, and Sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11 and 12, Township 30 South, Range 34 West, Haskell County, Kansas. Docket No. 65,395-C (C-8513).

The hearing will be at 9 a.m. Thursday, May 21, in the third floor hearing room, 300 Colorado Derby Building, 202 W. 1st, Wichita. Further information can be obtained by contacting William J. Wix, Assistant General Counsel, State Corporation Commission, Conservation Division, 202 W. 1st, Wichita 67202, (316) 263-3238.

Judith McConnell
Executive Director

Doc. No. 011903

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 30, 1992.)

HOUSE BILL No. 3169

AN ACT relating to insurance; establishing the insurance department service regulation fund; authorizing the commissioner of insurance to assess insurers for maintenance and expenses of insurance department; amending K.S.A. 40-218 and 40-246c and K.S.A. 1991 Supp. 40-2,133, 40-4103, 40-4116 and 40-4203 and repealing the existing sections.

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

New Section 1. (a) For the purpose of maintaining the insurance department and the payment of expenses incident thereto, there is hereby established the insurance department service regulation fund in the state treasury which shall be administered by the commissioner of insurance. All expenditures from the insurance department service regulation fund shall be made in accordance with appropriation acts upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the commissioner of insurance or by a person or persons designated by the commissioner.

(b) On and after the effective date of this act, all fees received by the commissioner of insurance pursuant to any statute and the portion of taxes received pursuant to K.S.A. 1991 Supp. 40-252 and amendments thereto, which is certified by the commissioner of insurance to be necessary for the purposes of the insurance department service regulation fund and which, together with the total amount of fees deposited to the credit of the insurance department service regulation fund pursuant to this subsection, does not total more than \$4,800,000 for any fiscal year, shall be remitted to the state treasurer for deposit in the state treasury and credited to the insurance department service regulation fund. The total amount credited to the insurance department service regulation fund pursuant to this subsection for any fiscal year shall not exceed \$4,800,000.

(c) Except as otherwise provided by this section, the commissioner of insurance shall make an annual assessment for the fiscal

year ending June 30, 1993, and for each fiscal year thereafter, on each group of affiliated insurers whose certificates of authority to do business in this state are in good standing at the time of the assessment. The total amount of all such assessments for a fiscal year shall be equal to the amount sufficient which, when combined with the total amount to be credited to the insurance department service regulation fund pursuant to subsection (b) is equal to the amount approved by the legislature to fund the insurance company regulation program. With respect to each group of affiliated insurers, such assessment shall be in proportion to the amount of total assets of the group of affiliated insurers as reported to the commissioner of insurance pursuant to K.S.A. 1991 Supp. 40-225 and amendments thereto for the immediately preceding calendar year, shall not be less than \$500 and shall not be more than the amount equal to .0000015 of the amount of total assets of the group of affiliated insurers or \$25,000, whichever is less. The total assessment for any fiscal year after the fiscal year ending June 30, 1993, shall not increase by any amount greater than 15% of the total budget approved by the legislature to fund the insurance company regulation program for the fiscal year immediately preceding the fiscal year for which the assessment is made. In the event the total amount of the assessment would be less than the aggregate amount resulting by assessing the \$500 minimum on each insurer, the commissioner may establish a lower minimum to be assessed equally on each insurer.

(d) Assessments payable under this section shall be past due if not paid to the insurance department within 45 days of the billing date of such assessment. A penalty equal to 10% of the amount assessed shall be imposed upon any past due payment and the total amount of the assessment and penalty shall bear interest at the rate of 1.5% per month or any portion thereof.

(e) On or after July 1, 1992, when there exists in the insurance department service regulation fund a deficiency which would render such fund temporarily insufficient during any fiscal year to meet the insurance department's funding requirements, the commissioner of insurance shall certify the amount of the insufficiency. Upon receipt of any such certification, the director of accounts and reports shall transfer an amount of moneys equal to the amount so certified from the state general fund to the insurance department service regulation fund. On June 30 of any fiscal year during which an amount or amounts are certified and transferred under this subsection, the director of accounts and reports shall provide for the repayment of the amounts so transferred and shall transfer the amount equal to the total of all such amounts transferred during the fiscal year from the insurance department service regulation fund to the state general fund.

(f) Any unexpended balance in the insurance department service regulation fund at the close of a fiscal year shall remain credited to the insurance department service regulation fund for use in the succeeding fiscal year and shall be used to reduce future assessments or to accommodate cash flow demands on the fund.

(g) The commissioner of insurance shall exempt the assessment of any insurer which, as of December 31 of the calendar year preceding the assessment, has a surplus of less than two times the minimum amount of surplus required for a certificate of authority on and after May 1, 1994, and which is subject to the premium tax liability imposed on insurers organized under the laws of this state. The commissioner of insurance may also exempt or defer, in whole or in part, the assessment of any other insurer if, in the opinion of the commissioner of insurance, immediate payment of the total assessment would be detrimental to the solvency of the insurer.

(h) As used in this section:

(1) "Affiliates" or "affiliated" has the meaning ascribed by K.S.A. 1991 Supp. 40-3302 and amendments thereto;

(2) "group" or "group of affiliated insurers" means the affiliated insurers of a group and also includes an individual, unaffiliated insurer; and

(3) "insurer" means any insurance company, as defined by K.S.A. 40-201 and amendments thereto, any fraternal benefit society, as defined by K.S.A. 1991 Supp. 40-738 and amendments thereto, any reciprocal or interinsurance exchange under K.S.A. 40-1601 through 40-1614 and amendments thereto, any mutual insurance company organized to provide health care provider liability insurance under K.S.A. 1991 Supp. 40-12a01 through 40-12a09 and amendments thereto, any mutual nonprofit hospital service corporation under

K.S.A. 40-1801 through 40-1816 and amendments thereto, any non-profit medical service corporation under K.S.A. 40-1901 through 40-1915 and amendments thereto, any nonprofit dental service corporation under K.S.A. 40-19a01 through 40-19a14 and amendments thereto, any nonprofit optometric service corporation under K.S.A. 40-19b01 through 40-19b14 and amendments thereto, any nonprofit medical and hospital service corporation under K.S.A. 40-19c01 through 40-19c11 and amendments thereto, any health maintenance organization, as defined by K.S.A. 40-3202 and amendments thereto, or any captive insurance company, as defined by K.S.A. 1991 Supp. 40-4301 and amendments thereto, which is authorized to do business in Kansas.

Sec. 2. On July 1, 1992, K.S.A. 40-218 is hereby amended to read as follows: 40-218. Every insurance company, or fraternal benefit society, on applying for authority to transact business in this state, and as a condition precedent to obtaining such authority, shall file in the insurance department its written consent, irrevocable, that any action or garnishment proceeding may be commenced against such company or fraternal benefit society in the proper court of any county in this state in which the cause of action shall arise or in which the plaintiff may reside by the service of process on the commissioner of insurance of this state, and stipulating and agreeing that such service shall be taken and held in all courts to be as valid and binding as if due service had been made upon the president or chief officer of such corporation. Such consent shall be executed by the president and secretary of the company, authenticated by the seal of the corporation, and shall be accompanied by a duly certified copy of the order or resolution of the board of directors, trustees or managers authorizing the president and secretary to execute the same. The summons, accompanied by a fee of ~~three dollars~~ (\$3) \$25, shall be directed to the commissioner of insurance, and shall require the defendant to answer by a certain day, not less than ~~forty~~ (40) 40 days from its date.

Such summons, and a certified copy of the petition shall be forthwith forwarded by the clerk of the court to the commissioner of insurance, who shall immediately forward a copy of the summons and the certified copy of the petition, to the secretary of the company or fraternal benefit society sued, and a copy of the summons to the general agent of the company or fraternal benefit society if any such agent resides in this state; and thereupon the commissioner of insurance shall make return of the summons to the court from whence it issued, showing the date of its receipt by him, the date of forwarding such copies, and the name and address of each person to whom he forwarded a copy. Such return shall be under his hand and seal of office, and shall have the same force and effect as a due and sufficient return made by the sheriff on process directed to him. The said commissioner of insurance shall keep a suitable record in which he shall docket every action commenced against an insurance company, the time when commenced, the date and manner of service; also the date of the judgment, its amount and costs, and the date of payment thereof, which shall be certified from time to time by the clerk of the court.

Sec. 3. On July 1, 1992, K.S.A. 40-246c is hereby amended to read as follows: 40-246c. Each licensed agent shall file with the commissioner on or before March 1 of each year a statement on a form prescribed by the commissioner, accounting for the gross premiums upon all policies written on risks situated in this state up to January 1 in each year for the year next preceding and the licensee shall transmit to the commissioner, with such affidavit or statement, a sum equal to ~~4%~~ 6% of the gross premiums upon all policies procured by such agent on risks situated in this state written under the provisions of this act. Any individual placing a policy with an insurer not authorized to do business in this state on a risk domiciled in a state other than this state, but also covering a risk or location in Kansas, shall file with the commissioner a statement in the form prescribed by the commissioner, describing the risk and shall pay to the commissioner a sum equal to ~~4%~~ 6% of the portion of the premium applicable to the risk located in Kansas within 120 days after writing the risk. The individual responsible for filing the statement shall be the agent who signs the policy or the agent of record with the company. The commissioner of insurance shall collect double the amount of tax herein provided from any licensee or other responsible individual as herein described who shall fail, refuse or neglect to transmit the required affidavit or statement or shall fail

to pay the tax imposed by this section, to the commissioner within the period specified.

Sec. 4. On July 1, 1992, K.S.A. 1991 Supp. 40-2,133 is hereby amended to read as follows: 40-2,133. (a) No insurer may utilize or continue to utilize the services of an MGA on and after the effective date of this act unless such utilization is in compliance with this act.

(b) The insurer shall have on file an independent financial examination in a form acceptable to the commissioner of each MGA with which it has done business.

(c) If an MGA establishes loss reserves, the insurer shall annually obtain the opinion of an actuary attesting to the adequacy of loss reserves established for losses incurred and outstanding on business produced by the MGA. Such requirement shall be in addition to any other required loss reserve certification.

(d) The insurer shall periodically, but not less frequently than semi-annually, conduct an on-site review of the underwriting and claims processing operations of the MGA.

(e) Binding authority for all reinsurance contracts or participation in insurance or reinsurance syndicates shall rest with an officer of the insurer who shall not be affiliated with the MGA.

(f) Within 30 days of entering into or termination of a contract with an MGA, the insurer shall provide written notification of such appointment or termination to the commissioner. Notices of appointment of an MGA shall include (1) a statement of duties which the applicant is expected to perform on behalf of the insurer, (2) the lines of insurance for which the applicant is to be authorized to act, (3) a notification fee in the amount of \$100, (4) and any other information the commissioner may request.

(g) An insurer shall each quarter review its books and records to determine if any agent or broker has become, by operation of subsection (d) of K.S.A. ~~1990~~ 1991 Supp. 40-2,130 and amendments thereto, an MGA as defined in that subsection. If the insurer determines that an agent or broker has become an MGA pursuant to the above, the insurer shall promptly notify the agent or broker and the commissioner of such determination, and the insurer and agent or broker shall fully comply with the provisions of this act within 30 days.

(h) An insurer shall not appoint to its board of directors an officer, director, employee or controlling shareholder of its MGAs. This subsection shall not apply to relationships governed by the applicable provisions of article 33 of chapter 40 of the Kansas Statutes Annotated.

Sec. 5. On July 1, 1992, K.S.A. 1991 Supp. 40-4103 is hereby amended to read as follows: 40-4103. Risk retention groups chartered in states other than this state seeking to do business as a risk retention group in this state shall observe and abide by the laws of this state as follows:

(a) *Notice of operations and designation of commissioner as agent.* Before offering insurance in this state, a risk retention group shall submit to the commissioner:

(1) A statement identifying the state or states in which the risk retention group is chartered and licensed as a liability insurance company, date of chartering, its principal place of business and such other information including information on its membership, as the commissioner of this state may require to verify that the risk retention group is qualified under subsection (k) of K.S.A. 40-4101 and amendments thereto;

(2) a copy of its plan of operations or a feasibility study and revisions of such plan or study submitted to its state of domicile; but the provision relating to the submission of a plan of operation or a feasibility study shall not apply with respect to any line or classification of liability insurance which:

(A) Was defined in the product liability risk retention act of 1981 before October 27, 1986; and

(B) was offered before such date by any risk retention group which had been chartered and operating for not less than three years before such date;

(3) a statement of registration which designates the commissioner as its agent for the purpose of receiving service of legal documents or process; and

(4) a notification fee in the amount of \$250.

(b) *Financial condition.* Any risk retention group doing business in this state shall submit to the commissioner:

(continued)

(1) A copy of the group's financial statement submitted to its state of domicile, which shall be certified by an independent public accountant and contain a statement of opinion on loss and loss adjustment expense reserves made by a member of the American academy of actuaries or a qualified loss reserve specialist (under criteria established by the national association of insurance commissioners);

(2) a copy of each examination of the risk retention group as certified by the commissioner or public official conducting the examination;

(3) upon request by the commissioner, a copy of any audit performed with respect to the risk retention group; and

(4) such information as may be required to verify its continuing qualification as a risk retention group under subsection (k) of K.S.A. 40-4101 and amendments thereto.

(c) *Taxation.* (1) All premiums paid for coverages within this state to risk retention groups chartered outside this state shall be subject to taxation at the same rate and subject to the same interest, fines and penalties for nonpayment as that provided by K.S.A. 40-246c and amendments thereto. Risk retention groups chartered or licensed in this state shall be taxed in accordance with K.S.A. 40-252, and amendments thereto.

(2) To the extent agents or brokers are utilized, they shall report and pay the taxes for the premiums for risks which they have placed with or on behalf of a risk retention group not chartered in this state.

(3) To the extent agents or brokers are not utilized or fail to pay the tax, each risk retention group shall pay the tax for risks insured within the state. Further, each risk retention group shall report all premiums paid to it for risks insured within the state.

(d) *Compliance with unfair claims settlement practices law.* Any risk retention group, its agents and representatives, shall comply with subsection (9) of K.S.A. 40-2404 and amendments thereto.

(e) *Deceptive, false or fraudulent practices.* Any risk retention group shall comply with the laws of this state regarding deceptive, false or fraudulent acts or practices. However, if the commissioner seeks an injunction regarding such conduct, the injunction shall be obtained from a court of competent jurisdiction.

(f) *Examination regarding financial condition.* Any risk retention group shall submit to an examination in accordance with K.S.A. 40-222 and 40-223, and amendments thereto, by the commissioner to determine its financial condition if the commissioner of the jurisdiction in which the group is chartered has not initiated an examination or does not initiate an examination within 60 days after a request by the commissioner of this state.

(g) *Notice to purchasers.* Any policy issued by a risk retention group shall contain in 10 point type on the front page and the declaration page, the following notice:

NOTICE

This policy is issued by your risk retention group. Your risk retention group may not be subject to all of the insurance laws and regulations of your state. State insurance insolvency guaranty funds are not available for your risk retention group.

(h) *Prohibited acts regarding solicitation or sale.* The following acts by a risk retention group are hereby prohibited:

(1) The solicitation or sale of insurance by a risk retention group to any person who is not eligible for membership in such group; and

(2) the solicitation or sale of insurance by, or operation of, a risk retention group that is in a hazardous financial condition or is financially impaired.

(i) *Prohibition on ownership by an insurance company.* No risk retention group shall be allowed to do business in this state if an insurance company is directly or indirectly a retention group all of whose members are insurance companies.

(j) *Prohibited coverage.* No risk retention group may offer insurance policy coverage prohibited by the laws of this state or declared unlawful by the supreme court of the state of Kansas.

(k) *Delinquency proceedings.* A risk retention group not chartered in this state and doing business in this state must comply with a lawful order issued in a voluntary dissolution proceeding or in a delinquency proceeding commenced by a state insurance commissioner if there has been a finding of financial impairment after an examination under subsection (f) of this section.

Sec. 6. On July 1, 1992, K.S.A. 1991 Supp. 40-4116 is hereby amended to read as follows: 40-4116. (a) A purchasing group which intends to do business in this state shall furnish notice to the commissioner which shall:

(1) identify the state in which the group is domiciled;

(2) specify the lines and classifications of liability insurance which the purchasing group intends to purchase;

(3) identify the insurance company from which the group intends to purchase its insurance and the domicile of such company;

(4) identify the principal place of business of the group; and

(5) provide such other information as may be required by the commissioner to verify that the purchasing group is qualified under subsection (j) of K.S.A. 40-4101 and amendments thereto.

The notice submitted to the commissioner shall be accompanied by a notification fee of \$250.

(b) The purchasing group shall file with the insurance department its written consent, irrevocable, that any action or garnishment proceeding may be commenced against such group in the proper court of any county in this state in which the cause of action shall arise or in which the plaintiff may reside by the service of process on the commissioner of insurance of this state and stipulating and agreeing that such service shall be taken and held in all courts to be as valid and binding as if due service had been made upon the president or chief officer of such corporation. Such consent shall be executed by the president of the company and shall be accompanied by a certified copy of the order or resolution of the board of directors, trustees or managers authorizing the president to execute the same. The summons, accompanied by a fee of \$3 \$25 shall be directed to the commissioner of insurance and shall require the defendant to answer not less than 40 days from its date. Such summons, and a certified copy of the petition shall be forthwith forwarded by the clerk of the court to the commissioner of insurance, who shall immediately forward a copy of the summons and the certified copy of the petition, to the president of the group sued and thereupon the commissioner of insurance shall make return of the summons to the court from which it issued, showing the date of the receipt by the commissioner, the date of forwarding of such copies and the name and address of the person to whom the commissioner forwarded the copy. Such return shall be made under the commissioner's hand and seal of office, and shall have the same force and effect as a due and sufficient return made by the sheriff on process directed to the sheriff. The foregoing shall not apply in the case of a purchasing group which:

(1) (A) Was domiciled before April 2, 1986; and
(B) is domiciled on and after October 27, 1986 in any state of the United States;

(2) (A) before October 27, 1986 purchased insurance from an insurance carrier licensed in any state; and

(B) since October 27, 1986 purchased its insurance from an insurance carrier licensed in any state;

(3) was a purchasing group under the requirements of the product liability retention act of 1981 before October 27, 1986; and

(4) does not purchase insurance that was not authorized for purposes of an exemption under that act, as in effect before October 27, 1986.

Sec. 7. On July 1, 1992, K.S.A. 1991 Supp. 40-4203 is hereby amended to read as follows: 40-4203. (a) Every prepaid service plan authorized to do business in this state shall register each individual who solicits memberships on its behalf by listing such individuals on a form provided by the commissioner of insurance. On January 1 and July 1 of each year, the prepaid service plan shall advise the commissioner of insurance of additions or deletions from this list since the last reporting date.

(b) *As a condition precedent to the continuation of the certificate of registration, all prepaid service plans shall pay an annual fee of \$2 for each individual required to be registered pursuant to this section.*

Sec. 8. On July 1, 1992, K.S.A. 40-218 and 40-246c and K.S.A. 1991 Supp. 40-2,133, 40-4103, 40-4116 and 40-4203 are hereby repealed.

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

(Published in the Kansas Register, April 30, 1992.)

HOUSE BILL No. 3070

AN ACT relating to the board of nursing; concerning persons licensed by the board; granting to the board authority to impose administrative fines; amending K.S.A. 65-4206 and K.S.A. 1991 Supp. 65-1115, 65-1116, 65-4202 and 65-4203 and repealing the existing sections.

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

Section 1. K.S.A. 1991 Supp. 65-1115 is hereby amended to read as follows: 65-1115. (a) *Qualifications of applicants.* An applicant for a license to practice as a registered professional nurse shall file with the board written application for a license and submit satisfactory proof that the applicant: (1) Has graduated from a high school accredited by the appropriate legal accrediting agency or has otherwise obtained the equivalent of a high school education, as determined by the Kansas state department of education; (2) has successfully completed the basic professional curriculum in an accredited school of professional nursing and holds evidence of graduation ~~therefrom~~ *from the school* or has successfully completed the basic professional curriculum in a school of professional nursing located outside this state which maintains standards at least equal to schools of professional nursing which are accredited by the board and holds evidence of graduation ~~therefrom~~ *from the school*; (3) has been satisfactorily rehabilitated if the applicant has ever been convicted of a felony; and (4) has obtained ~~such~~ other qualifications not in conflict with this act as the board may prescribe.

(b) *License.* (1) *By examination.* An applicant shall be required to pass a ~~written~~ *an* examination in such subjects as the board may prescribe. Each ~~written~~ examination may be supplemented by an oral or practical examination. Upon successfully passing such ~~examination~~ *examinations* the board shall issue to the applicant a license to practice nursing as a registered professional nurse.

(2) *Without examination.* The board may issue a license to practice nursing as a registered professional nurse without examination to an applicant who has been duly licensed or registered as a registered professional nurse by examination under the laws of another state, territory or foreign country if, in the opinion of the board, the applicant meets the qualifications required of a licensed professional nurse in this state.

(3) *Persons licensed under previous law.* Any person who was licensed immediately prior to the effective date of this act as a registered professional nurse, shall be deemed to be licensed as a registered professional nurse under the ~~provisions~~ of this act and shall be eligible for renewal licenses upon compliance with K.S.A. 65-1117 and any amendments thereto.

(c) *Title and abbreviation.* Any person who holds a license to practice as a registered professional nurse in this state shall have the right to use the title, "registered nurse," and the abbreviation, "R.N." No other person shall assume ~~such the~~ *the* title or use ~~such~~ the abbreviation or any other words, letters, signs or figures to indicate that the person ~~using the same~~ *is* a registered professional nurse.

(d) *Temporary permit.* The board may issue a temporary permit to practice nursing as a registered professional nurse for a period of not to exceed 60 days, except that the board may issue a temporary permit to practice nursing as a registered professional nurse for a period of not to exceed 180 days to an applicant for a license as a registered professional nurse who is enrolled in a refresher course required by the board for reinstatement of a license which has lapsed for more than five years or for licensure in this state from another state if the applicant has not been engaged in practice of nursing for five years preceding application. The 180 day temporary permit may be renewed by the board for one additional period of not to exceed 180 days.

Sec. 2. K.S.A. 1991 Supp. 65-1116 is hereby amended to read as follows: 65-1116. (a) *Qualification.* An applicant for a license to practice as a licensed practical nurse shall file with the board a written application for a license and submit to the board satisfactory proof that the applicant: (1) Has graduated from a high school accredited by the appropriate legal accrediting agency or has otherwise obtained the equivalent of a high school education, as determined by the Kansas state department of education; (2) has successfully completed the prescribed curriculum in an accredited school of practical nursing and holds evidence of graduation ~~therefrom~~ *from the school* or has successfully completed the prescribed curriculum in

an accredited school of practical nursing located outside this state which maintains standards at least equal to schools of practical nursing which are accredited by the board and holds evidence of graduation ~~therefrom~~ *from the school*; and (3) has obtained ~~such~~ other qualifications not in conflict with this act as the board may prescribe.

(b) *License.* (1) *By examination.* The applicant shall be required to pass a ~~written~~ *an* examination in such subjects as the board may prescribe. Each ~~written~~ examination may be supplemented by an oral or practical examination. Upon successfully passing such examinations, the board shall issue to the applicant a license to practice as a licensed practical nurse. (2) *Without examination.* The board may issue a license to practice as a licensed practical nurse without examination to any applicant who has been duly licensed or registered by examination as a licensed practical nurse or a person entitled to perform similar services under a different title under the laws of any other state, territory or foreign country if, in the opinion of the board, the applicant meets the requirements for licensed practical nurses in this state. (3) A licensed practical nurse licensed under the ~~provisions~~ of this act shall be eligible for renewal licenses upon compliance with K.S.A. 65-1117 and any amendments thereto.

(c) *Title and abbreviation.* Any person who holds a license to practice as a licensed practical nurse in this state shall have the right to use the title, "licensed practical nurse," and the abbreviation, "L.P.N." No other person shall assume ~~such the~~ *the* title or use ~~such~~ the abbreviation or any other words, letters, signs or figures to indicate that the person ~~using the same~~ *is* a licensed practical nurse.

(d) *Temporary permit.* The board may issue a temporary permit to practice nursing as a licensed practical nurse for a period of not more than to exceed 60 days, except that the board may issue a temporary permit to practice nursing as a licensed practical nurse for a period of not to exceed 180 days to an applicant for a license as a licensed practical nurse who is enrolled in a refresher course required by the board for reinstatement of a license which has lapsed for more than five years or for licensure in this state from another state if the applicant has not been engaged in practice of nursing for five years preceding application. The 180 day temporary permit may be renewed by the board for one additional period of not to exceed 180 days.

Sec. 3. K.S.A. 1991 Supp. 65-4202 is hereby amended to read as follows: 65-4202. As used in this act: (a) "Board" means the Kansas state board of nursing.

(b) The "practice of mental health technology" means the performance, under the direction of a physician licensed to practice medicine and surgery or registered professional nurse, of services in caring for and treatment of the mentally ill, emotionally disturbed, or mentally retarded for compensation or personal profit, which services:

(1) Involve responsible nursing and therapeutic procedures for ~~such~~ *mentally ill or mentally retarded* patients requiring interpersonal and technical skills in the observations and recognition of symptoms and reactions of such patients, and the accurate recording of the ~~same, such symptoms and reactions~~ *and the carrying out of treatments and medications as prescribed by a licensed physician*; and

(2) require an application of ~~such~~ *techniques and procedures as that* involve understanding of cause and effect and the safeguarding of life and health of the patient and others; ~~including all gastro feeding procedures except connecting the feeding tube, controlling the flow of formula through the feeding tube, tube aspiration of the feeding tube, administering medication through the feeding tube, disconnecting the feeding tube and clamping off the feeding tube~~; and

(3) require the performance of ~~such other~~ *duties as that* are necessary to facilitate rehabilitation of the patient or are necessary in the physical, therapeutic and psychiatric care of the patient and to require close work with persons licensed to practice medicine and surgery, psychiatrists, psychologists, rehabilitation therapists, social workers, registered nurses, and other professional personnel.

(c) A "licensed mental health technician" means a person who lawfully practices mental health technology as defined in this act.

(d) An "approved course in mental health technology" means a program of training and study including a basic curriculum which

(continued)

shall be prescribed and approved by the board in accordance with the standards prescribed herein, the successful completion of which shall be required ~~prior to~~ before licensure as a mental health technician, except as hereinafter provided.

Sec. 4. K.S.A. 1991 Supp. 65-4203 is hereby amended to read as follows: 65-4203. (a) Except as is hereinafter provided, an applicant for a license to practice as a mental health technician shall file with the board a written application for such license, on forms prescribed by the board, and shall submit satisfactory evidence that the applicant: (1) Has been satisfactorily rehabilitated if the applicant has ever been convicted of a felony or a misdemeanor involving moral turpitude;

(2) possesses a high school education or its recognized equivalent; and

(3) has satisfactorily completed an approved course of mental health technology.

(b) A license to perform as a mental health technician may only be issued by the board to an applicant:

(1) Meeting the qualifications set forth in (a) and who has successfully passed a written examination in mental health technology as prescribed and conducted by the board; or

(2) to an applicant who has been duly licensed by examination under the laws of another state, territory or foreign country if, in the opinion of the board, the requirements for licensure in such other jurisdiction equal or exceed the qualifications required to practice as a mental health technician in this state.

(c) *The board may issue a one-time temporary permit to practice as a mental health technician for a period not to exceed 60 days when a reinstatement application has been made.*

(e) (d) The board may adopt rules and regulations as necessary to administer the provisions of the mental health technician's licensure act.

Sec. 5. K.S.A. 65-4206 is hereby amended to read as follows: 65-4206. (a) An approved course of mental health technology ~~shall be~~ is one which has been approved as such by the board as meeting the standards of this act, ~~together with~~ and the rules and regulations of the board. ~~Said~~ The course, at a minimum, shall be of six (6) months duration ~~during in which period~~ the institution shall provide for ~~eighteen (18)~~ 18 weeks of schooling, one-half devoted to classroom instruction and one-half to clinical experience and shall include the study of:

- (1) Basic nursing concepts;
- (2) psychiatric therapeutic treatment; and
- (3) human growth, development and behavioral sciences.

(b) An institution ~~desiring which intends to conduct~~ offer a course on mental health technology shall apply to the board for approval and submit evidence that ~~it the~~ institution is prepared to and will maintain the standards and curriculum as prescribed by this act and the rules and regulations of the board, ~~which~~. The application shall be made in writing upon a form prescribed by the board.

(c) To ~~qualify~~ obtain approval for a course of mental health technology, the ~~applicant~~ institution shall satisfy the board that it is prepared to carry out the curriculum as prescribed by this act and the rules and regulations of the board and that it is prepared to and will establish standards ~~therefor~~ for the course as prescribed by the board.

New Sec. 6. The board of nursing, in addition to any other penalty prescribed by law, may assess a civil fine, after proper notice and an opportunity to be heard, against any person granted a license, certificate of qualification or authorization to practice by the board of nursing for a violation of a law or rule and regulation applicable to the practice for which such person has been granted a license, certificate of qualification or authorization by the board in an amount not to exceed \$1,000 for the first violation, \$2,000 for the second violation and \$3,000 for the third violation and for each subsequent violation. All fines assessed and collected under this section shall be remitted promptly to the state treasurer. Upon receipt of these funds, the state treasurer shall deposit the entire amount in the state treasury and credit such amount to the state general fund.

Sec. 7. K.S.A. 65-4206 and K.S.A. 1991 Supp. 65-1115, 65-1116, 65-4202 and 65-4203 are hereby repealed.

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

(Published in the Kansas Register, April 30, 1992.)

HOUSE BILL No. 3172

AN ACT concerning the university of Kansas medical center; relating to a visiting clinical professor license under the Kansas healing arts act and persons issued such license; amending K.S.A. 1991 Supp. 40-3401 and 65-2852 and repealing the existing sections.

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

New Section 1. (a) There is hereby created a designation of visiting clinical professor license which may be issued by the board to a person who is qualified for a license for the practice of medicine and surgery on an active basis under the Kansas healing arts act. The application for a visiting clinical professor license shall be made to the board upon forms approved by the board and shall be accompanied with a statement from the chief administrative officer of the university of Kansas school of medicine at the university of Kansas medical center stating that the person is under contract with the university of Kansas medical center or one of the affiliated private practice foundations of the university of Kansas medical center to provide patient care and clinical teaching at the university of Kansas medical center or at one of the affiliated private practice foundations at the university of Kansas medical center and that the information on the application has been verified to be correct. Application for a visiting clinical professor license and for any renewal or reinstatement thereof shall be also accompanied by proof that the person has the professional liability insurance that would be required if the person were defined as a health care provider by subsection (f) of K.S.A. 40-3401 and amendments thereto in an amount of not less than the basic coverage specified under subsection (a) of K.S.A. 40-3402 and amendments thereto plus an amount of not less than the amount specified under OPTION 3 of subsection (l) of K.S.A. 40-3403 and amendments thereto, and by an affidavit that the person will maintain this professional liability insurance during the time that the visiting clinical professor license is valid. A visiting clinical professor license shall be valid only for the practice of medicine and surgery at the university of Kansas medical center or at one of the affiliated private practice foundations at the university of Kansas medical center. Physicians who are defined as full time physician faculty employed by the university of Kansas medical center under subsection (s) of K.S.A. 40-3401 and amendments thereto are not eligible for a visiting clinical professor license.

(b) The provisions of subsections (a), (d) and (e) of K.S.A. 65-2809 and amendments thereto relating to expiration and renewal of a license and the provisions of subsection (b) of K.S.A. 65-2809 and amendments thereto relating to continuing education requirements shall be applicable to a visiting clinical professor license issued under this section.

(c) This section shall be a part of and supplemental to the Kansas healing arts act.

Sec. 2. K.S.A. 1991 Supp. 40-3401 is hereby amended to read as follows: 40-3401. As used in this act the following terms shall have the meanings respectively ascribed to them herein.

(a) "Applicant" means any health care provider.

(b) "Basic coverage" means a policy of professional liability insurance required to be maintained by each health care provider pursuant to the provisions of subsection (a) or (b) of K.S.A. 40-3402 and amendments thereto.

(c) "Commissioner" means the commissioner of insurance.

(d) "Fiscal year" means the year commencing on the effective date of this act and each year, commencing on the first day of that month, thereafter.

(e) "Fund" means the health care stabilization fund established pursuant to subsection (a) of K.S.A. 40-3403 and amendments thereto.

(f) "Health care provider" means a person licensed to practice any branch of the healing arts by the state board of healing arts, a person who holds a temporary permit to practice any branch of the healing arts issued by the state board of healing arts, a person engaged in a postgraduate training program approved by the state board of healing arts, a medical care facility licensed by the department of health and environment, a health maintenance organization issued a certificate of authority by the commissioner of insurance, a podiatrist licensed by the state board of healing arts, an optometrist licensed by the board of examiners in optometry, a

pharmacist licensed by the state board of pharmacy, a licensed professional nurse who is authorized to practice as a registered nurse anesthetist, a licensed professional nurse who has been granted a temporary authorization to practice nurse anesthesia under K.S.A. 1989 1991 Supp. 65-1153 and amendments thereto, a professional corporation organized pursuant to the professional corporation law of Kansas by persons who are authorized by such law to form such a corporation and who are health care providers as defined by this subsection, a partnership of persons who are health care providers under this subsection, a Kansas not-for-profit corporation organized for the purpose of rendering professional services by persons who are health care providers as defined by this subsection, a dentist certified by the state board of healing arts to administer anesthetics under K.S.A. 65-2899 and amendments thereto, a physical therapist registered by the state board of healing arts, a psychiatric hospital licensed under K.S.A. 75-3307b and amendments thereto, or a mental health center or mental health clinic licensed by the secretary of social and rehabilitation services, except that health care provider does not include (1) any state institution for the mentally retarded, (2) any state psychiatric hospital or, (3) any person holding an exempt license issued by the state board of healing arts or (4) any person holding a visiting clinical professor license from the state board of healing arts.

(g) "Inactive health care provider" means a person or other entity who purchased basic coverage or qualified as a self-insurer on or subsequent to the effective date of this act but who, at the time a claim is made for personal injury or death arising out of the rendering of or the failure to render professional services by such health care provider, does not have basic coverage or self-insurance in effect solely because such person is no longer engaged in rendering professional service as a health care provider.

(h) "Insurer" means any corporation, association, reciprocal exchange, inter-insurer and any other legal entity authorized to write bodily injury or property damage liability insurance in this state, including workers compensation and automobile liability insurance, pursuant to the provisions of the acts contained in article 9, 11, 12 or 16 of chapter 40 of Kansas Statutes Annotated.

(i) "Plan" means the operating and administrative rules and procedures developed by insurers and rating organizations or the commissioner to make professional liability insurance available to health care providers.

(j) "Professional liability insurance" means insurance providing coverage for legal liability arising out of the performance of professional services rendered or which should have been rendered by a health care provider.

(k) "Rating organization" means a corporation, an unincorporated association, a partnership or an individual licensed pursuant to K.S.A. 40-930 or 40-1114, or both, and amendments thereto, to make rates for professional liability insurance.

(l) "Self-insurer" means a health care provider who qualifies as a self-insurer pursuant to K.S.A. 40-3414 and amendments thereto.

(m) "Medical care facility" means the same when used in the health care provider insurance availability act as the meaning ascribed to that term in K.S.A. 65-425 and amendments thereto, except that as used in the health care provider insurance availability act such term, as it relates to insurance coverage under the health care provider insurance availability act, also includes any director, trustee, officer or administrator of a medical care facility.

(n) "Mental health center" means a mental health center licensed by the secretary of social and rehabilitation services under K.S.A. 75-3307b and amendments thereto, except that as used in the health care provider insurance availability act such term, as it relates to insurance coverage under the health care provider insurance availability act, also includes any director, trustee, officer or administrator of a mental health center.

(o) "Mental health clinic" means a mental health clinic licensed by the secretary of social and rehabilitation services under K.S.A. 75-3307b and amendments thereto, except that as used in the health care provider insurance availability act such term, as it relates to insurance coverage under the health care provider insurance availability act, also includes any director, trustee, officer or administrator of a mental health clinic.

(p) "State institution for the mentally retarded" means Winfield

state hospital and training center, Parsons state hospital and training center and the Kansas neurological institute.

(q) "State psychiatric hospital" means Larned state hospital, Osawatomie state hospital, Rainbow mental health facility and Topeka state hospital.

(r) "Person engaged in residency training" means:

(1) A person engaged in a postgraduate training program approved by the state board of healing arts who is employed by and is studying at the university of Kansas medical center only when such person is engaged in medical activities which do not include extracurricular, extra-institutional medical service for which such person receives extra compensation and which have not been approved by the dean of the school of medicine and the executive vice-chancellor of the university of Kansas medical center. Persons engaged in residency training shall be considered resident health care providers for purposes of K.S.A. 40-3401 *et seq.*, and amendments thereto; and

(2) a person engaged in a postgraduate training program approved by the state board of healing arts who is employed by a nonprofit corporation organized to administer the graduate medical education programs of community hospitals or medical care facilities affiliated with the university of Kansas school of medicine or who is employed by an affiliate of the university of Kansas school of medicine as defined in K.S.A. 76-367 and amendments thereto only when such person is engaged in medical activities which do not include extracurricular, extra-institutional medical service for which such person receives extra compensation and which have not been approved by the chief operating officer of the nonprofit corporation or the chief operating officer of the affiliate and the executive vice-chancellor of the university of Kansas medical center.

(s) "Full-time physician faculty employed by the university of Kansas medical center" means a person licensed to practice medicine and surgery who holds a full-time appointment at the university of Kansas medical center when such person is providing health care.

(t) "Sexual act" or "sexual activity" means that sexual conduct which constitutes a criminal or tortious act under the laws of the state of Kansas.

Sec. 3. K.S.A. 1991 Supp. 65-2852 is hereby amended to read as follows: 65-2852. The following fees shall be established by the board by rules and regulations and collected by the board:

(a) For a license, issued upon the basis of an examination given by the board, in a sum of not more than \$150;

(b) for a license, issued without examination and by endorsement, in a sum of not more than \$150;

(c) for a license, issued upon a certificate from the national boards, in a sum of not more than \$150;

(d) for the annual renewal of a license, the sum of not more than \$150;

(e) for a temporary permit, in a sum of not more than \$30;

(f) for an institutional license, in a sum of not more than \$150;

(g) for a visiting professor temporary license, in a sum of not more than \$25;

(h) for a certified statement from the board that a licensee is licensed in this state, the sum of not more than \$15;

(i) for any copy of any license issued by the board, the sum of not more than \$15;

(j) for any examination given by the board, a sum in an amount equal to the cost to the board of the examination;

(k) for application for and issuance of a special permit under K.S.A. 65-2811a and amendments thereto, the sum of not more than \$30;

(l) for an exempt license or renewal of an exempt license, the sum of not more than \$150;

(m) for conversion of an exempt license to a license to practice the healing arts, the sum of not more than \$150;

(n) for reinstatement of a revoked license, in a sum of not more than \$1,000;

(o) for a visiting clinical professor license, or renewal of a visiting clinical professor license, in a sum of not more than \$150.

Sec. 4. K.S.A. 1991 Supp. 40-3401 and 65-2852 are hereby repealed.

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

(Published in the Kansas Register, April 30, 1992.)

HOUSE BILL No. 2578

AN ACT concerning the legislative branch of state government; establishing the joint committee on computers and telecommunications.

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

Section 1. (a) There is hereby established the joint committee on computers and telecommunications which shall be within the legislative branch of state government and which shall be composed of three senators and three members of the house of representatives. One of the senate members shall be appointed by the president of the senate, one of the senate members shall be appointed by the minority leader of the senate and one of the senate members shall be appointed by the chairperson of the committee on ways and means of the senate. One of the representative members shall be appointed by the speaker of the house of representatives, one of the representative members shall be appointed by the minority leader of the house of representatives and one of the representative members shall be appointed by the chairperson of the committee on appropriations of the house of representatives.

(b) All members of the joint committee on computers and telecommunications shall serve for terms ending on the first day of the regular legislative session in odd-numbered years. The joint committee shall organize annually and elect a chairperson and vice-chairperson in accordance with this subsection. After June 30 in odd-numbered years, the chairperson shall be one of the representative members of the joint committee elected by the members of the joint committee and the vice-chairperson shall be one of the senate members elected by the members of the joint committee. After June 30 in even-numbered years, the chairperson shall be one of the senate members of the joint committee elected by the members of the joint committee and the vice-chairperson shall be one of the representative members of the joint committee elected by the members of the joint committee. The chairperson and vice-chairperson of the joint committee shall serve in such capacities until July 1 of the ensuing year. The vice-chairperson shall exercise all of the powers of the chairperson in the absence of the chairperson. If a vacancy occurs in the office of chairperson or vice-chairperson, a member of the joint committee, who is a member of the same house as the member who vacated the office, shall be elected by the members of the joint committee to fill such vacancy.

(c) A quorum of the joint committee on computers and telecommunications shall be four. All actions of the joint committee shall be taken by a majority of all of the members of the joint committee.

(d) The joint committee on computers and telecommunications may meet at any time and at any place within the state on the call of the chairperson.

(e) The provisions of the acts contained in Article 12 of chapter 46 of the Kansas Statutes Annotated, and amendments thereto, applicable to special committees shall apply to the joint committee on computers and telecommunications to the extent that the same do not conflict with the specific provisions of this act applicable to the joint committee.

(f) In accordance with K.S.A. 46-1204 and amendments thereto, the legislative coordinating council may provide for such professional services as may be requested by the joint committee on computers and telecommunications.

(g) The joint committee on computers and telecommunications may introduce such legislation as it deems necessary in performing its functions.

Sec. 2. In addition to other powers and duties authorized or prescribed by law or by the legislative coordinating council, the joint committee on computers and telecommunications shall:

(a) Study the use by state agencies and institutions of computers, telecommunications and information technologies;

(b) review new governmental computer hardware and software acquisition, information storage, transmission, processing and telecommunications technologies proposed by state agencies and institutions, including budget estimates for implementation of the same, and make recommendations thereon to the ways and means committee of the senate and the committee on appropriations of the house of representatives;

(c) study the progress and results of all newly implemented governmental computer hardware and software, information storage,

transmission, processing and telecommunications technologies of state agencies and institutions; and

(d) make an annual report to the legislative coordinating council as provided in K.S.A. 46-1207 and amendments thereto and such special reports to committees of the house of representatives and senate as are deemed appropriate by the joint committee.

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 30, 1992.)

SUBSTITUTE FOR HOUSE BILL No. 2710

AN ACT concerning health care; relating to the licensure of rural primary care hospitals and the designation of essential access community hospitals; authorizing the creation of rural health care networks; amending K.S.A. 65-425 and K.S.A. 1991 Supp. 65-4909 and repealing the existing sections.

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

New Section 1. As used in sections 1 to 7, inclusive, and amendments thereto:

(a) "Health care provider" means any person licensed or otherwise authorized by law to provide health care services in this state or a professional corporation organized pursuant to the professional corporation law of Kansas by persons who are authorized by law to form such corporation and who are health care providers as defined by this subsection, or an officer, employee or agent thereof, acting in the course and scope of employment or agency.

(b) "Essential access community hospital" means a hospital which has been designated as an essential access community hospital by the licensing agency and which has entered into a written agreement with at least one rural primary care hospital to form a rural health network. The written agreement must include provisions for the essential access community hospital to accept patients transferred from participating rural primary care hospitals and to provide emergency and medical support services to rural primary care hospitals participating in the essential access community hospital rural health network.

(c) "Member" means any hospital, emergency medical service, local health department, home health agency, adult care home, medical clinic, mental health center or clinic or nonemergency transportation system.

(d) "Mid-level practitioner" means a physician's assistant or advanced registered nurse practitioner who has entered into a written protocol with a rural health network physician.

(e) "Physician" means a person licensed to practice medicine and surgery.

(f) "Rural health network" means an alliance of members including at least one rural primary care hospital and at least one essential access community hospital or supporting hospital which has developed a comprehensive plan submitted to and approved by the secretary of health and environment regarding patient referral and transfer; the provision of emergency and nonemergency transportation among members; the development of a network-wide emergency services plan; and the development of a plan for sharing patient information and services between hospital members concerning medical staff credentialing, risk management, quality assurance and peer review.

(g) "Rural primary care hospital" means a member of a rural health network, located within 75 miles of the network's essential access community hospital or supporting hospital unless an exception is granted by the licensing agency pursuant to rules and regulations; with a staff which includes one or more physicians and may include one or more mid-level practitioners; with permanent facilities that include inpatient beds to serve not more than an average of six acute patients requiring treatment not to exceed 72 hours each unless an exception is granted for either requirement by the licensing agency pursuant to rules and regulations; and with nursing services under the direction of a licensed professional nurse and continuous licensed professional nursing services for not less than 24 hours of every day when any bed is occupied or the facility is open to provide services for patients unless an exemption is granted by the licensing agency pursuant to rules and regulations. Emergency services must be provided as specified in a comprehensive plan developed in conjunction

with the hospital's rural health network. All treatment provided by mid-level practitioners must be pursuant to written protocols established between the mid-level practitioners and network physicians, after consultation with network physicians, or in an emergency. Network physicians must approve all patient admissions by the mid-level practitioner within 24 hours; review patient records, which review may be off-site, and document such review in the patient record within 48 hours of treatment provided by the mid-level practitioner; and consult with the mid-level practitioner and document such consultation in the patient record on site at the hospital at least weekly.

(h) "Supporting hospital" means a hospital other than a rural primary care hospital or an essential access community hospital which has entered into a written agreement with at least one rural primary care hospital to form a rural health network and to provide medical or administrative supporting services within the limit of the supporting hospital's capabilities.

New Sec. 2. The legislature of the state of Kansas recognizes the importance and necessity of providing and regulating the system whereby health care services are integrated to protect the public's general health, safety and welfare. It is the policy of the state of Kansas to encourage development of and participation in rural health networks. Implementation of a rural health network under the provisions of this act and amendments thereto effectuate these policies.

New Sec. 3. (a) Any hospital is authorized to seek licensure as a rural primary care hospital and to accept and secure any benefits of federal aid. A rural primary care hospital shall participate in or affiliate with a rural health network and may execute contracts, upon such conditions and terms as is deemed appropriate by the governing body, for the integration of health services or to further any portion of a comprehensive plan for a rural health network.

(b) Any hospital is authorized to seek designation as an essential access community hospital and to accept and secure any benefits of federal aid. An essential access community hospital shall participate in or affiliate with a rural health network and may execute contracts, upon such conditions and terms as is deemed appropriate by the governing body, for the integration of health services or to further any portion of a comprehensive plan for a rural health network.

New Sec. 4. (a) Upon such conditions and terms as is deemed appropriate by the governing body of any member of a rural health network, a member of a rural health network or the rural health network may enter into agreements with any other person or entity to perform any service, including but not limited to services for provision of primary risk management and peer review services.

(b) Any rural primary care hospital, essential access community hospital or rural health network may employ any health care provider to provide patient care or other services and may employ such other persons as necessary to carry out the function of the rural health network. The contract may allow for the health care provider or a member of the rural health network to seek direct compensation from the patient, the patient's representative or a third party payor for the services performed by the health care provider.

New Sec. 5. In addition to the provisions of K.S.A. 65-4909, and amendments thereto, members of a rural health network, officers, agents, representatives, employees, and directors thereof, in forming an integrated network and in contracting for services shall be considered to be acting pursuant to clearly expressed state policy as established in this act under the supervision of the state and shall not be subject to state or federal antitrust laws while so acting.

New Sec. 6. The secretary of health and environment may adopt rules and regulations setting minimum standards for the establishment and operation of rural health networks, including the licensure of rural primary hospitals and the designation of essential access community hospitals.

New Sec. 7. Each individual and group policy of accident and sickness insurance, each contract issued by health maintenance organizations, and all coverage maintained by an entity authorized under K.S.A. 40-2222 and amendments thereto or by a municipal group funded pool authorized under K.S.A. 12-2618 and amendments thereto shall provide benefits for services when performed by an essential access community hospital, a rural primary care hospital or a supporting hospital if such services would be covered under such policies or contracts if performed by a general hospital.

Sec. 8. K.S.A. 65-425 is hereby amended to read as follows: 65-425. As used in this act: (a) "General hospital" means an establishment with an organized medical staff of physicians; with permanent facilities that include inpatient beds; and with medical services, including physician services, and continuous registered professional nursing services for not less than ~~twenty-four~~ (24) 24 hours of every day, to provide diagnosis and treatment for ~~four or more unrelated~~ patients who have a variety of medical conditions.

(b) "Special hospital" means an establishment with an organized medical staff of physicians; with permanent facilities that include inpatient beds; and with medical services, including physician services, and continuous registered professional nursing services for not less than ~~twenty-four~~ (24) 24 hours of every day, to provide diagnosis and treatment for ~~four or more unrelated~~ patients who have specified medical conditions.

(c) "Person" means any individual, firm, partnership, corporation, company, association, or joint stock association, and the legal successor thereof.

(d) "Governmental unit" means the state, or any county, municipality, or other political subdivision thereof; or any department, division, board or other agency of any of the foregoing.

(e) "Licensing agency" means the department of health and environment.

(f) "Ambulatory surgical center" means an establishment with an organized medical staff of physicians; with permanent facilities that are equipped and operated primarily for the purpose of performing surgical procedures; with continuous physician services and registered professional nursing services whenever a patient is in the facility; and which does not provide services or other accommodations for patient to stay overnight.

(g) "Recuperation center" means an establishment with an organized medical staff of physicians; with permanent facilities that include inpatient beds; and with medical services, including physician services, and continuous registered professional nursing services for not less than ~~twenty-four~~ (24) 24 hours of every day, to provide treatment for ~~four or more unrelated~~ patients who require inpatient care but are not in an acute phase of illness, who currently require primary convalescent or restorative services, and who have a variety of medical conditions.

(h) "Medical care facility" means a hospital, ambulatory surgical center or recuperation center.

(i) "Rural primary care hospital" shall have the meaning ascribed to such term under section 1 and amendments thereto.

(j) "Hospital" means "general hospital," "rural primary care hospital," or "special hospital."

Sec. 9. K.S.A. 1991 Supp. 65-4909 is hereby amended to read as follows: 65-4909. (a) There shall be no liability on the part of and no action for damages shall arise against any: (1) State, regional or local association of health care providers; ~~any~~; (2) state, regional or local association of licensed adult care home administrators ~~or any~~; (3) organization delegated review functions by law, and the individual members of any committee thereof (whether or not such individual members are health care providers or licensed adult care home administrators); ~~or~~ (4) individual or entity acting at the request of any committee, association or organization listed in subsections (1) through (3), which in good faith investigates or communicates information regarding the quality, quantity or cost of care being given patients by health care providers or being furnished residents of adult care homes for any act, statement or proceeding undertaken or performed within the scope of the functions and within the course of the performance of the duties of any such association, organization or committee if such association, organization or committee or such individual member thereof acted in good faith and without malice.

(b) As used in this section, "health care provider" means a person licensed to practice any branch of the healing arts or engaged in a postgraduate training program approved by the state board of healing arts, mid-level practitioner as defined under section 1, and amendments thereto, licensed dentist, licensed professional nurse, licensed practical nurse, licensed optometrist, licensed podiatrist, licensed pharmacist ~~or~~, physical therapist or respiratory therapist.

Sec. 10. K.S.A. 65-425 and K.S.A. 1991 Supp. 65-4909 are hereby repealed.

Sec. 11. This act shall take effect and be in force from and after its publication in the Kansas register.

(Published in the Kansas Register, April 30, 1992.)

SENATE BILL No. 626

AN ACT concerning crimes and punishments; relating to pirated recordings and non-disclosure of source of recordings; concerning picketing at funerals; declaring certain conduct to be an unlawful act and providing penalties for violations; authorizing courts to enjoin certain conduct relating thereto; amending K.S.A. 21-3748, 21-3749 and 21-3750 and repealing the existing sections.

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

Section 1. On July 1, 1992, K.S.A. 21-3748 is hereby amended to read as follows: 21-3748. (1) Piracy of ~~sound~~ recordings is knowingly, and without the consent of the owner, duplicating or causing to be duplicated any sounds recorded on a phonograph record, disc, wire, tape, film or other article on which sounds are recorded, or recording or causing to be recorded any live performance, with the intent to sell, rent or cause to be sold or rented, any such duplicated sounds or any such recorded performance, or to give away such duplicated sounds or recorded performance as part of a promotion for any product or service.

(2) For purposes of this section and K.S.A. 21-3750 and amendments thereto "owner" means the person who owns the original fixation of sounds embodied in the master phonograph record, master disc, master tape, master film or other device used for reproducing sounds on phonograph records, discs, tapes, films or other articles now known or later developed upon which sound is recorded or otherwise stored, and from which the duplicated recorded sounds are directly or indirectly derived, or the person who owns the right to record such live performance; and "computer program" means a set of statements or instructions to be used directly or indirectly in a computer in order to bring about a certain result.

(3) This section shall not apply to: (a) Any broadcaster who, in connection with or as part of a radio or television broadcast or cable transmission, or for the purpose of archival preservation, duplicates any such sounds recorded on a sound recording; or

(b) any person who duplicates such sounds or such performance, for personal use, and without compensation for such duplication;

(c) any sounds initially fixed in a tangible medium of expression after February 15, 1972; or

(d) any computer program or any audio or visual recording that is part of any computer program.

(4) Piracy of ~~sound~~ recordings is a class E felony.

Sec. 2. On July 1, 1992, K.S.A. 21-3749 is hereby amended to read as follows: 21-3749. (1) Dealing in pirated ~~sound~~ recordings is selling or offering for sale or distributing or possessing for the purpose of sale or distribution, any article produced in violation of K.S.A. 21-3748 and amendments thereto, knowing or having reasonable grounds to know that such article was produced in violation of law.

(2) Dealing in pirated ~~sound~~ recordings is:

(a) A class A misdemeanor if the offense involves less than seven audio visual recordings, or less than 100 sound recordings during a 180-day period; or

(b) a class E felony if the offense involves seven or more audio visual recordings, or 100 or more sound recordings during a 180-day period.

Sec. 3. On July 1, 1992, K.S.A. 21-3750 is hereby amended to read as follows: 21-3750. (1) Nondisclosure of source of ~~sound~~ recordings is knowingly selling, renting or offering for sale or rental, or possessing, transporting or manufacturing for such purposes, any phonograph record, audio or video disc, wire, audio or video tape, film or other article now known or later developed on which sounds, images, or both sounds and images are recorded or otherwise stored, unless the outside cover, box or jacket clearly and conspicuously discloses the name and address of the manufacturer of such sounds and the name of the recording performer or group recorded article.

(2) Nondisclosure of source of ~~sound~~ recordings is:

(a) A class A misdemeanor if the offense involves less than seven audio visual recordings, or less than 100 sound recordings during a 180-day period; or

(b) a class E felony if the offense involves seven or more audiovisual recordings, or 100 or more sound recordings, during a 180-day period.

(3) It shall be the duty of all law enforcement officers, upon discovery, to confiscate all recorded devices that do not conform to

the provisions of this section or of K.S.A. 21-3748 and amendments thereto and that are possessed for the purpose of selling or renting such recorded devices, and all equipment and components used or intended to be used to knowingly manufacture recorded devices that do not conform to the provisions of such sections for the purpose of selling or renting such recorded devices. The nonconforming recorded devices that are possessed for the purpose of selling or renting such recorded devices are contraband and shall be delivered to the district attorney for the county in which the confiscation was made, by court order, and shall be destroyed or otherwise disposed of, if the court finds that the person claiming title to such recorded devices possessed such recorded devices for the purpose of selling or renting such recorded devices. The equipment and components confiscated shall be delivered to the district attorney for the county in which the confiscation was made, by court order upon conviction, and may be given to a charitable or educational organization.

(4) This section shall not apply to any computer program or any audio or visual recording that is part of any computer program or to any article or device on which is exclusively recorded any such computer program.

New Sec. 4. (a) This section shall be known and may be cited as the Kansas funeral picketing act.

(b) The legislature finds that:

(1) It is generally recognized that families have a substantial interest in organizing and attending funerals for deceased relatives; and

(2) the interests of families in privately and peacefully mourning the loss of deceased relatives are violated when funerals are targeted for picketing and other public demonstrations; and

(3) picketing of funerals causes emotional disturbance and distress to grieving families who participate in funerals; and

(4) full opportunity exists under the terms and provisions of this section for the exercise of freedom of speech and other constitutional rights at times other than before, during and after funerals.

(c) The purposes of this section are to:

(1) Protect the privacy of grieving families before, during and after funerals; and

(2) preserve the peaceful character of cemeteries, mortuaries and churches before, during and after funerals.

(d) As used in this section:

(1) "Funeral" means the ceremonies, processions and memorial services held in connection with the burial or cremation of the dead.

(2) "Picketing" means protest activities engaged in by a person or persons stationed before or about a cemetery, mortuary or church before, during and after a funeral.

(e) It is unlawful for any person to engage in picketing before or about any cemetery, church or mortuary before, during and after a funeral.

(f) A violation of subsection (e) is a class B misdemeanor. Each day on which a violation of subsection (e) occurs shall constitute a separate offense.

(g) Notwithstanding the penalties provided in subsection (f), any district court may enjoin conduct proscribed by this section and may in any such proceeding award damages, including punitive damages, attorney fees or other appropriate relief against the persons found guilty of actions made unlawful by subsection (e).

(h) If any provision of this section or the application thereof to any person or circumstances is held invalid, the invalidity does not affect other provisions or applications of this section which can be given effect without the invalid provisions or application. To this end the provisions of this section are severable.

Sec. 5. On July 1, 1992, K.S.A. 21-3748, 21-3749 and 21-3750 are hereby repealed.

Sec. 6. This act shall take effect and be in force from and after its publication in the Kansas register.

(Published in the Kansas Register, April 30, 1992.)

HOUSE BILL No. 3175

AN ACT concerning the Kansas law enforcement training act; relating to maintenance of a central registry; amending K.S.A. 74-5611a and repealing the existing section.

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

Section 1. K.S.A. 74-5611a is hereby amended to read as follows: 74-5611a. The associate director shall establish and maintain a central registry of all Kansas police officers or law enforcement officers. The associate director shall provide forms for registration and shall refuse any registration not submitted on such form in full detail. Within 30 days of appointment or termination, every city, county and state agency, every school district and every community college shall submit the name of any person appointed or elected to or terminated from the position of police officer or law enforcement officer within its jurisdiction.

Sec. 2. K.S.A. 74-5611a 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 30, 1992.)

HOUSE BILL No. 3173

AN ACT relating to certain claims against the state; concerning the hospital of the university of Kansas medical center; amending K.S.A. 1991 Supp. 46-922 and repealing the existing section.

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

Section 1. K.S.A. 1991 Supp. 46-922 is hereby amended to read as follows: 46-922. (a) As used in this section and in K.S.A. 46-923 and amendments thereto, the term "state agency" shall have the meaning ascribed thereto in K.S.A. 75-3701 and amendments thereto.

(b) The head of any state agency is authorized to make payment to the officers or employees of such state agency for property damage or loss occurring while that officer or employee is acting within the scope of such office or employment if such property loss or damage, in the opinion of the state agency head, did not occur as a result of negligence of the claimant.

(c) Except as otherwise provided by this section, the head of any state agency is authorized to make payment to any other person for personal injury or property damage or loss occurring under circumstances which establish, in the state agency head's opinion, that such damage or loss was caused by the negligence of the state or any agency, officer or employee thereof. The secretary of social and rehabilitation services is authorized to make payment from funds appropriated to the secretary for the homemaker program to any person for personal injury or property damage or loss caused by an act of a homemaker employed by the secretary.

(d) Except as otherwise provided by this section, no payment shall be made under this section on any claim for an amount in excess of \$500 \$1,000 or in any amount on a claim by a person who is an insurer and who is making the claim as a subrogee for all or part of any amount paid to such person's insured.

(e) The vice-chancellor of the university of Kansas medical center is authorized to make payment in an amount of not more than \$2,500 to any other person for a claim made against the hospital of the university of Kansas medical center for personal injury or property damage or loss occurring under circumstances which establish, in the vice-chancellor's opinion, that (1) such damage or loss was caused by the negligence of the hospital of the university of Kansas medical center or any officer or employee thereof or (2) that such damage or loss occurred at the hospital of the university of Kansas medical center and it is in the best interests of such hospital to make such payment. No payment shall be made under this subsection in any amount on a claim by a person who is an insurer and who is making the claim as a subrogee for all or part of any amount paid to such person's insured.

Sec. 2. K.S.A. 1991 Supp. 46-922 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 30, 1992.)

HOUSE BILL No. 3177

AN ACT authorizing the state board of regents to sell certain real property on behalf of the university of Kansas; imposing certain conditions; prescribing disposition of the proceeds.

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

Section 1. (a) The state board of regents is hereby authorized and empowered, for and on behalf of the university of Kansas, to sell and convey all of the rights, title and interest in the following described tract of real estate, with the improvements, easements and appurtenances thereto, which is situated in the Town of Upper Marlboro, Maryland (3rd Election District, Prince George's County, Maryland, which was received by the university of Kansas as a bequest from the estate of Frederic B. Parkes, II, and which is more particularly described as follows:

Beginning for the same at a point in the center line of the pavement of the Robert Crain Highway (Maryland Route 761) as now constructed, said point being approximately 197 feet westerly of where said center line formerly intersected the center line of track of Washington & Chesapeake Beach Railroad, and being also N. 37°00' W. 20 feet from a concrete monument set; and running thence with the center line of said pavement (1) S. 54°45' W. 69.83 feet to a point, the intersection of the center lines of pavement of said Crain Highway and of the County Road from Upper Marlboro to Croom Station, thence along the center line of the Croom Station Road the following three courses: (2) S. 40°40' W. 100.37 feet; (3) S. 46°40' W. 73.00 feet; (4) S. 62°00' W. 93.20 feet to the Easterly boundary of the lands of James Sasscer, being part of the tract formerly owned by J. Selwyn Sasscer, per liber 47, Folio 558, and with said boundary (5) S. 28°56' E. 143.82 feet to a 32' Beech Tree passing in transit a large concrete block post at 12.14 feet of said line, thence with an approximation of a stream bed and with and binding on the Northerly line of Ghiselin Sasscer's portion of the said J. Selwyn Sasscer Farm, as now surveyed, (6) N. 65°14' E. 360.84 feet to a concrete monument set, thence (7) N. 37°00' W. 231.62 feet to the place of beginning, passing in transit a concrete monument set at 211.62 feet of said line, containing 1.43 acres of land, more or less.

(b) Conveyance of such rights, title and interest in such real estate, with the improvements, easements and appurtenances thereto, shall be in accordance with the procedures prescribed therefor by the state board of regents and shall be executed in the name of the state board of regents by its chairperson and executive officer. All proceeds from the sale of such real estate, with the improvements, easements and appurtenances thereto, shall be paid to the university of Kansas to be invested pursuant to K.S.A. 76-156a and amendments thereto in accordance with the bequest of Frederic B. Parkes, II.

(c) No conveyance of real estate, with the improvements, easements and appurtenances thereto, authorized by this section shall be made or accepted by the state board of regents until the deeds, titles and conveyances have been reviewed and approved by the attorney general. The sale and conveyance authorized by this section shall not be subject to the provisions of K.S.A. 75-3043a and amendments thereto.

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 30, 1992.)

HOUSE BILL No. 3195

AN ACT concerning the limitation on bonded indebtedness of counties; amending K.S.A. 10-307 and repealing the existing section.

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

Section 1. K.S.A. 10-307 is hereby amended to read as follows: 10-307. (a) Bonds issued for the purpose of refunding outstanding debt, including outstanding bonds and matured coupons thereof, or judgments thereon; (b) bonds issued pursuant to the provisions of article 46 of chapter 19 of the Kansas Statutes Annotated, and acts amendatory thereof or supplemental thereto; (c) bonds issued for the purpose of financing the construction or remodeling of a courthouse, jail or law enforcement center facility, which bonds are payable from the proceeds of a countywide retailers' sales tax; and (d) bonds issued by Riley or Lyon county for the purpose of financing the construction or remodeling of a law enforcement facility or jail, or both, shall not be included in computing the total bonded indebtedness of any county for the purpose of determining the limitations on bonded indebtedness provided in K.S.A. 10-306, and amendments thereto.

Sec. 2. K.S.A. 10-307 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 30, 1992.)

SENATE BILL No. 455

AN ACT relating to the governing bodies and the election of officers in certain political and taxing subdivisions of the state; amending K.S.A. 25-1601 and 31-302 and repealing the existing sections.

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

Section 1. K.S.A. 31-302 is hereby amended to read as follows: 31-302. (a) When the boundaries of a benefit district organized as provided for in K.S.A. 31-301 coincide with the boundaries of a common school district, the school district board shall constitute and be the board of directors of said benefit district, and when the boundaries of said benefit district coincide with the boundaries of a rural high school district the rural high school district board shall constitute and be the board of directors of the benefit district.

(b) Whenever the boundaries of any school district or rural high school district which constitute the boundaries of a benefit district for fire fighting purposes created heretofore or hereafter under the authority of K.S.A. 31-301 to 31-304, both sections inclusive, no longer exist because such common school or rural high school district has been disorganized and included in a unified school district, the district board of such common school or rural high school district, as the case may be, shall no longer constitute the board of directors of such benefit district and thereafter members of the board (a) Any benefit district created pursuant to K.S.A. 31-301, and amendments thereto, shall be governed by a board of directors. Except as provided in subsection (b), the members of the board of education of the unified school district who reside within the boundaries of such fire benefit district shall become and be the board of directors of such benefit district.

(b) (1) If the territory of a benefit district created pursuant to K.S.A. 31-301, and amendments thereto, is located partly within Osage county and partly within Lyon county, such district shall be governed by a five-member board of directors. Except as provided by paragraph (3) of this subsection, members shall be elected for four-year terms.

(2) The members of the board of directors, as it existed prior to the effective date of this act and the fire chief of the district shall appoint three persons as members of the board as follows: One person shall be a resident of the fire district and a resident of Osage county; one member shall be a resident of the fire district and a resident of the unincorporated area of Lyon county; and one member shall be a resident of the fire district and a resident of the city of Reading. Such members shall be appointed within 30 days of the effective date of this act. The terms of all members of the board, both elected and appointed, shall expire on the second Monday in January of 1993.

(3) An election shall be held in the benefit district on the Tuesday following the first Monday in November of 1992 and of each even-numbered year thereafter for the purpose of electing the members of the board. At the first such election, two members shall be elected from the district at large to serve for two-year terms. Three members shall be elected for four-year terms and of such members: One member shall be a resident of the fire district and a resident of Osage county; one member shall be a resident of the fire district and a resident of the unincorporated area of Lyon county; and one member shall be a resident of the fire district and a resident of the city of Reading. All members not filling a vacancy and not holding office for a shorter term in compliance with this paragraph shall hold office for a term of four years from the second Monday in January next after their election and until their successors are elected and qualified. Members of the board shall be qualified electors of the district.

Vacancies occurring during a term shall be filled for the unexpired term by appointment by the remaining members of the board.

(4) Elections to choose members of the board shall be conducted, the returns made and the results ascertained in the manner provided by the general election law. Any person desiring to be a candidate as a member of the board in any election, shall file with the county election officer of the home county wherein the district is located, by 12 o'clock noon, June 10, prior to such election, a statement directing such officer to place such person's name on the ballot as a candidate in such election indicating the position for which such person is filing. There shall be no fee imposed for such filing. The county election officer in preparing the ballots shall rotate the names of candidates for each member position in such a manner that each candidate shall be given an equitable opportunity to have such candidate's name appear first on the ballot. The county election officer shall cause to be ascertained the names of all qualified electors within the district, and shall furnish lists thereof to the judges of such election. Notice of the time and place of holding each election, signed by the county election officer, shall be given in a newspaper of general circulation in the district at least 10 days before holding the election. At all elections held under the provisions of this act, only persons who are residents of the district, and who are qualified electors under the constitution, shall be entitled to vote. In addition, if a position on the board has a special residency requirement, only persons who also meet such requirement shall be entitled to vote for that position.

(5) For the purposes of this subsection home county means Lyon county.

(6) All moneys and records of the benefit district in possession of the former board of directors shall be turned over by said the board to the successor board of directors. All legal obligations and contracts entered into by the former board shall become the obligations and contracts of the new board.

(c) The board of directors of the benefit district is authorized to execute contracts with the city for the furnishings of fire-fighting services to the district upon such terms and for such compensation as may be agreed upon, to adopt budgets, to receive and expend moneys and otherwise to act to carry out the provisions of this act.

Sec. 2. K.S.A. 25-1601 is hereby amended to read as follows: 25-1601. On the Tuesday succeeding the first Monday in November of 1976, and every four (4) years thereafter each even-numbered year, a township election shall be held in each township in the state, except in city townships. At such the general election held in November of 1992 and at the general election held in November of each fourth year thereafter, there shall be elected for a term of four (4) years, a township trustee, a clerk and a treasurer. At the general election held in November of 1992, there shall be elected for a term of two years, a township clerk and at the general election held in November of 1994, and at the general election held in November of each fourth year thereafter, there shall be elected for a term of four years, a township clerk.

Sec. 3. K.S.A. 25-1601 and 31-302 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 30, 1992.)

HOUSE BILL No. 3168

AN ACT concerning loans from the pooled money investment board.

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

Section 1. (a) State agencies having statutorily authorized loans from the pooled money investment board are hereby authorized to undertake projects to convert such loans to bond financing in accordance with this section.

(b) No bonds shall be issued for any such project unless: (1) The secretary of administration has determined that it is in the financial best interests of the state; (2) the bonds are sold at public sale; (3) bond counsel provides an opinion that the interest on the bonds is excluded from gross income for federal income tax purposes; and (4) such project has been approved by the secretary of administration. Upon approval by the secretary of administration, any such project is hereby approved for the purposes of subsection (b) of K.S.A. 1991 Supp. 74-8905, and amendments thereto.

(c) The pooled money investment board is hereby authorized to invest the proceeds of loans repaid pursuant to this section, and interest earnings thereon, in: (1) United States government obligations with maturities no longer than the date the loan from the board was to be repaid; or (2) investments with banks operating in Kansas, at interest rates at or above the average yield that investments in United States securities would earn for similar maturities.

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 30, 1992.)

SENATE BILL No. 607

AN ACT concerning the department of social and rehabilitation services; relating to recovery of certain claims for medical assistance from estates of deceased recipients; prescribing powers and duties for the secretary of social and rehabilitation services; amending K.S.A. 9-1215, 9-1216, 17-2263, 17-2264, 17-5828, 17-5829 and 59-1301 and K.S.A. 1991 Supp. 39-709 and repealing the existing sections.

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

Section 1. K.S.A. 9-1215 is hereby amended to read as follows: 9-1215. *Subject to the provisions of this section and K.S.A. 9-1216 and amendments thereto*, an individual adult or minor, hereafter referred to as the owner, may enter into a written contract with any bank located in this state providing that the balance of the owner's deposit account, or the balance of the owner's legal share of a deposit account, at the time of death of the owner shall be made payable on the death of the owner to one or more persons or, if the persons predecease the owner, to another person or persons, hereafter referred to as the beneficiary or beneficiaries. If any beneficiary is a minor at the time the account, or any portion of the account, becomes payable to the beneficiary and the balance, or portion of the balance, exceeds the amount specified by K.S.A. 59-3003, and amendments thereto, the moneys shall be payable only to a conservator of the minor beneficiary.

Transfers pursuant to this section shall not be considered testamentary or be invalidated due to nonconformity with the provisions of chapter 59 of the Kansas Statutes Annotated.

Every contract authorized by this section shall be considered to contain a right on the part of the owner during the owner's lifetime both to withdraw funds on deposit in the account in the manner provided in the contract, in whole or in part, as though no beneficiary has been named, and to change the designation of beneficiary. The interest of the beneficiary shall be considered not to vest until the death of the owner *and, if there is a claim pursuant to subsection (g) of K.S.A. 39-709 and amendments thereto, until such claim is satisfied.*

No change in the designation of the beneficiary shall be valid unless executed in the form and manner prescribed by the bank and delivered to the bank prior to the death of the owner.

For the purposes of this section, the balance of the owner's deposit account or the balance of the owner's legal share of a deposit account shall not be construed to include any portion of the account which under the law of joint tenancy is the property of another joint tenant of the account upon the death of the owner.

As used in this section, "person" means any individual, individual or corporate fiduciary or nonprofit religious or charitable organization as defined by K.S.A. 79-4701, and amendments thereto.

Sec. 2. K.S.A. 9-1216 is hereby amended to read as follows: 9-1216. When the owner and the bank have entered into a contract authorized in K.S.A. 9-1215, and amendments thereto, the owner's deposit account subject to the contract or any part of or interest on the account shall be paid by the bank to the owner or pursuant to the owner's order during the owner's lifetime. On the owner's death, the deposit account or any part of or interest on the account shall be paid by the bank to the *secretary of social and rehabilitation services for a claim pursuant to subsection (g) of K.S.A. 39-709 and amendments thereto or, if there is no such claim or if any portion of the account remains after such claim is satisfied*, to the designated beneficiary or beneficiaries. If any designated beneficiary is a minor at the time the account, or any portion of the account, becomes payable to the beneficiary and the balance, or portion of the balance, exceeds the amount specified by K.S.A. 59-3003, and amendments thereto, the bank shall pay the moneys or any interest on them only to a conservator of the minor beneficiary. The receipt of the conservator shall release and discharge the bank for the payment.

Sec. 3. K.S.A. 17-2263 is hereby amended to read as follows: 17-2263. *Subject to the provisions of this section and K.S.A. 17-2264 and amendments thereto*, an individual adult or minor, hereafter referred to as the shareholder, may enter into a written contract with any credit union located in this state providing that the balance of the shareholder's account, or the balance of the shareholder's legal share of an account, at the time of death of the shareholder shall be made payable on the death of the shareholder to one or more persons or, if the persons predecease the owner, to another person or persons, hereafter referred to as the beneficiary or beneficiaries. If any beneficiary is a minor at the time the account, or any portion of the account, becomes payable to the beneficiary and the balance, or portion of the balance, exceeds the amount specified by K.S.A. 59-3003 and amendments thereto, the moneys shall be payable only to a conservator of the minor beneficiary.

Transfers pursuant to this section shall not be considered testamentary or be invalidated due to nonconformity with the provisions of chapter 59 of the Kansas Statutes Annotated.

Every contract authorized by this section shall be considered to contain a right on the part of the shareholder during the shareholder's lifetime both to withdraw funds on deposit in the account in the manner provided in the contract, in whole or in part, as though no beneficiary has been named, and to change the designation of beneficiary. The interest of the beneficiary shall be considered not to vest until the death of the shareholder *and, if there is a claim pursuant to subsection (g) of K.S.A. 39-709 and amendments thereto, until such claim is satisfied.*

No change in the designation of the beneficiary shall be valid unless executed in the form and manner prescribed by the credit union and delivered to the credit union prior to the death of the shareholder.

For the purposes of this section, the balance of the shareholder's account or the balance of the shareholder's legal share of an account shall not be construed to include any portion of the account which under the law of joint tenancy is the property of another joint tenant of the account upon the death of the owner.

As used in this section, "person" means any individual, individual or corporate fiduciary or nonprofit religious or charitable organization as defined by K.S.A. 79-4701 and amendments thereto.

Sec. 4. K.S.A. 17-2264 is hereby amended to read as follows: 17-2264. When the shareholder and the credit union have entered into a contract authorized in K.S.A. 17-2263 and amendments thereto, the shareholder's account subject to the contract or any part of or interest on the account shall be paid by the credit union to the shareholder or pursuant to the shareholder's order during the shareholder's lifetime. On the shareholder's death, the deposit account or any part of or interest on the account shall be paid by the credit union to the *secretary of social and rehabilitation services for a claim pursuant to subsection (g) of K.S.A. 39-709 and amendments thereto or, if there is no such claim or if any portion of the account remains after such claim is satisfied*, to the designated beneficiary

(continued)

or beneficiaries. If any designated beneficiary is a minor at the time the account, or any portion of the account, becomes payable to the beneficiary and the balance, or portion of the balance, exceeds the amount specified by K.S.A. 59-3003 and amendments thereto, the credit union shall pay the moneys or any interest on them only to a conservator of the minor beneficiary. The receipt of the conservator shall release and discharge the credit union for the payment.

Sec. 5. K.S.A. 17-5828 is hereby amended to read as follows: 17-5828. *Subject to the provisions of this section and K.S.A. 17-5829 and amendments thereto*, an individual adult or minor, hereafter referred to as the owner, may enter into a written contract with any savings and loan association located in this state providing that the balance of the owner's deposit account, or the balance of the owner's legal share of a deposit account, at the time of death of the owner shall be made payable on the death of the owner to one or more persons or, if the persons predecease the owner, to another person or persons, hereafter referred to as the beneficiary or beneficiaries. If any beneficiary is a minor at the time the account, or any portion of the account, becomes payable to the beneficiary and the balance, or portion of the balance, exceeds the amount specified by K.S.A. 59-3003 and amendments thereto, the moneys shall be payable only to a conservator of the minor beneficiary.

Transfers pursuant to this section shall not be considered testamentary or be invalidated due to nonconformity with the provisions of chapter 59 of the Kansas Statutes Annotated.

Every contract authorized by this section shall be considered to contain a right on the part of the owner during the owner's lifetime both to withdraw funds on deposit in the account in the manner provided in the contract, in whole or in part, as though no beneficiary has been named, and to change the designation of beneficiary. The interest of the beneficiary shall be considered not to vest until the death of the owner and, if there is a claim pursuant to subsection (g) of K.S.A. 39-709 and amendments thereto, until such claim is satisfied.

No change in the designation of the beneficiary shall be valid unless executed in the form and manner prescribed by the savings and loan association and delivered to the savings and loan association prior to the death of the owner.

For the purposes of this section, the balance of the owner's deposit account or the balance of the owner's legal share of a deposit account shall not be construed to include any portion of the account which under the law of joint tenancy is the property of another joint tenant of the account upon the death of the owner.

As used in this section, "person" means any individual, individual or corporate fiduciary or nonprofit religious or charitable organization as defined by K.S.A. 79-4701 and amendments thereto.

Sec. 6. K.S.A. 17-5829 is hereby amended to read as follows: 17-5829. When the owner and the savings and loan association have entered into a contract authorized in K.S.A. 17-5828 and amendments thereto, the owner's deposit account subject to the contract or any part of or interest on the account shall be paid by the savings and loan association to the owner or pursuant to the owner's order during the owner's lifetime. On the owner's death, the deposit account or any part of or interest on the account may be paid by the savings and loan association to the secretary of social and rehabilitation services for a claim pursuant to subsection (g) of K.S.A. 39-709 and amendments thereto or, if there is no such claim or if any portion of the account remains after such claim is satisfied, to the designated beneficiary or beneficiaries. If any designated beneficiary is a minor at the time the account, or any portion of the account, becomes payable to the beneficiary and the balance, or portion of the balance, exceeds the amount specified by K.S.A. 59-3003 and amendments thereto, the savings and loan association shall pay the moneys or any interest on them only to a conservator of the minor beneficiary. The receipt of the conservator shall release and discharge the savings and loan association for the payment.

Sec. 7. K.S.A. 1991 Supp. 39-709 is hereby amended to read as follows: 39-709. (a) *General eligibility requirements for assistance for which federal moneys are expended*. Subject to the additional requirements below, assistance in accordance with plans under which federal moneys are expended may be granted to any needy person who:

(1) Has insufficient income or resources to provide a reasonable subsistence compatible with decency and health. Where a husband and wife are living together, the combined income or resources of both shall be considered in determining the eligibility of either or both for such assistance unless otherwise prohibited by law. The secretary, in determining need of any applicant for or recipient of assistance shall not take into account the financial responsibility of any individual for any applicant or recipient of assistance unless such applicant or recipient is such individual's spouse or such individual's minor child or minor stepchild if the stepchild is living with such individual. The secretary in determining need of an individual may provide such income and resource exemptions as may be permitted by federal law.

(2) Is a citizen of the United States or is an alien lawfully admitted to the United States and who is residing in the state of Kansas.

(b) *Assistance to families with dependent children*. Assistance may be granted under this act to any dependent child, or relative, subject to the general eligibility requirements as set out in subsection (a), who resides in the state of Kansas or whose parent or other relative with whom the child is living resides in the state of Kansas. Such assistance shall be known as aid to families with dependent children.

(c) *Aid to families with dependent children; assignment of support rights and limited power of attorney*. By applying for or receiving aid to families with dependent children such applicant or recipient shall be deemed to have assigned to the secretary on behalf of the state any accrued, present or future rights to support from any other person such applicant may have in such person's own behalf or in behalf of any other family member for whom the applicant is applying for or receiving aid. In any case in which an order for child support has been established and the legal custodian and obligee under the order surrenders physical custody of the child to a caretaker relative without obtaining a modification of legal custody and support rights on behalf of the child are assigned pursuant to this section, the surrender of physical custody and the assignment shall transfer, by operation of law, the child's support rights under the order to the secretary on behalf of the state. Such assignment shall be of all accrued, present or future rights to support of the child surrendered to the caretaker relative. The assignment of support rights shall automatically become effective upon the date of approval for or receipt of such aid without the requirement that any document be signed by the applicant, recipient or obligee. By applying for or receiving aid to families with dependent children, or by surrendering physical custody of a child to a caretaker relative who is an applicant or recipient of such assistance on the child's behalf, the applicant, recipient or obligee is also deemed to have appointed the secretary, or the secretary's designee, as an attorney in fact to perform the specific act of negotiating and endorsing all drafts, checks, money orders or other negotiable instruments representing support payments received by the secretary in behalf of any person applying for, receiving or having received such assistance. This limited power of attorney shall be effective from the date the secretary approves the application for aid and shall remain in effect until the assignment of support rights has been terminated in full.

(d) *Eligibility requirements for general assistance, the cost of which is not shared by the federal government*. (1) General assistance may be granted to eligible persons who do not qualify for financial assistance in a program in which the federal government participates and who satisfy the additional requirements prescribed by or under this subsection (d).

(A) To qualify for general assistance in any form a needy person must have insufficient income or resources to provide a reasonable subsistence compatible with decency and health and, except as provided for transitional assistance, be a member of a family in which a minor child or a pregnant woman resides or be unable to engage in employment. The secretary shall adopt rules and regulations prescribing criteria for establishing when a minor child may be considered to be living with a family and whether a person is able to engage in employment, including such factors as age or physical or mental condition. Eligibility for general assistance, other than transitional assistance, is limited to families in which a minor child or a pregnant woman resides or to an adult or family in which all legally responsible family members are unable to engage in employment. Where a husband and wife are living together the combined income

or resources of both shall be considered in determining the eligibility of either or both for such assistance unless otherwise prohibited by law. The secretary in determining need of any applicant for or recipient of general assistance shall not take into account the financial responsibility of any individual for any applicant or recipient of general assistance unless such applicant or recipient is such individual's spouse or such individual's minor child or a minor stepchild if the stepchild is living with such individual. In determining the need of an individual, the secretary may provide for income and resource exemptions.

(B) To qualify for general assistance in any form a needy person must be a citizen of the United States or an alien lawfully admitted to the United States and must be residing in the state of Kansas.

(2) General assistance in the form of transitional assistance may be granted to eligible persons who do not qualify for financial assistance in a program in which the federal government participates and who satisfy the additional requirements prescribed by or under this subsection (d), but who do not meet the criteria prescribed by rules and regulations of the secretary relating to inability to engage in employment or are not a member of a family in which a minor or a pregnant woman resides.

(3) In addition to the other requirements prescribed under this subsection (d), the secretary shall adopt rules and regulations which establish community work experience program requirements for eligibility for the receipt of general assistance in any form and which establish penalties to be imposed when a work assignment under a community work experience program requirement is not completed without good cause. The secretary may adopt rules and regulations establishing exemptions from any such community work experience program requirements. A first time failure to complete such a work assignment requirement shall result in ineligibility to receive general assistance for a period fixed by such rules and regulations of not more than three calendar months. A subsequent failure to complete such a work assignment requirement shall result in a period fixed by such rules and regulations of ineligibility of not more than six calendar months.

(4) If any person is found guilty of the crime of theft under the provisions of K.S.A. 39-720 and amendments thereto, such person shall thereby become forever ineligible to receive any form of general assistance under the provisions of this subsection (d) unless the conviction is the person's first conviction under the provisions of K.S.A. 39-720 and amendments thereto or the law of any other state concerning welfare fraud. First time offenders convicted of a misdemeanor under the provisions of such statute shall become ineligible to receive any form of general assistance for a period of 12 calendar months from the date of conviction. First time offenders convicted of a felony under the provisions of such statute shall become ineligible to receive any form of general assistance for a period of 60 calendar months from the date of conviction. If any person is found guilty by a court of competent jurisdiction of any state other than the state of Kansas of a crime involving welfare fraud, such person shall thereby become forever ineligible to receive any form of general assistance under the provisions of this subsection (d) unless the conviction is the person's first conviction under the law of any other state concerning welfare fraud. First time offenders convicted of a misdemeanor under the law of any other state concerning welfare fraud shall become ineligible to receive any form of general assistance for a period of 12 calendar months from the date of conviction. First time offenders convicted of a felony under the law of any other state concerning welfare fraud shall become ineligible to receive any form of general assistance for a period of 60 calendar months from the date of conviction.

(e) *Requirements for medical assistance for which federal moneys or state moneys or both are expended.* When the secretary has adopted a medical care plan under which federal moneys or state moneys or both are expended, medical assistance in accordance with such plan shall be granted to any person who is a citizen of the United States or who is an alien lawfully admitted to the United States and who is residing in the state of Kansas, whose resources and income do not exceed the levels prescribed by the secretary. In determining the need of an individual, the secretary may provide for income and resource exemptions and protected income and resource levels. The secretary shall exempt principal and interest held in irrevocable trust pursuant to subsection (c) of K.S.A. 16-303 and

amendments thereto from the eligibility requirements of applicants for and recipients of medical assistance. Such assistance shall be known as medical assistance.

(f) *Eligibility for medical assistance of resident receiving medical care outside state.* A person who is receiving medical care including long-term care outside of Kansas whose health would be endangered by the postponement of medical care until return to the state or by travel to return to Kansas, may be determined eligible for medical assistance if such individual is a resident of Kansas and all other eligibility factors are met. Persons who are receiving medical care on an ongoing basis in a long-term medical care facility in a state other than Kansas and who do not return to a care facility in Kansas when they are able to do so, shall no longer be eligible to receive assistance in Kansas unless such medical care is not available in a comparable facility or program providing such medical care in Kansas. For persons who are minors or who are under guardianship, the actions of the parent or guardian shall be deemed to be the actions of the child or ward in determining whether or not the person is remaining outside the state voluntarily.

(g) *Medical assistance; assignment of rights to medical support and limited power of attorney; recovery from estates of deceased recipients.* (1) Except as otherwise provided in K.S.A. 1988 1991 Supp. 39-786 and 39-787, and amendments thereto, or as otherwise authorized on and after September 30, 1989, under section 303 and amendments thereto of the federal medicare catastrophic coverage act of 1988, whichever is applicable, by applying for or receiving medical assistance under a medical care plan in which federal funds are expended, any accrued, present or future rights to support and any rights to payment for medical care from a third party of an applicant or recipient and any other family member for whom the applicant is applying shall be deemed to have been assigned to the secretary on behalf of the state. The assignment shall automatically become effective upon the date of approval for such assistance without the requirement that any document be signed by the applicant or recipient. By applying for or receiving medical assistance the applicant or recipient is also deemed to have appointed the secretary, or the secretary's designee, as an attorney in fact to perform the specific act of negotiating and endorsing all drafts, checks, money orders or other negotiable instruments, representing payments received by the secretary in behalf of any person applying for, receiving or having received such assistance. This limited power of attorney shall be effective from the date the secretary approves the application for assistance and shall remain in effect until the assignment has been terminated in full. The assignment of any rights to payment for medical care from a third party under this subsection shall not prohibit a health care provider from directly billing an insurance carrier for services rendered if the provider has not submitted a claim covering such services to the secretary for payment. Support amounts collected on behalf of persons whose rights to support are assigned to the secretary only under this subsection and no other shall be distributed pursuant to subsection (d) of K.S.A. 39-756 and amendments thereto, except that any amounts designated as medical support shall be retained by the secretary for repayment of the unreimbursed portion of assistance. Amounts collected pursuant to the assignment of rights to payment for medical care from a third party shall also be retained by the secretary for repayment of the unreimbursed portion of assistance.

(2) *The amount of any medical assistance paid after June 30, 1992, under the provisions of subsection (e) is (A) a claim against the property or any interest therein belonging to and a part of the estate of any deceased recipient or, if there is no estate, the estate of the surviving spouse, if any, shall be charged for such medical assistance paid to either or both, and (B) a claim against any funds of such recipient or spouse in any account under K.S.A. 9-1215, 9-1216, 17-2263, 17-2264, 17-5828 or 17-5829 and amendments thereto. There shall be no recovery of medical assistance correctly paid to or on behalf of an individual under subsection (e) except after the death of the surviving spouse of the individual, if any, and only at a time when the individual has no surviving child who is under 21 years of age or is blind or permanently and totally disabled. Transfers of real or personal property by recipients of medical assistance without adequate consideration are voidable and may be set aside. Except where there is a surviving spouse, or a surviving child who*

(continued)

is under 21 years of age or is blind or permanently and totally disabled, the amount of any medical assistance paid under subsection (e) is a claim against the estate in any guardianship or conservatorship proceeding. The monetary value of any benefits received by the recipient of such medical assistance under long-term care insurance, as defined by K.S.A. 40-2227 and amendments thereto, shall be a credit against the amount of the claim provided for such medical assistance under this subsection (g). The secretary is authorized to enforce each claim provided for under this subsection (g). The secretary shall not be required to pursue every claim, but is granted discretion to determine which claims to pursue. All moneys received by the secretary from claims under this subsection (g) shall be deposited in the social welfare fund. The secretary may adopt rules and regulations for the implementation and administration of the medical assistance recovery program under this subsection (g).

(h) Placement under code for care of children or juvenile offenders code; assignment of support rights and limited power of attorney. In any case in which the secretary of social and rehabilitation services pays for the expenses of care and custody of a child pursuant to K.S.A. 38-1501 *et seq.* or 38-1601 *et seq.*, and amendments thereto, including the expenses of any foster care placement, an assignment of all past, present and future support rights of the child in custody possessed by either parent or other person entitled to receive support payments for the child is, by operation of law, conveyed to the secretary. Such assignment shall become effective upon placement of a child in the custody of the secretary or upon payment of the expenses of care and custody of a child by the secretary without the requirement that any document be signed by the parent or other person entitled to receive support payments for the child. When the secretary pays for the expenses of care and custody of a child or a child is placed in the custody of the secretary, the parent or other person entitled to receive support payments for the child is also deemed to have appointed the secretary, or the secretary's designee, as attorney in fact to perform the specific act of negotiating and endorsing all drafts, checks, money orders or other negotiable instruments representing support payments received by the secretary on behalf of the child. This limited power of attorney shall be effective from the date the assignment to support rights becomes effective and shall remain in effect until the assignment of support rights has been terminated in full.

Sec. 8. K.S.A. 59-1301 is hereby amended to read as follows: 59-1301. If the applicable assets of an estate are insufficient to pay in full all demands allowed against it, payment shall be made in the following classified order:

First class, the expenses of an appropriate funeral in such amount as was reasonably necessary, having due regard to the assets of the estate available for the payment of demands and to the rights of other creditors, and, following the allowance of such expenses, any claim for medical assistance paid under subsection (e) of K.S.A. 39-709 and amendments thereto. Any part of the funeral expenses allowed as a demand against the estate in excess of the sum ascertained as above shall be paid as other demands of the fourth class.

Second class, the appropriate and necessary costs and expenses of administration and the reasonable sums for the appropriate and necessary expenses of the last sickness of decedent, including wages of servants.

Third class, judgments rendered against decedent in his or her the decedent's lifetime, all judgments or liens upon the property of the decedent shall be paid in the order of their priority.

Fourth class, all other demands duly proved, including the cost of any appropriate tombstone or marker or the lettering thereon, in such amount as may be reasonably necessary, but whether there shall be an allowance, and if so the amount thereof, shall be determined by the court before any obligation therefor is incurred. *Provided*, except that debts having preference by the laws of the United States and demands having preference by the laws of this state shall be paid according to such preference.

Except as provided by this section for the first class of demands, no preference shall be given in the payment of any demand over any other demand of the same class, nor shall a demand due and payable be entitled to preference over demands not due.

Sec. 9. K.S.A. 9-1215, 9-1216, 17-2263, 17-2264, 17-5828, 17-5829 and 59-1301 and K.S.A. 1991 Supp. 39-709 are hereby repealed.

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

SENATE BILL No. 681

AN ACT concerning agriculture; relating to fertilizer and pesticide; amending K.S.A. 2-1201, 2-1202 and 2-1204 and repealing the existing sections.

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

Section 1. K.S.A. 2-1202 is hereby amended to read as follows: 2-1202. (1) Application for registration shall be filed with the secretary and shall set forth:

- (a) The brand and grade of the commercial fertilizer;
- (b) the name and address of the person making application for registration of the commercial fertilizer;
- (c) the guaranteed analysis including: (A) The minimum percentage of nitrogen, (B) the minimum percentage of total phosphorus pentoxide (P_2O_5), which is more commonly known and which shall be shown as total phosphoric acid; (C) the minimum percentage of available phosphorus pentoxide (P_2O_5), which is more commonly known and which shall be shown as available phosphoric acid; (D) the minimum percentage of dipotassium oxide (K_2O), which is more commonly known and which shall be shown as water soluble potash; (E) the kind and minimum percentage of any and all other plant food elements or compounds contributing to the value of the commercial fertilizer, expressed separately; (F) a guarantee that the commercial fertilizer contains no horn, hoof, hair, feathers or other similarly inert nitrogenous matter; (G) a statement authorizing the secretary or an authorized representative of the secretary to examine all records of the applicant necessary for the purpose of verifying and determining the inspection fee; *Provided, That, and* (G) such other information as may be prescribed by rules and regulations. The total phosphoric acid need not be shown on the application for registration of commercial fertilizers other than unacidulated mineral phosphatic materials, basic slag, bone, tankage, and other natural organic phosphate materials.

(2) If the application meets the requirements of this act, and the person making application shall pay a registration fee of five dollars (\$5) \$5 for each commercial fertilizer, the secretary shall register each such product. Such registration may be revoked for failure to comply with requirements of article 12 of chapter 2 of the Kansas Statutes Annotated, and acts amendatory and supplemental amendments thereto. All registrations shall expire on June thirtieth 30 of each year. Each person who secures registration of a commercial fertilizer shall semiannually submit to the secretary a written statement of the tonnage of each kind or grade of commercial fertilizer, shipped to or sold within this state; *Provided, That*. The registrant shall not be required to report direct shipments of commercial fertilizer and fertilizer materials to fertilizer manufacturers or mixers, but that said such fertilizer manufacturers or mixers shall report this tonnage of said such commercial fertilizers shipped, sold or distributed by them in this state and not used in manufacturing processes. Said Such statements shall respectively include all shipments or sales for the six month periods beginning July first 1 to and including December thirtieth 31, and six-month periods beginning January first 1 to and including June thirtieth 30. The secretary may cancel the registrations of any person failing to file the tonnage statement within thirty 30 days from the date of the close of each period. The secretary; however, may grant a reasonable extension of time. Information furnished to the secretary shall not be disclosed in such a way as to divulge the operations of any person.

Sec. 2. K.S.A. 2-1201 is hereby amended to read as follows: 2-1201. (1) The term "commercial fertilizer" means any substance designed, intended, used or susceptible for use to supply food for plants or to increase crops produced by land, except the following: (a) Limestone (calcium carbonate), (b) dolomite (calcium magnesium carbonate), (c) lime (calcium oxide), (d) slaked lime (calcium hydroxide), (e) gypsum (calcium sulphate), (f) the dung of domestic animals, (g) compost, and (h) fertilizer materials. The term commercial fertilizer shall also include specialty fertilizer as defined below.

(2) The term "fertilizer materials" means any substance containing plant food elements or compounds in possession of manufacturers for use in compounding mixed commercial fertilizers.

(3) The term "brand" means the name, number, trademark, trade name or other designation of a commercial fertilizer.

(4) The term "grade" means the minimum percentages of total

nitrogen, available phosphoric acid, and soluble potash, stated in the order given in this definition. When applied to mixed or blended fertilizers, whole numbers only shall be given.

(5) The term "person" includes individual, partnership, association, firm and corporation.

(6) The term "secretary" means the secretary of the Kansas state board of agriculture.

(7) The term "label" means a display of written, printed, or graphic matter upon or affixed to the container in which a commercial fertilizer is distributed, or on the invoice slip or delivery slip with which a commercial fertilizer or custom blended fertilizer is distributed.

(8) The term "custom blended fertilizer" means a fertilizer blended according to specifications furnished by the customers prior to blending.

(9) The term "custom blender" means any person who blends only registered commercial fertilizers at the request of and according to specifications furnished by the customer-purchaser.

(10) *The term "specialty fertilizer" means a commercial fertilizer distributed primarily for nonfarm use, such as home gardens, lawns, shrubbery, flowers, golf courses, municipal parks, cemeteries, greenhouses and nurseries, and may include commercial fertilizers used for research or experimental purposes and is not used primarily for application to crops produced for commercial value.*

(11) *The term "process tankage" means a product made under steam pressure from crude inert nitrogenous materials such as horn, hoof, hair, feathers or other similarly inert nitrogenous matter, for the purpose of increasing the activity of nitrogen. The water-insoluble nitrogen in these products shall test at least 50% by the alkaline method or at least 80% by the neutral permanganate method.*

Sec. 3. K.S.A. 2-1204 is hereby amended to read as follows: 2-1204. (1) Every package or container of commercial fertilizer shall bear a distinctly printed label in the English language on a tag attached to the package or container, or distinctly printed on the package or container. The label shall show and state:

- (a) The name and address of the person registering the commercial fertilizer;
- (b) the brand and grade of the commercial fertilizer;
- (c) the net weight in the package or container;
- (d) the registered guaranteed analysis. The guaranteed analysis shall include the minimum percentages of plant foods in the following order and form:

Nitrogen, minimum	_____ percent
Available phosphoric acid, minimum	_____ percent
Soluble potash, minimum	_____ percent,

except (A) unacidulated mineral phosphatic materials and basic slag shall show the guaranteed analysis in the following order and form:

Total phosphoric acid, minimum	_____ percent
Available phosphoric acid, minimum	_____ percent

Fineness of grind: _____ percent through mesh screen, and (B) bone, tankage, and other natural organic phosphate materials shall show the guaranteed analysis in the following form:

Total phosphoric acid, minimum	_____ percent;
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(e) commercial fertilizers containing any ingredient which is injurious to plants, shall be labeled to show, (A) the name and percentage of each such active ingredient; (B) adequate directions for use, and (C) adequate warnings against misuse;

(f) the minimum percentage of any and all other plant food elements or compounds contributing to the value of the commercial fertilizers; and

(g) *such other information as may be prescribed by rules and regulations.*

(2) Bulk lots shall be accompanied by a label which shall be delivered to the purchaser showing the information required by this section.

(3) *No commercial fertilizer, except a specialty fertilizer, shall contain or be manufactured from process tankage.*

New Sec. 4. (a) On and after the effective date of this act, the provisions of the Kansas pesticide law, and any rules and regulations promulgated thereunder relating to pesticide sale or use, including, but not limited to, application of pesticides, training and certification of pesticide applicators, storage of pesticides, transportation of pesticides and disposal of pesticides within the state of Kansas shall be applicable and uniform throughout this state and in all cities, counties

and political subdivisions therein. No local authority shall enact or enforce any law, ordinance, rule, regulation or resolution in conflict with, in addition to, or supplemental to, the provisions of the Kansas pesticide law unless expressly authorized by law to do so. Any law, ordinance, rule, regulation or resolution in conflict with, in addition to, or supplemental to, the provisions of the Kansas pesticide law is hereby declared to be invalid and of no effect. Any amendment to the Kansas pesticide law or any amendment of the rules and regulations promulgated thereunder, shall supersede and preempt the conflicting, additional or supplemental provisions of any law, ordinance, rule, regulation or resolution enacted by any city, county or other political subdivision of this state.

(b) Nothing in this section shall be construed to preempt or otherwise limit the authority of any city, county or political subdivision therein to adopt and enforce zoning regulations, fire codes or hazardous waste disposal restrictions.

(c) This act is supplemental to and shall become a part of the Kansas pesticide law.

Sec. 5. K.S.A. 2-1201, 2-1202 and 2-1204 are hereby repealed.

Sec. 6. This act shall take effect and be in force from and after its publication in the Kansas register.

(Published in the Kansas Register, April 30, 1992.)

SENATE BILL No. 474

AN ACT concerning the deaf and hard of hearing; changing the name of the Kansas commission for the deaf and hearing impaired to the Kansas commission for the deaf and hard of hearing; rescinding applicability to the commission of the provisions of the Kansas sunset law; amending K.S.A. 75-5391, 75-5392, 75-5393, 75-5394, 75-5395, 75-5396, 75-5397, 75-5397a, 75-5397b, 75-5397c and 75-5397d and repealing the existing sections; repealing K.S.A. 74-7274.

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

Section 1. K.S.A. 75-5391 is hereby amended to read as follows: 75-5391. (a) There is hereby established within the department of social and rehabilitation services the Kansas commission for the deaf and *hard of hearing impaired*. The commission shall:

(1) Advocate services affecting the deaf and *hard of hearing impaired* in the areas of public services, health care, educational, vocational and employment opportunity;

(2) act as a bureau of information for the deaf and *hard of hearing impaired* to state agencies and public institutions providing general health and mental health care, employment, vocational, and educational services, and to local agencies and programs;

(3) collect facts and statistics and other special studies of conditions affecting the health and welfare of the deaf and *hard of hearing impaired* in this state;

(4) provide for a mutual exchange of ideas and information on the national, state and local levels;

(5) provide public education of prenatal and postnatal warning signs of conditions which may lead to deafness or hearing impairment in the fetus or newborn child;

(6) encourage and assist local governments in the development of programs for the deaf and *hard of hearing impaired*;

(7) cooperate with public and private agencies and units of local, state and federal governments in promoting coordination in programs for the deaf and *hard of hearing impaired*;

(8) provide for the social, emotional, educational and vocational needs of the deaf and *hard of hearing impaired* and their families;

(9) serve as an advisory board to the governor on the needs of the deaf and *hard of hearing impaired* by preparing an annual report which reviews the status of all state services to the deaf and *hard of hearing impaired* within Kansas, and to recommend priorities to the governor for the development and coordination of services to the deaf and *hard of hearing impaired*;

(10) make recommendations for needed improvements, and serve as an advisory board in regard to new legislation affecting the deaf and *hard of hearing impaired*.

(b) Except as otherwise provided by this act, all budgeting, purchasing and related management functions of the Kansas commission for the deaf and *hard of hearing impaired* shall be administered under the direction and supervision of the secretary of social and rehabilitation services. Within the limitations of available appropri-

(continued)

ations, the secretary of social and rehabilitation services shall provide additional clerical and other assistance as may be required for the commission.

(e) ~~The provisions of the Kansas sunset law apply to the Kansas commission for the deaf and hearing impaired established by this section and the commission is subject to abolition thereunder.~~

Sec. 2. K.S.A. 75-5392 is hereby amended to read as follows: 75-5392. (a) The Kansas commission for the deaf and *hard of hearing impaired* shall consist of 17 members who shall be responsible for the policies and management of the commission. The membership shall consist of the following:

(1) Five ex officio members, the administrative head, or a designee, of (A) vocational rehabilitation services, (B) social services, (C) the department of health and environment, (D) the state board of education, and (E) the state school for the deaf.

(2) Twelve members appointed by the governor as follows: Six members who are deaf or *hard of hearing impaired* persons, one of whom shall be representative of the Kansas association of the deaf; one member who is a speech language pathologist; one member from the state registry of interpreters for the deaf; one member who is a psychologist, nurse, teacher, rehabilitation counselor or social worker serving the deaf or *hard of hearing impaired*; one member who is not deaf or *hard of hearing impaired* and who is the parent of a deaf or *hard of hearing impaired* person; one member who is a clinical audiologist; and one member who is a board-certified otolaryngologist.

(b) ~~The members who were appointed by the governor and who are serving on the commission on the effective date of this act shall be reappointed as members of the commission on the effective date of this act in accordance with the following: Four members for a term of one year, four members for a term of two years, and four members for a term of three years, as designated by the governor. Thereafter members appointed by the governor shall serve on the commission for terms of three years and until their successors are appointed and qualified. The members appointed by the governor who are serving on the commission on July 1, 1988, shall continue as members of the commission for the term of office for which originally appointed. As the terms of members appointed by the governor expire and as vacancies otherwise occur from among the members appointed by the governor, members of the commission shall be appointed so as to comply with the requirements of subsection (a)(2) for qualification for membership on the commission. In filling vacancies in the membership of the commission, the governor shall give preference to deaf or *hard of hearing impaired* persons qualified to fill such vacancies. Upon a vacancy in an appointive position in the membership of the commission, the commission itself and the Kansas association of the deaf may each submit to the governor a list of deaf or *hard of hearing impaired* persons deemed qualified to fill such vacancy, and the governor may fill such vacancy from among the persons on such lists.~~

(c) Any appointive position in the membership of the commission which becomes vacant prior to the expiration of a full term shall be filled only for the period of the unexpired term.

(d) The members of the commission shall elect a chairperson annually. The commission shall meet at the call of the chairperson, but no less than four times a year. The members shall elect other officers as deemed necessary, set duties of officers, and set procedures for conducting their meetings for the purposes designated in this act. A simple majority of the membership of the commission shall constitute a quorum.

(e) Members of the commission shall receive no compensation for their services. Ex officio members of the commission shall receive travel expenses and subsistence expenses or allowances as provided in K.S.A. 75-3212, and amendments thereto, which shall be paid by the respective departments of such members. Appointed members of the commission shall receive travel expenses and subsistence expenses or allowances for attendance at meetings of the commission authorized by the chairperson or the commission as provided in K.S.A. 75-3212, and amendments thereto.

Sec. 3. K.S.A. 75-5393 is hereby amended to read as follows: 75-5393. (a) The Kansas commission for the deaf and *hard of hearing impaired* shall employ an executive director and shall fix the duties,

responsibilities and qualifications thereof. The executive director shall be a full-time employee of the commission who shall be in the unclassified service under the Kansas civil service act and shall receive an annual salary to be fixed by the commission. The executive director shall receive actual and necessary expenses incurred while in the discharge of official duties.

(b) The executive director, with the advice and consent of the commission shall:

(1) Within the limitations of available appropriations, plan and oversee the establishment of service centers for the deaf and *hard of hearing impaired* in areas where the commission deems they are needed and in concurrence with the secretary of social and rehabilitation services and in consultation with local boards of directors of community service centers and local groups promoting or providing services to the deaf or *hard of hearing impaired*, or both;

(2) promote accessibility of all governmental services to deaf and *hard of hearing impaired* citizens in Kansas including those deaf and *hard of hearing impaired* persons with multiple disabilities;

(3) identify agencies, both public and private which provide community services, evaluate the extent to which they make services available to deaf and *hard of hearing impaired* people and their families, and cooperate with the agencies in coordinating and extending these services;

(4) provide for the mutual exchange of ideas and information on services for deaf and *hard of hearing impaired* people between federal, state and local governmental agencies and private organizations and individuals;

(5) survey the needs of the deaf and *hard of hearing impaired* population in Kansas and assist the commission in the preparation of its report to the governor;

(6) maintain a listing of persons qualified in various types of interpreting and aural rehabilitation for the deaf and make this information available to local, state, federal and private organizations and to individuals;

(7) promote the training of interpreters for the deaf and *hard of hearing impaired*;

(8) serve as an advocate for the rights of deaf and *hard of hearing impaired* people and perform such other duties as may be required by law;

(9) provide interpreter services for the deaf and *hard of hearing impaired* to be funded from user fees;

(10) provide a telecommunication message relay service for the deaf and *hard of hearing impaired*;

(11) provide sign language instruction to be funded from user fees; and

(12) employ such persons as may be needed from time to time, in the judgment of the executive director, to carry out the director's responsibilities under paragraphs (9), (10) and (11) of this subsection. Such employees shall be in the unclassified civil service and shall receive an annual salary to be fixed by the commission.

(c) In selecting an executive director, the commission shall select an individual who is fluent in the American sign language of the deaf and shall give consideration and priority to qualified applicants who are deaf or *hard of hearing impaired*.

Sec. 4. K.S.A. 75-5394 is hereby amended to read as follows: 75-5394. The commission for the deaf and *hard of hearing impaired* may request and shall receive from any department, division, board, bureau, commission, agency of the state or of any political subdivision thereof, such data as might be needed to enable it to properly carry out its activities under this act. Avoidance of unnecessary duplication of state-delivered services to the deaf and *hard of hearing impaired* shall be the primary objective of such cooperation.

Sec. 5. K.S.A. 75-5395 is hereby amended to read as follows: 75-5395. The Kansas commission for the deaf and *hard of hearing impaired* may make arrangements with other state agencies, and may contract with other individuals, organizations, corporations, associations other legal entities, including private agencies, or any department or agency of the federal government, state or any political subdivision of the state, to carry out the purposes of the commission.

Sec. 6. K.S.A. 75-5396 is hereby amended to read as follows: 75-5396. The Kansas commission for the deaf and *hard of hearing impaired* is authorized to receive moneys from any source, including federal funds, gifts, grants and bequests which shall be expended for the purposes designated in this act.

Sec. 7. K.S.A. 75-5397 is hereby amended to read as follows: 75-5397. The governor is authorized to designate existing departments of state government, or division thereof, to provide statewide services to the deaf and *hard of hearing* ~~impaired~~ as specified in this act.

Sec. 8. K.S.A. 75-5397a is hereby amended to read as follows: 75-5397a. (a) The Kansas commission for the deaf and *hard of hearing* ~~impaired~~ may fix, charge and collect reasonable fees for providing interpreter services and sign language instruction.

(b) The secretary of social and rehabilitation services shall remit all moneys received by the commission for such services to the state treasurer at least monthly. Upon receipt of each remittance, the state treasurer shall deposit the entire amount thereof in the state treasury and credit the same to the state general fund.

Sec. 9. K.S.A. 75-5397b is hereby amended to read as follows: 75-5397b. (a) The Kansas commission for the deaf and *hard of hearing* ~~impaired~~ established by this act shall be the successor in every way to the powers, duties and functions of the Kansas commission for the *deaf and hearing* ~~impaired~~ in which the same were vested prior to the effective date of this act.

(b) Whenever the Kansas commission for the *deaf and hearing* ~~impaired~~, or words of like effect, is referred to or designated by a statute, contract or other document, such reference or designation shall be deemed to apply to the Kansas commission for the deaf and *hard of hearing* ~~impaired~~.

(c) All orders or directives of the Kansas commission for the *deaf and hearing* ~~impaired~~ in existence on the effective date of this act shall continue to be effective and shall be deemed to be the orders or directives of the Kansas commission for the deaf and *hard of hearing* ~~impaired~~ until revised, amended, repealed or nullified pursuant to law.

(d) The Kansas commission for the deaf and *hard of hearing* ~~impaired~~ shall be a continuation of the Kansas commission for the *deaf and hearing* ~~impaired~~.

Sec. 10. K.S.A. 75-5397c is hereby amended to read as follows: 75-5397c. (a) No suit, action or other proceeding, judicial or administrative, lawfully commenced by or against the Kansas commission for the *deaf and hearing* ~~impaired~~, or by or against any officer of the state in such officer's official capacity or in relation to the discharge of such officer's official duties, shall abate by reason of the taking effect of this act. The court may allow any such suit, action or other proceeding to be maintained by or against the successor of such state agency, or any officer affected.

(b) No criminal action commenced or which could have been commenced by the state shall abate by the taking effect of this act.

Sec. 11. K.S.A. 75-5397d is hereby amended to read as follows: 75-5397d. (a) As used in this section, "commission" means the Kansas commission for the deaf and *hard of hearing* ~~impaired~~.

(b) The commission shall design and provide for the issuance of a symbol or other device that may be attached to a motor vehicle regularly operated by a deaf or *hard of hearing* ~~impaired~~ person. The symbol may be attached to the lower left corner of the rear window of a motor vehicle, if the symbol does not exceed a width of five inches and a height of five inches; or the symbol may be attached to the rear bumper of a motor vehicle.

(c) A deaf or *hard of hearing* ~~impaired~~ person may apply to the commission for the symbol or other device. The commission may require acceptable medical proof that a person is deaf or *hard of hearing* ~~impaired~~. The commission may collect a fee not to exceed \$2 for each symbol or device.

(d) The commission may contract with a state or local agency for the distribution of the symbol or other device.

(e) The commission shall provide law enforcement agencies in the state an explanation of the meaning of the symbol to be issued by the commission prior to the issuance of such symbol.

Sec. 12. K.S.A. 74-7274, 75-5391, 75-5392, 75-5393, 75-5394, 75-5395, 75-5396, 75-5397, 75-5397a, 75-5397b, 75-5397c and 75-5397d are hereby repealed.

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

(Published in the Kansas Register, April 30, 1992.)

SENATE BILL No. 598

AN ACT relating to property taxation; concerning real estate sales validation questionnaires and penalties for falsification thereof; amending K.S.A. 1991 Supp. 79-1437c, 79-1437e and 79-1437g and repealing the existing sections.

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

Section 1. K.S.A. 1991 Supp. 79-1437c is hereby amended to read as follows: 79-1437c. No deed or instrument providing for the transfer of title to real estate or affidavit of equitable interest in real estate shall be recorded in the office of the register of deeds unless such deed, instrument or affidavit shall be accompanied by a completed real estate sales validation questionnaire by the grantor, or grantee ~~or his or her agent~~ concerning the property transferred. Such questionnaire shall not be filed of record by the register of deeds but shall be retained for a period of two years at which time they shall be destroyed. The register of deeds shall in conjunction with the county clerk use the information derived from such questionnaires in preparing the report to the director of property valuation as provided for in K.S.A. 79-1436, and amendments thereto.

Sec. 2. K.S.A. 1991 Supp. 79-1437e is hereby amended to read as follows: 79-1437e. (a) The real estate sales validation questionnaire required by this act shall not apply to transfers of title:

- (1) Recorded prior to the effective date of this act;
 - (2) made solely for the purpose of securing or releasing security for a debt or other obligation;
 - (3) made for the purpose of confirming, correcting, modifying or supplementing a deed previously recorded, and without additional consideration;
 - (4) by way of gift, donation or contribution stated in the deed or other instrument;
 - (5) to cemetery lots; ~~or~~
 - (6) by leases and transfers of severed mineral interests;
 - (7) to a trust, and without consideration;
 - (8) resulting from a divorce settlement where one party transfers interest in property to the other;
 - (9) made solely for the purpose of creating a joint tenancy or tenancy in common;
 - (10) by way of a sheriff's deed;
 - (11) by way of a deed which has been in escrow for longer than five years;
 - (12) by way of a quit claim deed filed for the purpose of clearing title encumbrances; or
 - (13) when title is transferred to convey right-of-way or pursuant to eminent domain.
- (b) When a real estate sales validation questionnaire is not required due to one or more of the exemptions provided in subsection (a), the exemption shall be clearly stated on the document being filed.

Sec. 3. K.S.A. 1991 Supp. 79-1437g is hereby amended to read as follows: 79-1437g. Any person who shall falsify the value of real estate transferred shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined not more than ~~\$100~~ \$500.

Sec. 4. K.S.A. 1991 Supp. 79-1437c, 79-1437e and 79-1437g are hereby repealed.

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

(Published in the Kansas Register, April 30, 1992.)

SENATE BILL No. 789

AN ACT relating to elections; concerning petitions for nomination and for elections; amending K.S.A. 1991 Supp. 25-205, 25-303, 25-2311, 25-3601 and 25-3602 and repealing the existing sections.

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

Section 1. K.S.A. 1991 Supp. 25-205 is hereby amended to read as follows: 25-205. (a) The names of candidates for national, state, county and township offices shall be printed upon the official primary ballot when each shall have qualified to become a candidate by one of the following methods and none other: (1) They shall have had filed in their behalf, not later than 12:00 noon, June 10, prior to such primary election, or if such date falls on Saturday, Sunday or a holiday, then before 12:00 noon of the next following day that is not a Saturday, Sunday or a holiday, nomination petitions, as provided for in this act; or (2) they shall have filed not later than the time for filing nomination petitions, as above provided, with the proper officer a declaration of intention to become a candidate, accompanied by the fee required by law. Such declaration shall be prescribed by the secretary of state.

(b) Nomination petitions shall be in substantially the following form:

I, the undersigned, an elector of the county of _____, and state of Kansas, and a duly registered voter, and a member of _____ party, hereby nominate _____, who resides in the township of _____ (or at number _____ on _____ street, city of _____), in the county of _____ and state of Kansas, as a candidate for the office of (here specify the office) _____, to be voted for at the primary election to be held on the first Tuesday in August in _____, as representing the principles of such party; and I further declare that I intend to support the candidate herein named and that I have not signed and will not sign any nomination petition for any other person, for such office at such primary election.

(HEADING)

Name of Signers.	Street Number or Rural Route (as registered).	Name of City.	Date of Signing.
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All nomination petitions shall have substantially the foregoing form, written or printed at the top thereof. No signature shall be counted unless it is upon a sheet having such written or printed form at the top thereof.

(c) Each signer of a nomination petition shall sign but one such petition for the same office, and shall declare that such person intends to support the candidate therein named, and shall add to such person's signature and residence, if in a city, by street and number (if any); or, otherwise by post-office address. No signature shall be counted unless the place of residence of the signer is clearly indicated and the date of signing given as herein required and if ditto marks are used to indicate address they shall be continuous and clearly made. Such sheets shall not be cut or pasted together.

(d) All signers of each separate nomination petition shall reside in the same county and election district of the office sought. The affidavit described in this paragraph of a qualified elector who resides in such county and election district or of the candidate shall be appended to each petition and shall contain, at the end of each set of documents carried by each circulator, a verification, signed by the circulator or the candidate, to the effect that such circulator or the candidate personally witnessed the signing of the petition by each person whose name appears thereon. The person making such affidavit shall be duly registered to vote.

(e) Except as otherwise provided in subsection (g), nomination petitions shall be signed:

(1) If for a state officer elected on a statewide basis or for the office of United States senator, by voters equal in number to not less than 1% of the total of the current voter registration of the party designated in the state as compiled by the office of the secretary of state;

(2) If for a state or national officer elected on less than a statewide basis, by voters equal in number to not less than 2% of the total of the current voter registration of the party designated in such district as compiled by the office of the secretary of state, except that for the office of district magistrate judge, by not less than 2%

of the total of the current voter registration of the party designated in the county in which such office is to be filled as certified to the secretary of state in accordance with K.S.A. 25-3302, and amendments thereto;

(3) If for a county office, by voters equal in number to not less than 3% of the total of the current voter registration of the party designated in such district or county as compiled by the county election officer and certified to the secretary of state in accordance with K.S.A. 25-3302, and amendments thereto; and

(4) If for a township office, by voters equal in number to not less than 3% of the total of the current voter registration of the party designated in such township as compiled by the county election officer and certified to the secretary of state in accordance with K.S.A. 25-3302, and amendments thereto.

(f) Subject to the requirements of K.S.A. 25-202, and amendments thereto, any political organization filing nomination petitions for a majority of the state or county offices, as provided in this act, shall have a separate primary election ballot as a political party and, upon receipt of such nomination petitions, the respective officers shall prepare a separate state and county ballot for such new party in their respective counties or districts thereof in the same manner as is provided for existing parties.

(g) (1) In the year 1992, if boundary lines are defined and districts established in the manner prescribed by law on or after the effective date of this act and on or before May 10, 1992, for the offices of representative in the United States congress, senator and representative in the legislature of the state of Kansas, and member of the state board of education, nomination petitions for nomination to such offices shall be signed by voters equal in number to not less than 1% of the total of the current voter registration of the party designated in the district as compiled by the office of the secretary of state.

(2) In the year 1992, if boundary lines are defined and districts established in the manner prescribed by law on or after May 11, 1992, nomination petitions for nomination to the following offices shall be signed by registered voters of the party designated in the district equal in number to not less than the following:

- (A) For the office of representative in the United States congress1,000 registered voters;
- (B) for the office of member of the state board of education300 registered voters;
- (C) for the office of state senator75 registered voters; and
- (D) for the office of state representative25 registered voters.

Sec. 2. K.S.A. 1991 Supp. 25-3601 is hereby amended to read as follows: 25-3601. When under the laws of this state a petition is required or authorized as a part of the procedure applicable to the state as a whole or any legislative election district or to any county, city, school district or other municipality, or part thereof, the provisions of this act shall apply, except as is otherwise specifically provided in the statute providing for such petition. The sufficiency of each signature and the number thereof on any such petition shall be determined in accordance with the provisions of K.S.A. 25-3601 to 25-3607, inclusive, and amendments thereto by the county election officer or such other official as designated in the applicable statute.

Before any petition other than a recall petition as described in K.S.A. 25-4301 et seq. and amendments thereto, requesting an election in any political or taxing subdivision of the state is circulated, a copy thereof containing the question to be submitted shall be filed in the office of the county attorney of the county or district attorney of the district in which all or the greater portion of the political or taxing subdivision is located for an opinion as to the legality of the form of such question. The county or district attorney shall within five calendar days following the receipt of such question furnish a written opinion as to the legality of the form of the question submitted. There shall be a rebuttable presumption that the form of any question approved by the county or district attorney complies with the requirements of this act. When any statute makes specific provisions concerning matters that K.S.A. 25-3601 et seq. and amendments thereto also has requirements which are different there-

from, the provisions of the specific statute shall control. *The county election officer or other official with whom the petition is required to be filed in accordance with the applicable statute shall give to persons requesting information regarding the filing of petitions a copy of K.S.A. 25-620 and article 36 of chapter 25 of the Kansas Statutes Annotated, and amendments thereto.*

Sec. 3. K.S.A. 1991 Supp. 25-3602 is hereby amended to read as follows: 25-3602. (a) Each petition shall consist of one or more documents pertaining to a single issue or proposition under one distinctive title. The documents shall be filed with the county election officer or other official, if another official is designated in the applicable statutes. The filing shall be made at one time all in one group. Later or successive filings of documents relating to the same issue or proposition shall be deemed to be separate petitions and not a part of any earlier or later filing.

(b) Each petition shall, unless otherwise specifically required: (1) ~~Clearly~~ State the question which petitioners seek to bring to an election in the form of a question as it should appear upon the ballot in accordance with the requirements of K.S.A. 25-620 and amendments thereto;

(2) name the taxing subdivision or other political subdivision in which an election is sought to be held; and

(3) contain the following recital above the spaces provided for signatures: "I have personally signed this petition. I am a registered elector of the state of Kansas and of

(here insert name of political or taxing subdivision)

and my residence address is correctly written after my name."

The recital shall be followed by blank spaces for the signature, residence address and date of signing for each person signing the petition.

When petitioners are required by law to possess qualifications in addition to being registered electors, the form of the petition shall be amended to contain a recital specifying the additional qualifications required and stating that the petitioners possess the qualifications; and

~~(c) Every petition shall (4) contain the following recital, at the end of each set of documents carried by each circulator; a verification, signed by the circulator, to the effect that the circulator personally witnessed the signing of the petition by each person whose name appears thereon. The circulator of a petition shall be duly registered to vote and a resident of the political or taxing subdivision in which the election is sought to be held: "I am the circulator of this petition. I have personally witnessed the signing of the petition by each person whose name appears thereon. I am a resident and a registered elector of the state of Kansas and of~~

(here insert name of political or taxing subdivision)

~~the political or taxing subdivision in which the election is sought to be held.~~

(Signature of circulator)

(Circulator's residence address)

~~The recital of the circulator of each petition shall be verified upon oath or affirmation before a notarial officer in the manner prescribed by K.S.A. 1991 Supp. 53-501, et. seq. and amendments thereto.~~

~~(d) (c) Any person who has signed a petition who desires to withdraw such person's name may do so by giving written notice to the county election officer or other designated official not later than the third day following the date upon which the petition is filed.~~

~~(e) (d) Any petition shall be null and void unless submitted to the county election officer or other designated official within 180 days of the date of the first signature on the petition.~~

~~(f) (e) Unless the governing body of the political or taxing subdivision in which the election is sought to be held authorizes a special election, all elections which are called as a result of the filing of a~~

sufficient petition shall be held at the next succeeding primary or general election as defined by K.S.A. 25-2502, and amendments thereto, in which the political or taxing subdivision is participating.

~~(f) When a petition requires signatures equal in number to a percentage of the total number of registered voters, such percentage shall be based on the most recent number of registered voters as certified to the office of the secretary of state pursuant to subsection (f) of K.S.A. 25-2311, and amendments thereto.~~

Sec. 4. K.S.A. 1991 Supp. 25-303 is hereby amended to read as follows: 25-303. (a) This section shall not apply to city and school elections, nor to election of other officers provided by law to be elected in April.

(b) All nominations other than party nominations shall be independent nominations. No person who has declared and retains a party affiliation in accordance with K.S.A. 25-3301 and amendments thereto shall be eligible to accept an independent nomination for any office.

Independent nominations of candidates for any office to be filled by the voters of the state at large may be made by nomination petitions signed by not less than 5,000 qualified voters for each candidate and in the case of governor and lieutenant governor for each pair of such candidates.

(c) Independent nominations of candidates for offices to be filled by the voters of a county, district or other division less than a state may be made by nomination petitions signed by voters equal in number to not less than 4% of the *current total* of qualified voters of such county, district or other division as compiled by the office of the secretary of state in the case of state offices and as compiled in the office of the county election officer and certified to the secretary of state in accordance with K.S.A. 25-2311, and amendments thereto, in the case of local offices, and in no case to be signed by less than 25 nor more than 5,000 qualified voters of such county, district or division, for each candidate.

(d) Independent nominations of candidates for offices to be filled by the voters of a township may be made by nomination papers signed by not less than 5% of the *current total* of qualified voters of such township, computed as above provided, for each candidate, and in no case to be signed by less than 10 such voters of such township for each candidate.

(e) The signatures to such nomination petitions need not all be appended to one paper, but each registered voter signing an independent certificate of nomination shall add to the signature such petitioner's place of residence and post office address. All signers of each separate nomination petition shall reside in the same county and election district of the office sought. The affidavit of a qualified elector who resides in such county and election district or of the candidate shall be appended to each petition and shall contain, at the end of each set of documents carried by each circulator, a verification, signed by the circulator, to the effect that such circulator personally witnessed the signing of the petition by each person whose name appears thereon. The person making such affidavit shall be duly registered to vote.

(f) No such nomination paper shall contain the name of a candidate for governor without in the same such paper containing the name of a candidate for lieutenant governor, and if it does it shall be void.

(g) No person shall join in nominating more than one person for the same office, and if this is done, the name of such petitioner shall not be counted on any certificate.

Sec. 5. K.S.A. 1991 Supp. 25-2311 is hereby amended to read as follows: 25-2311. (a) County election officers shall provide for the registration of voters at one or more places on all days except the following:

(1) Days when the main offices of the county government are closed for business, except as is otherwise provided by any county election officer under the provisions of K.S.A. 25-2312 and amendments thereto;

(continued)

(2) days when the main offices of the city government are closed for business, in the case of deputy county election officers who are city clerks except as is otherwise provided by any county election officer under the provisions of K.S.A. 25-2312 and amendments thereto;

(3) the 14 days preceding the day of primary and general state elections;

(4) the 14 days preceding the day of primary city and school elections, if either has a primary;

(5) the 14 days preceding each first Tuesday in April of odd-numbered years, being the day of city and school general elections;

(6) the 14 days preceding the day of any election other than one specified in paragraphs (3), (4) and (5) of this subsection; and

(7) the day of any primary or general election or any question submitted election.

(b) For the purposes of this section in counting days that registration books are to be closed, all of the days including Sunday and legal holidays shall be counted.

(c) The secretary of state shall notify every county election officer of the dates when registration shall be closed preceding primary and general state, city and school elections. The days so specified by the secretary of state shall be conclusive. Such notice shall be given by the secretary of state by mail at least 60 days preceding every primary and general state, city and school election.

(d) The last days before closing of registration books as directed by the secretary of state under subsection (c) of this section, county election officers shall provide for registration of voters during regular business hours, during the noon hours and at other than regular business hours upon such days as the county election officers deem necessary. The last three business days before closing of registration books prior to state primary and general elections, county election officers shall provide for registration of voters until 9:00 p.m. in cities of the first and second class.

(e) The secretary of state may adopt rules and regulations interpreting the provisions of this section and specifying the days when registration shall be open, days when registration shall be closed, and days when it is optional with the county election officer for registration to be open or closed.

(f) Before each primary and general election, and at times and in a form prescribed by the secretary of state, each county election officer shall certify to the secretary of state the number of registered voters in each precinct of the county as shown by the registration books in the office of such county election officer.

Sec. 6. K.S.A. 1991 Supp. 25-205, 25-303, 25-2311, 25-3601 and 25-3602 are hereby repealed.

Sec. 7. This act shall take effect and be in force from and after its publication in the Kansas register.

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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*.

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1-5-27	Revoked	V. 10, p. 1688
1-5-28	Amended	V. 10, p. 1688
1-5-30	Amended	V. 10, p. 1689
1-6-2	Amended	V. 11, p. 278
1-6-29	Amended	V. 10, p. 1689
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4-7-717	Amended	V. 10, p. 1320

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28-19-19	Amended	V. 11, p. 610
28-19-61	Amended	V. 10, p. 1246
28-19-62	Amended	V. 10, p. 1250
18-19-73	Amended	V. 11, p. 612
28-19-76	New	V. 10, p. 1251
28-19-77	New	V. 10, p. 1252
28-19-78	New	V. 10, p. 1254
28-29-28		
through		
28-29-36	New	V. 11, p. 614-620
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. 10, 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
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
30-41-7i	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

(continued)

40-4-37 Amended V. 10, p. 1695

AGENCY 44: DEPARTMENT OF CORRECTIONS

Table with columns: Reg. No., Action, Register. Lists regulations from 44-6-106 to 44-13-404.

Table with columns: Reg. No., Action, Register. Lists regulations from 44-13-405 to 44-16-104.

AGENCY 51: DEPARTMENT OF HUMAN RESOURCES—

DIVISION OF WORKERS' COMPENSATION

Table with columns: Reg. No., Action, Register. Lists regulations from 51-24-1 to 51-24-10.

AGENCY 60: BOARD OF NURSING

Table with columns: Reg. No., Action, Register. Lists regulations from 60-3-105 to 60-15-104.

AGENCY 63: BOARD OF MORTUARY ARTS

Table with columns: Reg. No., Action, Register. Lists regulations from 63-1-1 to 63-1-12.

Table with columns: Reg. No., Action, Register. Lists regulations from 63-3-11 to 63-6-1.

AGENCY 65: BOARD OF EXAMINERS IN OPTOMETRY

Table with columns: Reg. No., Action, Register. Lists regulations from 65-4-1 to 65-11-3.

AGENCY 66: BOARD OF TECHNICAL PROFESSIONS

Table with columns: Reg. No., Action, Register. Lists regulations from 66-6-1 to 66-13-1.

AGENCY 67: BOARD OF HEARING AID EXAMINERS

Table with columns: Reg. No., Action, Register. Lists regulation 67-3-4.

AGENCY 68: BOARD OF PHARMACY

Table with columns: Reg. No., Action, Register. Lists regulations from 68-7-10 to 68-20-18.

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
91-1-10	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. 1055
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
92-12-112	New	V. 11, p. 559
92-51-34	Amended	V. 11, p. 559
92-52-9	Amended	V. 11, p. 559
92-52-9a	New	V. 11, p. 560
92-55-2a	New	V. 10, p. 531, 587

AGENCY 93: DEPARTMENT OF REVENUE—DIVISION OF PROPERTY VALUATION		
Reg. No.	Action	Register
93-5-1	New	V. 11, p. 554

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 110: DEPARTMENT OF COMMERCE		
Reg. No.	Action	Register
110-4-1	through	
110-4-4	New	V. 11, p. 502-504

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
111-4-2	Amended	V. 7, p. 1063
111-4-4	Amended	V. 7, p. 1063
111-4-6	Amended	V. 7, p. 1434
111-4-7	Amended	V. 7, p. 1945
111-4-8	Amended	V. 7, p. 1064
111-4-12	Amended	V. 7, p. 1190
111-4-66	through	
111-4-77	New	V. 7, p. 207-209
111-4-96	through	
111-4-114	New	V. 7, p. 1606-1610
111-4-100	Amended	V. 10, p. 1211
111-4-101	Amended	V. 10, p. 1211
111-4-102	Amended	V. 10, p. 1211
111-4-103	Amended	V. 10, p. 1211
111-4-104	Amended	V. 10, p. 1212
111-4-105	Amended	V. 10, p. 1410
111-4-106	Amended	V. 10, p. 1212
111-4-106a	Amended	V. 10, p. 1213
111-4-107	Amended	V. 9, p. 1366
111-4-108	Amended	V. 10, p. 1213
111-4-111	Amended	V. 9, p. 1366
111-4-113	Amended	V. 9, p. 1366
111-4-114	Amended	V. 9, p. 1366
111-4-153	through	
111-4-160	Revoked	V. 9, p. 1676, 1677
111-4-177	through	
111-4-212	Revoked	V. 9, p. 1677, 1678
111-4-213	through	
111-4-220	Revoked	V. 10, p. 1213
111-4-217	Amended	V. 9, p. 986
111-4-221	through	
111-4-224	Revoked	V. 10, p. 1585
111-4-225	through	
111-4-228	Revoked	V. 10, p. 1585
111-4-229	through	
111-4-236	Revoked	V. 10, p. 1585, 1586
111-4-237	through	
111-4-240	Revoked	V. 11, p. 413
111-4-241	through	
111-4-244	New	V. 9, p. 1812
111-4-245	through	
111-4-248	New	V. 10, p. 200
111-4-249	through	
111-4-252	New	V. 9, p. 1813

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111-4-253 through 111-4-256	New	V. 10, p. 530
111-4-257 through 111-4-286	Revoked	V. 11, p. 413, 414
111-4-287 through 111-4-300	New	V. 10, p. 883-886
111-4-301 through 111-4-307	New	V. 10, p. 1015, 1016
111-4-308 through 111-4-320	New	V. 10, p. 1214, 1215
111-4-308 Amended		V. 10, p. 1472
111-4-311 Amended		V. 10, p. 1472
111-4-312 Amended		V. 10, p. 1472
111-4-322 through 111-4-331	New	V. 10, p. 1411-1413
111-4-332 through 111-4-335	New	V. 10, p. 1473
111-4-336 through 111-4-345	New	V. 10, p. 1526-1528
111-4-346 through 111-4-361	New	V. 10, p. 1586-1589
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AGENCY 112: KANSAS RACING COMMISSION

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112-9-19a	New	V. 11, p. 565
112-9-21a	New	V. 11, p. 566

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112-9-43	New	V. 11, p. 573
112-10-34	Amended	V. 10, p. 169
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115-17-6	Amended	V. 11, p. 606
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115-17-9	Amended	V. 11, p. 607
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AGENCY 118: STATE HISTORICAL SOCIETY

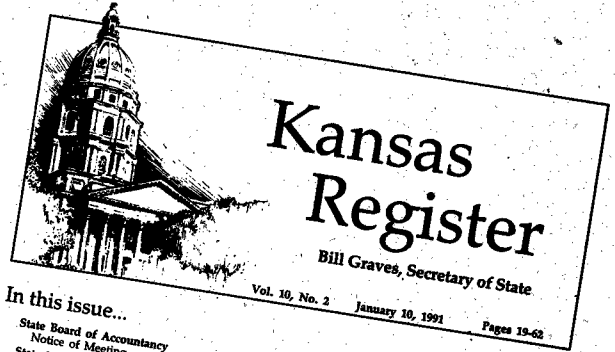
Reg. No.	Action	Register
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AGENCY 119: KANSAS DEVELOPMENT FINANCE AUTHORITY

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

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