

# Kansas Register

Bill Graves, Secretary of State

Vol. 12, No. 19

May 13, 1993

Pages 765-818

In this issue . . .	Page
<b>Kansas Water Office</b>	
Notice of hearings .....	767
<b>Wildlife and Parks Commission</b>	
Notice of hearing on proposed administrative regulations .....	767
<b>Wichita State University</b>	
Notice to bidders .....	768
<b>Legislative bills introduced April 28-May 1</b> .....	768
<b>Notice of Bond Redemption</b>	
City of Sedan.....	769
City of Kansas City.....	769
<b>Notice of Bond Sale</b>	
City of Lawrence.....	769
City of Lebanon.....	770
U.S.D. 504, Labette County .....	771
City of Weir .....	772
<b>Kansas Agricultural Value-Added Processing Center</b>	
Notice of Leadership Council meeting .....	775
<b>State Board of Indigents' Defense Services</b>	
Notice of meeting.....	775
Notice of hearing on proposed administrative regulations .....	775
<b>Notice to bidders for state purchases</b> .....	776
<b>Kansas Advocacy and Protective Services</b>	
Notice of meeting.....	778
<b>Attorney General</b>	
Opinions No. 93-56 through 93-63.....	778
<b>Child Support Guidelines Advisory Committee</b>	
Notice of meeting.....	779
<b>State Banking Board</b>	
Notice of hearing on proposed administrative regulations .....	779
<b>Department of Administration</b>	
Public notice.....	780
<b>Permanent Administrative Regulations</b>	
Department of Health and Environment.....	780
Office of the Securities Commissioner .....	788
<b>Department of Health and Environment</b>	
Notice concerning Kansas water pollution control permits.....	794
Notice of rescheduled hearing .....	797

(continued)

**Secretary of State**  
 Notice of corporations forfeited..... 797

**Supreme Court docket**..... 799

**Information Network of Kansas**  
 Notice of meeting..... 802

**University of Kansas**  
 Notice to bidders ..... 802

**Kansas State Treasurer**  
 Notice of investment rates..... 802

**Department of Administration—Division of Purchases**  
 Request for information..... 802

**New State Laws**

Senate Bill 62, making and concerning appropriations..... 802  
 Governor's line-item veto message..... 805

Senate Bill 38, making and concerning appropriations..... 805  
 Governor's line-item veto message..... 806

Senate Bill 87, making and concerning appropriations..... 806  
 Governor's line-item veto message..... 811

**Index to administrative regulations**..... 812

The Kansas Register (ISSN No. 0744-2254) is an official publication of the State of Kansas, published by authority of K.S.A. 75-430. The Kansas Register is published weekly by the Kansas Secretary of State, State Capitol, Topeka, KS 66612-1594. One-year subscriptions are \$60 (Kansas residents must include \$3.54 state and local sales tax). Single copies may be purchased, if available, for \$2 each. Second class postage paid at Topeka, KS.

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

© Kansas Secretary of State 1993. Reproduction of this publication in its entirety or for commercial purposes is prohibited without prior permission. Official enactments of the Kansas Legislature and proposed and adopted administrative regulations of state agencies may be reproduced in any form without permission.

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



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

## State of Kansas

## Wildlife and Parks Commission

Notice of Hearing on Proposed  
Administrative Regulations

A public hearing will be conducted by the Wildlife and Parks Commission at 7 p.m. Thursday, June 17, at the Best Western Hospitality House, 3181 W. Highway 50, Emporia, to consider the adoption of a department regulation. There will be a public comment period at the beginning of the meeting and additional comments may be taken during the meeting on agenda items.

A workshop meeting on upcoming business of the Wildlife and Parks Commission will begin at 1:30 p.m. June 17 at the location listed above. The public will also be given the opportunity to comment on any items at the beginning or during the meeting. The meeting will recess at 5 p.m., then resume at 7 p.m. at the same location for the regulatory meeting. Old and new business may also be discussed at this time. If necessary to complete the hearing or other business matter, the commission will reconvene at 9 a.m. June 18 at the location listed above.

If notified in advance, the department will have an interpreter available for the hard of hearing. To contact the department for this or any other reason, members of the public with a hearing impairment may call the TDD service at 1-800-766-3777. All public meeting areas are accessible to those who are physically disabled.

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

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

The regulation which will be heard during the regulatory portion of the meeting is:

**115-25-9. Deer; regular open season, bag limit and permits.** This exempt regulation established the 1993 deer season. It was initially adopted in March 1993, but two changes are proposed. One is clarification that hunt-on-your-own-land permits are not authorized in units 17 and 18. The other change reduces the number of deer tags that may be authorized by secretary's order from two to one.

**Economic Impact Summary:** The hunt-on-your-own-land clarification will have no impact, as those permits were not authorized for the 1992 deer season either.

Reducing the number of deer tags from two to one will result in approximately 200 fewer tags sold and \$2,000 decreased revenue to the department.

Ted Ensley  
Secretary of  
Wildlife and Parks

Doc. No. 013474

## State of Kansas

## Kansas Water Office

## Notice of Hearings

The Kansas Water Office has scheduled two formal public hearings on the FY 1995 working draft of the *Kansas Water Plan*. The first public hearing will be at 7 p.m. Tuesday, June 1, in the Science-Math Building, Lecture Hall, Room S-118, North Campus, Barton County Community College, Great Bend. The second hearing will be at 7 p.m. Thursday, June 3, in the city commission meeting room, second floor, Municipal Building, 7th and Jefferson, Junction City.

The working draft will have two proposed sub-sections to be added to the management section of the *Kansas Water Plan*. These sub-sections address: 1) the acquisition of additional water supply storage in federal reservoirs, and 2) ensuring the viability of public water supply systems. In addition, four new sub-sections are proposed to be added to the basin sections of the *Kansas Water Plan*. These include plans for the Lower Republic Subbasin (Kansas-Lower Republican Basin Section), Rattlesnake Creek Subbasin (Lower Arkansas Basin Section), Upper Solomon Subbasin (Solomon Basin Section), and Neosho Stream Corridor (Neosho Basin Section).

The working draft includes changes made to the preliminary draft of the proposed subsections based on comments received at 12 public meetings held in March.

All groups and individuals with an interest and concern for the state's water resources are encouraged to attend one or both of the public hearings. Written comments are invited. Those attending the hearings may present their comments orally or in writing. The record for both oral and written comments will be closed at the conclusion of the second hearing on June 3.

The FY 1995 working draft of the *Kansas Water Plan* will be sent to individuals and organizations currently on the Kansas Water Office mailing list. A copy of the draft also may be obtained by contacting the Kansas Water Office, 109 S.W. 9th, Topeka 66612-1249, (913) 296-3185.

If accommodations are needed for persons with disabilities, please notify the Kansas Water Office at least two days in advance of the hearing.

Stephen A. Hurst  
Director

Doc. No. 013436

## State of Kansas

## Wichita State University

## Notice to Bidders

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

**Quotation 930463-4**  
**Closing May 19, 1993**

Vinten Vision 22E EFP tripod system

Bids must be submitted to The Wichita State University Office of Purchasing, Morrison Hall, Room 021, 1845 N. Fairmount, Wichita 67260-0012, by 2 p.m. C.D.T. on the above specified closing date. Please refer to the above quotation number on all correspondence. For additional information contact the Office of Purchasing, (316) 689-3080.

Gary D. Link  
Director of Purchasing

Doc. No. 013473

## State of Kansas

## Legislature

## Legislative Bills Introduced

The following numbers and titles of bills and resolutions have been recently introduced by the 1993 Kansas Legislature. Copies of bills and resolutions are available free of charge from the Legislative Document Room, 145-N, State Capitol, Topeka 66612, (913) 296-4096.

## Bills Introduced April 28-May 1:

## House Bills

**HB 2547**, by Committee on Appropriations: An act concerning certain municipalities and departments thereof; authorizing creation of fire protection reserve funds; amending K.S.A. 19-3612c and 19-3623e and repealing the existing sections; also repealing K.S.A. 19-3612c, as amended by section 3 of 1993 House Bill No. 2325, 19-3623e, as amended by section 4 of 1993 House Bill No. 2325 and sections 1 and 2 of 1993 House Bill No. 2325.

**HB 2548**, by Committee on Appropriations: An act relating to drivers' licenses; amending K.S.A. 8-243, as amended by section 6 of 1993 Senate Bill No. 159 and K.S.A. 1992 Supp. 8-237, as amended by section 2 of 1993 House Bill No. 2189 and repealing the existing sections; also repealing K.S.A. 8-243, as amended by section 4 of 1993 Senate Bill No. 163 and K.S.A. 1992 Supp. 8-237, as amended by section 3 of 1993 Senate Bill No. 159.

**HB 2549**, by Committee on Appropriations, An act concerning the Kansas public employees retirement system; amending K.S.A. 74-4905, as amended by section 1 of chapter 218 of the 1992 Session Laws of Kansas, 74-4921, 74-4927, 74-4952 and 74-4965 and repealing the existing sections; also repealing 74-4905, as amended by section 54 of 1993 Substitute for House Bill No. 2211, 74-4905, as amended by section 19 of 1993 Senate Bill No. 60, 74-4921, as amended by section 27 of 1993 Substitute for House Bill No. 2211, 74-4921, as amended by section 1 of 1993 House Bill No. 2022, 74-4927, as amended by section 30 of 1993 Substitute for House Bill No. 2211, 74-4952, as amended by section 34 of 1993 Substitute for House Bill No. 2211 and 74-4965, as amended by section 44 of 1993 Substitute for House Bill No. 2211.

**HB 2550**, by Committee on Appropriations: An act concerning state officers and employees; relating to salaries and compensation;

authorizing and providing for certain increases, revisions and annuity contribution increases; making appropriations for the fiscal year ending June 30, 1994, and authorizing certain transfers and adjustments in expenditure limitations therefor; amending K.S.A. 74-4925, as amended by section 29 of 1993 Substitute for House Bill No. 2211, and K.S.A. 74-4925e and repealing the existing sections.

**HB 2551**, by Representative Wagnon: An act concerning civil procedure; relating to limitations on actions; amending K.S.A. 1992 Supp. 60-523 and repealing the existing section.

**HB 2552**, by Representatives Fuller, Allen, Ballard, Brown, Charlton, Dawson, Everhart, Gilbert, Goodwin, Hochhauser, Lynch, Macy, McClure, Pauls, Pettey, Pottorff, Ruff, Sader, Samuelson, Sebelius, Standifer, Wagnon, Weinhold and Welshimer: An act concerning appointments to certain state governmental bodies; relating to gender of appointees.

## Senate Bills

**SB 437**, by Committee on Ways and Means: An act making and concerning appropriations for the fiscal years ending June 30, 1993, and June 30, 1994; authorizing certain transfers and fees, imposing certain restrictions and limitations and directing or authorizing certain receipts, disbursements, capital improvements and acts incidental to the foregoing; amending section 3 of 1993 Senate Bill No. 57, section 11 of 1993 House Bill No. 2087, section 42 of chapter 327 of the 1992 Session Laws of Kansas and K.S.A. 1992 Supp. 79-2959, 79-2964, 79-3425i, 79-34,147 and 82a-953a and repealing the existing sections.

**SB 438**, by Committee on Ways and Means: An act concerning district coroners; amending K.S.A. 1992 Supp. 75-6115, as amended by section 3 of 1993 Senate Bill No. 14 and repealing the existing section; also repealing K.S.A. 1992 Supp. 75-6115, as amended by section 16 of 1993 House Bill No. 2008.

**SB 439**, by Committee on Ways and Means: An act concerning adoption; amending K.S.A. 1992 Supp. 59-2136, as amended by section 3 of 1993 House Bill No. 2101, and repealing the existing section; also repealing K.S.A. 1992 Supp. 59-2136, as amended by section 2 of 1993 House Bill No. 2160.

## Senate Concurrent Resolutions

**SCR 1617**, A concurrent resolution relating to the 1993 regular session of the legislature, and providing for an adjournment thereof.

## Senate Resolutions

**SR 1858**, A resolution welcoming the Russian Delegation from the Leningrad Region of the Russian Federation on its visit to Kansas on April 29, 1993.

**SR 1859**, A resolution congratulating and commending Cramer Products, Inc., on its 75th anniversary and for its lasting commitment to the sports medicine products industry.

**SR 1860**, A resolution congratulating and commending Clarence Abbott for being the first Eagle Scout in Kansas.

**SR 1861**, A resolution in memory of Harvey Wayne Rogler.

**SR 1862**, A resolution designating April 25 through May 1, 1993, as State Crime Victims' Week.

**SR 1863**, A resolution congratulating and commending Alma Claire Amend on her approaching 100th birthday.

**SR 1864**, A resolution congratulating and commending Aaron J. Schlagel for winning The National Fund-Raiser in the Annual Multiple Sclerosis READ-a-THON.

**SR 1865**, A resolution designating Topeka's Jayhawk Theatre as the State Theatre of Kansas.

**SR 1866**, A resolution congratulating and commending Richard Ney on his approaching retirement as Principal of Lincoln Elementary School in Parsons.

**SR 1867**, A resolution congratulating and commending John E. Ewbank on his retirement as Principal of the Guthridge Elementary School in Parsons.

**SR 1868**, A resolution honoring Edmund G. and Sharon M. Ahrens for their years of dedicated service to the State of Kansas.

**SR 1869**, A resolution supporting the decision of Secretary of Defense Les Aspin approving a more active role in military combat units by women in the Armed Forces.

Doc. No. 013448

(Published in the Kansas Register, May 13, 1993.)

**Notice of Redemption  
to all holders of  
City of Sedan, Kansas  
Industrial Revenue Bonds, Series A 1975  
(Pleasant Valley Manor, Inc.)**

All of the outstanding above-described bonds have been and are hereby called for redemption and payment as of June 15, 1993. In accordance with the provisions of the ordinance authorizing issue of such bonds, such ordinance provides for a redemption price of par and accrued interest to date of redemption plus a premium of 1 percent of the face amount of the outstanding bonds.

Such bonds should be surrendered to the paying agent, First Manhattan Trust Company, successor to First National Bank of Manhattan, P.O. Box 66, Manhattan, KS 66502-0001, for redemption and payment as indicated above. All bonds maturing December 15, 1993, or after are subject to this notice of redemption. No interest will be paid on such bonds after June 15, 1993.

City of Sedan, Kansas

Doc. No. 013452

(Published in the Kansas Register, May 13, 1993.)

**Notice of Redemption  
\$195,000 Internal Improvement Bonds  
Series "G" No. 1  
of the City of Kansas City, Kansas  
Dated June 1, 1986**

Notice is hereby given that pursuant to the provisions of Section 3.1 of Ordinance No. 65026 (the ordinance) of Kansas City, Kansas (the issuer), that the above-mentioned bonds scheduled to mature on June 1, 1994, and thereafter, have been called for redemption and payment on June 1, 1993 (the redemption date), at the principal office of the Kansas State Treasurer (the bond registrar and paying agent).

Maturity Date	Principal Amount	Interest Rate	CUSIP Number
06/01/1994	\$15,000	7.50%	484657AH4
06/01/1995	15,000	7.50%	484657AJ0
06/01/1996	10,000	7.50%	484657AK7
06/01/1997	10,000	7.50%	484657AL5
06/01/1998	10,000	7.65%	484657AM3
06/01/1999	10,000	7.70%	484657AN1
06/01/2000	10,000	7.75%	484657AP6
06/01/2001	10,000	7.75%	484657AQ4

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 percent of the principal amount thereof together with interest accrued to the redemption date. Interest shall cease to accrue on the called bonds so called for redemption from and after the redemption date provided such funds for redemption are on deposit with the paying agent.

Bonds so called shall be submitted to the Kansas State Treasurer, 900 S.W. Jackson, Topeka, KS 66612-

1235, Attn: Bond Services. For prompt payment, please submit bonds two weeks prior to June 1, 1993.

Dated May 3, 1993.

City of Kansas City, Kansas

Doc. No. 013460

(Published in the Kansas Register, May 13, 1993.)

**Summary Notice of Bond Sale  
City of Lawrence, Kansas  
\$1,140,000\* General Obligation Bonds  
Series O 1993**

**and  
\$1,785,000\* Temporary Notes  
Series 1993-A**

**of the City of Lawrence, Kansas**

**(general obligations payable from unlimited  
ad valorem taxes)**

**Sealed Bids**

Subject to the notice of sale and preliminary official statement, sealed bids will be received by the city clerk of the city of Lawrence, Kansas, on behalf of the governing body at City Hall, 6 E. 6th, Lawrence, KS 66044, until 11 a.m. C.D.T. on Tuesday, May 25, 1993, for the purchase of \$1,140,000\* principal amount of General Obligation Bonds, Series O 1993, and \$1,785,000\* Temporary Notes, Series 1993-A. No bid of less than the entire par value of the bonds or notes, as applicable, and accrued interest to the date of delivery will be considered.

**Bond Details**

The bonds will consist of fully registered bonds in the denomination of \$5,000 or any integral multiple thereof. The bonds will be dated June 1, 1993, and will become due on September 1 in the years as follows:

Year	Principal Amount
1993	\$110,000
1994	\$110,000
1995	\$110,000
1996	\$110,000
1997	\$110,000
1998	\$110,000
1999	\$110,000
2000	\$110,000
2001	\$130,000
2002	\$130,000

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

**Note Details**

The notes will consist of fully registered notes in the denomination of \$5,000 or any integral multiple thereof. The notes will be dated June 1, 1993, will become due on June 1, 1994. The notes will bear interest from the dated date at rates to be determined

(continued)

when the notes are sold, and interest will be payable semiannually on December 1 and June 1 in each year, beginning on December 1, 1993.

#### Paying Agent and Bond Registrar

Kansas State Treasurer, Topeka, Kansas, for the bonds and the Lawrence City Treasurer for the notes.

#### Good Faith Deposit

Each bid shall be accompanied by a certified check drawn on a bank located in the United States of America in the amount of 2 percent of the principal amount of the bonds, if the bid is for the bonds, and 2 percent of the principal amount of the notes, if the bid is for the notes.

#### Delivery

The city will pay for printing the bonds and the preparation of the notes and will deliver the same properly prepared, executed and registered without cost to the successful bidder within 30 days after the date of sale 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 1992 is \$316,600,736. The total general obligation indebtedness of the city as of the date of the bonds, including the bonds and notes being sold, is \$23,490,000.

#### Approval of Bonds

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

#### Additional Information

Additional information regarding the bonds and notes may be obtained from the city clerk, (913) 832-3000, or from Gilmore & Bell, P.C., Bond Counsel, 6800 College Blvd., Financial Plaza II, Suite 150, Overland Park, KS 66211-1533, (913) 661-0001.

Dated May 4, 1993.

By: Raymond J. Hummert  
Lawrence City Clerk  
Lawrence City Hall  
Six East Sixth Street  
Lawrence, KS 66044  
(913) 832-3000

\*Subject to change

Doc. No. 013462

(Published in the Kansas Register, May 13, 1993.)

### Summary Notice of Bond Sale

City of Lebanon, Kansas

\$280,000

General Obligation Bonds, Series 1993

(general obligation bonds payable from unlimited ad valorem taxes)

#### Sealed Bids

Subject to the notice of bond sale dated May 13, 1993, and preliminary official statement dated May 3, 1993, sealed bids will be received by the city clerk of the city of Lebanon, Kansas (the issuer), on behalf of the governing body at Smith County State Bank & Trust Company, 425 Main St., Lebanon, KS 66952, until noon C.D.T. on May 20, 1993, for the purchase of \$280,000 principal amount of General Obligation Bonds, Series 1993. No bid of less than the entire par value of the bonds except a discount of not greater than 2 percent of the par value of the bonds and accrued interest thereon to the date of delivery will be considered.

#### Bond Details

The bonds will consist of fully registered bonds in the denomination of \$5,000 or any integral multiple thereof. The bonds will be dated June 1, 1993, and will become due on December 1 in the years as follows:

Year	Principal Amount
1995	\$15,000
1996	15,000
1997	15,000
1998	15,000
1999	15,000
2000	20,000
2001	20,000
2002	20,000
2003	20,000
2004	20,000
2005	25,000
2006	25,000
2007	25,000
2008	30,000

The bonds will bear interest from the date thereof at rates to be determined when the bonds are sold as hereinafter provided, which interest will be payable semiannually on June 1 and December 1 in each year, beginning on June 1, 1994.

#### Paying Agent and Bond Registrar

Kansas State Treasurer, Topeka, Kansas.

#### Good Faith Deposit

Each bid shall be accompanied by a cashier's or certified check drawn on a bank located in the United States of America in the amount of \$5,600 (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 16, 1993, 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 1992 is \$690,171. The total general obligation indebtedness of the issuer as of the date of the bonds, including the bonds being sold, is \$280,000.

**Approval of Bonds**

The bonds will be sold subject to the legal opinion of Gilmore & Bell, P.C., 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, (913) 389-6981, or from the financial advisor, Bank IV Kansas, N.A., 334 S. Kansas Ave., Topeka, KS 66603, Attention: David Brant, (913) 295-3400.

Dated May 13, 1993.

City of Lebanon, Kansas

Doc. No. 013472

(Published in the Kansas Register, May 13, 1993.)

**Summary Notice of Bond Sale  
Unified School District 504  
Labette County, Kansas (Oswego)  
\$3,500,000**

**General Obligation School Improvement Bonds  
Series 1993**

(general obligation bonds payable from  
unlimited ad valorem taxes)

**Sealed Bids**

Subject to the notice of bond sale dated May 13, 1993, and preliminary official statement dated May 3, 1993, sealed bids will be received by the clerk of Unified School District 504, Labette County, Kansas (Oswego) (the issuer), on behalf of the governing body at office of the Board of Education, P.O. Box 129, Oswego, KS 67356, until 5 p.m. C.D.T. on May 25, 1993, for the purchase of \$3,500,000 principal amount of General Obligation School Improvement Bonds, Series 1993. No bid of less than the entire par value of the bonds and accrued interest thereon to the date of delivery will be considered.

**Bond Details**

The bonds will consist of fully registered bonds in the denomination of \$5,000 or any integral multiple thereof. The bonds will be dated June 1, 1993, and will become due on October 1 in the years as follows:

Year	Principal Amount
1994	\$105,000
1995	110,000
1996	115,000
1997	120,000

1998	125,000
1999	135,000
2000	140,000
2001	150,000
2002	155,000
2003	165,000
2004	170,000
2005	180,000
2006	190,000
2007	200,000
2008	210,000
2009	220,000
2010	235,000
2011	245,000
2012	260,000
2013	270,000

The bonds will bear interest from the date thereof at rates to be determined when the bonds are sold as hereinafter provided, which interest will be payable semiannually on April 1 and October 1 in each year, beginning on April 1, 1994.

**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 \$70,000 (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 23, 1993, at such bank or trust company in the contiguous United States of America 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 1992 is \$10,382,042. The total general obligation indebtedness of the issuer as of the date of the bonds, including the bonds being sold, is \$3,500,000.

**Approval of Bonds**

The bonds will be sold subject to the legal opinion of Gilmore & Bell, P.C., 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 clerk, (316) 795-2126, or from the financial advisor, Stifel, Nicolaus & Company, Inc., 250 N. Water, Suite 100, Wichita, KS 67202, Attention: Steven F. Randle, (316) 264-6321.

Dated May 13, 1993.

Unified School District 504  
Labette County, Kansas

Doc. No. 013459

(Published in the Kansas Register, May 13, 1993.)

**Notice of Bond Sale**  
**\$335,000**  
**City of Weir, Kansas**  
**Water System Revenue Bonds**  
**Series B, 1993**

**Sealed Bids**

Sealed bids for the purchase of \$335,000 principal amount of Water System Revenue Bonds, Series B, 1993, of the city hereinafter described, will be received by the undersigned city clerk of the city of Weir, Kansas, on behalf of the governing body of the city at Weir City Hall until 7 p.m. C.D.T. on Thursday, May 20, 1993. 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 June 1, 1993, and will become due serially on June 1, in the years as follows:

Year	Principal Amount
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	15,000
2003	15,000
2004	15,000
2005	15,000
2006	20,000
2007	20,000
2008	20,000
2009	20,000
2110	25,000
2111	25,000
2112	25,000
2113	30,000

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 December 1 and June 1 in each year, beginning on December 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 or upon earlier redemption to the registered owners upon presentation and surrender of the bonds at the office of the paying agent. Interest on the bonds will be paid by check or draft mailed by the paying agent

to the persons in whose names the bonds are registered on the registration books maintained by the bond registrar at the close of business on the record date for such interest, which shall be the 15th day (whether or not a business day) of the calendar month next preceding such interest payment date.

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

**Redemption of Bonds Prior to Maturity**

At the option of the city, bonds maturing on June 1, 2002, and thereafter will be subject to redemption and payment prior to maturity on June 1, 2001, and thereafter in whole or in part on any interest payment date (bonds of less than a single maturity to be selected by lot in multiples of \$5,000 principal amount by the paying agent and bond registrar in such equitable manner as it shall designate), at the principal amount thereof, plus accrued interest to the redemption date, without premium.

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

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

**Conditions of Bids**

Proposals will be received on the bonds bearing such rate or rates of interest as may be specified by the bidders, subject to the following conditions: The same rate shall apply to all bonds of the same maturity. Each interest rate specified shall be a multiple of  $\frac{1}{8}$  or  $\frac{1}{20}$  of 1 percent. No interest rate shall exceed the index of treasury bonds published by *The Bond Buyer*, successor to *MuniWeek*, in New York, New York, on the Monday next preceding the day on which the bonds are sold, plus 2 percent. No supplemental interest payments will be authorized. No bid of less than the principal amount of the bonds and accrued interest



will be considered. Each bid shall specify the total interest cost to the city during the life of the bond issue on the basis of such bid, the premium, if any, offered by the bidder, and the net interest cost to the city on the basis of such bid. Each bid shall also specify the average annual net interest rate to the city on the basis of such bid. Bidders shall specify in the bid form the prices (exclusive of accrued interest), expressed as a dollar price, at which the bidder intends that each maturity amount of the bonds shall be initially offered to the public (the initial reoffering prices).

#### Basis of Award

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

#### Authorization, Purpose and Security for the Bonds

The bonds are being authorized and issued to permanently finance various improvements to the water system of the city. The bonds are payable solely from and secured as to the payment of principal and interest by a pledge of the revenues derived by the city from the operation of the water system, including revenues derived from extensions and improvements to the water system hereafter constructed or acquired by the city. The bonds do not constitute a general obligation of the city, nor do they constitute an indebtedness of the city within the meaning of any constitutional, statutory or charter provisions, limitations or restrictions.

In the ordinance authorizing the issuance of the bonds, the city covenants to fix, establish, maintain and collect such rates, fees and charges for the use and services furnished by or through the water system, including all extensions and improvements thereto hereafter constructed or acquired by the city, as will produce revenues sufficient to enable the city to have in each fiscal year net operating revenues from the water system in an amount that will be not less than 125 percent of maximum annual debt service on all water system revenue bonds of the city at the time outstanding.

In addition, the bonds will be secured by a bond reserve account which when fully funded from lawfully available funds of the city will be in the amount of \$30,000.

#### 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 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 Nichols and Wolfe Chartered, Topeka, Kansas, bond counsel, whose approving legal opinion as to the validity of the bonds will be furnished and paid for by the city, printed on the bonds and delivered to the successful bidder when the bonds are delivered. Said opinion will also state that in the opinion of bond counsel, assuming continued compliance by the city with the provisions of the ordinance authorizing the issuance of the bonds and the code, under existing law, the interest on the bonds is exempt from federal income taxation. Interest on the bonds will also be 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 10, 1993, at such bank or trust company in the state of Kansas or greater Kansas City, Missouri, metropolitan area. Delivery elsewhere will be at the expense of the successful bidder. Said bidder will also be furnished with a certified transcript of the proceedings evidencing the authorization and issuance of the bonds and the usual closing documents, including

(continued)

a certificate that there is no litigation pending or threatened at the time of delivery of the bonds affecting their validity and a certificate regarding the completeness and accuracy of the official statement. Payment for the bonds shall be made in Federal Reserve funds, immediately subject to use by the city. The denominations of the bonds and the names, addresses and Social Security or taxpayer identification numbers of the registered owners shall be submitted in writing by the successful bidder to the city and bond registrar not later than 5 p.m. C.D.T. on June 3, 1993. 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 5 p.m. C.D.T. on June 3, 1993, 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 \$6,700, 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 be returned to the successful bidder or deducted from the purchase price at the option of the city. 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, with the city reserving the right to pursue any consequential damages arising from such default.

#### 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 Water System Revenue

Bonds." Bids may be submitted by mail or delivered in person to the undersigned at city hall and must be received by the undersigned prior to 7 p.m. C.D.T. on Thursday, May 20, 1993.

#### Date and Delivery of Preliminary and Final Official Statement

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

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

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

Copies of the city's preliminary official statement relating to the bonds may be obtained from the city clerk or the city's financial advisor, Cooper Malone McClain, Inc., 100 N. Main, Suite 510, Wichita, KS 67202, (316) 264-2400.

Dated May 4, 1993.

City of Weir, Kansas  
Saundra S. Stricklin  
City Clerk  
City Hall  
P.O. Box 78  
Weir, KS 66781  
(316) 396-8214

Doc. No. 013467

## State of Kansas

**Kansas Agricultural Value-Added Processing Center****Notice of Leadership Council Meeting**

The Leadership Council of the Kansas Agricultural Value-Added Processing Center will convene for a board meeting from 9 a.m. to 3 p.m. Friday, May 14, at the KVAC office, Room 317, Umberger Hall, Kansas State University, Manhattan.

For further information contact Susan J. Goetsch, Assistant Director, at (913) 532-7033.

Richard R. Hahn  
Director

Doc. No. 013471

## State of Kansas

**Board of Indigents' Defense Services****Notice of Meeting**

The State Board of Indigents' Defense Services will meet Monday, June 14, following its 1:30 p.m. public hearing in Room 108, Landon State Office Building, 900 S.W. Jackson, Topeka. For additional information, contact Ron Miles, Director, State Board of Indigents' Defense Services, Room 304, Landon State Office Building, 900 S.W. Jackson, Topeka 66612, (913) 296-4505.

Ron Miles  
Director

Doc. No. 013468

## State of Kansas

**Board of Indigents' Defense Services****Notice of Hearing on Proposed Administrative Regulations**

A public hearing will be conducted at 1:30 p.m. Monday, June 14, in Room 108 of the Landon State Office Building, 900 S.W. Jackson, Topeka, to consider the adoption of proposed changes in existing rules and regulations of the State Board of Indigents' Defense Services.

This 30-day notice of the public hearing shall constitute a public comment period for the purpose of receiving written public comments on the proposed rules and regulations. All interested parties may submit written comments prior to the hearing to the Director, State Board of Indigents' Defense Services, Room 304, Landon State Office Building, 900 S.W. Jackson, Topeka 66612. All interested parties will be given a reasonable opportunity to present their views orally on the adoption of the proposed regulations during the hearing. In order to give all parties an opportunity to present their views, it may be necessary to request each participant to limit any oral presentation to five minutes.

Of the following regulations, six are being proposed for adoption as temporary and permanent regulations to be effective July 1, 1993, and two are being proposed as permanent regulations. A summary of the proposed regulations and their economic impact follows:

**Regulations Filed as Temporary and Permanent**

**K.A.R. 105-3-2. Eligibility to serve.** Two amendments to this regulation have the effect of converting panel eligibility requirements to the sentencing guidelines grid. The proposed regulation also requires a one-time increase in the continuing legal education requirements for eligibility on the panels.

**K.A.R. 105-5-2. Rates of compensation.** This amended regulation has the effect of nullifying previous rule changes increasing the rate of compensation. After July 1, 1993, the in-court hourly rate will continue at \$50.

**K.A.R. 105-5-6. Reasonable compensation; non-tried cases.**

**K.A.R. 105-5-7. Reasonable compensation; tried cases.**

**K.A.R. 105-5-8. Compensation; exceptional cases.**

These regulations, as amended, will reflect changes in the statute pursuant to passage of the sentencing guidelines act. Felony classes are converted to drug and non-drug severity levels. The regulations are also amended to reflect the current reasonable levels of compensation without an increase in the hourly rates. This change nullifies rule changes scheduled to go into effect on July 1, 1993 and, therefore, represents no change in public policy.

**K.A.R. 105-10-1. Public defender system at the trial level.** This regulation is amended to include the 29th judicial district (Wyandotte County) as a public defender district.

**Regulations Filed as Permanent Only**

**K.A.R. 105-9-9. Factors in determining compensation in exceptional cases.** This new regulation sets out eight factors which the board will consider in determining the amount of additional compensation in exceptional cases.

**K.A.R. 105-9-5. Proration.** This new regulation sets out the procedure for the board to follow prior to prorating payments to attorneys.

**Summary of Economic Impact**

**K.A.R. 105-10-1** has the effect of creating a public defender system in Wyandotte County. The impact on the state general fund is related to costs of setting up a new office. Costs associated with the hiring of personnel and providing overhead will be offset partially by the reduction in assigned counsel costs over a period of time.

Other proposed regulations have no measurable economic impact on the state or attorney-claimants.

Copies of these regulations and their economic impact statements may be obtained from the director at the address above or by phoning (913) 296-4505.

Ron Miles  
Director

Doc. No. 013469

## State of Kansas

**Department of Administration  
Division of Purchases**

**Notice to Bidders**

Sealed bids for items hereinafter 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 24, 1993**

29653

University of Kansas Medical Center—Rubella and diagnostic chemistry kits

29666

Lansing Correctional Facility—High calcium quicklime

29670

University of Kansas Medical Center—Yogurt (chilled)

96019

University of Kansas—Foodservice trays

96046

Kansas State University—Laser printer sheetfeeders

96047

Kansas State University—CD ROM recorder

96058

Osawatomie State Hospital—High speed floor burnishers

96094

University of Kansas—Musical equipment (symphonic timpani set)

**Tuesday, May 25, 1993**

A-7096

University of Kansas—Renovation of Stouffer Place Apartments

29663

Statewide—July (1993) meat products

29671

Statewide—Individual portions

95999

Department of Wildlife and Parks—Electrofishing boat, Valley Center

96000

University of Kansas Medical Center—Plumbing materials

96001

University of Kansas Medical Center—Heating materials

96002

University of Kansas Medical Center—Sheet metal materials

96003

University of Kansas Medical Center—Steel

96006

Kansas State University—Video densitometer

96021

Wichita State University—Waste compactors

96045

University of Kansas—LAN upgrade

96059

Kansas State University—Hi-Pro soybean meal, milo and corn

96093

University of Kansas—Microcomputers

96095

Kansas State University—Photographic film/slide scanner

96110

University of Kansas Medical Center—Personal profile package

**Wednesday, May 26, 1993**

A-6817(b)

University of Kansas—Temporary roof—Hoch Auditorium

A-7087(a)

University of Kansas—Parking lot improvements—Lot 117

A-7140

Fort Hays State University—Concrete paving replacement—Memorial Union

96005

University of Kansas Medical Center—CCTV video equipment

96018

Department of Transportation—Truck mounted weed sprayer, Chanute

96020

Kansas State University—Tissue processor

96022

University of Kansas—Parking decals and hangtags

96023

Osawatomie State Hospital—Trim boards

96024

University of Kansas Medical Center—Pipe insulation and covers

96025

University of Kansas Medical Center—Plumbing materials

96036

Department of Revenue—Microfilm reader printers

96037

University of Kansas Medical Center—High speed centrifuge

**Thursday, May 27, 1993**

A-6940

Larned State Hospital—Upgrade selected areas—Dillon Building

A-6974

Winfield State Hospital and Training Center—Replace underground storage tanks

29668

University of Kansas Medical Center—July (1993) meat products

29669

University of Kansas—July (1993) meat products

96004

University of Kansas Medical Center—Furnish and set up video equipment

96042

University of Kansas—Graphics workstation RS/6000-375

96043

Department of Social and Rehabilitation Services—4MM 2GB tape drives (Tallgrass)

96044

University of Kansas—X-Window terminals

96048

Lansing Correctional Facility—Combination lavatory/water closet

96049

Lansing Correctional Facility—Metal window frames

96050

Hutchinson Correctional Facility—Building materials

96067

Adjutant General's Department—Asphalt paving

Friday, May 28, 1993

A-6850

Kansas State Historical Society—Stabilization of the blockhouse, Fort Hays

A-7136

Department of Administration, Division of Facilities Management—Concrete walks and ramps, Capitol Complex Grounds

29675

Department of Wildlife and Parks—"Kansas Wildlife and Parks" magazine

96060

Emporia State University—Concrete sport lighting poles

96062

University of Kansas Medical Center—Consulting services for Renal billing project

96063

University of Kansas—Sunos integrated development platform with VME system enclosure

96064

Department of Transportation—Asphalt paving, various locations

96065

University of Kansas—Microfilm reader printers

96066

Board of Agriculture—Mass comparators

96086

University of Kansas Medical Center—Ventilator parts

96087

University of Kansas Medical Center—Endoscopy camera system

96088

University of Kansas Medical Center—Birthing room furniture

96089

University of Kansas Medical Center—Endoscopy/ultrasound system

96090

University of Kansas Medical Center—Auditory stimulator

96091

University of Kansas Medical Center—Urological imaging system

96092

University of Kansas Medical Center—Urological ultrasounds system

96105

Wichita State University—Lounge furniture

96106

Wichita State University—Carpet tile

96107

University of Kansas—Musician chairs

96108

Wichita State University—Shells for chairs

96109

Kansas State University—Salina—Robotics

Tuesday, June 1, 1993

A-7028, A-7056

Department of Human Resources—Exterior stair cover and handicapped accessibility—Leavenworth

96083

Department of Transportation—Galvanized steel sign posts, Hutchinson

96084

Department of Transportation—Wood signposts, Hutchinson

96085

Kansas Correctional Industries—Filling machine (soap factory)

96096

University of Kansas Medical Center—Luminescence spectrometer

96097

University of Kansas—Paper, printing and binding

96098

University of Kansas—Fermentor

\*\*\*\*\*

Request for Proposal

Friday, May 28, 1993

29662

Consultant services for development of MMIS request for proposals for the Department of Social and Rehabilitation Services

Jack R. Shipman  
Director of Purchases

Doc. No. 013461

## State of Kansas

**Kansas Advocacy and Protective Services****Notice of Meeting**

The Kansas Advocacy and Protective Services will conduct a meeting of the Protection and Advocacy for Individuals with Mental Illness Advisory Council at 3 p.m. Wednesday, May 19, at the Washburn University Law School, Room 119, 17th and MacVicar, Topeka. Opportunity is provided for oral or written public comment on the priorities established by and activities of the Protection and Advocacy System. For more information, call (913) 776-1541.

Joan Strickler  
Executive Director

Doc. No. 013451

## State of Kansas

**Attorney General****Opinion No. 93-56**

**State Departments; Public Officers and Employees—State Library and Library Services—Establishment and Operation of Publication Collection and Depository System; Duties of State Agencies; Kansas State Historical Society.** Dr. Ramon Powers, Executive Director, Kansas Historical Society, Topeka, April 22, 1993.

K.S.A. 75-2566(b) requires each state agency to deposit with the State Library copies of any publication issued by that state agency. In that the historical journal and the newsletter of the state historical society are printed and published by a private printer, for distribution to members of the Kansas State Historical Society, Inc., the journal and newsletter are not required to be deposited with the State Library at the State Historical Society's expense. Cited herein: K.S.A. 1992 Supp. 75-1023; K.S.A. 75-2565; 75-2566; 75-2702. JLM

**Opinion No. 93-57**

**State Boards, Commissions and Authorities—State Board of Technical Professions—Definitions; Practice of Land Surveying; Scope.** Representative Michael R. O'Neal, 104th District, Hutchinson, April 27, 1993.

A land description constitutes an original land description when it involves a division of land requiring the technical skill and knowledge within the purview of a licensed land surveyor as described herein. A division of land involving a measured part of a parcel (such as a metes and bounds description) results in an original land description of an exact quantity of land. This type of division is exclusively within the purview of a licensed land surveyor. A division of land that divides a parcel into a fractional section of land (a division by aliquot parts) does not result in an original description of land. Cited herein: K.S.A. 26a-101 (Weeks, repealed 1978); K.S.A. 1977 Supp. 26a-128 (Weeks, repealed 1978); K.S.A. 58-2004; 74-7003; Kan. Const., art. 3, § 1; 43 U.S.C. § 52. GE

**Opinion No. 93-58**

**District Officers and Employees—District Coroners—State Child Death Review Board; Extent of Confidentiality Provision.** Jon P. Fleenor, General Counsel, Kansas Child Death Review Board, Topeka, April 26, 1993.

Members of the Child Death Review Board are precluded from testifying as to confidential information required by the board during the course of its investigatory procedures. A member can testify about matters within the member's knowledge acquired outside the scope of those procedures. Cited herein: K.S.A. 1992 Supp. 22a-242; 22a-243; 22a-244. JLM

**Opinion No. 93-59**

**Counties and County Officers—County Attorney—Budget; Limitation of Personnel Action; County Attorney's Assistants and Employees; Participation in Kansas Association of Public Employees (KAPE).** Chris Biggs, Geary County Attorney, Junction City, April 26, 1993.

With the exception of assistant county attorneys, employees of the county attorney's office are "public employees" pursuant to the public employer-employee relations act unless excluded by K.S.A. 75-4322(a), and therefore can participate in an election to determine their representative.

The board of county commissioners is the proper governing body and the county is the "public employer" for the county attorney's employees for the purposes of the Kansas public employer-employee relations act. However, the county attorney can elect not to be bound by such a collective bargaining agreement. Cited herein: K.S.A. 19-302; 19-503; 19-706b; 19-805; 19-1202; 75-4321; 75-4322; 75-4324; 75-4327. MF

**Opinion No. 93-60**

**State Departments; Public Officers and Employees—Public Officers and Employees; Conflict of Interest—Kansas Department of Wildlife and Parks Policy Regarding Outside Employment by Department Employees.** Representative Doug Lawrence, 9th District, Burlington, April 26, 1993.

A state agency's personnel policy which prohibits specified employees from engaging in certain agency-regulated commercial activities is considered a reasonable exercise of authority when such policy guards the public against activities by agency employees which would be inconsistent with their duties or potentially give rise to a conflict of interest. Cited herein: K.S.A. 46-215; K.S.A. 1992 Supp. 75-4301a. CN

**Opinion No. 93-61**

**Public Health—Healing Arts; Kansas Healing Arts Act—Definitions.**

**Public Health—Physical Therapy—Physical Therapists Practicing in Accordance With Law Not Subject to Healing Arts Act.** Lawrence T. Buening, Jr., Executive Director, Kansas Board of Healing Arts, Topeka, May 5, 1993.

In accordance with the legislative intent evidenced by statutory amendments, physical therapists licensed pursuant to K.S.A. 65-2901 *et seq.* may accept patient referrals from out-of-state licensed physicians. Cited herein: K.S.A. 65-2901; 65-2912. GE

**Opinion No. 93-62**

**State Departments; Public Officers and Employees—Kansas Tort Claims Act—Application to the Kansas Healthy Kids Corporation and the Corporation for Change. Representative Barbara Allen, 21st District and Vice-Chairman of Board of Directors of the Kansas Healthy Kids Corporation; Jolene Grabill, Executive Director, The Corporation for Change, Topeka, April 26, 1993.**

The provisions of the Kansas tort claims act are applicable to members of the boards of directors and employees of the Kansas Healthy Kids Corporation and the Corporation for Change. Cited herein: K.S.A. 1992 Supp. 38-1802; 38-1803; 38-1807; 40-4402; 40-4403; 40-4405; K.S.A. 68-2003; 74-8001; 74-8012; 74-8101; 74-8113; 74-9303; 74-9307; 75-6101, K.S.A. 1992 Supp. 75-6102; K.S.A. 75-6103. JLM

**Opinion No. 93-63**

**Counties and County Officers—County Clerk—County Clerk; Election; Concurrent Service as Party Official.**

**Elections—Political Parties—Precinct Committeemen and Committeewomen; Eligibility for Office or Candidacy; Concurrent Service as County Election Officer. Senator Ben E. Vidricksen, 24th District, Salina, April 30, 1993.**

State statute does not preclude a county election officer from concurrently serving as a county or state chairperson or vice-chairperson or as a national committeeperson of a political party. As such committee positions do not constitute public offices, the common law doctrine of incompatibility of offices is inapplicable. A county election officer is not precluded from concurrently serving as a county or state chairperson or vice-chairperson or as a national committeeperson of a political party. Cited herein: K.S.A. 19-301; 19-3419; 25-221 (repealed, L. 1972, ch. 129, § 12); 25-312, as amended by L. 1968, ch. 406, § 98; 25-2303; 25-2504; K.S.A. 1992 Supp. 25-3801; K.S.A. 25-3802 (repealed, L. 1990, ch. 131, § 1); 25-3803 (repealed, L. 1990, ch. 131, § 1); 25-3805 (repealed, L. 1990, ch. 131, § 1); 25-3808; 25-3901; K.S.A. 1992 Supp. 44-714; K.S.A. 74-2113; K.S.A. 1992 Supp. 75-2953; L. 1959, ch. 174, § 2; General Statutes of 1949, § 25-221, as amended by L. 1957, ch. 230, § 1; 5 U.S.C.A. § 1501. RDS

Robert T. Stephan  
Attorney General

Doc. No. 013463

**State of Kansas**

**Child Support Guidelines  
Advisory Committee**

**Notice of Meeting**

The Supreme Court Child Support Guidelines Committee will meet at 10 a.m. on the following dates in the Kansas Judicial Center, 301 W. 10th, Topeka:

June 2 (Wednesday)	Fatzer Courtroom
July 7 (Wednesday)	Fatzer Courtroom
August 18 (Wednesday)	Fatzer Courtroom
September 8 (Wednesday)	OJA Conference Room

Ronald M. Keefover  
Education-Information Officer

Doc. No. 013456

**State of Kansas**

**State Banking Board**

**Notice of Hearing on Proposed  
Administrative Regulations**

The State Banking Board will meet at 9 a.m. Monday, June 21, in the conference room of the office of the State Bank Commissioner, Suite 300, Jayhawk Tower, 700 S.W. Jackson, Topeka. The scheduled agenda includes reports by the State Bank Commissioner, a public hearing concerning an amendment to an existing regulation effective upon publication in the Kansas Register (the summary and economic impact statement developed for the amendment to the existing regulation is set forth below), adoption of the proposed amendment to an existing regulation, and other items necessary.

There is one proposed amendment to an existing regulation that substantively changes regulation K.A.R. 17-22-1—Application Fees.

A complete copy of the proposed amendment to the existing regulation and the economic impact statement may be obtained by contacting Christine L. Zeller, 3rd Floor, Jayhawk Tower, 700 S.W. Jackson, Topeka, 66603, (913) 296-2266. This 30-day notice of hearing is for the purpose of receiving comments concerning the proposed amendment to the existing regulation. 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 regulation. Presentations should be in writing whenever possible.

Frank D. Dunnick  
State Bank Commissioner

Doc. No. 013464

## State of Kansas

## Department of Administration

## Public Notice

Under requirements of K.S.A. 65-34,117(b), records of the Division of Accounts and Reports show the unobligated balances are \$4,156,761.29 in the underground petroleum storage tank release trust fund and \$4,098,457.35 in the aboveground petroleum storage tank release trust fund at April 30, 1993.

Susan M. Seltsam  
Secretary of Administration

Doc. No. 013450

## State of Kansas

Department of Health  
and EnvironmentPermanent Administrative  
Regulations

## Article 34.—HOSPITALS

**28-34-1.** (Authorized by K.S.A. 65-431; effective Jan. 1, 1969; revoked June 28, 1993.)

**28-34-1a. Definitions.** (a) "Authenticate" means to verify authorship by written signature, identifiable initials or computer key. The use of rubber stamp signatures shall be acceptable if the following conditions are strictly observed.

(1) The practitioner whose signature the rubber stamp represents shall be the only individual who has possession of the stamp and who uses the stamp.

(2) The hospital shall maintain, in its administrative offices, a signed statement by the practitioner to the effect that the practitioner is the only person who possesses the stamp and who will use it.

(b) "Chief executive officer" means the individual appointed by the governing body to act in its behalf in the overall management of the hospital.

(c) "Consultant" means a person who provides professional advice or services on request.

(d) "Dentist" means a person licensed in Kansas to practice dentistry.

(e) "Dietitian" means a person who is licensed in Kansas as a dietitian.

(f) "Dietetic services supervisor" means a person who is trained and experienced in food service administration and meets one of the following requirements.

(1) The person is a graduate of a dietetic technician training program approved by the American dietetic association or has completed the educational requirements for certification as a dietary manager. Such programs may be conducted on either a classroom or correspondence basis. A program preceptor shall be a dietitian.

(2) The person has the training and experience in dietetic services supervision and management that is determined by the secretary of health and environment to be equivalent to the programs in subsection (f)(1). Each dietetic services supervisor who qualifies under this paragraph shall have a minimum of six months

of experience as a supervisor in a health care institution.

(g) "Director" means a person with administrative responsibility for the direction of a service for the hospital. When this term is used in connection with a medical or clinical service, it is synonymous with "chairperson" and does not necessarily imply a salaried individual.

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

(1) A practitioner or pursuant to the lawful direction of a practitioner who is acting within the scope of that practitioner's license and who is qualified according to medical staff bylaws; or

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

(i) "Drug dispensing" means delivering prescription medication to the ultimate user or research subject pursuant to the lawful order of a practitioner.

(j) "Facilities" means buildings, equipment and supplies necessary for the implementation of hospital services.

(k) "Licensed practical nurse" means an individual who is licensed in Kansas as a licensed practical nurse.

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

(m) "Long-term care unit" means a unit that provides physician services and continuous nursing supervision for patients who are not in an acute phase of illness and who currently require nursing care which is primarily of a convalescent, restorative or long-term nature. Medicare-certified, distinct-part, long-term care units are included.

(n) "Nursing care unit" means an organized jurisdiction of nursing services in which nursing services are provided on a continuous basis.

(o) "Nursing services" means patient care services pertaining to the curative, restorative and preventive aspects of nursing that are performed or supervised by a registered nurse pursuant to the medical care plan of the practitioner and the nursing care plan.

(p) "Organized" means administratively and functionally structured.

(q) "Organized medical staff" means a formal organization of physicians and dentists, with the responsibility and authority to maintain proper standards for patient care as delegated by the governing body.

(r) "Outpatient services" means an organizational unit of the hospital which is designed to support the provision of nonemergency health care services to patients who do not remain in the hospital overnight. The term shall include a short-term procedure unit where applicable.

(s) "Pathologist" means:

(1) A person licensed in Kansas to practice medicine and surgery and who is a board-certified or board-eligible pathologist; or

(2) a person licensed in Kansas as a dentist and certified as an oral pathologist.

(t) "Patient" means a person admitted to the hospital upon the order of a member of the medical staff.

(u) "Physician" means a person licensed in Kansas to practice medicine and surgery.



(v) "Practitioner" means a member of the hospital's medical staff and may include a physician or dentist.

(w) "Qualified nurse anesthetist" means a nurse who has been certified as a nurse anesthetist by the council on certification of the American association of nurse anesthetists and has been authorized as a registered nurse anesthetist by the Kansas board of nursing, or a student enrolled in a program of nurse anesthesia by the council on accreditation of the American association of nurse anesthetists.

(x) "Registered nurse" means a person who is licensed in Kansas as a registered professional nurse.

(y) "Service" means:

(1) A functional division of the hospital or of the nursing or medical staff; or

(2) the delivery of care.

(z) "Supervision" means authoritative procedural guidance by a qualified person for the accomplishment of a function or activity within that person's sphere of competence. Supervision includes initial direction and periodic inspection of the actual act of accomplishing the function or activity.

(aa) "Survey" means the process of evaluation or reevaluation of a hospital's compliance with these regulations. (Authorized by and implementing K.S.A. 65-431; effective June 28, 1993.)

**28-34-2. Licensing procedure.** Each applicant for an initial license to operate a hospital shall file an application on forms provided by the licensing agency at least 90 days prior to admission of patients. A license previously issued shall be renewed after the licensee has filed an annual report and the licensing agency has approved the same. The licensing agency shall approve the renewal after it has documented that the applicant is in substantial compliance with these regulations. Each application for license renewal shall be filed with the licensing agency at least 90 days before the expiration date of the current license, and the annual report shall be filed no later than 60 days after the beginning of each calendar year. The annual report may include information relating to:

- (1) Administration and ownership;
- (2) classification;
- (3) allocation of beds;
- (4) special care services;
- (5) patient statistics;
- (6) surgical facilities, services and procedures;
- (7) outpatient and emergency room services; and
- (8) staff personnel.

(b) New construction, alterations or renovations that provide space for patient services or patient rooms shall not be used until authorization has been received from the licensing agency. The licensing agency may give such authorization orally or by telephone and shall provide the facility with written confirmation within 30 days.

(c) The license shall authorize a facility to operate only the number and classifications of beds that appear on the previous license application unless additional beds or reclassification of beds have been approved in accordance with K.A.R. 28-34-32a.

(d) If the facility is found to be in violation of any of these regulations, the licensing agency shall notify the applicant in writing of each violation and require that a plan of correction be submitted before a license

is issued or renewed. The plan shall state specifically what corrective action will be taken and the date on which it will be accomplished.

(e) If during the term of its current license a facility is surveyed by the joint commission on accreditation of health care organizations (JCAHO) or the American osteopathic association (AOA), the facility shall submit the survey report to the licensing agency toward satisfying the survey requirements for licensure. After reviewing the survey report, the licensing agency may notify the facility that a licensing survey will be conducted.

(f) The licensing agency will document the extent of the facility's compliance with these regulations in at least one of the following ways:

(1) The statement of a responsible, authorized administrator or staff member;

(2) documentary evidence of compliance provided by the facility;

(3) answers by the facility to detailed questions provided by the licensing agency concerning the implementation of any provisions of these regulations or examples of such implementation which will enable a judgment about compliance to be made;

(4) on-site observations by surveyors; or

(5) interviews with patients, employees or other persons or sources capable of providing reliable information. (Authorized by K.S.A. 65-428 and K.S.A. 65-431; implementing K.S.A. 65-428; K.S.A. 65-429 and 65-431; effective Jan. 1, 1969; amended Jan. 1, 1974; amended May 1, 1980; amended June 28, 1993.)

**28-34-3b. Patient rights.** (a) Policies and procedures. The governing body shall ensure that the facility establishes policies and procedures which support the rights of all inpatients and outpatients. At a minimum, each facility shall ensure that:

(1) Each patient has the right to respectful care given by competent personnel;

(2) each patient has the right, upon request, to be given the name of his attending physician, the names of all other practitioners directly participating in his care and the names and functions of other health care persons having direct contact with the patient;

(3) each patient has the right to make health care decisions. Each patient has the right to the information necessary to make treatment decisions reflecting the patient's wishes and to request a change in his physician or transfer to another health facility due to religious or other reasons;

(4) each patient has the right to accept medical care, to refuse treatment to the extent permitted by state law and to be informed of the medical consequences of refusing treatment;

(5) each patient has the right to formulate advance directives and appoint a surrogate to make health care decisions on the patient's behalf to the extent permitted by law;

(6) each patient has the right to assistance in obtaining consultation with another physician or practitioner at the patient's request and own expense;

(7) each patient has the right to hospital services without discrimination based upon his race, color, religion, sex, national origin or source of payment;

(continued)

(8) each patient or patient's legally designated representative has access to the information contained in the patient's medical records within the limits of state law;

(9) each patient has the right to examine and receive a detailed explanation of the patient's bill; and

(10) each patient is informed of the facility's policies regarding patient rights during the admission process.

(b) Grievances. The facility's policies and procedures shall establish a mechanism for responding to patient complaints. (Authorized by and implementing K.S.A. 1991 Supp. 65-431; effective June 28, 1993.)

**28-34-5.** (Authorized by K.S.A. 65-431; effective Jan. 1, 1969; revoked June 28, 1993.)

**28-34-5a. Governing authority.** (a) Governing body. Each hospital shall have an organized governing body. The governing body shall be the ultimate authority in the hospital responsible for its organization and administration in a manner which is consistent with appropriate standards of patient care, environmental safety and institutional management.

(b) Bylaws. The governing body shall adopt its own set of bylaws. At a minimum, the bylaws shall contain the following provisions:

- (1) A statement of the mission of the hospital;
- (2) a description of the powers and duties of the governing body, officers and committees and of the responsibilities of the chief executive officer;
- (3) a statement of the qualifications for governing body membership, the procedures for selecting members and the term for members, officers and committee chairpersons;
- (4) a description of the authority delegated to the medical staff;
- (5) a requirement that the governing body review and approve the bylaws of the medical staff organization;
- (6) a requirement that the governing body approve or deny all applications for medical staff membership and for the granting of clinical and admitting privileges; and
- (7) a description of the mechanism by which the governing body bylaws are adopted, reviewed and revised.

(c) Functions. At a minimum, the governing body shall:

- (1) Provide adequate physical resources and personnel for appropriate patient care;
- (2) participate in planning to define and help meet the health needs of the community;
- (3) formulate short-term and long-term plans for the development of the hospital;
- (4) review the annual audit of the financial operations of the hospital;
- (5) maintain effective communication with the medical staff;
- (6) require the medical staff to establish controls that are designed to achieve and maintain appropriate standards of ethical professional practice;
- (7) establish a structure to effectively fulfill the governing body's responsibilities and to evaluate the implementation of programs and policies;
- (8) maintain a written record of governing body proceedings; and

(9) implement and maintain a risk management program in accordance with K.S.A. 65-4291 et seq.

(d) Conflict of interest. Members of the governing body shall not maintain personal or business interests which conflict with those of the hospital to an extent deemed by the governing body to present a threat of injury to or loss of the hospital's reputation, assets or ability to provide patient care. (Authorized by and implementing K.S.A. 1991 Supp. 65-431; effective June 28, 1993.)

**28-34-6.** (Authorized by K.S.A. 65-431; effective Jan. 1, 1969; revoked June 28, 1993.)

**28-34-6a. Medical staff.** (a) General provision. Each hospital shall maintain an organized medical staff. Admission to the staff and clinical privileges associated with membership shall be granted by the governing authority through a mechanism which evaluates each member's qualifications to engage in that member's area of clinical practice. Admitting privileges may be granted to any practitioner defined at K.A.R. 28-34-1a(v).

(b) Membership. The medical staff shall be limited to practitioners who have made application in accordance with the bylaws of the medical staff and the governing body. The medical staff shall adopt bylaws which define the requirements for admission to staff membership and for the delineation and retention of clinical and admitting privileges. Each member shall be granted privileges which are commensurate with the member's qualifications, experience, present capabilities, and which are within their scope of practice. Although certification, fellowship, membership on a specialty board or society, or the completion of a general practice residency may be considered in determining an individual's qualifications for medical staff membership, membership decisions shall not be made solely upon any one of these factors.

(c) Medical staff status.

(1) Each hospital shall have an active medical staff to deliver the preponderance of medical services within the hospital. The active medical staff shall have primary responsibility for the organization and administration of the medical staff. Each member of the active medical staff shall be eligible to vote at staff meetings, hold office and serve on staff committees.

(2) In addition to the active medical staff, the hospital may provide for additional kinds of medical staff privileges. These additional staff categories shall in no way modify the privileges, duties, and responsibilities of the active medical staff. These additional staff categories may be eligible to vote at staff meetings, hold office and serve on staff committees.

(d) Appointment and reappointment. After considering medical staff recommendations, the governing body shall affirm, deny or modify each recommendation for appointment to the medical staff and the granting of clinical privileges to any practitioner. Formal application for membership and for granting of clinical privileges shall follow established procedures set forth in the bylaws, rules and regulations of the medical staff.

(e) Bylaws, rules, and regulations. The medical staff shall develop and adopt, subject to the approval of the governing body, a set of bylaws which shall provide for at least the following:

- (1) The organizational structure of the medical staff;
- (2) qualifications for staff membership and procedures for admission, retention, assignment and re-education or withdrawal of privileges;
- (3) procedures and standards for the review of staff credentials;
- (4) a mechanism for an appeal by a practitioner who receives an unfavorable medical staff recommendation;
- (5) delineation of clinical privileges and duties of professional personnel who function in a clinical capacity and who are not members of the medical staff;
- (6) methods for the selection of officers and department or service chairpersons and a description of their duties and responsibilities;
- (7) the composition and function of standing committees;
- (8) requirements regarding the completion of medical records, including a system of disciplinary action for failure to complete records of discharged patients within 30 days after dismissal or current records within 48 hours of admission;
- (9) a mechanism by which the medical staff consults with and reports to the governing body;
- (10) medical staff meetings for the purpose of reviewing the performance of the medical staff and each department or service and reports and recommendations of the medical staff and multidisciplinary committees; and
- (11) a mechanism for review of medical staff performance which shall include consideration of relevant ethics and statutory codes of conduct.

(f) Medical care review. The medical staff shall develop and implement a system to review medical services rendered, evaluate their quality and provide an educational program for medical staff members. This system shall include written criteria for the evaluation of medical care which shall cover admission, length of stay and professional services furnished and shall be conducted on at least a sample basis.

(g) Medical orders.

(1) Medication or treatment shall be administered only upon written and signed orders of a practitioner who is acting within the scope of that practitioner's license and who is qualified according to medical staff bylaws.

(2) Telephone orders for medication or treatment shall be accepted only from authorized individuals when it is impractical for such orders to be given in writing. Telephone orders shall be taken only by personnel who are qualified according to medical staff bylaws. The person entering telephone orders into a medical record shall sign and date the entry. The order shall be authenticated by the prescribing practitioner within 24 hours.

(3) A practitioner may give verbal orders for medication or treatment to personnel who are qualified according to medical staff bylaws and who are in the same room as the practitioner. The person entering

verbal orders into the medical record shall sign and date the entry as soon as possible. The order shall be authenticated by the prescribing practitioner within 24 hours. (Authorized by and implementing K.S.A. 65-431; effective June 28, 1993.)

**28-34-8.** (Authorized by K.S.A. 1979 Supp. 65-431; effective Jan. 1, 1969; amended May 1, 1980, revoked June 28, 1993.)

**28-34-8a. Administrative services.** (a) General provisions. There shall be an adequate administrative staff to provide effective management of the hospital.

(b) The chief executive officer. The governing body shall appoint a chief executive officer. The qualifications, responsibilities, duties and authority of the chief executive officer shall be described in a written statement adopted by the governing body. The chief executive officer shall implement the policies established by the governing body for the operation of the hospital and shall act as a liaison between the governing body, the medical staff and the departments of the hospital.

(c) Personnel policies and procedures. The governing body, through the chief executive officer, shall establish and maintain written personnel policies and procedures which adequately support sound patient care. These policies and procedures shall be made available to all employees and shall be reviewed at least every two years. A procedure shall be established for advising employees of policy and procedure changes.

(d) Personnel records. Accurate and complete personnel records shall be maintained for each employee. Personnel records shall contain at least the following information for each employee:

(1) Information regarding the employee's education, training and experience that is sufficient to verify the employee's qualifications for the employee's job. The information shall indicate the employee's professional licensure status;

(2) current information regarding periodic work performance evaluations; and

(3) records of the initial health examination and of subsequent health services and periodic health evaluations.

(e) Education programs. Orientation and inservice training programs shall be provided to allow personnel to improve and maintain skills and to learn of new health care developments.

(f) Personnel health requirements. Upon employment, all hospital personnel shall have a medical examination which shall consist of examinations appropriate to the duties of the employee, including a chest X-ray or tuberculin skin test. Subsequent medical examinations or health assessments shall be given periodically in accordance with hospital policies. Each hospital shall develop policies and procedures for control of communicable disease, including maintenance of immunization histories and the provision of educational materials to the patient care staff. (Authorized by and implementing K.S.A. 1991 Supp. 65-431; effective June 28, 1993.)

(continued)

**28-34-9a. Medical records services.** (a) General provisions. Each hospital shall maintain medical records for each patient admitted for care. The records shall be accurately documented and readily retrievable by authorized persons.

(b) Organization and staffing.

(1) Each hospital shall have a medical records service that is adequately directed, staffed, and equipped to enable the accurate processing, indexing and filing of all medical records. The medical records service shall be under the direction of a person who is a registered records administrator or an accredited records technician as certified by the American health information management association, or who meets the educational or training requirements for such certification.

(2) If the employment of a full-time registered records administrator or an accredited records technician is impossible, the hospital shall employ a registered records administrator or an accredited records technician on a part-time consultant basis. The consultant shall organize the department, train full-time personnel, and make periodic visits to evaluate the records. There shall be a written contract between the hospital and the consultant which specifies the consultant's duties and responsibilities.

(3) At least one full-time employee shall provide regular medical records service.

(c) Facilities. The medical records department shall be properly equipped to enable its personnel to function in an effective manner and to maintain medical records in such a manner that the records are readily accessible and secure from unauthorized use.

(d) Policies and procedures.

(1) Each medical record shall be kept on file for 10 years after the date of last discharge of the patient or one year beyond the date that patients who are minors reach their majority, whichever is longer.

(2) If a hospital discontinues operation, the hospital shall inform the licensing agency of the location of its records.

(3) A summary shall be maintained of medical records which have been destroyed. This summary shall be retained on file for at least 25 years and shall include the following information:

(A) The name, age, and date of birth of the patient;

(B) the name of the patient's nearest relative;

(C) the name of the attending and consulting practitioners;

(D) any surgical procedure and date, if applicable; and

(E) the final diagnosis.

(4) Medical records may be microfilmed after completion. If the microfilming is done off the premises, the hospital shall take precautions to assure the confidentiality and safekeeping of the records.

(5) Each record shall be treated as confidential. Only persons authorized by the governing body shall have access to the records. These persons shall include individuals designated by the licensing agency for the purpose of verifying compliance with state or federal statutes or regulations and for disease control investigations of public health concern.

(6) Medical records shall be the property of the hospital and shall not be removed from the hospital premises except as authorized by the governing body of the hospital or for purposes of litigation when specifically authorized by Kansas law or appropriate court order.

(e) Contents of medical records. Medical records shall contain sufficient information to identify the patient clearly, to justify the diagnosis and treatment and to document the results accurately. At a minimum, each record shall include the following:

(1) Notes by authorized house staff members and individuals who have been granted clinical privileges, consultation reports, nurse's notes and entries by specified professional personnel;

(2) findings and results of any pathological or clinical laboratory examinations, radiology examinations, medical and surgical treatment and other diagnostic or therapeutic procedures; and

(3) provisional diagnosis, primary and secondary final diagnosis, a clinical resume and, where appropriate, necropsy reports.

(f) Each entry in each record shall be dated and authenticated by the person making the entry. Verbal orders shall include the date and signature of the person recording them. The prescribing practitioner shall authenticate the order within 24 hours. Records of patients discharged shall be completed within 30 days following discharge. (Authorized by and implementing K.S.A. 65-431; effective May 1, 1986; amended June 28, 1993.)

**28-34-10.** (Authorized by K.S.A. 1973 Supp. 65-431; effective Jan. 1, 1969; amended Jan. 1, 1974; revoked June 28, 1993.)

**28-34-10a Pharmacy services.** (a) General provisions. Each hospital shall provide pharmaceutical services which are administered in accordance with accepted ethical and professional practices.

(b) Organization and staffing. The pharmaceutical service shall be directed by a licensed pharmacist. If the hospital has a pharmacy, it shall be directed by a licensed pharmacist. If the hospital does not have a pharmacy or a full-time staff pharmacist, a pharmacist employed on a part-time or consultant basis shall be responsible for control and dispensing of drugs and for operation of the pharmacy or the pharmaceutical functions of nursing stations. In addition to meeting the standards in this regulation, services shall be provided in accordance with K.A.R. 68-7-11 and amendments thereto.

(c) Pharmacy facilities. Each hospital that maintains a pharmacy on its premises shall provide adequate equipment, supplies and facilities for the storage, safeguarding, preparation and dispensing of drugs. Drugs and biologicals must be kept in locked storage areas. Drugs requiring refrigeration shall be stored in conveniently located refrigerators which shall be used for drug storage only.

(d) Pharmacy and therapeutics committee. Each hospital shall establish a pharmacy and therapeutics committee or its equivalent. The committee shall consist of at least physicians, nurses and pharmacists. This committee shall assist in the formulation of broad pro-

fessional policies regarding evaluation, appraisal, selection, procurement, storage, distribution and use of drugs and safety procedures and all other matters relating to drugs in the hospital. This committee shall meet at least quarterly, record its proceedings and report to the medical staff.

(e) Policies and procedures. The pharmaceutical service shall develop written policies and procedures. These policies shall be reviewed by the medical staff at least annually and shall be dated to indicate the date of last review. Procedures shall be established for the recording of all drug dispensations or other pharmacy transactions of the pharmacy or nursing stations.

(f) Medications dispensed. The hospital pharmacy shall dispense from a formulary of drugs approved by the medical staff through its appropriate committees. Any drug approved by the food and drug administration for use as an experimental drug may be used in accordance with standards established by the hospital's medical staff.

(g) Commercial pharmaceutical service. Each hospital using an outside pharmacist or pharmaceutical service shall have a contract with that pharmacist or service. As part of the contract, the pharmacist or service shall be required to maintain at least the standards for operation outlined in these regulations. (Authorized by and implementing K.S.A. 1991 Supp. 65-431; effective June 28, 1993.)

**28-34-16.** (Authorized by K.S.A. 65-431; effective Jan. 1, 1969; revoked June 28, 1993.)

**28-34-16a. Emergency services.** (a) Emergency services plans. Each hospital shall maintain a comprehensive, written emergency services plan based on community need and on the capability of the hospital. This plan shall include procedures whereby an ill or injured person can be addressed and either treated, referred to an appropriate facility or discharged. Regardless of the scope of its services, each hospital shall provide and maintain equipment necessary to institute essential life-saving measures for inpatients and, when referral is indicated, shall arrange for necessary transportation.

(b) Organized emergency services. In hospitals with organized emergency services, the following shall apply.

(1) Emergency services shall be available 24 hours a day, and medical staff coverage shall be adequate so that the patient will be seen within a period of time which is reasonable relative to the severity of the patient's illness or injury.

(2) No patient shall be transferred until the patient has been stabilized. A written statement of the patient's immediate medical problem shall accompany the patient when transferred. Every patient seeking medical care from the emergency services who is not in need of immediate medical care or for whom services cannot be provided by the hospital shall be given information about obtaining medical care.

(3) The emergency service, regardless of its scope, shall be organized and integrated with other departments of the hospital.

(4) The service shall be directed by a physician. The governing body shall adopt a written statement defining the qualifications, duties, and authority of the director. In the absence of a single physician, the direction of emergency medical services may be provided through a multidisciplinary medical staff committee, including at least one physician. The chairperson of this committee shall serve as director.

(5) The emergency nursing service shall be directed and supervised by a registered nurse with training in cardiopulmonary resuscitation. At least one registered nurse with this training shall be available at all times.

(6) The emergency service area shall be located near an outside entrance to the hospital and shall be easily accessible from within the hospital. Suction and oxygen equipment and cardiopulmonary resuscitation units shall be available and ready for use. This equipment shall include equipment used for tracheal intubation, tracheotomy, ventilating bronchoscopy, intrapleural decompression and intravenous fluid administration. Standard drugs, parental fluids, plasma substitutes and surgical supplies shall be on hand for immediate use in treating life-threatening conditions.

(7) Written policies and procedures which delineate the proper administrative and medical procedures and methods to be followed in providing emergency care shall be established. A medical record shall be kept for each patient receiving emergency services and it shall be made a part of any other patient medical record maintained in accordance with K.A.R. 28-34-9a and amendments thereto.

(c) Cessation of organized emergency services. Any hospital ceasing to provide organized emergency services, at least 30 days prior to such action, or as soon as possible, shall:

(1) Document approval of the governing body of the closure of the organized emergency services;

(2) notify the licensing agency;

(3) place a legal public notice in the local newspaper of such cessation of services; and

(4) notify the Kansas department of transportation and the Kansas board of emergency medical services. (Authorized by and implementing K.S.A. 65-431; effective June 28, 1993.)

**28-34-17.** (Authorized by K.S.A. 65-431; effective Jan. 1, 1969; revoked June 28, 1993.)

**28-34-17a. Anesthesia services.** (a) General provisions. Anesthesia care shall be regularly available when the hospital provides surgical or obstetrical services.

(b) Personnel.

(1) The department of anesthesia shall be responsible for all anesthetics administered.

(2) In hospitals where there is no department of anesthesia, the director of surgical services shall assume the responsibility for establishing general policies relating to administration of anesthetics. When there is a department of anesthesia, it shall be directed by a member of the medical staff with appropriate clinical and administrative experience.

(continued)

(3) The responsibilities of the director shall be established by the governing body and shall include the following:

(A) Establishing criteria and procedures for the evaluation of the quality of all anesthesia care rendered in the hospital;

(B) making recommendations regarding necessary equipment for administering anesthesia and related resuscitation efforts;

(C) developing hospital rules concerning anesthesia safety; and

(D) participating in the hospital's program of cardiopulmonary resuscitation and in consultations regarding management of acute and chronic respiratory insufficiency.

(c) Anesthesia shall be provided only by a qualified individual licensed by the Kansas board of healing arts, the Kansas board of nursing, or the Kansas dental board to administer anesthesia. Anesthesia may also be administered by physicians who are residents in anesthesia or student nurse anesthetists under the supervision of an individual licensed to administer anesthesia.

(d) Policies.

(1) The governing body shall determine the extent of anesthesia services and shall define the degree of collaboration required for the administration of anesthesia. Certified registered nurse anesthetists shall work in an interdependent role with other practitioners.

(2) Each patient requiring anesthesia shall have a pre-anesthesia evaluation by a qualified anesthesia provider regarding the choice of anesthesia.

(3) Each patient's condition shall be reviewed immediately prior to induction. This shall include a review of the patient's medical record with regard to completeness of pertinent laboratory data and an appraisal of any changes in the condition of the patient as compared with that noted on the patient's medical record.

(4) Following the procedure for which anesthesia was administered, the anesthetist or a designee shall remain with the patient as long as required by the patient's condition relative to the patient's anesthesia status and until responsibility for proper patient care has been assumed by other qualified individuals.

(5) A record of events taking place during the induction and maintenance of and emergence from anesthesia, including the dosage and duration of all anesthetic agents, other drugs, intravenous fluids and blood or blood fractions, shall be made.

(e) Safety precautions. The governing body, through the director of anesthesia services, shall adopt rules for safe practice in anesthetizing locations. These rules shall be substantially similar to the requirements prescribed in appendix B of NFPA No. 56A (1973), "standard for the use of inhalation anesthetics," as published by the national fire protection association, Boston, Massachusetts. Separate rules shall be adopted for hospitals having flammable anesthetizing locations, nonflammable anesthetizing locations or mixed flammable and nonflammable anesthetizing locations. Flammable anesthetizing agents shall include cyclopropane, divinyl ether, ethyl ether, fluroxene, ethyl

chloride and ethelyne. (Authorized by and implementing K.S.A. 65-431; effective June 28, 1993.)

**28-34-17b. Surgical services.** (a) General provisions. Surgical services shall be provided in a manner sufficient to meet the medical needs of the patients.

(b) Personnel.

(1) The director of surgical services shall be a qualified member of the medical staff with appropriate surgical and administrative experience.

(2) A roster of medical staff members, with a delineation of the surgical privileges granted to each, shall be maintained in the surgical suite and available to the surgical nurse supervisor.

(3) Surgical suite nursing services shall be under the direction and supervision of a registered nurse who is qualified by training and experience in operating room management and techniques. At least one registered nurse shall be on duty in the recovery room whenever the room is occupied.

(c) Facilities.

(1) Admission of patients, personnel and visitors to the surgical suite shall be controlled in accordance with written policies.

(2) The following equipment shall be immediately available to the surgical suite:

(A) A call system;

(B) a cardiac monitor;

(C) a resuscitator;

(D) a defibrillator;

(E) an aspirator;

(F) a thoracotomy set; and

(G) a tracheotomy set.

(3) Facilities for blood transfusions shall be available at all times.

(d) Policies. The medical staff shall develop written policies and procedures governing surgical services. These shall include:

(1) Appointment procedures which fairly evaluate the quality and competence of each surgeon seeking appointment to the surgical staff;

(2) reappointment procedures which provide for the periodic reappraisal of the qualifications and competence of each surgeon;

(3) criteria to determine the circumstances which require the presence of an assistant during surgery and to determine whether the assistant should be a physician or professional or nonprofessional personnel;

(4) procedures requiring that preoperative and postoperative medical records are completed in a timely and accurate manner. An accurate and complete description of findings and techniques of operation shall be made within 24 hours after operation by the surgeon who performed the operation; and

(5) procedures requiring that all tissues removed at surgery be examined by a physician whose report shall become a part of the patient's medical record.

(e) Operating room register. An operating room register shall be provided and maintained on a current basis. This register shall contain the date of the operation, the name and number of the patient, the names of surgeons and surgical assistants, the name of the anesthetist, the type of anesthesia given, preoperative and postoperative diagnosis, the type of surgical procedure and the presence or absence of complications in surgery. (Authorized by and imple-

menting K.S.A. 1991 Supp. 65-431; effective June 28, 1993.)

**28-34-20.** (Authorized by K.S.A. 65-431; effective Jan. 1, 1969; revoked June 28, 1993.)

**28-34-20a. Outpatient and short-term procedure services.** (a) General provisions. If the hospital provides outpatient services, those services shall be rendered in an effective and timely manner and shall be given only on the order of a physician or practitioner.

(b) Outpatient services.

(1) The director of the outpatient service shall possess qualifications that are consistent with the criteria, authority and duties defined in a written statement adopted by the hospital. The service shall be staffed with sufficient qualified personnel to meet the needs of the patients.

(2) Each outpatient service facility in which patient medical care is delivered shall be designed to ensure the privacy of each patient and the confidentiality of the patient's disclosures. Consultation and examination rooms or cubicles appropriate to the size of the service shall be available for the use of the staff.

(c) Short-term procedure services.

(1) If the hospital maintains a short-term procedure unit for treating patients requiring surgery on an outpatient basis, the unit shall be established and administered according to procedures developed by the medical staff and adopted by the governing body. Provision shall be made for back-up services by other departments in the case of emergencies or complications.

(2) The following basic facilities shall be provided when outpatient surgery is performed:

(A) An appropriately equipped and staffed operating room and postoperative recovery room;

(B) appropriate means of control against the hazards of infection, electrical or mechanical failure, fire or explosions;

(C) facilities for sterilizing equipment and supplies for maintaining sterile techniques;

(D) appropriate equipment and instrumentation for anesthesia, emergency cardiopulmonary resuscitation and other physiologic support;

(E) a readily available oxygen supply with emergency tanks; and

(F) readily available suction equipment.

The operating room shall be located so that it does not directly connect with a corridor used for general through traffic.

(d) Policies and procedures.

(1) Policies and procedures shall be developed to guide personnel in the effective implementation of the objectives of the outpatient services.

(2) Outpatient services shall be provided in accordance with established policies and procedures. In hospitals which do not provide an organized emergency service but provide outpatient services, outpatient services shall be provided during regularly scheduled hours. The hours of operation for the outpatient service shall be posted in the outpatient service waiting area. (Authorized by and implementing K.S.A. 1991 Supp. 65-431; effective June 28, 1993.)

**28-34-32a.** (Authorized by and implementing K.S.A. 65-431; effective May 1, 1986; revoked June 28, 1993.)

**28-34-32b. Construction standards.** (a) General provisions. All hospital construction subsequent to the adoption of this regulation, including new buildings and additions or alterations to existing buildings, shall be in accordance with the standards set forth in the American institute of architects committee on architecture for health, publication No. (15BN 0-913962-96-1), 1987, entitled "guidelines for construction and equipment of hospital and medical facilities," which are hereby adopted by reference.

(b) Construction plans and specifications.

(1) Plans and specifications for each new hospital and each alteration and addition to any existing hospital, other than minor alterations, shall be prepared by an architect licensed in Kansas and shall be submitted to the licensing agency prior to beginning construction. "Minor alterations" means those projects which:

(A) Do not affect the structural integrity of the building;

(B) do not change functional operation;

(C) do not affect fire safety; and

(D) do not add beds or facilities over those for which the hospital is licensed.

(2) Plans and specifications shall be submitted at the preliminary plan and outline specification stage and at the contract document stage.

(3) The preliminary plans shall include:

(A) Sketch plans of the basement, each floor and the roof indicating the space assignment, size and outline of fixed equipment;

(B) all elevations and typical sections;

(C) a plot plan showing roads and parking facilities; and

(D) areas and bed capacities by floors.

(4) The outline specifications shall consist of a general description of the construction, air conditioning, heating and ventilation systems.

(5) Contract documents shall consist of working drawings that are complete and adequate for bidding, contract and construction purposes. Specifications shall supplement the drawings to fully describe the types, sizes, capacities, workmanship, finishes and other characteristics of all materials and equipment. The architect shall certify contract documents are in compliance with subsections (a), (b) and (c) of this regulation.

(c) Access. Representatives of the licensing agency shall, at all reasonable times, have access to work in preparation or progress and the contractor shall provide proper facilities for such access and inspection. A complete set of plans and specifications shall be available on the job site for use by licensing agency personnel. (Authorized by and implementing K.S.A. 1991 Supp. 65-431; effective June 28, 1993.)

**28-34-125.** (Authorized by and implementing K.S.A. 65-431; effective May 1, 1987; revoked June 28, 1993.)

Robert C. Harder  
Secretary of Health  
and Environment

Doc. No. 013449

## State of Kansas

## Office of the Securities Commissioner

Permanent Administrative  
RegulationsArticle 3.—LICENSING; BROKER-DEALERS  
AND AGENTS

**81-3-1. Requirements and registration procedures for broker-dealers, agents and investment advisers.** A broker-dealer, agent or investment adviser may be registered under the act if the commissioner finds that the applicant is qualified, has sufficient training or knowledge of the securities business, is of good repute, and otherwise satisfies the requirements of the act and rules thereunder. (a) General provisions.

(1) Each applicant, or if other than an individual, the directors, officers or managing partners of each applicant shall be at least 18 years of age.

(2) Each applicant shall be registered or qualified to engage in the securities business in the state of the applicant's principal place of business.

(3) Each broker-dealer shall have and maintain at least one registered agent, and if the broker-dealer is other than an individual, the agent shall be a director, officer, or managing partner of the broker-dealer.

(4) Each director, officer, partner, or employee of an investment adviser who gives investment advice or makes investment decisions, and who meets the definition of K.S.A. 17-1252(1), shall be separately registered as an investment adviser under the act.

(5) Each applicant for registration as an agent of a broker-dealer or issuer, and each applicant for registration as an investment adviser because of affiliation with or employment by an investment adviser, shall be endorsed by that broker-dealer, issuer or employing investment adviser, who shall certify that the applicant is of good repute and, in all respects qualified to be registered.

(6) An agent or investment adviser shall not be registered in association with more than one broker-dealer, issuer or employing investment adviser at any one time, unless management and control of the broker-dealers, issuers or employing investment advisers are substantially identical.

(b) Application requirements.

(1) An application for registration or renewal may be made through the CRD system. An application other than one made through the CRD system shall be filed in the form as set forth in K.A.R. 81-2-1(d) or as otherwise prescribed by the commissioner. Each application shall be accompanied by:

(A) the filing fee specified in K.A.R. 81-3-2; and

(B) proof of successful completion of the examination requirements of subsection (c) of this rule.

(2) Each application which has been on file for a period of six months without affirmative action by the applicant shall be considered to have been withdrawn.

(3) Each application by a broker-dealer for registration or renewal shall include a current list of the ad-

resses of all branch offices and names of all branch managers.

(c) Examination requirements.

(1) An applicant for registration as an agent shall have completed the series 63 examination with a score of 70% or better, and one other examination as required for registration with the NASD.

(2) An applicant for registration as an investment adviser shall have completed the series 63 examination with a score of 70% or better, or such other examinations as the commissioner may designate.

(3) Waiver of examination requirement. The examination requirement may be waived by the commissioner for:

(A) An applicant who has previously passed the required written examinations and whose last effective registration was not more than two years before the date of the filing of the present registration application;

(B) an applicant who will be engaged solely in the sale of:

(i) Securities which are exempt under the provisions of K.S.A. 17-1261(f);

(ii) any contracts or bonds for the sale and conveyance of land on deferred payments or on installment plans; or

(iii) certificates of interest in oil and gas royalties, leases or mineral deeds;

(C) an applicant who will be engaged only in the sale of securities offered by a community development corporation located in this state which:

(i) Has applied for and received tentative commitments from the small business administration for loans;

(ii) issues these securities to provide financing to qualify for the loan; and

(iii) offers these securities only within the community and to residents of the community which the corporation will serve.

Pursuant to K.S.A. 17-1254(b), additional examination requirements may be imposed by the commissioner or any applicant or class of applicants may be exempted from examination requirements for good cause shown.

(d) Financial responsibility. Financial statements as required below shall include a statement of financial condition and notes to the statement of financial condition presented in conformity with generally accepted accounting principles applied on a consistent basis. Unless otherwise permitted, the financial statements shall be examined by an independent certified public accountant in accordance with generally accepted auditing standards. Financial statements of broker-dealers shall include disclosure of net capital, or be accompanied by a supplemental schedule of net capital, in compliance with requirements of subsection (e) below.

(1) Financial statements of applicants.

(A) Each applicant for original registration as a broker-dealer shall file audited financial statements as of a date within 30 days of filing, or as of the end of the applicant's last fiscal year along with interim financial statements which may be unaudited, as of a date within 30 days of filing.



(B) Each applicant for original registration as an investment adviser firm shall file audited financial statements as of the applicant's last fiscal year or later when the firm:

(i) Will maintain custody of securities or cash of clients; or

(ii) will require prepayment of fees of more than \$500 paid more than six months in advance of providing services. If the above conditions of custody or prepayment of fees are not applicable to an investment adviser, then financial statements shall not be required.

(2) Annual reports.

(A) At the time the application is filed, each broker-dealer shall notify the commissioner of the date on which the broker-dealer's fiscal year ends. Every broker-dealer currently registered shall file an annual report containing audited financial statements and the net capital amount as of the end of the broker-dealer's fiscal year. The annual audit report shall be due not more than 60 days after the date of the financial statements. Any broker-dealer violating the terms of this regulation may be subject to suspension of registration by emergency order.

For purposes of uniformity, a copy of audited financial statements in compliance with SEC Rule 17a-5(d), as amended in Release No. 34-13462, effective June 30, 1977, when filed as required above, shall be deemed to comply with this regulation.

(B) Each registered investment adviser required to file an annual report on Form ADV-S with the SEC under the Investment Advisers Act of 1940, (17 CFR 275.204-1, as amended in Release No. 991, effective January 1, 1986, 50 F.R. 42903) shall file a copy of the annual report and schedules within 90 days after the end of the investment adviser's fiscal year.

(3) Required records.

(A) Each registered broker-dealer shall maintain and preserve financial records in compliance with SEC Rule 17a-3 (17 CFR 240.17a-3 as amended by Release No. 34-22468, effective January 1, 1986, 50 F.R. 41867) and Rule 17a-4 (17 CFR 240.17a-4 as amended in Release No. 34-19268, effective November 22, 1982, 47 F.R. 54057).

(B) Each registered investment adviser firm shall maintain and preserve records in compliance with Rule 204-2 under the Investment Advisers Act of 1940 (17 CFR 275.240-2 as amended in Release No. IA-952, effective January 17, 1985, 50 F.R. 2542).

(e) Minimum net capital requirements.

(1) Each broker-dealer shall comply with SEC Rule 15c3-1 (17 CFR 240.15c3-1, as amended in Release No. 34-31511, effective January 1, 1993, 57 F.R. 56973), SEC Rule 15c3-2 (17 CFR 240.15c3-2, adopted in Release No. 34-7325, effective August 3, 1964, 29 F.R. 7240) and SEC Rule 15c3-3 (17 CFR 240.15c3-3, as amended in Release No. 34-22499, effective November 22, 1985, 50 F.R. 41337).

(2) Each registered broker-dealer shall comply with SEC Rule 17a-11 (17 CFR 240.17a-11, as amended in Release No. 34-18417, effective May 1, 1982, 47 F.R. 3512) and shall simultaneously file with the commis-

sioner copies of notices and reports required by that rule.

(f) Confirmations.

(1) At or before completion of each transaction with a customer, the broker-dealer shall give or send to the customer written notification, disclosing:

(A) Whether the broker-dealer is acting as an agent for the customer, as a dealer for the broker-dealer's own account, as an agent for some other person, or as an agent for both the customer and some other person; and

(B) In any case in which the broker-dealer is acting as an agent for the customer, or for both the customer and some other person, the source and amount of any commission or other remuneration received or to be received by the broker-dealer in connection with the transaction, and either:

(i) The name of the person from whom the security was purchased or to whom it was sold for the customer and the date and time when the transaction took place; or

(ii) the fact that this information will be furnished upon the request of the customer.

(2) At or before completion of a transaction every issuer engaged in an intrastate offering shall give or send to each customer written confirmation concerning all purchases and sales of securities. The issuer shall retain copies of the confirmation. The confirmation shall disclose:

(A) the date the transaction occurred;

(B) the price and commission charged; and

(C) the name of the officer, partner or agent handling the transaction.

(g) Effectiveness and post-effective requirements.

(1) A registration effected through the CRD system shall become effective upon compliance with the requirements of this regulation and approval by the commissioner.

(2) All other registrations shall become effective upon compliance with the requirements of this regulation by order of the commissioner.

(3) Every registrant shall immediately notify the commissioner in writing of any material change in any information, exhibits or schedules submitted, or circumstances disclosed in its last prior application. A correcting amendment shall be filed at the time of occurrence or discovery of the changes. Material changes shall include, but not be limited to the following:

(A) Change in firm name, ownership, management or control of a broker-dealer, or a change in any of its partners, officers or persons in similar positions, or its business address, or the creation or termination of a branch office in Kansas;

(B) change in type of entity, general plan or character of a broker-dealer's business, method of operation or type of securities in which it is dealing or trading;

(C) insolvency, dissolution or liquidation, or a material adverse change or impairment of working capital, or noncompliance with the minimum net capital required above;

(continued)

(D) termination of business or discontinuance of those activities as a broker-dealer, agent, or investment adviser;

(E) the filing of a criminal charge or civil action against a registrant, or a partner or officer, in which a fraudulent, dishonest or unethical act is alleged, or a violation of a securities law is involved; or

(F) entry of an order or proceeding by any court or administrative agency against a registrant denying, suspending or revoking a registration, or threatening to do so, or enjoining the registrant from engaging in or continuing any conduct or practice in the securities business.

(h) Expiration, renewal, withdrawal and termination.

(1) All registrations shall expire on December 31, and all applications for renewal shall be filed not later than December 20 of each year.

(2) When an agent or investment adviser's association with a broker-dealer, issuer or employing investment adviser is discontinued or terminated, a notice of termination shall be filed by the broker-dealer, issuer or employing investment adviser. If the agent or investment adviser commences employment with another broker-dealer, issuer or employing investment adviser, an original application for registration shall be filed, except that an agent registered through the CRD system may comply with the requirements of this subsection through participation in the temporary agent transfer program.

(3) Termination of a broker-dealer's registration for any reason shall automatically constitute cancellation of all associated agents' registrations.

(4) If any broker-dealer, or an investment adviser other than an individual required to be registered under K.A.R. 81-3-1(a)(4), desires to withdraw and terminate registration or registration is terminated by the commissioner, that broker-dealer or investment adviser shall immediately file a completed form BDW or form ADV-W.

(i) Denial, suspension and revocation.

(1) "Dishonest and unethical practices" under K.S.A. 17-1254(g)(7) is defined to include, but is not limited to, the following:

(A) The NASAA statement of policy, dishonest and unethical business practices, adopted April 23, 1983;

(B) the NASAA statement of policy, fraudulent and unethical sales practices—manipulative conduct, adopted April 29, 1989, amended April 29, 1992; and

(C) the NASAA statement of policy, unethical business practices of investment advisors, adopted April 5, 1985. (Authorized by K.S.A. 1992 Supp. 17-1270; implementing K.S.A. 1992 Supp. 17-1254 and K.S.A. 1992 Supp. 17-1270; effective Jan. 1, 1966; amended, E-70-15, Feb. 4, 1970; amended Jan. 1, 1971; amended, E-77-40, Aug. 12, 1976; amended Feb. 15, 1977; amended May 1, 1987; amended Oct. 7, 1991; amended June 28, 1993.)

**81-3-3. Investment adviser contracts.** Any registered investment adviser may enter into, extend, or renew any investment advisory contract made in compliance with the federal investment advisers act of

1940, 50 Fed. Reg. 48,556, 17 C.F.R. Section 275.205-3 as in effect on July 1, 1992, which is hereby adopted by reference. (Authorized by K.S.A. 1992 Supp. 17-1270(f); implementing K.S.A. 17-1253; effective, T-87-28, Oct. 1, 1986; effective May 1, 1987; amended June 28, 1993.)

**81-3-4. Periodic or special exams; fees.** (a) Each person, broker-dealer or investment adviser whose books and records are examined by any examiner, auditor, investigator or accountant shall remit to the office of the securities commissioner a fee equal to the actual cost of the examination.

(b) The actual cost of the examination shall be summarized on a billing statement, and shall include but not be limited to the following:

(1) salary and benefit costs of each examiner, auditor, investigator or accountant;

(2) travel and subsistence costs of each examiner, auditor, investigator or accountant; and

(3) supplies or information processing costs directly related to the examination. (Authorized by K.S.A. 1992 Supp. 17-1270(d); implementing K.S.A. 1992 Supp. 17-1270(d); effective June 28, 1993.)

#### Article 5.—EXEMPTIONS

**81-5-3. Isolated transaction exemption.** A security or securities shall be deemed to have been offered and sold in an isolated transaction pursuant to K.S.A. 17-1262(a), if:

(a) no 12-month period in which the date of the sale can be included contains more than five sales of the securities in Kansas by the seller and affiliates, or by or for the benefit of the issuer;

(b) no public offering, as defined by K.A.R. 81-1-1 occurred in connection with the offer or sale unless an application for registration of the security or securities under the federal Securities Act of 1933 had been filed prior to the public offering;

(c) no reasonable cause existed for the seller to believe that any purchaser of the securities was purchasing from the seller for resale in Kansas and not for investment; and

(d) no intent by the seller to at any time exceed the limit established by subsection (a) above existed.

(e) In calculating the number of sales in a 12-month period, sales made in violation of K.S.A. 17-1255, and sales exempt from registration pursuant to paragraphs (a) or (1) of K.S.A. 17-1262 shall be taken into account.

(f) For purposes of this exemption, a husband and wife shall be considered as one purchaser. A corporation, partnership, association, joint stock company, trust or unincorporated organization shall be considered as one purchaser unless it was organized for the purpose of acquiring the purchased securities. If that is the case, each beneficial owner of equity interest or equity securities in the entity shall be considered a separate purchaser. (Authorized by K.S.A. 1992 Supp. 17-1270(f); implementing K.S.A. 1992 Supp. 17-1262(a); effective, T-83-40, Nov. 23, 1982; effective May 1, 1983; amended, T-87-41, Dec. 8, 1986; amended May 1, 1987; amended June 28, 1993.)

**81-5-8. Exemption filing fees.** The following fees shall be remitted with filings requesting exemptions from securities registration or interpretive opinions:

(a) A fee of \$100 with each filing required for compliance with the uniform limited offering exemption as specified in K.A.R. 81-5-6;

(b) a fee of \$100 with each filing required by K.S.A. 17-1261(m)(3), except that no fee shall be required for secondary trading of securities registered in Kansas if the final sales report required by K.S.A. 17-1259(a) has been filed in compliance with K.A.R. 81-9-1;

(c) a fee of \$100 with each notice filed in connection with offers to existing security holders as may be required by K.S.A. 17-1262(h);

(d) a fee of \$100 with each notice filed in connection with merger or reorganization transactions as required by K.S.A. 17-1262(k); and

(e) a fee of \$100 with each request for a no-action letter or interpretive opinion letter from the commissioner or staff. (Authorized by K.S.A. 1992 Supp. 17-1270(f); implementing K.S.A. 1992 Supp. 17-1259; effective, T-88-29, Aug. 19, 1987; amended May 1, 1988; amended Oct. 7, 1991; amended June 28, 1993.)

**81-5-9. Open-end management investment company and unit investment trust exemption.** (a) A security issued by an issuer registered as an open-end management investment company or unit investment trust pursuant to Section 8 of the federal investment company act of 1940 shall be exempt under K.S.A. 17-1261(g) if the following requirements are met.

(1) The issuer shall meet one of the following two qualifications:

(A) the issuer is advised by an investment adviser that:

(i) is a depository institution exempt from registration under the federal investment advisers act of 1940, or is currently registered as an investment adviser and has been registered, or is affiliated with an adviser that has been registered, as an investment adviser under the investment advisers act of 1940 for at least three years immediately before an offer or sale of a security claimed to be exempt under this regulation; and

(ii) has acted, or is affiliated with an investment adviser that has acted as investment adviser to one or more registered investment companies or unit investment trusts for at least three years immediately before an offer or sale of a security claimed to be exempt under this regulation; or

(B) the issuer has a sponsor that, at all times throughout the three years before an offer or sale of a security claimed to be exempt under this paragraph, has sponsored one or more registered investment companies or unit investment trusts, the aggregate total assets of which have exceeded \$100,000,000.

(2) The commissioner shall have received, prior to any sale exempted under this regulation:

(A) a notice of intention to sell on Form K-14 which has been executed by the issuer and sets forth the name and address of the issuer and the title of the portfolio or series to be offered in the state of Kansas; and

(B) an exemption filing fee of:

(i) \$1,500 for a portfolio or series with net assets of \$400,000,000 or more; or

(ii) \$1,000 for a portfolio or series with net assets of more than \$100,000,000, but less than \$400,000,000; or

(iii) \$500 for a portfolio or series with net assets of less than, or equal to \$100,000,000; or

(iv) \$200 for a unit investment trust.

(b) Additional notice and payment of the applicable fee shall be required for any offer or sale of a security of an open-end management company made more than 12 months after the date on which the original notice to claim the exemption under this provision was filed with the commissioner.

(c) A fee of \$100.00 shall be remitted with filings for any name change amendment to Form K-14.

(d) For the purpose of subsection (a), an investment adviser is affiliated with another investment adviser if the investment adviser controls, is controlled by, or is under common control with the other investment adviser. (Authorized by K.S.A. 1992 Supp. 17-1270(f); implementing K.S.A. 1992 Supp. 17-1261(g) and 1992 Supp. 17-1259; effective Nov. 12, 1991; amended June 28, 1993.)

**81-5-10. Oil and gas auction exemption.** (a) The offer and sale of any interest in oil and gas royalty, lease or mineral deed shall be exempt under K.S.A. 17-1262(n) if the interest or property is sold in a public auction.

(b) Public auction means the public sale of property to the highest bidder when the offer of the property and bids are communicated through open, public outcry and the sale is complete when the auctioneer so announces by the fall of the hammer or other customary manner. (Authorized by K.S.A. 1992 Supp. 17-1270(f); implementing K.S.A. 1992 Supp. 17-1262(n); effective June 28, 1993.)

#### Article 7.—POLICY RELATING TO REGISTRATION

**81-7-1. Statements of policy relating to registration of securities.** Applications for registration shall meet the following requirements unless good cause is shown for an exception.

(a) Financial statements.

(1) Historical financial statements as required in a registration application, or prospectus, or as required under K.A.R. 81-7-1 (c)(3)(C) or (i)(2) shall be in conformity with generally accepted accounting principles and shall be audited by an independent certified public accountant in accordance with generally accepted auditing standards.

(2) Prospective financial statements may be used in connection with a registered offering only if all of the following conditions exist:

(A) The prospective financial statements shall be financial forecasts that conform with guidelines established by the American institute of certified public accountants and shall be examined by an independent certified public accountant in accordance with standards established by the American institute of certified public accountants.

(B) Each forecast shall be included within or accompanied by a complete prospectus.

(3) Pro forma financial presentations based on historical financial statements adjusted to demonstrate the effects of proposed transactions, shall not be consid-

(continued)

ered prospective financial statements subject to the conditions of K.A.R. 81-7-1(a)(2).

(b) Commissions and expenses.

(1) Commissions and expenses to be paid in connection with the sale of securities proposed to be registered shall not exceed 15% of the aggregate offering price.

(2) Such expenses may include:

(A) Salaries;

(B) advertising and printing;

(C) attorney fees and legal expenses in connection with registration;

(D) fees of accountants, engineers, appraisers and other technical experts;

(E) costs of authorizing, preparing and printing the securities and documents relating thereto, including revenue stamps and taxes; and

(F) all other expenses incurred directly or indirectly in connection with the sale and promotion of the offering, except as hereinafter provided.

(3) For purposes of this regulation, when securities have been acquired by an underwriter in connection with the sale of securities, commissions shall include the difference between the consideration paid for the shares and the proposed net offering price. Commissions shall also include any other thing of value accruing to the dealer or underwriter. Options, warrants and other acquisition or conversion rights permitted under K.A.R. 81-7-1(d) shall not be considered commissions under this regulation.

(4) The limitations provided in K.A.R. 81-7-1(b)(1) may be waived by the commissioner for good cause shown in applications for registration of securities in which the maximum aggregate offering price is not greater than \$3,000,000.

(c) Cheap stock.

(1) Definition. Cheap stock means shares of a corporation issued, or to be issued, to underwriters, officers, directors, or control persons for less than the public offering price or for consideration other than cash. Cheap stock shall not include any shares issued more than two years before the date of filing an application for registration. Also, cheap stock shall not include shares issued or to be issued for consideration other than cash if it can be conclusively established that the value of the consideration is greater than or equal to the public offering price.

(2) Escrow requirements.

(A) Cheap stock shall be placed in escrow unless exempt under K.A.R. 81-7-1(c)(4).

(B) The escrow agent shall be any bank or trust company or other depository approved by the commissioner.

(C) In the event of dissolution or liquidation, escrowed shares shall not be entitled to participate in the distribution of corporate assets until holders of shares not escrowed have been paid an amount equal to the purchase price per share in the public offering.

(D) Holders of escrowed shares shall not sell or contract to sell escrowed shares during the term of escrow. However, the shares may be transferred by will or pursuant to the laws of descent and distribution, or upon death of the holder may be pledged as security to pay expenses of the estate. In all cases, the shares

shall remain in escrow and be subject to the terms of the escrow.

(E) Each application for approval of an escrow arrangement shall be made to the commissioner. The application shall contain the following:

(i) A list of all owners of the cheap stock and the respective amount held;

(ii) a copy of the resolution of the board of directors or the letter of authorization appointing the escrow agent, and the written consent of the agent to act as such;

(iii) an acknowledgement that paragraph (c)(2)(C) of this regulation will be complied with;

(iv) copies of the escrow agreements, instruments, and instructions; and

(v) any other information required by the commissioner.

(3) The escrow shall remain in effect until an application for release of escrowed shares is filed with and approved in writing by the commissioner, and any one of the following conditions are met:

(A) Two years have elapsed since the termination of the registered offering;

(B) the shares registered have been quoted at a bid price of at least 125% of the original offering price for 45 consecutive trading days at any time after one year since the termination of the registered offering;

(C) the issuer has earned net income, exclusive of extraordinary items and gains on disposal of property and equipment or discontinued operations, of at least 6% of the total capital contribution by all shareholders as reported in financial statements for one fiscal year ending after the termination of the registered offering; or

(D) a tender offer has been made by an unaffiliated person to all shareholders on an equal basis.

(4) Exemption from escrow requirements. The escrow requirements imposed by this regulation shall be waived if:

(A) The cheap stock will dilute the value of securities to be registered by 50% or less based on the registered offering price;

(B) the cheap stock is held by a Kansas venture capital company certified by the secretary of the department of commerce pursuant to K.S.A. 74-8301 and amendments thereto; or

(C) the cheap stock is held by an institutional or professional investor who has provided venture capital funds to the issuer, if good cause has been demonstrated and the escrow requirement has been waived by the commissioner.

(d) Options and warrants. Options, warrants and other acquisition or conversion rights granted to or reserved for underwriters, officers, directors, and control persons shall meet the following requirements.

(1) The total number of underlying shares subject to such options shall not exceed 25% of the shares that would be outstanding if all shares being offered are sold.

(2) Such rights shall not be exercisable during the effective period of the public offering nor for a period of one year from date issued. The exercise price thereafter shall not be less than 120% of the public offering price.

(3) Options or warrants issued to all shareholders pro rata, or in connection with qualified stock options to employees which meet the requirements of the U.S. internal revenue code, or other employees' options pursuant to a stock purchase or profit sharing plan shall not be subject to the restrictions provided in this regulation, if they are justified and reasonable.

(e) Impoundment of proceeds.

(1) As a condition to registration, all proceeds from sales of securities shall be impounded in escrow until a sufficient amount has been impounded to accomplish the purposes of the offering when:

(A) the registration is sought by a new company that is financing an initial or proposed enterprise;

(B) the registration is sought by a company in poor financial condition, intending to raise additional working capital to continue its operations; or

(C) the commissioner determines that impoundment is in the public interest.

(2) Any funds impounded shall be deposited in a separate trust account with a depository approved by the commissioner.

(3) Each application to the commissioner naming such a depository shall contain the following:

(A) A copy of the resolution of the board of directors designating the depository;

(B) written consent of depository to act as such; and

(C) copies of any escrow agreements, instruments and instructions.

(4) The following provisions shall govern the impoundment of funds.

(A) If the applicant fails to obtain the minimum proposed offering amount, all proceeds shall be returned to investors.

(B) The applicant shall satisfy the commissioner that it has arranged a sales organization or program with a reasonable expectation that the amount raised will be sufficient to accomplish the purposes of the offering.

(C) No certificates evidencing securities sold, other than subscription agreements, shall be issued until after release of funds from impoundments.

(D) All checks, drafts and money orders shall be made payable to the depository, and all moneys received from the sale of securities shall be promptly deposited in trust. If an instrument is inadvertently made payable to another payee, the payee shall not cash or deposit it in the payee's own account, but shall endorse and deliver it to the depository. The depository shall collect the face amount and disburse to the registrant the amount to which the registrant is entitled.

(E) If a broker-dealer is acting as underwriter or selling agent for the issuer, payments may be made directly to the dealer, who after collection, shall promptly transmit to the depository the net proceeds required to be impounded.

(F) Each application shall state that, upon request of the commissioner, the issuer will file reports containing:

(i) a list of names and addresses of subscribers;

(ii) the number of shares or units which have been subscribed;

(iii) the amount paid for each unit or share; and

(iv) the accumulative total of funds derived from the offering subject to impoundment.

(G) The escrow agreements shall contain an acknowledgement that no funds are to be released from impoundment without written consent of the commissioner.

(H) If any payments are to be made to the investor in the event of failure to obtain the minimum prescribed proceeds from the offering, the payments shall be made directly to the investor by the escrow holder, and not through the issuer.

(5) If the terms of the escrow conditions have not been met, the applicant shall advise the commissioner upon expiration of the time limit provided and request an order directing the depository to return the funds to the subscribers.

(6) A request for a modification of the escrow arrangements or for partial release of the funds shall be granted only upon good cause shown, and by an application containing the following information:

(A) A certified statement from the depository setting forth the total amount of subscriptions and the character of each deposit; and

(B) a written waiver and consent executed by each purchaser or subscriber whose funds are sought to be released, or a written acknowledgement signed by such persons that an offer for return of investment has been made and rejected. The offer, or solicitation for waiver and consent shall contain the following:

(i) A statement that the company has failed to meet the impoundment conditions required to provide the necessary financing proposed;

(ii) the asserted reason for requesting a partial release of funds or modification of the escrow arrangements; and

(iii) a statement that the subscriber realizes that by acknowledgement the subscriber waives all rights by contract or otherwise, which accrue by virtue of the impoundment conditions.

(7) Each application for release of funds impounded shall be in writing and shall contain the following:

(A) A statement that all required subscriptions for the sale of securities have been taken and the proceeds therefrom impounded in accordance with the terms and conditions of the escrow arrangements;

(B) a certified statement from the depository verifying the amount of funds held in escrow and the character of each deposit;

(C) a statement that there has been no change in the circumstances requiring the impoundment, or the adequacy of the amount required to accomplish the objectives of the issuer; and

(D) any additional information as the commissioner requires.

(f) Promoters' equity investment. When an issuer is in a promotional, exploratory or development state, the ratio of equity investment by promoters or insiders shall be determined as reasonable and equitable in light of the facts and circumstances presented in each particular case, but shall be considered objectionable when the fair value of the investment is less than 5% of the aggregate offering price of the securities to be registered, unless deemed otherwise by the commissioner.

(continued)

The fair value of equity investment means the total of all sums conveyed to the issuer in the form of contributed cash or other contributions with an established or determinable value.

(g) "Package" or combination offering. Securities registered for distribution in this state shall not be sold or offered for sale in conjunction with other securities of any issuer unless each type or class of security is clearly and separately identified and an offering price specified as to each unit.

(h) Voting rights. Securities of an issuer having more than one class of common stock shall provide equal voting rights upon all matters, including the election of members to the board of directors.

(i) Offering price. If an issuer has been actually engaged in business or operation, the amount for which a security is being offered to the public should bear some reasonable relationship to:

(1) Market value, if any; or

(2) the price-earnings ratio, as reflected by its financial statements covering an average of the preceding three-year period, or such a shorter duration of experience or operation as may be applied. In the absence of an established or determinable market value or price-earnings ratio, the book value of the issuer may be taken into consideration in justifying or substantiating the reasonableness of the offering price.

(j) Periodic payment plans. All periodic payment plans shall be registered with the SEC prior to being registered with the securities commissioner. (Authorized by K.S.A. 1992 Supp. 17-1270(f); implementing K.S.A. 17-1260 and K.S.A. 1992 Supp. 17-1259; effective Jan. 1, 1966; amended, E-70-15, Feb. 4, 1970; amended Jan. 1, 1971; amended Jan. 1, 1972; amended, T-88-65, Dec. 30, 1987; amended May 1, 1988; amended Oct. 24, 1988; amended June 28, 1993.)

**81-7-2. NASAA statements of policy.** (a) Each registration statement shall comply with the guidelines in applicable statements of policy adopted by NASAA. Requirements of the guidelines may be modified or waived by the commissioner when good cause is shown.

(b) The following statements of policy adopted by NASAA are to be complied with when relevant to the type of securities or offering of the issuer and are hereby adopted by reference:

(1) Real estate programs, as amended October 24, 1991;

(2) Real estate investment trusts, as amended October 24, 1991;

(3) Oil and gas programs, as amended October 24, 1991;

(4) Equipment programs, as amended October 24, 1991;

(5) Preferred stock and debentures, as adopted September 17, 1980.

(6) Commodity pool programs, as amended August 30, 1990;

(7) Cattle-feeding programs, as adopted September 17, 1980; and

(8) Omnibus guidelines, as adopted March 29, 1992.

(c) The omnibus guidelines shall be applied to limited partnership programs or other entities for which

more specific statements of policy have not been adopted by NASAA.

(d) Each application for registration shall include a cross-reference table to indicate compliance with the various sections of the guidelines in applicable statements of policy. (Authorized by K.S.A. 1992 Supp. 17-1270(f); implementing K.S.A. 17-1260; effective June 28, 1993.)

#### Article 11.—ADMINISTRATIVE PROCEDURE

**81-11-11. Hearing officers.** (a) In any proceeding initiated under a provision of the Kansas securities act which requires a final determination by the commissioner, a hearing officer may be appointed by the commissioner to conduct the proceeding.

(b) Upon the written request of a party, any interim ruling of the hearing officer may be modified by the commissioner, but no hearing on the request is required to be provided. (Authorized by K.S.A. 1992 Supp. 17-1270; implementing K.S.A. 1992 Supp. 17-1254, K.S.A. 17-1260 and 17-1266a; effective May 1, 1984; amended, T-86-38, Dec. 11, 1985; amended May 1, 1986; amended June 28, 1993.)

James W. Parrish  
Kansas Securities Commissioner

Doc. No. 013457

#### 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-AG-93-54/58

Name and Address of Applicant	Legal Description	Receiving Water
Don Rezac Rezac Land and Livestock Route 1, Box 45 Onaga, KS 66521	SW/4, Sec. 36, T7S, R11E, Pottawatomie County	Kansas River Basin

Kansas Permit No. A-KSPT-S015

The proposed expanded facility will have capacity for approximately 2540 swine.

Wastewater Control Facilities: Wastewater will be impounded for subsequent application to agricultural land for beneficial use.

Wastewater storage capacity is provided in excess of minimum requirements.

Compliance Schedule: None, existing controls adequate.

<b>Name and Address of Applicant</b>	<b>Legal Description</b>	<b>Receiving Water</b>
Dekalb Swine Breeders, Inc. P.O. Box 429 Plains, KS 67869	SW/4, Sec. 13, T32S, R32W, Seward County	Cimarron River Basin

Kansas Permit No. A-CISW-H004 Federal Permit No. KS-0089915  
The proposed facility will have capacity for approximately 4,800 swine.

**Wastewater Control Facilities:** Wastewater will be impounded for subsequent application to agricultural land for beneficial use. Wastewater storage capacity is provided in excess of minimum requirements.

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

<b>Name and Address of Applicant</b>	<b>Legal Description</b>	<b>Receiving Water</b>
Haverkamp Brothers, Inc. Route 1, Box 37A Bern, KS 66408	SW/4, Sec. 6, T1S, R13E, Nemaha County	Missouri River Basin

Kansas Permit No. A-MONM-S041  
The proposed facility will have capacity for approximately 1920 swine.

**Wastewater Control Facilities:** Wastewater will be impounded for subsequent application to agricultural land for beneficial use. Wastewater storage capacity is provided in excess of minimum requirements.

**Compliance Schedule:** Piping and distribution equipment shall be obtained within six months after issuance of this permit through purchase, rental or custom application agreement. It shall be capable of dispersing the wastewater over 55 acres of land suitable for waste application. Written verification of the acquisition of the equipment shall be submitted to the department.

<b>Name and Address of Applicant</b>	<b>Legal Description</b>	<b>Receiving Water</b>
Hay Capital Feeders Route 4 Yates Center, KS 66783	SW/4, Sec. 35, T24S, R15E, Woodson County	Neosho River Basin

Kansas Permit No. A-NEWO-C001 Federal Permit No. KS-0037672  
The feedlot has capacity for approximately 3500 cattle and a contributing drainage area of approximately 38 acres. This is an existing facility.

**Runoff Control Facilities:** Feedlot runoff is impounded for subsequent application to agricultural land for beneficial use. Wastewater storage capacity is provided in excess of 99 acre-feet.

**Compliance Schedule:** Dewatering equipment shall be obtained within six months after issuance of this permit through purchase, rental or custom application agreement. It shall be capable of pumping at least 500 gallons per minute and dispersing the wastewater over 60 acres of land suitable for waste application. Written verification of the acquisition of the equipment shall be submitted to the department.

<b>Name and Address of Applicant</b>	<b>Legal Description</b>	<b>Receiving Water</b>
William Brandt 1734 S. Mission Road Halstead, KS 67056	NE/4, Sec. 30, T23S, R1W, Harvey County	Lower Arkansas River Basin

Kansas Permit No. A-LAHV-M007  
The feedlot has capacity for approximately 80 cattle and a contributing drainage area of approximately two acres. This is a new facility.

**Runoff Control Facilities:** Feedlot runoff is impounded for subsequent application to agricultural land for beneficial use. Wastewater storage capacity is provided in excess of 49,000 cubic-feet. Compliance Schedule: None, existing controls adequate.

**Public Notice No. KS-93-38/43**

<b>Name and Address of Applicant</b>	<b>Waterway</b>	<b>Type of Discharge</b>
Coe-Milford Lake Outlet Public Use Area % Kansas City Corps of Engineers 4020 W. Hwy. 57 Junction City, KS 66441 Geary County, Kansas	Republican River	Secondary wastewater treatment facility

Kansas Permit No. F-LR17-0001 Federal Permit No. KS-0085359  
**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 Federal Surface Water Criteria, and are technology based.

<b>Name and Address of Applicant</b>	<b>Waterway</b>	<b>Type of Discharge</b>
City of Cottonwood Falls % City Clerk City Hall Cottonwood Falls, KS 66845 Chase County, Kansas	Cottonwood River	Secondary wastewater treatment facility

Kansas Permit No. M-NE16-0001 Federal Permit No. KS-0089664  
**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 Federal Surface Water Criteria, and are technology based.

<b>Name and Address of Applicant</b>	<b>Waterway</b>	<b>Type of Discharge</b>
Oldham's Farm Sausage, Inc. Division of Beatrice Co., Inc. Holton Facility 1919 Swift Drive Oakbrook, IL 60521 Jackson County, Kansas	Kansas River via Banner Creek	Wastewater generated in a hog slaughtering operation

Kansas Permit No. I-KS23-P001 Federal Permit No. KS-0003271  
**Description of Facility:** This facility is engaged in a hog slaughtering operation. The wastewater treatment consists of anaerobic ponds and four aerobic lagoons. 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 Federal Surface Water Criteria.

<b>Name and Address of Applicant</b>	<b>Waterway</b>	<b>Type of Discharge</b>
City of Sedan-New Plant 109 N. Chautauqua Sedan, KS 67361 Chautauqua County, Kansas	Caney River via Middle Caney River	Secondary wastewater treatment facility

Kansas Permit No. M-VE33-0002 Federal Permit No. KS-0089746  
**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 Federal Surface Water Criteria, and are technology based.

<b>Name and Address of Applicant</b>	<b>Waterway</b>	<b>Type of Discharge</b>
Total Petroleum, Inc. P.O. Box 857 1400 S. M St. Arkansas City, KS 67005 Cowley County, Kansas	Walnut River	Process and stormwater from an oil refinery

(continued)

Kansas Permit No. I-WA18-P002 Fed. Permit No. KS-0000434

Description of Facility: The Total Petroleum, Inc.—Arkansas City facility is a petroleum refinery which processes 55,000 barrels of feedstock per stream day. The production of petroleum products by the use of topping and cracking not including facilities engaged in petrochemical, lube or integrated operations classify it under the Cracking Subcategory. Process wastewater, boiler blowdown, cooling tower blowdown and stormwater runoff are treated in a water pollution control facility consisting of one oily water trap, one API separator, one aerated lagoon and four aerobic lagoons.

The current Total Petroleum, Inc. permit, I-WA18-P002, was public noticed on June 24, 1992. During the public notice period, the permittee requested, and was granted, a schedule to submit site specific data to justify a change in the proposed flouride concentration at the facility's point of wastewater effluent discharge to the Walnut River. In accordance with state regulation 28-16-28f(g), the following site specific water quality criteria for flouride have been developed.

Designated Use	Site Specific Criterion, mg/L
Irrigation	16.6
Livestock Watering	40.0
Domestic Water Supply	2.0

In accordance with state regulation 28-16-62(e), this public notice provides notice of the development of site specific criteria for flouride in the Walnut River and the modification of the permit effluent limit for flouride for the Total Petroleum, Inc.—Arkansas City facility based upon the site specific criteria. The site specific criteria apply from the Total Petroleum wastewater treatment facility outfall at NW/4 SW/4 SE/4 Section 32, Township 34S, Range 4 East, Cowley County, Kansas, to the confluence of the Walnut and Arkansas Rivers in SE/4 NW/4 SW/4 Section 3, Township 34S, Range 4 East, Cowley County, Kansas.

The proposed effluent limitation modification is pursuant to Kansas Surface Water Quality Regulations and Federal Water Quality Standards. Persons wishing to comment upon or object to the proposed determinations are invited to submit the comments or objections in writing to the attention of Bethel Spotts, Permit Clerk, at the address noted in this public notice. Comments and objections must be postmarked before June 6, 1993, and received prior to June 10, 1993, to be considered. In accordance with K.A.R. 28-16-62(g)(3)(B), only the conditions modified by this new permit are re-opened for public comment.

Name and Address of Applicant	Waterway	Type of Discharge
U.S. Army Combined Arms Center and Fort Leavenworth Directorate of Public Works Bldg. 85 Fort Leavenworth, KS 66027-5020 Leavenworth County, Kansas	Missouri River	Domestic waste; swimming pool backwash; water treatment plant waste streams

Kansas Permit No. F-M012-P004 Fed. Permit No. KS-0002615

Description of Facility: This federal facility is comprised of a school of military science, a correctional facility, installation support shops, equipment and residential housing facilities. 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 Federal Surface Water Criteria.

Public Notice No. KS-EG-93-9/11

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

Name and Address of Applicant	Well Location
North American Salt Company Well Identification #2 P.O. Box 498 Lyons, KS 67554	Nenese 15-20-8W Rice County, Kansas Approximately 2360' FSL and 330' FEL of SE corner

Kansas Permit No. KS-01-159-004 Description of Facility: This facility is a salt production plant.

Name and Address of Applicant	Well Location
North American Salt Company Well Identification #3 P.O. Box 498 Lyons, KS 67554	SWNWSW 18-20-7W Rice County, Kansas 1390' FSL and 5180' FEL of SE corner

Kansas Permit No. KS-01-159-005 Description of Facility: This facility is a salt production plant.

Name and Address of Applicant	Well Location
North American Salt Company Well Identification #4 P.O. Box 498 Lyons, KS 67554	NWNWSW 29-20-7W Rice County, Kansas 2340' FSL and 2354' FEL of SE corner

Kansas Permit No. KS-01-159-006 Description of Facility: This facility is a salt production plant.

Written comments on the proposed determinations may be submitted to Bethel Spotts, Permit Clerk, or Dorothy Geisler (agricultural permits), Kansas Department of Health and Environment, Division of Environment, Bureau of Water, Forbes Field, Topeka 66620. All comments postmarked or received on or before June 12 will be considered in the formulation of final determinations regarding this public notice. Please refer to the appropriate public notice number (KS-93-38/43, KS-EG-93-9/11, KS-AG-93-54/58) and the name of applicant as listed when preparing comments.

If no objections are received during the public notice period, 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.

Robert C. Harder Secretary of Health and Environment

Doc. No. 013465



## State of Kansas

Department of Health  
and EnvironmentNotice of Rescheduled Hearing on  
State Priority List

A public hearing to discuss the proposed Federal Fiscal Year 1993 Priority System and List and the FFY 1993 Intended Use Plan for the Kansas water pollution control revolving fund for sewerage systems was originally scheduled to be held May 19.

Please note the hearing date has been rescheduled. The public hearing will be held Thursday, June 3, at the Topeka-Shawnee County Health Department, 1615 S.W. 8th, Topeka.

The Bureau of Water has made minor modifications and clarifications to the priority system. Comments on the list and the intended use plan can be presented at the hearing or in writing prior to the hearing. Written comments should be addressed to Robert Nicholson, Bureau of Water, Kansas Department of Health and Environment, Forbes Field, Building 740, Topeka 66620.

Robert C. Harder  
Secretary of Health  
and Environment

Doc. No. 013466

## State of Kansas

## Secretary of State

## Notice of Corporations Forfeited

In accordance with K.S.A. 17-7510, the articles of incorporation of the following corporations organized under the laws of Kansas and the authority of the following foreign corporations authorized to do business in Kansas were forfeited April 15, 1993, for failure to timely file an annual report and pay the annual franchise tax as required by the Kansas general corporation code:

## Domestic Corporations

Advanced Clinical Services, Inc., Manhattan, KS.  
Ameraco Topeka, Inc., Wichita, KS.  
Ameraco Wichita, Inc., Tulsa, OK.  
American Business Center, Inc., Wichita, KS.  
Annie, L.P., Wichita, KS.  
Auto Pawn Inc., Wichita, KS.  
Avionics Engineering Sales Co., Inc., Wichita, KS.  
B & D Enterprises, Inc., Valley Center, KS.  
B & W Restaurant, Inc., Wichita, KS.  
B.J.B., Inc. of Kansas, Kansas City, KS.  
Beef Productions, Inc., Strong City, KS.  
Carole Linder & Company, Inc., Wichita, KS.  
Chicken House Cafe, Inc., Olpe, KS.  
Christopher Steel, Inc., Wichita, KS.  
Columbian Energy Company Limited Partnership,  
Topeka, KS.  
Columbian Energy Income Corporation, Topeka, KS.  
Contract Services, Inc., Junction City, KS.

Country Critters, Inc., Burlington, KS.  
Eisenberg Investors III, L.P., Kansas City, MO.  
Empire Management Co., Inc., Leavenworth, KS.  
Enhanced Petroleum Technology, Inc.,  
Overland Park, KS.  
Express Stops of Kansas, Inc., Overland Park, KS.  
Fast Transportation, Inc., Salina, KS.  
Fellers Equipment Service, Inc., Newton, KS.  
Felt-Kingdom Associates, Inc., Wichita, KS.  
First Auburn Co., Wichita, KS.  
Flexform International, Ltd., Clay Center, KS.  
General Collection Services, Inc., Kansas City, KS.  
GMG Cooling, Inc., Topeka, KS.  
Golden Wholesale Hardware, Inc., Colby, KS.  
Gragg Cabinet Company, Inc., Pittsburg, KS.  
Green Parrot South, Inc., d/b/a The Loft,  
Topeka, KS.  
Greensburg Meat Products, Inc., Greensburg, KS.  
Heritage Services Inc., Overland Park, KS.  
Hi Plains Aviation, Inc., Hugoton, KS.  
Histopath, Inc., Topeka, KS.  
House of Denmark, Inc., Shawnee, KS.  
Intercontinental Airline and Transport Company,  
Inc., La Grange, IL.  
Interface Products Corporation, Overland Park, KS.  
Iowa RSA #10, Inc., Topeka, KS.  
J & L, P.A., Hutchinson, KS.  
J. S. Materials, Inc., Wichita, KS.  
J-Rae, L.P., Wichita, KS.  
Jack O'Neal & Associates, Inc., Overland Park, KS.  
JKG 1998, L.P., Wichita, KS.  
Kansas Artist Craftsmen Association, Wamego, KS.  
Kansas City Thermography, Corp.,  
Overland Park, KS.  
Kansas Gymnastics Booster Club, Inc., Lenexa, KS.  
Keen-Eye, Inc., Overland Park, KS.  
Kes-Print, Inc., Overland Park, KS.  
Kieth Hiesterman & Associates, Inc., Wichita, KS.  
KJB Enterprises, Inc., St. George, KS.  
KNS Construction, Inc., Kansas City, MO.  
L & P Transport, Inc., Newton, IA.  
La Nouvelle Ecole, Inc., Junction City, KS.  
Larry's I.G.A., Inc., Colby, KS.  
Legal X-Press, Inc., Wichita, KS.  
Liberal Central Distributing Co., Inc., Liberal, KS.  
Little River Manufacturing, Inc., Little River, KS.  
Lounge Development Enterprises, Inc.,  
Shawnee, KS.  
Mane Street Xpressions, Inc., Hutchinson, KS.  
Master Window & Siding, Inc., Wichita, KS.  
Maxfield Simon Diehl, Inc., Prairie Village, KS.  
Mayfield Farms, Ltd., Houston, TX.  
Medical Management, Inc., Kansas City, KS.  
Metal Finishing Co., Inc., Wichita, KS.  
Metal-Craft Tool & Die Company, Wichita, KS.  
Microvision Inc., Great Bend, KS.  
Mid-Kansas Bandits Soccer Club, Wichita, KS.  
Mohawk Petroleum, Inc., Burrton, KS.  
Moore T.V. Sales & Service, Inc., Junction City, KS.  
Motemtronic USA, Inc., Belleville, KS.  
Northwestern Supply Co., Inc., Hays, KS.

(continued)

Nu-Way Foodliner, Inc., Coffeyville, KS.  
 O. H. Enterprises, Inc., Ottawa, KS.  
 Phoenix Energy, Inc., Pittsburg, KS.  
 Providence Medical Center Foundation, Inc.,  
 Kansas City, KS.  
 Quality Coal, Inc., Pittsburg, KS.  
 Quality-On-Time Interviewing, Inc., Lenexa, KS.  
 Quinn Production, Inc., Wichita, KS.  
 R.B.G.J. Properties, Inc., Lansing, KS.  
 Ray Cain Services Inc., Kansas City, KS.  
 Reliable Insurance Services, Inc., Wichita, KS.  
 Romar Estates, Inc., Topeka, KS.  
 S & S Investment Company, Inc., Burlington, KS.  
 Sam's Used Equipment, Inc., Lawrence, KS.  
 Sandon Supply, Inc., Chanute, KS.  
 Standard Liquor Corporation, Wichita, KS.  
 State Contracting & Supply, Ltd., Wichita, KS.  
 Story Well Service, Inc., Wichita, KS.  
 Sunpyre Mining, Inc., Pittsburg, KS.  
 Templeton Nanny Agency, Inc., Lawrence, KS.  
 The End Zone Club, Inc., Chanute, KS.  
 The Garden City Jaycees Inc., Garden City, KS.  
 The Office, II, Inc., Kansas City, KS.  
 The Travel Gallery, Inc., Grandview, MO.  
 Thompson-Crawley Furniture Rental of Lawrence,  
 Inc., Lawrence, KS.  
 Tractor 6256, Inc., Hutchinson, KS.  
 Tractor 6355, Inc., Miller, MO.  
 Tractor 6717, Inc., Topeka, KS.  
 Tractor 8105, Inc., Mesquite, TX.  
 Travalong, Inc., Manhattan, KS.  
 Tri-Company Construction, Inc., Oxford, KS.  
 Tucker Oil and Gas, Inc., Kingman, KS.  
 Two Wheel Tours International, Ltd., Oak Brook, IL.  
 Welbax Investments, Inc., Wichita, KS.  
 Wilsam Construction, Inc., Wichita, KS.  
 Wonderland, Inc., Wichita, KS.  
 Wyandot Barbeque, Inc., Kansas City, KS.  
 Zehr Restaurants, Inc., Newton, KS.  
 4-F Video, Inc., Wichita, KS.  
 701 Mass., Corporation, Overland Park, KS.

#### Foreign Corporations

Airco, Inc., Murray Hill, NJ.  
 American Appraisal Associates, Inc., Milwaukee, WI.  
 American Investment Services, Inc., East Peoria, IL.  
 Anchor National Financial Services, Inc.,  
 Phoenix, AZ.  
 Apple Computer, Inc., Cupertino, CA.  
 Argus Press Holdings Inc., Atlanta, GA.  
 Atlas Foundation Co., Rogers, MN.  
 Basic Earth Science Systems, Inc., Englewood, CO.  
 Benmarco Southwest, Inc., Overland Park, KS.  
 Boss Companies Inc., Wamego, KS.  
 Brock Gas Systems, Inc., New Orleans, LA.  
 Brock Hydrocarbons, Inc., New Orleans, LA.  
 Butts Company, Inc., El Dorado Springs, MO.  
 Centrust Mortgage Corporation, Ft. Lauderdale, FL.  
 Cherokee Contracting, Inc., Cornelia, GA.  
 Chief Security, Inc., Joplin, MO.  
 Claris Corporation, Cupertino, CA.  
 Compressor Systems, Inc., Midland, TX.  
 Computer Associates International, Inc.,

Islandia, NY.  
 Datacom Leasing Corporation, Middlebury, CT.  
 Digital Electronics Machines, Inc., Mission, KS.  
 Disney Educational Productions, Burbank, CA.  
 Elco Metal Products Corporation, Clayton, NM.  
 Energy Partners Nominee Company, Denver, CO.  
 Farm Equipment Setup, Inc., Fargo, ND.  
 Fujitsu Customer Service of America, Inc.,  
 La Jolla, CA.  
 Gallagher Engineering Corporation, Humble, TX.  
 Geo International Corporation, Stamford, CT.  
 Germain's, Inc., Santa Fe Springs, CA.  
 Gibraltar Mausoleum Corporation, Indianapolis, IN.  
 H. Hoffman Co., Chicago, IL.  
 Hen House Interstate, Inc., Chesterfield, MO.  
 Henze Services, Inc., Kennesaw, GA.  
 In Home Health, Inc., Plymouth, MN.  
 Industrial Molasses Company, Inc.,  
 Minneapolis, MN.  
 Ingersoll Equipment Co., Inc., Winneconne, WI.  
 Jananna Foods, Incorporated, Kolgore, TX.  
 Kansas City Distribution, Inc., Kansas City, KS.  
 Kansas City Stockyards Company, Kansas City, MO.  
 Karma Exchange, Inc., Verdi, NV.  
 Kretschmar Brands, Inc., East St. Louis, IL.  
 L. O. McCurry Co., Inc., Grain Valley, MO.  
 Lee's Hardware, Inc., Gladstone, MO.  
 Liberty Healthcare Management Corporation,  
 Atlanta, GA.  
 MCI International, Inc., Rye Brook, NY.  
 Meyerco, Inc., Springfield, MO.  
 Morgan Building Rentals, Inc., Garland, TX.  
 MQS Inspection, Inc., Elk Grove Village, IL.  
 Neurex Corporation, Menlo Park, CA.  
 Peek Importers and Manufacturers, Inc.,  
 Mission, KS.  
 Peterson Business Systems of Kansas City, Inc.,  
 Fenton, MO.  
 Prentke Romich Company, Wooster, OH.  
 R.M.A., Inc., Provo, UT.  
 Reznick Fedder & Silverman, Bethesda, MD.  
 Robert B. Somerville Co., Inc., Paris, TX.  
 S.A.C. Operating, Inc., Woodward, OK.  
 Sipi Metals Corp., Chicago, IL.  
 Sterling Select Advisors Incorporated, Dover, DE.  
 Stromberg-Carlson Corporation, Lake Mary, FL.  
 Struthers Thermo-Flood Corporation, Winfield, KS.  
 Sunbelt Steel Company, Inc., Tulsa, OK.  
 T.A.O., Inc., "An Oklahoma Corporation,"  
 Tulsa, OK.  
 Techlaw, Inc., Chantilly, VA.  
 Ti-In Network, Inc., San Antonio, TX.  
 Tip-Top Plumbing & Heating Co., Kansas City, MO.  
 Washburn TV, Inc., Independence, MO.  
 Western Union International, Inc., Rye Brook, NY.  
 Westway Trading Corporation, Minneapolis, MN.  
 Y. & B. Enterprises, Inc., Cambridge, MN.

Bill Graves  
 Secretary of State

Doc. No. 013455

State of Kansas

## Office of Judicial Administration

## Supreme Court Docket

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

Monday, May 24, 1993

9:30 a.m.

Case No.	Case Name	Attorneys	County
68,892	The City of Wichita, Kansas, Appellant, v. 200 South Broadway, Limited Partnership, <i>et al.</i> , Appellees.	Phillip Mellor Philip L. Bowman	Sedgwick
68,820	Virgil Delbert Reed, Appellant, v. Kansas Racing Commission, Appellee.	Stephen M. Joseph	Sedgwick
67,881	State of Kansas, Appellee, v. James M. Cromwell, Appellant.	Karen C. Wittman, Asst. Atty. Gen. Robert T. Stephan, Atty. Gen. Debra S. Byrd, Asst. Dist. Atty.	Sedgwick
68,363	State of Kansas, Appellee, v. Lewis E. Gibbens, Appellant.	Rebecca Woodman, Asst. Appellate Defender Robert T. Stephan, Atty. Gen. Mary McDonald, Co. Atty. Reid T. Nelson, Asst. Appellate Defender	Harvey

1:30 p.m.

67,954	In the Matter of the Appeal of Morton Thiokol, Inc., from an Order of the Board of Tax Appeals.	Michael W. Merriam Gerald J. Letourneau	Tax Appeal
68,474	State of Kansas, Appellant, v. Gary M. Ratley, Appellee.	David Prager, III Kyle G. Smith	Anderson
68,421	William Fletcher, Appellant, v. Michael Nelson, <i>et al.</i> , Appellees.	Dennis Moore Gerald J. Domitrovic Brian R. Johnson	Butler

Tuesday, May 25, 1993

9:30 a.m.

Case No.	Case Name	Attorneys	County
68,248	United Steelworkers of America, Local No. 4706, Appellant, v. Kansas Commission on Civil Rights, Appellee.	Mark S. Gunnison John P. Hurley	Shawnee
67,919	Federal Land Bank of Wichita, Appellee, v. Esther B. Krug, <i>et al.</i> , Appellants.	Michael S. Holland J. Randall Clinkscales Mark Arthur, Jr. Jerry E. Driscoll	Russell
67,607	Wintz Construction, Inc., Appellee, v. Resthaven Gardens of Memory, Inc., <i>et al.</i> , Appellants.	Richard V. Foote Edwin P. Carpenter	Sedgwick

On Petition for Review

On Petition for Review

On Petition for Review

(continued)

67,927	State of Kansas, Appellee, v. Geary M. Mills, Appellant.	Robert T. Stephan, Atty. Gen. Joan M. Hamilton, Dist. Atty. Steven D. Rosel	Shawnee On Petition for Review
68,636	State of Kansas, Appellant, v. John B. Adams, Appellee.	Robert T. Stephan, Atty. Gen. Sheila Maxwell, Co. Atty.	Stafford
67,861	State of Kansas, Appellee, v. Clifford D. Steadman, Appellant.	Michael S. Holland Robert T. Stephan, Atty. Gen. Libbie A. Moore, Co. Atty. B. Kay Huff, Special Appellate Defender	Barton

## Wednesday, May 26, 1993

9:30 a.m.

Case No.	Case Name	Attorneys	County
68,379	David Hurlbut, Ida Hoffman, and Casey Windisch, <i>et al.</i> , Appellees, v. Conoco, Inc., <i>et al.</i> , Appellants.	Lynn R. Johnson Ben T. Schmitt	Miami
68,617	J. Enterprises, Inc., d/b/a Colortyme, Appellee, v. Board of County Commissioners of Harvey County, Kansas, <i>et al.</i> , Appellants.	John A. Vering Robert J. O'Connor	Harvey
68,907	John E. Smith, <i>et al.</i> , Appellants, v. Jason M. Furnish, <i>et al.</i> , Appellees.	Richard W. Byrum	Miami
68,595	Betsy Seibert, Appellant, v. Vic Regnier Builders, Inc., <i>et al.</i> , Appellees.	Paul Hasty, Jr. Eric C. Sexton David W. Hauber	Johnson
67,949	Fred Allenbrand, Sheriff of Johnson County, Kansas, Appellee, v. Zubin Darius Contractor, Appellant.	Lawrence L. Ferree, III	Johnson
68,733	City of Prairie Village, Kansas, Appellee, v. Theodore T. Hogan, Appellant.	Kevin P. Moriarty M. Bradley Watson Douglas Veith Walter M. Weber John G. Stepanovich	Johnson

## Thursday, May 27, 1993

9:30 a.m.

Case No.	Case Name	Attorneys	County
68,629	Lieb-Graphics Corporation, <i>et al.</i> , Appellees, v. Courtney Business Assistance, Inc., <i>et al.</i> , Appellants.	Daniel M. Zimmerman H. David Barr	Wyandotte

68,677	In Re: The Petition of John Feedback, <i>et al.</i> , to the Board of County Commissioners of Wyandotte County, Kansas, for the Annexation of Land Pursuant to K.S.A. 12-521, <i>et al.</i>	Charles D. Kugler R. Wayne Lampson Daniel B. Denk N. Cason Boudreau	Wyandotte
68,330	State of Kansas, Appellee, v. Curtis Coleman, Appellant.	Robert T. Stephan, Atty. Gen. Nick A. Tomasic, Dist. Atty.  M. Kristine Paredes, Asst. Appellate Def.	Wyandotte
68,409	State of Kansas, Appellant, v. Robert Sims, Appellee.	Robert T. Stephan, Atty. Gen. Nick A. Tomasic, Dist. Atty.  Jessica R. Kunen, Chief Appellate Defender	Wyandotte
68,227	State of Kansas, Appellant, v. James MacDonald, Appellee.	1:30 p.m. Robert T. Stephan, Atty. Gen. Julie A. McKenna, Co. Atty.  Benjamin C. Wood, Special Appellate Defender	Saline

Friday, May 28, 1993

9:30 a.m.

Case No.	Case Name	Attorneys	County
67,575	John H. Cott, <i>et al.</i> , Appellees, v. The Peppermint Twist Management Co., Inc., <i>et al.</i> , Appellants.	Donald R. Hoffman Dan E. Turner  Steve R. Fabert	Shawnee
68,703 69,031 69,291 (Consolidated)	State of Kansas, <i>ex rel.</i> , Robert T. Stephan, Attorney General, Appellee, v. Kansas Department of Revenue, <i>et al.</i> , Appellees, Board of Commissioners of Greeley County, Kansas, <i>et al.</i> , Proposed Intervenors, Appellants.	Terry D. Hamblin  Benjamin J. Neill	Shawnee
69,429	In the Matter of Jacqueline Edgar-Austin, Respondent.	Bruce E. Miller, Disc. Adm.  Jacqueline Edgar-Austin, <i>pro se</i>	Original
69,464	In the Matter of Gregory B. King, Respondent.	9:30 a.m. Stanton A. Hazlett, Deputy Disc. Adm.  Gregory B. King, <i>pro se</i> Kenneth Chambers	Original
69,497	In the Matter of Terry P. Todd, Respondent.	Bruce E. Miller, Disc. Adm.  Terry P. Todd, <i>pro se</i> Randy M. Barker	Original

Carol G. Green  
Clerk of the Appellate Courts

State of Kansas

Information Network of Kansas

Notice of Meeting

The Information Network of Kansas Board will meet at 3 p.m. Thursday, May 20, at Kansas Inc., 632 S.W. Van Buren, Suite 100, Topeka. The meeting is open to the public.

Charles R. Warren
President, Kansas Inc.

Doc. No. 013453

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. C.D.T. on the date indicated and then will be publicly opened. Interested bidders may call (913) 864-3416 or FAX (913) 864-3454 for additional information.

Monday, May 24, 1993

RFQ 93 0980

Excimer laser, energy monitor and optical table

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

Doc. No. 013458

State of Kansas

Office of the State Treasurer

Notice of Investment Rates

The following rates are published in accordance with K.S.A. 75-4210 as amended per 1992 Session Laws of Kansas, Chapter 146. These rates and their uses are defined in K.S.A. 75-4201(1), 12-1675(b)(c)(d) and K.S.A. 75-4209(a)(1)(B), as amended by the 1992 Legislature.

Effective 5-17-93 through 5-23-93

Table with 2 columns: Term (0-90 days, 3 months, 6 months, 12 months, 24 months, 36 months, 48 months) and Rate (2.89%, 2.91%, 3.03%, 3.24%, 3.77%, 4.29%, 4.72%)

Sally Thompson
State Treasurer

Doc. No. 013470

State of Kansas

Department of Administration

Division of Purchases

Request for Information

The State of Kansas has issued a Request for Information (RFI) to obtain information from qualified parties regarding products and/or services which may be available to assist in implementing an integrated personnel and payroll system for the State of Kansas, including Board of Regents universities, research facilities and hospitals.

To secure a copy, contact Jack R. Shipman, Director of Purchases, Division of Purchases, Room 102-N, Landon State Office Building, 900 S.W. Jackson, Topeka 66612-1286, FAX (913) 296-7240, by noon May 20.

Jack R. Shipman
Director of Purchases

Doc. No. 013475

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

(Editor's Note: The following bill contains a line-item veto by the Governor, which was sustained by the Legislature. A copy of the Governor's veto message is printed immediately following the bill.)

(Published in the Kansas Register, May 13, 1993.)

SENATE BILL No. 62

AN ACT making and concerning appropriations for the fiscal year ending June 30, 1993, for the department of transportation, attorney general, secretary of state, adjutant general, Kansas highway patrol, department of human resources, department of health and environment, Kansas public employees retirement system, department of administration, Kansas state university, Kansas state university veterinary medical center, university of Kansas, university of Kansas medical center, state board of regents, Kansas state university—Extension systems and agriculture research programs; Pittsburg state university, attorney general—Kansas bureau of investigation, Kansas commission on veterans affairs, Kansas human rights commission, department on aging, youth center at Topeka, youth center at Atchison, youth center at Beloit, Kansas parole board and Fort Hays state university; authorizing certain transfers, imposing certain restrictions and limitations, and directing or authorizing certain receipts and disbursements and acts incidental to the foregoing.

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

Section 1. For the fiscal year ending June 30, 1993, appropriations are hereby made, restrictions and limitations are hereby imposed, and transfers, fees, receipts, disbursements and acts incidental to the foregoing are hereby directed or authorized as provided in this act.

Sec. 2.

DEPARTMENT OF TRANSPORTATION

(a) In addition to the other purposes for which expenditures may be made from the state highway fund for the fiscal year ending June 30, 1993, expenditures may be made by the above agency for the following, subject to the expenditure limitation prescribed therefor:

Pre-1992 bond services fees ..... No limit

Sec. 3.

ATTORNEY GENERAL

(a) The expenditure limitation established by the state finance council on the state operations account of the crime victims compensation fund is hereby increased from \$209,068 to \$222,256.

Sec. 4.

SECRETARY OF STATE

(a) There is appropriated for the above agency from the state general fund the following:

Operating expenditures ..... \$42,663

Sec. 5.

ADJUTANT GENERAL

(a) The expenditure limitation established by section 2(b) of chapter 222 of the 1992 Session Laws of Kansas on the emergency preparedness—fee fund is hereby increased from \$10,000 to \$19,031.

(b) On the effective date of this act, the position limitation established by section 22 of chapter 327 of the 1992 Session Laws of Kansas for the adjutant general is hereby increased from 141.5 to 186.5.

Sec. 6.

KANSAS HIGHWAY PATROL

(a) The expenditure limitation established by the state finance council on the motor carrier safety assistance program fund is hereby increased from \$1,236,993 to \$1,380,597.

(b) The expenditure limitation established by the state finance council on the highway patrol training center fund is hereby increased from \$335,541 to \$702,736.

Sec. 7.

DEPARTMENT OF HUMAN RESOURCES

(a) There is appropriated for the above agency from the state general fund the following:

Operating expenditures ..... \$25,083

(b) The expenditure limitation established by the state finance council on the federal indirect cost offset fund is hereby increased from \$270,822 to \$275,964.

(c) The expenditure limitation established by the state finance council on the workmen's compensation fee fund is hereby increased from \$3,608,144 to \$3,612,036.

(d) The expenditure limitation established by the state finance council on the occupational health and safety—federal fund is hereby increased from \$304,191 to \$324,191.

Sec. 8.

DEPARTMENT OF HEALTH AND ENVIRONMENT

(a) There is appropriated for the above agency from the state general fund the following:

Operating expenditures ..... \$170,075

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

Geographic information system project—federal fund ..... \$6,466  
 Highway safety—federal fund ..... No limit  
 Pesticides and nitrates GIS database—federal fund ..... No limit  
 Pregnancy nutrition surveillance system—federal fund ..... No limit

(c) The expenditure limitation established by the state finance council on the office of rural health—federal fund is hereby increased from \$40,190 to \$42,637.

(d) The expenditure limitation established by the state finance council on the EPA—core support fund is hereby increased from \$227,467 to \$264,134.

(e) The expenditure limitation established by the state finance council on the state operations account of the federal women, infants and children health program fund is hereby increased from \$1,151,509 to \$1,163,448.

(f) The expenditure limitation established by the state finance council on the resource conservation and recovery act—federal fund is hereby increased from \$886,068 to \$914,407.

(g) The expenditure limitation established by section 5(b) of chapter 323 of the 1992 Session Laws of Kansas on the EPA—Ark City feasibility and immediate removal—federal fund is hereby increased from \$10,000 to \$12,286.

(h) The expenditure limitation established by section 3 of 1993

Senate Bill No. 38 on the sponsored project overhead fund is hereby increased from \$2,072,612 to \$2,091,457: *Provided*, That all expenditures from the sponsored project overhead fund for state operations shall not exceed \$929,016: *Provided however*, That all expenditures from the sponsored project overhead fund for the acquisition of vaccines shall be in addition to any expenditure limitation on expenditures from this fund for state operations: *Provided further*, That no transfers shall be made from the sponsored project overhead fund except upon approval by the state finance council acting on this matter which is hereby characterized as a matter of legislative delegation and subject to the guidelines prescribed in subsection (c) of K.S.A. 75-3711c and amendments thereto.

(i) On the effective date of this act, of the \$358,742 appropriated for the department of health and environment for the fiscal year ending June 30, 1993, by section 5(a) of chapter 323 of the 1992 Session Laws of Kansas from the state general fund in the aid to local units—adolescent health promotion account, the sum of \$90,000 is hereby lapsed.

(j) The expenditure limitation established by the state finance council on the national center for health statistics fund—federal is hereby decreased from \$213,348 to \$211,936.

(k) The expenditure limitation established by the state finance council on the state operations account of the maternal and child health services block grant fund is hereby increased from \$2,348,645 to \$2,369,975.

Sec. 9.

KANSAS PUBLIC EMPLOYEES RETIREMENT SYSTEM

(a) There is appropriated for the above agency from the state general fund the following:

For employers' contributions ..... \$3,778,959

(b) The expenditure limitation established by the state finance council on the administrative expenses account of the Kansas public employees retirement fund is hereby decreased from \$3,845,042 to \$3,749,589.

(c) The expenditure limitation established by section 48(e) of chapter 327 of the 1992 Session Laws of Kansas on the investment related expenses account of the Kansas public employees retirement fund is hereby decreased from \$18,346,263 to \$16,491,119.

(d) The expenditure limitation established by section 48(f) of chapter 327 of the 1992 Session Laws of Kansas on the real estate management subaccount of the investment related expenses account of the Kansas public employees retirement fund is hereby decreased from \$2,345,560 to \$1,821,754.

(e) The expenditure limitation established by section 2(b) of chapter 224 of the 1992 Session Laws of Kansas on the direct placement management fees subaccount of the investment related expenses account of the Kansas public employees retirement fund is hereby decreased from \$3,250,000 to \$2,880,000.

(f) The expenditure limitation established by section 2(b) of chapter 224 of the 1992 Session Laws of Kansas on the publicly traded securities management fees subaccount of the investment related expenses account of the Kansas public employees retirement fund is hereby increased from \$8,768,693 to \$9,243,198.

(g) The expenditure limitation established by section 2(b) of chapter 224 of the 1992 Session Laws of Kansas on the direct placement investment program subaccount of the investment related expenses account of the Kansas public employees retirement fund is hereby increased from \$400,000 to \$600,000.

(h) The expenditure limitation established by section 2(b) of chapter 224 of the 1992 Session Laws of Kansas on the custodial bank fees—expenses subaccount of the investment related expenses account of the Kansas public employees retirement fund is hereby decreased from \$1,500,000 to \$695,000.

(i) The expenditure limitation established by section 2(b) of chapter 224 of the 1992 Session Laws of Kansas on the investment consultant fees subaccount of the investment related expenses account of the Kansas public employees retirement fund is hereby decreased from \$318,000 to \$251,167.

(j) The expenditure limitation established by section 2(b) of chapter 224 of the 1992 Session Laws of Kansas on the investment related litigation expenses subaccount of the investment related expenses account of the Kansas public employees retirement fund is hereby decreased from \$1,764,010 to \$1,050,000.

(continued)

(k) All expenditures for the fiscal year ending June 30, 1993, from the investment related expenses account or any other account of the Kansas public employees retirement fund for payments to direct placement investment managers pursuant to indemnity provisions of indemnification agreements between the board of trustees of the Kansas public employees retirement system and direct placement investment managers shall be in addition to any expenditure limitation imposed on the Kansas public employees retirement fund or any account thereof, except that no such indemnity provision shall provide indemnification in an amount greater than 20% of the total value of the assets being managed by a direct placement investment manager.

Sec. 10.

DEPARTMENT OF ADMINISTRATION

(a) There is appropriated for the above agency from the state general fund the following:

Executive aircraft operations..... \$88,103

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

Architectural services equipment conversion fund..... \$23,400  
ADA coordinator clearing fund..... No limit

(c) The expenditure limitation established by the state finance council on the architectural services recovery fund is hereby increased from \$588,551 to \$703,519.

(d) The expenditure limitation established by the state finance council on the state buildings operating fund is hereby increased from \$8,160,659 to \$8,160,743.

(e) The expenditure limitation established by the state finance council on the state buildings depreciation fund is hereby increased from \$164,500 to \$171,196.

(f) On the effective date of this act, the director of accounts and reports shall transfer \$115,851 from the cafeteria benefits fund to the benefits analysis program fund.

(g) The expenditure limitation established by the state finance council on the benefits analysis program fund is hereby increased from \$207,428 to \$343,044.

(h) The expenditure limitation established by the state finance council on the information technology reserve fund is hereby increased from \$5,640,184 to \$6,614,547.

(i) On June 30, 1993, the director of accounts and reports shall transfer all moneys in the FICA revolving fund to the state general fund. On June 30, 1993, all liabilities of the FICA revolving fund are hereby imposed on the state general fund and the FICA revolving fund is hereby abolished.

(j) On June 30, 1993, the director of accounts and reports shall transfer all moneys in the ADA coordinator clearing fund to the state general fund. On June 30, 1993, all liabilities of the ADA coordinator clearing fund are hereby imposed on the state general fund and the ADA coordinator clearing fund is hereby abolished.

Sec. 11.

KANSAS STATE UNIVERSITY

(a) There is appropriated for the above agency from the state general fund the following:

Operating expenditures (including official hospitality)..... \$104,302

(b) The expenditure limitation established by section 49(c) of chapter 327 of the 1992 Session Laws of Kansas on the general fees fund is hereby decreased from \$32,376,176 to \$32,271,874.

(c) During the fiscal year ending June 30, 1993, the director of accounts and reports shall transfer, prior to July 1, 1993, an amount specified by the president of not to exceed \$25,320 from the general fees fund to the educational opportunity grants fund, which amount shall be in addition to the amount authorized to be transferred by section 3(e) of chapter 215 of the 1992 Session Laws of Kansas.

Sec. 12.

KANSAS STATE UNIVERSITY VETERINARY MEDICAL CENTER

(a) The expenditure limitation established by section 5(b) of chapter 215 of the 1992 Session Laws of Kansas on the hospital and diagnostic laboratory revenue fund is hereby increased from \$1,409,030 to No limit.

Sec. 13.

UNIVERSITY OF KANSAS

(a) There is appropriated for the above agency from the state general fund the following:

Operating expenditures (including official hospitality)..... \$568,202

(b) The expenditure limitation established by section 54(e) of chapter 327 of the 1992 Session Laws of Kansas on the general fees fund is hereby decreased from \$56,061,185 to \$55,492,983.

(c) The expenditure limitation established by section 9(b) of chapter 215 of the 1992 Session Laws of Kansas on the law enforcement training center fund is hereby increased from \$1,194,981 to \$1,251,803.

Sec. 14.

UNIVERSITY OF KANSAS MEDICAL CENTER

(a) In addition to the other purposes for which expenditures may be made from the university of Kansas hospital fund for the fiscal year ending June 30, 1993, expenditures may be made from the unencumbered balance as of June 30, 1992, in the renovate hospital—phase I—planning account for fiscal year 1993: *Provided, however,* That expenditures from such account shall not exceed the unencumbered balance in such account on June 30, 1992.

(b) The position limitation for the university of Kansas medical center established by section 55(e) of chapter 327 of the 1992 Session Laws of Kansas is hereby increased from 4753.0 to 4788.0.

(c) The 35.0 positions newly authorized under subsection (b) shall be financed from the restricted fees fund of the university of Kansas medical center.

(d) The expenditure limitation established by section 10(b) of chapter 215 of the 1992 Session Laws of Kansas on the sponsored research overhead fund is hereby increased from \$3,749,328 to \$4,099,588.

~~Sec. 15.~~

~~STATE BOARD OF REGENTS~~

~~(a) On the effective date of this act, of the amount appropriated for the above agency for the fiscal year ending June 30, 1993, by section 12(a) of chapter 215 of the 1992 Session Laws of Kansas from the state general fund in the scholarships and tuition grants account, the sum of \$27,411 is hereby lapsed.~~

Sec. 16.

KANSAS STATE UNIVERSITY—EXTENSION SYSTEMS AND AGRICULTURE RESEARCH PROGRAMS

(a) There is appropriated for the above agency from the state general fund the following:

Cooperative extension service—street improvement assessment..... \$16,164

Sec. 17.

PITTSBURG STATE UNIVERSITY

(a) The expenditure limitation established by section 45(b) of chapter 327 of the 1992 Session Laws of Kansas on the general fees fund is hereby increased from \$8,248,139 to \$8,568,389.

Sec. 18.

ATTORNEY GENERAL—KANSAS BUREAU OF INVESTIGATION

(a) There is appropriated for the above agency from the state general fund the following:

Operating expenditures..... \$62,640

Sec. 19.

KANSAS COMMISSION ON VETERANS AFFAIRS

(a) On the effective date of this act, of the \$1,435,806 appropriated for the above agency for the fiscal year ending June 30, 1993, by section 4(a) of chapter 323 of the 1992 Session Laws of Kansas from the state general fund in the operating expenditures—Kansas soldiers' home account, the sum of \$10,767 is hereby lapsed.

(b) There is appropriated for the above agency from the state general fund the following:

Operating expenditures—veterans affairs..... \$10,767

Sec. 20.

KANSAS HUMAN RIGHTS COMMISSION

(a) The expenditure limitation established by the state finance council on the federal fund is hereby increased from \$501,167 to \$522,100.

(b) The expenditure limitation established by section 4(b) of chapter 224 of the 1992 Session Laws of Kansas on the conversion of materials and equipment fund is hereby increased from \$0 to \$629.



Sec. 21.

DEPARTMENT ON AGING

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

Table with 2 columns: Fund Name, Limit. Medicaid fund—federal ..... No limit

Sec. 22.

YOUTH CENTER AT TOPEKA

(a) There is appropriated for the above agency from the state general fund the following:

Table with 2 columns: Expenditure Type, Amount. Operating expenditures ..... \$18,000

Sec. 23.

YOUTH CENTER AT ATCHISON

(a) There is appropriated for the above agency from the state general fund the following:

Table with 2 columns: Expenditure Type, Amount. Operating expenditures ..... \$14,800

Sec. 24.

YOUTH CENTER AT BELOIT

(a) There is appropriated for the above agency from the state general fund the following:

Table with 2 columns: Expenditure Type, Amount. Operating expenditures ..... \$11,150

Sec. 25.

KANSAS PAROLE BOARD

(a) On the effective date of this act, of the amount appropriated for the above agency for the fiscal year ending June 30, 1993, by section 4(a) of chapter 222 of the 1992 Session Laws of Kansas from the state general fund in the parole from adult correctional institutions account, the sum of \$17,811 is hereby lapsed.

Sec. 26.

FORT HAYS STATE UNIVERSITY

(a) During the fiscal year ending June 30, 1993, the director of accounts and reports shall transfer, prior to July 1, 1993, an amount specified by the president of not to exceed \$8,000 from the general fees fund to the education opportunity act—federal fund, which amount shall be in addition to the amount authorized to be transferred by section 2(d) of chapter 215 of the 1992 Session Laws of Kansas.

Sec. 27. Appeals to exceed position limitations. The limitations imposed by this act on the number of full-time and regular part-time positions equated to full-time, excluding seasonal and temporary positions, paid from appropriations for fiscal year 1992 made in this act or in any appropriation act of the 1991 regular session of the legislature or in any other appropriation act of the 1992 regular session of the legislature may be exceeded upon approval of the state finance council.

Sec. 28. Appeals to exceed limitations. Upon written application to the governor and approval of the state finance council, expenditures from special revenue funds may exceed the amounts specified in this act.

Sec. 29. Effective date. This act shall take effect and be in force from and after its publication in the Kansas register.

was based on anticipated savings. The latest information provided by the Board of Regents indicates that this savings will not be realized.

Dated April 19, 1993.

Joan Finney Governor

(Editor's Note: The following bill contains a line-item veto by the Governor, which was sustained by the Legislature. A copy of the Governor's veto message is printed immediately following the bill.)

(Published in the Kansas Register, May 13, 1993.)

SENATE BILL No. 38

AN ACT making and concerning appropriations for the fiscal year ending June 30, 1993, for the attorney general, department of health and environment, university of Kansas medical center, Kansas, Inc. and department of commerce and housing; authorizing certain transfers and fees, imposing certain restrictions and limitations, and directing or authorizing certain receipts and disbursements and acts incidental to the foregoing.

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

Section 1. For the fiscal year ending June 30, 1993, appropriations are hereby made, restrictions and limitations are hereby imposed, and transfers, fees, receipts, disbursements and acts incidental to the foregoing are hereby directed or authorized as provided in this act.

Sec. 2.

ATTORNEY GENERAL

(a) There is appropriated for the above agency from the state general fund the following:

Table with 2 columns: Expenditure Type, Amount. Additional operating expenditures for investigation and litigation regarding interstate water rights ..... \$249,444

Sec. 3.

DEPARTMENT OF HEALTH AND ENVIRONMENT

(a) On the effective date of this act, the expenditure limitation established by the state finance council on the sponsored project overhead fund is hereby increased from \$910,171 to \$2,072,612.

Sec. 4.

UNIVERSITY OF KANSAS MEDICAL CENTER

(a) The expenditure limitation established by section 55(f) of chapter 227 of the 1992 Session Laws of Kansas on the medical scholarship and loan repayment fund is hereby increased from \$4,650,600 to \$4,928,657. Provided, however, That all expenditures from the medical scholarship and loan repayment fund for fiscal year 1993 pursuant to any loan agreement entered into under the medical student loan act after the effective date of this act and prior to June 30, 1993, for the 1992-93 academic year, shall provide amounts to the medical student so that the loan agreement is given retroactive effect and the medical student entering into the loan agreement receives payments for all tuition for the entire 1992-93 academic year and a stipend for living expenses for each month enrolled in the university of Kansas school of medicine during the 1992-93 academic year, all in accordance with the loan agreement, as though the loan agreement had been entered into at the beginning of the 1992-93 academic year.

Sec. 5.

KANSAS, INC.

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

Table with 2 columns: Fund Name, Amount. South central Kansas economic impact study—EDIF fund ..... \$27,500

Provided, That no expenditures from this fund shall be subject to the private sector matching requirement of K.S.A. 74-8009a and amendments thereto.

(b) On the effective date of this act, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer \$27,500 from the Kansas economic development endowment ac-

(continued)

State of Kansas

Office of the Governor

Message to the Senate of the State of Kansas:

Pursuant to Article 2, Section 14 of the Constitution of the State of Kansas, I hereby return Senate Bill 62 with my signature approving the bill, except for the item enumerated below.

Section 15(a) has been line-item vetoed in its entirety.

The lapse of \$27,411 in the current fiscal year for the Tuition Grant Program in the Board of Regents

count of the state economic development initiatives fund of the department of commerce and housing to the south central Kansas economic impact study—EDIF fund of Kansas, Inc.

Sec. 6.

DEPARTMENT OF COMMERCE AND HOUSING

(a) In addition to the purposes for which expenditures may be made from the Kansas economic development endowment account of the state economic development initiatives fund for the fiscal year ending June 30, 1993, moneys may be expended by the above agency from the Kansas economic development endowment account of the state economic development initiatives fund during fiscal year 1993, subject to the expenditure limitation prescribed therefor:

Kansas/Russian cultural exchange and festival..... \$75,000

(b) The expenditure limitation established by the state finance council on the state economic development initiatives fund is hereby increased from \$8,773,729 to \$8,848,729.

(c) The expenditure limitation established by the state finance council on the Kansas economic development endowment account of the state economic development initiatives fund is hereby increased from \$8,773,729 to \$8,848,729.

Sec. 7. Appeals to exceed limitations. Upon written application to the governor and approval of the state finance council, expenditures from special revenue funds may exceed the amounts specified in this act.

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

State of Kansas

Office of the Governor

Message to the Senate of the State of Kansas:

Pursuant to Article 2, Section 14 of the Constitution of the State of Kansas, I hereby return Senate Bill 38 with my signature approving the bill, except for the items enumerated below.

Section 4 that reads as follows has been line-item vetoed:

University of Kansas Medical Center

(a) The expenditure limitation established by section 55(f) of chapter 327 of the 1992 Session Laws of Kansas on the medical scholarship and loan repayment fund is hereby increased from \$4,650,600 to \$4,828,657: Provided, however, That all expenditures from the medical scholarship and loan repayment fund for fiscal year 1993 pursuant to any loan agreement entered into under the medical student loan act after the effective date of this act and prior to June 30, 1993, for the 1992-93 academic year, shall provide amounts to the medical student so that the loan agreement is given retroactive effect and the medical student entering into the loan agreement receives payments for all tuition for the entire 1992-93 academic year and a stipend for living expenses for each month enrolled in the university of Kansas school of medicine during the 1992-93 academic year, all in accordance with the loan agreement, as though the loan agreement had been entered into at the beginning of the 1992-93 academic year.

As a matter of principle, I find it necessary to veto this increase in the number of medical student loans. The item does not meet the standard sense of urgency which defines an emergency appropriation.

Dated April 8, 1993.

Joan Finney
Governor

(Editor's Note: The following bill contains a line-item veto by the Governor, which was sustained by the Legislature. A copy of the Governor's veto message is printed immediately following the bill.)

(Published in the Kansas Register, May 13, 1993.)

SENATE BILL No. 87

AN ACT making and concerning appropriations for the fiscal years ending June 30, 1993, June 30, 1994, June 30, 1996 and June 30, 1997, and authorizing certain financing, for certain capital improvement projects for the insurance department, department of administration, Fort Hays state university, Kansas state university, Kansas state university—Salina, college of technology, Emporia state university, Pittsburg state university, university of Kansas, university of Kansas medical center, Wichita state university, state board of regents, department of human resources, Kansas commission on veterans affairs, adjutant general, attorney general—Kansas bureau of investigation, youth center at Beloit, Kansas highway patrol, Kansas state university—extension systems and agriculture research programs and department of health and environment; authorizing the initiation and completion of certain capital improvement projects; and directing or authorizing certain disbursements and acts incidental to the foregoing.

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

Section 1. (a) For the fiscal years ending June 30, 1993, June 30, 1994, June 30, 1996, and June 30, 1997, appropriations are hereby made, restrictions and limitations are hereby imposed, and transfers, disbursements and acts incidental to the foregoing are hereby directed or authorized to initiate and complete capital improvement projects as provided in this act.

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

(c) This act shall not be subject to the provisions of subsection (a) of K.S.A. 1992 Supp. 75-6702 and amendments thereto.

Sec. 2.

INSURANCE DEPARTMENT

(a) There is appropriated for the above agency from the following special revenue funds for the fiscal year ending June 30, 1994, all moneys now or hereafter lawfully credited to and available in such funds, except that expenditures shall not exceed the following:

Insurance building principal and interest payment fund ..... No limit
Insurance department rehabilitation and repair fund ..... No limit

Sec. 3.

DEPARTMENT OF ADMINISTRATION

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 1994, for the capital improvement projects specified as follows:

Rehabilitation and repair—statehouse, judicial center and governor's residence..... \$125,000
Clean and rehabilitate statehouse dome..... 116,800
Total..... \$241,800

(b) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 1994, for the capital improvement projects specified as follows:

Energy conservation improvements—debt service..... \$634,095

Any unencumbered balance in excess of \$100 as of June 30, 1993, in each of the following capital improvement accounts is hereby reappropriated for fiscal year 1994: Special maintenance, repairs and improvements—statehouse, printing plant, judicial center, and governor's residence; heating and air conditioning repairs governor's residence; construct maintenance building—governor's residence; exterior stonework—statehouse; rehabilitation and repair—statehouse; rehabilitation and repair—judicial center; rehabilitation and repair—governor's residence.

(c) In addition to the purposes for which expenditures may be made by the above agency from the building and ground fund for the fiscal year ending June 30, 1994, expenditures may be made by the above agency from the following capital improvement account of the building and ground fund during fiscal year 1994 for the following capital improvement project, subject to the expenditure limitations prescribed therefor:

Parking lot rehabilitation and repair..... \$58,000

(d) In addition to the other purposes for which expenditures may be made by the above agency from the building and ground fund for the fiscal year ending June 30, 1994, expenditures may be made by the above agency from the unencumbered balance as of June 30,

1993, in each of the following capital improvement accounts: Parking lot rehabilitation and repair; lighting improvements—state parking lots: Provided, however, That expenditures from the unencumbered balance in any such account shall not exceed the amount of the unencumbered balance in such account on June 30, 1993: Provided further, That any expenditures from any such account shall be in addition to any expenditure limitation imposed on total expenditures from the building and ground fund for fiscal year 1994.

(e) There is appropriated for the above agency from the following special revenue fund for the fiscal year ending June 30, 1994, all moneys now or hereafter lawfully credited to and available in such fund, except that expenditures shall not exceed the following:

Energy conservation improvements fund ..... No limit

(f) In addition to the purposes for which expenditures may be made by the above agency from the state buildings depreciation fund for the fiscal year ending June 30, 1994, moneys may be expended by the above agency from the following capital improvement account of the state buildings depreciation fund during fiscal year 1994 for the following capital improvement project, subject to the expenditure limitation prescribed therefor:

Window replacement—Landon office building ..... \$1,063,260

Provided, That all expenditures from such capital improvement account shall be in addition to any expenditure limitation imposed on the state buildings depreciation fund for fiscal year 1994.

(g) In addition to the other purposes for which expenditures may be made by the above agency from the state buildings depreciation fund for the fiscal year ending June 30, 1994, expenditures may be made by the above agency from the state buildings depreciation fund from the unencumbered balance as of June 30, 1993, in each capital improvement account for one or more projects approved for prior fiscal years: Provided, however, That expenditures from the unencumbered balance in any such account shall not exceed the amount of the unencumbered balance in such account on June 30, 1993: Provided further, That any expenditures from any such account shall be in addition to any expenditure limitation imposed on total expenditures from the state buildings depreciation fund for fiscal year 1994.

(h) Any unencumbered balance as of June 30, 1993, in each of the following capital improvement accounts of the state buildings depreciation fund is hereby lapsed: Upgrade security system; steamline extension; renovate elevators—DSOB and LSOB.

(i) Any unencumbered balance as of June 30, 1993, in each of the following capital improvement accounts of the state buildings operating fund is hereby lapsed: Interior repairs and renovations—statehouse; energy conservation—capitol complex; capitol plaza area improvements.

Sec. 4.

FORT HAYS STATE UNIVERSITY

(a) There is appropriated for the above agency from the following special revenue funds for the fiscal year ending June 30, 1994, all moneys now or hereafter lawfully credited to and available in such funds, except that expenditures shall not exceed the following:

Table with 2 columns: Fund Name and Limit. Includes Student union annex fund (No limit), Housing system—maintenance and equipment reserve fund (No limit), Housing system bond and interest sinking fund (No limit), Physical education building construction—bond and interest sinking fund (No limit), Physical sciences building—federal grant fund (\$390,000), Lewis field renovation—bond and interest sinking fund (No limit), Lewis field renovation—revenue fund (No limit), Sternberg museum gift fund (No limit).

Sec. 5.

KANSAS STATE UNIVERSITY

(a) There is appropriated for the above agency from the following special revenue funds for the fiscal year ending June 30, 1994, all moneys now or hereafter lawfully credited to and available in such funds, except that expenditures shall not exceed the following:

Table with 2 columns: Fund Name and Limit. Includes Student fee project reserve fund (No limit), Student fee bonds principal and interest fund (No limit).

Provided, That Kansas state university may make expenditures from this fund for debt service, financing costs and required reserves for the capital improvement project to renovate Van Zile hall, Putnam hall and Boyd hall pursuant to section 17(e) of chapter 25 of the 1989 Session Laws of Kansas.

Table with 2 columns: Fund Name and Limit. Includes Student fee bonds repair, equipment and improvement fund (No limit), Federal construction funds fund (No limit), Bond construction funds fund (No limit), Coliseum bond proceeds fund (No limit), Stadium bond and interest sinking fund (No limit), Student union annex II bond and interest sinking fund (No limit), Housing system project revenue fund (No limit), Housing system bond and interest sinking fund (No limit), Haymaker hall bond and interest sinking fund (No limit), Student union annex I bond and interest sinking fund (No limit), Jardine terrace III bond and interest sinking fund (No limit), Student recreational building bond and interest sinking fund (No limit), Shellenberger hall third floor expansion private gifts fund (No limit), Engineering complex—phase II—private gifts fund (No limit), Student coliseum bond fee fund (No limit), Plan, construct and equip plant science building—phase II—federal fund (No limit), Plant science building—phase II—special revenue fund (No limit).

Provided, That Kansas state university may make expenditures from this fund for the capital improvement project to construct and equip phase II of the plant science building in addition to the expenditure of other moneys appropriated therefor: Provided, however, That expenditures from this fund for such capital improvement project shall not exceed \$5,000,000 plus all amounts required for costs of any bond or loan issuance, costs of interest on any bond or loan issued or obtained for such capital improvement project and any required reserves for payment of principal and interest on any bond or loan: Provided further, That all gifts and grants received for the capital improvement project to construct and equip phase II of the plant science building, other than those received from the federal government for such capital improvement project, shall be deposited in the state treasury to the credit of this fund: And provided further, That the above agency may transfer moneys from the sponsored research overhead fund and from appropriate accounts of the restricted fees fund to this fund for such capital improvement project or for debt service for such capital improvement project: And provided further, That all transfers of moneys from the sponsored research overhead fund to this fund shall be in addition to any expenditure limitation imposed on the sponsored research overhead fund: And provided further, That such capital improvement project is hereby approved for Kansas state university for the purposes of subsection (b) of K.S.A. 74-8905 and amendments thereto and the authorization of the issuance of bonds by the Kansas development finance authority in accordance with that statute: And provided further, That all moneys received from the issuance of any such bonds shall be deposited in the state treasury to the credit of this fund: And provided further, That, upon request of the president of Kansas state university to provide for any amounts that may be required to be paid for all or part of the cost of such capital improvement project and expenses related thereto, in addition to other available moneys, the pooled money investment board is authorized and directed to loan to Kansas state university sufficient moneys therefor: And provided further, That all loan amounts shall be transferred and credited to this fund upon certifications by the president of Kansas state university: And provided further, That the pooled money investment board is authorized and directed to use any moneys in operating accounts, investment accounts or other investments of the state of Kansas to provide moneys for such loan: And provided further, That such loan shall bear interest from the date of the loan transfer or transfers at an annual rate of interest which is not less than the average yield before taxes received on 91-day United States treasury bills as determined by the federal reserve banks as fiscal agents of the United States at its most recent public offering of such bills in effect on January 1 of such year and shall have such other terms as may be agreed upon by the president of Kansas state university and the pooled money investment board: And provided further, That such loan shall not be deemed to be an indebtedness or debt of the state of Kansas within the meaning of section 6 of article 11 of the constitution of the state of Kansas.

(b) On or before July 10, 1993, and on or before the 10th day of each month thereafter during fiscal year 1994, the director of accounts and reports shall transfer from the state general fund to the student coliseum bond fee fund the amount of money certified by the pooled money investment board in accordance with this subsection. Prior to July 10, 1993, and prior to the 10th day of each month thereafter during fiscal year 1994, the pooled money investment board shall certify to the director of accounts and reports an amount of money equal to the proportionate amount of all the interest credited to the state general fund for the preceding month, pursuant to K.S.A. 75-4210a and amendments thereto, that is attributable to moneys in the student coliseum bond fee fund. Such amount of money shall be determined by the pooled money investment board based on: (1) The average daily balance of moneys in the student coliseum bond fee fund during the preceding month as certified to the board by the president of Kansas state university and (2) the

(continued)

average interest rate on repurchase agreements of less than 30 days duration entered into by the pooled money investment board for that period of time. On or before July 5, 1993, and on or before the fifth day of each month thereafter during fiscal year 1994, the president of Kansas state university shall certify to the pooled money investment board the average daily balance of moneys in the student coliseum bond fee fund during the preceding month.

(c) In addition to the purposes for which expenditures may be made by the above agency from the sponsored research overhead fund for the fiscal year ending June 30, 1994, expenditures may be made by the above agency from the sponsored research overhead fund during fiscal year 1994 for the following capital improvement project, subject to the expenditure limitation prescribed therefor:

Construct equipment storage building in Riley county, Kansas ..... \$130,000

(d) There is appropriated for the above agency from the following special revenue fund for the fiscal year ending June 30, 1994, all moneys now or hereafter lawfully credited to and available in such fund, except that expenditures shall not exceed the following:

Chester E. Peters recreation complex expansion and restoration fee fund ..... No limit

Provided, That Kansas state university may make expenditures from this fund for the capital improvement project to expand and renovate the Chester E. Peters recreation complex in an amount of not more than the total of \$7,600,000 plus all amounts required for cost of bond issuance, cost of interest on the bonds during the construction of the project and required reserves for the payment of principal and interest on the bonds. Such capital improvement project is hereby approved for Kansas state university for the purposes of subsection (b) of K.S.A. 74-8905 and amendments thereto and the authorization of the issuance of bonds by the Kansas development finance authority in accordance with that statute: Provided further, That all moneys received from the issuance of any such bonds shall be deposited in the state treasury to the credit of this fund.

(e) Any unencumbered balance as of June 30, 1993, in the following capital improvement account of the Kansas educational building fund is hereby lapsed: Construct plant sciences greenhouses—planning.

(f) During the fiscal year ending June 30, 1994, Kansas state university is hereby authorized to make expenditures to raze building no. 14—art building.

Sec. 6.

KANSAS STATE UNIVERSITY—SALINA, COLLEGE OF TECHNOLOGY

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 1994, for the capital improvement project specified as follows:

Lease payment—aeronautical center (including aeronautical laboratory center) ..... \$189,050

(b) There is appropriated for the above agency from the following special revenue funds for the fiscal year ending June 30, 1994, all moneys now or hereafter lawfully credited to and available in such funds, except that expenditures shall not exceed the following:

New dormitory construction fund ..... No limit

Provided, That expenditures may be made from this fund to construct and equip a student dormitory for the above agency on the campus at Salina, Kansas: Provided further, That the capital improvement project to construct and equip a dormitory at the Kansas state university—Salina, college of technology is hereby approved for the purposes of subsection (b) of K.S.A. 74-8905 and amendments thereto and the authorization of the issuance of bonds by the Kansas development finance authority in accordance with that statute: And provided further, That all moneys received from the issuance of such bonds, local sales tax proceeds and any other source to construct and equip such dormitory shall be deposited in the state treasury to the credit of this fund.

Site improvements fund, ..... No limit

Provided, That expenditures may be made from this fund to construct new roads and sidewalks and make other site improvements for the above agency on the campus at Salina, Kansas: Provided further, That all moneys received from local sales tax proceeds or any other source for site improvements shall be deposited in the state treasury to the credit of this fund.

Technology center addition fund ..... No limit

Provided, That expenditures may be made from this fund to construct an addition to the technology center for the above agency on the campus at Salina, Kansas: Provided further, That all moneys received from local sales tax proceeds or any other source for the technology center addition shall be deposited in the state treasury to the credit of this fund.

College center construction fund ..... No limit

Provided, That expenditures may be made from this fund to construct a college center for the above agency on the campus at Salina, Kansas: Provided further, That all moneys received from local sales tax proceeds or any other source for construction of a college center shall be deposited in the state treasury to the credit of this fund.

Sec. 7.

EMPORIA STATE UNIVERSITY

(a) There is appropriated for the above agency from the following special revenue funds for the fiscal year ending June 30, 1994, all moneys now or hereafter lawfully credited to and available in such funds, except that expenditures shall not exceed the following:

- Men's dormitory No. 1—project revenue fund ..... No limit
Men's dormitory No. 1—bond and interest sinking fund ..... No limit
Men's dormitory No. 1—building maintenance and equipment reserve fund ..... No limit
Men's dormitory No. 2—project revenue fund ..... No limit
Men's dormitory No. 2—bond and interest sinking fund ..... No limit
Men's dormitory No. 2—maintenance and equipment reserve fund ..... No limit
Women's dormitory No. 2—project revenue fund ..... No limit
Women's dormitory No. 2—bond and interest sinking fund ..... No limit
Women's dormitory No. 2—maintenance and equipment fund ..... No limit
Women's dormitory No. 3 and student apartments—project revenue fund ..... No limit
Women's dormitory No. 3 and student apartments—bond and interest sinking fund ..... No limit
Women's dormitory No. 3 and student apartments—maintenance and equipment reserve fund ..... No limit
Women's dormitory No. 4—project revenue fund ..... No limit
Women's dormitory No. 4—bond and interest sinking fund ..... No limit
Women's dormitory No. 4—maintenance and equipment reserve fund ..... No limit
Student union bond and interest sinking fund ..... No limit
Student union refurbishing fund ..... No limit
Bond construction funds fund ..... No limit
Student union addition bond and interest sinking fund ..... No limit
Men's dormitory No. 3—project revenue fund ..... No limit
Men's dormitory No. 3—bond and interest sinking fund ..... No limit
Men's dormitory No. 3—maintenance and equipment reserve fund ..... No limit
Residence hall renovation revenue fund ..... No limit

Provided, That Emporia state university may make expenditures from this fund for the capital improvement project to renovate residence halls and refinance existing residence hall renovation debt financing in an amount of not more than \$2,660,000, plus all amounts required for cost of bond issuance, cost of interest on the bonds during the construction of the project and required reserves for the payment of principal and interest on the bonds: Provided further, That such capital improvement project is hereby approved for Emporia state university for the purposes of subsection (b) of K.S.A. 74-8905 and amendments thereto and the authorization of the issuance of bonds by the Kansas development finance authority in accordance with that statute: And provided further, That all moneys received from the issuance of any such bonds shall be deposited in the state treasury to the credit of this fund: And provided further, That no expenditures shall be made from this fund for construction unless this capital improvement project has been presented to the joint committee on state building construction.

Sec. 8.

PITTSBURG STATE UNIVERSITY

(a) There is appropriated for the above agency from the following special revenue funds for the fiscal year ending June 30, 1994, all moneys now or hereafter lawfully credited to and available in such funds, except that expenditures shall not exceed the following:

- 1962 dormitory and student apartments sinking fund ..... No limit
1962 dormitory and student apartments revenue fund ..... No limit
1962 dormitory and student apartment repair and replacement fund ..... No limit
East campus apartments and Shirk hall revenue fund ..... No limit
East campus apartments and Shirk hall bond and interest sinking fund ..... No limit
East campus apartments and Shirk hall repair and replacement fund ..... No limit
Married student housing and men's dormitory—bond and interest sinking fund ..... No limit
Married student housing and men's dormitory project revenue fund ..... No limit
Married student housing and men's dormitory repair and replacement fund ..... No limit
Suspense fund ..... No limit
Kansas technology center federal fund ..... No limit
Kansas technology center gifts and donations fund ..... No limit
Jack C. Overman student center renovation fund ..... No limit

Provided, That Pittsburg state university may make expenditures from this fund for the capital improvement project to expand and renovate the student center in an amount of not more than the total of \$2,000,000 plus all amounts required for cost of bond issuance, cost of interest on the bonds during the construction of the project

and required reserves for the payment of principal and interest on the bonds: *Provided further*, That such capital improvement project is hereby approved for Pittsburg state university for the purposes of subsection (b) of K.S.A. 74-8905 and amendments thereto and the authorization of the issuance of bonds by the Kansas development finance authority in accordance with that statute: *And provided further*, That all moneys received from the issuance of any such bonds shall be deposited in the state treasury to the credit of this fund.

Sec. 9.

UNIVERSITY OF KANSAS

(a) There is appropriated for the above agency from the following special revenue funds for the fiscal year ending June 30, 1994, all moneys now or hereafter lawfully credited to and available in such funds, except that expenditures shall not exceed the following:

Table listing various university funds such as 'Student union renovation revenue fund', 'Housing system bond and interest sinking fund', etc., with corresponding 'No limit' values.

*Provided*, That the university of Kansas may make expenditures from this fund for the capital improvement project to construct and equip a biosciences research center in addition to the expenditure of other moneys appropriated therefor: *Provided, however*, That expenditures from this fund for such capital improvement project shall not exceed \$4,053,000 plus all amounts required for costs of any bond issuance, costs of interest on any bond issued or obtained for such capital improvement project and any required reserves for payment of principal and interest on any bond: *Provided further*, That all gifts and grants received for the capital improvement project to construct and equip a biosciences research center, other than those received from the federal government for such capital improvement project, shall be deposited in the state treasury to the credit of this fund: *And provided further*, That the above agency may transfer moneys from the sponsored research overhead fund and from appropriate accounts of the restricted fees fund to this fund for such capital improvement project or for debt service for such capital improvement project: *And provided further*, That all transfers of moneys from the sponsored research overhead fund to this fund shall be in addition to any expenditure limitation imposed on the sponsored research overhead fund: *And provided further*, That such capital improvement project is hereby approved for the university of Kansas for the purposes of subsection (b) of K.S.A. 74-8905 and amendments thereto and the authorization of the issuance of bonds by the Kansas development finance authority in accordance with that statute: *And provided further*, That all moneys received from the issuance of any such bonds shall be deposited in the state treasury to the credit of this fund.

Law enforcement training center improvements special revenue fund ..... No limit

*Provided*, That the university of Kansas may make expenditures from this fund for a capital improvement project for planning and construction—phase II—for law enforcement training center improvements: *Provided, however*, That expenditures from this fund for such capital improvement project shall not exceed \$5,436,000: *Provided further*, That the above agency may transfer moneys from the law enforcement training center fund to this fund for such capital improvement project: *And provided further*, That all transfers of moneys from the law enforcement training center fund to this fund shall be in addition to any expenditure limitation imposed on the law enforcement training center fund.

Sunflower research landfill remediation fund ..... No limit

(b) During the fiscal year ending June 30, 1994, the university of Kansas is hereby authorized to make expenditures to raze building number 27—facilities operations storage facility.

(c) On July 1, 1993, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer any unencumbered balance as of June 30, 1993, in the remediation projects fund of the department of health and environment to sunflower research landfill remediation fund of the university of Kansas.

(d) During the fiscal year ending June 30, 1994, the university of Kansas is hereby authorized to make expenditures to raze buildings on the farm site adjacent to the sunflower research landfill.

Sec. 10.

UNIVERSITY OF KANSAS MEDICAL CENTER

(a) There is appropriated for the above agency from the following special revenue funds for the fiscal year ending June 30, 1994, all moneys now or hereafter lawfully credited to and available in such funds, except that expenditures shall not exceed the following:

Table listing various medical center funds such as 'Parking facility K DFA principal and interest fund', 'Medical library revenue fund', etc., with corresponding 'No limit' values.

*Provided*, That expenditures from this fund are subject to the restrictions of K.S.A. 76-827 and amendments thereto: *Provided further*, That no moneys shall be credited to this fund except by appropriation act of the legislature transferring moneys from the hospital revenue fund to this fund: *And provided further*, That expenditures may be made from this fund during fiscal year 1994 from the hospital equipment and related renovations account; renovate hospital—phase I planning account; and renovate cardio-thoracic ICU and post-operative ICU account of this fund: *Provided, however*, That expenditures from each such account shall not exceed the amount of the unencumbered balance in such account as of June 30, 1993.

Renovate cardio-thoracic ICU and post-operative ICU fund ..... No limit  
Animal research facility debt service fund ..... No limit  
Research building—special revenue fund ..... No limit

*Provided*, That the university of Kansas medical center may make expenditures from this fund for the capital improvement project to construct and equip a research building in addition to the expenditure of other moneys appropriated therefor: *Provided, however*, That expenditures from this fund for such capital improvement project shall not exceed \$4,520,000 plus all amounts required for costs of any bond or loan issuance, costs of interest on any bond or loan issued or obtained for such capital improvement project and any required reserves for payment of principal and interest on any bond or loan: *Provided further*, That all gifts and grants received for the capital improvement project to construct and equip a research building, other than those received from the federal government for such capital improvement project, shall be deposited in the state treasury to the credit of this fund: *And provided further*, That the above agency may transfer moneys from the sponsored research overhead fund and from appropriate accounts of the restricted fees fund to this fund for such capital improvement project or for debt service for such capital improvement project: *And provided further*, That all transfers of moneys from the sponsored research overhead fund to this fund shall be in addition to any expenditure limitation imposed on the sponsored research overhead fund: *And provided further*,

(continued)

That such capital improvement project is hereby approved for the university of Kansas medical center for the purposes of subsection (b) of K.S.A. 74-8905 and amendments thereto and the authorization of the issuance of bonds by the Kansas development finance authority in accordance with that statute: *And provided further*, That all moneys received from the issuance of any such bonds shall be deposited in the state treasury to the credit of this fund: *And provided further*, That, upon request of the chancellor of the university of Kansas to provide for any amounts that may be required to be paid for all or part of the cost of such capital improvement project and expenses related thereto, in addition to other available moneys, the pooled money investment board is authorized and directed to loan to the university of Kansas medical center sufficient moneys therefor: *And provided further*, That all loan amounts shall be transferred and credited to this fund upon certifications by the chancellor of the university of Kansas: *And provided further*, That the pooled money investment board is authorized and directed to use any moneys in operating accounts, investment accounts or other investments of the state of Kansas to provide moneys for such loan: *And provided further*, That such loan shall bear interest from the date of the loan transfer or transfers at an annual rate of interest which is not less than the average yield before taxes received on 91-day United States treasury bills as determined by the federal reserve banks as fiscal agents of the United States at its most recent public offering of such bills in effect on January 1 of such year and shall have such other terms, as may be agreed upon by the chancellor of the university of Kansas and the pooled money investment board: *And provided further*, That such loan shall not be deemed to be an indebtedness or debt of the state of Kansas within the meaning of section 6 of article 11 of the constitution of the state of Kansas.

(b) On August 1, 1993, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer an amount specified by the chancellor of the university of Kansas from the hospital revenue fund to the hospital refunding principal and interest sinking fund.

(c) In addition to the purposes for which expenditures may be made by the above agency from the parking facility K DFA surplus fund authorized by section 9(a) of chapter 297 of the 1992 Session Laws of Kansas, expenditures may be made during fiscal year 1993 and fiscal year 1994 for repairs to Cambridge parking facility, except that the total amount of such expenditure from such fund for such purpose shall not exceed \$650,000.

Sec. 11.

WICHITA STATE UNIVERSITY

(a) There is appropriated for the above agency from the following special revenue funds for the fiscal year ending June 30, 1994, all moneys now or hereafter lawfully credited to and available in such funds, except that expenditures shall not exceed the following:

1960 dormitory bond and interest sinking fund	No limit
1960 dormitory repair and replacement reserve fund	No limit
1976 dormitory bond and interest sinking fund	No limit
1976 dormitory bond reserve fund	No limit
1976 dormitory maintenance reserve fund	No limit
On-campus parking construction and maintenance fund	No limit
Stadium maintenance reserve fund	No limit
1984 academic and service building surplus	No limit
1971 academic and service building maintenance fund	No limit
McKinley hall—ventilation improvements	No limit
Plan, construct, equip—science building	No limit

Sec. 12.

STATE BOARD OF REGENTS

(a) There is appropriated for the above agency from the Kansas educational building fund for the capital improvement projects and for the fiscal years specified as follows:

Rehabilitation and repair projects for institutions of higher education	
For the fiscal year ending June 30, 1996	\$10,000,000
For the fiscal year ending June 30, 1997	10,000,000

*Provided*, That the state board of regents is hereby authorized to transfer moneys from this account to an account or accounts of the Kansas educational building fund of any institution under its jurisdiction to be expended by the institution for projects approved by the state board of regents: *Provided, however*, That no expenditures shall be made from any such account until the proposed projects have been reviewed by the joint committee on state building construction.

(b) The appropriations made by this section shall not be subject to the provisions of K.S.A. 46-155 and amendments thereto.

Sec. 13.

DEPARTMENT OF HUMAN RESOURCES

(a) In addition to the other purposes for which expenditures may be made by the above agency from the special employment security

fund for the fiscal year ending June 30, 1994, moneys may be expended by the above agency from the special employment security fund during fiscal year 1994 for the following capital improvement project, subject to the expenditure limitation prescribed therefor:

Rehabilitation, repair and garlow razing..... \$72,000

*Provided*, That all expenditures from each such capital improvement project account shall be in addition to any expenditure limitation imposed on total expenditures from the special employment security fund for fiscal year 1994.

(b) In addition to the other purposes for which expenditures may be made by the above agency from the special employment security fund for the fiscal year ending June 30, 1994, expenditures may be made by the above agency from the unencumbered balance as of June 30, 1993, in the following capital improvement account of the special employment security fund for fiscal year 1994: Handicapped accessibility upgrades at existing buildings used by department of human resources: *Provided, however*, That expenditures from the unencumbered balance in such account shall not exceed the amount of the unencumbered balance in such account on June 30, 1993: *Provided further*, That any expenditures from the unencumbered balance in such account shall be in addition to any expenditure limitation on total expenditures from the special employment security fund for fiscal year 1994.

(c) In addition to the other purposes for which expenditures may be made by the above agency from the employment security administration fund for the fiscal year ending June 30, 1994, moneys may be expended by the above agency from the employment security administration fund from moneys made available to the state under section 903 of the federal social security act, as amended, during fiscal year 1994: *Provided, however*, That expenditures from this fund during fiscal year 1994 of moneys made available to the state under section 903 of the federal social security act, as amended, shall be made only for the following capital improvement purposes: (1) For major maintenance of existing buildings used by the department of human resources for employment security purposes; (2) for paving, landscaping and acquiring fixed equipment as may be required for the use and operation of such buildings; or (3) for any combination of these purposes: *Provided further*, That expenditures from this fund during fiscal year 1994 of moneys made available to the state under section 903 of the federal social security act, as amended, for such capital improvement purposes shall not exceed \$270,050 plus the amounts of unencumbered balances on June 30, 1993, for projects approved for fiscal years prior to fiscal year 1994: *And provided further*, That all expenditures from this fund for such capital improvement purposes shall be in addition to any expenditure limitation imposed on total expenditures from the employment security administration fund for fiscal year 1994.

Sec. 14.

KANSAS COMMISSION ON VETERANS AFFAIRS

(a) There is appropriated for the above agency from the state institutions building fund for the fiscal year ending June 30, 1994, for the capital improvement projects specified as follows:

Repair and rehabilitation projects	\$85,000
Renovate cottages	50,000
Emergency power generator	45,000
Total	\$180,000

Sec. 15.

ADJUTANT GENERAL

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 1994, for the capital improvement projects specified as follows:

Rehabilitation and repair projects	\$242,331
------------------------------------	-----------

(b) On July 1, 1993, any unencumbered balance in excess of \$100 as of June 30, 1993, in the following capital improvement account of the state general fund is hereby reappropriated for fiscal year 1994: Rehabilitation and repair projects.

(c) On July 1, 1993, of the \$461,506 appropriated for the above agency for the fiscal year ending June 30, 1993, by section 14(a) of chapter 297 of the 1992 Session Laws of Kansas from the state general fund in the rehabilitation and repair projects account, the sum of \$35,157 is hereby lapsed.

Sec. 16.

ATTORNEY GENERAL—KANSAS BUREAU OF INVESTIGATION

(a) There is hereby appropriated for the above agency from the state general fund for the fiscal year ending June 30, 1994, for the capital improvement projects specified as follows:

Rehabilitation and repair—headquarters building..... \$15,000

(b) There is appropriated from the state general fund for the fiscal year ending June 30, 1994, for the capital improvement project specified as follows:

Debt service principal payment—headquarters building..... \$100,000

Sec. 17.

YOUTH CENTER AT BELOIT

(a) Any unencumbered balance as of June 30, 1993, in each of the following capital improvement accounts of the state institutions building fund is hereby lapsed: Carpet in-service area of administration building.

Sec. 18.

KANSAS HIGHWAY PATROL

(a) In addition to the other purposes for which expenditures may be made by the above agency from the motor carrier inspection fund for the fiscal year ending June 30, 1994, moneys may be expended by the above agency from the motor carrier inspection fund during fiscal year 1994 for the following capital improvement project, subject to the expenditure limitation prescribed therefor:

Install concrete barriers..... \$60,000

*Provided*, That all expenditures from such capital improvement project account shall be in addition to any expenditure limitation imposed on total expenditures from the motor carrier inspection fund for fiscal year 1994: *Provided further*, That, in addition to the other purposes for which expenditures may be made by the above agency from the motor carrier inspection fund for the fiscal year ending June 30, 1994, expenditures may be made by the above agency for fiscal year 1994 from the unencumbered balance as of June 30, 1993, in the following capital improvement account of the motor carrier inspection fund: Install concrete barriers: *And provided further*, That expenditures from such account shall not exceed the unencumbered balance in such account on June 30, 1993: *And provided further*, That any expenditures from such account shall be in addition to any expenditure limitation imposed on total expenditures from the motor carrier inspection fund for fiscal year 1994.

(b) On July 1, 1993, or as soon thereafter as moneys are available therefor, the director of accounts and reports shall transfer \$60,000 from the state highway fund of the department of transportation to the motor carrier inspection fund of the Kansas highway patrol for the purpose of financing capital improvement projects as provided by this section.

Sec. 19.

KANSAS STATE UNIVERSITY—EXTENSION SYSTEMS AND AGRICULTURE RESEARCH PROGRAMS

(a) The expenditure limitation established by section 51(a) of chapter 327 of the 1992 Session Laws of Kansas on the construct pesticide storage buildings in Thomas county account of the Colby experiment station fee fund is hereby increased from \$15,000 to \$27,500.

(b) In addition to the purpose for which expenditures may be made by the above agency from the Fort Hays experiment station account of the restricted fees fund for the fiscal year ending June 30, 1994, moneys may be expended by the above agency from the Fort Hays experiment station account of the restricted fees fund during fiscal year 1994 for the following capital improvement project, subject to the expenditure limitation prescribed therefor:

Construct chemical storage building..... \$27,500

(c) In addition to the purpose for which expenditures may be made by the above agency from the southeast Kansas experiment station account of the restricted fees fund for the fiscal year ending June 30, 1994, moneys may be expended by the above agency from the southeast Kansas experiment station account of the restricted fees fund during fiscal year 1994 for the following capital improvement project, subject to the expenditure limitation prescribed therefor:

Construct chemical storage building..... \$27,500

(d) In addition to the purpose for which expenditures may be made by the above agency from the horticulture research center account of the restricted fees fund for the fiscal year ending June 30, 1994, moneys may be expended by the above agency from the horticulture research center account of the restricted fees fund during

fiscal year 1994 for the following capital improvement project, subject to the expenditure limitation prescribed therefor:

Construct chemical storage building..... \$27,500

(e) In addition to the purpose for which expenditures may be made by the above agency from the agronomy-Ashland farm account of the restricted fees fund for the fiscal year ending June 30, 1994, moneys may be expended by the above agency from the agronomy-Ashland farm account of the restricted fees fund during fiscal year 1994 for the following capital improvement project, subject to the expenditure limitation prescribed therefor:

Construct chemical storage building..... \$27,500

Sec. 20.

DEPARTMENT OF HEALTH AND ENVIRONMENT

~~(a) On July 1, 1993, the expenditure limitation established by section 5(b) of 1993 Senate Bill No. 57 on the expenditures from the water plan special revenue fund is hereby increased from \$3,070,787 to \$3,792,870.~~

~~(b) On July 1, 1993, the expenditure limitation established by section 5(b) of 1993 Senate Bill No. 57 on the contamination remediation account of the water plan special revenue fund is hereby increased from \$1,481,276 to \$2,194,250.~~

~~(c) On July 1, 1993, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer \$713,083 from the state water plan fund of the Kansas water office to the water plan special revenue fund of the department of health and environment.~~

Sec. 21. *Appeals to exceed limitations*. Upon written application to the governor and approval of the state finance council, expenditures from special revenue funds may exceed the amounts specified in this act.

Sec. 22. *Savings*. Any unencumbered balance as of June 30, 1993, in any special revenue fund, or account thereof, which is not otherwise specifically appropriated or limited by this or other appropriation act of the 1993 regular session of the legislature, is hereby appropriated for the fiscal year ending June 30, 1994, for the same use and purpose as the same was heretofore appropriated.

Sec. 23. Any Kansas educational building fund appropriation heretofore appropriated to any institution named in this or other appropriation act of the 1993 regular session of the legislature and having an unencumbered balance as of June 30, 1993, in excess of \$100 is hereby reappropriated for the fiscal year ending June 30, 1994, for the same use and purpose as originally appropriated, unless specific provision is made for lapsing such appropriation.

Sec. 24. Any state institutions building fund appropriation heretofore appropriated to any state agency named in this or other appropriation act of the 1993 regular session of the legislature and having an unencumbered balance as of June 30, 1993, in excess of \$100 is hereby reappropriated for the fiscal year ending June 30, 1994, for the same use and purpose as originally appropriated, unless specific provision is made for lapsing such appropriation.

Sec. 25. *Effective date*. This act shall take effect and be in force from and after its publication in the Kansas register.

State of Kansas

Office of the Governor

Message to the Senate of the State of Kansas:

Pursuant to Article 2, Section 14 of the Constitution of the State of Kansas, I hereby return Senate Bill 87 with my signature approving the bill, except for the item enumerated below.

Section 20 that reads as follows has been line-item vetoed:

"Sec. 20.

Department of Health and Environment

(a) On July 1, 1993, the expenditure limitation established by section 5(b) of 1993 Senate Bill No. 57 on

(continued)

the expenditures from the water plan special revenue fund is hereby increased from \$3,079,787 to \$3,792,870.

(b) On July 1, 1993, the expenditure limitation established by section 5(b) of 1993 Senate Bill No. 57 on the contamination remediation account of the water plan special revenue fund is hereby increased from \$1,481,276 to \$2,194,359.

(c) On July 1, 1993, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer \$713,083 from the state water plan fund of the Kansas water office to the water plan special revenue fund of the department of health and environment."

In Senate Bill 57, the Legislature prohibited use of the State Water Plan Fund for remediation projects at state-owned facilities. This appropriation which I now veto would be subject to the same restriction. Rather than provide funding to remediate a serious contam-

ination problem at the University of Kansas' Sunflower Landfill, the Legislature has chosen to leave the needs at state-owned facilities unaddressed. It is irresponsible to ignore the serious contamination problems at state-owned facilities which threaten the water quality of the surrounding areas. Therefore, I find it necessary to veto this section which would increase contamination remediation expenditures in the Department of Health and Environment well beyond the level the Kansas Water Authority and I recommend. I encourage the Legislature to adopt my recommendations and fully fund the remediation work needed both at the Sunflower Landfill and the Lansing Correctional Facility.

Dated April 22, 1993.

Joan Finney  
Governor

**INDEX TO ADMINISTRATIVE REGULATIONS**

This index lists in numerical order the new, amended and revoked administrative regulations and the volume and page number of the *Kansas Register* issue in which more information can be found. This cumulative index supplements the index found in the 1992 Supplement to the *Kansas Administrative Regulations*.

**AGENCY 1: DEPARTMENT OF ADMINISTRATION**

Reg. No.	Action	Register
1-2-30	New	V. 11, p. 278
1-2-34	New	V. 11, p. 1016
1-2-81	Revoked	V. 11, p. 278
1-6-2	Amended	V. 11, p. 278
1-6-31	Amended	V. 11, p. 1016
1-6-32	Amended	V. 11, p. 278
1-8-7	Amended	V. 11, p. 1017
1-9-4	Amended	V. 11, p. 1017
1-9-5	Amended	V. 11, p. 1019
1-9-13	Amended	V. 11, p. 1020
1-9-18	Amended	V. 11, p. 1020
1-9-19a	Amended	V. 11, p. 279
1-9-23	New	V. 11, p. 1194, 1257
1-16-2	Amended	V. 12, p. 721
1-16-2a	Amended	V. 12, p. 721
1-16-2b	Amended	V. 12, p. 721
1-16-2d	Amended	V. 12, p. 721
1-16-2f	Revoked	V. 12, p. 722
1-16-2k	Amended	V. 12, p. 722
1-16-18	Amended	V. 12, p. 6, 54
1-16-18a	Amended	V. 12, p. 7, 55
1-22-1	through	
1-22-5	Revoked	V. 12, p. 722
1-45-14	Amended	V. 11, p. 1195
1-46-1	Amended	V. 11, p. 1195
1-46-3	Amended	V. 11, p. 1195

**AGENCY 4: BOARD OF AGRICULTURE**

Reg. No.	Action	Register
4-4-900	Amended	V. 11, p. 1895
4-4-923	Amended	V. 11, p. 1895
4-4-924	Amended	V. 11, p. 1895
4-4-931	Amended	V. 11, p. 1896
4-4-932	Amended	V. 11, p. 1896
4-4-933	Amended	V. 11, p. 1896
4-4-934	Amended	V. 11, p. 1897

4-4-935	Amended	V. 11, p. 1897
4-4-956	New	V. 11, p. 1897
4-7-716	Amended	V. 11, p. 555
4-7-719	Amended	V. 11, p. 63
4-8-14a	Amended	V. 11, p. 1898
4-8-27	Amended	V. 11, p. 555
4-8-28	New	V. 11, p. 1898
4-8-33	New	V. 11, p. 1898
4-8-40	Amended	V. 11, p. 1898
4-8-41	New	V. 11, p. 555
4-10-1	Amended	V. 11, p. 1898
4-13-36	Amended	V. 11, p. 1899
4-13-38	Amended	V. 11, p. 1899
4-13-41	Amended	V. 11, p. 1900
4-13-42	Amended	V. 11, p. 1900
4-13-62	Amended	V. 11, p. 1900
4-13-63	Amended	V. 11, p. 1901
4-15-2	Amended	V. 11, p. 555
4-16-1a	Amended	V. 11, p. 1901
4-16-1c	Amended	V. 11, p. 1901
4-16-7a	Amended	V. 11, p. 1901
4-16-300	through	
4-16-305	New	V. 11, p. 556, 557
4-17-1a	Amended	V. 11, p. 1901
4-17-1c	Amended	V. 11, p. 1902
4-17-5a	Amended	V. 11, p. 1902
4-17-300	through	
4-17-305	New	V. 11, p. 557, 558

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

Reg. No.	Action	Register
5-42-1	Amended	V. 11, p. 361
5-42-3	Amended	V. 11, p. 361
5-45-1	through	
5-45-4	Amended	V. 11, p. 361-363
5-45-6	Amended	V. 11, p. 363
5-45-7	Amended	V. 11, p. 363
5-45-12	Amended	V. 11, p. 363
5-45-13	Amended	V. 11, p. 364
5-45-14	through	
5-45-17	New	V. 11, p. 364, 365

**AGENCY 7: SECRETARY OF STATE**

Reg. No.	Action	Register
7-23-8	New	V. 11, p. 1257, 1296
7-29-1	Amended	V. 11, p. 1369, 1423
7-32-1	Amended	V. 11, p. 1117, 1143

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

Reg. No.	Action	Register
14-10-5	Amended	V. 11, p. 1929
14-10-10	Amended	V. 11, p. 1930

14-10-11	Amended	V. 11, p. 1930
14-10-12	Amended	V. 11, p. 1931
14-13-1	Amended	V. 11, p. 1931
14-13-2	Amended	V. 11, p. 1932
14-13-13	Amended	V. 11, p. 1933
14-14-1	Amended	V. 11, p. 1934
14-14-11	Amended	V. 11, p. 1711
14-16-20	Revoked	V. 11, p. 1041
14-19-14	Amended	V. 11, p. 1935
14-19-15	Amended	V. 11, p. 1936
14-20-14	Amended	V. 11, p. 1937
14-20-15	Amended	V. 11, p. 1938
14-20-16	Amended	V. 11, p. 1938
14-21-1	Amended	V. 11, p. 1939
14-21-2	Amended	V. 11, p. 1940
14-21-3	Amended	V. 11, p. 1941
14-22-1	Amended	V. 11, p. 1941
14-22-2	Amended	V. 11, p. 1942
14-22-3	Amended	V. 11, p. 1943

**AGENCY 17: STATE BANKING DEPARTMENT**

Reg. No.	Action	Register
17-11-21	Amended	V. 11, p. 1903
17-15-1	Amended	V. 12, p. 311
17-16-8	Amended	V. 12, p. 314
17-21-1	through	
17-21-8	New	V. 11, 1040
17-21-1	Amended	V. 12, p. 314
17-21-2	Amended	V. 12, p. 314
17-22-1	New	V. 11, p. 1371

**AGENCY 19: KANSAS COMMISSION ON GOVERNMENTAL STANDARDS AND CONDUCT**

Reg. No.	Action	Register
19-1-1	Amended	V. 11, p. 714
19-1-11	Amended	V. 11, p. 714
19-3-2	Amended	V. 11, p. 714
19-4-2	Amended	V. 11, p. 715
19-20-2	Amended	V. 11, p. 715
19-27-2	Amended	V. 11, p. 715
19-29-2	Amended	V. 11, p. 716
19-29-4	Amended	V. 11, p. 717
19-29-5	New	V. 11, p. 717
19-30-4	Amended	V. 11, p. 717
19-40-3a	Amended	V. 11, p. 718
19-40-4	New	V. 11, p. 1369
19-40-5	New	V. 11, p. 718
19-41-1	Amended	V. 11, p. 718
19-60-3	Amended	V. 11, p. 719
19-61-1	Amended	V. 11, p. 720
19-61-2	Amended	V. 11, p. 720
19-61-3	Revoked	V. 11, p. 720
19-62-1	Amended	V. 11, p. 721
19-62-2	Amended	V. 11, p. 721
19-63-2	Amended	V. 11, p. 721







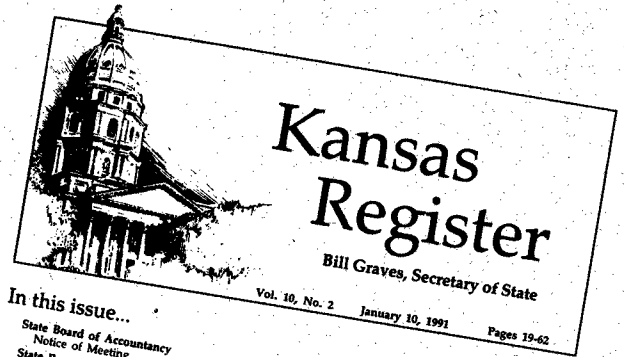


111-2-21	New	V. 11, p. 1471	111-4-241			111-4-405		
111-2-22	New	V. 11, p. 1972	through			through		
111-2-23	New	V. 12, p. 113	111-4-244	New	V. 9, p. 1812	111-4-413	New	V. 11, p. 756, 757
111-2-24	New	V. 12, p. 520	111-4-245			111-4-405		
111-2-25	New	V. 12, p. 677	through			through		
111-3-1	Amended	V. 10, p. 1210	111-4-248	New	V. 10, p. 200	111-4-409	Amended	V. 11, p. 1473, 1474
111-3-6	Amended	V. 12, p. 677	111-4-249			111-4-411	Amended	V. 11, p. 1474
111-3-9	Revoked	V. 11, p. 1793	through			111-4-412	Amended	V. 11, p. 1475
111-3-10	through		111-4-256	Revoked	V. 12, p. 113, 114	111-4-413	Amended	V. 11, p. 1475
111-3-31	New	V. 7, p. 201-206	111-4-257			111-4-414	through	
111-3-11	Amended	V. 8, p. 299	through			111-4-428	New	V. 11, p. 981-983
111-3-12	Amended	V. 10, p. 12	111-4-286	Revoked	V. 11, p. 413, 414	111-4-414	Amended	V. 11, p. 1150
111-3-13	Amended	V. 11, p. 1148	111-4-287			111-4-429		
111-3-14	Amended	V. 10, p. 12	through			through		
111-3-16	Amended	V. 9, p. 1566	111-4-300	New	V. 10, p. 883-886	111-4-432	New	V. 11, p. 1118
111-3-19	through		111-4-291			111-4-433		
111-3-22	Amended	V. 9, p. 30	through			through		
111-3-20	Amended	V. 11, p. 1148	111-4-300	Revoked	V. 12, p. 114	111-4-436	New	V. 11, p. 1150, 1151
111-3-21	Amended	V. 11, p. 1148	111-4-301			111-4-437		
111-3-22	Amended	V. 11, p. 1148	through			through		
111-3-23	Revoked	V. 10, p. 883	111-4-307	New	V. 10, p. 1015, 1016	111-4-444	New	V. 11, p. 1475-1477
111-3-25	Amended	V. 11, p. 1149	111-4-301			111-4-445		
111-3-26	Amended	V. 11, p. 1149	through			through		
111-3-27	Amended	V. 11, p. 1149	111-4-306	Amended	V. 11, p. 979	111-4-453	New	V. 11, p. 1794-1796
111-3-29	Revoked	V. 11, p. 1149	111-4-308			111-4-454		
111-3-31	Amended	V. 8, p. 209	through			through		
111-3-32	Amended	V. 10, p. 883	111-4-320	New	V. 10, p. 1214, 1215	111-4-457	New	V. 11, p. 1944
111-3-33	New	V. 7, p. 1434	111-4-308	Amended	V. 10, p. 1472	111-4-458		
111-4-1			111-4-311	Amended	V. 10, p. 1472	through		
111-4-5	Revoked	V. 12, p. 113	111-4-312	Amended	V. 10, p. 1472	111-4-461	New	V. 11, p. 1972, 1973
111-4-5a	Revoked	V. 12, p. 113	111-4-318			111-4-462		
111-4-6			through			through		
111-4-15	Revoked	V. 12, p. 113	111-4-321	Revoked	V. 12, p. 114	111-4-465	New	V. 12, p. 115
111-4-66			111-4-322			111-4-466		
111-4-77	New	V. 7, p. 207-209	through			through		
111-4-96			111-4-331	New	V. 10, p. 1411-1413	111-4-473	New	V. 12, p. 316, 317
111-4-114	New	V. 7, p. 1606-1610	111-4-328			111-4-470	Amended	V. 12, p. 522
111-4-100	Amended	V. 11, p. 1472	through			111-4-474		
111-4-101	Amended	V. 11, p. 976	111-4-335	Revoked	V. 12, p. 114	through		
111-4-102	Amended	V. 11, p. 976	111-4-336			111-4-488	New	V. 12, p. 522-524
111-4-103	Amended	V. 10, p. 1211	through			111-4-493		
111-4-104	Amended	V. 11, p. 1793	111-4-345	New	V. 10, p. 1526-1528	111-4-496	New	V. 12, p. 525
111-4-105	Amended	V. 11, p. 977	111-4-336			111-5-1		
111-4-106	Amended	V. 11, p. 1472	through			through		
111-4-106a	Amended	V. 11, p. 1149	111-4-340	Amended	V. 11, p. 1472, 1473	111-5-23	New	V. 7, p. 209-213
111-4-107	Amended	V. 11, p. 978	111-4-339	Amended	V. 11, p. 1793	111-5-9		
111-4-108	Amended	V. 11, p. 978	111-4-341	Revoked	V. 11, p. 1473	through		
111-4-110	Amended	V. 11, p. 978	111-4-341a	New	V. 11, p. 1793	111-5-15	Amended	V. 8, p. 210, 211
111-4-111	Amended	V. 9, p. 1366	111-4-341b	New	V. 11, p. 1794	111-5-11	Amended	V. 9, p. 505
111-4-112	Amended	V. 11, p. 978	111-4-344	Amended	V. 11, p. 1473	111-5-12	Amended	V. 11, p. 415
111-4-113	Amended	V. 9, p. 1366	111-4-346			111-5-17	Amended	V. 8, p. 211
111-4-114	Amended	V. 9, p. 1366	through			111-5-18	Amended	V. 10, p. 13
111-4-153			111-4-346	New	V. 10, p. 1586-1589	111-5-19	Amended	V. 8, p. 212
111-4-160	Revoked	V. 9, p. 1676, 1677	111-4-349			111-5-21		
111-4-177			through			through		
111-4-212	Revoked	V. 9, p. 1677, 1678	111-4-362	Revoked	V. 12, p. 114	111-5-33	New	V. 11, p. 415-418
111-4-213			through			111-5-22	Amended	V. 11, p. 481
111-4-220	Revoked	V. 10, p. 1213	111-4-365	Revoked	V. 12, p. 114, 115	111-5-23	Amended	V. 11, p. 481
111-4-217	Amended	V. 9, p. 986	111-4-362	Amended	V. 11, p. 13	111-5-24	Amended	V. 11, p. 983
111-4-221			111-4-366			111-5-25	Amended	V. 11, p. 482
111-4-224	Revoked	V. 10, p. 1585	through			111-5-27	Amended	V. 11, p. 482
111-4-225			111-4-379	New	V. 11, p. 136-139	111-5-28	Amended	V. 12, p. 317
111-4-228	Revoked	V. 10, p. 1585	111-4-380			111-5-34	New	V. 12, p. 318
111-4-229			through			111-5-35		
111-4-236	Revoked	V. 10, p. 1585, 1586	111-4-383	New	V. 11, p. 477, 478	through		
111-4-237			111-4-384			111-5-38	New	V. 12, p. 526
111-4-240	Revoked	V. 11, p. 413	through			111-6-1		
			111-4-387	New	V. 11, p. 414	111-6-15	New	V. 7, p. 213-217
			111-4-388			111-6-1	Amended	V. 12, p. 527
			through			111-6-3	Amended	V. 12, p. 527
			111-4-400	New	V. 11, p. 478-481	111-6-4	Amended	V. 10, p. 1413
			111-4-392	Amended	V. 12, p. 520	111-6-5	Amended	V. 10, p. 14
			111-4-394			111-6-6	Amended	V. 11, p. 1973
			through			111-6-7	Amended	V. 11, p. 1477
			111-4-400	Amended	V. 12, p. 521, 522	111-6-8	Amended	V. 11, p. 1478
			111-4-401			111-6-9	Amended	V. 10, p. 1217
			through			111-6-12	Amended	V. 8, p. 212
			111-4-404	New	V. 11, p. 980, 981			

111-6-13	Amended	V. 8, p. 299	111-9-49			112-9-44	Amended	V. 12, p. 361, 384
111-6-15	Amended	V. 12, p. 677	through			112-10-2		
111-6-17	Revoked	V. 10, p. 1475	111-9-54	New	V. 12, p. 318, 319	through		
111-7-1			111-10-1			112-10-6	Amended	V. 11, p. 1984-1987, 2020-2023
through			through			112-10-8	Amended	V. 11, p. 1988, 2023
111-7-10	New	V. 7, p. 1192, 1193	111-10-9	New	V. 8, p. 136-138	112-10-9	Revoked	V. 11, p. 1988, 2024
111-7-1	Amended	V. 8, p. 212	111-10-7	Amended	V. 8, p. 301	112-10-9a	New	V. 11, p. 1988, 2024
111-7-3	Amended	V. 11, p. 1796	<b>AGENCY 112: KANSAS RACING COMMISSION</b>					
111-7-3a	New	V. 11, p. 1796	Reg. No.	Action	Register	112-10-12	Amended	V. 11, p. 1988, 2024
111-7-4	Amended	V. 9, p. 1367	112-4-1	Amended	V. 11, p. 1974, 2010	112-10-32	Amended	V. 11, p. 1989, 2025
111-7-5	Amended	V. 9, p. 986	112-4-4	Amended	V. 11, p. 165	112-10-33	Amended	V. 11, p. 1989, 2025
111-7-6	Amended	V. 9, p. 987	112-4-5	Amended	V. 11, p. 1975, 2011	112-10-35	Amended	V. 11, p. 1990, 2026
111-7-9	Amended	V. 9, p. 1569	112-4-6	Amended	V. 11, p. 1975, 2011	112-10-36	Revoked	V. 11, p. 165
111-7-11	Amended	V. 10, p. 1475	112-4-8	Amended	V. 11, p. 1975, 2011	112-10-36a	New	V. 11, p. 135
111-7-12			112-4-9a	New	V. 11, p. 1976, 2011	112-10-37	Amended	V. 11, p. 1990, 2026
through			112-4-12	Amended	V. 11, p. 1976, 2011	112-11-13	Revoked	V. 11, p. 1990, 2026
111-7-32	New	V. 7, p. 1194-1196	112-4-13	Revoked	V. 11, p. 1976, 2012	112-11-13a	New	V. 11, p. 1991, 2026
111-7-33			112-4-16	Amended	V. 11, p. 1976, 2012	112-12-1	New	V. 12, p. 50
through			112-4-17	Amended	V. 11, p. 1976, 2012	112-12-2		
111-7-43	New	V. 7, p. 1197, 1198	112-4-18	Amended	V. 11, p. 1977, 2012	through		
111-7-33a	New	V. 8, p. 300	112-4-19	Amended	V. 11, p. 1977, 2012	112-12-11	Amended	V. 12, p. 50-53
111-7-44			112-4-21a	New	V. 11, p. 1977, 2013	112-17-1		
through			112-4-22	Amended	V. 11, p. 1977, 2013	through		
111-7-54	New	V. 9, p. 1367-1370	112-4-23	New	V. 11, p. 1977, 2013	112-17-14	New	V. 11, p. 1612-1617
111-7-46	Amended	V. 11, p. 1152	112-7-2	Amended	V. 11, p. 1977, 2013	112-18-2		
111-7-54	Amended	V. 11, p. 1511	112-7-5			through		
111-7-55			through			112-18-19	New	V. 11, p. 1512-1516, 1579-1583
111-7-63	Revoked	V. 10, p. 1217	112-7-10	Amended	V. 11, p. 1978-1979, 2013-2015	<b>AGENCY 115: DEPARTMENT OF WILDLIFE AND PARKS</b>		
111-7-60	Amended	V. 10, p. 262				Reg. No.	Action	Register
111-7-64			112-7-13	Amended	V. 11, p. 1980, 2015	115-1-1	Amended	V. 11, p. 599
through			112-7-15	Revoked	V. 11, p. 1980, 2016	115-2-1	Amended	V. 11, p. 1329
111-7-75	New	V. 11, p. 13, 14	112-7-15a	New	V. 11, p. 1980, 2016	115-2-2	Amended	V. 11, p. 1330
111-7-66	Amended	V. 11, p. 1797	112-7-15b	New	V. 11, p. 1981, 2017	115-2-3	Amended	V. 11, p. 1330
111-7-66a	New	V. 11, p. 1797	112-7-16	Amended	V. 11, p. 1981, 2017	115-2-4	Amended	V. 11, p. 1330
111-7-76			112-7-16a	New	V. 11, p. 1982, 2017	115-4-1	Amended	V. 12, p. 570
through			112-7-18	Amended	V. 11, p. 1982, 2018	115-4-3	Amended	V. 12, p. 570
111-7-83	New	V. 11, p. 1478-1480	112-7-18a	New	V. 11, p. 1982, 2018	115-4-5	Amended	V. 12, p. 571
111-7-84			112-7-20	Amended	V. 11, p. 1983, 2018	115-4-6	Amended	V. 12, p. 572
through			112-7-21	Amended	V. 11, p. 1983, 2018	115-4-7	Amended	V. 12, p. 574
111-7-90	New	V. 12, p. 677, 678	112-7-22	Amended	V. 11, p. 1983, 2019	115-8-6	Amended	V. 11, p. 1743
111-8-1	New	V. 7, p. 1633	112-7-23	New	V. 11, p. 1984, 2020	115-8-9	Amended	V. 11, p. 1330
111-8-2	New	V. 7, p. 1633	112-9-2	Amended	V. 12, p. 355	115-11-2	Amended	V. 11, p. 1144
111-8-3	Amended	V. 10, p. 886	112-9-11a	New	V. 11, p. 560	115-15-1	Amended	V. 11, p. 1145
111-8-4	New	V. 7, p. 1714	112-9-12			115-15-2	Amended	V. 11, p. 1146
111-8-4a	New	V. 7, p. 1995	through			115-16-3	Amended	V. 11, p. 1147
111-8-5			112-9-21	Revoked	V. 11, p. 560, 561	115-17-6	Amended	V. 11, p. 606
through			112-9-12a	New	V. 11, p. 561	115-17-7	Amended	V. 11, p. 606
111-8-13	New	V. 7, p. 1634	112-9-13a	New	V. 11, p. 561	115-17-9	Amended	V. 11, p. 607
111-9-1			112-9-14a	New	V. 11, p. 561	115-17-14	New	V. 11, p. 607
through			112-9-15a	New	V. 11, p. 562	115-18-8	New	V. 11, p. 608
111-9-12	New	V. 7, p. 1714-1716	112-9-16a	New	V. 11, p. 563	<b>AGENCY 117: REAL ESTATE APPRAISAL BOARD</b>		
111-9-1			112-9-16b	New	V. 11, p. 563	Reg. No.	Action	Register
through			112-9-17a	New	V. 11, p. 564	117-1-1	Amended	V. 12, p. 528
111-9-6	Revoked	V. 9, p. 1680	112-9-18a	Amended	V. 12, p. 355, 378	117-2-1	Amended	V. 12, p. 528
111-9-13			112-9-19a	New	V. 11, p. 565	117-2-4	Amended	V. 12, p. 529
through			112-9-21a	New	V. 11, p. 566	117-3-1	Amended	V. 12, p. 529
111-9-18	Revoked	V. 9, p. 1680	112-9-22	Revoked	V. 11, p. 566	117-4-1	Amended	V. 12, p. 530
111-9-25			112-9-22a	New	V. 11, p. 566	117-4-4	Amended	V. 12, p. 530
through			112-9-30	Amended	V. 12, p. 355	117-6-1	Amended	V. 12, p. 531
111-9-30	New	V. 9, p. 699, 700	112-9-39	Revoked	V. 11, p. 568	117-6-2	Amended	V. 12, p. 531
111-9-31			112-9-39a	Amended	V. 12, p. 356, 378	117-8-1	Amended	V. 12, p. 531
through			112-9-40	Revoked	V. 11, p. 568	<b>AGENCY 118: STATE HISTORICAL SOCIETY</b>		
111-9-36	New	V. 10, p. 262	112-9-40a	Amended	V. 12, p. 356, 379	Reg. No.	Action	Register
111-9-37			112-9-41	Revoked	V. 11, p. 570, 754	118-1-1		
through			112-9-41a	Amended	V. 12, p. 358, 380	through		
111-9-48	New	V. 10, p. 1439, 1440	112-9-42	Amended	V. 12, p. 359, 382	118-1-4	New	Vol. 11, p. 1119, 1120
			112-9-43	Amended	V. 12, p. 361, 383	118-2-1	New	V. 11, p. 554

**NOW AVAILABLE . . .**

**CUSTOM-MADE  
LOOSELEAF BINDERS  
for the  
KANSAS REGISTER**



**In this issue...**

State Board of Accountancy Notice of Meeting.....	20
State Records Board Notice of Meeting.....	20
Kansas Agricultural Value-Added Processing Center Notice of Leadership Council Meeting.....	20
Kansas Water Authority Notice of Meeting.....	20
Kansas Sentencing Commission Executive Appointments Notice of Meeting.....	21
Kansas Apprenticeship Committee Notice of Meeting.....	21
Notice to Bidders for State Purchases	22
Notice of Bond Sale City of Hillsboro.....	22
	23

**We are pleased to announce that custom-made *Kansas Register* binders are now available!**

**These binders will hold your copies of the *Kansas Register* attractively for permanent use. They are highest quality, durable, casebound Swing Hinge® binders made by McBee Loose Leaf Binder Products. (A Swing Hinge® binder has more capacity and allows for easier interfiling than standard ring binders.) They feature dark blue cloth covering and gold imprinting. Each three-inch binder will hold up to a year's worth of *Register* issues.**

**Order your binders today!**

***Kansas Register* binders . . . \$18.00 each includes shipping and handling.**

CLIP AND MAIL

Dear Secretary Graves: Please send \_\_\_\_\_ *Kansas Register* binders.  
(Quantity)

Price: \$18.00 each, includes shipping and handling.

AMOUNT ENCLOSED \$ \_\_\_\_\_

SHIP TO:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Shipping is by  
U.P.S. Delivery Service;  
STREET ADDRESS  
IS NECESSARY.**

Mail order, with payment, to: *Kansas Register*, Secretary of State, State Capitol, Topeka, KS 66612-1594.

**Kansas Register  
Secretary of State  
2nd Floor, State Capitol  
Topeka, KS 66612-1594**

---

**Use this form or a copy of it to enter a subscription:**

\_\_\_\_\_ **One-year subscriptions @ \$60 ea.**  
**(Kansas residents must include**  
**\$3.54 state and local sales tax.)**

**Total Enclosed** \_\_\_\_\_  
**(Make checks payable to the Kansas Register)**

**Send to:**

(Please, no  
more than  
4 address  
lines.)

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Zip code must be included**

<p><b>This space for Register office use only.</b></p>
Rec. No. _____
Exp. _____
Code _____

---

**Use this form or a copy of it to enter a name or address change:**

**Remove your mailing label (above) and affix it here:**

**Indicate change of name or address here:**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

---

**Mail either form to: Kansas Register, Secretary of State, 2nd Floor,  
State Capitol, Topeka, KS 66612-1594**