

Kansas Register

Bill Graves, Secretary of State

Vol. 13, No. 14

April 7, 1994

Pages 421-474

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

State of Kansas

State Records Board

Notice of Meeting

The Kansas State Records Board will meet at 10 a.m. Thursday, April 14, in the conference room on the second floor of the Memorial Building, 120 W. 10th, Topeka. The board will consider requests from state agencies submitting proposals for retention and disposition of noncurrent government records. In addition, general administrative matters and other business will be discussed.

Patricia A. Michaelis
State Archivist

Doc. No. 014645

State of Kansas

State Conservation Commission

Notice of Meeting

The State Conservation Commission meeting for April has been changed to a telephone conference at 8 a.m. Monday, April 11. Individuals may attend the telephone conference by reporting to the executive director's office in Suite 500, 109 S.W. 9th, Topeka. A copy of the agenda may be obtained by contacting Patti Woodcock at (913) 296-3600. If special accommodations are needed, contact the agency three days in advance of meeting date.

Kenneth F. Kern
Executive Director

Doc. No. 014651

State of Kansas

Office of the State Treasurer

Notice of Investment Rates

The following rates are published in accordance with K.S.A. 1992 Supp. 75-4210. These rates and their uses are defined in K.S.A. 75-4201(1), 12-1675(b)(c)(d) and 75-4209(a)(1)(B), as amended by the 1993 Session Laws of Kansas, Chapter 207.

Effective 4-11-94 through 4-17-94

Term	Rate
0-90 days	3.71%
3 months	3.64%
6 months	4.08%
9 months	4.42%
12 months	4.60%
18 months	4.96%
24 months	5.22%
36 months	5.70%
48 months	6.05%

Sally Thompson
State Treasurer

Doc. No. 014646

State of Kansas

Kansas Arts Commission

Notice of Advisory Panel Meetings

The Kansas Arts Commission has scheduled meetings of three advisory panels during April and May to review applications for funding support of arts-related programs and projects by Kansas arts organizations and schools offered through three grant opportunities for fiscal year 1995 (July 1, 1994-June 30, 1995).

Each panel is scheduled to convene at 9 a.m. at the State Corporation Commission office, an accessible facility, at 1500 S.W. Arrowhead Road, Topeka.

The panels in five categories of the Arts In Education Program will meet on the following dates:

- ◆ Community Resource Development and Artists in Schools: April 20
- ◆ Arts in Early Education, and Arts and Quality Performance Accreditation, and Programs With a Social Focus: April 21

The panels in five categories of the Major Grant Program will meet:

- ◆ Basic Program Support: April 27-28
- ◆ Local Arts Agency Support: April 29
- ◆ Statewide Arts Service Organization Support and Presenter/Festival Support: May 4
- ◆ Project Support: May 5

A panel for the Grassroots Cultural Development Program will meet:

- ◆ Grassroots Multi-Year Cultural Development: May 26

Meetings of the Kansas Arts Commission, a state agency, and its advisory panels are open to public observation. Applicants are encouraged to attend the panel meetings and hear the critiques of their applications and programs during the evaluation discussions. Applicants do not make presentations to the panels but may answer questions posed at the request of the panelists.

The panels are comprised of knowledgeable individuals from across the state. Each panel is chaired by a member of the commission and includes at least one other commissioner. The recommendations of the panels will be acted upon by commission during its next quarterly business meeting June 10 in Garden City.

For more information or to request accommodation for a person with a disability at a meeting, contact the Kansas Arts Commission, 700 S.W. Jackson, Suite 1004, Topeka 66603-3758, (913) 296-3335, TTY via Kansas Relay Service, 1-800-766-3777.

Dorothy L. Ilgen
Executive Director

Doc. No. 014650

State of Kansas

Secretary of State

Notice of Hearing on Proposed
Administrative Regulations

A public hearing will be conducted at 9:30 a.m. Tuesday, May 10, in the conference room of the Secretary of State's Office, Room 233-N, State Capitol, Topeka, to consider proposed new Kansas Administrative Regulations 7-37-1 and 7-37-2, pertaining to voter registration through the Division of Vehicles, commonly called state motor voter. These regulations are proposed for adoption on a permanent basis.

K.A.R. 7-37-1 sets forth the form requirements for voter registration applications used by the Division of Vehicles, and prescribes the methods of transferring applications from Division of Vehicles offices to county election officers. Based on discussions with the Division of Vehicles, the Secretary of State estimates the economic impact of this regulation to be about \$55,000 initially.

K.A.R. 7-37-2 sets forth the element and field length requirements if the Division of Vehicles collects and transmits voter registration data electronically. The Division of Vehicles estimates the economic impact of this regulation to be about \$35,000 initially, with annual costs thereafter of about \$113,000. The initial cost to counties is estimated to be about \$900,000, the majority of which will be incurred through computer hardware, software and programming expenses.

This 30-day notice of public hearing shall constitute a public comment period for the purpose of receiving written public comments on the proposed regulations. Comments may be submitted prior to the hearing to Jenny Chaulk Wentz, Legal Counsel, Office of the Secretary of State, 2nd Floor, State Capitol, Topeka 66612.

All interested parties will be given a reasonable opportunity at the hearing to present their views. It may be necessary to request each participant to limit any oral presentation to five minutes. Any individual with a disability may request accommodation in order to participate in the public hearing and may request the proposed regulations and economic impact statements in an accessible format. Requests for accommodation to participate in the hearing should be made at least five working days in advance of the hearing by contacting Barbara Nemecek at (913) 296-2114.

Copies of the regulations and their fiscal impact statement may be obtained at the address above or by calling (913) 296-2114.

Bill Graves
Secretary of State

Doc. No. 014664

State of Kansas

Department of Wildlife
and Parks

Public Notice

The Kansas Department of Wildlife and Parks has reached an agreement for the purchase of approximately 70 acres in McPherson County. The legal description is part of the NE 1/4 of 28-21-4. This tract will be part of the McPherson Wetlands and will remain on the county tax rolls.

Ted Ensley
Secretary of Wildlife
and Parks

Doc. No. 014653

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 March 15, 1994, for failure to timely file an annual report and pay the annual franchise tax as required by the Kansas general corporation code:

Domestic Corporations

A-1 Metal Salvage, Inc., Wathena, KS.
After School Kids, Inc., Haven, KS.
Allen County Soccer Association, Inc., Iola, KS.
Alumni Association of Cedar Ridge, Inc.,
Shawnee, KS.
Alumni Board of Kansas ETA Chapter of Sigma Phi
Epsilon, Inc., Wichita, KS.
Associated Health Service, Inc., Wichita, KS.
Association of Collegiate Entrepreneurs Center for
Entrepreneurship, New York, NY.
Ball-McColm Unit No. 5, Inc., Emporia, KS.
Bazin Excavating, Inc., Overland Park, KS.
Big Blue Booster Club, Pratt, KS.
Bilidy, Inc., Wichita, KS.
Brinkman & Sons, Inc., Olpe, KS.
Brown Trucking, Inc., Kansas City, KS.
Caminos, Inc., Overland Park, KS.
Cee Gee Sales, Inc., Pinehurst, NC.
CEL Electronics, Inc., Overland Park, KS.
Central Church of the Nazarene, Coffeyville, KS.
Charltan Host, Inc., Topeka, KS.
Cheyenne Grain, Inc., Wheeler, KS.
Christ Faith Ministries, Inc., Olathe, KS.
Circle J, Inc., Minneapolis, KS.
Community Addiction Resources Expeditors, Inc.,
Cimarron, KS.
Community Development Institute, Raytown, MO.

- Compensation Programs, Inc. of Kansas City,
Overland Park, KS.
- Cornerstone Christian Academy of Johnson County,
Inc., Shawnee, KS.
- Denison Historical Society, Holton, KS.
- Donmichaels, Inc., Overland Park, KS.
- Dwight Lamson Post 258, The American Legion, Inc.,
Little River, KS.
- Electric Supply Co., Inc., Lawrence, KS.
- Ephraim Ministry, Inc., Lawrence, KS.
- Eureka Church of the Nazarene, Inc., Eureka, KS.
- Farmers State Bank of Norwich, Norwich, KS.
- Forward Motion, Inc., Lenexa, KS.
- Four Way Cattle Co., Inc., Logan, NM.
- Friends of Cedar Crest Association, Topeka, KS.
- H & G Enterprizes, Inc., Emporia, KS.
- Heartland Heating & Cooling Products, Inc.,
Kansas City, KS.
- Herman Krug Farms, Inc., Russell, KS.
- High Plains Independence, Inc., Hays, KS.
- Home Town Village, Incorporated, Mulberry, KS.
- J. & B. Transportation Co., Inc., Kansas City, KS.
- K. Montero Enterprises, Inc., Iola, KS.
- Kailo Deiw, Incorporated, Olathe, KS.
- Kansas Displaced Homemakers Network, Inc.,
Garden City, KS.
- Kansas Force Soccer Club, Inc., Lawrence, KS.
- Kansas Recreation Workshop, Incorporated,
Kingman, KS.
- Keystone Lodge No. 102 of Ancient Free and
Accepted Masons, Coffeyville, KS.
- LBC, Inc., Lawrence, KS.
- Lincoln Medical, Inc., Liberal, KS.
- LRC Development Corporation, Hays, KS.
- Martel, Inc., Wichita, KS.
- Maupin's Auto Salvage, Inc., Milford, PA.
- Melland Drilling Co., Inc., McPherson, KS.
- Mid America Antique Tractor and Engine Association,
Inc., Hugoton, KS.
- Mingo's Mexican Restaurant, Inc., Bonner Springs, KS.
- Mo-Co Enterprises, Inc., Leavenworth, KS.
- New Roads, Inc., Chicago, IL.
- Nicas Prescription Center, Incorporated, Emporia, KS.
- North Central Kansas Endowment Association,
Beloit, KS.
- Oak Tree Meadows Homes Association,
Overland Park, KS.
- Oil & Gas Production Company, Tulsa, OK.
- Parts Plus Automatic Transmissions, Inc.,
Kansas City, KS.
- Phi Corporation of Alpha Omicron Pi,
Overland Park, KS.
- Pleasanton Mill & Elevator Company, Inc.,
Prescott, KS.
- Prairie Society People for Animals, Wichita, KS.
- Randishon Development Corp., Wichita, KS.
- Re-Hope Youth Center, Inc., Kansas City, KS.
- Rebekah-Odd Fellow Care Home and Retirement
Complex, Inc., St. John, KS.
- Restaurant Partners, Inc., Junction City, KS.
- Rival Industries, Ltd., Salina, KS.
- Ron's Tire, Inc., Overland Park, KS.
- Ruth Fuller, Incorporated, Leawood, KS.
- Southeast Kansas Core, Inc., Chanute, KS.
- Special Olympics International, Inc., Washington, DC.
- Superior Sand & Gravel Co., Inc., Kansas City, KS.
- Tau Kappa Epsilon Building Association,
Manhattan, KS.
- TDM, Inc., Udall, KS.
- The Doores Co., Inc., Blue Springs, MO.
- The Leoti Chamber of Commerce, Inc., Leoti, KS.
- The Medicine Lodge Boys Cabin, Incorporated,
Medicine Lodge, KS.
- The Oronoque Foundation, Overland Park, KS.
- The Thunderbird Foundation, Overland Park, KS.
- The Washburn Phi Delta Theta Fraternity Alumni
Association, Topeka, KS.
- Tomahawk Ridge Elementary Parent Teacher
Organization, Inc., Overland Park, KS.
- Topeka Monthly Meeting of the Society of Friends,
Topeka, KS.
- Trans World Trading, Inc., Wichita, KS.
- UMB Highland Park Bank & Trust, Topeka, KS.
- Wartman Investments, Inc., Wichita, KS.
- Wildcat Voiture No. 1261 of La Societe Des Quarante
Hommes et Huit, Manhattan, KS.
- Wolf Creek Club, Olathe, KS.
- Woodlawn Parent-Teachers Organization, Inc.,
Lawrence, KS.
- Zorn Enterprises, Inc., Emporia, KS.

Foreign Corporations

- AFC Financial Corp., Overland Park, KS.
- American Fiduciary Corporation, Newton, MA.
- American Fiduciary Financial Services Corp.,
Overland Park, KS.
- Arks, Inc., Cheyenne, WY.
- Baskin-Robbins USA, Co., Glendale, CA.
- Billings Development Corporation, Tempe, AZ.
- Butler Construction, Inc., A Texas Corporation,
Arlington, TX.
- D.S.D. Systems, Inc., Kansas City, MO.
- Et Al, Inc., Oklahoma City, OK.
- Four Queens Pet. Corp., Tulsa, OK.
- Homecareusa, Inc., Warminster, PA.
- Knutson Construction Company,
Shawnee Mission, KS.
- Media Advertising Professionals, Inc.,
Albuquerque, NM.
- Mid-America Regional Council Insurance Trust,
Kansas City, MO.
- Midwest Metals Industries, Inc., St. Joseph, MO.
- Miller & Weaver, Inc., Birmingham, AL.
- Passow Contractors, Inc., Topeka, KS.
- Precision Hearing Aid Centers, Inc., McCook, NE.
- Public Interest Communications, Inc.,
Falls Church, VA.
- Schwenk, Incorporated, Kansas City, KS.
- USA Foundation for Research and Education,
Washington, DC.
- Williams-Bungart Electric Co., Independence, MO.

Bill Graves
Secretary of State

Doc. No. 014642

State of Kansas

Secretary of State

Usury Rate for April

Pursuant to the provisions of K.S.A. 16-207, the maximum effective rate of interest per annum for notes secured by all real estate mortgages and contracts for deed for real estate executed during the period of April 1, 1994 through April 30, 1994, is 9.78 percent.

Bill Graves
Secretary of State

Doc. No. 014643

State of Kansas

Attorney General

Opinion No. 94-38

Counties and County Officers—Mental Health Centers and Services—Community Mental Health Center Governing Boards; Confidentiality of Identity of Board Members. Representative Greg Packer, 51st District, Topeka, March 10, 1994.

Members of the governing body of a community mental health center who are also consumers of mental health services, representatives of mental health consumer groups, or family members of mentally ill persons may not keep their identities confidential in their official functions. Cited herein: K.S.A. 19-4001; K.S.A. 1993 Supp. 19-4002; K.S.A. 19-4003; 19-4004; K.S.A. 1993 Supp. 59-2931; 60-427; K.S.A. 65-5602; 65-5604; 74-5323. NKF

Opinion No. 94-39

Schools—Organization, Powers and Finances of Boards of Education—Treasurer; Appointment and Duties; Gate Receipts. James R. Cobler, Director for Accounts and Reports, Department of Administration, March 16, 1994.

Receipts collected upon admission to school-sponsored competitions or events such as athletic or music competitions are moneys of a unified school district. Deposits and expenditures of such receipts must comply with the procedures set forth in K.S.A. 12-105b and 72-8002d. Cited herein: K.S.A. 9-1401; 12-105a; 12-105b; K.S.A. 1993 Supp. 21-3910; K.S.A. 72-1033; K.S.A. 1993 Supp. 72-5390; K.S.A. 72-8202d. RDS

Opinion No. 94-40

Public Health—Regulation of Dentists and Dental Hygienists—Licenses Issued Without Examination; Qualifications of Applicants; Appearance Before Board; "Applicant" Defined. Estel L. Landreth, President of Kansas Board of Dental Examiners, Topeka, March 16, 1994.

The Kansas Board of Dental Examiners has historically interpreted K.S.A. 65-1434(b)(3) to require that a dentist applying for licensure by qualification must have engaged in active practice for five years immediately preceding his application. This interpretation is consistent with the act as a whole, and the statutes' inception. Cited herein: K.S.A. 65-1434. GE

Opinion No. 94-41

State Boards, Commissions and Authorities—Crime Victims Compensation Board—Definitions; Criminally Injurious Conduct; Use of a Motor Vehicle. Betty A. Bomar, Director, Crime Victims Compensation Board, Topeka, March 18, 1994.

The Crime Victims Compensation Board does not have the authority to award compensation to an applicant who has incurred injuries as a result of another's operation of a motor vehicle in those situations in which there is no information or proof that the driver of the motor vehicle was operating the vehicle while under the influence of alcohol or drugs, or that the driver intended to cause the injuries incurred by the applicant. Cited herein: K.S.A. 1993 Supp. 8-1567; 21-3414; K.S.A. 40-3101; 74-7301; 74-7302; Kan. Const., Bill of Rights, §§ 1, 2; U.S. Const., amend. XIV. RDS

Opinion No. 94-42

State Departments; Public Officers and Employees—Public Officers and Employees; Open Public Meetings—Association for K-10 Corridor Development, Inc. Representative Betty Jo Charlton, 46th District, Lawrence, March 17, 1994.

The Association for K-10 Corridor Development, Inc. is not a public agency within the meaning of the Kansas open meetings act (KOMA), therefore it is outside the scope of the requirements of the KOMA. Cited herein: K.S.A. 75-4318. NKF

Opinion No. 94-43

Automobiles and Other Vehicles—Uniform Act Regulating Traffic; Rules of the Road; Serious Traffic Offenses—Driving Under Influence of Alcohol or Drugs; Penalties. Charles E. Simmons, Chief Legal Counsel, Department of Corrections, Topeka, March 21, 1994.

A third or subsequent conviction for driving under the influence of alcohol or drugs is a non-grid felony which is punishable by imprisonment in a state penal institution for a minimum of 90 days. Confinement in a facility under the control of the secretary of corrections is considered "imprisonment" although such is not a restrained environment in which the court and law enforcement agency intend to retain custody and control of a defendant as approved by the board of county commissioners or the governing body of a city. If a court issues an order granting "probation" after 90 days imprisonment for a third or subsequent conviction for driving under the influence of alcohol or drugs, the court has actually issued an order granting parole; consequently the period of imprisonment is not a condition of probation. Cited herein: K.S.A. 1993 Supp. 8-1567; 21-4502; 21-4602; 21-4603; 21-4603e; 21-4610; 21-4702; 21-4703; 21-4704; L. 1993, ch. 259. CN

Robert T. Stephan
Attorney General

Doc. No. 014665

State of Kansas

Secretary of State

Executive Appointments

Executive appointments made by the Governor, and in some cases by other state officials, are filed with the Secretary of State's office. The following appointments were filed March 28-April 1:

Atchison County Sheriff

John Calhoon, 405 N. State St., Lancaster 66041. Term expires when a successor is elected and qualifies according to law. Succeeds Dennis Parker, resigned.

State Banking Board

Michael P. Sarras, 1619 N. 81st, Kansas City, KS 66112. Subject to Senate confirmation. Effective May 1, 1994. Term expires April 30, 1997. Succeeds Anna Anderson, who did not accept appointment.

State Board of Cosmetology

Donald J. Cantrell, Style International Hair Salon, 9507 Nall, Overland Park 66207. Term expires July 1, 1997. Reappointment.

Governor's Adoption Reform Task Force

(Established by the authority vested in the Governor by Article One, Section Three of the Kansas Constitution. Members serve at the pleasure of the Governor.)

Reid Ashe, The Wichita Eagle, P.O. Box 820, Wichita 67201.

Carl Bauman, 5827 S.W. 29th, Topeka 66614.

Marietta Brammer, 1510 S. B, Arkansas City 66005.

Chris Collier, Keys for Networking, 700 S.W. Jackson, Suite 502, Topeka 66603.

Barbara Daniel, 3254 MacVicar, Topeka 66611.

Robert E. Davis, Kansas Supreme Court, Kansas Judicial Center, 301 S.W. 10th, Topeka 66612.

Rick Eshbaugh, 3413 S.W. Watson, Topeka 66614.

Larry Fleming, Wendy's of Wichita, 8225 W. Irving, Wichita 67209

George Green, 11217 W. 21st St. North, Wichita 67205.

Sheryl Hawks, 401 N. Taylor, El Dorado 67042.

David Johnson, 2623 N. 51st, Kansas City 66104.

Kay Kent, 1269 S.W. Lakeside Drive, Topeka 66604.

Tyler Lockett, Kansas Supreme Court, Kansas Judicial Center, 301 S.W. 10th, Topeka 66612.

Joanne Lyon, 2933 S.W. Woodside Drive, Topeka 66614.

Richard A. Moore, 142 N. Emporia, Wichita 67202

Nancy Parrish, Secretary of Revenue, Department of Revenue, Room 216-N, Docking State Office Building, 915 S.W. Harrison, Topeka 66612.

Creasa Reed, Mental Health Association of Kansas, 430 N. Woodlawn, Wichita 67208.

Janette Sheldon, Johnson County Courthouse, 100 N. Kansas Ave., Olathe 66061.

Gary Sherrer, Bank IV Wichita, P.O. Box 4, Wichita 67201.

Felicia Thomas, 2819 Ohio, Topeka 66605.

Donna Whiteman, Secretary of Social and Rehabilitation Services, Department of Social and Rehabilitation Services, Room 603-N, Docking State Office Building, 915 S.W. Harrison, Topeka 66612.

Kansas Commission on National and Community Service

(Established pursuant to the National and Community Service Trust Act of 1993)

Carol Anske, P.O. Box 271, Horton 66429. Term expires March 24, 1997.

Edwina M. "Dwynn" Braun, Catholic Charities, 2220 Central Ave., Kansas City, KS 66102. Term expires March 24, 1997.

Avery T. Carter, Office of the Governor, Room 226, State Capitol, Topeka 66612. Term expires March 24, 1997.

Terry L. Crowder, P.O. Box 812, Topeka 66601. Term expires March 24, 1997.

Venette Davis, Security Benefit Group of Companies, 700 S.W. Harrison, Topeka 66636. Term expires March 24, 1995.

Jacquelyn K. Feist, 1609 Avenue C, Dodge City 67801. Term expires March 24, 1995.

Martha Gabehart, Department of Human Resources, Kansas Commission on Disability Concerns, 1430 S.W. Topeka Blvd., Topeka 66612. Term expires March 24, 1995.

Kenneth A. Gentry, 2904 Yellowstone Drive, Lawrence 66044. Term expires March 24, 1996.

Margaret Hu, 1443 Alumni Place, Lawrence 66044. Term expires March 24, 1995.

Richard A. Jackson, 716 Mulberry, Ottawa 66067. Term expires March 24, 1996.

Lou Martino, 1423 Morgan, Parsons 67357. Term expires March 24, 1996.

Kim Moore, P.O. Box 1384, Hutchinson 67504. Term expires March 24, 1996.

Jolene Niernberger, 324 W. 11th, Hays 67601. Term expires March 24, 1996.

Eve Pereira, Department of Human Resources, Kansas Advisory Committee on Hispanic Affairs, 117 S.W. 10th, Topeka 66612. Term expires March 24, 1995.

Gary Sherrer, 1038 Lawrence Court, Wichita 67206. Term expires March 24, 1997.

Kimberly Sones, Topeka Youth Project, 1100 S.W. Gage Blvd., Topeka 66604. Term expires March 24, 1997.

Pat Terick, 2021 N. Old Manor, Wichita 67208. Term expires March 24, 1996.

Courtney Trotter, Dodge City High School, 1601 1st St., Dodge City 67801. Term expires March 24, 1995.

State Board of Pharmacy

Charlotte R. Brock, 115 N. 1st, Sterling 67579. Effective May 1, 1994. Term expires April 30, 1997. Reappointment.

Bill Graves
Secretary of State

State of Kansas

Legislature

Legislative Bills Introduced

The following numbers and titles of bills and resolutions have been recently introduced by the 1994 Kansas Legislature. Copies of bills and resolutions are available free of charge from the Legislative Document Room, 145-N, State Capitol, Topeka 66612, (913) 296-4096.

Bills Introduced March 24-30:

House Bills

HB 3084, by Committee on Appropriations: An act concerning employment; providing for a fair share representation fee to be paid to certain labor organizations under certain circumstances; relating to procedures, rights and duties; amending K.S.A. 44-803 and repealing the existing section.

HB 3085, by Committee on Appropriations: An act creating the community crime prevention fund; providing for allocation and payment of moneys in the fund to cities and counties to finance local community crime prevention programs; requiring the development of local crime prevention strategies; exempting certain levies for law enforcement and crime prevention from certain aggregate tax levy limitations; amending K.S.A. 1993 Supp. 79-5028 and repealing the existing section.

House Resolutions

HR 6010, A resolution in memory of Harriett Lynd.

Senate Bills

SB 844, by Committee on Ways and Means: An act concerning the division of water resources; relating to fees; amending K.S.A. 82a-708a and K.S.A. 1993 Supp. 82a-708b and 82a-714 and repealing the existing sections.

SB 845, by Committee on Ways and Means: An act concerning the department of corrections; work release and job training programs; amending K.S.A. 1993 Supp. 75-5268 and repealing the existing section.

Senate Resolutions

SR 1838, A resolution congratulating and commending the Pretty Prairie High School football team and its coach, Layton Nance, on winning the 1993 Eight-Man Division 1 State Football Championship in Kansas.

SR 1839, A resolution congratulating and commending Julie A. Bates on being recognized as 1994 Kansas Outstanding Special Populations Vocational Student and current finalist for National Student of the Year.

SR 1840, A resolution congratulating and commending The John Deere Training Center and Garden City Community College on being recognized as the 1994 Kansas Outstanding Business-Education Partnership and nominee for National Outstanding Partnership.

SR 1841, A resolution proclaiming August 9, 1994 as Smokey Bear Day in Kansas.

SR 1842, A resolution congratulating and commending the Kensington High School boys' basketball team and Coach Bruce VanLoenen for winning the 1994 Class 1A State Basketball Championship in Kansas.

SR 1843, A resolution congratulating and commending the Ellsworth High School Band for its unselfish fund-raising efforts to benefit two fellow students.

SR 1844, A resolution in memory of the Reverend Willie M. Murry.

SR 1845, A resolution congratulating and commending the Lebo High School girls' basketball team and Coach Bill Nienstedt for winning the 1994 Class 2A State Basketball Championship in Kansas.

SR 1846, A resolution congratulating Wilma Landrey Crane on the celebration of her 80th anniversary of association with the United Church of the Good Shepherd.

SR 1847, A resolution proclaiming Cloud County as the Stained Glass Capital of Kansas.

SR 1848, A resolution congratulating and commending the Hutchinson Community College mens' basketball team and Coach Steve McClain for winning the 1994 National Junior College Athletic Association Championship.

Doc. No. 014647

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. on the date indicated, and then will be publicly opened. Interested bidders may call (913) 296-2377 for additional information:

Tuesday, April 19, 1994

30341

Statewide—Frozen foods

30366

Department of Human Resources—Janitorial services, Wichita

30386

University of Kansas—Natural gas

98544

Department of Transportation—Tractors, various locations

98550

Kansas Public Employees Retirement System—Rumba for netware software

Wednesday, April 20, 1994

A-7207(a), 7207(b), 7209

Youth Center at Beloit—Ceiling tile/lighting/door and window replacement

30348

Statewide—Radiographic supplies (Class 013)

98551

Department of Transportation—Street sweepers, Hutchinson

98554

Department of Human Resources—Micro focus software

98555

Department of Human Resources—PC multi-media upgrade, various locations

Thursday, April 21, 1994

A-7064(c)

Kansas State University—Intramural field lighting

A-7172

Osawatomie State Hospital—Storm sewer and sanitary sewer modifications

A-7193

Winfield State Hospital—Primary electrical switchgear maintenance and service

A-7352

University of Kansas Medical Center—Dykes Library reroof, Health Sciences

30373

Wichita State University—Waxed corrugated boxes

30376

University of Kansas Medical Center—Animal feed

98560

Department of Transportation—Shop machinery

98561
Hutchinson Correctional Facility—Plumbing materials

98562
University of Kansas Medical Center—Vacuum regulators (hospital)

98571
Kansas State University—Salina—Appliances

98573
Department of Transportation—Automatic Cleveland open cup analyzer

98574
Department of Transportation—Mechanical sand equivalent shaker

98575
Youth Center at Atchison—Appliances

98576
Kansas State University—Appliances

Friday, April 22, 1994
A-6342(i)
Kansas State University—Sprinkler irrigation system and landscaping

A-7235 Rev.
Department of Human Resources—Replace front doors, Emporia

98545
Adjutant General's Department—Painting at Camp Funston, Mates Site, Fort Riley

98583
University of Kansas—Paper, printing, and binding: Kansas Wetlands

98586
Board of Agriculture—Printed novelties

98587
Kansas State University—Arabidopsis growth chambers

98588
Kansas State University—Agricultural planter

98589
El Dorado Correctional Facility—Steel

98590
El Dorado Correctional Facility—Locks and keys

98591
University of Kansas Medical Center—X-ray film viewer

98592
University of Kansas Medical Center—Portable ultrasound scanner

98593
University of Kansas Medical Center—Surgical table

98594
University of Kansas Medical Center—Servo-hydraulic stress testing system

98599
Winfield Correctional Facility—Asphalt overlay

98600
Kansas State University—Plate and frame heat exchanger

98608
Kansas State University—Carpet

Wednesday, April 27, 1994
A-6378(d)
Department of Wildlife and Parks—Renovation and enhancement Phase II-Stage 7, Cheyenne Bottoms Wildlife Area, Barton County

Thursday, April 28, 1994
A-7357
Department of Wildlife and Parks—Beach House, River Pond Area, Tuttle Creek

Monday, May 2, 1994
30375
Kansas Neurological Institute—Clinical therapy services

Friday, May 6, 1994
98606
Hutchinson Correctional Facility—Telecommunications switching services

Tuesday, May 10, 1994
A-7311
University of Kansas—Allen Field House code compliance

Wednesday, May 18, 1994
30369
Kansas State University—Telecommunications project

Request for Proposals

Tuesday, April 19, 1994
30374
Consulting services for the Citizen's Utility Ratepayer Board

Monday, May 2, 1994
30365
Medical, dental, psychological and audiologist consultation services for the Department of Social and Rehabilitation Services

Wednesday, May 4, 1994
30363
Hospital utilization review services for the Department of Social and Rehabilitation Services

Wednesday, May 11, 1994
30368
Head injury rehabilitation for the Department of Social and Rehabilitation Services

Jack R. Shipman
Director of Purchases

Doc. No. 014639

State of Kansas

State Corporation Commission

Notice of Motor Carrier Hearings

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

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

Questions concerning applications for hearing dates should be addressed to the State Corporation Commission, 1500 S.W. Arrowhead Road, Topeka 66604-4027, (913) 271-3196 or 271-3146.

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

The State Corporation Commission has scheduled the following applications for hearing. Anyone needing special accommodations shall give notice to the commission 10 days prior to the scheduled hearing date.

Applications set for April 26, 1994

Application for Certificate of Convenience and Necessity:

William H. Adams, Jr., dba) Docket No. 190,082 M
Bill's Engine & Towing)
Service)
711 W. 2nd)
Plains, KS 67869) MC ID No. 150107

Applicant's Attorney: None

Wrecked, disabled, repossessed and replacement vehicles,

Between all points and places in Meade, Seward, Clark, Gray, Haskell, Finney and Ford counties, Kansas, on the one hand, and all points and places in Kansas, on the other hand.

Application for Certificate of Convenience and Necessity:

Alimar, Inc.) Docket No. 190,086 M
3-D Tank Service Division)
East Wichita Ave. and)
Front St.)
Russell, KS 67665) MC ID No. 150363

Applicant's Attorney: Clyde Christey, Southwest Plaza Building, Suite 124, 3601 W. 29th, Topeka, KS 66614

Crude oil, used in and for production, processing, treating, salvage, construction and for lease road purposes, in bulk, fresh water for drilling purposes, and salt water for disposal purposes,

Between all points and places in Norton, Phillips, Graham, Rooks, Osborne, Trego, Ellis, Russell, Ness, Rush, Barton, Ellsworth, Rice, Ford, Edwards, Kiowa, Pratt, Kingman, Seward, Meade, Clark, Comanche, Barber, Harper, Pawnee, Stafford, Reno, Greeley, Wichita, Scott, Lane, Hamilton, Kearny, Finney, Hodgeman, Gray, Haskell, Grant, Stanton, Morton and Stevens counties, Kansas.

Oilfield equipment, machinery, materials, and supplies (restricted, however, to transport no hazardous commodities),

Between all points and places in the state of Kansas.

Application for Certificate of Convenience and Necessity:

Gary Chaffee, dba) Docket No. 184,789 M
G-C Trucking)
2008 11th Road)
Clay Center, KS 67432) MC ID No. 146831

Applicant's Attorney: None

General commodities (except classes A and B explosives, household goods and hazardous materials),

Between all points and places in the state of Kansas.

Application for Abandonment of Contract Carrier Permit:

Clear Creek, Inc.) Docket No. 182,057 M
2000 S. Main)
McPherson, KS 67460) MC ID No. 114325

Applicant's Attorney: None

Application for Certificate of Convenience and Necessity:

Allen Cogzill, dba) Docket No. 190,085 M
Allen's General Service)
826 E. 3rd, Apt. B)
Hutchinson, KS 67501-2269) MC ID No. 150110

Applicant's Attorney: Clyde Christey, Southwest Plaza Building, Suite 124, 3601 W. 29th, Topeka, KS 66614

Heating, air conditioning and plumbing units and supplies, building and construction materials, roofing materials, machinery, fencing materials, grain, firewood and household goods, car and truck parts and components (restricted, however, to transport no hazardous materials),

Between all points and places in the state of Kansas.

Application for Extension of Certificate of Convenience and Necessity:

Debrick Truck Line Co.) Docket No. 30,196 M
P.O. Box 421)
Paola, KS 66071) MC ID No. 100264

Applicant's Attorney: John Jandera, 2101 S.W. 21st, P.O. Box 237, Topeka, KS 66601-0237

General commodities (except household goods, classes A and B explosives and hazardous materials),

Between all points and places in the state of Kansas.

Application for Certificate of Convenience and Necessity:

George Frey, dba) Docket No. 189,519 M
George Frey Trucking)
P.O. Box 713)
Garden City, KS 67846) MC ID No. 150082

Applicant's Attorney: William Barker, 3401 Harrison, Topeka, KS 66611

General commodities (except hazardous materials and household goods),

Between all points and places in the state of Kansas,

Application for Certificate of Convenience and Necessity:

Robert S. Fry, dba) Docket No. 171,928 M
B. J. & Company)
Route 2, Box 78D) MC ID No. 122273
Montezuma, KS 67867)

Applicant's Attorney: William Barker, 3401 Harrison, Topeka, KS 66611

Grain, seed, fertilizer, fertilizer ingredients, feed, feed ingredients, salt, machinery, building and construction materials and food and related products,

Between all points and places in the state of Kansas.

Application for Certificate of Convenience and Necessity:

Richard Ward Haley, dba) Docket No. 185,454 M
Haley Trucking)
650 N. Wabasha)
Plainview, MN 55964) MC ID No. 147316

Applicant's Attorney: Clyde Christey, Southwest Plaza Building, Suite 124, 3601 W. 29th, Topeka, KS 66614

Articles and commodities dealt in by supermarkets, food stores and discount stores (restricted, however, to transport no hazardous materials),

Between all points and places in the state of Kansas.

Application for Certificate of Convenience and Necessity:

Jose Hernandez, dba) Docket No. 190,084 M
Joe & Son's Trucking)
611 S. Missouri)
Ulysses, KS 67880) MC ID No. 150109

Applicant's Attorney: None

General commodities (except household goods, classes A and B explosives and hazardous materials),

Between all points and places in the state of Kansas.

Application for Certificate of Convenience and Necessity:

Dwight Koehn) Docket No. 184,779 M
Route 4, Box 132A)
Galva, KS 67443) MC ID No. 146801

Applicant's Attorney: William Barker, 3401 Harrison, Topeka, KS 66611

General commodities (except hazardous materials and household goods),

Between all points and places in the state of Kansas.

Application for Certificate of Convenience and Necessity:

Mid America Feedyard, Inc.) Docket No. 189,955 M
Route 1)
Great Bend, KS 67530) MC ID No. 150329

Applicant's Attorney: John Jandera, 2101 S.W. 21st, P.O. Box 237, Topeka, KS 66601-0237

General commodities (except classes A and B explosives, hazardous materials and household goods),

Between all points and places in the state of Kansas.

Application for Certificate of Convenience and Necessity:

Shaw Motor Company, Inc.) Docket No. 190,083 M
I-70 & K-23)
Grainfield, KS 67737) MC ID No. 150108

Applicant's Attorney: Patrick Barnes, 3301 Van Buren, Topeka, KS 66611

Wrecked, disabled, repossessed and replacement vehicles,

Between all points and places in Gove, Cheyenne, Rawlins, Decatur, Norton, Phillips, Sherman, Thomas, Sheridan, Graham, Rooks, Ellis, Trego, Logan, Wallace, Greeley, Wichita, Scott, Lane, Ness and Rush counties, Kansas, on the one hand, and all points and places in the state of Kansas, on the other hand.

Application for Extension of Certificate of Convenience and Necessity:

Southwest Express, Inc.) Docket No. 154,471 M
1015 W. City Limits)
Hugoton, KS 67951) MC ID No. 127146

Applicant's Attorney: Clyde Christey, Southwest Plaza Building, Suite 124, 3601 W. 29th, Topeka, KS 66614

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

Between all points and places in the state of Kansas.

Application for Certificate of Convenience and Necessity:

Starbuck Trucking &) Docket No. 190,087 M
Rock Co., Inc.)
Route 3, Box 25B)
Fredonia, KS 66736) MC ID No. 150364

Applicant's Attorney: Clyde Christey, Southwest Plaza Building, Suite 124, 3601 W. 29th, Topeka, KS 66614

General commodities (except household goods and hazardous materials),

Between all points and places in the state of Kansas.

Don Carlile
Administrator
Transportation Division

Doc. No. 014660

State of Kansas

Department of Health
and Environment

Notice of Hearing

The Kansas Department of Health and Environment has prepared a Kansas water pollution control permit for the Phil Blocker confined livestock feeding operation located near Cheney. The permit for the feeding operation was placed on Public Notice No. KS-AG-93-111/112 dated October 14 through November 13, 1993. Public response to this notice was expressed; therefore, a public hearing has been scheduled in conformance with state regulation 28-16-61.

The hearing has been scheduled for 7 p.m. Thursday, May 12, at the Cheney Elementary School Gymnasium, 5th and Marshall, Cheney.

The Secretary of Health and Environment will make a final permit decision after consideration of all comments received and of all requirements of state statutes and regulations.

Robert C. Harder
Secretary of Health
and Environment

Doc. No. 014661

State of Kansas

Kansas Water Authority

Notice of Meeting

The Kansas Water Authority will meet April 20-21 at the Buffalo Inn, 830 W. Highway 24, Goodland. Committees of the Kansas Water Authority will meet at 1 p.m. April 20 to discuss working drafts of the *Kansas Water Plan*, including a policy subsection on weather modification and additions to five basin plans. The Authority also will hear results of findings on the determination of surplus water in John Redmond and the public interest in evacuating water supply from the reservoir for the purpose of a pool level management plan. The legislation on acquisition of storage in federal reservoirs, House Bill 3058, will also be reviewed by the Authority, and plans for acquisition will be discussed.

The Authority also will be taking a tour of the National Sunflower Industries Processing Plant and the National Weather Service Offices in Goodland on April 20. The full Authority will convene at 8:30 a.m. April 21.

A copy of the agenda may be obtained by contacting Dotty Kester, Kansas Water Office, 109 S.W. 9th, Topeka, 66612-1249, (913) 296-3188, TTY (913) 296-6604.

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

John R. Best
Chairman

Doc. No. 014654

(Published in the Kansas Register, April 7, 1994.)

Supreme Court of the State of Kansas
OrderProclaiming May 1-May 7, 1994
Law Week

in the Kansas Judicial System

May 1-May 7, 1994, is hereby proclaimed to be LAW WEEK throughout the Kansas judicial system and is to be observed by all judges and nonjudicial employees of the Judicial Branch of State Government.

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

"Just Solutions," the theme of LAW WEEK, reminds us that all American citizens must unite and confront the problems of today so that we may find the "Just Solutions" to tomorrow. All Kansans are invited to share with their courts in the observance of LAW WEEK 1994.

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

By order of the court this 17th day of March, 1994.

Richard W. Holmes
Chief Justice

Doc. No. 014640

State of Kansas

Department of Health
and EnvironmentNotice Concerning Kansas
Water Pollution Control Permits

In accordance with state regulations 28-16-57 through 63, 28-18-1 through 4, and the authority vested with the state by the administrator of the U.S. Environmental Protection Agency, tentative permits have been prepared for discharges to the waters of the United States and the state of Kansas for the applicants described below. The tentative determinations for permit content are based on preliminary staff review, applying the appropriate standards, regulations, and effluent limitations of the state of Kansas and the EPA, and when issued will result in a state water pollution control permit and national pollutant discharge elimination system authorization to discharge subject to certain effluent limitations and special conditions.

Public Notice No. KS-PT-94-3/5

Name and Address of Applicant	POTW	Type of Discharge
GEC Precision Corporation Wellington, Kansas	Wellington	Process wastewater
General Electric Company of England, p.l.c. 1 Stan Hope Gate London, England W1A 1EH	MWWTP	
Sumner County, Kansas		

Kansas Permit No. P-AR92-0002

Description of Facility: This facility manufactures sheet metal parts and assemblies for the aircraft and missile industries. This facility does conversion coating of aluminum parts and passivating (chemical cleaning) of stainless steel parts. This facility also has a heat treat operation. The current permit for this facility is being modified warranting a re-public notice. The modification is to account for the addition of Outfall 002 which was observed during an on-site inspection.

Name and Address of Applicant	POTW	Type of Discharge
Hutchinson-Mayrath P.O. Box 629 Clay Center, KS 67432 Clay County, Kansas	Clay Center MWWTP	Process wastewater

Kansas Permit No. P-LR05-1002

Description of Facility: This facility manufactures grain handling equipment including portable augers, elevators and conveyors. They clean steel metal parts in two, three-stage phosphating operations located in separate buildings, prior to painting the parts. Contents of both cleaning systems are batch discharged to the city sewer system on an intermittent basis. The current permit for this facility is being modified warranting a re-public notice. The modification is to reflect the name change of the company.

Name and Address of Applicant	POTW	Type of Discharge
Parker Hannifin Corporation Manhattan, Kansas 17325 Enclid Ave. Cleveland, OH 44112 Riley County, Kansas	Manhattan MWWTP	Process wastewater

Kansas Permit No. P-KS38-0001

Description of Facility: This facility manufactures various types of hydraulic and general purpose synthetic rubber hoses. An average of 12,093 pounds of rubber is processed per day, in order to manufacture the high pressure hoses. Regulated wastes are generated in the vulcanization and hydrostatic test areas and consist of contact cooling water, spent water from the vulcanizers and spent hydrostatic test water. The current permit for this facility is being modified warranting a re-public notice. The modification was to revise the lead limit to agree with new production figures provided by the industry in a letter to this department.

Public Notice No. KS-94-21

Name and Address of Applicant	Waterway	Type of Discharge
N. R. Hamm Quarry, Inc. Latimer Quarry #12- Latimer P.O. Box 12 Perry, KS 66073 Morris County, Kansas	Kansas River via Clarks Creek	Mine pit dewatering discharge

Kansas Permit No. I-KS30-P001 Fed. Permit No. KS-0080969

Description of Facility: This facility is engaged in a limestone crushing operation with no washing. 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-AG-94-20/21

Name and Address of Applicant	Legal Description	Receiving Water
Dwight Busenitz Route 1, Box 182 Whitewater, KS 67154	SE/4, Sec. 10, T25S, R3E, Butler County	Walnut River Basin

Kansas Permit No. A-WABU-H001 Federal Permit No. KS-0090611

The proposed facility will have the capacity for approximately 2700 swine.

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

water storage capacity is provided in excess of minimum requirements.

Compliance Schedule: None, existing controls adequate.

Name and Address of Applicant	Legal Description	Receiving Water
Tuls Dairy Farm Route 1, Box 116 Liberal, KS 67905	NW/4, Sec. 21, T33S, R34W, Seward County	Cimarron River Basin

Kansas Permit No. A-CISW-M001 Federal Permit No. KS-0090620

The dairy facility has capacity for approximately 2500 dairy cattle and a contributing drainage area of approximately 17.5 acres. This is a new facility.

Runoff Control Facilities: Processed wastewater and feedlot runoff is impounded for subsequent application to agricultural land for beneficial use. Wastewater storage capacity is provided in excess of 56 acre-feet.

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.

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 May 7 will be considered in the formulation of final determinations regarding this public notice. Please refer to the appropriate public notice number (KS-94-21, KS-AG-94-20/21, KS-PT-94-3/5) 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. 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. 014662

State of Kansas

Department of Health and Environment

Request for Comments

The Kansas Department of Health and Environment is posting its annual notice to allow public input on the state plan of operations for the Special Supplemental Food Program for Women, Infants, and Children (WIC) and the Commodity Supplemental Food Program (CSFP).

These programs are designed to improve the nutritional status of pregnant and breastfeeding women, infants and children up to age six who would not otherwise have a balanced diet. WIC/CSFP provides supplemental food and nutrition education as a component to good health care during times of growth and development.

Comments on the following areas will be helpful: 1) affirmative action; 2) outreach; 3) nutrition education; 4) program services; and 5) food delivery system.

All interested parties are encouraged to provide input into the state plan of operations for WIC and CSFP. Anyone wishing to comment is requested to send written comments by 5 p.m. May 2 to Martha Kauffman, WIC Administrator, Nutrition and WIC Services, Bureau of Family Health, Kansas Department of Health and Environment, 10th Floor, Landon State Office Building, Topeka 66612-1290.

Robert C. Harder
Secretary of Health
and Environment

Doc. No. 014649

State of Kansas

Department of Transportation

Notice to Consulting Engineers

The Kansas Department of Transportation is seeking qualified consultant engineering firms for its "Traffic Engineering Assistance Program." Prequalified consultant engineering firms will provide services as described in this notice.

The program has been developed to enable KDOT—utilizing Federal 402 safety funds—to help local units of government requesting assistance in solving traffic engineering operational and safety improvement problems when they do not have the traffic engineering expertise available. The direction of this program will be under the jurisdiction of KDOT's Bureau of Local Projects.

Consultants selected will provide services for federal fiscal years 1995, 1996 and 1997 for two areas at a maximum of about \$50,000 per area per year. Area one will be bounded by the first, second and third KDOT districts. Area two will be bounded by the fourth, fifth and sixth KDOT districts.

From those firms expressing interest, KDOT will select a list of the most highly qualified and invite them to attend a preproposal conference. Those firms not selected to attend the preproposal conference will be notified by letter. A negotiating committee, appointed by

the Secretary of Transportation, will conduct discussions with the firms on the most qualified list and select one or more firms with which to negotiate a contract. After final contracts have been awarded, the remaining firms will be notified by letter.

To be considered for this program, seven signed copies of your response must be submitted by April 21 to Al Cathcart, P.E., Project Control Engineer, Office of Engineering Support, Kansas Department of Transportation, 7th Floor, Docking State Office Building, 915 S.W. Harrison, Topeka 66612.

It is the policy of KDOT to use the following criteria as the basis for selection of consultant engineering firms:

1. Size and professional qualifications.
2. Experience of staff.
3. Location of firm with respect to proposed program.
4. Work load of firm.
5. Firm's performance record.

Michael L. Johnston
Secretary of Transportation

Doc. No. 014638

State of Kansas

Department of Health and Environment

Notice of Proposed Permit Action

The Secretary of Health and Environment is proposing to issue an air emission source permit in accordance with K.A.R. 28-19-14 (permits required) to Gordon-Piatt Energy Group, Inc. (G-P), to operate indirect heating equipment at the Strother Field Facility, Winfield.

Written materials, including the permit application and information relating to the application submitted by G-P, and the draft permit are available for public inspection during normal business hours through May 6 by contacting David Butler, Air Quality District Representative, Southcentral District KDHE Office, 1919 N. Amidon, Wichita, (316) 838-1071. This material also can be reviewed at the KDHE office in Building 283, Forbes Field, Topeka. Questions concerning this proposed permit should be directed to L.C. Hinthier, KDHE, (913) 296-1576.

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

Robert C. Harder
Secretary of Health
and Environment

Doc. No. 014648

State of Kansas

Pooled Money Investment Board

Notice of Meeting

The Pooled Money Investment Board will meet at 2 p.m. Wednesday, April 13, in the State Treasurer's Office, Conference Room 203, Landon State Office Building, 900 S.W. Jackson, Topeka. All meetings of the board are open to the public. For more information, contact Diane Gates at (913) 296-3372.

Sally Thompson
Chairman

Doc. No. 014673

(Published in the Kansas Register, April 7, 1994.)

Notice of Bond Sale

\$2,155,000

Phillips County, Kansas
General Obligation Refunding Bonds
Series 1994

Sealed Bids

Sealed bids for the purchase of \$2,155,000 principal amount of General Obligation Refunding Bonds, Series 1994, of the county hereinafter described, will be received by the undersigned, county clerk of Phillips County, Kansas, on behalf of the governing body of the county at the Phillips County Courthouse, 301 State St., Phillipsburg, Kansas, until 11 a.m. C.D.T. on Monday, April 18, 1994. All bids will be publicly opened and read at said time and place and will be acted upon by the county immediately thereafter. No oral or auction bids will be considered.

Bond Details

The bonds will consist of fully registered bonds without coupons in the denomination of \$5,000 or any integral multiple thereof. The bonds will be dated May 1, 1994, and will become due serially on May 1 in the years as follows:

Year	Principal Amount
1996	\$ 70,000
1997	85,000
1998	100,000
1999	115,000
2000	125,000
2001	130,000
2002	140,000
2003	150,000
2004	165,000
2005	175,000
2006	190,000
2007	215,000
2008	235,000
2009	260,000

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

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

Redemption of Bonds Prior to Maturity

At the option of the county, bonds maturing on May 1, 2002, and thereafter will be subject to redemption and payment prior to maturity on May 1, 2001, and thereafter in whole on any date 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 county 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 county shall elect to call any bond for redemption and payment prior to the maturity thereof, the county 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 registered or certified mail addressed 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 60 days prior to the redemption date. Thereafter, the paying agent and bond registrar will notify the owners of the bonds of the county'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 bid-

(continued)

ders, 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 $1/8$ or $1/20$ of 1 percent. No interest rate shall exceed the index of treasury bonds published by *The Bond Buyer*, in New York, New York, on the Monday next preceding the day on which the bonds are sold, plus 2 percent. The difference between the highest rate specified and the lowest rate specified shall not exceed 2 percent. No supplemental interest payments will be authorized. No bid of less than the principal amount of the bonds and accrued interest will be considered. Each bid shall specify the total interest cost to the county 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 county on the basis of such bid. Each bid shall also specify the average annual net interest rate to the county 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 county, which will be determined by subtracting the amount of the premium bid, if any, from the total interest cost to the county. If there is any discrepancy between the net interest cost and the average annual net interest rate specified, the specified net interest cost shall govern and the interest 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 county shall determine which bid, if any, shall be accepted, and its determination shall be final.

Security for the Bonds

The bonds will be general obligations of the county payable as to both principal and interest from ad valorem taxes which may be levied without limitation upon all the taxable tangible property, real and personal, within the territorial limits of the county.

Internal Revenue Code of 1986

The Internal Revenue Code of 1986 imposes requirements on the county which must be met subsequent to the issuance of the bonds by the county and, as a result, the county will and does hereby covenant that it will diligently undertake those steps necessary to maintain the tax-exempt status of the bonds. The county'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 county'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 an 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 county 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 county, 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 county with the provisions of the resolution authorizing the issuance of the bonds and the code, under existing law, the interest on the bonds is exempt from federal income taxation. Interest on the bonds will also be excluded from the computation of Kansas adjusted gross income.

Delivery and Payment

The county will pay for printing the bonds and will deliver the bonds, without cost to the successful bidder, properly prepared, executed and registered, on or about May 17, 1994, at such bank or trust company in the state of Kansas or the greater Kansas City, Missouri, metropolitan area as may be specified by the successful bidder. Delivery elsewhere will be at the bidder's expense. Said bidder will also be furnished with a certified transcript of the proceedings evidencing the authorization and issuance of the bonds and the usual closing documents, including a certificate that there is no litigation pending or threatened at the time of delivery of the bonds affecting their validity 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 county. 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 county and bond registrar not later than 3 p.m. C.D.T. on May 3, 1994. In the absence of such information, the county will deliver bonds in the denomination of each maturity registered in the name of the successful bidder.

The successful bidder shall furnish the county by 3 p.m. C.D.T. on May 3, 1994, a certificate acceptable to

the county'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 \$43,100, payable to the order of the county to secure the county 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 county until the bidder shall have complied with all of the terms and conditions of this notice, at which time said check shall, at the option of the county, be returned to the successful bidder or deducted from the purchase price. If a bid is accepted but the county 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 county, and the county reserves the right to pursue any consequential damages as a result of such default.

CUSIP Numbers

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

Bid Forms

All bids must be made on forms which may be procured from the county clerk. No additions or alterations in such forms shall be made and any erasures may cause rejection of any bid. The county 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 county clerk and marked "Proposal for the Purchase of General Obligation Refunding Bonds." Bids may be submitted by mail or delivered in person to the undersigned at Phillips County Courthouse, 301 State St., Phillipsburg, Kansas, and must be received by the undersigned prior to 11 a.m. C.D.T. on Monday, April 18, 1994.

Date and Delivery of Preliminary and Final Official Statement

The county 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 15c12-12 of the Securities and Exchange Commission.

The preliminary official statement, when amended to include the interest rates specified by the purchaser and the price or yield at which the purchaser 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 15c12-12. No more than seven business days after the date of the sale, the county will provide without cost to the purchaser such reasonable number of printed copies of the final official statement and further copies, if desired, will be made available at the purchaser's expense. If the sale of the bonds is awarded to a syndicate, the county will designate the senior managing purchaser of the syndicate as its agent for purposes of distributing copies of the final official statement to each participating purchaser. Any purchaser 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 purchasers for the purpose of assuring the receipt and distribution by each such participating purchaser of the final official statement.

The county will deliver to the purchaser on the date of delivery of the bonds a certificate executed by the chairman and the county 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 county's preliminary official statement relating to the bonds may be obtained from the county clerk or the county's financial advisor, Robert L. Schaeffer, Chapman Securities, Inc., 150 N. Main, Suite 700, Wichita, KS 67202, 1-800-776-3780.

Assessed Valuation and Indebtedness

The total assessed valuation of the taxable tangible property within the county for the year 1993 is \$38,906,110. The total general obligation bonded indebtedness of the county as of the date of the bonds, including the bonds, is \$2,915,000. In accordance with the financial advisor's agreement with the county, the financial advisor will not be submitting a bid or participating in a group submitting a bid for the purchase of the bonds.

Dated March 31, 1994.

Phillips County, Kansas
Linda McDowell, County Clerk
Phillips County Courthouse
301 State St.
Phillipsburg, KS 67661
(913) 543-2244

Doc. No. 014663

(Published in the Kansas Register, April 7, 1994.)

Summary Notice of Bond Sale
\$1,335,000

City of El Dorado, Kansas
General Obligation Internal Improvement Bonds
 (General obligation bonds payable from
 unlimited ad valorem taxes)

135,000	1999
140,000	2000
145,000	2001
150,000	2002
160,000	2003
165,000	2004

Details of the Sale

Subject to the terms and conditions of the complete official notice of bond sale dated March 1, 1994, of the city of El Dorado, Kansas, in connection with the city's General Obligation Internal Improvement Bonds, Series 1994, hereinafter described, sealed, written bids shall be received at the office of the city clerk/finance director at City Hall, 220 E. 1st, El Dorado, Kansas, until 6:30 p.m. Central Time on Tuesday, April 19, 1994, for the purchase of the bonds. All bids shall be publicly opened, read aloud and tabulated on said date and at said time and shall thereafter be presented to the governing body of the city at 7:30 p.m. Central Time, at which time the governing body will determine the best bid and award the bonds.

No oral or auction bids for the bonds shall be considered, and no bids for less than the entire amount of the bonds shall be considered.

Bids shall be accepted only on the official bid form which has been prepared for the public bidding on these bonds, and which may be obtained from the city or from the city's financial advisor. Bids may be submitted by mail or may be delivered in person, and must be received at the place and no later than the date and time hereinbefore specified. Each bid shall be accompanied by a good faith deposit in the form of a certified or cashier's check drawn on a bank located within the United States and made payable to the order of the city, and shall be in an amount equal to 2 percent of the principal amount of the bonds.

Details of the Bonds

The bonds to be sold are in the aggregate principal amount of \$1,335,000. The bonds shall be issued as fully registered bonds in denominations of \$5,000, or any integral multiple thereof not exceeding the principal amount of bonds maturing on the respective principal payment dates. The bonds shall have a dated date of May 1, 1994, and shall bear interest, payable as hereinafter set forth, at the rates specified by the successful bidder for the bonds. Certain of the bonds are subject to redemption prior their maturities as set forth in the official notice of bond sale.

Interest on the bonds shall be payable semiannually on May 1 and November 1 in each year, commencing May 1, 1995, and the bonds shall mature serially on November 1 in each of the years and principal amounts as follows:

Principal Amount	Year of Maturity
\$ 80,000	1995
115,000	1996
120,000	1997
125,000	1998

Payment of Principal and Interest

The Kansas State Treasurer shall serve as the bond registrar and paying agent for the bonds, and the principal of the bonds shall be payable upon surrender at the paying agent's principal offices in the city of Topeka, Kansas. Interest shall be paid by the mailing of a check or draft of the paying agent to the registered owners of the bonds.

Security for the Bonds

The bonds and the interest thereon shall constitute general obligations of the city, and the full faith, credit and resources of the city shall be pledged to the payment thereof. The city is obligated to levy ad valorem taxes without limitation as to rate or amount upon all of the taxable tangible property within the territorial limits of the city for the purpose of paying the bonds and the interest thereon. (Reference is made to the official notice of bond sale for a discussion of tax exemption and other legal matters.)

Delivery of the Bonds

The bonds, duly printed, executed and registered, shall be furnished and delivered at the expense of the city to the successful bidder, or, at its direction, on or before Thursday, May 26, 1994, at such bank or trust company or other qualified depository in the state of Kansas or Kansas City, Missouri, as may be specified by the successful bidder. Delivery elsewhere shall be made at the expense of the successful bidder.

Legal Opinion

The bonds will be sold subject to the legal opinion of Hinkle, Eberhart & Elkouri, L.L.C., Wichita, Kansas, bond counsel, whose fees will be paid by the city. Bond counsel's approving legal opinion as to the validity of the bonds will be printed on the bonds and will be delivered to the successful bidder upon delivery of the bonds. (Reference is made to the official notice of bond sale for a discussion of tax exemption and other legal matters.)

Financial Matters

The city's equalized assessed tangible valuation is \$47,938,267. On May 1, 1994, the city's outstanding bonded indebtedness, including the bonds described herein, will be \$5,190,000.

Official Statement

The city has prepared a preliminary official statement relating to the bonds, copies of which may be obtained from the city or the city's financial advisor. The preliminary official statement is in a form "deemed final" by the city for the purpose of the Securities Exchange Commission's Rule 15c2-12(b)(1), but is subject to revision, amendment and completion in the final official statement. Upon the sale of the bonds, the city shall furnish the successful bidder with a reasonable number of copies of the final official statement, without additional cost,

upon request. Copies of the final official statement in excess of a reasonable number may be ordered at the successful bidder's expense.

Additional Information

For additional information regarding the city, the bonds and the sale, interested parties are invited to request copies of the complete official notice of bond sale and official bid form and the city's preliminary official statement for the bonds, all of which may be obtained from the undersigned or from the city's financial advisor, Charles M. Bouilly, Senior Vice President, Public Finance, George K. Baum & Company, 100 N. Main, Suite 810, Wichita, KS 67202, (316) 264-9351.

Adam R. Collins
 City Clerk/Finance Director
 City Hall, 220 E. 1st, P.O. Box 792
 El Dorado, KS 67042
 (316) 321-9100

Doc. No. 014656

(Published in the Kansas Register, April 7, 1994.)

Notice of Bond Sale
\$100,486.81
City of Ulysses, Kansas
General Obligation Bonds
Series 1994-1

Sealed Bids

Sealed bids for the purchase of \$100,486.81 principal amount of General Obligation Bonds, Series 1994-1, of the city hereinafter described, will be received by the undersigned, city clerk of the city of Ulysses, Kansas, on behalf of the governing body of the city at City Hall, 115 W. Grant, Ulysses, Kansas, until 5 p.m. C.D.T. on Wednesday, April 13, 1994. 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, except one bond in the denomination of \$5,486.81. The bonds will be dated April 1, 1994, and will become due serially on October 1 in the years as follows:

Year	Principal Amount
1995	\$10,486.81
1996	10,000.00
1997	10,000.00
1998	10,000.00
1999	10,000.00
2000	10,000.00
2001	10,000.00
2002	10,000.00
2003	10,000.00
2004	10,000.00

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 April 1 and October 1 in each year, beginning on April 1, 1995.

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 October 1, 1999, and thereafter will be subject to redemption and payment prior to maturity on October 1, 1998, and thereafter in whole on any date 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 bid-

(continued)

ders, 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 $1/8$ or $1/20$ of 1 percent. No interest rate shall exceed the index of treasury bonds published by *The Bond Buyer*, in New York, New York, on the Monday next preceding the day on which the bonds are sold, plus 2 percent. The difference between the highest rate specified and the lowest rate specified shall not exceed 2 percent. No supplemental interest payments will be authorized. No bid of less than the principal amount of the bonds and accrued interest will be considered. Each bid shall specify the total interest cost to the city during the life of the bond issue on the basis of such bid, the premium, if any, offered by the bidder, and the net interest cost to the city on the basis of such bid. Each bid shall also specify the average annual net interest rate to the city on the basis of such bid. Bidders shall specify in the bid form the prices (exclusive of accrued interest), expressed as a dollar price, at which the bidder intends that each maturity amount of the bonds shall be initially offered to the public (the initial reoffering prices).

Basis of Award

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

Security for the Bonds

The bonds will be general obligations of the city payable as to both principal and interest in part from special assessments levied upon specially benefited property and, if not so paid, from ad valorem taxes which may be levied without limitation upon all the taxable tangible property, real and personal, within the territorial limits of the city. The balance of the principal of and interest on the bonds is payable from ad valorem taxes which may be levied, without limitation as to rate or amount on all the taxable tangible property, real and personal, within the territorial limits of the city.

Internal Revenue Code of 1986

The Internal Revenue Code of 1986 imposes requirements on the city which must be met subsequent to the issuance of the bonds by the city and, as a result, the city will and does hereby convenant 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 an 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 excludable from gross income for federal income tax purposes. Interest on the bonds may also be excludable from the computation of Kansas adjusted gross income.

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 April 27, 1994, at such bank or trust company in the state of Kansas or greater Kansas City, Missouri, metropolitan area as may be specified by the successful bidder. Delivery elsewhere will be at the bidder's expense. Said bidder will also be furnished with a certified transcript of the proceedings evidencing the authorization and issuance of the bonds and the usual closing documents, including a certificate that there is no litigation pending or threatened at the time of delivery of the bonds affecting their validity and a certificate regarding the completeness and accuracy of the official statement. Payment for the bonds shall be made in Federal Reserve funds, immediately subject to use by the city. The denominations of the bonds and the names, addresses and social security or taxpayer identification numbers of the registered owners shall be submitted in writing by the successful bidder to the city and bond registrar not later

than 3 p.m. C.D.T. on April 19, 1994. In the absence of such information, the city will deliver bonds in the denomination of each maturity registered in the name of the successful bidder.

The successful bidder shall furnish the city by 3 p.m. C.D.T. on April 19, 1994, 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 \$2,009.74, payable to the order of the city to secure the city from any loss resulting from the failure of the bidder to comply with the terms of the bid. No interest will be paid upon the deposit made by the successful bidder. Said check shall be returned to the bidder if the bid is not accepted. If a bid is accepted, said check shall be held by the city until the bidder shall have complied with all of the terms and conditions of this notice, at which time said check shall, at the option of the city, be returned to the successful bidder or deducted from the purchase price. If a bid is accepted but the city shall fail to deliver the bonds to the bidder in accordance with the terms and conditions of this notice, said check shall be returned to the bidder. If a bid is accepted but the bidder shall default in the performance of any of the terms and conditions of this notice, the proceeds of such check shall be forfeited to the city, and the city reserves the right to pursue any consequential damages as a result of such default.

CUSIP Numbers

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

Bid Forms

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

Submission of Bids

Bids must be submitted in sealed envelopes addressed to the undersigned city clerk and marked "Proposal for the Purchase of General Obligation Bonds." Bids may be submitted by mail or delivered in person to the undersigned at City Hall and must be received by the un-

dersigned prior to 5 p.m. C.D.T. on Wednesday, April 13, 1994.

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 purchaser and the price or yield at which the purchaser 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 a reasonable number of printed copies of the final official statement, and further copies, if desired, will be made available at the purchaser's expense. If the sale of the bonds is awarded to a syndicate, the city will designate the senior managing purchaser of the syndicate as its agent for purposes of distributing copies of the final official statement to each participating purchaser. Any purchaser 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 purchasers for the purpose of assuring the receipt and distribution by each such participating purchaser of the final official statement.

The city will deliver to the purchaser 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.

Assessed Valuation and Indebtedness

The total assessed valuation of the taxable tangible property within the city for the year 1993 is \$17,177,942. The total general obligation bonded indebtedness of the city as of the date of the bonds, including the bonds, is \$1,496,208.66, including, as of the date of the bonds, temporary notes outstanding in the principal amount of \$397,400, of which \$118,100 will be retired out of the proceeds of the bonds herein offered for sale.

Dated March 31, 1994.

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

Doc. No. 014652

State of Kansas

Kansas State University

Notice of Intent to Lease Land

Kansas State University, Division of Biology, will lease a total of 620 acres of native pasture on Konza Prairie Research Natural Area for cattle grazing during the 1994 grazing season, May 1 through November. Konza Prairie is a research facility owned by The Nature Conservancy and leased by the Division of Biology. Special restrictions and conditions apply. For further information, contact Thomas Van Slyke, Kansas State University, Division of Biology, Ackert Hall, Manhattan 66506, (913) 539-1961.

Jerry Weis
Interim Director

Doc. No. 014637

State of Kansas

Kansas State University

Notice to Bidders

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

Monday, April 18, 1994

#40132

Turbomolecular pumps and pump station

William H. Sesler
Director of Purchasing

Doc. No. 014655

(Published in the Kansas Register, April 7, 1994.)

Summary Notice of Bond Sale

\$215,000

City of Chase, Kansas

General Obligation Water System Bonds

(General obligation bonds payable from unlimited ad valorem taxes)

Details of the Sale

Subject to the terms and conditions of the complete official notice of bond sale, dated April 4, 1994, of the city of Chase, Kansas, in connection with the city's General Obligation Water System Bonds, Series 1994, hereinafter described, sealed, written bids shall be received at City Hall, 507 Main, Chase, Kansas, until 7 p.m. Central Time on Monday, April 18, 1994, for the purchase of the bonds. All bids shall be publicly opened, read aloud and tabulated on said date and at said time and the bonds shall immediately thereafter be awarded by the governing body of the city to the successful bidder. No oral or auction bids for the bonds shall be considered, and no bids for less than the entire amount of the bonds shall be considered.

Bids shall be accepted only on the official bid form which has been prepared for the public bidding on these

bonds, and which may be obtained from the city or from the city's financial advisor. Bids may be submitted by mail or may be delivered in person, and must be received at the place and no later than the date and time hereinbefore specified. Each bid shall be accompanied by a good faith deposit in the form of a certified or cashier's check drawn on a bank located within the United States and made payable to the order of the city, and shall be in an amount equal to 2 percent of the principal amount of the bonds.

Details of the Bonds

The bonds to be sold are in the aggregate principal amount of \$215,000. The bonds shall be issued as fully registered bonds in denominations of \$5,000, or any integral multiple thereof not exceeding the principal amount of bonds maturing on the respective principal payment dates. The bonds shall bear a dated date of May 1, 1994, and shall bear interest, payable as hereinafter set forth, at the rates specified by the successful bidder for the bonds. Redemption features, if any, are set forth in the official notice of bond sale.

Interest on the bonds shall be payable semiannually on May 1 and November 1 in each year, commencing May 1, 1995, and the bonds shall mature serially on May 1 in each of the years and principal amounts as follows:

Principal Amount	Year of Maturity
\$ 5,000	1995
10,000	1996
10,000	1997
10,000	1998
10,000	1999
15,000	2000
15,000	2001
15,000	2002
15,000	2003
15,000	2004
15,000	2005
20,000	2006
20,000	2007
20,000	2008
20,000	2009

Payment of Principal and Interest

The Kansas State Treasurer shall serve as the bond registrar and paying agent for the bonds, and the principal of the bonds shall be payable upon surrender at the paying agent's principal offices in the city of Topeka, Kansas. Interest shall be paid by the mailing of a check or draft of the paying agent to the registered owners of the bonds.

Security for the Bonds

The bonds and the interest thereon shall constitute general obligations of the city, and the full faith, credit and resources of the city shall be pledged to the payment thereof. The city is obligated to levy ad valorem taxes without limitation as to rate or amount upon all of the taxable tangible property within the territorial limits of the city for the purpose of paying the bonds and the interest thereon. (Reference is made to the official notice of bond sale for a discussion of tax exemption and other legal matters.)

Delivery of the Bonds

The bonds, duly printed, executed and registered, shall be furnished and delivered at the expense of the city to the successful bidder, or at its direction, on or before Wednesday, May 11, 1994, at such bank or trust company or other qualified depository in the state of Kansas or Kansas City, Missouri, as may be specified by the successful bidder. Delivery elsewhere shall be made at the expense of the successful bidder.

Legal Opinion

The bonds will be sold subject to the legal opinion of Hinkle, Eberhart & Elkouri, L.L.C., Wichita, Kansas, bond counsel, whose fees will be paid by the city. Bond counsel's approving legal opinion as to the validity of the bonds will be printed on the bonds and will be delivered to the successful bidder upon delivery of the bonds. (Reference is made to the official notice of bond sale for a discussion of tax exemption and other legal matters.)

Financial Matters

The assessed valuation of taxable tangible property in the city is \$787,981. On May 1, 1994, the city's outstanding bonded indebtedness, including the bonds described herein, will be \$215,000.

Official Statement

The city has prepared a preliminary official statement relating to the bonds, copies of which may be obtained from the city or the city's financial advisor. The preliminary official statement is in a form "deemed final" by the city for the purpose of the Securities Exchange Commission's Rule 15c2-12(b)(1), but is subject to revision, amendment and completion in the final official statement. Upon the sale of the bonds, the city shall furnish the successful bidder with a reasonable number of copies of the final official statement, without additional costs, upon request. Copies of the final official statement in excess of a reasonable number may be ordered at the successful bidder's expense.

Additional Information

For additional information regarding the city, the bonds and the sale, interested parties are invited to request copies of the complete official notice of bond sale and official bid form and the city's preliminary official statement for the bonds, all of which may be obtained from the undersigned or from the city's financial advisor, Jerry Rayl, Senior Vice President, Davidson Securities, Inc., 245 N. Waco, Suite 525, Wichita, KS 67202, (316) 265-9411.

Margaret Melcher, City Clerk
City Hall, 507 Main
P.O. Box 223
Chase, KS 67524
(316) 938-2911

Doc. No. 014666

State of Kansas**Board of Agriculture
Division of Water Resources****Permanent Administrative
Regulations****Article 21.—WESTERN KANSAS GROUNDWATER
MANAGEMENT DISTRICT NO. 1**

5-21-1. Definitions. As used in these rules and regulations, the following words and phrases shall have the meaning ascribed to them in this section.

(a) "Aquifer" means a geologic water-bearing formation that will yield considerable quantities of water to wells and springs.

(b) "Board" means the board of directors constituting the governing body of the western Kansas groundwater management district no. 1.

(c) "Chief engineer" means the chief engineer of the division of water resources of the Kansas state board of agriculture.

(d) "District" means the western Kansas groundwater management district no. 1.

(e) "Authorized representative of the board" means an individual designated by the board to perform duties and functions on its behalf.

(f) "Groundwater" means water below the surface of the earth.

(g) "Substantially" means within 300 feet of the approved location, but in no case closer to other wells than the minimum spacing requirements allow.

(h) "Tailwater" means that portion of the irrigation water applied which appears as run-off from the authorized place of use.

(i) "Tailwater re-use system" means a facility to collect, store and transport irrigation tailwater for reapplication to the authorized place of use.

(j) "Unconsolidated aquifer" means unconsolidated deposits that will yield water in a sufficient quantity to supply pumping wells and springs.

(k) "Waste of water" means any act or omission which causes:

(1) groundwater to be diverted or withdrawn from a source of supply and not used, managed or reapplied to a beneficial use on or in connection with land authorized as the place of use by a vested right, an appropriation right or an approved application for permit to appropriate water for beneficial use;

(2) the unreasonable deterioration of the quality of water in any source of supply thereby causing impairment of a person's right to the use of water;

(3) groundwater intended for irrigation use to escape and drain from the authorized place of use; or

(4) groundwater to be applied to an authorized beneficial use in excess of the needs for such use.

(l) "Well" means any excavation that is drilled, cored, bored, washed, driven, dug or otherwise constructed when the intended use of such excavation is for the acquisition, diversion, or artificial recharge of groundwater. (Authorized by K.S.A. 82a-1028(o); effective May 1, 1979; amended May 23, 1994.)

(continued)

5-21-3. Well spacing requirements. (a) Each well location described in an application for a permit to appropriate water for a beneficial use, other than domestic use, which proposes the diversion or withdrawal of water from the Ogallala formation shall be spaced a minimum of 2640 feet from all other non-domestic wells in the Ogallala aquifer.

(b) (1) Each well location described in an application to appropriate water for a beneficial use, other than domestic use, which proposes the diversion or withdrawal of water from the Dakota aquifer shall be spaced a minimum of two thousand six hundred forty (2,640) feet from any other well constructed into the same Dakota aquifer.

(2) Each Dakota well shall be sealed off between the Dakota aquifer and any other aquifers in such a manner as to prevent migration of water to or from the Dakota aquifer and any other aquifers.

(c) Each well included in an application to appropriate water for a beneficial use, other than domestic use, which proposes the diversion or withdrawal of water shall be a minimum of 1,320 feet away from a domestic well constructed into the same aquifer unless the applicant has received written permission from the neighboring well owner or the domestic wells are owned by the applicant.

(d) The location of a well or wells on an application for approval to change the point of diversion under an existing water right shall be no more than 1,320 feet from the originally authorized point of diversion and shall:

(1) not decrease the distance to other wells or authorized well locations by more than 300 feet; or

(2) meet the minimum well spacing requirements in this regulation.

(e) A new well shall be drilled in a location substantially as shown on the approved application and the accompanying map, plat, or aerial photograph.

(f) Exceptions to this well spacing regulation may be granted on an individual basis by recommendation of the board in conjunction with the approval of the chief engineer. The applicant may be required by the board to submit information as it deems necessary in order to make the determination. (Authorized by K.S.A. 82a-1028(o); effective May 1, 1979; amended May 23, 1994.)

5-21-4. Aquifer depletion. (a) The district shall be closed to further new appropriations, except for domestic and temporary permits, in all areas where the total saturated thickness of the unconsolidated aquifer, commonly known as the Ogallala:

(1) has been depleted by 15 percent or more since 1950; or

(2) is less than 40 feet thick.

(b) In the rest of the district, the approval of each application for a permit to appropriate water for a beneficial use, other than for domestic use or for a temporary permit, from the Ogallala aquifer, and the approval of each application for a change in the point of diversion if the diversion works have not been completed under the original approved application, shall be subject to the following criteria.

(1) The proposed appropriation, when added to the vested rights, prior appropriation rights and earlier pri-

ority applications shall not exceed a calculated rate of depletion of more than one percent per year of the saturated thickness underlying the area included within a two mile radius circle, which is approximately 8,042 acres, of the proposed well.

(2) For the purpose of analysis, all vested rights, certificates, permits, and prior unapproved applications shall be considered to be fully exercised and all limitation clauses listed on permits to appropriate water and certificates shall be considered to be in force.

(3) In the case of an application for change in the point of diversion referred to in subsection (b), each application with a priority earlier than the priority established by the filing of the application for change shall be included in the analysis.

(4) The allowable annual appropriation shall be calculated using the following formula:

$$Q = 0.01 \frac{(AMS) + AR}{12}$$

Q = allowable annual appropriation, acre-feet per year

A = area of consideration, acres

M = average saturated thickness, feet

S = storage coefficient (specific yield)

R = average annual recharge and return flow from irrigation, inches per year

(5) The average saturated thickness of the 8,042 acre area shall be determined from maps developed by the United States geological survey, the Kansas geological survey, or other reliable information.

(6) The storage coefficient used shall be 15 percent. A value of .25 inches per year shall be used for recharge and return flow from irrigation.

(7) If part of the radial area is outside the district boundary, it shall be excluded from the depletion analysis. Only that portion lying within the boundary of the district shall be a part of the evaluation.

(8) If wells authorized under a vested right, a certified water right or a permit to appropriate water are divided by the circumference of the radial area, the authorized quantity of water shall be assigned to each well. If specific quantities are not authorized for each well, a proportional amount shall be assigned to each well.

(c) Exceptions to this regulation may be granted on an individual basis by recommendation by the board in conjunction with the approval of the chief engineer. The applicant may be required by the board to submit information necessary in order to make the determination. (Authorized by K.S.A. 82a-1028(o); implementing K.S.A. 82a-1028(n); effective May 23, 1994.)

Phillip A. Fishburn
Secretary of Agriculture

Doc. No. 014657

State of Kansas

Board of Veterinary Examiners

Permanent Administrative
Regulations

Article 5.—FEES

70-5-1. Amount of fees. The following fees shall be charged:

(a) Veterinary medicine license application	\$125.00
(b) Veterinary medicine license annual renewal	\$ 75.00
(c) Veterinary medicine license late renewal penalty	\$ 50.00
(d) National board examination	\$165.00
(e) Clinical competency test	\$115.00
(f) Veterinary premise registration application	\$ 50.00
(g) Veterinary premise registration renewal	\$ 15.00
(h) Veterinary premise registration late renewal penalty	\$ 50.00
(i) Veterinary premise inspection or reinspection	\$100.00
(j) Veterinary technician national examination	\$100.00
(k) Veterinary technician registration application	\$ 20.00
(l) Veterinary technician registration renewal	\$ 10.00
(m) Veterinary technician registration late renewal penalty	\$ 50.00

(Authorized by K.S.A. 47-821, 47-822, 47-824 and 47-829; implementing K.S.A. 47-822, 47-824, 47-826, 47-827, and 47-829; effective May 1, 1985; amended, T-70-6-13-88, June 13, 1988; amended July 3, 1989; amended May 23, 1994.)

Dirk Hanson, D.V.M.
Executive Director

Doc. No. 014641

State of Kansas

Secretary of State

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

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

Bill Graves
Secretary of State

(Published in the Kansas Register, April 7, 1994.)

HOUSE BILL No. 2650

AN ACT relating to elections; concerning campaign finance; concerning penalties for failure to file certain statements and reports; amending K.S.A. 25-4167 and repealing the existing section.

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

Section 1. K.S.A. 25-4167 is hereby amended to read as follows: 25-4167. Failure to file a campaign finance report is (a) the intentional failure of any person required to make any report, amended report or statement by the campaign finance act to file the same with the secretary of state or county election officer at the time specified in the campaign finance act or (b) the intentional failure of any person required by K.S.A. 25-4172, and amendments thereto, to submit a statement to a treasurer to submit the same.

Failure to file a campaign finance report is a class A misdemeanor.

Sec. 2. K.S.A. 25-4167 is hereby repealed.

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

(Published in the Kansas Register, April 7, 1994.)

HOUSE BILL No. 2784

AN ACT concerning open meetings; relating to the definition of meeting; amending K.S.A. 75-4317a and repealing the existing section.

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

Section 1. K.S.A. 75-4317a is hereby amended to read as follows: 75-4317a. (a) As used in this act, "meeting" means any prearranged gathering or assembly, assembly, telephone call or any other means of interactive communication by a majority of a quorum of the membership of a body or agency subject to this act for the purpose of discussing the business or affairs of the body or agency.

Sec. 2. K.S.A. 75-4317a is hereby repealed.

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

(Published in the Kansas Register, April 7, 1994.)

SENATE BILL No. 690

AN ACT concerning Chase county, relating to the county jail.

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

Section 1. (a) Within 10 days after the effective date of this act, the Chase county public building commission shall initiate action to transfer, and within 60 days shall transfer to the board of county commissioners of Chase county the title and all interest in property acquired by such commission for the purpose of constructing the Chase county jail located in Cottonwood Falls, and more particularly described as follows:

A tract of land in the northwest quarter of the southwest quarter of section 28, township 19 south, range 8 east of the sixth principal meridian, Chase county, Kansas, described as follows:

Beginning at a point on the west line of section 28, such point being S 00°00'00" W 773.30 feet from the northwest corner of the southwest quarter; thence S 00°00'00" W 316.70 feet along the west line of the southwest quarter; thence N 89°59'13" E 339.00 feet; thence N 00°00'00" E 316.70 feet parallel to the west line of the southwest quarter; thence S 89°59'13" W 339.00 feet to the point of beginning. EXCEPT the following described tract of land, to-wit: Beginning at a point on the west line, 773.3 feet south of the northwest corner of the quarter section; thence N 88°56' E 17.5 feet; thence S 01°15' E 244.7 feet; thence N 88°45' E 25.0 feet; thence S 01°15' E 722.2 feet; thence S 89°10' W to a point on the west line, 316.7 feet south of the place of beginning; thence N 01°17' W 316.7 feet along the west line to the place of beginning.

(b) At the time of the transfer of the record title, the board of county commissioners of Chase county shall agree to perform the obligations and responsibilities of the Chase county public building commission with respect to the outstanding Chase county public building commission revenue bonds series 1991 (Chase county, Kansas, county jail and sheriff's department project) dated September 1, 1991, in the aggregate principal amount of \$1,225,000 issued by the commission to pay the cost of the facility as if the bonds were issued by Chase county. The board of county commissioners shall notify the bond holders and bond underwriters and hold harmless the Chase county public building commission from any and all obligations or liabilities arising out of such bond issue.

(c) Language incorporating the provisions of subsection (b) shall be included in the deed or other instrument making the transfer of title.

Sec. 2. (a) The board of county commissioners of Chase county is hereby authorized to issue general obligation bonds of the county in an amount not to exceed \$1,500,000 for the purpose of acquiring, constructing, furnishing and equipping a county jail. The proceeds of such bonds also may be used to purchase land and any improvements thereon from the Chase county public building commission as a site for such jail. The board of county commissioners shall enter into any agreement necessary to cancel all lease agreements entered into with the Chase county public building commission concerning a county jail prior to the effective date of this act.

(b) Bonds issued pursuant to this section shall be exempt from any statutory limitation on bonded indebtedness and shall not be included in computing the total bonded indebtedness of the county.

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

(Published in the Kansas Register, April 7, 1994.)

(Published in the Kansas Register, April 7, 1994.)

HOUSE BILL No. 2621

HOUSE BILL No. 2716

AN ACT relating to property taxation; providing for the electronic transmission of appraisals; amending K.S.A. 1993 Supp. 79-1466 and 79-1467 and repealing the existing sections.

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

Section 1. K.S.A. 1993 Supp. 79-1466 is hereby amended to read as follows: 79-1466. Commencing on January 1 of each year, the county or district appraiser shall transmit the taxable real property appraisals and the exempt real property appraisals to the county clerk continually upon the completion thereof.

Upon completion of transmission of such appraisals to the county clerk, on or before June 15 of each year, the county or district appraiser shall deliver a document certifying that such appraisals constitute the complete appraisal rolls for real property.

The taxable real property appraisal roll shall consist of all property records real property appraisals which in aggregate list all taxable land and improvements located within the county.

The exempt real property appraisal roll shall consist of all property records real property appraisals which in aggregate list all exempt land and improvements located within the county.

All transmissions required by this section may be made electronically.

Sec. 2. K.S.A. 1993 Supp. 79-1467 is hereby amended to read as follows: 79-1467. Commencing on January 1 of each year, the county or district appraiser shall transmit the taxable personal property appraisals to the county clerk continually upon the completion thereof. Upon completion of transmission of such appraisals to the county clerk, on or before June 15 each year, the county or district appraiser shall deliver a document certifying that such appraisals constitute the complete appraisal rolls for personal property except for personal property which may be subject to investigation and valuation pursuant to law or personal property which may have escaped appraisal in any year, in which cases the appraiser shall transmit to the clerk, upon completion, the appraisals of such property and the clerk shall add the same to the taxable personal property roll at such time.

The taxable personal property roll shall consist of all personal property forms rendered by taxpayers to the county appraiser, personal property forms completed by the appraiser in cases described in K.S.A. 79-1422, and amendments thereto, and cases involving escaped appraisal in any year and any other records prepared by the county appraiser for the listing and appraisal of taxable personal property located within the county appraisals completed by the county or district appraiser.

The exempt personal property roll shall include all personal property appraisals completed by the county or district appraiser on personal property that is exempt from ad valorem taxation except those specific types of property set forth in K.S.A. 79-201e and 79-201j and amendments to such sections. The exempt personal property roll shall consist of all exempt personal property forms rendered by taxpayers to the county appraiser and other records prepared by the county appraiser for the listing and appraisal of all exempt personal property within the county and is required to be listed with the county or district appraiser.

All transmissions required by this section may be made electronically.

Sec. 3. K.S.A. 1993 Supp. 79-1466 and 79-1467 are hereby repealed.

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

AN ACT concerning banks and trust companies; relating to the holding of real estate and personal property; amending K.S.A. 9-1102 and repealing the existing section.

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

Section 1. K.S.A. 9-1102 is hereby amended to read as follows: 9-1102. (a) Any bank or trust company may own, purchase, lease, hold, encumber or convey real property and certain personal property subject to the following:

(1) Own suitable building, furniture and fixtures, stock in a single trust company organized under the laws of the state of Kansas, and stock in a safe deposit company organized under the laws of the state of Kansas, and stock in a corporation organized under the laws of this state owning real estate all or a part of which is occupied or to be occupied by the bank or trust company;

(2) purchase, hold, encumber and convey real estate or lease, as lessor or lessee, any building or buildings: Any real estate not necessary for the bank's or trust company's accommodation in the transaction of its business shall be disposed of or charged off its books by the bank or trust company not later than seven years after its acquisition unless the state bank commissioner authorizes the bank or trust company to retain such real estate on its books for a period not to exceed an additional two years;

(3) a bank's or trust company's total investment or ownership at all times in any one or more of the following shall not exceed 1/2 of its unimpaired capital stock, surplus, undivided profits and capital notes and debentures, and any such excess shall be removed from the bank's or trust company's books unless approval is granted by the state bank commissioner:

- (A) The book value of real estate plus all encumbrances thereon;
- (B) the book value of furniture and fixtures;
- (C) the book value of stock in a safe deposit company;
- (D) the book value of stock in a trust company; or
- (E) the book value of stock in a corporation organized under the laws of this state owning real estate occupied by the bank or trust company and advances to such corporation acquired or made after July 1, 1973. Except that any real estate not necessary for the accommodation of the bank's or trust company's business shall be disposed of or charged off its books according to paragraph (2).

(b) Any bank or trust company may acquire real estate in satisfaction of any debts due it and may purchase real estate in satisfaction of any debts due it, and may purchase real estate at judicial sales, but no bank or trust company shall bid at any judicial sale a larger amount than is necessary to protect its debts and costs. No real estate, except for agricultural land, as defined in K.S.A. 17-5903, and amendments thereto, or interest in oil and gas leasehold acquired in the satisfaction of debts or upon judicial sales shall be carried as a book asset of the bank or trust company for more than five 10 years. At the termination of the five 10 years such real estate shall be charged off. No agricultural land, as defined in K.S.A. 17-5903, and amendments thereto, acquired in satisfaction of debts or upon judicial sales shall be carried as a book asset of the bank or trust company for more than 10 years. At the termination of the 10 years such agricultural land shall be charged off. The commissioner may grant an extension for an additional four years, or any portion thereof not to exceed four years, if in the commissioner's judgment it will be to the advantage of the bank or trust company to carry the real estate or agricultural land as an asset for such extended period. Any such extensions issued shall be reviewed by the commissioner on an annual basis.

Sec. 2. K.S.A. 9-1102 is hereby repealed.

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

(Published in the Kansas Register, April 7, 1994.)

HOUSE BILL No. 2657

AN ACT relating to public funds; concerning the securing of deposits; amending K.S.A. 1993 Supp. 9-1402 and repealing the existing section.

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

Section 1. K.S.A. 1993 Supp. 9-1402 is hereby amended to read as follows: 9-1402. (a) Before any deposit of public moneys or funds shall be made by any municipal corporation or quasi-municipal corporation of the state of Kansas with any state or national bank, state or federally chartered savings and loan association or federally chartered savings bank, such municipal or quasi-municipal corporation shall obtain security for such deposit in one of the following manners prescribed by this section.

(b) Such bank, state or federally chartered savings and loan association or federally chartered savings bank may give to the municipal corporation or quasi-municipal corporation a personal bond in double the amount which may be on deposit at any given time.

(c) Such bank, state or federally chartered savings and loan association or federally chartered savings bank may give a corporate surety bond of some surety corporation authorized to do business in this state, which bond shall be in an amount equal to the public moneys or funds on deposit at any given time and such bond shall be conditioned that such deposit shall be paid promptly on the order of the municipal corporation or quasi-municipal corporation making such deposits.

(d) Any state or national bank, state or federally chartered savings and loan association or federally chartered savings bank may deposit, maintain, pledge and assign, or cause its agent, trustee or an affiliate bank having identical ownership as the bank receiving the deposit of public moneys or funds to deposit, maintain, pledge and assign, for the benefit of the governing body of the municipal corporation or quasi-municipal corporation in the manner provided in this act, securities owned by it directly or indirectly through its agent or trustee holding securities on its behalf, or owned by such affiliate bank, the market value of which is equal to 100% of the total deposits at any given time, and such securities may be accepted or rejected by the governing body of the municipal corporation or quasi-municipal corporation and shall consist of:

(1) Direct obligations of, or obligations that are insured as to principal and interest by, the United States of America or any agency thereof and obligations, including but not limited to letters of credit, and securities of United States sponsored corporations which under federal law may be accepted as security for public funds;

(2) bonds of any municipal corporation or quasi-municipal corporation of the state of Kansas which have been refunded in advance of their maturity and are fully secured as to payment of principal and interest thereon by deposit in trust, under escrow agreement with a bank, of direct obligations of, or obligations the principal of and the interest on which are unconditionally guaranteed by, the United States of America;

(3) bonds of the state of Kansas;

(4) general obligation bonds of any municipal corporation or quasi-municipal corporation of the state of Kansas;

(5) revenue bonds of any municipal corporation or quasi-municipal corporation of the state of Kansas if approved by the state bank commissioner in the case of banks and by the savings and loan commissioner in the case of savings and loan associations or federally chartered savings banks;

(6) temporary notes of any municipal corporation or quasi-municipal corporation of the state of Kansas which are general obligations of the municipal or quasi-municipal corporation issuing the same;

(7) warrants of any municipal corporation or quasi-municipal corporation of the state of Kansas the issuance of which is authorized by the state board of tax appeals and which are payable from the proceeds of a mandatory tax levy;

(8) bonds of either a Kansas not-for-profit corporation or of a local housing authority that are rated at least Aa by Moody's Investors Service or AA by Standard & Poor's Corp.;

(9) bonds issued pursuant to K.S.A. 12-1740 *et seq.*, and amendments thereto, that are rated at least MIG-1 or Aa by Moody's Investors Service or AA by Standard & Poor's Corp.;

(10) notes of a Kansas not-for-profit corporation that are issued to provide only the interim funds for a mortgage loan that is insured by the federal housing administration;

(11) bonds issued pursuant to K.S.A. 74-8901 through 74-8916, and amendments thereto;

(12) bonds issued pursuant to K.S.A. 68-2319 through 68-2330, and amendments thereto; or

(13) (A) Negotiable promissory notes together with first lien mortgages on one to four family residential real estate located in Kansas securing payment of such notes when such notes or mortgages:

(i) Are underwritten by the federal national mortgage association, the federal home loan mortgage corporation, the federal housing administration or the veterans administration standards; or are valued pursuant to rules and regulations which shall be adopted by both the state bank commissioner and the savings and loan commissioner after having first being submitted to and approved by both the state banking board under K.S.A. 9-1713, and amendments thereto, and the savings and loan board. Such rules and regulations shall be published in only one place in the Kansas administrative regulations as directed by the state rules and regulations board;

(ii) have been in existence with the same borrower for at least two years and with no history of any installment being unpaid for 30 days or more; and

(iii) are valued at not to exceed 50% of the lesser of the following three values: outstanding mortgage balance; current appraised value of the real estate; or discounted present value based upon current federal national mortgage association or government national mortgage association interest rates quoted for conventional, federal housing administration or veterans administration mortgage loans.

(B) Securities under (A) shall be taken at their value for not more than 50% of the security required under the provisions of this section.

(C) Securities under (A) shall be withdrawn immediately from the collateral pool if any installment is unpaid for 30 days or more.

(D) A status report on all such loans shall be provided to the investing governmental entity by the financial institution on a quarterly basis.

(e) No state or national bank, state or federally chartered savings and loan association or federally chartered savings bank may deposit and maintain for the benefit of the governing body of a municipal or quasi-municipal corporation of the state of Kansas, any securities which consist of:

(1) Bonds secured by revenues of a utility which has been in operation for less than three years; or

(2) bonds issued under K.S.A. 12-1740 *et seq.*, and amendments thereto, unless such bonds have been refunded in advance of their maturity as provided in subsection (d) or such bonds are rated at least Aa, by Moody's Investors Service or AA by Standard & Poor's Corp.

(f) Whenever a bond is authorized to be pledged as a security under this section, such bond shall be accepted as a security if (1) in the case of a certificated bond, it is assigned, delivered or pledged to the holder of the deposit for security; (2) in the case of an uncertificated bond, registration of a pledge of the bond is authorized by the system and the pledge of the uncertificated bond is registered; or (3) in a form approved by the attorney general, which assures the availability of the bond proceeds pledged as a security for public deposits.

(g) Any expense incurred in connection with granting approval of revenue bonds shall be paid by the applicant for approval.

Sec. 2. K.S.A. 1993 Supp. 9-1402 is hereby repealed.

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

(Published in the Kansas Register, April 7, 1994.)

SENATE BILL No. 490

AN ACT relating to insurance; mutual insurance companies other than life; authority to issue certain policies; minimum surplus and deposit requirements; concerning mortgage guaranty insurance; amending K.S.A. 40-3502 and repealing the existing section.

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

Section 1. (a) Any insurance company organized and existing under article 12 of chapter 40 of the Kansas Statutes Annotated and amendments thereto, may make and issue contracts of insurance, in addition to the kinds of insurance specified in K.S.A. 40-1203 and amendments thereto, which include such amount and kind of insurance against legal liability for injury, damage or loss to the person or property of others, and for medical, hospital and surgical expense related to such injury, as the commissioner of insurance deems to be reasonably incidental to insurance of real or personal property against fire or other perils under policies covering residential properties involving not more than two families with or without incidental office, professional, private school or studio occupancy by an insured, whether or not the premium or rate charged for certain perils so covered is specified in the policy. Any provision of K.S.A. 40-1204 and amendments thereto, to the contrary notwithstanding: (1) No insurer having a bona fide net surplus of at least \$1,000,000 but less than \$1,500,000 authorized as to property insurance only shall, pursuant to this subsection (a), retain risk as to any one subject of insurance as to hazards other than property insurance hazards in an amount exceeding 3% of its surplus to policyholders; and (2) no insurer which has a bona fide net surplus of less than \$1,000,000 but at least \$750,000 authorized as to property insurance only shall, pursuant to this subsection (a), retain any risk other than property insurance hazards, and all such companies shall reinsure all such risks as to hazards other than property insurance hazards.

(b) It is required when a company is acting under subsection (a) that its board of directors authorize such action by the affirmative vote of at least $\frac{2}{3}$ of its membership. Any company which has acted under this section shall certify such action to the commissioner of insurance, together with a statement showing its financial status and a net surplus sufficient to warrant such action.

(c) Any company operating under this section shall maintain unearned premium reserves equal to a pro rata amount of the premiums received on all unexpired risks, and such unearned premium reserves shall be held and regarded as an absolute liability of the company.

Sec. 2. (a) Any insurance company organized under article 3 of chapter 40 of the Kansas Statutes Annotated and amendments thereto, may make and issue contracts of insurance, in addition to those specified in subsections (a) through (g) of K.S.A. 40-901 and amendments thereto, which include such amount and kind of insurance against legal liability for injury, damage or loss to the person or property of others, and for medical, hospital and surgical expense related to such injury, as the commissioner of insurance deems to be reasonably incidental to insurance of real or personal property against fire or other perils under policies covering residential properties involving not more than two families with or without incidental office, professional, private school or studio occupancy by an insured, whether or not the premium or rate charged for certain perils so covered is specified in the policy. Any provision of K.S.A. 40-901 or 40-902 and amendments thereto, to the contrary notwithstanding: (1) No insurer having paid-up capital stock of at least \$600,000 and a bona fide net surplus of at least \$400,000 but less than \$1,500,000 paid-up capital and surplus combined authorized as to property insurance only shall, pursuant to this subsection (a), retain risk as to any one subject of insurance as to hazards other than property insurance hazards in an amount exceeding 3% of its surplus to policyholders; and (2) no insurer having at least paid-up capital stock of \$450,000 and a bona fide net surplus of at least \$300,000 but less than \$1,000,000 paid-up capital stock and surplus combined authorized as to property insurance only shall, pursuant to subsection (a), retain any risk other than property insurance hazards, and all such companies shall reinsure all such risks as to hazards other than property insurance hazards.

(b) It is required when a company is acting under this section that its board of directors authorize such action by the affirmative vote of at least $\frac{2}{3}$ of its membership. Any company which has acted

under this section shall certify such action to the commissioner of insurance, together with a statement showing its financial status and a net surplus sufficient to warrant such action.

(c) Any company operating under this section shall maintain unearned premium reserves equal to a pro rata amount of the premiums received on all unexpired risks and such unearned premium reserves shall be held and regarded as an absolute liability of the company.

Sec. 3. K.S.A. 40-3502 is hereby amended to read as follows: 40-3502. As used in this act the following terms shall have the meanings respectively ascribed to them herein:

(a) "Mortgage guaranty insurance company" shall mean means any corporation, company, association, reciprocal exchange, persons or partnerships writing contracts of mortgage guaranty insurance and shall be governed by the provisions of this act and the other provisions of chapter 40 of the Kansas Statutes Annotated applicable to companies organized or operating under the provisions of K.S.A. 40-1101 *et seq.*, and amendments thereto, to the extent such other provisions are not inconsistent with the requirements of this act.

(b) "Mortgage guaranty insurance" shall mean and include means and includes: (1) Insurance against financial loss by reason of nonpayment of principal, interest or other sums agreed to be paid under the terms of any note or bond or other evidence of indebtedness secured by a mortgage, deed of trust, or other instrument constituting a lien or charge on real estate, when the improvement on such real estate is a residential building or a condominium or townhouse unit or buildings designed for occupancy by not more than four (4) families;

(2) insurance against financial loss by reason of nonpayment of principal, interest or other sums agreed to be paid under the terms of any note or bond or other evidence of indebtedness secured by a mortgage, deed of trust or other instrument constituting a lien or charge on real estate, when the improvement on such real estate is a building or buildings designed for occupancy by five (5) or more families or designed to be occupied for industrial or commercial purposes; or

(3) insurance against financial loss by reason of nonpayment of rent or other sums agreed to be paid under the terms of a written lease for the possession, use or occupancy of real estate, when the improvement on such real estate is a building or buildings designed to be occupied for industrial or commercial purposes.

(c) "Authorized real estate security" shall mean means an amortized note, bond or other evidence of indebtedness, not exceeding ninety-five percent (95%) (97%) of the fair market value of the real estate, secured by a mortgage, deed of trust, or other instrument which constitutes, or is equivalent to, a first lien or charge on real estate, when: (1) The real estate loan secured in such manner is one of a type which a bank, savings and loan association, or an insurance company, which is supervised and regulated by a department of this state or an agency of the federal government, is authorized to make, or would be authorized to make, disregarding any requirement applicable to such an institution that the amount of the loan not exceed a certain percentage of the value of the real estate;

(2) the improvement on such real estate is a building or buildings designed for occupancy as specified by K.S.A. 40-3502(b)(1) or (2) paragraphs (1) or (2) of subsection (b); and

(3) the lien on such real estate may be subject to and subordinate to the following:

(i) The lien of any public bond, assessment or tax, when no installment, call or payment of or under such bond, assessment or tax is delinquent; and

(ii) outstanding mineral, oil, water or timber rights, rights-of-way, easements or rights-of-way of support, sewer rights, building restrictions or other restrictions or covenants, conditions or regulations of use, or outstanding leases upon such real property under which rents or profits are reserved to the owner thereof.

(d) "Contingency reserve" shall mean means an additional premium reserve established to protect policyholders against the effect of adverse economic cycles.

(e) "Single risk" shall mean means the insurance provided with respect to each separate loan or lease covered by an individual policy of mortgage guaranty insurance or an individual certificate issued pursuant to K.S.A. 40-3511, and amendments thereto.

Sec. 4. K.S.A. 40-3502 is hereby repealed.

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

(Published in the Kansas Register, April 7, 1994.)

HOUSE BILL No. 2694

AN ACT relating to apportioned fleet registration of certain vehicles; amending K.S.A. 8-134a, 8-143a, 8-1,100, 8-1,101, 8-1,102, 8-1,103, 8-1,105, 8-1,106, 8-1,107, 8-1,109, 8-1,110, 8-1,112, 8-1,113, 8-1,114, 8-1,115 and 8-1,116 and K.S.A. 1993 Supp. 8-143j and repealing the existing sections.

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

Section 1. K.S.A. 8-134a is hereby amended to read as follows: 8-134a. (a) ~~On and after January 1, 1982,~~ Any truck or truck tractor registered for a gross weight of 12,000 pounds or less, motorcycles and motorized bicycles shall be registered or reregistered in accordance with the provisions of subsections (b) and (c) of K.S.A. 8-134, ~~and amendments thereto.~~ The provisions of this section shall not apply to vehicles ~~proportionally~~ registered ~~on an apportioned basis~~ as part of a fleet under the provisions of K.S.A. 8-1,100 to 8-1,123, inclusive, ~~and amendments thereto,~~ or vehicles registered under the provisions of K.S.A. 8-166 ~~et seq., and amendments thereto.~~

(b) The division of vehicles, in order to initiate a system of registering or reregistering vehicles included in subsection (a) during any month of a calendar year, may register or reregister such vehicles for less than a twelve-month period, prorating the annual registration fee and taxes imposed under K.S.A. 79-5101 *et seq.*, and amendments thereto, when in the director's opinion such tends to fulfill the purpose of the monthly registration of this section. The secretary of revenue may adopt rules and regulations for the administration of this section and to carry out the purpose of the act of which this section is a part.

Sec. 2. K.S.A. 8-143a is hereby amended to read as follows: 8-143a. The provisions of this section shall not apply to vehicles ~~proportionally~~ registered ~~on an apportioned basis~~ as part of a fleet under the provisions of K.S.A. 8-1,101 to 8-1,123, inclusive, ~~and amendments thereto,~~ or any agreement made by the director of vehicles, and the payment of registration fees on a quarterly basis on such vehicles shall be in accordance with K.S.A. 8-1,115, ~~and amendments thereto.~~ A resident owner of any truck or truck tractor, holding a negotiable Kansas title, whether individual, partnership or Kansas corporation, may at such owner's election, made at the time the annual registration fee on such truck or truck tractor is payable, pay such annual registration fee if it exceeds \$100, in equal quarterly installments, the first of which shall be payable at the time of such application but not later than February 15 in each year, and for each ensuing quarter thereafter shall be payable respectively on the first day of April, July and October. The applicant shall, at the time of registration, present such applicant's negotiable Kansas title to the county treasurer, who shall send it, along with the application for registration, to the division of vehicles. The division of vehicles shall retain the title until all quarterly payments are paid in full, at which time the title shall be returned to the owner of the vehicle to which the title was issued.

The provisions of the preceding paragraph shall not in any manner be construed to affect or reduce the amount of annual registration fee due for any truck or truck tractor subject to registration on January 1, and for which the owner shall be liable, but relate only to an alternate method of payment of the amount of fees due and affixed as of January 1 of each year. If any owner shall default in the payment of any quarterly installment payment when the same is payable, the right to operate such vehicle on the highways of this state shall terminate and it shall be unlawful to operate ~~said such~~ vehicle on the highways of this state until the delinquent quarterly installment payment plus any penalty, shall have been paid in full.

If any owner shall fail to pay any two quarterly payment installments during any one registration year on any truck or truck tractor registered hereunder, on or before the day the same are due and payable, such owner thereafter may be denied the privilege of the payment of annual registration fees on a quarterly basis on any vehicle. If a quarterly installment payment shall be delinquent more than 10 days beyond the due date of such quarterly installment except for any case where it is determined by the director of vehicles that such delinquency is not due to negligence or intentional disregard of the provisions of this section, then the entire balance of the annual registration fee, including the delinquent quarterly installment, plus a penalty in a sum equal to 10% of the annual registration fee, shall become due and payable; and any such owner so delinquent may thereafter be denied the privilege of the payment

of annual registration fees on any vehicle on a quarterly basis. All such fees and penalties ~~thereon~~ remaining unpaid shall constitute a debt due the state, which may be collected from the person owing the same by suit or otherwise. All such fees remaining unpaid after the same are due and payable and any penalties ~~thereon~~ shall constitute a first and prior lien in favor of the state upon the truck or truck tractor registered hereunder and all other real and personal property of the owner located within the state in the amount such fees and penalties remain unpaid. Each lien shall attach at the time such unpaid fees and penalties accrue and shall be paramount to all prior liens or encumbrances of any character and to the rights of any holder of the legal title in or to any such truck or truck tractor. When a quarterly installment is delinquent more than 10 days beyond the due date, upon default of such installment payment, the county treasurer shall promptly file a notice of lien in the office of the register of deeds of the county where the registration fee is payable, and in any other county in which such owner has any property. A copy of such notice of lien shall be mailed to the division of vehicles, and the owner so delinquent, and the sheriff of any county in which such notice of lien is filed. Such notice of lien shall set forth the name and address of the owner, the amount of fees and penalties payable and unpaid, and the description of the vehicle or vehicles to which applicable. It shall be the duty of each register of deeds in this state to index and file immediately all such notices of lien in the manner provided in cases of financing statements and no fee shall be charged for filing and indexing. The county treasurer shall issue a release of lien upon payment of all fees and penalties payable by such owner and such person may file the same with the register of deeds of any county in which such notice of lien has been filed. The county treasurer shall mail a copy of the release of lien to the division, and to the sheriff of any county where said notice of lien has been filed. If a quarterly installment payment shall be delinquent more than 10 days beyond the due date of such quarterly installment, the division, shall promptly on such default and the filing of the notice of lien issue a tax warrant to the sheriff of any county in which such notice of lien has been filed and may thereafter issue further warrants as may be necessary, and such sheriff shall seize and hold all personal property subject thereto and proceed to advertise and sell the same or so much thereof as may be necessary, to satisfy the state's lien, together with all expense of selling at public sale for cash, upon such notice as is provided by law in the case of a security agreement sale.

Any surplus of the proceeds of such sale, after paying to the county treasurer, the amount of the state's lien, and the cost of the officer in giving notice of and executing said warrant computed to the same extent as in judicial sales on execution, and of securing and preserving the property pending such sale, shall be delivered to the person lawfully entitled thereto. In the event that any truck or truck tractor for which the annual registration fee is being paid quarterly shall be sold or otherwise disposed of, the entire balance remaining unpaid on such annual registration fee shall become immediately due and payable.

No certificate of title shall be assigned or transferred or new certificate of title be issued for such vehicle until all the registration fees and penalties are paid in full. In the event such vehicle shall be repossessed by the enforcement of a lien or security interest on the same, during any quarterly period for which the registration fees have not been paid, the person repossessing such vehicle or the person purchasing such vehicle at a repossession sale, may acquire a new certificate of title upon the payment of a fee equal to $\frac{1}{4}$ of the annual registration fee of the vehicle registered hereunder, plus the regular fee prescribed by law for certificate of title. If any truck or truck tractor which is registered under the provisions of this subsection is exchanged or traded by the owner thereof for another truck or truck tractor, any registration fee and any quarterly installments which have been paid shall be applied to the registration fee due for the registration of the newly acquired vehicle. The application of any such registration fee or quarterly installment to the newly acquired vehicle shall not affect or reduce the original amount of the annual registration fee or any quarterly installment payment, for which such owner was originally liable.

The division of vehicles may call to its aid the state highway patrol or any peace officer or any duly appointed representative of the

(continued)

department to enforce the provisions of this section within their respective jurisdiction and it shall be the duty of such officers to do so. The remedies for enforcement and collection provided in this section are cumulative and the use of one shall not be deemed to be a waiver of the right to use any other.

Sec. 3. K.S.A. 1993 Supp. 8-143j is hereby amended to read as follows: 8-143j. (a) On and after January 1, 1991, any truck or truck tractor registered for a gross weight of more than 12,000 pounds which is engaged in farm custom harvesting operations may be registered in accordance with the schedule for such farm custom harvesting vehicles, but shall not be registered as a farm truck or farm truck tractor. The annual license fee for a farm custom harvesting truck or truck tractor shall be as follows:

For a gross weight of more than 12,000 lbs. and not more than 16,000 lbs.	\$60
For a gross weight of more than 16,000 lbs. and not more than 20,000 lbs.	100
For a gross weight of more than 20,000 lbs. and not more than 24,000 lbs.	130
For a gross weight of more than 24,000 lbs. and not more than 26,000 lbs.	175
For a gross weight of more than 26,000 lbs. and not more than 30,000 lbs.	175
For a gross weight of more than 30,000 lbs. and not more than 36,000 lbs.	210
For a gross weight of more than 36,000 lbs. and not more than 42,000 lbs.	240
For a gross weight of more than 42,000 lbs. and not more than 48,000 lbs.	310
For a gross weight of more than 48,000 lbs. and not more than 54,000 lbs.	410
For a gross weight of more than 54,000 lbs. and not more than 60,000 lbs.	470
For a gross weight of more than 60,000 lbs. and not more than 66,000 lbs.	570
For a gross weight of more than 66,000 lbs. and not more than 74,000 lbs.	750
For a gross weight of more than 74,000 lbs. and not more than 80,000 lbs.	880
For a gross weight of more than 80,000 lbs. and not more than 85,500 lbs.	1,000

(b) A tab or marker shall be issued and displayed in connection with the regular license plate for a truck or truck tractor registered as a farm custom harvesting truck or truck tractor.

(c) Trucks or truck tractors registered under this section shall be eligible for *proportional apportioned* registration under the provisions of K.S.A. 8-1,100 *et seq.*, and amendments thereto.

(d) As used in this section, "farm custom harvesting operations" means a person, firm, partnership, association or corporation engaged in farm custom harvesting operations if a truck or truck tractor is used to:

- (1) Transport farm machinery, supplies, or both, to or from a farm, for custom harvesting operations on a farm;
- (2) transport custom harvested crops only from a harvested field to initial storage or to initial market locations; or
- (3) transport agricultural products produced by such owner or commodities purchased by such owner for use on the farm owned or rented by the owner of such vehicle.

Sec. 4. K.S.A. 8-1,100 is hereby amended to read as follows: 8-1,100. As used in this act, the following words and phrases shall have the meanings respectively ascribed to them herein: (a) The words "vehicle," "motor vehicle," "truck," "truck tractor," "trailer," "semitrailer," "pole trailer," "specially constructed vehicle" and "passenger vehicle" shall have the meanings respectively ascribed to them by K.S.A. 8-126, or ~~acts amendatory thereof and amendments thereto~~;

(b) "division" means the division of vehicles of the department of revenue;

(c) "director" means the director of vehicles of the division of vehicles within the department of revenue;

(d) "commercial vehicle" means any motor vehicle, other than a passenger vehicle, and any trailer, semitrailer or pole trailer drawn by such motor vehicle, which vehicle is designed, used and maintained for the transportation of persons or property for hire, compensation, profit, or in the furtherance of a commercial enterprise;

(e) "fleet" means one or more commercial vehicles, at least one of which is a motor vehicle;

(f) "jurisdiction" means the states and territories of the United States, the District of Columbia, the provinces of Canada, the states

and territories of the Federal District of Mexico, and the states, provinces and territories of any foreign country;

(g) "person" means an individual, firm, partnership, association, corporation, estate or trust;

(h) "owner" means any person who is lawfully entitled to possession of a commercial vehicle and who has the right to control the operation of such vehicle, and in the event more than one person has the right to possession or control, the person in whose behalf such vehicle is being operated at a particular time shall be deemed the owner at that time. In the event a commercial vehicle is the subject of a lease, the lessee and operator of such vehicle, and not the holder of the legal title shall be deemed the owner;

(i) "preceding year" means a period of 12 consecutive months authorized by any bilateral or multijurisdictional agreement lawfully entered into by the director of vehicles, which 12 consecutive months shall end on a date of the year immediately preceding the commencement of the registration or license year for which *proportional apportioned* registration is sought. In the absence of an agreement, such 12 consecutive months shall coincide with the definition for preceding year as provided by any multijurisdictional agreement to which this state is a member jurisdiction and such multijurisdictional agreement has the greater number of member jurisdictions;

(j) "based, base point and base jurisdiction" means the jurisdiction where an owner has an established place of business where operational records of the owner's fleet are maintained or can be made available, and where mileage is accrued by such fleet, and the vehicles of such fleet are most frequently dispatched, garaged, serviced, maintained, operated or otherwise controlled;

(k) "place of business" means the place or location where an owner has a terminal, warehouse, office, garage or some permanent bona fide address at which one or more employees report and perform regular and continuing service for the owner;

(l) "base plate" means a registration or license plate issued by this state to a commercial vehicle based in and *proportionally registered on an apportioned basis* in this state;

(m) "total fleet miles" means the total number of miles operated during the preceding year in this state and in each and all other jurisdictions by the motor vehicles of a fleet, which motor vehicles were *proportionally registered on an apportioned basis* in this state during such preceding year by the owner operating such motor vehicles such total number of miles. Total fleet miles shall include miles operated upon a toll road;

(n) "in-state miles" means the total number of miles operated in this state during the preceding year by motor vehicles of a fleet which were *proportionally registered on an apportioned basis* in this state during such preceding year by the owner operating such total number of miles in this state. In the case of a fleet based in this state, in-state miles operated in jurisdictions other than Kansas shall be considered as Kansas in-state miles when such jurisdictions, by virtue of law or an agreement made with this state extends interstate reciprocity to the vehicles of such fleet; and

(o) "utility trailer" means any trailer of a rental fleet of 250 or more trailers, each having an empty weight of 2,000 pounds or less and a gross weight of not more than 8,000 pounds.

Sec. 5. K.S.A. 8-1,101 is hereby amended to read as follows: 8-1,101. (a) An owner engaged in operating a fleet in this state in interstate commerce may, in lieu of registration of ~~said such~~ fleet under the provisions of K.S.A. 8-126 to 8-149, ~~both sections inclusive, and acts amendatory thereof amendments thereto~~, register ~~said such~~ fleet for operation in this state upon payment of fees prescribed by this act and the filing of an application with the division of vehicles in a manner and upon a form prescribed by ~~said the~~ division, or in accordance with the provisions of any *proportional apportioned* fleet registration agreement made by this state. The application shall be signed by the owner, if an individual, or an officer or proper representative of an entity other than an individual, and such application shall contain the following and any other information pertinent to the registration of a fleet as the division of vehicles may require: (1) Name and base address of the owner of the fleet; (2) total fleet miles; and (3) a description of each fleet vehicle by year of manufacture, name of manufacturer, the identification or serial number, the declared gross weight of each motor vehicle, and the number of axles under each listed fleet vehicle.

(b) Fleet vehicles so registered shall be determined to be fully licensed and registered in this state, and shall be exempt from further

registration and license fees under the provisions of K.S.A. 8-126 to 8-149, inclusive, or acts amendatory thereof and amendments thereto, but nothing in this act shall be deemed to relieve any owner of fleet vehicles operated in intrastate commerce in this state, from any duty to register and operate in conformity with requirements of the state corporation commission.

(c) If so authorized by any bilateral or multijurisdictional agreement lawfully entered into by the director of vehicles, the director may collect and forward applicable registration fees and applications to other jurisdictions and may take such other action on behalf of the applicant or another jurisdiction as will facilitate the administration of such agreements, including deposits for the state of Kansas and disbursement of refunds. Amounts collected under such agreements shall be remitted by the director to the state treasurer daily. The state treasurer shall deposit the entire amount in the state treasury and credit such amount to the international registration plan clearing fund. Payments due and owing to member jurisdictions under any bilateral or multijurisdictional agreement and refunds for overpayment of fees shall be made from such fund. The director shall reconcile such clearing fund balances monthly and transfer the balance to the state highway fund. The funds shall be invested in the same manner as provided in K.S.A. 68-2324, and amendments thereto, and all earnings shall be deposited in the state treasury and credited to the state highway fund.

Sec. 6. K.S.A. 8-1,102 is hereby amended to read as follows: 8-1,102. (a) ~~Proportional Apportioned~~ fleet registration shall be renewed annually on January 1 of each year with such registration to be completed on or before March 1 of each year, and such registration shall expire on December 31 of each year. ~~Proportional Apportioned~~ fleet registration fees and other fees prescribed by this act shall be due January 1 of each year and shall be payable on or before March 1 of each year. If such registration fees and any other fees prescribed in this act are not paid by March 1 of each year, the owner of any vehicle for which such registration fees are delinquent shall be subject to a penalty fee of two dollars ~~(\$2)~~ \$2 for each fleet vehicle listed in an original or renewal application, but the sum of such penalty fee shall not exceed one hundred dollars ~~(\$100)~~ \$100.

(b) Nothing in the provisions of subsection (a) of this section shall be deemed to authorize the operation, prior to March 1 of any year on the highways of this state, of any vehicle required to be registered under the provisions of K.S.A. 8-1,101 to 8-1,123, inclusive, and amendments thereto, unless and until said such vehicle is duly registered.

(c) If the director of vehicles determines that appropriate identification cannot be issued to vehicles required to be registered under the provisions of this act prior to March 1 of a registration year, the director may fix a different date for the registration enforcement for such registration year.

Sec. 7. K.S.A. 8-1,103 is hereby amended to read as follows: 8-1,103. The director of vehicles shall compute ~~proportional apportioned~~ registration fees for each fleet as follows: ~~(1)~~ (a) Divide in-state miles by total fleet miles; ~~(2)~~ (b) determine the total amount necessary under the provisions of K.S.A. 8-143, and amendments thereto, to register each and every vehicle of a fleet for which ~~proportional apportioned~~ registration is sought, based on the regular annual fees for a registration year or applicable fees for the unexpired portion of the registration year; and ~~(3)~~ (c) multiply the sum obtained under subsection ~~(2)~~ (b) by the percentage factor obtained under subsection ~~(1)~~ (a).

Sec. 8. K.S.A. 8-1,105 is hereby amended to read as follows: 8-1,105. The division of vehicles shall register the fleet of vehicles described and identified in an application submitted pursuant to K.S.A. 8-1,101, and amendments thereto, and may issue license plates or other suitable identification devices for each vehicle described in the application upon payment of the appropriate fleet registration fees, title fees applicable, and any other fees hereinafter provided. If an identification device is issued by the division, a fee of three dollars ~~(\$3)~~ \$3 shall be charged and collected for each vehicle described in the application, which fee shall be in addition to any fleet registration fees applicable.

~~Proportional Apportioned~~ fleet registration identification devices shall be issued by the division in accordance with the requirements

of any contract, agreement, consent, arrangement or declaration made by the director and shall be displayed on a fleet vehicle as follows: ~~(1)~~ (a) If a ~~prorate an apportioned~~ base plate is issued, it shall be displayed in accordance with the provisions of K.S.A. 8-133, or acts amendatory thereof and amendments thereto; or ~~(2)~~ (b) if a ~~prorate an apportioned~~ registration cab card is issued, it shall be carried with the vehicle so described at all times, and in the case of a combination of vehicles such cab card shall be carried in the vehicle supplying the motive power.

Sec. 9. K.S.A. 8-1,106 is hereby amended to read as follows: 8-1,106. The right to the privilege and benefits of ~~proportional apportioned~~ registration of fleet vehicles extended by this act, or by any contract, agreement, consent, arrangement, or declaration made by the director of vehicles shall be subject to the condition that each of such fleet vehicles is properly, duly and regularly licensed and registered as part of an interstate fleet in each other jurisdiction entitled thereto. If the fees for such ~~proportional apportioned~~ fleet registration are not paid to each other jurisdiction entitled thereto within a reasonable time, as shall be determined by the director, the director shall redetermine fees due this state, and such additional fees shall be due as are prescribed by K.S.A. 8-1,104 and 8-1,110, and amendments thereto.

Sec. 10. K.S.A. 8-1,107 is hereby amended to read as follows: 8-1,107. (a) The initial application for ~~proportional apportioned~~ registration of a fleet shall state the in-state miles and total fleet miles with respect to such fleet for the preceding year in this and other jurisdictions. If no operations were conducted with such fleet during the preceding year, the application shall contain a full statement of the proposed method of operation and estimates of annual in-state and total fleet mileage. The director may evaluate and adjust the estimate in the application if the director is not satisfied as to the correctness thereof. The director shall not accept estimated ~~mileages~~ mileage beyond the initial application and registration year for which ~~proportional apportioned~~ fleet registration is sought.

(b) If an owner desires to ~~prorate apportion~~ the registration of a fleet with a jurisdiction after an initial application has been filed or for a subsequent registration year after the initial registration year, and such owner did not conduct operations in such jurisdiction during the preceding year, such owner may ~~prorate apportion~~ the registration of a fleet in such jurisdiction by filing an affidavit with the division of vehicles upon a form provided by the division, which form shall provide a full statement of the proposed method of operation and an estimate of mileage in such jurisdiction. The division of vehicles shall compute the ~~proportional apportioned~~ registration fee for such estimated mileage jurisdiction as follows: (1) Add the estimated mileage to the total fleet mileage reported or adjusted by audit for a registration year; (2) divide the estimated in-state miles for the jurisdiction by the adjusted total fleet mileage as determined under ~~subpart paragraph~~ (1); (3) determine the total amount of fees necessary under the provisions of K.S.A. 8-143, and amendments thereto, to register each and every vehicle of a fleet for which ~~proportional apportioned~~ registration is sought, based on the regular annual fees for the unexpired portion of a registration year; (4) multiply the sum obtained under ~~subpart paragraph~~ (3) by the percentage factor obtained under ~~subpart paragraph~~ (2).

Sec. 11. K.S.A. 8-1,109 is hereby amended to read as follows: 8-1,109. (a) When a vehicle which is a part of a fleet registered under the provisions of K.S.A. 8-1,101 to 8-1,123, inclusive, and amendments thereto, is sold, repossessed, foreclosed by mechanic's lien, or has had title transferred by operation of law or cancellation or expiration of a lease agreement, the owner of such vehicle shall delete such vehicle from the owner's fleet by notifying the division of vehicles in a manner and upon a form prescribed by the director. The director may require such owner to surrender identification devices which have been issued with respect to such vehicle as the director may deem advisable.

(b) A vehicle which is eligible for deletion as part of a fleet may be replaced in such fleet by a newly acquired vehicle during a registration year upon application therefor and payment of a transfer fee of \$5, and any title fee applicable. If the vehicle deleted from a fleet and the replacement vehicle to such fleet are both motor vehicles, and the declared gross weight of the replacement vehicle

(continued)

is greater than that for which the deleted vehicle was registered, the owner thereof shall pay the difference in ~~proportional apportioned~~ registration fee for the time remaining in a registration year, including the transfer fee ~~hereinbefore~~ prescribed. The provisions of this subsection shall only be applicable if the vehicle to be deleted from a fleet and the replacement vehicle to such fleet are both motor vehicles, trailers or semitrailers respectively, or the deleted vehicle is deleted or disposed of on or before the date the replacement vehicle is purchased or leased by the fleet owner.

Sec. 12. K.S.A. 8-1,110 is hereby amended to read as follows: 8-1,110. Any owner whose application for ~~proportional apportioned~~ fleet registration has been accepted for a current registration year shall preserve such application records for the three immediate preceding years. "Preceding year" and "registration year" shall have the meanings ascribed to them by subsection (i) of K.S.A. 8-1,100 and subsection (a) of K.S.A. 8-1,102, ~~or acts amendatory thereof and amendments thereto~~. Audits conducted under the provisions of this section shall be limited to the records for the current registration year and the two registration years immediately preceding the current registration year. Such records shall be made available to the division of vehicles at the director's request for audit as to accuracy of computation and payment and assessment of deficiencies or allowances for credit. The director may enter into agreements with agencies of other jurisdictions administering motor vehicle registration laws or ~~proportional apportioned~~ fleet registration laws or agreements for joint audits of any such fleet owner. No assessment for deficiency or claim for credit may be made for any period for which records are no longer required. Upon audit, any sums found to be due and owing by an owner, except for any case where it is determined by the director that the amount due and owing is not due to negligence or intentional disregard, shall be subject to a penalty in a sum equal to 5% of the amount due and owing, and such amount due and owing including the penalty, shall be paid in accordance with the provisions of K.S.A. 8-1,104, ~~and amendments thereto~~. If any owner fails to make records available to the division of vehicles upon request, or fails to maintain records from which such owner's true liability may be determined, the division of vehicles may, 20 days after a written demand for available records or notification of insufficient records, may impose an arbitrary assessment of a liability based upon the division of vehicles' best estimate of the true liability of such owner as determined from information furnished by the owner, information gathered by the division of vehicles at its own instance, information available to the division concerning operations by similar owners and such other pertinent information as may be available to the division of vehicles.

Sec. 13. K.S.A. 8-1,112 is hereby amended to read as follows: 8-1,112. Whenever the director of vehicles shall make an agreement, consent, arrangement, contract or declaration with the proper authority of another jurisdiction for the ~~proportional apportioned~~ registration of fleet vehicles, each commercial truck and truck tractor which is based or registered in such other jurisdiction, and which truck or truck tractor would otherwise be subject to ~~proportional apportioned~~ fleet registration, if such fleet is operated in Kansas by the owner thereof, the operator of such truck or truck tractor shall be required to carry a Kansas interstate reciprocity permit in the cab thereof in order to be entitled to operate in interstate commerce on the highways of this state without being registered in this state. Such Kansas interstate reciprocity permits shall be issued by the division of vehicles upon application ~~therefor~~ and payment of a fee of ~~five dollars (\$5)~~ \$5. Such permits shall be issued for a calendar or registration year. The application for such permit shall be made on a form prescribed and furnished by the director of vehicles. The permit issued shall be in cab card form, and shall contain such information as shall be sufficient to identify the vehicle for which it is issued, and such other information as the director of vehicles shall deem necessary. All moneys received for such permits shall be paid into the state treasury, and the state treasurer shall credit the same to the state highway fund. This section shall be supplemental to and part of the motor vehicle registration act of this state.

The interstate reciprocity permit or the fee ~~therefor~~ or both such fee and permit may be waived in accordance with any agreement, consent, declaration or arrangement between this state and any other state, province or country entered into as provided by K.S.A. 74-4302, ~~and amendments thereto~~.

Sec. 14. K.S.A. 8-1,113 is hereby amended to read as follows: 8-1,113. (a) Any owner of a fleet which is currently, duly and properly registered under the provisions of K.S.A. 8-1,101 to 8-1,123, inclusive, ~~and amendments thereto~~, or under any contract, agreement, consent, arrangement or declaration made by the director of vehicles may, upon making application to the division of vehicles in a manner and upon a form furnished and prescribed by the director, may be issued temporary authorization for the immediate operation of an additional or replacement vehicle to such owner's fleet, which additional or replacement vehicle is eligible for and subject to ~~proportional apportioned~~ registration in this state as part of such owner's fleet. Temporary ~~proportion~~ ~~apportion~~ authorizations, upon issuance, shall be valid for a period of time determined by the director, and shall not be renewable upon expiration. The division of vehicles shall charge and collect a fee of ~~five dollars (\$5)~~ \$5 for each temporary authorization form provided an owner, which fee shall be in addition to any ~~proportion apportioned~~ registration fee, title fee or any other fee or penalty applicable under the provisions of K.S.A. 8-1,101 to 8-1,123, inclusive, ~~and amendments thereto~~, or prescribed by law.

(b) The division of vehicles may, upon written, oral or telephone request from an owner, or the proper representative of an owner, may issue a letter of authorization, or issue an authorization sent by an electronic communications device, for the immediate operation of an additional or replacement vehicle to such owner's fleet for a period of time to be determined by the director, if such owner has an application pending covering such additions or replacement vehicle. No fee shall be charged and collected by the division of vehicles for a letter of authorization or an authorization issued by the division by an electronic communications device.

(c) A temporary authorization issued under the provisions of this section shall be carried with the vehicle described in such authorization and, if such vehicle is a trailer, such authorization shall be carried in the vehicle supplying the motive power. An authorization issued under the provisions of this section shall be a valid registration identification device during the period of time covered by such authorization, and shall be in lieu of any other identification or registration device issued or required under the provisions of K.S.A. 8-126 to 8-149, inclusive, ~~or acts amendatory thereof and amendments thereto~~.

(d) Whenever an owner fails to register an additional or replacement vehicle as part of ~~said such~~ owner's fleet for which an authorization was issued under the provisions of this section, within the period of time extended by such authorization, the division of vehicles shall suspend the operation of ~~said such~~ owner's fleet pending registration of such additional or replacement vehicle as part of ~~said such~~ owner's fleet.

Sec. 15. K.S.A. 8-1,114 is hereby amended to read as follows: 8-1,114. (a) Whenever a base plate or a ~~proportion an apportioned~~ registration cab card issued to an owner of a fleet vehicle registered under the provisions of this act has been lost, misplaced or mutilated, such fleet owner shall replace the identification device by filing with the division of vehicles a ~~sworn~~ statement signed by an officer of the company or corporation which shall provide: (1) The serial number of the identification device being replaced; (2) the type of identification device lost, misplaced or mutilated; (3) a description of the vehicle by year of manufacture; (4) the name of the manufacturer; and (5) the identification or serial number of the vehicle to which such identification device was originally issued. The statement shall be signed by the fleet owner, or an authorized agent of such owner, and be accompanied by a replacement fee as follows: (1) ~~Three dollars (\$3)~~ of \$3 for a replacement base plate; or (2) ~~one dollar (\$1)~~ \$1 until January 1, 1995, and \$3 thereafter, for a replacement ~~proportion apportioned~~ registration cab card.

(b) ~~On and after January 1, 1995, an apportioned registration cab card shall be reissued when additional jurisdictions are added or weight limits are modified. A cab card shall be reissued upon the payment of a fee of \$1.~~

Sec. 16. K.S.A. 8-1,115 is hereby amended to read as follows: 8-1,115. (a) An owner of a fleet, the vehicles of which are based in Kansas, and which is eligible for registration under the provisions of this act, or any ~~proportional apportioned~~ fleet registration agreement, reciprocity agreement, arrangement, consent, or declaration

made by the director of vehicles, may elect, at the time such owner's annual ~~proportional~~ *apportioned* fleet registration fee is payable, to pay such annual ~~proportional~~ *apportioned* fleet registration fee in equal quarterly installments, the first of which shall be due and payable at the time of such application, but not later than March 1 in each year, and each ensuing quarter thereafter shall be due and payable respectively on the first day of April, July and October. No owner shall be eligible for payment of ~~proportional~~ *apportioned* fleet registration fees in quarterly installments unless the annual ~~proportional~~ *apportioned* fleet registration fee for such owner's fleet exceeds ~~three hundred dollars (\$300)~~ \$300. The election to pay annual ~~proportional~~ *apportioned* fleet registration fees in quarterly installments shall not be construed so as to relieve any owner of the liability for payment of the entire amount of fees which would otherwise be due for the full registration year.

(b) If a fleet owner ~~shall fail~~ *fails* to pay any quarterly installment on or before the date the same is due and payable, the right to operate the fleet vehicles registered under the provisions of this act on the highways of this state shall terminate, and it shall be unlawful to operate ~~said~~ *such* fleet vehicles on the highways of this state until the delinquent quarterly installment payment, including any penalty, shall have been paid in full.

(c) If a quarterly installment shall be delinquent more than ~~ten (10)~~ 10 days beyond the due date of such installment, except for any case where it is determined by the director of vehicles that such delinquency is not due to negligence or intentional disregard of the provisions of this section, the entire balance of the annual ~~proportional~~ *apportioned* registration fee remaining, including the delinquent quarterly installment, plus a penalty in a sum equal to ~~ten percent (10%)~~ 10% of the annual ~~proportional~~ *apportioned* fleet registration fee shall be due and payable. Any such fleet owner so delinquent may be denied the privilege of paying the annual ~~proportional~~ *apportioned* fleet registration fee for ensuing registration years on a quarterly basis. All such ~~proportional~~ *apportioned* registration fees and penalties ~~thereon~~ remaining unpaid shall constitute a debt due the state, which may be collected from the person owing the same by suit or otherwise. All such ~~proportional~~ *apportioned* fleet registration fees remaining unpaid after the same are due and payable, and any penalty thereon shall constitute a first and prior lien in favor of the state upon the vehicles of a fleet registered hereunder and all other real and personal property of the fleet owner located within the state in the amount that such fees and penalty remain unpaid. Such lien shall attach at the time such unpaid fees and penalty accrue, and shall be paramount to all prior liens or encumbrances of any character, and to the rights of any holder of the legal title in or to any such fleet vehicles.

(d) When any installment payment has been delinquent more than ~~ten (10)~~ 10 days, the division of vehicles shall forthwith file a notice of lien in the office of the register of deeds of the county where the principal place of business of such fleet owner is located, or any county where the vehicles of such fleet are based, or any other county in which such owner has any property. A copy of ~~said~~ *such* notice of lien shall be mailed to the ~~delinquent~~ fleet owner ~~so delinquent~~. ~~Said~~ *The* notice of lien shall set forth the name and address of the fleet owner, the amount of the ~~proportional~~ *apportioned* fleet registration fee and penalty payable and unpaid, and a description of the fleet vehicles to which applicable. It shall be the duty of each register of deeds in this state to index and file immediately all such notices of lien in the manner provided in the cases of financing statements, and no fee shall be charged for filing and indexing. The division of vehicles shall issue a release of lien upon payment of the ~~proportional~~ *apportioned* fleet registration fee and penalty payable by such fleet owner, and such person may file the same with the register of deeds of any county in which such notice of lien has been filed, and no fee shall be charged for the release of lien.

Upon filing the notice of lien ~~aforsaid~~, the division of vehicles shall issue a tax warrant to the sheriff of any county in which ~~said~~ *the* notice of lien has been filed and may ~~thereafter~~ issue further warrants as may be necessary, and such sheriff shall seize and hold all personal property subject thereto and proceed to advertise and sell the same or so much thereof as may be necessary, to satisfy the state's lien, together with all expenses of selling at public sale for cash, upon such notice as is provided by law in the case of a security

agreement sale. Any surplus of the proceeds of such sale, after paying to the division of vehicles the amount of the state's lien, the officer's cost of giving notice of and executing said warrant computed to the same extent as in judicial sales on execution, and the cost of securing and preserving the property pending such sale, shall be delivered to the person lawfully entitled thereto.

Sec. 17. K.S.A. 8-1,116 is hereby amended to read as follows: 8-1,116. (a) If a fleet owner ~~shall sell~~ *sells* or otherwise ~~dispose~~ *disposes* of a vehicle which is part of such owner's fleet registered hereunder, the sale or disposal of such vehicle shall not affect or reduce such fleet owner's obligation or liability to pay the annual ~~proportional~~ *apportioned* registration fee for such fleet or any ~~proportional~~ *apportioned* quarterly installments for such fleet as determined by such fleet owner's original application.

(b) If any vehicle which is part of a fleet registered under the provisions of this act is disposed of by the fleet owner ~~thereof~~, and such owner desires to register an additional or newly acquired vehicle during the registration year, and such additional or newly acquired vehicle is eligible for and part of ~~said~~ *the* owner's ~~prorate~~ *apportioned* fleet, such additional or newly acquired vehicle may be registered as part of such owner's fleet for the remainder of the registration year without the payment of an additional ~~proportional~~ *apportioned* registration fee, other than transfer fee and title fee, if the annual ~~proportional~~ *apportioned* fleet registration fee applicable for the additional or newly acquired vehicle is the same as that of the vehicle which is being deleted by such owner. If the annual ~~proportional~~ *apportioned* registration fee for the additional or newly acquired vehicle is greater than the annual ~~proportional~~ *apportioned* registration fee for the vehicle being deleted, such fleet owner shall pay the full difference in ~~proportional~~ *apportioned* registration fee. No certificate of title shall be assigned or transferred or a new certificate of title be issued for any vehicle which is part of such owner's fleet when such fleet owner is delinquent in the payment of ~~proportional~~ *apportioned* fleet registration fees.

(c) Any owner of a truck or truck tractor based in Kansas and registered as a vehicle in a ~~proportionally~~ *registered* fleet ~~registered~~ *on an apportioned basis* for which applicable ~~proportional~~ *apportioned* registration fees have been paid, which truck or truck tractor is sold, junked, repossessed, foreclosed by a mechanic's lien or has had title transferred by operation of law, and which vehicle is not being replaced in the fleet by another motor vehicle, may secure a refund by making application to the division of vehicles on a form provided and prescribed by the director of vehicles. Such refund shall include only the portion of the fee applicable to the Kansas ~~proportional~~ *apportioned* registration fee for that vehicle for the remaining portion of the registration year. Such application for refund shall be accompanied by the Kansas base plate issued for that vehicle and the cab card issued therewith. In the event the owner of such vehicle is deceased and such vehicle will not be used on the highways, and title is not currently being transferred, the proper representative of the estate shall be entitled to ~~said~~ *such* refund. Where the vehicle is ~~proportionally~~ *registered on an apportioned basis* under a quarterly fleet registration, as provided in K.S.A. 8-1,115, and amendments thereto, such refund shall be made on the ~~proportional~~ *apportioned* quarterly fee paid and unused and all remaining quarterly payments applicable to such motor vehicle shall be canceled. Notwithstanding any of the foregoing provisions of this section, refunds shall be made under the provisions of this section only where the amount ~~thereof~~ exceeds ~~fifty dollars (\$50)~~ \$50.

Sec. 18. K.S.A. 8-134a, 8-143a, 8-1,100, 8-1,101, 8-1,102, 8-1,103, 8-1,105, 8-1,106, 8-1,107, 8-1,109, 8-1,110, 8-1,112, 8-1,113, 8-1,114, 8-1,115 and 8-1,116 and K.S.A. 1993 Supp. 8-143j are hereby repealed.

Sec. 19. This act shall take effect and be in force from and after its publication in the Kansas register.

(Published in the Kansas Register, April 7, 1994.)

HOUSE BILL No. 2714

AN ACT concerning natural gas pipeline safety; relating to certain penalties for violations; amending K.S.A. 66-1,151 and repealing the existing section.

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

Section 1. K.S.A. 66-1,151 is hereby amended to read as follows: 66-1,151. Any person who violates any rule or regulation adopted pursuant to this act, or any rule and regulation adopted by the commission and in effect on July 1, 1969, shall be subject to a civil penalty not to exceed \$10,000 for each violation for each day that the violation persists. However, the maximum civil penalty shall not exceed \$500,000 for any related series of violations \$25,000 for each violation for each day that the violation persists. However, the maximum civil penalty shall not exceed \$500,000 for any related series of violations.

Sec. 2. K.S.A. 66-1,151 is hereby repealed.

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

(Published in the Kansas Register, April 7, 1994.)

SUBSTITUTE for SENATE BILL No. 540

AN ACT relating to banks and trust companies; authority to establish and operate branches; regulation by state bank commissioner and state banking board; amending K.S.A. 9-2011 and K.S.A. 1993 Supp. 9-1111, 9-1801, 9-2103, 9-2107 and 9-2108 and repealing the existing sections; also repealing K.S.A. 1993 Supp. 9-2109 and 9-2110.

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

Section 1. K.S.A. 1993 Supp. 9-2107 is hereby amended to read as follows: 9-2107. (a) For purposes of this section, the following terms shall have the following meanings As used in this section:

(1) "Contracting trustee" means any trust company, as defined in K.S.A. 9-701, and amendments thereto, any bank that has been granted trust authority by the state bank commissioner under K.S.A. 9-1602, and amendments thereto, or any national bank chartered to do business in Kansas that has been granted trust authority by the comptroller of the currency under 12 USC 92a which accepts or succeeds to any fiduciary responsibility in any manner hereinafter provided as provided in this section;

(2) "originating trustee" means any trust company, bank, national banking association, savings and loan association or savings bank which has trust powers and its principal place of business is in this state and which places or transfers any fiduciary responsibility to a contracting trustee in the manner hereinafter provided as provided in this section;

(3) "financial institution" means any bank, national banking association, savings and loan association or savings bank which has its principal place of business in this state but which does not have trust powers.

(b) Any contracting trustee and any originating trustee may enter into an agreement whereby by which the contracting trustee, without any further authorization of any kind, succeeds to and be succeeds to and is substituted for the originating trustee as to all fiduciary powers, rights, duties, privileges and liabilities with respect to all accounts for which the originating trustee serves in any fiduciary capacity, except as may be provided otherwise in the agreement. No such agreement shall become effective unless notice thereof has been filed with the commissioner pursuant to subsection (f), and the commissioner has not disapproved the notice within 60 days thereafter.

(c) Unless the agreement expressly provides otherwise, upon the effective date of the substitution:

(1) The contracting trustee shall be deemed to be named as the fiduciary in all writings, including, without limitation, trust agreements, wills and court orders, which pertain to the affected fiduciary accounts;

(2) the originating trustee shall be is absolved from all fiduciary duties and obligations arising under such writings and shall discontinue the exercise of any fiduciary duties with respect to such writings, except that the originating trustee shall not be is not absolved or discharged from any duty to account arising in required by K.S.A. 59-1709, and amendments thereto, or any other applicable statute,

rule of law, rule and regulation rules and regulations or court order, nor shall the originating trustee be absolved from any breach of fiduciary duty or obligation occurring prior to the effective date of the agreement.

(d) The agreement also may authorize the contracting trustee:

(1) To establish and maintain a trust service desk at any office of the originating trustee at which the contracting trustee may conduct any trust business and any business incidental thereto and which the contracting trustee may otherwise conduct at its principal place of business; and

(2) to engage the originating trustee as the agent of the contracting trustee, on a disclosed basis to customers, for the purposes of providing administrative, advertising and safekeeping services incident to the fiduciary services provided by the contracting trustee.

(e) Any contracting trustee also may enter into an agreement with a financial institution providing that the contracting trustee may maintain establish a trust service desk as authorized by subsection

(d) in the offices of such financial institution and which provides such financial institution, on a disclosed basis to customers, may act as the agent of contracting trustee for purposes of providing administrative services and advertising incident to the fiduciary services to be performed by the contracting trustee. No such agreement shall become effective unless notice thereof has been filed with the commissioner pursuant to subsection (f), and the commissioner has not disapproved the notice within 60 days thereafter.

(f) Notice to the commissioner of any agreement authorized by this section shall be accompanied by No activity authorized by subsections (b) through (e) shall be conducted by any contracting trustee, originating trustee or financial institution until an application for such authority has been submitted to and approved by the commissioner. The application shall be in the form and contain the information required by the commissioner, which shall at a minimum include certified copies of the following documents:

(1) The agreement;

(2) the written action taken by the board of directors of the originating trustee or financial institution approving the agreement;

(3) any all other required regulatory approvals; and

(4) an affidavit of publication of a notice of filing of intent to file the application in a form prescribed by with the commissioner. Publication of the notice shall be on the same day for two consecutive weeks in the official newspaper of the city or county where the principal office of the originating trustee or financial institution is located. The notice shall be in the form prescribed by the commissioner and shall contain the name of the applicant contracting trustee, the originating trustee or financial institution, the proposed date of filing of the application with the commissioner, a solicitation for written comments concerning the application, and a notice of the public's right to file a written request for a public hearing for the purpose of presenting oral or written evidence regarding the proposed agreement. All comments and requests for public hearing shall be filed with the commissioner on or before the 30th day after the date the application is filed; and

(5) a certification by the parties to the agreement that written notice of the proposed substitution was sent by first-class mail to each cofiduciary, each surviving settlor of a trust, each ward of a guardianship, each person who has sole or shared power to remove the originating trustee as fiduciary and each adult beneficiary currently receiving or entitled to receive a distribution of principle or income from a fiduciary account affected by the agreement, and that such notice was sent to each such person's address as shown in the originating trustee's records. An unintentional failure to give such notice shall not impair the validity or effect of any such agreement, except an intentional failure to give such notice shall render the agreement null and void as to the party not receiving the notice of substitution.

(g) The commissioner may issue a notice disapproving any such application if the commissioner determines the agreement fails to meet a public need and does not serve the public interest. Notwithstanding any other provision of this section, no agreement authorized by this section shall become effective until the parties jointly file a certificate with the commissioner certifying that at least 60 days prior thereto, written notice of the substitution was sent by first-class mail to each cofiduciary, each surviving settlor of a trust, each ward of a guardianship,

each person who has sole or shared power to remove the originating trustee as fiduciary and each adult beneficiary currently receiving or entitled to receive a distribution of principal or income from a fiduciary account affected by the agreement to each such person's address as shown in the originating trustee's records. An unintentional failure to give such notice shall not impair the validity or effect of any such agreement, except that intentional failure to give such notice shall render the agreement null and void as to the party not receiving the notice of substitution. A contracting trustee making application to the commissioner for approval of any agreement pursuant to this section shall pay to the commissioner a fee, in an amount established by rules and regulations of the commissioner adopted pursuant to K.S.A. 9-1713 and amendments thereto, to defray the expenses of the commissioner or designee in the examination and investigation of the application. The commissioner shall remit all amounts received under this section to the state treasurer who shall deposit the same to a separate account in the state treasury for each application. The money in each such account shall be used to pay the expenses of the commissioner, or designee in the examination and investigation of the application to which it relates and any unused balance shall be transferred to the bank commissioner fee fund.

(h) Any party entitled to receive a notice under subsection (g) may file a petition in the court having jurisdiction over the fiduciary relationship, or if none, in the district court in the county where the originating trustee has its principal office, seeking to remove any contracting trustee substituted or about to be substituted as a fiduciary pursuant to this section. Unless the contracting trustee files a written consent to its removal or a written declination to act subsequent to the filing of the petition, the court, upon notice and hearing, shall determine the best interests of the petitioner and all other parties concerned and shall fashion such relief as it deems appropriate in the circumstances, including the awarding of reasonable attorney fees. The right to file a petition under this subsection shall be in addition to any other rights to remove fiduciary provided by any other statute or regulation or by the writing creating the fiduciary relationship. Upon the filing of any such application with the commissioner, the commissioner shall make or cause to be made, a careful examination and investigation concerning:

(1) The reasonable probability of usefulness and success of the contracting trustee;

(2) the financial history and condition of the contracting trustee including the character, qualifications and experience of the officers employed by the contracting trustee; and

(3) whether the contracting agreement will result in any undue injury to properly conducted existing banks, national banks and trust companies.

If the commissioner shall determine any of such matters unfavorably to the applicants, the application shall be disapproved, but if not, then the application shall be approved.

(i) If no written request for public hearing is filed, the commissioner shall render approval or disapproval of the application within 60 days of the date upon which the application was filed.

(j) If a written request for public hearing is filed, the commissioner shall hold within 30 days of the close of the comment period, a public hearing in a location determined by the commissioner. Notice of the time, date and place of such hearing shall be published by the applicant in a newspaper of general circulation in the county where the originating trustee or financial institution is located, not less than 10 nor more than 30 days prior to the date of the hearing, and an affidavit of publication shall be filed with the commissioner. At any such hearing, all interested persons may present written and oral evidence to the commissioner in support of or in opposition to the application. Upon completion of a transcript of the testimony given at any such hearing, the transcript shall be filed in the office of the commissioner. Within 14 days after the public hearing, the commissioner shall approve or disapprove the application after consideration of the application and evidence gathered during the commissioner's investigation.

(k) The commissioner may extend the period for approval or disapproval if the commissioner determines that any information required by this section has not been furnished, any material information submitted is inaccurate or additional investigation is re-

quired. The commissioner, prior to expiration of the application period provided for by this section, shall give written notice to each party to the agreement of the commissioner's intent to extend the period which shall include a specific date for expiration of the extension period. If any information remains incomplete or inaccurate upon the expiration of the extension period the application shall be disapproved.

(l) Within 15 days of the date of the commissioner's approval or denial, the applicant or any individual or corporation who filed a request for and presented evidence at the public hearing shall have the right to appeal in writing to the state banking board the commissioner's determination by filing a notice of appeal with the commissioner. The state banking board shall fix a date for hearing, which hearing shall be held within 45 days after such notice of appeal is filed. The board shall conduct the hearing in accordance with the provisions of the Kansas administrative procedure act and render its decision affirming or rescinding the determination of the commissioner. Any action of the board pursuant to this section is subject to review in accordance with the act for judicial review and civil enforcement of agency actions. Any party which files an appeal to the state banking board of the commissioner's determination shall pay to the commissioner a fee in an amount established by rules and regulations of the commissioner, adopted pursuant to K.S.A. 9-1713 and amendments thereto, to defray the board's expenses associated with the conduct of the appeal.

(m) When the commissioner determines that any contracting trustee domiciled in this state has entered into a contracting agreement in violation of the laws governing the operation of such contracting trustee, the commissioner shall give written notice to the contracting trustee and the originating trustee or financial institution of such determination. Within 15 days after receipt of such notification, the contracting trustee and originating trustee or financial institution shall have the right to appeal in writing to the state banking board the commissioner's determination. The board shall fix a date for hearing, which shall be held within 45 days after the date of the appeal and shall be conducted in accordance with the Kansas administrative procedure act. At such hearing the board shall hear all matters relevant to the commissioner's determination and shall approve or disapprove the commissioner's determination. The decision of the board shall be final and conclusive. If the contracting trustee does not appeal to the board from the commissioner's determination or if an appeal is made and the commissioner's determination is upheld by the board, the commissioner may proceed as provided in K.S.A. 9-1714 and amendments thereto, until such time as the commissioner determines the contracting trustee, originating trustee and financial institution are in full compliance with the laws governing the operation of a contracting trustee and originating trustee or financial institution.

(n) Any party entitled to receive a notice under subsection (f)(5) may file a petition in the court having jurisdiction over the fiduciary relationship, or if none, in the district court in the county where the originating trustee has its principal office, seeking to remove any contracting trustee substituted or about to be substituted as fiduciary pursuant to this section. Unless the contracting trustee files a written consent to its removal or a written declination to act subsequent to the filing of the petition, the court, upon notice and hearing, shall determine the best interest of the petitioner and all other parties concerned and shall fashion such relief as it deems appropriate in the circumstances, including the awarding of reasonable attorney fees. The right to file a petition under this subsection shall be in addition to any other rights to remove fiduciary provided by any other statute or regulation or by the writing creating the fiduciary relationship. If the removal of the fiduciary is prompted solely as a result of the contracting agreement, any reasonable cost associated with such removal and transfer, not to exceed \$200 per account, shall be paid by the originating trustee or financial institution entering into the agreement.

Sec. 2. K.S.A. 1993 Supp. 9-2108 is hereby amended to read as follows: 9-2108. It shall be unlawful for any trust company to establish and or operate any a trust service office or relocate any an existing trust service office except as provided in this act:

(a) For purposes of this section, the term As used in this

(continued)

section: "Trust service office" means any office, agency or other place of business located within this state other than the place of business specified in the trust company's certificate of authority, at which the powers granted to trust companies under K.S.A. 9-2103 and amendments thereto are exercised. A trust service office shall not include a trust service desk established pursuant to subsection (d)(1) of K.S.A. 9-2107 and amendments thereto. For the purposes of this section, any activity in compliance with K.S.A. 9-2107 and amendments thereto does not constitute a trust service office;

(b) after first applying for and obtaining the approval of the state banking board commissioner under this section, one or more trust service offices may be established and or operated in any city with a population of 20,000 or more within this state by a trust company incorporated under the laws of this state;

(c) an application to establish and or operate a trust service office or to relocate an existing trust service office shall be in such form and contain such information as rules and regulations of the state bank commissioner, adopted pursuant to K.S.A. 9-1713 and amendments thereto provide; required by the commissioner and shall include certified copies of the following documents:

(1) The written action taken by the board of directors of the trust company approving the establishment or operation of the proposed trust service office or the proposed relocation of the trust service office;

(2) all other required regulatory approvals; and

(3) an affidavit of publication of notice of intent to file an application to establish or operate a trust service office or relocate an existing trust service office. Publication of the notice shall be on the same day for two consecutive weeks in the official newspaper of the city where the proposed trust service office is to be located. The notice shall be in the form prescribed by the commissioner and shall contain the name of the applicant, the location of the proposed trust service office, the proposed date of filing of the application with the commissioner, a solicitation for written comments concerning the application and a notice of the public's right to file a written request for a public hearing for the purpose of presenting oral or written evidence regarding the proposed trust service office. All comments and requests for public hearing shall be filed with the commissioner on or before the 30th day after the date the application is filed.

(d) the application shall include an affidavit of publication of notice that applicant trust company intends to file an application to establish a trust service office or relocate an existing trust service office. The notice shall be published in a newspaper of general circulation in the county where the applicant trust company proposes to locate the trust service office. The notice shall be in the form prescribed by the state banking board and at a minimum shall contain the name and address of the applicant trust company, the location of the proposed trust service office, a solicitation for written comments concerning the proposed trust service office to be submitted to the state banking board, and provide for a comment period of not less than 10 days prior to the board's final consideration of the application. A trust company making application to the commissioner for approval of a trust service office under this section shall pay to the commissioner a fee, in an amount established by rules and regulations of the commissioner, adopted pursuant to K.S.A. 9-1713 and amendments thereto, to defray the expenses of the commissioner or designee in the examination and investigation of the application. The commissioner shall remit all amounts received under this section to the state treasurer who shall deposit the same to a separate account in the state treasury for each application. The moneys in each such account shall be used to pay the expenses of the commissioner or designee in the examination and investigation of the application to which it relates and any unused balance shall be transferred to the bank commissioner fee fund;

(e) upon receipt of an application meeting the above requirements, if there is any written objection to the application filed with the board, within 60 days after receipt of the application, the state banking board shall hold a hearing in the county in which the applicant trust company seeks to establish and operate a trust service office. If there is no written objection filed with the board within the time period specified under subsection (d), the board may hold a hearing on the application in such county. Notice of the time, date and place of such hearing if one is to be held shall be published in a newspaper

of general circulation in such county by the trust company seeking to establish and operate the trust service office not less than 10 or more than 30 days prior to the date of the hearing, and an affidavit of publication thereof shall be filed with the commissioner. Not less than 10 days or more than 30 days prior to any such date of the hearing, the commissioner shall give notice of the time, date and place of such hearing by registered or certified mail to all banks, national banking associations and trust companies having their principal place of business, branch banks or trust service offices in the county wherein the applicant trust company seeks to locate a trust service office. At any such hearing, all interested persons shall be allowed to present written and oral evidence to the board in support of or in opposition to the application. Upon completion of a transcript of the testimony given at any such hearing, the transcript shall be filed in the office of the commissioner and copies shall be furnished to the members of the state banking board not less than 14 days prior to the meeting of the board at which the application will be considered;

(f) The state banking board shall approve or disapprove the application within 90 days after consideration of the application and the evidence gathered during the board's investigation. If the board finds that:

(1) There is or will be at the time the trust service office is opened the need for same in the community to be served by it;

(e) Upon filing of any such application with the commissioner, the commissioner shall make or cause to be made, a careful examination and investigation concerning:

(2) there is a (1) The reasonable probability of usefulness and success of the proposed trust service office;

(3) (2) the applicant trust company's financial history and condition is sound including the character, qualifications and experience of the officers employed by the trust company; and

(4) (3) whether the proposed trust service office can be established without undue injury to properly conducted existing banks, national banking associations and trust companies; the application shall be granted; otherwise, the application shall be denied. If the commissioner determines any of such matters unfavorably to the applicants, the application shall be disapproved, but if not, the application shall be approved.

(f) If no written request for public hearing is filed, the commissioner shall render approval or disapproval of the application within 60 days of the date upon which the application was filed.

(g) Any final action of the board approving or disapproving an application shall be subject to review in accordance with the act for judicial review and civil enforcement of agency actions upon the petition of any adversely affected or aggrieved person who appeared and offered evidence at the hearing upon the application. If a written request for public hearing is filed, the commissioner shall hold a public hearing in a location determined by the commissioner within 30 days of the close of the comment period. Notice of the time, date and place of the hearing shall be published by the applicant in a newspaper of general circulation in the county where the proposed trust service office is to be located, not less than 10 or more than 30 days prior to the date of the hearing, and an affidavit of publication shall be filed with the commissioner. At any such hearing, all interested persons shall be allowed to present written and oral evidence to the commissioner in support of or in opposition to the application. Upon completion of a transcript of the testimony given at any such hearing, the transcript shall be filed in the office of the commissioner. Within 14 days after the public hearing, the commissioner shall approve or disapprove the application after consideration of the application and evidence gathered during the commissioner's investigation.

(h) The commissioner may extend the period for approval or disapproval if the commissioner determines that any information required by this section has not been furnished, any material information submitted is inaccurate or additional investigation is required. The commissioner, prior to expiration of the application period as provided in this section, shall give written notice to the applicant of the commissioner's intent to extend the period and such notice shall include a specific date for expiration of the extension period. If any information remains incomplete or inaccurate upon

the expiration of the extension period the application shall be disapproved.

(i) Within 15 days of the date after the commissioner's approval or disapproval of the application, the applicant or any individual or corporation who filed a request for and presented evidence at the public hearing shall have the right to appeal in writing to the state banking board the commissioner's determination, by filing a notice of appeal with the commissioner. The state banking board shall fix a date for a hearing, which hearing shall be held within 45 days from the date such notice of appeal is filed. The board shall conduct the hearing in accordance with the provisions of the Kansas administrative procedure act and render its decision affirming or rescinding the determination of the commissioner. Action of the board pursuant to this section is subject to review in accordance with the act for judicial review and civil enforcement of agency actions. Any party which files an appeal to the state banking board of the commissioner's determination shall pay to the commissioner a fee in an amount established by rules and regulations of the commissioner, adopted pursuant to K.S.A. 9-1713 and amendments thereto, to defray the board's expenses associated with the conduct of the appeal.

(j) When the commissioner determines that a trust company domiciled in this state has established or is operating a trust service office in violation of the laws governing the operation of such trust company, the commissioner shall give written notice to the trust company of such determination. Within 15 days after receipt of such notification, the trust company may appeal in writing to the state banking board the commissioner's determination. The board shall fix a date for hearing, which hearing shall be held within 45 days from the date of such appeal and shall be conducted in accordance with the provisions of the Kansas administrative procedure act. At such hearing the board shall hear all matters relevant to the commissioner's determination and shall approve or disapprove the commissioner's determination, and the decision of the board shall be final and conclusive. If the trust company does not appeal to the state banking board from the commissioner's determination or if an appeal is made and the commissioner's determination is upheld by the board, the commissioner may proceed as provided in K.S.A. 9-1714 and amendments thereto, until such time as the commissioner determines the trust company is in full compliance with the laws governing the operation of a trust service office.

New Sec. 3. (a) Notwithstanding any provision contained in this act or any other Kansas statutes relating to the provision of trust services in this state, no trust company, trust department of a bank, corporation or other business entity, the home office of which is located outside the state of Kansas, shall establish or operate a trust facility within the state of Kansas.

(b) As used in this section, "trust facility" means any office, agency, desk or other place of business, at which trust business, as defined by K.S.A. 9-701 and amendments thereto, is conducted.

New Sec. 4. (a) Notwithstanding the requirements contained in K.S.A. 9-1111 and amendments thereto, a bank incorporated under the laws of this state may establish or operate a trust branch bank anywhere in this state.

(b) As used in this section, the term "trust branch bank" means any office, agency or other place of business located within this state, other than the place of business specified in the bank's certificate of authority, the sole purpose of which is to exercise those trust powers granted to the bank by the commissioner pursuant to K.S.A. 9-1602 and amendments thereto. No trust branch bank established or operated pursuant to this section shall be authorized to receive deposits, pay checks or lend money without first applying for and obtaining approval as provided in K.S.A. 9-1111 and amendments thereto.

(c) No bank shall establish or operate a trust branch bank or relocate an existing trust branch bank until the bank has applied for and obtained approval from the commissioner as provided by this section.

(d) An application to establish a trust branch bank as provided in this section shall be in such form and contain such information as is required by the commissioner and shall include certified copies of the following documents:

(1) The written action taken by the board of directors of the bank

approving the proposed trust branch bank or the relocation of an existing trust branch bank;

(2) all other required regulatory approvals; and

(3) an affidavit of publication of notice of intent to file an application to establish or operate a trust branch bank or relocate an existing trust branch bank. The publication of the notice shall be on the same day for two consecutive weeks in the official newspaper of the city or county where the proposed trust branch bank is to be located. The notice shall be in the form prescribed by the commissioner and shall contain the name of the applicant, the location of the proposed trust branch bank, the proposed date of filing of the application with the commissioner, a solicitation for written comments concerning the application and a notice of the public's right to file a written request for a public hearing for the purpose of presenting oral or written evidence regarding the proposed trust branch bank. All comments and requests for public hearing shall be filed with the commissioner on or before the 30th day after the date the application is filed.

(e) A bank making application to the commissioner for approval of a trust branch bank pursuant to this section shall pay to the commissioner a fee, in an amount established by rules and regulations of the commissioner, adopted pursuant to K.S.A. 9-1713 and amendments thereto, to defray the expenses of the commissioner or designee in the examination and investigation of the application. The commissioner shall remit all amounts received under this section to the state treasurer who shall deposit the same to a separate account in the state treasury for each application. The moneys in each such account shall be used to pay the expenses of the commissioner or designee in the examination and investigation of the application to which it relates and any unused balance shall be transferred to the bank commissioner fee fund.

(f) Upon the filing of any such application with the commissioner, the commissioner shall make or cause to be made, a careful examination and investigation concerning:

(1) The reasonable probability of usefulness and success of the proposed trust branch bank;

(2) the applicant bank's financial history and condition including the character, qualifications and experience of the officers employed by the bank; and

(3) whether the proposed trust branch bank can be established without undue injury to properly conducted existing banks, national banking associations and trust companies.

If the commissioner determines any of such matters unfavorably to the applicants, the application shall be disapproved, but if not, the application shall be approved.

(g) If no written request for public hearing is filed, the commissioner shall render approval or disapproval of the application within 60 days after the date upon which the application was filed.

(h) If a written request for public hearing is filed, the commissioner shall hold a public hearing in a location determined by the commissioner within 30 days of the close of the comment period. Notice of the time, date and place of such hearing shall be published, by the applicant, in a newspaper of general circulation in the county where the proposed trust branch bank is to be located, not less than 10 or more than 30 days prior to the date of the hearing, and an affidavit of publication shall be filed with the commissioner. At any such hearing, all interested persons shall be allowed to present written and oral evidence to the commissioner in support of or in opposition to the application. Upon completion of a transcript of the testimony given at such hearing, the transcript shall be filed in the office of the commissioner. Within 14 days after the public hearing, the commissioner shall approve or disapprove the application after consideration of the application and evidence gathered during the commissioner's investigation.

(i) The commissioner may extend the period for approval or disapproval if the commissioner determines that any information required by this section has not been furnished, any material information submitted is inaccurate or additional investigation is required. The commissioner, prior to expiration of the application period provided in this section, shall give written notice to the applicant of the commissioner's intent to extend the period. Such notice shall include a specific date for expiration of the extension period. If any

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information remains incomplete or inaccurate upon the expiration of the extension period the application shall be disapproved.

(j) Within 15 days after the date of the commissioner's approval or disapproval of the application, the applicant or any individual or corporation who filed a request for and presented evidence at the public hearing shall have the right to appeal in writing to the state banking board the commissioner's determination by filing a notice of appeal with the commissioner. The board shall fix a date for a hearing, which hearing shall be held within 45 days from the date the notice of appeal is filed. The board shall conduct the hearing in accordance with the provisions of the Kansas administrative procedure act and render its decision affirming or rescinding the determination of the commissioner. Any action of the board pursuant to this section is subject to review in accordance with the act for judicial review and civil enforcement of agency actions. Any party which files an appeal of the commissioner's determination to the board shall pay to the commissioner a fee in an amount established by rules and regulations of the commissioner, adopted pursuant to K.S.A. 9-1713 and amendments thereto, to defray the board's expenses associated with the conduct of the appeal.

(k) When the commissioner determines that any bank domiciled in this state has established or is operating a trust branch bank in violation of the laws governing the operation of such bank, the commissioner shall give written notice to the bank of such determination. Within 15 days after receipt of such notification, the bank shall have the right to appeal in writing to the board the commissioner's determination. The board shall fix a date for hearing, which hearing shall be held within 45 days after the date of such appeal and shall be conducted in accordance with the provisions of the Kansas administrative procedure act. At such hearing the board shall hear all matters relevant to the commissioner's determination and shall approve or disapprove the commissioner's determination, and the decision of the board shall be final and conclusive. If the bank does not appeal to the board from the commissioner's determination or if an appeal is made and the commissioner's determination is upheld by the board, the commissioner may proceed as provided in K.S.A. 9-1714 and amendments thereto, until such time as the commissioner determines the bank is in full compliance with the laws governing the operation of a trust branch bank.

Sec. 5. K.S.A. 1993 Supp. 9-1111 is hereby amended to read as follows: 9-1111. The general business of every bank shall be transacted at the place of business specified in its certificate of authority and at one or more branch banks established and operated as provided in this section. *Except for the establishment or operation of a trust branch bank or the relocation of an existing trust branch bank pursuant to section 4*, it shall be unlawful for any bank to establish and operate any branch bank or relocate an existing branch bank except as hereinafter provided.

(a) For the purposes of this section, the term "branch bank" means any office, agency or other place of business located within this state, other than the place of business specified in the bank's certificate of authority, at which deposits are received, checks paid, money lent or trust authority exercised, if approval has been granted by the state bank commissioner, under K.S.A. 9-1602, and amendments thereto;

(b) after first applying for and obtaining the approval of the state banking board, one or more branch banks may be established and operated anywhere within this state by a bank incorporated under the laws of this state;

(c) an application to establish and operate a branch bank or to relocate an existing branch bank shall be in such form and contain such information as the rules and regulations of the state bank commissioner, adopted pursuant to K.S.A. 9-1713, and amendments thereto, shall provide;

(d) the application shall include estimates of the annual income and expenses of the proposed branch bank, the annual volume of business to be transacted by it, the nature of the banking business to be conducted at the proposed branch bank, the primary geographical area to be served by it and the personnel and office facilities to be provided at the proposed branch bank;

(e) the application shall include the name selected for the proposed branch bank. The name selected for the proposed branch bank shall not be the name of any other bank or branch bank doing business in the same city or town nor shall the name selected be required to contain the name of the applicant bank. If the name

selected for the proposed bank does not contain the name of the applicant bank, the branch bank shall provide in the public lobby of such branch bank, a public notice that it is a branch bank of the applicant bank;

(f) the application shall include an affidavit of publication of notice that applicant bank intends to file an application to establish a branch bank or relocate an existing branch bank. The notice shall be published in a newspaper of general circulation in the county where the applicant bank proposes to locate the branch bank. The notice shall be in the form prescribed by the state banking board and at a minimum shall contain, the name and address of the applicant bank, the location of the proposed branch, a solicitation for written comments concerning the proposed branch be submitted to the state banking board, and provide for a comment period of not less than 10 days prior to the board's final consideration of the application;

(g) upon receipt of an application meeting the above requirements, if there is any written objection to the application filed with the board, within 60 days after receipt of the application, the state banking board shall hold a hearing in the county in which the applicant bank seeks to establish and operate a branch bank. If there is no written objection filed with the board within the time period specified under subsection (f), the board may hold a hearing on the application in such county. Notice of the time, date and place of such hearing if one is to be held shall be published in a newspaper of general circulation in such county by the bank seeking to establish and operate the branch bank not less than 10 or more than 30 days prior to the date of the hearing, and an affidavit of publication thereof shall be filed with the commissioner. Not less than 10 days or more than 30 days prior to any such date of the hearing, the commissioner shall give notice of the time, date and place of such hearing by registered or certified mail to all banks and national banking associations having their principal places of business or branch banks in the county wherein the applicant bank seeks to locate a branch bank. At any such hearing, all interested persons shall be allowed to present written and oral evidence to the board in support of or in opposition to the application. Upon completion of a transcript of the testimony given at any such hearing, the transcript shall be filed in the office of the commissioner and copies shall be furnished to the members of the state banking board not less than 14 days prior to the meeting of the board at which the application will be considered;

(h) the state banking board shall approve or disapprove the application, within 90 days after consideration of the application and the evidence gathered during the board's investigation. If the board finds that:

(1) There is or will be at the time the branch bank is opened the need for the same in the community to be served by it;

(2) there is a reasonable probability of usefulness and success of the proposed branch bank;

(3) the applicant bank's financial history and condition is sound; and

(4) the proposed branch bank can be established without undue injury to properly conducted existing banks and national banking associations, the application shall be granted, otherwise, the application shall be denied;

(i) any final action of the board approving or disapproving an application shall be subject to review in accordance with the act for judicial review and civil enforcement of agency actions upon the petition of any adversely affected or aggrieved person who appeared and offered evidence at the hearing upon the application;

(j) any branch bank lawfully established and operating on the effective date of this act may continue to be operated by the bank then operating the branch bank and by any successor bank;

(k) branch banks which have been established and are being maintained by a bank at the time of its merger into or consolidation with another bank or at the time its assets are purchased and its liabilities are assumed by another bank may continue to be operated by the surviving, resulting or purchasing and assuming bank. The surviving, resulting or purchasing and assuming bank, with approval of the state bank commissioner, may establish and operate a branch bank or banks at the site or sites of the merged, constituent or liquidated bank or banks;

(l) any state bank or national banking association having its principal office and main banking house in this state may provide and engage in banking transactions by means of remote service units wherever located, which remote service units shall not be considered

to be branch banks authorized herein. Any banking transaction effected by use of a remote service unit shall be deemed to be transacted at a bank and not at a remote service unit;

(m) as a condition to the operation and use of any remote service unit in this state, a state bank or national banking association, each hereinafter referred to as a bank, which desires to operate or enable its customers to utilize a remote service unit must agree that such remote service unit will be available for use by customers of any other bank or banks upon the request of such bank or banks to share its use and the agreement of such bank or banks to share all costs, including a reasonable return on capital expenditures incurred in connection with its development, installation and operation. The owner of the remote service unit, whether a bank or any other person, shall make the remote service unit available for use by other banks and their customers on a nondiscriminatory basis, conditioned upon payment of a reasonable proportion of all costs, including a reasonable return on capital expenditures incurred in connection with the development, installation and operation of the remote service unit. Notwithstanding the foregoing provisions of this subsection, a remote service unit located on the property owned or leased by the bank where the principal place of business of a bank, or an attached auxiliary teller facility or branch bank of a bank, is located need not be made available for use by any other bank or banks or customers of any other bank or banks;

(n) for purposes of this section, "remote service unit" means an electronic information processing device, including associated equipment, structures and systems, through or by means of which information relating to financial services rendered to the public is stored and transmitted, whether instantaneously or otherwise, to a bank and which, for activation and account access, is dependent upon the use of a machine-readable instrument in the possession and control of the holder of an account with a bank. The term shall include "online" computer terminals and "offline" automated cash dispensing machines and automated teller machines, but shall not include computer terminals or automated teller machines or automated cash dispensing machines using systems in which account numbers are not machine read and verified. Withdrawals by means of "offline" systems shall not exceed \$300 per transaction and shall be restricted to individual not corporate or commercial accounts.

Sec. 6. K.S.A. 1993 Supp. 9-1801 is hereby amended to read as follows: 9-1801. (a) No bank or trust company hereafter shall be organized or incorporated under the laws of this state, nor shall any such institution transact either a banking business or a trust company business in this state, until the application for its incorporation and application for authority to do business has been submitted to and approved by the board. The board shall approve or disapprove the organization and establishment of any such institution in the city or town in which the same is sought to be located. The form for making any such application shall be prescribed by the board and any application made to the board shall contain such information as it shall require. The board shall not approve any such application until it first investigates and examines such application and the applicants.

(b) If upon the dissolution, insolvency or appointment of a receiver of any bank, trust company, national bank association, savings and loan association, savings bank or credit union, it is the opinion of the commissioner that by reason of the loss of services in the community, an emergency exists which may result in serious inconvenience or losses to the depositors or the public interest in the community, the commissioner may accept and approve an application for incorporation and application for authority to do business from applicants for the organization and establishment of a successor bank or trust company, subject to confirmation and subsequent approval by the board. Upon approval of an application for the organization and establishment of any such successor bank or trust company, the commissioner shall no later than the next regular meeting of the board submit such application to the board for its confirmation and approval.

Sec. 7. K.S.A. 9-2011 is hereby amended to read as follows: 9-2011. It shall be unlawful for any individual, firm or corporation to advertise, publish or otherwise promulgate that they are engaged in the banking business or trust company business, without first having obtained authority from the bank commissioner as herein provided. Any such individual or member of any such firm or officer of any such corporation violating this section shall be guilty of a misde-

meanor, and upon conviction shall be punished by a fine not exceeding \$5,000.

Sec. 8. K.S.A. 1993 Supp. 9-2103 is hereby amended to read as follows: 9-2103. A trust company may exercise all powers necessary or incidental to carrying on a trust company business, including, without limitation, all powers conferred upon a business corporation by the Kansas corporation code of 1972, and amendments thereto, and also may exercise the following powers:

(a) To receive for safekeeping personal property of every description;

(b) to accept and execute any trust agreement and perform any trustee duties as required by such trust agreement;

(c) to act as assignee, transfer agent, registrar or receiver;

(d) to accept and execute all trusts and to perform any fiduciary duties as may be committed or transferred to it by order, judgment or decree of any court of record of competent jurisdiction;

(e) to act as agent or attorney in fact in any agreed upon capacity;

(f) to act as executor or trustee under the last will and testament, or as administrator, with or without the will annexed to the letters of administration, of the estate of any deceased person;

(g) to be a conservator for any minor, incapacitated person or trustee for any convict under the appointment of any court of competent jurisdiction;

(h) if the trust company was organized and existing prior to 1930, to loan money upon real estate, chattel, collateral or personal security; to execute and issue its notes, bonds or debentures payable at a future date, and to pledge any of its securities not in excess of 105% of the amount of such notes, bonds or debentures thus issued, except that no holder of securities in excess of the amount provided herein shall acquire any title or claim to such excess; to buy and sell all kinds of government, state, county, municipal and corporation bonds, and all kinds of negotiable and nonnegotiable paper, securities, and stocks except that:

(1) The total investment of any such trust company in bank stock shall at no time exceed $\frac{1}{4}$ its paid-in capital; and

(2) no trust company shall loan money upon or become the purchaser of its own stock, unless such purchase shall be necessary in the collection of, or to prevent loss upon, a debt previously contracted in good faith, whereupon the trust company may become the purchaser at public or private sale, but any stock so purchased shall be disposed of within six months after such purchase and shall not be included as a part of the assets of such company after the expiration of six months from the date of purchase;

(i) to receive money in trust for investment in real or personal property of every kind and nature and to reinvest the proceeds thereof;

(j) to act in any fiduciary capacity and to perform any act as a fiduciary which a Kansas state bank may perform under any provision of the banking or insurance laws of this state, including, without limitation, acting as a successor fiduciary to any bank upon liquidation of its trust department through the transfer of its fiduciary assets pursuant to K.S.A. 9-1604, and amendments thereto, which liquidation may be effected in the manner provided in K.S.A. 9-2107, and amendments thereto, or otherwise;

(k) to act as either an originating trustee or as a contracting trustee pursuant to K.S.A. 9-2107, and amendments thereto;

(l) to exercise any other power expressly conferred upon trust companies by any other provision of the laws of this state;

(m) to buy and sell foreign or domestic exchange, gold, silver, coin or bullion; and

(n) pursuant to K.S.A. 9-1713, and amendments thereto, the state bank commissioner may adopt rules and regulations clarifying any of the above enumerated powers and duties extended to trust companies.

Sec. 9. K.S.A. 9-2011 and K.S.A. 1993 Supp. 9-1111, 9-1801, 9-2103, 9-2107, 9-2108, 9-2109 and 9-2110 are hereby repealed.

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

(Published in the Kansas Register, April 7, 1994.)

SENATE BILL No. 503

AN ACT relating to taxation; concerning penalties prescribed for certain delinquent returns and unpaid taxes; amending K.S.A. 79-3228, 79-3495, 79-34,111, 79-3615, 79-3706 and 79-41a03a and K.S.A. 1993 Supp. 79-3221, 79-32,107 and 79-3410 and repealing the existing sections.

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

Section 1. K.S.A. 79-3228 is hereby amended to read as follows: 79-3228. (a) If any taxpayer, without intent to evade the tax imposed by this act, shall fail to file a return or pay the tax, if one is due, at the time required by or under the provisions of this act, but shall voluntarily file a correct return of income or pay the tax due within 60 days six months thereafter, there shall be added to the tax an additional amount equal to 10% of the unpaid balance of tax due plus interest at the rate prescribed by subsection (a) of K.S.A. 79-2968, and amendments thereto, from the date the tax was due until paid.

(b) If any taxpayer fails voluntarily to file a return or pay the tax, if one is due, within 60 days six months after the time required by or under the provisions of this act, there shall be added to the tax an additional amount equal to 25% of the unpaid balance of tax due plus interest at the rate prescribed by subsection (a) of K.S.A. 79-2968, and amendments thereto, from the date the tax was due until paid. *Notwithstanding the foregoing, in the event an assessment is issued following a field audit for any period for which a return was filed by the taxpayer and all of the tax was paid pursuant to such return, a penalty shall be imposed for the period included in the assessment in the amount of 10% of the unpaid balance of tax due shown in the notice of assessment. If after review of a return for any period included in the assessment, the secretary or secretary's designee determines that the underpayment of tax was due to the failure of the taxpayer to make a reasonable attempt to comply with the provisions of this act, such penalty shall be imposed for the period included in the assessment in the amount of 25% of the unpaid balance of tax due.*

(c) If any taxpayer who has failed to file a return or has filed an incorrect or insufficient return, and after notice from the director refuses or neglects within 20 days to file a proper return, the director shall determine the income of such taxpayer according to the best available information and assess the tax together with a penalty of 50% of the unpaid balance of tax due plus interest at the rate prescribed by subsection (a) of K.S.A. 79-2968, and amendments thereto, from the date the tax was originally due to the date of payment.

(d) Any person, who with fraudulent intent, fails to pay any tax or to make, render or sign any return, or to supply any information, within the time required by or under the provisions of this act, shall be assessed a penalty equal to the amount of the unpaid balance of tax due plus interest at the rate prescribed by subsection (a) of K.S.A. 79-2968, and amendments thereto, from the date the tax was originally due to the date of payment. Such person shall also be guilty of a misdemeanor and shall, upon conviction, be fined not more than \$1,000 or be imprisoned in the county jail not less than 30 days nor more than one year, or both such fine and imprisonment.

(e) Any person who willfully signs a fraudulent return shall be guilty of a felony, and upon conviction thereof shall be punished by imprisonment for a term not exceeding five years. The term "person" as used in this section includes any agent of the taxpayer, and officer or employee of a corporation or a member or employee of a partnership, who as such officer, employee or member is under a duty to perform the act in respect of which the violation occurs.

(f) (1) Whenever, in the judgment of the secretary or the secretary's designee, determines that the failure of the taxpayer to comply with the provisions of subsections (a), (b) and (c) of this section, was due to reasonable causes, the secretary or the secretary's designee may waive or reduce any of the penalties and may reduce the interest rate to the underpayment rate prescribed and determined for the applicable period under section 6621 of the federal internal revenue code as in effect on January 1, 1994, upon making a record of the reasons therefor.

(2) No penalty shall be assessed hereunder with respect to any underpayment of income tax liability reported on any amended return filed by any taxpayer who at the time of filing pays such

underpayment and whose return is not being examined at the time of filing.

(g) In case of a nonresident or any officer or employee of a corporation, the failure to do any act required by or under the provisions of this act shall be deemed an act committed in part at the office of the director.

(h) In the case of a nonresident individual, partnership or corporation, the failure to do any act required by or under the provision of this act shall prohibit such nonresident from being awarded any contract for construction, reconstruction or maintenance or for the sale of materials and supplies to the state of Kansas or any political subdivision thereof until such time as such nonresident has fully complied with this act.

Sec. 2. K.S.A. 1993 Supp. 79-32,107 is hereby amended to read as follows: 79-32,107. (a) All penalties and interest prescribed by K.S.A. 79-3228, and amendments thereto, for noncompliance with the income tax laws of Kansas shall be applicable for noncompliance with the provisions of the Kansas withholding and declaration of estimated tax act relating to withholding tax which shall be enforced in the same manner as the "Kansas income tax act." A penalty at the same rate per annum prescribed by subsection (b) of K.S.A. 79-2968, and amendments thereto, for interest upon delinquent or unpaid taxes shall be applied and added to a taxpayer's amount of underpayment of estimated tax due from the date the estimated tax payment was due until the same is paid or until the 15th day of the fourth month following the close of the taxable year for which such estimated tax is a credit, whichever date is earlier, but such penalty shall not be added if the total amount thereof does not exceed \$1. For purposes of this subsection, the amount of underpayment of estimated tax shall be the excess of the amount of the installment which would be required to be paid if the estimated tax were equal to 90% of the tax shown on the return for the taxable year or, if no return was filed, 90% of the tax for such year, over the amount; if any, of the installment paid on or before the last date prescribed for payment. Amounts due from any employer on account of withholding or from any taxpayer for estimated tax may be collected by the director in the manner provided for the collection of state income tax in K.S.A. 79-3235, and amendments thereto.

(b) No penalty or interest shall be imposed upon any individual with respect to any underpayment of any installment if the total amount of all payments of estimated tax made on or before the last date prescribed for the payment of such installment equals or exceeds the amount which would have been required to be paid on or before such date if the estimated tax were whichever of the following is the least:

(1) The tax shown on the return of the individual for the preceding taxable year, if a return showing a liability for tax was filed by the individual for the preceding taxable year and such preceding year was a taxable year of 12 months;

(2) an amount equal to 66⅔%, in the case of individuals referred to in subsection (b) of K.S.A. 79-32,102, and amendments thereto, and 90%, in the case of all other individuals, of the tax for the taxable year computed by placing on an annualized basis, pursuant to rules and regulations adopted by the secretary of revenue, the taxable income for the months in the taxable year ending before the month in which the installment is required to be made.

(c) No penalty or interest shall be imposed upon any corporation with respect to any underpayment of any installment of estimated tax if the total amount of all payments of estimated tax made on or before the last date prescribed for the payment of such installment equals or exceeds the amount which would have been required to be paid on or before such date if the estimated tax were whichever of the following is the least:

(1) The tax shown on the return of the corporation for the preceding taxable year, if a return showing a liability for tax was filed by the corporation for the preceding taxable year and such preceding year was a taxable year of 12 months; or

(2) (A) an amount equal to 90% of the tax for the taxable year computed by placing on an annualized basis the taxable income: (i) For the first three months of the taxable year, in the case of the installment required to be paid in the fourth month; (ii) for the first three months or for the first five months of the taxable year, in the case of the installment required to be paid in the sixth month; (iii)

for the first six months or for the first eight months of the taxable year in the case of the installment required to be paid in the ninth month; and (iv) for the first nine months or for the first 11 months of the taxable year, in the case of the installment required to be paid in the 12th month of the taxable year.

(B) For purposes of this subsection (2), the taxable income shall be placed on an annualized basis by (i) multiplying by 12 the taxable income referred to in subsection (2)(A), and (ii) dividing the resulting amount by the number of months in the taxable year. (three, five, six, eight, nine, or 11, as the case may be) referred to in subsection (2)(A).

(d) If the employer, in violation of the provisions of this act, fails to deduct and withhold under this chapter, and thereafter the tax against which such withholding may be credited is paid, the amount otherwise required to be deducted and withheld shall not be collected from the employer; but this subsection shall in no case relieve the employer from liability for any penalties or additions to the tax otherwise applicable in respect of such failure to deduct and withhold.

(e) Any person required to collect, truthfully account for, and pay over any tax imposed by this act, who willfully fails to collect such tax, or truthfully account for and pay over such tax, or willfully attempts in any manner to evade or defeat any such tax or the payment thereof, shall in addition to the other penalties of this section be liable to a penalty equal to the total amount of the tax evaded, or not collected, or not accounted for and paid over.

(f) In case of failure by any employer required by subsection (b) of K.S.A. 79-3298, and amendments thereto, to remit any amount of withheld taxes by the date prescribed therefor, unless it is shown that such failure is due to reasonable cause and not due to willful neglect, there shall be imposed upon such person a penalty of 15% of the amount of the underpayment. For purposes of this subsection, the term "underpayment" means the excess of the amount of the tax required to be withheld and remitted over the amount, if any, remitted on or before the date prescribed therefor. The failure to remit for any withholding period shall be deemed not to continue beyond the last date prescribed for filing the annual return as required by subsection (d) of K.S.A. 79-3298, and amendments thereto. Penalty and interest as prescribed by K.S.A. 79-3228, and amendments thereto, shall not begin to accrue under subsection (a) of this section on the amount of any such underpayment until the due date of the annual return for the calendar year in which such failure to remit occurs.

(g) *Whenever the secretary or the secretary's designee determines that the failure of the taxpayer to comply with the provisions of subsections (a), (e), or (f) of this section was due to reasonable causes, the secretary or the secretary's designee may waive or reduce any of said penalties and may reduce the interest rate to the underpayment rate prescribed and determined for the applicable period under section 6621 of the federal internal revenue code as in effect on January 1, 1994, upon making a record of the reasons therefor.*

Sec. 3. K.S.A. 1993 Supp. 79-3410 is hereby amended to read as follows: 79-3410. (a) Except as hereinafter provided, every distributor, manufacturer or importer of motor-vehicle fuels or special fuels, on or before the 25th day of each month, shall render to the director at the director's office in Topeka, Kansas, upon a form prescribed, prepared and furnished by the director a report certified to be true and correct showing the number of gallons of motor-vehicle fuels or special fuels received by such distributor, manufacturer or importer during the preceding calendar month, and such further information as the director shall require. Every distributor, manufacturer or importer within the time herein fixed for the rendering of such reports, shall compute and shall pay to the director at the director's office the amount of taxes due to the state on all motor-vehicle fuels or special fuels received by such distributor, manufacturer or importer during the preceding calendar month.

(b) The director may waive the requirement for monthly reports from licensed manufacturers, who are also licensed distributors, when all taxes accrued under either or both licenses or which might accrue are paid under the distributor license. All taxes imposed under the provisions of this act not paid on or before the 25th day of the month succeeding the calendar month in which the motor-vehicle fuels or special fuels were received by the distributor, manufacturer or importer shall be deemed delinquent and shall bear interest at the

rate per month, or fraction thereof, prescribed by subsection (a) of K.S.A. 79-2968, and amendments thereto, from such due date until paid, and in addition thereto there is hereby imposed upon all amounts of such taxes remaining due and unpaid after such due date a penalty in the amount of 5%, and the penalty shall be by the director added to and collected as a part of the taxes. If the distributor, manufacturer or importer furnishes evidence to the director that the delinquency was due to causes beyond such person's reasonable control, and if in the opinion of the director the delinquency was not the result of willful negligence of the distributor, manufacturer or importer the penalty or interest or both may be waived or reduced by the director. Every manufacturer of motor-vehicle fuels or special fuels shall daily send reports to the director of all sales of liquid fuels. The reports are to be made on forms prescribed, prepared and furnished by the director or on forms furnished by the manufacturer and approved by the director.

(c) The director, if satisfied that the enforcement of the act of which this section is amendatory and the revenues of this state will not be adversely affected, may exempt from the reporting requirements of this section those manufacturers whose income from the sale of motor-vehicle fuel or special fuel in each of the preceding two calendar years was less than 10% of the manufacturer's income from all sources for such years and whose motor-vehicle fuel or special fuel tax liability for the preceding two calendar years did not exceed \$50 in each year.

(d) *Whenever the secretary or the secretary's designee determines that the failure of the taxpayer to comply with the provisions of subsection (b) was due to reasonable causes, the secretary or the secretary's designee may waive or reduce any of the penalties and may reduce the interest rate to the underpayment rate prescribed and determined for the applicable period under section 6621 of the federal internal revenue code as in effect on January 1, 1994, upon making a record of the reasons therefor.*

Sec. 4. K.S.A. 79-3495 is hereby amended to read as follows: 79-3495. (a) Each LP-gas user or LP-gas dealer subject to the provisions of this act must, on or before the 25th day of each calendar month, file with the director a report, certified to be true and correct, on a form prescribed and furnished by the director, showing the total number of gallons of LP-gas placed into fuel supply tank or tanks of any motor vehicle while such vehicle is within this state during the preceding calendar month, including the number of gallons on hand at the beginning and end of each month, the number of gallons received from any and all sources supported by detailed schedules of receipts, purchases and withdrawals for sale or use, and such other information as the director may require. Each LP-gas user or LP-gas dealer at the time of filing each monthly report must pay to the director the full amount of tax due for the preceding calendar month at the rate provided for in this act.

(b) Any tax imposed under the provisions of this act not paid as aforesaid on or before the 25th of the month succeeding the calendar month in which the LP-gas was used shall be deemed delinquent and shall bear interest at the rate per month, or fraction thereof prescribed by subsection (a) of K.S.A. 79-2968 and amendments thereto, from such due date until paid, and in addition thereto there is hereby imposed upon all amounts of such tax remaining due and unpaid after such due date a penalty in the amount of 5% thereof, and such penalty shall be by the director added to and collected as a part of such tax. If the LP-gas user or LP-gas dealer furnishes evidence to the director that the delinquency was due to causes beyond such user's or dealer's reasonable control, and if in the opinion of the director the delinquency was not the result of willful negligence of the LP-gas user or LP-gas dealer the penalty or interest or both may be waived or reduced by the director.

(c) The director, if satisfied that the enforcement of the act is not adversely affected, may exempt any LP-gas user or LP-gas dealer from the monthly reporting and payment requirements of this act and require in lieu thereof annual payment of the tax due hereunder and annual reporting on forms provided by the director.

(d) *Whenever the secretary or the secretary's designee determines that the failure of the taxpayer to comply with the provisions of subsection (b) was due to reasonable causes, the secretary or the secretary's designee may waive or reduce any of the penalties and may reduce the interest rate to the underpayment rate prescribed*

(continued)

and determined for the applicable period under section 6621 of the federal internal revenue code as in effect on January 1, 1994, upon making a record of the reasons therefor.

(e) It shall be unlawful for any LP-gas user or LP-gas dealer to use any LP-gas within this state unless such LP-gas user or LP-gas dealer is a holder of an uncanceled, unsuspended or unrevoked license issued by the director. To procure such license every applicant shall file with the director an application upon oath and in such form as the director may prescribe, setting forth the name and addresses, the kind of business, and the designation of the exact locations or places of business where LP-gas is delivered or placed into the fuel supply tank or tanks of a motor vehicle, and such other information as the director may require. Such application must also contain, as a condition to the issuance of the license, an agreement by the applicant to comply with the provisions and requirements of this act and the rules and regulations promulgated by the director. If the applicant is a partnership or association, the application shall set forth the name and address of each partner or person constituting the partnership, or association, and if a corporation, the names and addresses of the principal officers thereof, and any other information prescribed by the director for the purposes of identification. The application shall be signed and verified by oath or affirmation by the owner, if a natural person, and in case of partnership or association, by a partner or member thereof, and in case of a corporation, by an executive officer thereof or some person specifically authorized by the corporation to sign the application, to which shall be attached written evidence of such person's authority. Any valid LP-gas user's or LP-gas dealer's license in effect on the effective date of this act shall remain in full force and effect and no new application need be made under this act.

(f) In the event that any application for a license to use LP-gas as an LP-gas user or LP-gas dealer in this state shall be filed by any person whose license shall at any time theretofore have been canceled for cause, or in case the director shall be of the opinion that such application is not filed in good faith, or that such application is filed by some person as a subterfuge for the real person in interest whose license or registration shall theretofore have been canceled for cause, then and in any of such events, the director may refuse to issue to such person a license in this state. Notice of such refusal shall be mailed to the applicant. Any applicant aggrieved by the order of the director refusing to issue a license may request a hearing of the director on such application by filing with the director a written request therefor. Upon such filing the director shall conduct a hearing in accordance with the provisions of the Kansas administrative procedure act. If the director finds upon such hearing that applicant is entitled to a license, the director shall order its issuance, but if the director finds that such applicant is not entitled to a license, such director shall enter an order refusing issuance.

(g) Upon the filing of the application for a license, a filing fee of \$5 shall be paid to the director. All such fees collected by the director shall be paid into the state treasury and the state treasurer shall credit the same to the state general fund. The application in proper form having been accepted for filing, the bond hereafter provided for having been accepted and approved by the director and the other conditions and requirements of this act having been complied with, the director shall issue to such applicant a license and such license shall be in force so long as the holder thereof has in force a bond as required by this act deposited with the director, or until such license is suspended, surrendered, or revoked for cause by the director. The license issued by the director shall not be assignable and shall be valid only for the LP-gas user or LP-gas dealer in whose name issued, and shall be displayed conspicuously by the LP-gas user or LP-gas dealer at the user's or dealer's principal place of business as set forth in the application.

(h) In the event a person qualifies for both a user's and dealer's license, only one license shall be required. A copy of such user's or dealer's license shall be required for each place of business of the licensee where LP-gas is sold or dispensed. No charge shall be made for additional copies of such user's or dealer's license when such copies are required for multiple business locations.

Sec. 5. K.S.A. 79-34,111 is hereby amended to read as follows: 79-34,111. (a) For the purposes of making payment of taxes and making reports required by this act, the calendar year is divided into four quarters having three consecutive months each, and the

first quarter shall consist of the months of January, February and March.

(b) The tax imposed by this act shall be paid by each interstate motor fuel user by payment to the director which shall accompany each report required under K.S.A. 79-34,110, and amendments thereto, in the amount of the tax liability accrued for the quarter or year being reported.

(c) All taxes imposed under this act which are not paid as provided in this section shall be delinquent and shall bear interest at the rate per month or fraction thereof prescribed by K.S.A. 79-2968(a), from the date due until paid, and in addition thereto there is hereby imposed upon all amounts of such taxes remaining due and unpaid after the due date a penalty in the amount of five percent 5% thereof, and such interest and penalty shall be added to and collected as a part of such taxes.

(d) If any interstate motor fuel user establishes by evidence satisfactory to the director Whenever the secretary or the secretary's designee determines that the failure to file a report and pay the tax, within the time prescribed, was due to reasonable cause and was not intentional or willful, the director causes, the secretary or the secretary's designee may waive or reduce the penalty and interest provided for by this section subsection (c).

Sec. 6. K.S.A. 79-3615 is hereby amended to read as follows: 79-3615. (a) If any taxpayer shall fail to pay the tax required under this act at the time required by or under the provisions of this act, there shall be added to the unpaid balance of the tax, interest at the rate per month prescribed by subsection (a) of K.S.A. 79-2968 and amendments thereto from the date the tax was due until paid.

(b) If any taxpayer due to negligence or intentional disregard fails to file a return or pay the tax due at the time required by or under the provisions of this act, there shall be added to the tax a penalty in an amount equal to 10% of the unpaid balance of tax due.

(c) If any person fails to make a return, or to pay any tax, within 60 days six months from the date the return or tax was due, except in the case of an extension of time granted by the secretary of revenue or the secretary's designee, there shall be added to the tax due a penalty equal to 25% of the amount unpaid balance of such tax due. Notwithstanding the foregoing, in the event an assessment is issued following a field audit for any period for which a return was filed by the taxpayer and all of the tax was paid pursuant to such return, a penalty shall be imposed for the period included in the assessment in the amount of 10% of the unpaid balance of tax due shown in the notice of assessment. If after review of a return for any period included in the assessment, the secretary or secretary's designee determines that the underpayment of tax was due to the failure of the taxpayer to make a reasonable attempt to comply with the provisions of this act, such penalty shall be imposed for the period included in the assessment in the amount of 25% of the unpaid balance of tax due.

(d) If any taxpayer, with fraudulent intent, fails to pay any tax or make, render or sign any return, or to supply any information, within the time required by or under the provisions of this act, there shall be added to the tax a penalty in an amount equal to 50% of the unpaid balance of tax due.

(e) Penalty or interest applied under the provisions of subsections (a) and (d) shall be in addition to the penalty added under any other provisions of this section, but the provisions of subsections (b) and (c) shall be mutually exclusive of each other.

(f) Whenever, in the judgment of the secretary or the secretary's designee, determines that the failure of the taxpayer to comply with the provisions of subsections (b) and (c) of this section, was due to reasonable causes and not willful neglect, the secretary or the secretary's designee may waive or reduce any of the penalties and may reduce the interest rate to the underpayment rate prescribed and determined for the applicable period under section 6621 of the federal internal revenue code as in effect on January 1, 1994, upon making a record of the reasons therefor.

(g) In addition to all other penalties provided by this section, any person who willfully fails to make a return or to pay any tax imposed under the Kansas retailers' sales tax act, or who makes a false or fraudulent return, or fails to keep any books or records prescribed by this act, or who willfully violates any regulations of the secretary of revenue, for the enforcement and administration of

this act, or who aids and abets another in attempting to evade the payment of any tax imposed by this act, or who violates any other provision of this act, shall, upon conviction thereof, be fined not less than \$100, nor more than \$1,000, or be imprisoned in the county jail not less than one month, nor more than six months, or be both so fined and imprisoned, in the discretion of the court.

Sec. 7. K.S.A. 79-3706 is hereby amended to read as follows: 79-3706. (a) Each retailer or person subject to the provisions of this act shall make remittances of the tax imposed by K.S.A. 79-3703, and amendments thereto, and file returns in accordance with the provisions of K.S.A. 79-3607 and amendments thereto, except that the time schedule for remitting tax and filing returns shall be determined on the basis of calendar year compensating tax liability in lieu of calendar year sales tax liability. Returns shall show in detail the total quantity of tangible personal property sold by any retailer or used, stored or consumed by any person within the state during the period for which the return is filed subject to the tax herein imposed, and such other information as the director may deem pertinent. The director may, upon request and a proper showing of the necessity therefor, grant an extension of time not to exceed 60 days for making any return and payment. Returns shall be signed by the retailer or such retailer's duly authorized agent, and must be certified by such retailer to be correct.

(b) If any taxpayer fails to pay the tax required under the act of which this section is amendatory at the time required by or under the provisions of the act of which this section is amendatory, there shall be added to the unpaid balance of the tax, interest at the rate per month prescribed by subsection (a) of K.S.A. 79-2968, and amendments thereto, from the date the tax was due until paid.

(c) If any taxpayer due to negligence or intentional disregard fails to file a return or pay the tax due at the time required by or under the provisions of this section, there shall be added to the tax a penalty in an amount equal to 10% of the unpaid balance of tax due.

(d) If any person fails to make a return, or to pay any tax, within 60 days six months from the date the return or tax was due, except in the case of an extension of time granted by the ~~director~~, *secretary of revenue or the secretary's designee*, there shall be added to the tax due a penalty equal to 25% of the ~~amount~~ *unpaid balance* of such tax *due*.

(e) If any taxpayer, with fraudulent intent, fails to pay any tax or make, render or sign any return, or to supply any information, within the time required by or under the provisions of this section, there shall be added to the tax a penalty in an amount equal to 50% of the unpaid balance of tax due.

(f) Penalty or interest applied under the provisions of subsections (b) and (e) shall be in addition to the penalty added under any other provisions of this section, but the provisions of subsections (c) and (d) shall be mutually exclusive of each other.

(g) Whenever, ~~in the judgment~~ of the secretary of revenue or the secretary's designee, *determines that* the failure of the taxpayer to comply with the provisions of subsections (c) and (d) was due to reasonable causes ~~and not willful neglect~~, the secretary or the secretary's designee may waive or reduce any of the penalties *and may reduce the interest rate to the underpayment rate prescribed and determined for the applicable period under section 6621 of the federal internal revenue code as in effect on January 1, 1994* upon making a record of the reasons therefor.

(h) In addition to all other penalties provided by this section, any person who willfully fails to make a return or to pay any tax imposed under the Kansas compensating tax act, or who makes a false or fraudulent return, or fails to keep any books or records prescribed by the Kansas compensating tax act, or who willfully violates any regulations of the secretary of revenue, for the enforcement and administration of the Kansas compensating tax act, or who aids and abets another in attempting to evade the payment of any tax imposed by the Kansas compensating tax act, or who violates any other provision of the Kansas compensating tax act, shall, upon conviction thereof, be fined not less than \$100 nor more than \$1,000, or be imprisoned in the county jail not less than one month nor more than six months, or be both so fined and imprisoned, in the discretion of the court.

Sec. 8. K.S.A. 79-41a03a is hereby amended to read as follows: 79-41a03a. From and after July 1, 1984, (a) If any taxpayer fails

to pay the tax levied pursuant to K.S.A. 79-41a02, and amendments thereto, at the time required by or under the provisions of K.S.A. 79-41a03, and amendments thereto, there shall be added to the unpaid balance of the tax, interest at the rate per month prescribed by subsection (a) of K.S.A. 79-2968, and amendments thereto, from the date the tax was due until paid.

(b) If any taxpayer due to negligence or intentional disregard fails to file a return or pay the tax due at the time required by or under the provisions of K.S.A. 79-41a03, and amendments thereto, there shall be added to the tax a penalty in an amount equal to 10% of the unpaid balance of tax due.

(c) If any person fails to make a return, or to pay any tax, within 60 days six months from the date the return or tax was due, except in the case of an extension of time granted by the ~~director~~ *secretary of revenue or the secretary's designee*, there shall be added to the tax due a penalty equal to 25% of the ~~amount~~ *unpaid balance* of such tax *due*.

(d) If any taxpayer, with fraudulent intent, fails to pay any tax or make, render or sign any return, or to supply any information, within the time required by or under the provisions of K.S.A. 79-41a03, and amendments thereto, there shall be added to the tax a penalty in an amount equal to 50% of the unpaid balance of tax due.

(e) Penalty or interest applied under the provisions of subsections (a) and (d) shall be in addition to the penalty added under any other provisions of this section, but the provisions of subsections (b) and (c) shall be mutually exclusive of each other.

(f) Whenever, ~~in the judgment~~ of the secretary of revenue or the secretary's designee, *determines that* the failure of the taxpayer to comply with the provisions of subsections (b) and (c) was due to reasonable causes ~~and not willful neglect~~, the secretary or the secretary's designee may waive or reduce any of the penalties *and may reduce the interest rate to the underpayment rate prescribed and determined for the applicable period under section 6621 of the federal internal revenue code as in effect on January 1, 1994* upon making a record of the reasons therefor.

(g) In addition to all other penalties provided by this section, any person who willfully fails to make a return or to pay any tax imposed under K.S.A. 79-41a02, and amendments thereto, or who makes a false or fraudulent return, or fails to keep any books or records necessary to determine the accuracy of the person's reports, or who willfully violates any regulations of the secretary of revenue, for the enforcement and administration of the provisions of K.S.A. 79-41a01 to 79-41a09, inclusive, and amendments thereto, or who aids and abets another in attempting to evade the payment of any tax imposed by K.S.A. 79-41a02, and amendments thereto, or who violates any other provision of K.S.A. 79-41a01 to 79-41a09, inclusive, and amendments thereto, shall, upon conviction thereof, be fined not less than \$100 nor more than \$1,000, or be imprisoned in the county jail not less than one month nor more than six months, or be both so fined and imprisoned, in the discretion of the court.

Sec. 9. K.S.A. 1993 Supp. 79-3221 is hereby amended to read as follows: 79-3221. (a) All returns required by this act shall be made as nearly as practical in the same form as the corresponding form of income tax return by the United States.

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

(c) The director of taxation may grant a reasonable extension of time for filing returns in accordance with rules and regulations of the secretary of revenue. *Whenever any such extension of time to file is requested by a taxpayer and granted by the director with respect to any tax year commencing after December 31, 1992, no penalty authorized by K.S.A. 79-3228, and amendments thereto, shall be imposed if 90% of the liability is paid on or before the original due date.*

(d) In the case of an individual serving in the armed forces of the United States, or serving in support of such armed forces, in an area designated by the president of the United States by executive

(continued)

order as a "combat zone" as defined under 26 U.S.C. 112 at any time during the period designated by the president by executive order as the period of combatant activities in such zone for the purposes of such section, or hospitalized as a result of injury received or sickness incurred while serving in such an area during such time, the period of service in such area, plus the period of continuous qualified hospitalization attributable to such injury or sickness, and the next 180 days thereafter, shall be disregarded in determining, under article 32 of chapter 79 of the Kansas Statutes Annotated, in respect of any tax liability (including any interest, penalty, additional amount, or addition to the tax) of such individual:

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

(2) The amount of any credit or refund.

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

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

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

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

(h) (1) Notwithstanding the provisions of subsection (d), any action or proceeding authorized by K.S.A. 79-3229, and amendments thereto, as well as any other action or proceeding authorized by law in connection therewith, may be taken, begun or prosecuted. In any

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

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

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

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

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

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

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

(1) Any hospitalization outside the United States, and

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

Sec. 10. K.S.A. 79-3228, 79-3495, 79-34,111, 79-3615, 79-3706 and 79-41a03a and K.S.A. 1993 Supp. 79-3221, 79-32,107 and 79-3410 are hereby repealed.

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

State of Kansas

Office of Judicial Administration

Court of Appeals Docket

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

Kansas Court of Appeals
Johnson County Community College
12345 College at Quivira
Overland Park, Kansas

Thursday, April 21, 1994

Before Larson, P.J.; Royse and Green, JJ.

9:00 a.m.

Case No.	Case Name	Attorneys	County
70,298	Marv Pottratz, Appellant, v. Ersilio Depetre, Appellee.	James E. Schwartz John Ivan Ersilio Depetre, <i>pro se</i>	Johnson

70,439	William and Donna Barrett, Appellants, v. Thomas Miller, M.D., Appellee.	Bruce Keplinger Frank Saunders Jr.	Johnson
70,289	Bob Clark, Appellee, v. Sameer Said, Appellant.	Michael S. Martin Alan P. Blinzler	Johnson
1:30 p.m.			
70,737	Teresa Hughes, Appellant, v. Jones Store Co., et al., Appellees.	Elizabeth A. Kaplan Stephanie Warmund Dana M. Harris	Wyandotte
68,537	David Ezell, Appellee, v. Mid-Century Ins. Co., Appellant.	James L. Saunders Katherine A. Haggard	Wyandotte
69,576	State of Kansas, Appellee, v. Charles Bradley, Appellant.	District Attorney Attorney General J. Patrick Lawless Jr.	Wyandotte

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

Tuesday, April 26, 1994

Before Briscoe C.J.; Brazil, J.; and Nelson E. Toburen,
District Judge, assigned.

10:00 a.m.

Case No.	Case Name	Attorneys	County
70,263	Betty Alvarez, Appellant, v. Charles Green, Appellee.	J.R. Russell Steven A. Ediger	Wyandotte
70,155	In the Matter of the Marriage of Donald R. Stokes and Sally A. Stokes.	John H. Fields John J. McNally Donald Stokes, <i>pro se</i>	Wyandotte
70,092	In re Application for Writ of Habeas Corpus by Craig R. Lancaster.	Kathleen L. Sloan District Attorney	Johnson

Summary Calendar—No Oral Argument

69,997	State of Kansas, Appellee, v. Milton D. George, Appellant.	District Attorney Attorney General Julie Gorenc	Wyandotte
69,503	State of Kansas, Appellee, v. Melvin L. Robinson, Appellant.	District Attorney Attorney General Hazel Haupt	Wyandotte

Before Briscoe, C.J.; Lewis, J.; and Nelson E. Toburen,
District Judge, assigned.

1:00 p.m.

68,737	David Stowers, Appellant, v. James E. Rimel, Appellee.	Michael L. Hodges Dana M. Harris	Johnson
70,662	Ronald D. Pearce, Appellant, v. Johnson County, Appellee.	Gordon M. Rock Jr. M. Bradley Watson	Johnson

Summary Calendar—No Oral Argument

70,361	Alicia King, Appellant, v. American Family Insurance, Appellee.	Rosie M. Quinn Douglas M. Greenwald	Wyandotte
70,266	In the Matter of the Marriage of Bobby M. Coffey and Carla L. Coffey.	Stacie Kennon Gram Stanley R. McAfee	Wyandotte

(continued)

68,592	Thomas Henry Stokes, Sr., Appellant, v. State of Kansas, Appellee.	Jessica R. Kunen Attorney General County Attorney Before Brazil, P.J.; Rulon, J.; and Nelson E. Toburen, District Judge, assigned. 3:00 p.m.	Chautauqua
70,035	Darlene Day, Appellee, v. Lewis Stroud, <i>et al.</i> , Appellants.	Stephen M. Ryan Robert R. McQuain William R. McQuillan	Doniphan
70,292	Robert Edwards, Appellee, v. Emily Edwards, Appellant.	Michael R. Lawless Ronald L. Gold	Johnson
Summary Calendar—No Oral Argument			
69,779	In the Matter of the Marriage of Cheryl Sue Bailey and Stephen C. Bailey.	D. Tiday Theresa Hook Barton	Johnson
69,809	John E. Maberry, Appellant, v. State of Kansas, Appellee.	J. Patrick Lawless Jr. Attorney General District Attorney	Johnson
69,845	James Russell, Appellant, v. State of Kansas, Appellee.	Stephen Moss Attorney General District Attorney	Wyandotte

Wednesday, April 27, 1994

Before Brazil, P.J.; Rulon and Lewis, JJ.
9:30 a.m.

Case No.	Case Name	Attorneys	County
70,161	Roscoe Dickison, Appellee, v. Sandra Dickison, Appellant.	L.D. McDonald Jr. Dwight D. Sutherland Jr.	Johnson
70,143	In the Matter of the Marriage of Joanne Block and Kenneth G. Block.	Thomas Kelly Ryan John L. Vratil	Johnson
Summary Calendar—No Oral Argument			
69,780	Rosewood Assoc., <i>et al.</i> , Appellants, v. City of Prairie Village, Appellee.	Marvin E. Rainey Fred J. Logan Jr.	Johnson
70,548	In the Matter of the Marriage of Mary G. Welker and James C. Welker.	Michael D. Reed Thad E. Nugent	Johnson
70,282	Amy Clayton, Appellant, v. Timothy Bennett, <i>et al.</i> , Appellees.	R. Bruce Kips Janet M. Simpson Kate F. Baird	Wyandotte
Before Briscoe, C.J.; Rulon and Lewis, JJ. 1:00 p.m.			
70,438	Michael Morse, v. Swift Eckrich, Inc., <i>et al.</i> , Appellants, and Work. Comp. Fund, Appellee.	Philip R. Carson Mark Kolich Robert D. Benham	Wyandotte
70,664	Vivian Crawford, Appellant, v. Paul Riekhof, <i>et al.</i> , Appellees.	Gregory W. Vleisides Catherine A. Donnelly Sally Harris	Johnson
70,463	Capitol Federal Savings and Loan, Appellant, v. Paul Hoger, <i>et al.</i> , Appellees.	John Anderson Jr. Gerald L. Goodell Jeffrey Southard Charles Henson	Johnson

Summary Calendar—No Oral Argument

69,790	In the Matter of the Marriage of Hendrik A. Gideonse and Simone Jadwiga Gideonse.	Judith A. Jones Susan C. Jacobson	Geary
70,461	In the Matter of the Marriage of Kirt L. Smith and Celinda G. Smith.	Michael S. Greiving Edward S. Dunn	Shawnee

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

Tuesday, April 26, 1994

Before Elliott, P.J.; Gernon, J.; and Thomas H. Sachse,
District Judge, assigned.

9:00 a.m.

Case No.	Case Name	Attorneys	County
69,906	In the Interest of B.L.M.	Roger Batt Marlys Marshall Ourada Thomas McDowell J. Shawn Elliott	Sedgwick
69,161	Richard E. Mears, Appellant, v. State of Kansas, Appellee.	Steven D. Mank Attorney General Debra S. Byrd	Sedgwick

Summary Calendar—No Oral Argument

69,688	State of Kansas, Appellee, v. Cornelius A. Crayton, Appellant.	Debra S. Byrd Attorney General Steven R. Zinn	Sedgwick
70,081	State of Kansas, Appellee, v. Sherry L. Snowden, Appellant.	Debra S. Byrd Attorney General Rick Kittel	Sedgwick
70,083	James Nance, Appellant, v. State of Kansas, Appellee.	Reid Nelson Attorney General County Attorney	Lyon

Before Gernon, P.J.; Pierron, J.; and Thomas H. Sachse,
District Judge, assigned.

11:00 a.m.

69,920	State of Kansas, Appellee, v. Shawn T. Grant, Appellant.	County Attorney Attorney General Stephen Moss	Labette
70,129	State of Kansas, Appellee, v. David L. Williams, Appellant.	Debra S. Byrd Attorney General Julie Gorenc	Sedgwick

1:00 p.m.

69,735	State of Kansas, Appellee, v. James Maurice Armour, Appellant.	County Attorney Attorney General Thomas Jacquinet	Seward
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Summary Calendar—No Oral Argument

70,406	State of Kansas, Appellee, v. Vincent Gallegos, Appellant.	County Attorney Attorney General Rebecca Woodman	Finney
69,928	State of Kansas, Appellee, v. Larry J. Maxwell, Appellant.	Debra S. Byrd Attorney General Reid Nelson	Sedgwick

(continued)

Before Elliott, P.J.; Pierron, J.; and Thomas H. Sachse,
District Judge, assigned.

2:00 p.m.

70,102	State of Kansas, Appellee, v. Jose Luis Pena, Appellant.	County Attorney Attorney General Randall J. Price	Finney
70,248	Bank One Texas, <i>et al.</i> , Appellees, v. Petrol. Prod., Inc., <i>et al.</i> , Appellants.	Dan W. Forker Jr. Robert E. Nugent Richard A. Benjes	Sedgwick
70,595	William Franklin Griffin, Appellee, v. Dodge City Coop, <i>et al.</i> , Appellants.	Donald E. Shultz Jim D. Mills	Ford
Summary Calendar—No Oral Argument			
70,522	State of Kansas, Appellee, v. Dennis Lover, Appellant.	County Attorney Attorney General Timothy J. Grillot	Labette
69,973	In the Interest of D.T.	H. Stephen Mosley Traci Hartenstein Debra S. Byrd Mark A. Sevart	Sedgwick

Wednesday, April 27, 1994

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

9:00 a.m.

Case No.	Case Name	Attorneys	County
69,633	Rita M. Jowers, Appellee, v. Mayflower Transit, Inc., <i>et al.</i> , Appellants.	Robert T. Cornwell Eldon L. Boisseau	Sedgwick
70,128	Holly Martin, Appellant, v. Behavioral Sciences Board, Appellee.	Richard J. Rome Terry D. Hamblin	Reno
10:30 a.m.			
69,991	Barbara Kemna, <i>et al.</i> , Appellees, v. Dept. of Transportation, Appellant.	Forrest E. Short Vicky S. Johnson	Bourbon
70,860	In the Matter of the Estate of Velma Irene Mills Simpson, deceased.	Alan C. Goering Michael K. Johnston	Barber

Summary Calendar—No Oral Argument

69,646	State of Kansas, Appellee, v. Roger NMI Redding, Appellant.	County Attorney Attorney General Reid Nelson	Lyon
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Kansas Court of Appeals
Court of Appeals Courtroom, Second Floor, Kansas Judicial Center
Topeka, Kansas

Tuesday, April 26, 1994

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

9:30 a.m.

Case No.	Case Name	Attorneys	County
70,041	George L. Kirtdoll, Appellant, v. State of Kansas, Appellee.	Dale F. Kelso Attorney General District Attorney	Shawnee
70,502	S.G. Kurz, <i>et al.</i> , Appellants, v. Dept. of SRS, <i>et al.</i> , Appellees.	Jack A. Quinlan Bruce Roby	Shawnee

Summary Calendar—No Oral Argument

70,267	State of Kansas, Appellee,	District Attorney	Shawnee
70,268	v.	Attorney General	
70,269	Larry D. Ballou, Jr., Appellant.	Stephen Moss	
70,099	State of Kansas, Appellee,	District Attorney	Shawnee
	v.	Attorney General	
	Douglas C. Campbell, Jr., Appellant.	Jeffrey Shaw	
70,462	In the Matter of the Marriage of Marilyn L. Henderson and Terrell Henderson.	Doug Thompson Kelly S. Hodge	Geary

Before Green, P.J.; Royse, J.; and James W. Bouska,
District Judge, assigned.

11:00 a.m.

70,682	In the Matter of the Marriage of Bobby Reynolds and Jolene Reynolds (Travis).	Larry Livengood Dan D. Boyer	Saline
70,295	William and Peggy McLaughlin, Appellants,	Terry D. Criss	Dickinson
	v.		
	Community Bank, et al., Appellees.	Michael E. Francis	

Summary Calendar—No Oral Argument

70,309	State of Kansas, Appellee,	Mitchell County Attorney	Mitchell
	v.	Republic County Attorney	
	Martin Zimmer, Appellant.	Attorney General Tracy J. Thull	
69,960	John Michener, Appellant,	John Michener, pro se	Norton
	v.	Kenneth C. Havner	
	ARA Health Serv., Inc., et al., Appellees.	Hal D. Meltzer Robert Wasinger	
70,661	Dr. J. T. Garner, Appellant,	J. T. Garner, pro se	Norton
	v.		
	Patrick Douglas, et al., Appellees.	Robert Wasinger	

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

1:30 p.m.

70,141	In the Matter of the Marriage of Michael H. Rogers and Maria F. Rogers.	George M. Wolf Louis M. Clothier	Leavenworth
70,097	Lafe Gilmore, Appellee,	Michael G. Highland	Leavenworth
	v.		
	David McKune and Corr. Med. Systems, Appellants.	Linden G. Appel	
70,055	State of Kansas, Appellee,	County Attorney	Decatur
	v.	Attorney General	
	Donald Fortin, Appellant.	Reid Nelson	

Summary Calendar—No Oral Argument

70,079	State of Kansas, Appellee,	County Attorney	Saline
70,080	v.	Attorney General	
	Leaon D. Jones, Appellant.	J. Patrick Lawless Jr.	

Carol G. Green
Clerk of the Appellate Courts

Doc. No. 014644

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Table with 3 columns: Reg. No., Action, Register. Lists regulations for the Municipal Accounting Board.

AGENCY 4: BOARD OF AGRICULTURE

Table with 3 columns: Reg. No., Action, Register. Lists regulations for the Board of Agriculture.

AGENCY 5: BOARD OF AGRICULTURE—DIVISION OF WATER RESOURCES

Table with 3 columns: Reg. No., Action, Register. Lists regulations for the Division of Water Resources.

AGENCY 7: SECRETARY OF STATE

Table with 3 columns: Reg. No., Action, Register. Lists regulations for the Secretary of State.

AGENCY 17: STATE BANKING DEPARTMENT

Table with 3 columns: Reg. No., Action, Register. Lists regulations for the State Banking Department.

AGENCY 19: KANSAS COMMISSION ON GOVERNMENTAL STANDARDS AND CONDUCT

Table with 3 columns: Reg. No., Action, Register. Lists regulations for the Kansas Commission on Governmental Standards and Conduct.

AGENCY 20: CRIME VICTIMS COMPENSATION BOARD

Table with 3 columns: Reg. No., Action, Register. Lists regulations for the Crime Victims Compensation Board.

AGENCY 22: STATE FIRE MARSHAL

Table with 3 columns: Reg. No., Action, Register. Lists regulations for the State Fire Marshal.

AGENCY 23: DEPARTMENT OF WILDLIFE AND PARKS

Table with 3 columns: Reg. No., Action, Register. Lists regulations for the Department of Wildlife and Parks.

AGENCY 25: STATE GRAIN INSPECTION DEPARTMENT

Table with 3 columns: Reg. No., Action, Register. Lists regulations for the State Grain Inspection Department.

AGENCY 26: DEPARTMENT ON AGING

Table with 3 columns: Reg. No., Action, Register. Lists regulations for the Department on Aging.

AGENCY 28: DEPARTMENT OF HEALTH AND ENVIRONMENT

Table with 3 columns: Reg. No., Action, Register. Lists regulations for the Department of Health and Environment.

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 28-34-17b New V. 12, p. 786
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30-5-70	Amended	V. 12, p. 394
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30-5-73	Amended	V. 12, p. 1224
30-5-81b	Amended	V. 12, p. 1225
30-5-100	Amended	V. 12, p. 1225
30-5-105	Amended	V. 12, p. 1226
30-5-109a	Amended	V. 12, p. 1226
30-5-116a	Amended	V. 12, p. 1226
30-5-151	Amended	V. 12, p. 266, 579
30-6-56	Amended	V. 12, p. 1738, 1783
30-6-103	Amended	V. 12, p. 1739
30-6-106	Amended	V. 12, p. 1740, 1784
30-6-109	Amended	V. 12, p. 1742, 1786
30-6-112	Amended	V. 12, p. 1230
30-6-113	Amended	V. 12, p. 1744, 1788
30-6-150	Amended	V. 12, p. 1745, 1789
30-7-100	Amended	V. 12, p. 398
30-10-1a	Amended	V. 12, p. 1745
30-10-1b	Amended	V. 12, p. 1748
30-10-1c	Amended	V. 12, p. 1748
30-10-1d	Amended	V. 12, p. 1748
30-10-2	Amended	V. 12, p. 1749
30-10-11	Amended	V. 12, p. 1749
30-10-15a	Amended	V. 12, p. 1751
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30-10-18	Amended	V. 12, p. 1754
30-10-19	Amended	V. 12, p. 1756
30-10-23a	Amended	V. 12, p. 1756
30-10-25	Amended	V. 12, p. 1757
30-10-28	Amended	V. 12, p. 1758
30-31-7	Amended	V. 12, p. 901, 975
30-46-10	Amended	V. 12, p. 1231

30-65-1 New V. 12, p. 1592, 1632
 30-65-2 New V. 12, p. 1593, 1633
 30-65-3 New V. 12, p. 1593, 1633

AGENCY 36: DEPARTMENT OF TRANSPORTATION

Reg. No.	Action	Register
36-27-11	Revoked	V. 13, p. 91
36-37-1 through		
36-37-6	New	V. 12, p. 309, 310
36-38-1	New	V. 12, p. 310
36-38-2	New	V. 12, p. 310
36-39-1 through		
36-39-6	New	V. 12, p. 1088-1090

AGENCY 40: KANSAS INSURANCE DEPARTMENT

Reg. No.	Action	Register
40-1-22	Amended	V. 13, p. 185
40-1-39	New	V. 12, p. 1563
40-1-41	New	V. 12, p. 1563
40-2-23	New	V. 12, p. 1564
40-3-10	Revoked	V. 12, p. 1564
40-3-32	Amended	V. 12, p. 1564
40-3-33	Amended	V. 12, p. 1565
40-3-47	Amended	V. 13, p. 185
40-3-50	New	V. 12, p. 1568
40-4-2	Amended	V. 12, p. 1568
40-5-12	New	V. 12, p. 1568

AGENCY 44: DEPARTMENT OF CORRECTIONS

Reg. No.	Action	Register
44-2-103	New	V. 12, p. 822
44-6-124	Amended	V. 12, p. 1154
44-6-146	New	V. 12, p. 1154
44-7-116	New	V. 12, p. 1155
44-14-101	Amended	V. 12, p. 1593
44-14-102	Amended	V. 12, p. 1594
44-14-201	Amended	V. 12, p. 1594
44-14-301	Amended	V. 12, p. 1594
44-14-302	Amended	V. 12, p. 1594
44-14-303	Amended	V. 12, p. 1596
44-14-305	Amended	V. 12, p. 1596
44-14-305a	Revoked	V. 12, p. 1596
44-14-306	Amended	V. 12, p. 1596
44-14-307	Amended	V. 12, p. 1597
44-14-309	Amended	V. 12, p. 1597
44-14-310	Amended	V. 12, p. 1597
44-14-311	Amended	V. 12, p. 1597
44-14-314	Amended	V. 12, p. 1597
44-14-316	Amended	V. 12, p. 1597
44-14-318	New	V. 12, p. 1597

AGENCY 51: DEPARTMENT OF HUMAN RESOURCES—

DIVISION OF WORKERS COMPENSATION

Reg. No.	Action	Register
51-9-7	Amended	V. 12, p. 1399

AGENCY 56: OFFICE OF THE ADJUTANT GENERAL

Reg. No.	Action	Register
56-2-1	New	V. 12, p. 1736
56-2-2	New	V. 12, p. 1736
56-3-1 through		V. 13, p. 89-91
56-3-6	New	111-112

AGENCY 60: BOARD OF NURSING

Reg. No.	Action	Register
60-1-101	Revoked	V. 12, p. 1205
60-1-102	Amended	V. 12, p. 348
60-1-103	Amended	V. 12, p. 348
60-3-101	Amended	V. 12, p. 348
60-3-104	Revoked	V. 13, p. 365
60-3-105	Amended	V. 13, p. 365
60-3-106	Amended	V. 13, p. 365
60-3-106a	New	V. 13, p. 365
60-3-110	Amended	V. 12, p. 1205
60-3-111	New	V. 12, p. 349
60-4-101	Amended	V. 13, p. 365
60-4-103	Amended	V. 13, p. 365
60-7-104	Amended	V. 13, p. 366
60-7-106	New	V. 12, p. 1206
60-7-108	New	V. 12, p. 349
60-8-101	Amended	V. 13, p. 366
60-9-105	Amended	V. 12, p. 349
60-9-107	Amended	V. 12, p. 1206

(continued)

AGENCY 111: THE KANSAS LOTTERY

Reg. No.	Action	Register	111-4-221	111-4-388
111-1-2	Amended	V. 7, p. 1190	through	through
111-1-5	Amended	V. 8, p. 586	111-4-224	111-4-391
111-2-1	Amended	V. 7, p. 1995	111-4-225	111-4-392
111-2-2	Amended	V. 12, p. 1261	through	111-4-394
111-2-2a	Revoked	V. 9, p. 1675	111-4-228	through
111-2-6	Revoked	V. 13, p. 149	111-4-229	111-4-400
111-2-7	Revoked	V. 10, p. 1210	through	111-4-401
111-2-13	Revoked	V. 10, p. 881	111-4-236	through
111-2-14	New	V. 9, p. 30	111-4-237	111-4-404
111-2-15	Revoked	V. 10, p. 881	through	111-4-405
111-2-16	Revoked	V. 10, p. 1210	111-4-240	through
111-2-17	Revoked	V. 10, p. 1210	111-4-241	111-4-413
111-2-18	Revoked	V. 11, p. 413	through	111-4-413
111-2-19	Revoked	V. 11, p. 413	111-4-244	111-4-405
111-2-20	New	V. 11, p. 199	111-4-245	111-4-407
111-2-21	New	V. 11, p. 1471	through	111-4-408
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111-2-24	Amended	V. 12, p. 912	through	111-4-412
111-2-25	New	V. 12, p. 677	111-4-256	111-4-413
111-2-26	New	V. 12, p. 1113	111-4-257	111-4-414
111-2-27	New	V. 12, p. 1370	through	111-4-414
111-2-28	New	V. 12, p. 1844	111-4-286	111-4-428
111-2-29	New	V. 12, p. 1844	111-4-287	111-4-414
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111-3-6	Amended	V. 12, p. 677	111-4-300	through
111-3-9	Revoked	V. 11, p. 1793	111-4-287	111-4-432
111-3-10			through	111-4-433
111-3-11	New	V. 7, p. 201-206	111-4-290	through
111-3-12	Amended	V. 13, p. 35	111-4-291	111-4-436
111-3-13	Amended	V. 10, p. 12	through	111-4-437
111-3-14	Amended	V. 11, p. 1148	111-4-300	111-4-437
111-3-16	Amended	V. 10, p. 12	111-4-301	111-4-444
111-3-19	Amended	V. 9, p. 1566	through	111-4-437
111-3-22	Amended	V. 9, p. 30	111-4-307	through
111-3-20	Amended	V. 11, p. 1148	111-4-301	111-4-440
111-3-21	Amended	V. 11, p. 1148	111-4-301	111-4-445
111-3-22	Amended	V. 11, p. 1148	111-4-303	through
111-3-23	Revoked	V. 10, p. 883	111-4-304	111-4-453
111-3-25	Amended	V. 11, p. 1149	111-4-306	111-4-445
111-3-26	Amended	V. 11, p. 1149	111-4-308	through
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111-3-32	Amended	V. 10, p. 883	111-4-311	111-4-465
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111-4-5	Revoked	V. 12, p. 113	111-4-322	111-4-473
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111-4-77	New	V. 7, p. 207-209	through	111-4-474
111-4-96			111-4-327	through
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111-6-15	New	V. 7, p. 213-217
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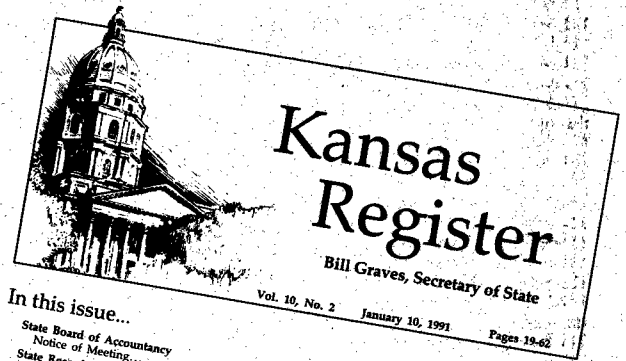
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