

Kansas Register

Bill Graves, Secretary of State

Vol. 13, No. 16

April 21, 1994

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(913) 296-3489

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 160 acres in Ford County, Kansas. The legal description is the SE 1/4 of Section 18, T26S, R22W. This tract is part of the Playa Wetlands Program and will remain on the county tax rolls.

Ted Ensley
Secretary of Wildlife
and Parks

Doc. No. 014728

State of Kansas

Board of Technical Professions

Notice of Meeting

The State Board of Technical Professions will meet Thursday, April 28, at the Shawnee Country Club, 913 S.E. 29th, Topeka. The Professional Engineer and Land Surveyor Committee will meet in the President's Room at 8:30 a.m., and the Architect and Landscape Architect Committee will meet in the PDR Room at 9 a.m. The full board will meet at approximately 11:30 a.m. at the conclusion of the committee meetings. The meetings are open to the public.

Betty L. Rose
Executive Director

Doc. No. 014713

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(l), 12-1675(b)(c)(d) and 75-4209(a)(1)(B), as amended by the 1993 Session Laws of Kansas, Chapter 207.

Effective 4-25-94 through 5-1-94

| Term | Rate |
|-----------|-------|
| 0-90 days | 3.47% |
| 3 months | 3.66% |
| 6 months | 4.21% |
| 9 months | 4.55% |
| 12 months | 4.85% |
| 18 months | 5.19% |
| 24 months | 5.52% |
| 36 months | 5.98% |
| 48 months | 6.31% |

Sally Thompson
State Treasurer

Doc. No. 014715

State of Kansas

Kansas Commission on Children,
Youth and Families

Notice of Meeting

The Kansas Commission on Children, Youth and Families will meet from 9 to 10:30 a.m. Friday, May 6, in the Board Room at the Holiday Inn Holidome, 6th and Fairlawn, Topeka.

Robert C. Harder
Chairman

Doc. No. 014736

State of Kansas

Kansas Commission for the Deaf and
Hard of Hearing

Notice of Meeting

The Kansas Commission for the Deaf and Hard of Hearing will meet from 9 a.m. to noon Saturday, May 21, in the Burton Auditorium at Wesley Hospital, 550 N. Hillside, Wichita. Information regarding the agenda may be obtained by contacting the commission at 1-800-432-0698 or (913) 296-2874 (both are V/TTY).

Bruce Harvey
Acting Executive Director

Doc. No. 014720

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 April 7-8:

House Bills

HB 3086, by Committee on Appropriations: An act concerning telecommunications public utilities; relating to access charges.

Senate Bills

SB 847, by Committee on Federal and State Affairs: An act relating to motor vehicle fuels; concerning alternative fuels; establishing certain programs; providing certain tax credits.

Senate Resolutions

SR 1856, A resolution congratulating and commending the City of Alma on its 125th anniversary.

SR 1857, A resolution congratulating and commending the Arkansas City High School wrestling team and Coach Wayne Jackson for winning the 1994 Kansas State High School Activities Association Class 5A State Wrestling Championship in Kansas.

SR 1858, A resolution congratulating and commending the Kansas Master Teachers for 1994.

SR 1859, A resolution honoring the dedication of the Saline County war memorial.

Doc. No. 014714

State of Kansas

Employee Award Board

Notice of Meeting

The Employee Award Board will meet at 9 a.m. Monday, April 25, in the Division of Personnel Services, Room 951-S, Landon State Office Building, 900 S.W. Jackson, Topeka.

Ben Barrett
Chairperson

Doc. No. 014712

State of Kansas

State Conservation Commission

Notice to Contractors

Sealed bids for the construction of a livestock waste system for a dairy operation in Saline County will be received by the Saline County Conservation District at the district office, 1821 S. Ohio, Salina 67401-6601, until 3 p.m. May 9, and then opened. A copy of the invitation for bids and plans and specifications can be obtained at the district office, (913) 825-8260.

Kenneth F. Kern
Executive Director

Doc. No. 014744

State of Kansas

Department of Transportation

Notice to Contractors

Sealed proposals for the construction of road and bridge work in the following Kansas counties will be received at the office of the Chief of Construction and Maintenance, KDOT, Topeka, until 10 a.m. May 19, and then publicly opened:

District One—Northeast

Brown—20-7 K-4752-01—K-20, Culvert #524 northeast of Everest, 0.5 mile, culvert replacement. (State Funds)

Jefferson—4-44 K-5203-01—K-4, Delaware River bridge 20, 0.2 mile northeast of the west junction of K-16 in Valley Falls, bridge painting. (State Funds)

Jefferson—59-44 K-569-01—U.S. 59, from the north city limits of Oskaloosa, north to K-4, 13.2 miles, seal. (State Funds)

Johnson—35-46 K-4435-01—I-35 and K-150 junction in Olathe, grading, bridge and surfacing. (State Funds)

Johnson—56-46 K-5556-01—U.S. 56, westbound lanes in Gardner, 0.1 mile, overlay. (State Funds)

Johnson—46 N-0023-01—Intersection of Nieman Road and 65th Street in Shawnee, intersection improvement. (Federal Funds)

Osage—70 K-1314-04—Eisenhower State Park roads, overlay. (State Funds)

Osage—70 K-1803-03—Pomona State Park roads, overlay. (State Funds)

Osage—31-70 K-4621-01—K-31, from the junction of K-170 east to 4th Street in Osage City, 0.5 mile, pavement reconstruction. (State Funds)

Osage—35-70 K-5570-01—I-35, from the Coffey-Osage county line northeast, 3.5 miles, bituminous overlay. (State Funds)

Riley—81 C-3263-01—County road, 4 miles south and 1.8 miles east of Zendale, grading. (Federal Funds)

Shawnee/Douglas—40-106 K-5551-01—U.S. 40, from Green Road in Shawnee County to Stull Road in Douglas County, 12 miles, pavement marking. (Federal Funds)

Various counties—106 K-5557-01—Pottawatomie, Wabaunsee, Doniphan, Atchison, Wyandotte, Johnson and Leavenworth counties, mudjacking. (State Funds)

District Two—Northcentral

Dickinson—70-21 K-5558-01—I-70, from 1.7 miles east of county route 189, east to 2.3 miles east of K-43, 9 miles, pavement reconstruction. (State Funds)

Dickinson—18-21 K-4374-01—K-18, Mud Creek bridge 64, 5.7 miles east of the Ottawa-Dickinson county line, replacement. (Federal Funds)

Geary—57-31 K-5396-01—K-57, Dry Creek drainage bridge 57, 8.9 miles southeast of I-70, bridge replacement. (State Funds)

Jewell—45 C-3033-01—County road, 2 miles south and 1.3 miles east of Jewell, 0.2 mile, grading, bridge and surfacing. (Federal Funds)

McPherson—135-59 K-5262-01—I-135, from the Harvey-McPherson county line northwest to north of the north junction of K-260, 7 miles, patching. (State Funds)

Mitchell—62 K-1315-01—Flood-damaged roads in Waconda Lake Park, patching. (State Funds)

Ottawa—18-72 K-2097-01—K-18, Coal Creek bridge 23, 7.6 miles east of the north junction of U.S. 81, bridge replacement. (Federal Funds)

Washington—148-101 K-5217-01—K-148, Parsons Creek bridge 30, 6.1 miles east of the Republic-Washington county line, 0.1 mile, bridge overlay. (State Funds)

District Three—Northwest

Ellis—70-26 K-4440-01—I-70, junction of I-70 and Commerce Parkway east of Hays, grading, bridge and surfacing. (State Funds)

Sherman—70-91 K-5322-01—I-70, Port of Entry, east of the Colorado-Kansas state line, install concrete barriers. (State Funds)

Sherman—91 C-2156-01—County road, 8 miles south and 7 miles west of Goodland, then west, 0.2 mile, bridge replacement. (Federal Funds)

District Four—Southeast

Chautauqua—10 C-3114-01—County road, 0.5 mile south and 3.8 miles east of Chautauqua, 0.2 mile, grading and bridge. (Federal Funds)

Coffey—35-16 K-5571-01—I-35, 0.5 mile west of the Coffey-Osage county line northeast to the Coffey-Osage county line, (northbound lanes), 0.5 mile, bituminous overlay. (State Funds)

Coffey—57-16 K-4617-01—K-57, 3rd Street to Railroad Street in Gridley, 0.3 mile, pavement reconstruction. (State Funds)

Franklin—68-30 K-5233-01—K-68, Island Creek bridge 71, 10.9 miles east of the Osage-Franklin county line, bridge painting. (State Funds)

District Five—Southcentral

Butler—8 C-2953-01—Andover Road, from Waggoner Street to 21st Street in Andover, 0.8 mile, grading and surfacing. (Federal Funds)

Cowley—77-18 K-5568-01—U.S. 77, from the Timber Creek bridge north 9.7 miles and K-15 from U.S. 77 west 1,300 feet, 9.8 miles, seal. (State Funds)

Harvey—135-40 K-4358-01—I-135, bridges 22 and 21 over 12th Street in Newton, bridge replacement. (Federal Funds)

Harvey—50-40 K-3386-03—U.S. 50, from the Reno-Harvey county line, east to the junction of K-89, 11 miles, seeding. (Federal Funds)

Pratt—76 C-3170-01—County road, 3.2 miles north of Preston, 8 miles, surfacing. (Federal Funds)

District Six—Southwest

Ford—29 C-3046-01—County road, 2.5 miles north of Dodge City, 0.1 mile, bridge replacement. (Federal Funds)

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

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

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

Michael L. Johnston
Secretary of Transportation

Doc. No. 014727

State of Kansas

Kansas State University

Notice to Bidders

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

Monday, May 2, 1994

#40133

Unix workstations

William H. Sesler
Director of Purchasing

Doc. No. 014711

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 construction/conditional operating permit in accordance with K.A.R. 28-19-14 (permits required) to Quicksilver Ready-Mix, Inc. to install and operate a ready mix concrete plant at 1245 W. 149th, Olathe.

Written materials, including the permit application and information relating to the application submitted by Quicksilver Ready Mix, Inc., draft permit, permit summary and analysis by KDHE describing the basis for the proposed permit, are available for public inspection during normal business hours through May 23 by contacting Michael Boothe, Environmental Specialist/Air Quality, Johnson County Environmental Department, 11180 Thompson Ave., Lenexa 66219, (913) 492-0402. 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. Hinthner, 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 23.

Robert C. Harder
Secretary of Health
and Environment

Doc. No. 014733

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 construction permit in accordance with K.A.R. 28-19-14 (permits required) to XYMAX 2001, Inc. to install and operate a straw processing plant 1/2 mile north of U.S. 36 at Montrose.

Written materials, including the permit application and information relating to the application submitted by XYMAX 2001, draft permit, permit summary and analysis by KDHE describing the basis for the proposed permit, are available for public inspection during normal business hours through May 23 by contacting Peter Denning, KDHE, 2501 Market Place, Suite D, Salina, (913) 827-9639. 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 Gene Sallee, KDHE, (913) 296-1575.

K.S.A. 65-3008 provides that any person affected by the issuance of a permit can request a public hearing prior to 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 23.

Robert C. Harder
Secretary of Health
and Environment

Doc. No. 014729

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 construction/conditional operating permit in accordance with K.A.R. 28-19-14 (permits required) to Central Paving, Inc., Benton, to install and operate a portable asphalt concrete mixing plant to be initially located in Benton.

Written materials, including the permit application and information relating to the application submitted by Central Paving, Inc. and the draft permit, are available for public inspection during normal business hours through May 23 by contacting David Butler, Air Quality District Representative, Southcentral District KDHE Office, 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. Hinthner, 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 23.

Robert C. Harder
Secretary of Health
and Environment

Doc. No. 014717

State of Kansas

**Department of Health
and Environment**

Notice of Proposed Permit Action

The Secretary of Health and Environment is proposing to amend the Yuasa-Exide, Inc.'s air emission source permit in accordance with K.A.R. 28-19-14 (permits required) for installation and operation of two ball mill type lead oxide production units at its existing facility in Hays.

The addition of the lead oxide production units will not increase the lead emissions above the existing permitted level. Since this is a new process at the Yuasa-Exide, Inc.'s facility, KDHE is publishing this public notice of the proposed permit amendment to receive public comments.

Written materials, including the permit application submitted by Yuasa-Exide, and the draft permit, are available for public inspection during normal business hours through May 23 by contacting Rick Robinson, Air Quality District Representative, Northwest KDHE Office, Hays, (913) 625-5664. This material also can be reviewed at the KDHE office in Building 283, Forbes Field, Topeka. Questions concerning this proposed permit amendment should be directed to L.C. Hinthner, 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 amendment, must be submitted to the Secretary, Kansas Department of Health and Environment, Landon State Office Building, 900 S.W. Jackson, Topeka 66612, before May 23.

Robert C. Harder
Secretary of Health
and Environment

Doc. No. 014730

State of Kansas

Rehabilitation Services Advisory Council

Notice of Meeting

The Rehabilitation Services Advisory Council will meet from 8:30 a.m. to 3 p.m. Friday, May 6, at the Kansas Vocational Rehabilitation Center, 3140 Centennial Road, Salina. For more information, contact Peg Spencer at (913) 296-3911 or (913) 296-7029 TDD.

Glen Yancey
Commissioner

Doc. No. 014721

State of Kansas

Department of Health
and EnvironmentNotice of Hearing on Proposed
Administrative Regulations

The Kansas Department of Health and Environment will conduct two public hearings to consider adoption of revisions to the water quality standards currently in Kansas Administrative Regulations 28-16-28b through 28-16-28f. The public hearings will be as follows:

Thursday—May 26

1 p.m.

Butler County Community College
Student Union—Gold Room
901 S. Haverhill Road
El Dorado

Friday—May 27

10 a.m.

Kansas Museum of History
Auditorium
6425 S.W. 6th
Topeka

Revision of the Kansas water quality standards is required on a three-year basis by the Clean Water Act. It is a requirement for KDHE to retain authorization of the federal wastewater discharge permit program (National Pollutant Discharge Elimination System) and general administration of the Clean Water Act at the state level.

Changes from the existing standards, adopted in 1987, have been proposed in a number of areas. The number of specific criteria have been expanded in order to reflect changes in federal statutes and regulations, and to protect public health and aquatic life within Kansas waters. Mixing zone provisions have been made more specific and the means of calculating wastewater treatment plant effluent limits have been clarified in terms of zones of initial dilution and mixing zones. Specific language has been added concerning pre-sedimentation discharges, waste stabilization ponds, and disinfection. EPA Gold Book criteria have been adjusted to reflect bioavailability and appropriateness for Kansas species. Provisions have been added to address effluent created flow from wastewater treatment discharges to dry streams or ditches. The general narrative criteria for surface waters have been expanded requiring surface waters be free from a

variety of pollutants, including trash, hazardous materials, health hazards and nuisances, oil and grease, sludge deposits, taste, odor and color producing substances.

The proposed standards adopt a Kansas surface water register which lists Kansas classified water bodies, streams, and lakes. The designated uses for the water bodies are indicated in the registry. Designated uses from the old registry were carried forward into the new registry with several exceptions. One exception is that all newly listed classified streams were designated for protection of expected aquatic life use support and would also, under narrative requirements, be anticipated for non-contact recreation.

The new registry is a more complete listing. New use designations will be considered through a watershed approach. Newly proposed use designations will be discussed in a public process, after consideration of which, a final designation will be made. Some stream classifications were changed to reflect the presence of threatened and endangered species or outstanding natural resources. The department can provide a summary of those changes and their justification.

The fiscal impact of the proposed revisions to these regulations on the regulated community is primarily limited to those with municipal wastewater discharges. The estimated fiscal impact of these changes is primarily related to ammonia treatment and is estimated at an additional \$63 million.

It is estimated the fiscal impact on the agency will be less than \$1000 annually. These costs are associated with 1) publishing the public notice in the Kansas Register and local newspapers, and 2) any public hearings.

Copies of the regulations and the fiscal impact statement may be obtained from Jeanne Woodard, Kansas Department of Health and Environment, Bureau of Water, Forbes Field, Building 283, Topeka 66620, (913) 296-5500.

The time period between the publication of this notice and the scheduled hearings constitutes the public comment period for the purpose of receiving written comments prior to the hearings. All interested parties will be given reasonable opportunity during the hearings to present their views, orally or in writing, concerning the adoption of the regulations. Following the hearings, all comments will be considered in determining whether to make changes to the proposed revisions.

Any individual with a disability may request accommodation in order to participate in the public hearings and may request the proposed regulations and fiscal impact statements in an accessible format. Requests for accommodation to participate in the hearings should be made at least five working days in advance of the hearings by contacting Bethel Spotts at (913) 296-5519.

Robert C. Harder
Secretary of Health
and Environment

Doc. No. 014735

State of Kansas

Social and Rehabilitation Services

Request for Comments

The draft social service block grant (SSBG) state plan for fiscal year 1995 is in the public comment period until May 20. Copies of the draft plan will be available for review at each of the 12 SRS area offices throughout Kansas.

Comments concerning the draft plan are to be submitted by May 20 to the Kansas Department of Social and Rehabilitation Services, Management Services Division, Room 611-N, Docking State Office Building, 915 S.W. Harrison, Topeka 66612. Copies of the draft plan are also available upon written request to the same address.

The SSBG state plan is scheduled to be adopted by the Secretary of Social and Rehabilitation Services at the June 7 SRS open meeting.

Donna Whiteman
Secretary of Social and
Rehabilitation Services

Doc. No. 014722

State of Kansas

Department of Health
and Environment

Notice Concerning Kansas
Water Pollution Control Permits

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

Public Notice No. KS-AG-94-25/28

| Name and Address of Applicant | Legal Description | Receiving Water |
|--|--|----------------------------|
| Prather Farms, Inc. Arnold Prather Box 17, Route 1 Gove, KS 67736 | NW/4, Sec. 33, T14S, R28W, Gove County | Smokey Hill River Basin |

Kansas Permit No. A-SHGO-B019

The feedlot has capacity for approximately 950 cattle and a contributing drainage area of approximately 8.45 acres. This is a new facility.

Runoff Control Facilities: Feedlot runoff is impounded for subsequent application to agricultural land for beneficial use. Wastewater storage capacity is provided in excess of 4.2 acre-foot.

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.

| Name and Address of Applicant | Legal Description | Receiving Water |
|---|---|-------------------------------|
| Ford County Feed Yard, Inc. Highway 154 Ford, KS 67842 | N/2, Sec. 29, T27S, R22W, Ford County | Upper Arkansas River Basin |

Kansas Permit No. A-UAFO-C009 Federal Permit No. KS-0115657

The feedlot has capacity for approximately 41,200 cattle with expansion planned for an additional 2,000 cattle and a contributing drainage area of approximately 235 acres. This is an expansion of an existing facility.

Runoff Control Facilities: Feedlot runoff is impounded for subsequent application to agricultural land for beneficial use. Wastewater storage capacity is provided in excess of 103.24 acre-foot.

Compliance Schedule: None, existing controls adequate.

| Name and Address of Applicant | Legal Description | Receiving Water |
|---|--|-------------------------|
| Montezuma Feeders Duane Ramsey, President P.O. Box 436 Montezuma, KS 67867 | Sec. 31, T28S, R29W, Gray County | Cimarron River Basin |

Kansas Permit No. A-CIGY-C001 Federal Permit No. KS-0115738

The feedlot has capacity for approximately 17,540 cattle and a contributing drainage area of approximately 117 acres. This is an expansion of an existing facility.

Runoff Control Facilities: Feedlot runoff is impounded for subsequent application to agricultural land for beneficial use. Wastewater storage capacity is provided in excess of 57.0 acre-foot.

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.

| Name and Address of Applicant | Legal Description | Receiving Water |
|--|---|-------------------------------|
| Bruce Kaufman 7211 W. Parallel Road Pretty Prairie, KS 67576 | SW/4, Sec. 1, T26S, R7W, Reno County | Lower Arkansas River Basin |

Kansas Permit No. A-ARRN-M019

This dairy has capacity for approximately 60 head of dairy cattle and a contributing drainage area of approximately 0.8 acre. This is a new facility.

Runoff Control Facilities: Feedlot runoff is impounded for subsequent application to agricultural land for beneficial use. Wastewater storage capacity is provided in excess of 0.45 acre-foot.

Compliance Schedule: None, existing controls adequate.

Public Notice No. KS-94-24/25

| Name and Address of Applicant | Waterway | Type of Discharge |
|--|--|--|
| Olathe Aggregates Asphalt Sales Company 23200 W. 159th Olathe, KS 66061 | Kansas River via Cedar Creek via unnamed tributary | Washwater discharge from retention pond #1 |

Johnson County, Kansas

Kansas Permit No. I-KS52-P007 Federal Permit No. KS-0089290

Description of Facility: This facility is engaged in a limestone rock crushing operation with occasional washing. Washwater, plant site

runoff and uncontaminated stormwater runoff is treated using retention pond #1 before discharging to Cedar Creek. The treated water is reused in the washing operation after the fines have settled from the washwater. The current permit for this facility is being modified, warranting a re-public notice. Proposed effluent limitations are pursuant to Kansas surface water quality standards, K.A.R. 28-16-28(b-f), and federal surface water criteria.

| Name and Address of Applicant | Wasterway | Type of Discharge |
|---|--|-------------------------|
| Martin Marietta Materials, Inc. Jones Quarry-Hartford, Kansas 4554 N.W. 114th Des Moines, IA 50322 Coffey County, Kansas Kansas Permit No. I-NE33-P002 | Neosho River via Eagle Creek via unnamed tributary | Settling pond discharge |
| | Federal Permit No. KS-0002739 | |

Description of Facility: This facility is a limestone crushing operation which occasionally washes rock. All washwater is clarified in a series of settling ponds and the water is recycled after treatment (clarification). Occasionally, a discharge occurs from this closed system to control water level. 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.

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 20 will be considered in the formulation of final determinations regarding this public notice. Please refer to the appropriate public notice number (KS-AG-94-25/28, KS-94-24/25) 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. 014734

State of Kansas

Department of Health
and Environment

Notice Concerning Variance From
Hazardous Waste Regulations

The Kansas Department of Health and Environment is providing public notice that on October 18, 1993, Kansas Plating, Inc., 1110 N. Mosley, Wichita, submitted a request for a variance from specific hazardous waste regulations. The request for a variance was submitted in accordance with K.A.R. 28-31-13(a).

The variance is requested from K.A.R. 28-31-4(g)(1) and 40 CFR 265.176, which require the storage of containers holding ignitable hazardous waste must be located at least 15 meters (50 feet) from the facility's property line.

Kansas Plating, Inc. generates ignitable hazardous waste. The hazardous waste is stored prior to being shipped off-site for disposal. Kansas Plating, Inc. proposes to store this waste in the metal building adjacent to a paved street and more than 150 feet from other companies' buildings. KDHE has reviewed the variance request and concluded that the variance is justified.

In accordance with K.A.R. 28-31-13(b), public notice was provided that KDHE considered the request for a variance justified and made a tentative decision to grant the variance. A public comment period to receive comments regarding this tentative decision was established between March 10, 1994 and April 9, 1994. No public comments were received.

Therefore, in accordance with K.A.R. 28-31-13(b), KDHE announces its decision to approve this request for a variance and not to include any special conditions. The variance shall become effective on April 21, 1994, and shall remain in effect until April 21, 2001.

Robert C. Harder
Secretary of Health
and Environment

Doc. No. 014716

(Published in the Kansas Register, April 21, 1994.)

Summary Notice of Bond Sale
\$1,100,000
Public Building Commission of
McPherson, Kansas
Revenue Bonds, Series 1994

Sealed Bids

Subject to the notice of bond sale dated April 12, 1994 and preliminary official statement dated April 12, 1994, sealed bids will be received by the secretary of the Public Building Commission of McPherson, Kansas (the issuer), or behalf of the governing body at the Municipal Center, 400 E. Kansas Ave., McPherson, Kansas, until noon C.D.T. on April 26, 1994, for the purchase of \$1,100,000 principal amount of Revenue Bonds, Series 1994. No bid of less than the entire par value of the bonds, except a discount of not greater than 1.50 percent of the par value of the bonds, and accrued interest thereon to the date of delivery will be considered.

(continued)

Bond Details

The bonds will consist of fully registered bonds in the denomination of \$5,000 or any integral multiple thereof. The bonds will be dated May 1, 1994, and will become due May 1 in the years as follows:

| Year | Principal Amount |
|------|------------------|
| 1995 | \$ 50,000 |
| 1996 | 50,000 |
| 1997 | 55,000 |
| 1998 | 60,000 |
| 1999 | 60,000 |
| 2000 | 60,000 |
| 2001 | 65,000 |
| 2002 | 70,000 |
| 2003 | 75,000 |
| 2004 | 80,000 |
| 2005 | 85,000 |
| 2006 | 90,000 |
| 2007 | 95,000 |
| 2008 | 100,000 |
| 2009 | 105,000 |

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

Paying Agent and Bond Registrar

Kansas State Treasurer, Topeka, Kansas.

Good Faith Deposit

Each bid shall be accompanied by a cashier's or certified check drawn on a bank located in the United States of America in the amount of \$22,000 (2 percent of the principal amount of the bonds).

Delivery

The issuer will pay for printing the bonds and will deliver the same properly prepared, executed and registered without cost to the successful bidder on or before May 17, 1994, at such bank or trust company in the state of Kansas or Kansas City, Missouri, as may be specified by the successful bidder.

Approval of Bonds

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

Additional Information

Additional information regarding the bonds may be obtained from the secretary, (316) 245-2525, or from the financial advisor, Ranson Capital Corporation, Wichita, Kansas, Attention: John J. Haas, (316) 262-4955.

Dated April 12, 1994.

McPherson Public Building Commission

Doc. No. 014725

(Published in the Kansas Register, April 21, 1994.)

Summary Notice of Bond Sale

City of Rose Hill, Kansas

\$235,000

General Obligation Bonds, Series 1994

(General obligation bonds payable from unlimited ad valorem taxes)

Sealed Bids

Subject to the notice on bond sale dated April 4, 1994, sealed bids will be received by the clerk of the city of Rose Hill, Kansas (the issuer), on behalf of the governing body at City Hall, 306 N. Rose Hill Road, Rose Hill, KS 67133, until 6:30 p.m. C.D.T. on May 2, 1994, for the purchase of \$235,000 principal amount of General Obligation Bonds, Series 1994. No bid of less than the entire par value of the bonds and accrued interest thereon to the date of delivery will be considered.

Bonds Details

The bonds will consist of fully registered bonds in the denomination of \$5,000 or any integral multiple thereof. The bonds will be dated June 1, 1994, and will become due on October 1 in the years as follows:

| Year | Principal Amount |
|------|------------------|
| 1995 | \$20,000 |
| 1996 | 20,000 |
| 1997 | 20,000 |
| 1998 | 25,000 |
| 1999 | 25,000 |
| 2000 | 25,000 |
| 2001 | 25,000 |
| 2002 | 25,000 |
| 2003 | 25,000 |
| 2004 | 25,000 |

The bonds will bear interest from the date thereof at rates to be determined when the bonds are sold as hereinafter provided, which interest will be payable semi-annually on April 1 and October 1 in each year, beginning on April 1, 1995.

Paying Agent and Bond Registrar

Kansas State Treasurer, Topeka, Kansas.

Good Faith Deposit

Each bid shall be accompanied by a cashier's or certified check drawn on a bank located in the United States of America in the amount of \$4,700 (2 percent of the principal amount of the bonds).

Delivery

The issuer will pay for printing the bonds and will deliver the same properly prepared, executed and registered without cost to the successful bidder on or before June 9, 1994, at such bank or trust company in the state of Kansas or Kansas City, Missouri, as may be specified by the successful bidder.

Assessed Valuation and Indebtedness

The equalized assessed tangible valuation for computation of bonded debt limitations for the year 1993 is \$10,426,308. The total general obligation indebtedness of the issuer as of the date of the bonds, including the bonds being sold, is \$2,188,960.

Approval of Bonds

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

Additional Information

Additional information regarding the bonds may be obtained from the Clerk, City Hall, 306 N. Rose Hill Road, Rose Hill, KS 67133, (316) 776-2712; or from the financial advisor, George K. Baum & Company, Wichita, Kansas, Attention: Charles M. Bouilly, (316) 264-9351.

Dated April 4, 1994.

City of Rose Hill, Kansas

Doc. No. 014732

State of Kansas

State Corporation Commission**Permanent Administrative
Regulations****Article 3.—PRODUCTION AND
CONSERVATION OF OIL AND GAS**

82-3-107. Preservation of well samples, cores, and logs; penalty. (a) Each operator drilling or responsible for drilling service wells or drilling or recompleting holes for the purpose of exploration or production of oil or gas, excluding seismic "shotholes" shall preserve and retain samples or drill cuttings, cores, and all other information as required under subsection (d).

(b) Formation samples or drill cuttings normally saved in drilling or recompletion operations and any cores taken shall be retained by the operator for 120 days after the spudding of the well.

(c) (1) Upon request of the Kansas geological survey as specified in paragraph (c) (2), samples shall be washed, and cut into splits or sets. One set shall be placed in labelled sample envelopes and delivered, at the prepaid expense of the operator, to the Kansas geological survey, sample library, Wichita, Kansas. Upon request of the Kansas geological survey, all cores or core longitudinal sections not required by the operator for well evaluation purposes shall be placed in stratigraphic sequence in adequate boxes, labelled with the well name, location and footage and delivered, at the prepaid expense of the operator, to the Kansas geological survey, Lawrence, Kansas.

(2) The operator shall be given notice that samples or cores are required by a notice appended to or on a copy of the notice of intention to drill returned to the operator by the conservation division or the Kansas geological survey. Delivery of the processed samples or cores shall be made within 120 days of the spud date or date of commencement of recompletion of the well.

(3) If retention of the core is required by the operator, designated Kansas geological survey staff members shall be provided unrestricted access to the core at the operator's facility during the operator's normal business hours. This access shall be subject to any confidentiality requests made under subsection (e).

(4) Operators in physical possession of cores requested by the Kansas geological survey shall not dispose of the cores without permission of the Kansas geological survey.

(5) The survey may request shallow samples from portions of the hole that may not normally be saved in drilling operations. The sample library shall accept all washed and cut samples whether or not they were requested.

(d)(1) The following information shall be delivered to the conservation division, within 120 days of the spud date or date of commencement of recompletion of the well:

(A) a copy of the affidavit of completion;

(B) core analyses;

(C) final drill stem data elements;

(D) recoveries and charts;

(E) final electric logs;

(F) final radioactivity logs;

(G) similar wireline logs or surveys run by operators on all boreholes, excluding seismic "shotholes";

(H) final logs run to obtain geo-physical data; and

(I) geological well reports.

(2) For good cause shown, an extension of 60 days may be granted by the supervisor of the production department or his designated agent for the submission of the required information. The request for extension shall be in writing and received prior to the expiration of the 120-day period.

(3) The conservation division shall deposit the information with the Kansas geological survey.

(4) Failure to deliver the information to the conservation division shall be punishable by a \$500 penalty and operator license review.

(e) (1) If a written request for confidentiality is made to the conservation division within 120 days of the spud date or the date of commencement of recompletion of the well, any information, samples or cores filed as required in subsections (c) or (d) shall be held in confidential custody for an initial period of one year from the written request.

(2) All rights to confidentiality shall be lost if the filings are not timely, as provided in subsections (c) and (d) or if the request for confidentiality is not timely, as provided in paragraph e (1).

(3) Samples, cores, or information may be released prior to the expiration of the one-year period only upon written approval of the operator.

(4) If a request for an extension is made at least 30 days before the expiration of the initial one-year period, the period of confidentiality may be extended for one additional year.

(f) Each wire line service company shall furnish to the conservation division on a form prescribed by the commission, a list of all logging services performed on each hole serviced in the state of Kansas each month by the twentieth day of the month following the month in which the services were performed. Failure to submit or timely submit the list shall be punishable by a \$250 penalty. (Authorized by and implementing K.S.A. 1993 Supp. 55-152, 55-164, 55-604, K.S.A. 55-704; effective, T-

(continued)

83-44, Dec. 8, 1982; effective May 1, 1983; amended May 1, 1984; amended May 1, 1987; amended May 1, 1988; amended May 8, 1989; amended April 23, 1990; amended June 6, 1994.)

82-3-138. New pool application. (a) Each new pool application for certification to the Kansas department of revenue shall be submitted to the conservation division on the form provided by the commission and shall be accompanied by:

- (1) the affidavit of completion;
- (2) a copy of the results of a state-supervised production test, showing volumes of oil, gas and water;
- (3) the names and addresses of each operator or lessee of record and each unleased mineral owner within a $\frac{1}{2}$ mile radius of the subject well;

(4) the exhibits and evidence needed to substantiate the applicant's claim of a new pool; and

(5) any other information required by the commission.

(b) Each newly discovered pool shall be recognized only upon the approval of an application. When new pool certification is requested, the applicant shall not be required to provide notice. (Authorized by K.S.A. 1993 Supp. 55-604, K.S.A. 55-704; implementing K.S.A. 1993 Supp. 55-603, 79-4217; effective May 1, 1985; amended May 1, 1987; amended May 1, 1988; amended April 23, 1990; amended June 6, 1994.)

82-3-200. Prevention of waste, protection of correlative rights, and prevention of discrimination between pools. (a) Any person having the right to drill, complete and operate wells from which oil from any common source of supply or pool is produced may produce on a monthly basis not more than that amount of crude oil from any well or lease than the allowable specified by the commission.

(b) Oil market demand.

(1) A monthly hearing may be held by the commission to determine the total statewide oil allowable.

(2) The statewide oil allowable shall be the amount of crude petroleum that can be produced daily throughout the state, during the next succeeding proration period, without causing waste.

(3) The total statewide allowable shall be allocated by the commission among the prorated pools, leases and wells.

(4) Any crude oil which is removed from a lease shall be charged against the allowable established for that lease, except in cases where permission is granted to use waste oil for oiling roads leading to the lease.

(c) The crude oil allowable shall be that amount of oil which may be produced currently from any pool without causing waste or injury to correlative rights, and without discriminating between pools.

(1) In determining allowables, the statistical status of each well or lease, as of the first day of the preceding proration period shall be considered by the commission.

(2) Any applicable overages and shortages for each well or lease shall be used in determining the statistical status of that well or lease.

(d) The provisions of this regulation shall be construed in conjunction with K.A.R. 82-3-202 through K.A.R. 82-3-208. (Authorized by K.S.A. 1993 Supp. 55-602, 55-604; implementing K.S.A. 1993 Supp. 55-603; ef-

fective, T-83-44, Dec. 8, 1982; effective May 1, 1983; amended May 1, 1986; amended June 6, 1994.)

82-3-203. State and pool allowable and proration.

(a) Well allowables for nonprorated pools. Allowables shall be assigned on an individual well basis. The allowable for each well in nonprorated pools shall be set by the following depth schedule and shall take effect from the date of first production:

| Producing Interval Found Between | Daily Production Allowable bbls/well/day |
|----------------------------------|--|
| 0-4000' | 100 |
| 4001-6000' | 200 |
| Below 6000' | 300 |

(b) Oil wells not meeting the provisions of K.A.R. 82-3-207 shall have their oil allowables determined under the provisions of that section.

(c) Exception. An allowable may be assigned and acreage may be attributed to a given nonprorated well at variance to the allowable assigned and acreage attributed to a well of similar depth as set out in subsection (a). The applicant for such an exception shall file a verified application that shows:

(1) the exact location of the well and the acreage attributed to the well;

(2) the allowable requested;

(3) the geological name of the producing formation;

(4) the top and bottom depths of the producing formation;

(5) the names and addresses of each operator or lessee of record and each unleased mineral owner within a $\frac{1}{2}$ mile radius of the subject well, and an affidavit indicating the date that service of a copy of the application was made to each; and

(6) any other information the commission may require.

(d) Any interested party may file an application for an exception to the well allowable provisions of this regulation.

(1) An original and four copies of the application shall be filed with the conservation division.

(2) The application shall be set for hearing by the commission.

(3) The applicant shall publish notice of the hearing pursuant to K.A.R. 82-3-135. (Authorized by K.S.A. 1993 Supp. 55-604; implementing K.S.A. 1993 Supp. 55-605, 55-604; effective, T-83-44, Dec. 8, 1982; effective May 1, 1983; amended May 1, 1984; amended, T-85-51, Dec. 19, 1984; amended May 1, 1985; amended May 1, 1986; amended May 1, 1987; amended May 8, 1989; amended April 23, 1990; amended June 6, 1994.)

82-3-604. Emergency pits; penalty. (a) Each operator shall notify the appropriate district office within 24 hours of discovery of any oilfield-related discharge into an emergency pit.

(b) Each operator of an emergency pit shall remove fluid from the pit within 48 hours after discovery of the discharge or as authorized by the appropriate district office.

(c) The failure to timely notify the district office of an oilfield-related discharge into an emergency pit or the failure to timely remove fluids from an emergency pit shall be punishable by the following penalties:

- (1) \$250 for the first violation;
- (2) \$500 for the second violation; and
- (3) \$1000 and an operator license review for the third violation. (Authorized by K.S.A. 1993 Supp. 55-152, 55-164; implementing K.S.A. 1993 Supp. 55-172, 74-623; effective April 23, 1990; amended June 6, 1994.)

82-3-605. Dikes; no permit required; penalty. (a) A surface pond permit shall not be required for use of a dike at an oil and gas facility.

(b) Each operator shall notify the appropriate district office within 24 hours of discovery of any oilfield-related discharge into a diked area.

(c) Each operator of an oil and gas facility enclosed by a dike shall remove fluids from within the diked area within 48 hours after discovery of the fluids or as authorized by the appropriate district office.

(d) Failure to timely notify the district office of an oilfield-related discharge into a diked area, or failure to timely remove fluids from within a diked area shall be punishable by the following penalties:

- (1) \$250 for the first violation;
- (2) \$500 for the second violation; and
- (3) \$1000 and an operator license review for the third violation. (Authorized by and implementing K.S.A. 1993 Supp. 55-152, 55-164, 55-171, 55-172; effective July 29, 1991; amended June 6, 1994.)

Judith McConnell
Executive Director

Doc. No. 014723

State of Kansas

Board of Pharmacy

Permanent Administrative Regulations

Article 1.—REGISTRATION AND EXAMINATION OF PHARMACISTS

68-1-1a. Application for registrations or permits; form and contents; filing; acceptance; withdrawal; board action. (a) Any person who is required to be registered or required to hold a permit under the pharmacy act of the state of Kansas, and who is not so registered or who does not hold a permit, may apply for registration or a permit at any time. A person required to be registered or hold a permit shall not engage in any activity for which a registration or permit is required until the application for registration or permit is issued by the board to that person.

(b) Any authorized representative of a premises which is required to be registered or for which a permit is required, and which is not so registered or which does not have a permit, may apply for a registration or permit at any time. A premises required to be registered or which requires a permit shall not engage in any activity for which a registration or permit is required until the application for registration or permit is granted and a certificate of registration or permit is issued by the board to such premises.

(c) Any person who is registered or who holds a permit may apply for renewal of registration or renewal of

permit not more than 60 days prior to the expiration date of that registration or permit and not more than 30 days after the expiration of the existing registration or permit. Any registration or permit not timely filed for renewal shall lapse and become null and void on the date of its expiration, and a new registration or permit shall not be granted except under payment of the required renewal fee plus a penalty equal to the renewal fee or as otherwise specified in these regulations.

(d) Any authorized representative of a premises which is registered or which has been granted a permit may apply to be registered or apply for a permit not more than 30 days before the expiration of the original registration or permit and not more than 30 days after the expiration of the original registration or permit. If the authorized representative of a registered premises fails to file a timely application for renewal, the existing registration or permit shall lapse and become null and void on the date of its expiration and a new registration or permit shall not be granted except upon payment of the required renewal fee plus a penalty equal to the renewal fee.

(e) Proper forms may be obtained from the office of the executive secretary of the board. Proper forms shall be mailed by the board as applicable to each registrant or permittee for each registered premises holding a permit, at least 30 days prior to the expiration of the registration or permit.

(f) Each application, attachment or other document filed as a part of an application, shall be signed and verified by:

- (1) the applicant, or its authorized representative, if an individual or premises;
- (2) a partner of the applicant, if a partnership; or
- (3) an officer of the applicant, if a corporation, corporate division, association, trust or other entity.

(g) An applicant may authorize a representative to sign applications under the pharmacy act by filing with the executive secretary of the board a power of attorney for that representative. The power of attorney shall be signed by the person who is authorized to sign applications under this paragraph and shall be valid until revoked in writing by the applicant.

(h) Each application for a registration or permit shall be submitted for filing to the executive secretary of the board. The appropriate registration fee or permit fee and any required attachments shall accompany the application.

(i) Any person required to obtain more than one registration or more than one permit may submit all applications in one package. Each application shall be complete and shall not refer to any accompanying documents for required information.

(j) Applications submitted for filing shall be dated upon receipt.

(1) If found to be complete, the application shall be accepted for filing. Applications failing to comply with the requirements of this state shall not be accepted for filing.

(2) In case of minor defects as to completeness, the application may be accepted by the board for filing with a request to the applicant for additional information.

(continued)

(k) Accepting an application for filing shall not preclude any subsequent request for additional information by the board and shall have no bearing on whether the application is granted.

(l) An applicant or the authorized representative of any premises applying for a permit may be required by the board to submit all documents or written statements of fact relevant to the application deemed necessary to determine whether the application shall be granted. The failure of the applicant, or the authorized representative of any premises, to provide those documents or statements within a reasonable time after being requested to do so shall be deemed a waiver of an opportunity to present those documents or facts for consideration by the board in granting or denying the application.

(m) An application may be amended or withdrawn without permission of the board at any time before the date upon which the applicant or the authorized representative of any premises applying for a permit receives a petition under the provisions of K.S.A. 65-1627e. Any application may be amended or withdrawn with permission of the board at any time if good cause is shown by the applicant or authorized representative of any premises, or if the amendment or withdrawal is in the public interest.

(n) After an application has been accepted for filing, the failure of the applicant or authorized representative to respond to official correspondence regarding the application, when sent by registered or certified mail, return receipt requested, shall be deemed to be a withdrawal of the application.

(o) The premises of any applicant may be inspected by the board or by someone who has been designated by the board. (Authorized by and implementing K.S.A. 65-1630; effective, E-76-31, Aug. 11, 1975; effective May 1, 1976; amended May 1, 1978; amended May 1, 1983; amended June 6, 1994.)

68-1-1f. Foreign graduates. (a) Each applicant who has graduated from a school or college of pharmacy or department of a university located outside of the United States shall, in addition to the requirements set out in K.A.R. 68-1-1d, provide proof that the applicant has reasonable ability to communicate verbally and in writing with the general public in English.

(1) Each foreign applicant shall be required to pass the test of English as a foreign language (TOEFL) with a score of not less than 570 and the test of spoken English (TSE) with a score of not less than 240 in order to successfully qualify for licensure under the pharmacy act of the state of Kansas.

(2) Any foreign applicant who holds a graduate or second level degree or diploma from a post-secondary institution in the United States or another English speaking country may be exempted from the TOEFL examination requirements stated above if other proof that the applicant has reasonable ability to communicate with the general public in English is submitted by the applicant and accepted by the Board.

(b) An applicant who is a graduate of a school or college located outside of the United States who has not demonstrated that the standards of their respective undergraduate degree programs are at least equivalent to

the university of Kansas school of pharmacy as provided by K.A.R. 68-1-1e, may satisfy the requirements of K.A.R. 68-1-1e by:

(1) providing satisfactory evidence to the board of graduation from the foreign school or college; and

(2) successfully passing an equivalent examination recognized and administered by the board.

(c) All documents and materials required by these regulations shall be translated into English and a certificate of correctness shall be provided. All copies shall be notarized as true copies. (Authorized by and implementing K.S.A. 65-1631; effective May 1, 1983; amended June 6, 1994.)

Article 7.—MISCELLANEOUS PROVISIONS

68-7-14. Prescription labels. The label of each prescription medication shall be typed or machine printed and shall include the following information:

(a) The name, address and telephone number of the pharmacy dispensing the prescription;

(b) the name of the prescribing practitioner, or if written by a physician's assistant (PA) or an advanced registered nurse practitioner (ARNP) under protocol with a responsible physician, the label may include the name of the practitioner and the PA or ARNP;

(c) the full name of the patient;

(d) the identification number assigned to the prescription by the dispensing pharmacy;

(e) the date the prescription was filled or refilled;

(f) adequate directions for use of the prescription medication;

(g) the expiration date of the prescription medication dispensed, if applicable; and

(h) unless otherwise specified by the practitioner:

(1) the brand name or corresponding generic name of the prescription medication;

(2) the manufacturer or distributor of the prescription medication; and

(3) the strength of the prescription medication. (Authorized by and implementing K.S.A. 65-1630; effective, E-77-39, July 22, 1976; effective Feb. 15, 1977; amended May 1, 1978; amended May 1, 1980; amended May 1, 1988; amended June 6, 1994.)

Article 11.—FEES

68-11-1. Fees for examination and licensure as a pharmacist. The following fees shall be paid to the board by each applicant for examination and licensure as a pharmacist:

(a) Each applicant for examination shall pay a fee of \$300.00.

(b) Each applicant for reciprocal licensure shall pay a fee of \$250.00.

(c) An additional fee of \$250.00 for a school evaluation shall be paid by each applicant for reciprocal licensure or examination who graduated from a school or college of pharmacy or department of a university that has not been either:

(1) accredited by the American council on pharmaceutical education (ACPE); or

(2) approved by the board.

(d) Each licensed pharmacist shall pay an annual renewal fee of \$100.00.

(e) The penalty fee for a late renewal of a pharmacist license shall be \$150.00. (Authorized by K.S.A. 65-1630; implementing K.S.A. 65-1645; effective May 1, 1983; amended May 1, 1986; amended May 1, 1987; amended May 1, 1988; amended May 1, 1991; amended Nov. 30, 1992; amended June 6, 1994.)

68-11-2. Fees for premises registrations and permits. (a) Pharmacy registration and permit fees shall be as follows.

(1) Each new pharmacy registration shall be \$140.00.

(2) Each renewal pharmacy registration shall be \$125.00.

(b) Manufacturer registration and permit fees shall be as follows.

(1) Each new manufacturer registration shall be \$300.00.

(2) Each renewal manufacturer registration shall be \$300.00.

(c) Wholesaler distributor registration and permit fees shall be as follows.

(1) Each new wholesaler distributor registration shall be \$300.00.

(2) Each renewal wholesaler distributor registration shall be \$300.00.

(3) For each wholesaler who deals exclusively in non-prescription drugs and for which no registration is required under the uniform controlled substances act there shall be a fee of \$50.00.

(d) Institutional drug room registration and permit fees shall be as follows.

(1) Each new institutional drug room registration shall be \$25.00.

(2) Each renewal institutional drug room registration shall be \$20.00.

(e) Other registration and permit fees shall be as follows.

(1) For each retail dealer selling more than 12 different nonprescription drug products there shall be a permit fee of \$12.00.

(2) Each auction permit shall be \$35.00.

(3) Each sample distribution permit shall be \$30.00. (Authorized by and implementing K.S.A. 65-1645; effective May 1, 1983; amended May 1, 1988; amended June 6, 1994.)

Article 20.—CONTROLLED SUBSTANCES

68-20-9. Fees for registration and reregistration. (a) Fee amounts.

(1) For each registration or reregistration of a manufacturer for each additional location in this state where controlled substances are manufactured, the registrant shall pay a fee of \$50.00.

(2) For each registration or reregistration of each additional location from which controlled substances are distributed, the registrant shall pay a fee of \$50.00.

(3) For each registration or reregistration of each location within this state where research or instructional activities are conducted with controlled substances listed in schedules I through V, the registrant shall pay a fee of \$50.00.

(4) For each registration or reregistration to conduct chemical analysis with controlled substances listed in

schedules I through V, as set out in K.S.A. 65-4105, K.S.A. 65-4107, K.S.A. 65-4109, K.S.A. 65-4111, K.S.A. 65-4113 and amendments thereto, within this state, the registrant shall pay a fee of \$50.00.

(b) Time and method of payment; refund.

(1) Registration and reregistration fees shall be paid at the time the application for registration or reregistration is submitted for filing.

(2) Payment shall be made in the form of a personal, certified, cashier's check or a money order payable to the state board of pharmacy.

(3) Payments made in the form of stamps, foreign currency or third party endorsement checks shall not be accepted.

(4) If the application is not accepted for filing or is denied, all payments made under paragraphs (1) through (4) of subsection (a) shall be refunded to the applicant.

(c) Exemptions from fees in paragraphs (1) through (4) of subsection (a).

(1) Any official or agency of the U.S. army, navy, marine corps, air force, coast guard, veteran's administration, or public health service authorized to procure or purchase controlled substances for official use shall be exempted by the board from the fees set forth in subsection (a), paragraphs (1) through (4).

(2) Any official, employee, or other civil service or agency of the United States, or any state, or any political subdivision or agency thereof, authorized to dispense or administer such substances, to conduct research, instructional activities, or chemical analysis with such substances, or any combination thereof, in the course of the official duties of employment, may be exempted by the board from the fees in subsection (a), paragraphs (1) through (4).

(d) In order to claim exemption from payment of a registration or reregistration fee, the registrant shall have completed the certification on the appropriate application forms. The registrant's superior shall certify the status and address of the registrant and shall certify to the authority of the registrant to acquire, possess, or handle controlled substances.

(e) Exemption from the payment of a registration or reregistration fee shall not relieve the registrant of any other requirements or duties prescribed by law. (Authorized by and implementing K.S.A. 65-4116; effective, E-72-24, Aug. 25, 1972; effective Jan. 1, 1973; amended May 1, 1983; amended May 1, 1986; amended June 6, 1994.)

Thomas C. Hitchcock
Executive Secretary

Doc. No. 014719

State of Kansas

Statewide Independent Living Council

Notice of Meeting

The Statewide Independent Living Council will meet from 9 a.m. to 3 p.m. Tuesday, April 26, at the Kansas Museum of History, 6425 S.W. 6th, Topeka.

Gina McDonald
Chairperson

Doc. No. 014755

State of Kansas

State Corporation Commission

Notice of Motor Carrier Hearings

Applications set for hearing are to be heard at 9:30 a.m. May 10 before the State Corporation Commission, 1500 S.W. Arrowhead Road, Topeka, 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.

Application for Name Change of Certificate of Convenience and Necessity:

Haskin, Inc., Transfer) Docket No. 172,867 M
29 Woodswether Road)
Kansas City, KS 66118) MC ID No. 138734

TO:
HIT, Inc.
29 Woodswether Road
Kansas City, KS 66118

Applicant's Attorney: None

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

Between all points and places in the state of Kansas.

Application for Certificate of Convenience and Necessity:

Gary L. and Rachael A.) Docket No. 140,981 M
Johnson, dba)
Daykin Lumber Co.)
P.O. Box 185)
Daykin, NE 68338) MC ID No. 118147

Applicant's Attorney: None

Grains,

Between all points and places in the state of Kansas.

Application for Certificate of Convenience and Necessity:

Donald E. Medlam, dba) Docket No. 190,089 M
D & D Transporting)
3825 S. Seneca, #73)
Wichita, KS 67217) MC ID No. 150366

Applicant's Attorney: None

Mobile homes, house trailers, pre-fab homes and manufactured housing,

Between all points and places in the state of Kansas.

Application for Name Change of Certificate of Convenience and Necessity:

Mid-States Fuel Haulers, Inc.) Docket No. 157,047 M
Hwy. 69 and State Line)
Treece, KS 66778) MC ID No. 127395

TO:
Mid-States Motor
Carriers, Inc.
Hwy. 69 and State Line
Treece, KS 66778

Applicant's Attorney: None

Gasoline, diesel fuel, gasohol, antifreeze and kerosene,

Between all points and places in Lyon, Chase, Coffey, Anderson, Linn, Butler, Greenwood, Woodson, Allen, Bourbon, Elk, Wilson, Neosho, Crawford, Cowley, Chautauqua, Montgomery, Labette and Cherokee counties, Kansas.

Also,

Between all points and places in the above described territory, on the one hand, and all points and places in the state of Kansas, on the other hand.

Application for Certificate of Convenience and Necessity:

Shawn A. Moore, dba) Docket No. 189,354 M
J & W Mobile)
Route 3, Box 219)
August, KS 67010) MC ID No. 142777

Applicant's Attorney: None

General commodities (except household goods, commodities in bulk, 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:

Pleasant Hill, Inc.) Docket No. 190,325 M
Route 2, Box 191)
Hillsboro, KS 67063) MC ID No. 150367

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

Hay, grain, feed, feed ingredients, fertilizer, salt, seeds, building and construction materials, fencing materials and machinery and liquid lime (restricted, however, to

transport no hazardous materials),
Between all points and places in the state of Kansas.

Application for Certificate of Convenience and Necessity:

RiMarc Transportation, Inc.) Docket No. 187,680 M
11327 N. 94th E. Ave.)
Owasso, OK 74055) MC ID No. 148921

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

General commodities (restricted against the transportation of
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:

Tom Smith, dba) Docket No. 182,041 M
Smith Trucking Co.)
1101 W. 1st)
McPherson, KS 67460) MC ID No. 139504

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:

Rick Valverde, dba) Docket No. 190,088 M
Rick's Mobile Home Service)
421 E. 1st)
Cherryvale, KS 67335) MC ID No. 150365

Applicant's Attorney: None

Mobile homes,

Between all points and places in Greenwood, Elk,
Chautauqua, Montgomery, Wilson, Woodson, Allen, Ne-
osho, Labette, Cherokee, Crawford and Bourbon coun-
ties, Kansas.

Application for Extension of Certificate of Convenience and Necessity:

WaKeeney Truck Line, Inc.) Docket No. 140,200 M
324 N. 4th)
WaKeeney, KS 67672) MC ID No. 117480

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

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

Between all points and places in the state of Kansas.

Application for Certificate of Convenience and Necessity:

Weber Water Service, Inc.) Docket No. 188,729 M
13599 U.S. Highway 385)
Sheridan Lake, CO 81071) MC ID No. 143820

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 lease road purposes, in bulk,
fresh water and salt water,

Between all points and places in Cheyenne, Sherman,
Wallace, Greeley, Hamilton, Stanton, Morton, Rawlins,
Thomas, Logan, Wichita, Kearny, Grant, Stevens, Sher-
idan, Gove, Scott, Lane, Finney, Haskell, Gray, Seward,
Meade, Trego, Ness, Hodgeman, Ford, Clark, Ellis, Rush,
Pawnee, Edwards, Kiowa and Comanche counties, Kan-
sas.

Don Carlile
Administrator
Transportation Division

Doc. No. 014724

(Published in the Kansas Register, April 21, 1994.)

Notice of Sale
\$1,200,000*
General Obligation Temporary Notes
Series 1994
City of DeSoto, Kansas
(Payable from unlimited ad valorem taxes)

Sealed Bids

Sealed bids will be received by the city clerk of the
city of DeSoto, Kansas, on the behalf of the governing
body at the City Hall, 33150 W. 83rd, DeSoto, KS 66018,
until 11 a.m. Central Time on Thursday, April 28, 1994,
for the purchase of the city's \$1,200,000* principal
amount of General Obligation Temporary Notes, Series
1994. All bids must be made on forms which may be
obtained from the city clerk.

Additional Information

Additional information regarding the notes and a
copy of the preliminary official statement prepared in
connection with the sale of the notes may be obtained
from the city clerk; from Mark Twain Bank, Public Fi-
nance Division, 106 W. 11th, Suite 130, Kansas City, MO
64105, (816) 471-4252; or from Logan, Riley, Carson &
Kaup, L.C., Bond Counsel, 9200 Indian Creek Parkway,
Suite 230, Overland Park, KS 66210, (913) 661-0399.

Dated April 14, 1994.

City of DeSoto, Kansas
By JoAnn Dinger
City Clerk
33150 W. 83rd
DeSoto, KS 66018
(913) 585-1182

*Preliminary, subject to change

Doc. No. 014731

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:

Friday, April 29, 1994

98691

Osawatomie State Hospital—Full-size station wagon

Monday, May 2, 1994

30120 Supp.

Kansas Highway Patrol—Brake pads

30402

Department of Health and Environment—
Application development software

Tuesday, May 3, 1994

A-7388

Emporia State University—Window replacement
project

98659

Kansas State University—Corn and soybean meal

Wednesday, May 4, 1994

98658

Department of Transportation—Ready mix concrete
(Kansas City), Wyandotte County

98660

Department of Transportation—Chain link fence and
posts, various locations

Thursday, May 5, 1994

A-7224

Parsons State Hospital and Training Center—Repair
concrete floor and structure, laundry building

A-7284(a)

Wichita State University—Campus restroom
remodeling/corridor ramp revisions

A-7377

University of Kansas—Roof expansion joint repair

30407

Department of Social and Rehabilitation Services—
Wetmop yarn

98669

Department of Transportation—Aggregate,
Leavenworth County

98672

Department of Transportation—Underground fuel
tank monitoring system, Marion

Friday, May 6, 1994

30364

University of Kansas—Courier services

30401

Department of Transportation—Tourism information
signing program

98677

University of Kansas—Paper, printing and binding:
Guide to Bird Finding

98678

University of Kansas—Plain paper copier

98679

Department of Transportation—Steel posts,
Hutchinson

98681

Kansas State University—Microscope

98682

Department of Transportation—Bituminous plant
mix, Kansas City

98683

Department of Corrections—Security fencing

98688

University of Kansas Medical Center—Truck

Monday, May 9, 1994

30406

Department of Social and Rehabilitation Services—
Systems analysis, design and support

98670

Kansas State University—Audio/video routing and
distribution equipment

98690

University of Kansas Medical Center—Professional
audio/video (upgrade) equipment

Tuesday, May 10, 1994

30371

University of Kansas and other State Board of
Regents—Internet conductivity

Wednesday, May 11, 1994

A-7307

Kansas State University—Konza Prairie capital
improvements

A-7380

Kansas State University—Parking Lot D-2
renovations

Thursday, May 19, 1994

A-6505

Department of Transportation—Construct new sub-
area shop, Ottawa

Thursday, May 26, 1994

A-7040

University of Kansas Medical Center—Cancer
Center building

Request for Proposals

Monday, June 6, 1994

30403

Hospital professional liability for the University of
Kansas Medical CenterJack R. Shipman
Director of Purchases

Doc. No. 014726

(Published in the Kansas Register, April 21, 1994.)

(Published in the Kansas Register, April 21, 1994.)

NOTICE OF PARTIAL RESCISSION AND AMENDED CALL

**Johnson County, Kansas
Single Family Mortgage Revenue Bonds, Series 1980A
\$3,180,000 Called for Redemption**

Security Bank of Kansas City, as Trustee for the above mentioned Bond Issue, at the direction of the County ("Issuer"), hereby partially rescinds the May 1, 1994 call for redemption of all outstanding bonds. \$3,180,000 of the outstanding bonds are called for redemption, pursuant to the Amended Call, which is as follows:

AMENDED CALL

Notice is hereby given by Security Bank of Kansas City, the Trustee, that the Amended Call is as follows:

| CUSIP No. | Maturity | Cert. No. | Amount Called |
|------------|----------|-----------------------|---------------|
| 478747 AQ1 | 05/01/95 | ALL OUTSTANDING BONDS | |
| 478747 AR9 | 05/01/96 | ALL OUTSTANDING BONDS | |
| 478747 AU2 | 05/01/99 | ALL OUTSTANDING BONDS | |
| 478747 AV0 | 05/01/11 | ALL OUTSTANDING BONDS | |

CUSIP # 478747 AW8 (Maturing May 1, 2012)

Bearer Bonds

| | | | | | | | | |
|-------|-------|-------|-------|-------|-------|-------|-------|-------|
| 20183 | 20184 | 20511 | 20516 | 20604 | 20624 | 20627 | 20632 | 20644 |
| 20650 | 20741 | 20744 | 20746 | 20765 | 20768 | 20783 | 20787 | 20791 |
| 20813 | 20901 | 21019 | 21050 | 21060 | 21061 | 21078 | 21301 | 21302 |
| 21312 | 21313 | 21323 | 21327 | 21340 | 21370 | 21388 | 21406 | 21419 |
| 21426 | 21493 | 21494 | 21496 | 21497 | 21527 | 21530 | 21537 | 21539 |
| 21577 | 21589 | 21605 | 21608 | 21615 | 21616 | 21617 | 21622 | 21628 |
| 21641 | 21652 | 21669 | 21680 | 21683 | 21688 | 21691 | 21695 | 21696 |
| 22017 | 22141 | 22218 | 22236 | 22344 | 22355 | 22391 | 22395 | 22403 |
| 22409 | 22412 | 22414 | 22423 | 22439 | 22440 | 22444 | 22454 | 22457 |
| 22479 | 22483 | 22485 | 22488 | 22492 | 22497 | 22506 | 22974 | |

Registered Bonds

| | | | |
|--------------------|---------------------|---------------------|---------------------|
| R-201 .. \$ 10,000 | R-402 ... \$ 15,000 | R-453 ... \$ 5,000 | R-593 .. \$445,000 |
| R-637 5,000 | R-697 240,000 | R-755 25,000 | R-776 210,000 |
| R-846 85,000 | R-847 85,000 | R-849 30,000 | R-850 10,000 |
| R-852 20,000 | R-853 15,000 | R-854 15,000 | R-855 30,000 |
| R-856 15,000 | R-857 10,000 | R-858 5,000 | R-860 10,000 |
| R-861 10,000 | R-862 20,000 | R-863 5,000 | R-866 5,000 |
| R-867 5,000 | R-868 5,000 | R-871 10,000 | R-874 5,000 |
| R-880 5,000 | R-882 5,000 | R-999 5,000 | R-1001 .. 340,000 |
| R-1007 5,000 | R-1010 5,000 | R-1013 20,000 | R-1127 5,000 |
| R-1164 ... 30,000 | R-1168 ... 10,000 | R-1181 5,000 | R-1183 10,000 |
| R-1185 5,000 | R-1199 ... 10,000 | R-1228 ... 295,000 | R-1230 5,000 |
| R-1231 5,000 | R-1238 5,000 | | |

Please be advised that the only outstanding bonds after the May 1, 1994 Redemption will be \$11,845,000 from CUSIP No. 478747 AW8, the May 1, 2012 Maturity.

INSTRUCTIONS

1. Send your bond by registered or certified mail, return receipt requested or present it to:

Security Bank of Kansas City
Corporate Trust Division
One Security Plaza
Kansas City, KS 66101
Attn: Bond Redemption Desk

Note: Bonds previously presented to the Trustee pursuant to the Redemption Notice published March 31, 1994 in The Bond Buyer and The Kansas Register will be treated in the following manner:

- a. If the Bond(s) are no longer subject to Redemption on May 1, 1994 pursuant to this notice, they will be returned to the Bondholder/Presenter.
 - b. Bonds which remain subject to Redemption May 1, 1994 pursuant to the "Amended Call" will be retained by the Trustee and treated accordingly.
2. Pursuant to the terms of the Internal Revenue Code, paying agents making payments of interest or principal on corporate securities or making payments of principal on municipal securities may be obligated to withhold a 31% tax from remittances to individuals who have failed to furnish the paying agent with a valid Taxpayer Identification Number.
 3. It is not necessary to sign the back of the bond unless you wish to transfer it to another party.
 4. If only part of your bond was called, a new bond for the unredeemed portion will be prepared and sent to you after the redemption date.
 5. Interest on the bonds shall cease to accrue on and after May 1, 1994.

Security Bank of Kansas City
as Trustee

Doc. No. 014745

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

(Clemensen Company, Inc.)

**Dated November 1, 1978
No CUSIP Number Assigned**

Notice is hereby given that pursuant to the provisions of Bond Ordinance No. 68, dated October 5, 1978, all of the outstanding bonds, totaling \$220,000 aggregate principal amount of the above issue, will be redeemed on May 1, 1994 (the redemption date), at a redemption price of 103 percent of the principal amount thereof, plus accrued interest to the redemption date.

All bonds being redeemed are in bearer form, maturing November 1, 1999, bearing an interest rate of 9.00 percent, and being numbered 51 through '94 inclusive.

The bonds shall be payable upon presentation and surrender thereof, with all interest coupons appertaining thereto maturing after May 1, 1994, attached, at the principal office of Union National Bank, Attention: Special Services, P.O. Box 637, 150 N. Main, Wichita, KS 67201. The method of presentation and delivery of such bonds is at the option of the owners of each bond. If mail is used, insured, registered mail, return, receipt requested is suggested.

Such redemption of the bonds is conditioned and subject to the closing of escrow and deposit of the redemption money with Union National Bank not later than the opening of business on the redemption date. Since redemption of the bonds is contingent upon the closing of an escrow, the 30-day notice publication is hereby waived.

Interest on all bonds called for redemption will continue to accrue until the date of closing.

Tender of the bonds and coupons is required to receive payment. In the event the conditions for full redemption of the bonds do not occur by May 15, 1994, all bonds, and coupons maturing after May 1, 1994, will be returned to the presenter along with interest paid to May 1, 1994, and the bank will enforce the bondholders' rights under the ordinance and lease.

Paying agents making payment of principal on corporate securities are obligated to withhold 31 percent of the payment of principal to holders who have failed to provide the paying agent with a valid taxpayer identification number. To avoid this withholding, please provide a W-9 form when presenting securities for payment.

Dated April 7, 1994.

Union National Bank of Wichita
Trustee

Doc. No. 014710

INDEX TO ADMINISTRATIVE REGULATIONS

This index lists in numerical order the new, amended and revoked administrative regulations and the volume and page number of the *Kansas Register* issue in which more information can be found. This cumulative index supplements the index found in the 1993 Supplement to the *Kansas Administrative Regulations*.

AGENCY 1: DEPARTMENT OF ADMINISTRATION

| Reg. No. | Action | Register |
|-----------------------|---------|----------------------|
| 1-2-30 | Amended | V. 12, p. 902 |
| 1-2-46 | Amended | V. 12, p. 1705 |
| 1-5-15 | Amended | V. 12, p. 1705 |
| 1-5-28 | Amended | V. 12, p. 902 |
| 1-6-22a | New | V. 12, p. 1706 |
| 1-6-23 | Amended | V. 12, p. 1706 |
| 1-7-4 | Amended | V. 12, p. 1707 |
| 1-9-5 | Amended | V. 12, p. 902 |
| 1-9-6 | Amended | V. 12, p. 1708 |
| 1-9-13 | Amended | V. 12, p. 1709 |
| 1-9-21 | Amended | V. 12, p. 903 |
| 1-9-23 | Amended | V. 12, p. 903 |
| 1-9-24 | New | V. 12, p. 1709, 1779 |
| 1-10-6 | Amended | V. 12, p. 1709 |
| 1-13-1a | Amended | V. 12, p. 1709 |
| 1-14-6 | Amended | V. 12, p. 1817 |
| 1-14-7 | Amended | V. 12, p. 1817 |
| 1-14-8 | Amended | V. 12, p. 1710 |
| 1-14-10 | Amended | V. 12, p. 1818 |
| 1-14-12 | New | V. 12, p. 1711 |
| 1-16-2 | Amended | V. 12, p. 721, 864 |
| 1-16-2a | Amended | V. 12, p. 721, 864 |
| 1-16-2b | Amended | V. 12, p. 721, 864 |
| 1-16-2d | Amended | V. 12, p. 721, 864 |
| 1-16-2f | Revoked | V. 12, p. 722, 865 |
| 1-16-2k | Amended | V. 12, p. 722, 865 |
| 1-16-22 | Amended | V. 12, p. 865 |
| 1-18-1a | Amended | V. 12, p. 865 |
| 1-21-1 | Amended | V. 12, p. 865 |
| 1-21-2 | Amended | V. 12, p. 866 |
| 1-21-3 | Revoked | V. 12, p. 866 |
| 1-21-4 | Amended | V. 12, p. 866 |
| 1-21-5 | Revoked | V. 12, p. 866 |
| 1-21-6 | Revoked | V. 12, p. 866 |
| 1-21-7 | Amended | V. 12, p. 866 |
| 1-21-8 | Revoked | V. 12, p. 866 |
| 1-21-9 | Revoked | V. 12, p. 866 |
| 1-21-10 | Revoked | V. 12, p. 866 |
| 1-21-11 | Revoked | V. 12, p. 866 |
| 1-21-12 | Amended | V. 12, p. 866 |
| 1-22-1 through 1-22-5 | Revoked | V. 12, p. 722, 867 |
| 1-28-1 | Revoked | V. 12, p. 867 |
| 1-28-2 | Revoked | V. 12, p. 867 |
| 1-49-11 | New | V. 12, p. 1711 |
| 1-50-2 | Revoked | V. 12, p. 867 |

AGENCY 2: MUNICIPAL ACCOUNTING BOARD

| Reg. No. | Action | Register |
|----------|---------|---------------|
| 2-3-3 | Revoked | V. 12, p. 887 |

AGENCY 4: BOARD OF AGRICULTURE

| Reg. No. | Action | Register |
|----------|---------|----------------|
| 4-8-14a | Amended | V. 12, p. 1212 |
| 4-8-28 | Amended | V. 12, p. 1212 |
| 4-8-32 | Amended | V. 12, p. 1213 |

AGENCY 5: BOARD OF AGRICULTURE—DIVISION OF WATER RESOURCES

| Reg. No. | Action | Register |
|----------|---------|---------------|
| 5-1-1 | Amended | V. 13, p. 491 |
| 5-1-2 | New | V. 13, p. 493 |
| 5-3-4a | Amended | V. 13, p. 493 |
| 5-3-5e | New | V. 13, p. 493 |
| 5-4-4 | New | V. 13, p. 493 |
| 5-7-1 | Amended | V. 13, p. 494 |

| | | |
|--------|---------|---------------|
| 5-7-3 | Revoked | V. 13, p. 494 |
| 5-7-4 | New | V. 13, p. 495 |
| 5-11-1 | New | V. 13, p. 495 |
| 5-11-2 | New | V. 13, p. 496 |
| 5-21-1 | Amended | V. 13, p. 443 |
| 5-21-3 | Amended | V. 13, p. 444 |
| 5-21-4 | New | V. 13, p. 444 |
| 5-22-1 | Amended | V. 13, p. 91 |
| 5-22-2 | Amended | V. 13, p. 92 |
| 5-22-7 | Amended | V. 13, p. 92 |
| 5-22-8 | Amended | V. 13, p. 93 |

AGENCY 7: SECRETARY OF STATE

| Reg. No. | Action | Register |
|----------|---------|----------------|
| 7-23-2 | Amended | V. 13, p. 5 |
| 7-23-12 | New | V. 13, p. 5 |
| 7-23-13 | New | V. 13, p. 276 |
| 7-27-1 | Amended | V. 12, p. 1336 |
| 7-29-1 | Revoked | V. 12, p. 1336 |
| 7-29-2 | Amended | V. 12, p. 1336 |

| | | |
|-----------------------|-----|-------------|
| 7-36-1 through 7-36-6 | New | V. 13, p. 5 |
|-----------------------|-----|-------------|

AGENCY 17: STATE BANKING DEPARTMENT

| Reg. No. | Action | Register |
|--------------------------|---------|-----------------|
| 17-11-21 | Amended | V. 12, p. 1176 |
| 17-15-1 | Amended | V. 12, p. 311 |
| 17-16-8 | Amended | V. 12, p. 314 |
| 17-21-1 | Amended | V. 12, p. 314 |
| 17-21-2 | Amended | V. 12, p. 314 |
| 17-22-1 | Amended | V. 12, p. 1015 |
| 17-23-1 through 17-23-16 | New | V. 13, p. 49-57 |

AGENCY 19: KANSAS COMMISSION ON GOVERNMENTAL STANDARDS AND CONDUCT

| Reg. No. | Action | Register |
|----------|--------|----------------|
| 19-29-1a | New | V. 12, p. 1336 |

AGENCY 20: CRIME VICTIMS COMPENSATION BOARD

| Reg. No. | Action | Register |
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| 20-1-1 | Amended | V. 12, p. 1487 |
| 20-2-3 | New | V. 12, p. 1487 |
| 20-2-6 | New | V. 12, p. 1488 |
| 20-2-7 | New | V. 12, p. 1488 |
| 20-2-8 | New | V. 12, p. 1488 |
| 20-2-9 | New | V. 12, p. 1488 |

AGENCY 22: STATE FIRE MARSHAL

| Reg. No. | Action | Register |
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| 22-1-2 | Amended | V. 12, p. 444 |
| 22-1-3 | New | V. 12, p. 444 |
| 22-1-4 | New | V. 12, p. 444 |
| 22-1-5 | New | V. 12, p. 445 |
| 22-1-6 | New | V. 12, p. 445 |
| 22-2-1 | Revoked | V. 12, p. 445 |
| 22-3-1 | Revoked | V. 12, p. 445 |
| 22-3-2 | Revoked | V. 12, p. 445 |
| 22-4-1 | Revoked | V. 12, p. 445 |
| 22-5-3 | Amended | V. 12, p. 445 |
| 22-6-8 | New | V. 12, p. 976 |
| 22-6-10 | Revoked | V. 12, p. 445 |
| 22-6-17 | Revoked | V. 12, p. 445 |
| 22-7-1 | Revoked | V. 12, p. 445 |
| 22-7-2 | Revoked | V. 12, p. 445 |
| 22-7-3 | Revoked | V. 12, p. 445 |
| 22-7-5 | Revoked | V. 12, p. 445 |

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| 22-7-6 through 22-7-12 | New | V. 12, p. 445-447 |
| 22-8-1 | Revoked | V. 12, p. 448 |
| 22-10-3a | Revoked | V. 12, p. 448 |
| 22-10-10 | Revoked | V. 12, p. 448 |
| 22-10-12 | Revoked | V. 12, p. 448 |
| 22-10-13 | Revoked | V. 12, p. 448 |
| 22-10-14 | Revoked | V. 12, p. 448 |
| 22-10-17 | Revoked | V. 12, p. 448 |
| 22-10-18 | New | V. 12, p. 448 |
| 22-10-19 | New | V. 12, p. 448 |
| 22-13-35 | Revoked | V. 12, p. 449 |
| 22-18-3 | Amended | V. 12, p. 449 |
| 22-19-1 | Amended | V. 12, p. 450 |
| 22-19-2 | Amended | V. 12, p. 450 |
| 22-19-3 | Amended | V. 12, p. 451 |
| 22-19-4 | Revoked | V. 12, p. 451 |
| 22-19-5 | New | V. 12, p. 451 |
| 22-20-1 | Revoked | V. 12, p. 451 |

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| 22-22-1 | New | V. 12, p. 451 |
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AGENCY 23: DEPARTMENT OF WILDLIFE AND PARKS

| Reg. No. | Action | Register |
|----------|---------|----------------|
| 23-4-1 | Revoked | V. 12, p. 1702 |
| 23-6-8 | Revoked | V. 12, p. 1702 |
| 23-16-1 | Revoked | V. 12, p. 1702 |
| 23-19-1 | Revoked | V. 12, p. 1702 |

AGENCY 25: STATE GRAIN INSPECTION DEPARTMENT

| Reg. No. | Action | Register |
|----------|---------|----------------------|
| 25-1-8 | Revoked | V. 12, p. 1460, 1571 |
| 25-1-15 | Amended | V. 12, p. 1460, 1571 |
| 25-1-16 | Revoked | V. 12, p. 1461, 1571 |
| 25-1-17 | Revoked | V. 12, p. 1461, 1571 |

AGENCY 26: DEPARTMENT ON AGING

| Reg. No. | Action | Register |
|----------|---------|----------------------|
| 26-5-5 | Amended | V. 12, p. 1118 |
| 26-5-6 | Amended | V. 12, p. 1118 |
| 26-8-1 | Amended | V. 12, p. 1119, 1150 |
| 26-8-3 | Amended | V. 12, p. 1120, 1152 |
| 26-8-4 | Amended | V. 12, p. 1120, 1152 |
| 26-8-7 | Amended | V. 12, p. 1120, 1152 |

AGENCY 28: DEPARTMENT OF HEALTH AND ENVIRONMENT

| Reg. No. | Action | Register |
|-----------------------------|---------|----------------|
| 28-1-2 | Amended | V. 12, p. 315 |
| 28-1-18 | Amended | V. 12, p. 1057 |
| 28-4-350 | Amended | V. 12, p. 1042 |
| 28-4-351 | Amended | V. 12, p. 1042 |
| 28-4-352 | Amended | V. 12, p. 1043 |
| 28-4-353 | Amended | V. 12, p. 1043 |
| 28-4-353a | New | V. 12, p. 1045 |
| 28-4-353b | New | V. 12, p. 1046 |
| 28-4-354 | Amended | V. 12, p. 1047 |
| 28-4-355 | Amended | V. 12, p. 1048 |
| 28-4-355a | New | V. 12, p. 1049 |
| 28-4-355b | New | V. 12, p. 1049 |
| 28-4-356 | Amended | V. 12, p. 1051 |
| 28-4-357 | Amended | V. 12, p. 1053 |
| 28-4-358 | Amended | V. 12, p. 1054 |
| 28-4-359 | Amended | V. 12, p. 1054 |
| 28-4-360 | Amended | V. 12, p. 1057 |
| 28-15-11 | Amended | V. 12, p. 727 |
| 28-15-13 | Amended | V. 12, p. 725 |
| 28-15-21 | New | V. 12, p. 728 |
| 28-15-35 | Amended | V. 12, p. 1847 |
| 28-15-36 | Amended | V. 12, p. 1849 |
| 28-15-36a | New | V. 12, p. 1851 |
| 28-15-37 | Amended | V. 12, p. 1852 |
| 28-16-61 | Amended | V. 12, p. 1209 |
| 28-16-150 through 28-16-154 | New | V. 12, p. 1210 |
| 28-17-6 | Amended | V. 12, p. 1020 |
| 28-17-20 | Amended | V. 12, p. 1020 |
| 28-19-7 | Amended | V. 12, p. 1530 |
| 28-19-14 | Amended | V. 12, p. 1852 |
| 28-19-14b | Revoked | V. 12, p. 1853 |
| 28-19-17b | Amended | V. 13, p. 151 |
| 28-19-17c | Amended | V. 13, p. 151 |
| 28-19-17f | Amended | V. 13, p. 151 |
| 28-19-17m | Amended | V. 13, p. 151 |
| 28-19-31 | Amended | V. 12, p. 1458 |
| 28-19-32 | Amended | V. 12, p. 1458 |
| 28-19-63 | Amended | V. 12, p. 1458 |
| 28-19-78 | Revoked | V. 13, p. 151 |
| 28-19-202 | New | V. 12, p. 1534 |
| 28-19-210 | New | V. 12, p. 1535 |
| 28-23-82 | Amended | V. 12, p. 1058 |

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| 28-25-1 through 28-25-15 | New | V. 12, p. 1058, 1059 |
| 28-29-6a | New | V. 13, p. 151 |
| 28-29-84 | New | V. 12, p. 435, 487 |
| 28-29-85 | New | V. 12, p. 436, 488 |
| 28-29-98 | Amended | V. 13, p. 398 |
| 28-29-99 | Revoked | V. 13, p. 399 |
| 28-30-2 | Amended | V. 12, p. 1539 |
| 28-30-3 | Amended | V. 12, p. 1540 |
| 28-30-6 | Amended | V. 12, p. 730 |
| 28-31-1 through 28-31-6 | Amended | V. 13, p. 312-318 |
| 28-31-8 | Amended | V. 13, p. 318 |
| 28-31-8b | Amended | V. 13, p. 319 |
| 28-31-9 | Amended | V. 13, p. 319 |
| 28-31-10 | Amended | V. 13, p. 320 |

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| 28-31-11 | Amended | V. 13, p. 320 |
| 28-31-14 | Amended | V. 13, p. 320 |
| 28-34-1 | Revoked | V. 12, p. 780 |
| 28-34-1a | New | V. 12, p. 780 |
| 28-34-2 | Amended | V. 12, p. 781 |
| 28-34-3b | New | V. 12, p. 781 |
| 28-34-5 | Revoked | V. 12, p. 782 |
| 28-34-5a | New | V. 12, p. 782 |
| 28-34-6 | Revoked | V. 12, p. 782 |
| 28-34-6a | New | V. 12, p. 782 |
| 28-34-8 | Revoked | V. 12, p. 783 |
| 28-34-8a | New | V. 12, p. 783 |
| 28-34-9a | Amended | V. 12, p. 784 |
| 28-34-10 | Revoked | V. 12, p. 784 |
| 28-34-10a | New | V. 12, p. 784 |
| 28-34-16 | Revoked | V. 12, p. 785 |
| 28-34-16a | New | V. 12, p. 785 |
| 28-34-17 | Revoked | V. 12, p. 785 |
| 28-34-17a | New | V. 12, p. 785 |
| 28-34-17b | New | V. 12, p. 786 |
| 28-34-20 | Revoked | V. 12, p. 787 |
| 28-34-20a | New | V. 12, p. 787 |
| 28-34-32a | Revoked | V. 12, p. 787 |
| 28-34-32b | New | V. 12, p. 787 |
| 28-34-125 | Revoked | V. 12, p. 787 |
| 28-35-135 | Amended | V. 12, p. 1176 |
| 28-35-143 | Revoked | V. 12, p. 1176 |
| 28-35-180a | Amended | V. 12, p. 1176 |
| 28-35-211b | Revoked | V. 12, p. 1176 |
| 28-35-212a | Amended | V. 12, p. 1176 |
| 28-35-212b | New | V. 12, p. 1176 |
| 28-35-213a | Amended | V. 12, p. 1176 |
| 28-35-214a | Amended | V. 12, p. 1176 |
| 28-35-215a | Amended | V. 12, p. 1176 |
| 28-35-217a | Amended | V. 12, p. 1176 |
| 28-35-218a | Amended | V. 12, p. 1176 |
| 28-35-219a | Amended | V. 12, p. 1176 |
| 28-35-220a | Amended | V. 12, p. 1176 |
| 28-35-221a | Amended | V. 12, p. 1176 |
| 28-35-221b | New | V. 12, p. 1176 |
| 28-35-222a | Amended | V. 12, p. 1176 |
| 28-35-223a | Amended | V. 12, p. 1176 |
| 28-35-224a | Amended | V. 12, p. 1176 |
| 28-35-225a | Amended | V. 12, p. 1176 |
| 28-35-226a | Amended | V. 12, p. 1177 |
| 28-35-228a | Amended | V. 12, p. 1177 |
| 28-35-229a | Amended | V. 12, p. 1177 |
| 28-35-230a | Amended | V. 12, p. 1177 |
| 28-35-230b | New | V. 12, p. 1177 |
| 28-35-231b | Amended | V. 12, p. 1177 |
| 28-35-233a | Amended | V. 12, p. 1177 |
| 28-35-234a | Amended | V. 12, p. 1177 |
| 28-35-242 | Amended | V. 12, p. 1177 |
| 28-35-245 | Revoked | V. 12, p. 1177 |
| 28-35-246 | Revoked | V. 12, p. 1177 |
| 28-35-247 | Amended | V. 12, p. 1177 |
| 28-35-248 | Revoked | V. 12, p. 1177 |
| 28-35-249 | Amended | V. 12, p. 1177 |
| 28-35-250 | Revoked | V. 12, p. 1177 |
| 28-35-250a | New | V. 12, p. 1177 |
| 28-35-251 | Amended | V. 12, p. 1177 |
| 28-35-253 | New | V. 12, p. 1177 |
| 28-35-254 | New | V. 12, p. 1177 |
| 28-35-255 | New | V. 12, p. 1177 |
| 28-35-276 | Amended | V. 12, p. 1177 |
| 28-35-282 | Amended | V. 12, p. 1177 |
| 28-35-284 | Amended | V. 12, p. 1177 |
| 28-35-285 | Amended | V. 12, p. 1177 |
| 28-35-287 | Amended | V. 12, p. 1177 |
| 28-35-288 | Amended | V. 12, p. 1177 |
| 28-35-341 through | | |
| 28-35-363 | New | V. 12, p. 1177, 1178 |
| 28-36-21 | Amended | V. 12, p. 1059 |
| 28-36-30 | Amended | V. 12, p. 1211 |
| 28-38-18 through | | |
| 28-38-23 | Amended | V. 12, p. 437, 438 |
| 28-38-29 | New | V. 12, p. 439 |
| 28-39-76 | Revoked | V. 12, p. 1399 |
| 28-39-77 | Revoked | V. 12, p. 1399 |
| 28-39-77a | Revoked | V. 12, p. 1400 |
| 28-39-78 | Revoked | V. 12, p. 1400 |
| 28-39-79 | Revoked | V. 13, p. 37 |
| 28-39-80 | Revoked | V. 13, p. 37 |
| 28-39-81 | Revoked | V. 13, p. 37 |
| 28-39-81a | Revoked | V. 13, p. 37 |
| 28-39-81b | Revoked | V. 13, p. 37 |
| 28-39-82 through | | |
| 28-39-103 | Revoked | V. 12, p. 1400 |

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| 28-39-103a | Revoked | V. 12, p. 1400 |
| 28-39-104 through | | |
| 28-39-113 | Revoked | V. 12, p. 1400 |
| 28-39-144 through | | |
| 28-39-162 | New | V. 12, p. 1400-1416 |
| 28-39-162a | New | V. 12, p. 1417 |
| 28-39-162b | New | V. 12, p. 1422 |
| 28-39-162c | New | V. 12, p. 1424 |
| 28-39-163 | New | V. 12, p. 1428 |
| 28-39-164 through | | |
| 28-39-174 | New | V. 13, p. 37-42 |
| 28-39-227 through | | |
| 28-39-239 | New | V. 13, p. 399-403 |
| 28-44-28 | New | V. 12, p. 1541 |
| 28-44-29 | New | V. 12, p. 1541 |
| 28-46-1 | Amended | V. 13, p. 152 |
| 28-46-2 | Amended | V. 13, p. 152 |
| 28-46-3 | Amended | V. 13, p. 152 |
| 28-46-5 through | | |
| 28-46-22 | Amended | V. 13, p. 152, 153 |
| 28-46-24 | Amended | V. 13, p. 154 |
| 28-46-26 through | | |
| 28-46-34 | Amended | V. 13, p. 154, 155 |
| 28-46-36 | Amended | V. 13, p. 155 |
| 28-46-37 | Revoked | V. 13, p. 354 |
| 28-46-38 | Amended | V. 13, p. 354 |
| 28-46-39 | Revoked | V. 13, p. 156 |
| 28-46-41 | Amended | V. 13, p. 156 |
| 28-46-42 | Amended | V. 13, p. 156 |
| 28-46-43 | New | V. 13, p. 156 |
| 28-46-44 | New | V. 13, p. 156 |
| 28-51-100 through | | |
| 28-51-104 | Amended | V. 13, p. 43-45 |
| 28-51-108 | Amended | V. 13, p. 45 |
| 28-51-110 | Amended | V. 13, p. 45 |
| 28-51-111 | Amended | V. 13, p. 46 |
| 28-51-112 | Amended | V. 13, p. 46 |
| 28-65-1 | Amended | V. 12, p. 1541 |
| 28-65-2 | Amended | V. 12, p. 1542 |
| 28-65-3 | Amended | V. 12, p. 1542 |
| 28-65-4 | New | V. 12, p. 1542 |
| 28-66-1 through | | |
| 28-66-4 | New | V. 13, p. 46-48 |

AGENCY 30: SOCIAL AND REHABILITATION SERVICES

| Reg. No. | Action | Register |
|-----------|---------|----------------------|
| 30-2-16 | Amended | V. 12, p. 1213 |
| 30-4-52 | Amended | V. 12, p. 1213 |
| 30-4-63 | Amended | V. 12, p. 1213 |
| 30-4-64 | Amended | V. 12, p. 1215 |
| 30-4-73 | Amended | V. 12, p. 386 |
| 30-4-85a | Amended | V. 12, p. 1461, 1486 |
| 30-4-90 | Amended | V. 12, p. 264, 576 |
| 30-4-111 | Amended | V. 12, p. 1737, 1781 |
| 30-4-112 | Amended | V. 12, p. 1216 |
| 30-4-122a | Amended | V. 12, p. 1461, 1486 |
| 30-4-130 | Amended | V. 12, p. 1217 |
| 30-5-58 | Amended | V. 12, p. 1218 |
| 30-5-59 | Amended | V. 12, p. 392 |
| 30-5-60 | Amended | V. 12, p. 393 |
| 30-5-70 | Amended | V. 12, p. 394 |
| 30-5-71 | Amended | V. 12, p. 1224 |
| 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 |

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| 30-10-15a | Amended | V. 12, p. 1751 |
| 30-10-17 | Amended | V. 12, p. 1753 |
| 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 |
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| 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 | | |
| 56-3-6 | New | V. 13, p. 89-91, 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 |

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| 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 |
| 60-11-103 | Amended | V. 12, p. 350 |
| 60-11-108 | Amended | V. 12, p. 1208 |
| 60-11-113 | Amended | V. 13, p. 366 |
| 60-11-118 | Amended | V. 12, p. 350 |
| 60-11-119 | Amended | V. 12, p. 489 |
| 60-12-104 | Amended | V. 12, p. 1208 |
| 60-12-105 | Amended | V. 12, p. 1208 |
| 60-13-101 | Amended | V. 12, p. 489 |
| 60-13-110 | Amended | V. 13, p. 366 |

AGENCY 63: BOARD OF MORTUARY ARTS

| Reg. No. | Action | Register |
|----------|---------|----------------|
| 63-1-3 | Amended | V. 12, p. 1598 |
| 63-1-4 | Amended | V. 12, p. 632 |
| 63-3-10 | Amended | V. 12, p. 632 |
| 63-3-11 | Amended | V. 12, p. 632 |
| 63-3-19 | Amended | V. 12, p. 633 |
| 63-4-1 | Amended | V. 12, p. 1598 |

AGENCY 65: BOARD OF EXAMINERS IN OPTOMETRY

| Reg. No. | Action | Register |
|----------|---------|---------------|
| 65-4-3 | Amended | V. 12, p. 630 |
| 65-4-4 | Amended | V. 12, p. 630 |

AGENCY 66: BOARD OF TECHNICAL PROFESSIONS

| Reg. No. | Action | Register |
|----------|---------|----------------------|
| 66-6-6 | Amended | V. 12, p. 1926 |
| 66-6-8 | Amended | V. 12, p. 1926 |
| 66-6-9 | Amended | V. 12, p. 1926 |
| 66-8-2 | through | |
| 66-8-5 | Amended | V. 12, p. 1926, 1927 |
| 66-9-1 | Amended | V. 12, p. 1927 |
| 66-9-2 | Amended | V. 12, p. 1927 |
| 66-9-4 | Amended | V. 12, p. 1927 |
| 66-9-5 | Amended | V. 12, p. 1928 |
| 66-10-1 | Amended | V. 12, p. 1928 |
| 66-10-3 | Amended | V. 12, p. 1928 |
| 66-10-4 | Amended | V. 12, p. 1928 |
| 66-10-9 | Amended | V. 12, p. 1928 |
| 66-11-1 | Amended | V. 12, p. 1929 |
| 66-11-2 | Amended | V. 12, p. 1929 |
| 66-12-1 | Amended | V. 12, p. 1929 |

AGENCY 68: BOARD OF PHARMACY

| Reg. No. | Action | Register |
|----------|---------|---------------|
| 68-7-12a | New | V. 12, p. 186 |
| 68-7-19 | New | V. 12, p. 187 |
| 68-12-2 | Amended | V. 12, p. 187 |
| 68-20-18 | Amended | V. 12, p. 187 |
| 68-20-19 | Amended | V. 12, p. 188 |

AGENCY 69: BOARD OF COSMETOLOGY

| Reg. No. | Action | Register |
|----------|---------|---------------------|
| 69-1-4 | Amended | V. 13, p. 4 |
| 69-11-1 | Amended | V. 12, p. 1633 |
| 69-12-1 | through | |
| 69-12-17 | New | V. 12, p. 1633-1635 |

AGENCY 70: BOARD OF VETERINARY EXAMINERS

| Reg. No. | Action | Register |
|----------|---------|---------------|
| 70-5-1 | Amended | V. 13, p. 445 |

AGENCY 71: KANSAS DENTAL BOARD

| Reg. No. | Action | Register |
|----------|---------|----------------|
| 71-1-16 | New | V. 12, p. 439 |
| 71-1-17 | New | V. 12, p. 439 |
| 71-1-18 | New | V. 12, p. 1700 |
| 71-3-3 | Amended | V. 12, p. 532 |

AGENCY 74: BOARD OF ACCOUNTANCY

| Reg. No. | Action | Register |
|----------|---------|----------------|
| 74-4-8 | Amended | V. 12, p. 1922 |
| 74-5-2 | Amended | V. 12, p. 1039 |
| 74-5-202 | Amended | V. 12, p. 1039 |
| 74-5-203 | Amended | V. 12, p. 1040 |
| 74-5-405 | Amended | V. 12, p. 1040 |
| 74-5-406 | Amended | V. 12, p. 1040 |

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|----------|---------|---------------------|
| 74-6-1 | Amended | V. 12, p. 1040 |
| 74-6-2 | Amended | V. 12, p. 1041 |
| 74-8-2 | Amended | V. 12, p. 1041 |
| 74-8-5 | Amended | V. 12, p. 1041 |
| 74-11-1 | through | |
| 74-11-5 | Revoked | V. 12, p. 1922 |
| 74-11-6 | through | |
| 74-11-14 | New | V. 12, p. 1922-1926 |
| 74-14-1 | New | V. 12, p. 1041 |
| 74-14-2 | New | V. 12, p. 1041 |

AGENCY 75: CONSUMER CREDIT COMMISSIONER

| Reg. No. | Action | Register |
|----------|---------|---------------|
| 75-6-6 | Amended | V. 13, p. 276 |

AGENCY 80: KANSAS PUBLIC EMPLOYEES RETIREMENT SYSTEM

| Reg. No. | Action | Register |
|----------|---------|--------------------|
| 80-8-1 | through | |
| 80-8-7 | New | V. 12, p. 980, 981 |

AGENCY 81: OFFICE OF THE SECURITIES COMMISSIONER

| Reg. No. | Action | Register |
|----------|---------|----------------|
| 81-3-1 | Amended | V. 12, p. 788 |
| 81-3-3 | Amended | V. 12, p. 790 |
| 81-3-4 | New | V. 12, p. 790 |
| 81-5-3 | Amended | V. 12, p. 790 |
| 81-5-8 | Amended | V. 12, p. 791 |
| 81-5-9 | Amended | V. 12, p. 791 |
| 81-5-10 | New | V. 12, p. 791 |
| 81-5-11 | New | V. 12, p. 1873 |
| 81-7-1 | Amended | V. 12, p. 791 |
| 81-7-2 | New | V. 12, p. 794 |
| 81-11-11 | Amended | V. 12, p. 794 |

AGENCY 82: STATE CORPORATION COMMISSION

| Reg. No. | Action | Register |
|-----------|---------|----------------|
| 82-1-228 | Amended | V. 12, p. 147 |
| 82-1-232 | Amended | V. 12, p. 148 |
| 82-3-206 | Amended | V. 12, p. 1592 |
| 82-3-307 | Amended | V. 12, p. 1592 |
| 82-3-401 | Amended | V. 12, p. 376 |
| 82-3-401a | New | V. 12, p. 377 |
| 82-4-1 | Amended | V. 12, p. 439 |
| 82-4-3 | Amended | V. 12, p. 440 |
| 82-4-6d | Amended | V. 12, p. 441 |
| 82-4-8a | Amended | V. 12, p. 441 |
| 82-4-20 | Amended | V. 12, p. 442 |
| 82-4-27a | Amended | V. 12, p. 442 |
| 82-4-29 | Amended | V. 12, p. 443 |
| 82-4-34 | Revoked | V. 12, p. 443 |
| 82-4-35a | Amended | V. 12, p. 443 |
| 82-4-37 | Amended | V. 12, p. 443 |
| 82-4-38 | Revoked | V. 12, p. 443 |
| 82-4-39 | Amended | V. 12, p. 443 |

AGENCY 86: REAL ESTATE COMMISSION

| Reg. No. | Action | Register |
|----------|---------|----------------|
| 86-1-5 | Amended | V. 12, p. 1662 |
| 86-1-11 | Amended | V. 12, p. 1662 |
| 86-3-7 | Amended | V. 12, p. 1663 |
| 86-3-22 | Amended | V. 12, p. 1663 |
| 86-3-24 | Revoked | V. 12, p. 980 |

AGENCY 88: BOARD OF REGENTS

| Reg. No. | Action | Register |
|----------|---------|------------------|
| 88-10-4 | Amended | V. 12, p. 631 |
| 88-11-5 | Amended | V. 12, p. 631 |
| 88-22-1 | through | |
| 88-22-10 | New | V. 12, p. 93, 94 |

AGENCY 91: DEPARTMENT OF EDUCATION

| Reg. No. | Action | Register |
|-----------|---------|---------------|
| 91-1-30 | Amended | V. 12, p. 579 |
| 91-1-56 | Amended | V. 13, p. 308 |
| 91-1-80 | Amended | V. 12, p. 580 |
| 91-1-102 | Revoked | V. 13, p. 367 |
| 91-1-102a | Amended | V. 13, p. 308 |
| 91-1-104 | Revoked | V. 13, p. 367 |
| 91-1-104a | Revoked | V. 13, p. 367 |
| 91-1-104b | Amended | V. 13, p. 309 |
| 91-1-104c | Amended | V. 13, p. 309 |
| 91-1-110a | Amended | V. 12, p. 582 |
| 91-1-110b | Revoked | V. 13, p. 367 |

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|-----------|---------|----------------|
| 91-1-110c | Amended | V. 13, p. 310 |
| 91-1-112a | Revoked | V. 13, p. 367 |
| 91-1-112b | Revoked | V. 13, p. 367 |
| 91-1-112c | Amended | V. 13, p. 310 |
| 91-1-112d | Amended | V. 13, p. 311 |
| 91-1-113a | Revoked | V. 13, p. 367 |
| 91-1-113b | Amended | V. 13, p. 311 |
| 91-12-22 | Amended | V. 12, p. 1929 |
| 91-12-23 | Amended | V. 12, p. 1933 |
| 91-12-24a | Amended | V. 12, p. 590 |
| 91-12-27 | Amended | V. 12, p. 590 |
| 91-12-28 | Amended | V. 12, p. 590 |
| 91-12-30 | Amended | V. 12, p. 591 |
| 91-12-33 | Amended | V. 12, p. 591 |
| 91-12-37 | Amended | V. 12, p. 591 |
| 91-12-40 | Amended | V. 12, p. 592 |
| 91-12-41 | Amended | V. 12, p. 593 |
| 91-12-44 | Amended | V. 12, p. 594 |
| 91-12-45 | Amended | V. 12, p. 1934 |
| 91-12-46 | Amended | V. 12, p. 1935 |
| 91-12-47 | Amended | V. 12, p. 595 |
| 91-12-51 | Amended | V. 12, p. 596 |
| 91-12-53 | Amended | V. 12, p. 596 |
| 91-12-54 | Amended | V. 12, p. 597 |
| 91-12-55 | Amended | V. 12, p. 598 |
| 91-12-59 | Amended | V. 12, p. 598 |
| 91-12-61 | Amended | V. 12, p. 598 |
| 91-12-64 | Amended | V. 12, p. 599 |
| 91-12-65 | Amended | V. 12, p. 600 |
| 91-12-71 | Amended | V. 12, p. 1935 |

AGENCY 98: KANSAS WATER OFFICE

| Reg. No. | Action | Register |
|----------|---------|---------------|
| 98-5-2 | Amended | V. 12, p. 351 |
| 98-5-3 | Amended | V. 12, p. 352 |
| 98-5-5 | Amended | V. 12, p. 353 |

AGENCY 100: BOARD OF HEALING ARTS

| Reg. No. | Action | Register |
|----------|---------|----------------|
| 100-11-1 | Amended | V. 12, p. 1704 |
| 100-38-1 | Amended | V. 12, p. 1704 |
| 100-46-6 | New | V. 12, p. 679 |
| 100-47-1 | Amended | V. 12, p. 679 |
| 100-49-4 | Amended | V. 12, p. 1704 |
| 100-54-6 | Amended | V. 12, p. 1704 |
| 100-55-6 | Amended | V. 12, p. 1704 |

AGENCY 102: BEHAVIORAL SCIENCES REGULATORY BOARD

| Reg. No. | Action | Register |
|----------|---------|-------------------|
| 102-1-13 | Amended | V. 12, p. 1038 |
| 102-5-1 | through | |
| 102-5-12 | New | V. 12, p. 189-194 |
| 102-5-2 | Amended | V. 12, p. 1038 |

AGENCY 105: BOARD OF INDIGENTS' DEFENSE SERVICES

| Reg. No. | Action | Register |
|-----------|---------|---------------------|
| 105-2-1 | Amended | V. 13, p. 183 |
| 105-3-2 | Amended | V. 12, p. 976, 1013 |
| 105-3-11 | New | V. 13, p. 184 |
| 105-5-2 | Amended | V. 13, p. 184 |
| 105-5-6 | Amended | V. 12, p. 977, 1013 |
| 105-5-7 | Amended | V. 12, p. 977, 1014 |
| 105-5-8 | Amended | V. 12, p. 977, 1014 |
| 105-5-9 | New | V. 12, p. 1014 |
| 105-9-5 | New | V. 12, p. 1014 |
| 105-10-1 | Revoked | V. 13, p. 184 |
| 105-10-1a | New | V. 13, p. 184 |
| 105-10-3 | New | V. 13, p. 184 |
| 105-10-4 | New | V. 13, p. 185 |
| 105-10-5 | New | V. 13, p. 185 |

AGENCY 109: BOARD OF EMERGENCY MEDICAL SERVICES

| Reg. No. | Action | Register |
|----------|---------|----------------|
| 109-1-1 | Amended | V. 12, p. 1873 |
| 109-2-5 | Amended | V. 12, p. 1015 |
| 109-2-8 | Amended | V. 12, p. 1016 |
| 109-5-1 | Amended | V. 12, p. 1018 |
| 109-9-4 | Amended | V. 12, p. 1874 |
| 109-9-5 | Amended | V. 12, p. 1875 |
| 109-10-2 | New | V. 12, p. 1091 |
| 109-10-3 | New | V. 12, p. 1875 |
| 109-10-4 | New | V. 12, p. 1876 |
| 109-11-1 | Amended | V. 12, p. 1876 |
| 109-11-4 | Amended | V. 12, p. 1019 |
| 109-11-8 | Amended | V. 12, p. 1876 |
| 109-13-1 | New | V. 12, p. 1877 |
| 109-13-3 | New | V. 12, p. 1877 |

| AGENCY 110: DEPARTMENT OF COMMERCE AND HOUSING | | |
|--|---------|----------------------------------|
| Reg. No. | Action | Register |
| 110-6-1 through 110-6-6 | New | V. 12, p. 1294, 1295, 1489, 1490 |
| 110-6-7 | New | V. 12, p. 1490 |
| AGENCY 111: THE KANSAS LOTTERY | | |
| Reg. No. | Action | Register |
| 111-1-2 | Amended | V. 7, p. 1190 |
| 111-1-5 | Amended | V. 8, p. 586 |
| 111-2-1 | Amended | V. 7, p. 1995 |
| 111-2-2 | Amended | V. 12, p. 1261 |
| 111-2-2a | Revoked | V. 9, p. 1675 |
| 111-2-6 | Revoked | V. 13, p. 149 |
| 111-2-7 | Revoked | V. 10, p. 1210 |
| 111-2-13 | Revoked | V. 10, p. 881 |
| 111-2-14 | New | V. 9, p. 30 |
| 111-2-15 | Revoked | V. 10, p. 881 |
| 111-2-16 | Revoked | V. 10, p. 1210 |
| 111-2-17 | Revoked | V. 10, p. 1210 |
| 111-2-18 | Revoked | V. 11, p. 413 |
| 111-2-19 | Revoked | V. 11, p. 413 |
| 111-2-20 | New | V. 11, p. 199 |
| 111-2-21 | New | V. 11, p. 1471 |
| 111-2-22 | New | V. 11, p. 1972 |
| 111-2-23 | New | V. 12, p. 113 |
| 111-2-24 | Amended | V. 12, p. 912 |
| 111-2-25 | New | V. 12, p. 677 |
| 111-2-26 | New | V. 12, p. 1113 |
| 111-2-27 | New | V. 12, p. 1370 |
| 111-2-28 | New | V. 12, p. 1844 |
| 111-2-29 | New | V. 12, p. 1844 |
| 111-3-1 | Amended | V. 13, p. 34 |
| 111-3-6 | Amended | V. 12, p. 677 |
| 111-3-9 | Revoked | V. 11, p. 1793 |
| 111-3-10 through 111-3-31 | New | V. 7, p. 201-206 |
| 111-3-11 | Amended | V. 13, p. 35 |
| 111-3-12 | Amended | V. 10, p. 12 |
| 111-3-13 | Amended | V. 11, p. 1148 |
| 111-3-14 | Amended | V. 10, p. 12 |
| 111-3-16 | Amended | V. 9, p. 1566 |
| 111-3-19 through 111-3-22 | Amended | V. 9, p. 30 |
| 111-3-20 | Amended | V. 11, p. 1148 |
| 111-3-21 | Amended | V. 11, p. 1148 |
| 111-3-22 | Amended | V. 11, p. 1148 |
| 111-3-23 | Revoked | V. 10, p. 883 |
| 111-3-25 | Amended | V. 11, p. 1149 |
| 111-3-26 | Amended | V. 11, p. 1149 |
| 111-3-27 | Amended | V. 11, p. 1149 |
| 111-3-29 | Revoked | V. 11, p. 1149 |
| 111-3-31 | Amended | V. 8, p. 209 |
| 111-3-32 | Amended | V. 10, p. 883 |
| 111-3-33 | New | V. 7, p. 1434 |
| 111-3-34 | New | V. 13, p. 149 |
| 111-3-35 | New | V. 13, p. 337 |
| 111-4-1 through 111-4-5 | Revoked | V. 12, p. 113 |
| 111-4-5a | Revoked | V. 12, p. 113 |
| 111-4-6 through 111-4-15 | Revoked | V. 12, p. 113 |
| 111-4-66 through 111-4-77 | New | V. 7, p. 207-209 |
| 111-4-96 through 111-4-114 | New | V. 7, p. 1606-1610 |
| 111-4-100 | Amended | V. 12, p. 1113 |
| 111-4-101 | Amended | V. 12, p. 1113 |
| 111-4-102 | Amended | V. 12, p. 1114 |
| 111-4-103 | Amended | V. 10, p. 1211 |
| 111-4-104 | Amended | V. 12, p. 1114 |
| 111-4-105 | Amended | V. 12, p. 1114 |
| 111-4-106 | Amended | V. 11, p. 1472 |
| 111-4-106a | Amended | V. 11, p. 1149 |
| 111-4-107 | Amended | V. 11, p. 978 |
| 111-4-108 | Amended | V. 12, p. 1114 |
| 111-4-110 | Amended | V. 11, p. 978 |
| 111-4-111 | Amended | V. 9, p. 1366 |
| 111-4-112 | Amended | V. 12, p. 1114 |
| 111-4-113 | Amended | V. 9, p. 1366 |
| 111-4-114 | Amended | V. 9, p. 1366 |

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| 111-4-153 through 111-4-160 | Revoked | V. 9, p. 1676, 1677 |
| 111-4-177 through 111-4-212 | Revoked | V. 9, p. 1677, 1678 |
| 111-4-213 through 111-4-220 | Revoked | V. 10, p. 1213 |
| 111-4-217 | Amended | V. 9, p. 986 |
| 111-4-221 through 111-4-224 | Revoked | V. 10, p. 1585 |
| 111-4-225 through 111-4-228 | Revoked | V. 10, p. 1585 |
| 111-4-229 through 111-4-236 | Revoked | V. 10, p. 1585, 1586 |
| 111-4-237 through 111-4-240 | Revoked | V. 11, p. 413 |
| 111-4-241 through 111-4-244 | Revoked | V. 12, p. 1371 |
| 111-4-245 through 111-4-248 | Revoked | V. 12, p. 1371 |
| 111-4-249 through 111-4-256 | Revoked | V. 12, p. 113, 114 |
| 111-4-257 through 111-4-286 | Revoked | V. 11, p. 413, 414 |
| 111-4-287 through 111-4-300 | New | V. 10, p. 883-886 |
| 111-4-287 through 111-4-290 | Revoked | V. 12, p. 1371 |
| 111-4-291 through 111-4-300 | Revoked | V. 12, p. 114 |
| 111-4-301 through 111-4-307 | New | V. 10, p. 1015, 1016 |
| 111-4-301 | Amended | V. 12, p. 1115 |
| 111-4-303 | Amended | V. 12, p. 1115 |
| 111-4-304 | Amended | V. 12, p. 1115 |
| 111-4-306 | Amended | V. 12, p. 1115 |
| 111-4-308 through 111-4-320 | New | V. 10, p. 1214, 1215 |
| 111-4-308 | Amended | V. 12, p. 1261 |
| 111-4-311 | Amended | V. 12, p. 1262 |
| 111-4-312 | Amended | V. 12, p. 1262 |
| 111-4-313 | Amended | V. 12, p. 1262 |
| 111-4-318 through 111-4-321 | Revoked | V. 12, p. 114 |
| 111-4-322 through 111-4-331 | New | V. 10, p. 1411-1413 |
| 111-4-322 through 111-4-327 | Revoked | V. 12, p. 1371 |
| 111-4-328 through 111-4-335 | Revoked | V. 12, p. 114 |
| 111-4-336 through 111-4-345 | New | V. 10, p. 1526-1528 |
| 111-4-336 through 111-4-340 | Amended | V. 12, p. 1371, 1372 |
| 111-4-341 | Revoked | V. 11, p. 1473 |
| 111-4-341a | Revoked | V. 12, p. 1372 |
| 111-4-341b | Amended | V. 12, p. 1372 |
| 111-4-341c | New | V. 12, p. 1664 |
| 111-4-344 | Amended | V. 12, p. 1373 |
| 111-4-346 through 111-4-361 | New | V. 10, p. 1586-1589 |
| 111-4-346 through 111-4-349 | Revoked | V. 12, p. 114 |
| 111-4-362 through 111-4-365 | Revoked | V. 12, p. 114, 115 |
| 111-4-362 | Amended | V. 11, p. 13 |
| 111-4-366 through 111-4-379 | New | V. 11, p. 136-139 |

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| 111-4-366 through 111-4-369 | Revoked | V. 12, p. 1373 |
| 111-4-380 through 111-4-383 | Revoked | V. 12, p. 1664 |
| 111-4-384 through 111-4-387 | Revoked | V. 12, p. 1373 |
| 111-4-388 through 111-4-400 | New | V. 11, p. 478-481 |
| 111-4-388 through 111-4-391 | Revoked | V. 12, p. 1373 |
| 111-4-392 | Amended | V. 12, p. 520 |
| 111-4-394 through 111-4-400 | Amended | V. 12, p. 521, 522 |
| 111-4-401 through 111-4-404 | Revoked | V. 12, p. 1373 |
| 111-4-405 through 111-4-413 | New | V. 11, p. 756, 757 |
| 111-4-405 | Amended | V. 12, p. 912 |
| 111-4-407 | Amended | V. 12, p. 912 |
| 111-4-408 | Amended | V. 12, p. 912 |
| 111-4-409 | Amended | V. 11, p. 1473, 1474 |
| 111-4-411 | Amended | V. 11, p. 1474 |
| 111-4-412 | Amended | V. 11, p. 1475 |
| 111-4-413 | Amended | V. 11, p. 1475 |
| 111-4-414 through 111-4-428 | New | V. 11, p. 981-983 |
| 111-4-414 | Amended | V. 11, p. 1150 |
| 111-4-429 through 111-4-432 | Revoked | V. 12, p. 1373 |
| 111-4-433 through 111-4-436 | Revoked | V. 12, p. 1374 |
| 111-4-437 through 111-4-444 | New | V. 11, p. 1475-1477 |
| 111-4-437 through 111-4-440 | Revoked | V. 12, p. 1374 |
| 111-4-445 through 111-4-453 | New | V. 11, p. 1794-1796 |
| 111-4-445 through 111-4-448 | Revoked | V. 12, p. 1374 |
| 111-4-454 through 111-4-465 | Revoked | V. 12, p. 1664, 1665 |
| 111-4-466 through 111-4-473 | New | V. 12, p. 316, 317 |
| 111-4-466 through 111-4-473 | New | V. 12, p. 316, 317 |
| 111-4-466 through 111-4-469 | Revoked | V. 12, p. 1665 |
| 111-4-470 | Amended | V. 12, p. 522 |
| 111-4-474 through 111-4-488 | New | V. 12, p. 522-524 |
| 111-4-489 through 111-4-492 | New | V. 12, p. 861 |
| 111-4-493 through 111-4-496 | New | V. 12, p. 525 |
| 111-4-497 through 111-4-500 | New | V. 12, p. 913, 914 |
| 111-4-501 through 111-4-512 | | V. 12, p. 1115-1118 |
| 111-4-513 through 111-4-521 | | V. 12, p. 1374, 1375 |
| 111-4-522 through 111-4-530 | New | V. 12, p. 1569, 1570 |
| 111-4-531 through 111-4-534 | New | V. 12, p. 1665, 1666 |
| 111-4-535 through 111-4-542 | New | V. 12, p. 1844-1846 |

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 111-4-546 New V. 13, p. 150
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 111-4-554 New V. 13, p. 337-339
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 111-4-563 New V. 13, p. 396-398
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 111-5-23 New V. 7, p. 209-213
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 111-6-15 New V. 7, p. 213-217
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 111-6-8 Revoked V. 12, p. 1263
 111-6-9 Amended V. 10, p. 1217
 111-6-11 Revoked V. 12, p. 1376
 111-6-12 Amended V. 8, p. 212
 111-6-13 Amended V. 8, p. 299
 111-6-15 Amended V. 12, p. 677
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 111-6-18 New V. 13, p. 150
 111-6-19 New V. 13, p. 340
 111-6-20 New V. 13, p. 340
 111-7-1 through
 111-7-10 New V. 7, p. 1192, 1193
 111-7-1 Amended V. 8, p. 212
 111-7-3 Amended V. 11, p. 1796
 111-7-3a Revoked V. 13, p. 340
 111-7-4 Amended V. 9, p. 1367
 111-7-5 Amended V. 9, p. 986
 111-7-6 Amended V. 9, p. 987
 111-7-9 Amended V. 12, p. 1263
 111-7-11 Amended V. 10, p. 1475
 111-7-12 through
 111-7-32 New V. 7, p. 1194-1196

111-7-33 through
 111-7-43 New V. 7, p. 1197, 1198
 111-7-33a New V. 8, p. 300
 111-7-44 through
 111-7-54 Revoked V. 13, p. 340
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 111-7-54 Amended V. 11, p. 1511
 111-7-55 through
 111-7-63 Revoked V. 10, p. 1217
 111-7-60 Amended V. 10, p. 262
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 111-7-75 New V. 11, p. 13, 14
 111-7-66 Amended V. 12, p. 1666
 111-7-66a Revoked V. 13, p. 340
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 111-7-78 New V. 11, p. 1478-1480
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 111-7-83 New V. 11, p. 1478-1480
 111-7-84 through
 111-7-90 New V. 12, p. 677, 678
 111-7-91 through
 111-7-94 Revoked V. 13, p. 340
 111-7-98 New V. 12, p. 914
 111-7-99 through
 111-7-105 New V. 12, p. 1376, 1377
 111-8-1 New V. 7, p. 1633
 111-8-2 New V. 7, p. 1633
 111-8-3 Amended V. 10, p. 886
 111-8-4 New V. 7, p. 1714
 111-8-4a New V. 7, p. 1995
 111-8-5 through
 111-8-13 New V. 7, p. 1634
 111-9-1 through
 111-9-12 New V. 7, p. 1714-1716
 111-9-1 through
 111-9-6 Revoked V. 9, p. 1680
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 111-9-18 Revoked V. 9, p. 1680
 111-9-25 through
 111-9-30 New V. 9, p. 699, 700
 111-9-31 through
 111-9-36 New V. 10, p. 262
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 111-9-48 New V. 10, p. 1439, 1440
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 111-9-54 New V. 12, p. 318, 319
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 111-9-60 New V. 12, p. 1263, 1264

111-10-1 through
 111-10-9 New V. 8, p. 136-138
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AGENCY 112: KANSAS RACING COMMISSION

| Reg. No. | Action | Register |
|------------------|---------|----------------------|
| 112-4-1 | Amended | V. 12, p. 1152, 1369 |
| 112-4-24 | New | V. 12, p. 1153, 1370 |
| 112-9-2 | Amended | V. 12, p. 975, 1211 |
| 112-9-18a | Amended | V. 12, p. 355, 378 |
| 112-9-30 | Amended | V. 12, p. 975, 1211 |
| 112-9-39a | Amended | V. 12, p. 356, 378 |
| 112-9-40a | Amended | V. 12, p. 336, 379 |
| 112-9-41a | Amended | V. 12, p. 358, 380 |
| 112-9-42 | Amended | V. 12, p. 359, 382 |
| 112-9-43 | Amended | V. 12, p. 361, 383 |
| 112-9-44 | New | V. 12, p. 361, 384 |
| 112-12-1 | New | V. 12, p. 50 |
| 112-12-2 through | | |
| 112-12-11 | Amended | V. 12, p. 50-53 |
| 112-12-10 | Amended | V. 12, p. 1816 |
| 112-17-15 | New | V. 12, p. 1034, 1211 |

AGENCY 115: DEPARTMENT OF WILDLIFE AND PARKS

| Reg. No. | Action | Register |
|-------------------|---------|-------------------|
| 115-2-1 | Amended | V. 13, p. 233 |
| 115-4-1 | Amended | V. 12, p. 570 |
| 115-4-3 | Amended | V. 12, p. 570 |
| 115-4-5 | Amended | V. 12, p. 571 |
| 115-4-6 | Amended | V. 12, p. 572 |
| 115-4-7 | Amended | V. 12, p. 574 |
| 115-5-1 | Amended | V. 12, p. 1490 |
| 115-8-22 | New | V. 13, p. 233 |
| 115-9-1 | Revoked | V. 12, p. 1702 |
| 115-17-16 through | | |
| 115-17-20 | New | V. 13, p. 234-236 |
| 115-17-15 | New | V. 12, p. 1702 |
| 115-18-4 | Amended | V. 12, p. 1491 |
| 115-18-9 | New | V. 12, p. 1702 |
| 115-18-10 | New | V. 12, p. 1702 |
| 115-18-12 | New | V. 12, p. 1491 |
| 115-21-3 | New | V. 12, p. 1703 |
| 115-30-8 | Amended | V. 12, p. 1703 |

AGENCY 116: STATE FAIR BOARD

| Reg. No. | Action | Register |
|----------|--------|----------------|
| 116-3-1 | New | V. 12, p. 1175 |
| 116-3-2 | New | V. 12, p. 1175 |

AGENCY 117: REAL ESTATE APPRAISAL BOARD

| Reg. No. | Action | Register |
|----------|---------|----------------|
| 117-1-1 | Amended | V. 12, p. 528 |
| 117-2-1 | Amended | V. 12, p. 528 |
| 117-2-4 | Amended | V. 12, p. 529 |
| 117-3-1 | Amended | V. 12, p. 529 |
| 117-4-1 | Amended | V. 12, p. 1699 |
| 117-4-4 | Amended | V. 12, p. 530 |
| 117-6-1 | Amended | V. 12, p. 531 |
| 117-6-2 | Amended | V. 12, p. 531 |
| 117-8-1 | Amended | V. 12, p. 531 |

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 21, 1994.)

HOUSE BILL No. 2592

AN ACT relating to elections; concerning poll and registration books and the signing thereof for the purpose of identification of voters at polling places; concerning the use of information from voter registration lists; amending K.S.A. 21-3914, 25-2320a, 25-2507 and 25-2908 and repealing the existing sections.

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

Section 1. K.S.A. 25-2507 is hereby amended to read as follows: 25-2507. (a) "Poll book" means a book in which the name of each voter is written each voter may sign the voter's signature and a number is assigned by one of the clerks of the election board when the voter is given a ballot or set of ballots. If the county election officer determines that voters shall sign the poll book, such book shall also contain on each page the declaration prescribed by subsection (d).

(b) "Registration book" means: (1) A book or list containing the names and other information relating to registered voters. Registration books shall have the names entered therein before the same or copies thereof are delivered to the supervising judges. Registration books may also contain blank lines on which each voter shall sign the voter's signature. If the county election officer determines that voters shall sign the registration book, such book shall also contain on each page the declaration prescribed by subsection (d); or

(2) a book meeting the requirements of K.S.A. 25-2507 (b)(1), and amendments thereto; containing blank lines on which each voter shall sign the voter's signature; containing on each page the declaration prescribed by subsection (d); and containing the numbers assigned by one of the clerks of the election board when voters are given ballots or sets of ballots.

(c) "Party affiliation lists" means a list containing the names of all registered voters of a county who have lawfully designated a party affiliation. Notwithstanding the foregoing provisions of this subsection (c), at the primary election in August, 1972, in territory where registration is not required prior to such primary election, "party affiliation list" means a list containing the names of persons who have lawfully designated a party affiliation.

(d) "Declaration" means the following: "I, the undersigned, declare under penalty of perjury that I am duly a qualified voter of the state of Kansas, county of _____, that I have not signed a name other than my own in order to represent myself as any other registered voter, and that I have not previously voted and will not vote again at this election."

Sec. 2. K.S.A. 25-2908 is hereby amended to read as follows: 25-2908. (a) Each polling place shall use either: (1) A registration book and a poll book, as defined in K.S.A. 25-2507(a) and K.S.A. 25-2507(b)(1), and amendments thereto; or (2) a registration book, as defined in K.S.A. 25-2507(b)(2), and amendments thereto. The county election officer shall determine which books are used in each county, and which book voters shall sign.

(b) Persons desiring to vote shall give their names, and if required their residence, to the judges of election, one of whom shall announce the name in a loud and distinct tone of voice, and if the name is in the registration books, the member of the election board having the registration record shall repeat the name. For the purpose of identifying voters at the polling place, the voter shall add the voter's signature, as listed in the registration book, to the registration book beside the voter's printed name or to the poll book; and the

voter shall be allowed to vote. An election board member shall provide the required signature at the request of and on behalf of any voter who is unable to personally affix a handwritten signature by reason of physical disability, visual handicap or lack of proficiency in reading the English language or any voter 65 or more years of age. The judges shall give the voter one and only one of each ballot to be cast at the election, on the upper right-hand corner of each of which shall be written the number corresponding to the voter's number in the registration book or poll books, and the voter's name shall be marked in the registration books and the party affiliation list. If the voter refuses to sign the registration book or poll book, the election board judge shall challenge such person's vote pursuant to K.S.A. 25-414, and amendments thereto.

If the name of any person desiring to vote at an election is not in the registration books, the person may be challenged as provided in K.S.A. 25-414. If any person desiring to vote at any election shall be challenged, the person shall not receive a ballot until the person has established the right to vote, and then the person shall be furnished a challenged ballot and be permitted to vote as provided by law an election board member shall print the name and address of the person appearing to vote in the registration book or poll book. The person appearing to vote shall add such person's signature to the registration book or poll book beside such person's printed name, as listed in the registration book or poll book, and the election board judge shall challenge such person's vote pursuant to K.S.A. 25-414, and amendments thereto. During the pendency of a challenge other voters shall be given ballots and be permitted to vote.

Sec. 3. K.S.A. 25-2320a is hereby amended to read as follows: 25-2320a. Use of voter registration lists for commercial purposes is knowingly selling, giving or receiving the information on or derived from voter registration lists with the intent to use such list or information for any commercial purpose.

Use of voter registration lists for commercial purposes is a class C misdemeanor. For purposes of this section, compiling, using, giving, receiving, selling or purchasing the information on or derived from voter registration lists, solely for political campaign or election purposes, shall not constitute a commercial use of voter registration lists.

Sec. 4. K.S.A. 21-3914 is hereby amended to read as follows: 21-3914. (a) No person shall knowingly sell, give or receive, for the purpose of selling or offering for sale any property or service to persons listed therein, any list of names and addresses contained in or derived from public records except:

(1) Lists of names and addresses from public records of the division of vehicles obtained under K.S.A. 74-2012, and amendments thereto;

(2) lists of names and addresses of persons licensed, registered or issued certificates or permits to practice a profession or vocation may be sold or given to, and received by, an organization of persons who practice that profession or vocation for membership, informational or other purposes related to the practice of the profession or vocation;

(3) lists of names and addresses of persons applying for examination for licenses, registrations, certificates or permits to practice a profession or vocation shall be sold or given to, and received by, organizations providing professional or vocational educational materials or courses to such persons for the sole purpose of providing such persons with information relating to the availability of such materials or courses; and

(4) lists of names, addresses and other information from voter registration lists may be compiled, used, given, received, sold or purchased by any person, as defined in K.S.A. 21-3110, solely for political campaign or election purposes; and

(5) to the extent otherwise authorized by law.

(b) Violation of this section is a class C misdemeanor.

Sec. 5. K.S.A. 21-3914, 25-2320a, 25-2507 and 25-2908 are hereby repealed.

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

(Published in the Kansas Register, April 21, 1994.)

HOUSE BILL No. 2445

AN ACT regulating traffic; relating to left turns on red; amending K.S.A. 8-1508 and repealing the existing section.

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

Section 1. K.S.A. 8-1508 is hereby amended to read as follows: 8-1508. Whenever traffic is controlled by traffic-control signals exhibiting different colored lights, or colored lighted arrows, successively one at a time or in combination, only the colors green, red and yellow shall be used, except for special pedestrian signals carrying a word legend, and said lights shall indicate and apply to drivers of vehicles and pedestrians as follows:

(a) *Green indication.* (1) Vehicular traffic facing a circular green signal may proceed straight through or turn right or left, unless a sign at such place prohibits either such turn; but vehicular traffic, including vehicles turning right or left, shall yield the right-of-way to other vehicles and to pedestrians lawfully within the intersection or an adjacent crosswalk at the time such signal is exhibited.

(2) Vehicular traffic facing a green arrow signal, shown alone or in combination with another indication, may enter the intersection cautiously only to make the movement indicated by such arrow, or such other movement as is permitted by other indications shown at the same time. Such vehicular traffic shall yield the right-of-way to pedestrians lawfully within an adjacent crosswalk and to other traffic lawfully using the intersection.

(3) Unless otherwise directed by a pedestrian-control signal, as provided in K.S.A. 8-1509, and amendments thereto, pedestrians facing any green signal, except when the sole green signal is a turn arrow, may proceed across the roadway within any marked or unmarked crosswalk.

(b) *Steady yellow indication.* (1) Vehicular traffic facing a steady yellow signal is thereby warned that the related green movement is being terminated or that a red indication will be exhibited immediately thereafter when vehicular traffic shall not enter the intersection.

(2) Pedestrians facing a steady yellow signal, unless otherwise directed by a pedestrian-control signal as provided in K.S.A. 8-1509, and amendments thereto, are thereby advised that there is insufficient time to cross the roadway before a red indication is shown, and no pedestrian shall then start to cross the roadway.

(c) *Steady red indication.* (1) Vehicular traffic facing a steady red signal alone shall stop at a clearly marked stop line, but if none, before entering the crosswalk on the near side of the intersection, or if none, then before entering the intersection, and shall remain standing until an indication to proceed is shown, except as provided in paragraphs (2) and (3) of this subsection. Any turn provided for in said paragraphs (2) and (3) shall be governed by the applicable provisions of K.S.A. 8-1545, and amendments thereto.

(2) Unless a sign is in place prohibiting a turn, vehicular traffic facing a steady red signal may cautiously enter the intersection to make a right turn after stopping as required by paragraph (1) of this subsection. Such vehicular traffic shall yield the right-of-way to pedestrians lawfully within an adjacent crosswalk and to other traffic lawfully using the intersection.

(3) *Unless a sign is in place prohibiting a turn,* vehicular traffic upon a roadway restricted to one-way traffic facing a steady red signal at the intersection of such roadway with another roadway restricted to one-way traffic which is proceeding to the left of such vehicular traffic, may cautiously enter the intersection to make a left turn after stopping as required by paragraph (1) of this subsection. Such vehicular traffic shall yield the right-of-way to pedestrians lawfully within an adjacent crosswalk and to other traffic lawfully using the intersection.

(4) Unless otherwise directed by a pedestrian-control signal as provided in K.S.A. 8-1509, and amendments thereto, pedestrians facing a steady red signal alone shall not enter the roadway.

(d) In the event an official traffic-control signal is erected and maintained at a place other than an intersection, the provisions of this section shall be applicable except as to those provisions which by their nature can have no application. Any stop required shall be made at a sign or marking on the pavement indicating where the

stop shall be made, but in the absence of any such sign or marking the stop shall be made at the signal.

Sec. 2. K.S.A. 8-1508 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 21, 1994.)

HOUSE BILL No. 2809

AN ACT relating to the taxation of motor vehicle fuels; exempting certain special fuels; amending K.S.A. 1993 Supp. 79-3408 and repealing the existing section.

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

Section 1. K.S.A. 1993 Supp. 79-3408 is hereby amended to read as follows: 79-3408. (a) A tax per gallon or fraction thereof, at the rate computed as prescribed in K.S.A. 79-34,141, and amendments thereto, is hereby imposed on the use, sale or delivery of all motor vehicle fuels or special fuels which are used, sold or delivered in this state for any purpose whatsoever.

(b) Every retail pump for motor-vehicle fuels shall be conspicuously labeled to show the content and percentage of any ethyl alcohol or other alcohol combined or alone in excess of 1% by volume.

(c) Such taxes shall be paid but once. Such tax shall be computed on all motor-vehicle fuels or special fuels received by each distributor, manufacturer or importer in this state and paid in the manner provided for herein, except that an allowance of 2.5% shall be made and deducted by the distributor to cover all ordinary losses in handling such motor-vehicle fuels or special fuels. No such allowance shall be made on any motor-vehicle fuel or special fuel exported from the state or sold to the United States of America or any of its agencies or instrumentalities as are now or hereinafter exempt by law from liability to state taxation. No such allowance shall be made for any motor-vehicle fuel or special fuel sold or disposed of to a consumer in tank car, transport or pipeline lots.

(d) No tax is hereby imposed upon or with respect to the following transactions:

(1) The sale or delivery of motor-vehicle fuel or special fuel for export from the state of Kansas to any other state or territory or to any foreign country.

(2) The sale or delivery of motor-vehicle fuel or special fuel to the United States of America and such of its agencies as are now or hereafter exempt by law from liability to state taxation.

(3) The sale or delivery of motor-vehicle fuel or special fuel to a contractor for use in performing work for the United States or those agencies of the United States above mentioned, provided such contractor has in effect with the United States or any such agency a cost-plus-a-fixed-fee contract covering the work.

(4) The sale or delivery of motor-vehicle fuel which is aviation fuel.

(5) The first sale or delivery of motor-vehicle fuel or special fuel from a refinery, pipeline terminal, pipeline tank farm or other place to a duly licensed distributor who in turn resells to another duly licensed distributor.

(6) The sale or delivery of motor-vehicle fuel or special fuel to a person who is a holder of a valid motor-vehicle fuel or special fuel exemption permit issued under the provisions of K.S.A. 1993 Supp. 79-3408e, and amendments thereto.

(7) *The sale or delivery of special fuel which is indelibly dyed in accordance with regulations prescribed pursuant to 26 U.S.C. 4082 and such special fuel is only used for nonhighway purposes.*

(e) Each distributor, manufacturer or importer shall make full reports and furnish such further information as the director may require with reference to all transactions upon which no tax is to be paid.

Sec. 2. K.S.A. 1993 Supp. 79-3408 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 21, 1994.)

HOUSE BILL No. 2647

AN ACT regulating traffic; concerning road construction zones; relating to speed limits in residential districts; amending K.S.A. 8-1337, 8-1338, 8-1531, 8-1559, 8-1560, 8-2004 and 68-2104 and K.S.A. 1993 Supp. 8-1486 and 8-2118 and repealing the existing sections.

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

New Section 1. "Road construction zone" means the portions of a highway which is identified by posted or moving signs as being a construction or maintenance work area. The zone starts at the first sign identifying the zone and continues until a posted or moving sign indicates that the road construction zone has ended.

New Sec. 2. It shall be unlawful for any person to fail, neglect or refuse to comply with restrictions or traffic regulations in a road construction zone or fail to comply with traffic orders or traffic directions by a flagman in a road construction zone.

Sec. 3. K.S.A. 1993 Supp. 8-1486 is hereby amended to read as follows: 8-1486. K.S.A. 8-1414a, 8-1459a, 8-1475a, and amendments thereto, and K.S.A. 1993 Supp. 8-1439c, and amendments thereto, and new section 1 shall be a part of, and supplemental to, the uniform act regulating traffic on highways.

Sec. 4. K.S.A. 8-1337 is hereby amended to read as follows: 8-1337. (a) Whenever the secretary of transportation shall determine upon the basis of an engineering and traffic investigation that any maximum speed hereinbefore set forth is greater or less than is reasonable or safe under the conditions found to exist at any intersection or other place or upon any part of the state highway system, the secretary may determine and declare a reasonable and safe maximum limit thereat, which shall be effective when appropriate signs giving notice thereof are erected; ~~Provided, except~~ that the secretary shall not establish a maximum speed limit in excess of the speed limit established by or pursuant to subsection (a)(3) of K.S.A. 8-1336, and amendments thereto. Any such maximum speed limit may be declared to be effective at all times or at such times as are indicated upon said such signs; and differing limits may be established for different times of day, different types of vehicles, varying weather conditions, and other factors bearing on safe speeds, which shall be effective when posted upon appropriate fixed or variable signs.

(b) *The secretary of transportation may establish the speed limit within a road construction zone, as defined in section 1, upon any highway under the jurisdiction of the secretary, and the speed limit shall be effective when appropriate signs giving notice thereof are erected.*

Sec. 5. K.S.A. 8-1338 is hereby amended to read as follows: 8-1338. (a) Whenever local authorities in their respective jurisdictions determine on the basis of an engineering and traffic investigation that any maximum speed permitted under this act is greater or less than is reasonable and safe under the conditions found to exist upon a highway or part of a highway, the local authority may determine and declare a reasonable and safe maximum limit thereon which:

- (1) Decreases the limit at intersections; or
- (2) increases the limit within an urban district but not to exceed the maximum speed limit established by or pursuant to subsection (a)(3) of K.S.A. 8-1336, and amendments thereto; or
- (3) decreases the limit outside an urban district, but not to less than 20 miles per hour, except as authorized in K.S.A. 8-1338a, and amendments thereto; or
- (4) decreases the limit within an urban district in a school zone to not less than 20 miles per hour, except that any such decreased limit shall apply only during the hours in which students are normally en route to or from school. Such zones and hours to be determined by ordinance or resolution of such local authority; or
- (5) decreases the limit within any residence district, but not to less than 20 miles per hour.

(b) Local authorities in their respective jurisdictions shall determine by an engineering and traffic investigation the proper maximum speed for all arterial streets and shall declare a reasonable and safe maximum limit thereon which may be greater or less than the maximum speed permitted under this act for the urban district or other location in which the arterial street is situated, except that in no event shall any local authority establish any such maximum limit in excess of the maximum limit established by or pursuant to subsection (a)(3) of K.S.A. 8-1336, and amendments thereto.

(c) Except as otherwise provided in paragraph (4) of subsection (a), any altered limit established pursuant to this section shall be effective at all times or during hours of darkness or at other times as may be determined when appropriate signs giving notice thereof are erected upon such street or highway.

(d) Any alteration of maximum limits on city connecting links shall not be effective until such alteration has been approved by the secretary of transportation.

(e) *If local authorities in their respective jurisdictions have established a speed limit within any residence district which is less than 30 miles per hour, prior to the effective date of this act, such speed limit shall be deemed valid and shall not require an engineering and traffic investigation.*

(f) *Local authorities in their respective jurisdictions may establish the speed limit within a road construction zone, as defined in section 1, upon any highway under the jurisdiction of such local authorities.*

(e) (g) As used in this act, the term "local authorities" means the Kansas turnpike authority and every city, county and other local board or body having authority to adopt ordinances or regulations relating to vehicular traffic under the constitution and laws of this state.

Sec. 6. K.S.A. 8-1531 is hereby amended to read as follows: 8-1531. (a) The driver of a vehicle shall yield the right-of-way to any authorized vehicle or pedestrian actually engaged in work upon a highway within any ~~highway construction or maintenance area~~ road construction zone, as defined in section 1, indicated by official traffic-control devices.

(b) The driver of a vehicle shall yield the right-of-way to any authorized vehicle obviously and actually engaged in work upon a highway whenever such vehicle displays flashing lights meeting the requirements of K.S.A. 8-1731, and amendments thereto.

Sec. 7. K.S.A. 8-1559 is hereby amended to read as follows: 8-1559. (a) Whenever the secretary of transportation shall determine upon the basis of an engineering and traffic investigation that any maximum speed hereinbefore set forth is greater or less than is reasonable or safe under the conditions found to exist at any intersection or other place or upon any part of the state highway system, or upon any city street which is a state highway connecting link, the secretary may determine and declare a reasonable and safe maximum limit thereat, which shall be effective when appropriate signs giving notice thereof are erected. Any such maximum speed limit may be declared to be effective at all times or at such times as are indicated upon said signs; and differing limits may be established for different times of day, different types of vehicles, varying weather conditions, and other factors bearing on safe speeds, which shall be effective when posted upon appropriate fixed or variable signs.

(b) *The secretary of transportation may establish the speed limit within a road construction zone, as defined in section 1, upon any highway under the jurisdiction of the secretary, and the speed limit shall be effective when appropriate signs giving notice thereof are erected.*

Sec. 8. K.S.A. 8-1560 is hereby amended to read as follows: 8-1560. (a) Whenever local authorities in their respective jurisdictions determine on the basis of an engineering and traffic investigation that the maximum speed permitted under this article is greater or less than is reasonable and safe under the conditions found to exist upon a highway or part of a highway, the local authority may determine and declare a reasonable and safe maximum limit thereon which:

- (1) Decreases the limit at intersections; or
- (2) increases the limit within an urban district but not to exceed the maximum speed limit established by or pursuant to subsection (a)(3) of K.S.A. 8-1336, and amendments thereto; or
- (3) decreases the limit outside an urban district, but not to less than ~~twenty (20)~~ 20 miles per hour; or
- (4) decreases the limit within an urban district in a school zone to not less than ~~twenty (20)~~ 20 miles per hour, except that any such decreased limit shall apply only during the hours in which students are normally en route to or from school, such zones and hours to be determined by ordinance or resolution of such local authority; or
- (5) decreases the limit within any residence district, but not to less than 20 miles per hour.

(continued)

(b) Local authorities in their respective jurisdictions shall determine by an engineering and traffic investigation the proper maximum speed for all arterial streets and shall declare a reasonable and safe maximum limit thereon which may be greater or less than the maximum speed permitted under this act for an urban district.

(c) Except as otherwise provided in paragraph (4) of subsection (a), any altered limit established as hereinabove authorized shall be effective at all times or during hours of darkness or at other times as may be determined when appropriate signs giving notice thereof are erected upon such street or highway.

(d) Any alteration of maximum limits on city connecting links shall not be effective until such alteration has been approved by the secretary of transportation.

(e) If local authorities in their respective jurisdictions have established a speed limit within any residence district which is less than 30 miles per hour, prior to the effective date of this act, such speed limit shall be deemed valid and shall not require an engineering and traffic investigation.

(f) Local authorities in their respective jurisdictions may establish the speed limit within a road construction zone, as defined in section 1, upon any highway under the jurisdiction of such local authorities.

(g) The provisions of subsection (e) of K.S.A. 8-1558, and amendments thereto, shall apply to the limitations on speed limits provided by subsection (a) of this section.

Sec. 9. K.S.A. 8-2004 is hereby amended to read as follows: 8-2004.

(a) The secretary of transportation shall place and maintain such traffic-control devices, conforming to the manual and specifications adopted under K.S.A. 8-2003, and amendments thereto, upon all state highways as the secretary shall deem necessary to indicate and to carry out the provisions of this act or to regulate, warn or guide traffic.

(b) No local authority shall place or maintain any traffic-control device upon any highway under the jurisdiction of the secretary of transportation, except by the latter's permission.

(c) The secretary of transportation shall post signs informing motorists that conviction of a traffic infraction, which is defined as a moving violation in accordance with rules and regulations adopted pursuant to K.S.A. 8-249, and amendments thereto, committed within a road construction zone, as defined in section 1, shall result in a fine which is double the fine listed in the uniform fine schedule in K.S.A. 8-2118, and amendments thereto.

Sec. 10. K.S.A. 1993 Supp. 8-2118 is hereby amended to read as follows: 8-2118. (a) A person charged with a traffic infraction shall, except as provided in subsection (b), appear at the place and time specified in the notice to appear. If the person enters an appearance, waives right to trial, pleads guilty or no contest, the fine shall be no greater than that specified in the uniform fine schedule in subsection (c) and court costs shall be taxed as provided by law.

(b) Prior to the time specified in the notice to appear, a person charged with a traffic infraction may enter a written appearance, waive right to trial, plead guilty or no contest and pay the fine for the violation as specified in the uniform fine schedule in subsection (c) and court costs provided by law. Payment may be made by mail or in person and may be by personal check. The traffic citation shall not have been complied with if a check is not honored for any reason, or if the fine and court costs are not paid in full. When a person charged with a traffic infraction makes payment without executing a written waiver of right to trial and plea of guilty or no contest, the payment shall be deemed such an appearance, waiver of right to trial and plea of no contest.

(c) The following uniform fine schedule shall apply uniformly throughout the state but shall not limit the fine which may be imposed following a court appearance, except an appearance made for the purpose of pleading and payment as permitted by subsection (a). The description of offense contained in the following uniform fine schedule is for reference only and is not a legal definition.

| Description of Offense | Statute | Fine |
|--|------------------|------|
| Refusal to submit to a preliminary breath test | 8-1012 | \$30 |
| Unsafe speed for prevailing conditions | 8-1335 or 8-1557 | \$20 |

| | | |
|---|----------------------------|--|
| Exceeding maximum speed limit; or speeding in zone posted by the state department of transportation; or speeding in locally posted zone | 8-1336 to 8-1558 or 8-1560 | 1-10 mph over the limit, \$10; 11-20 mph over the limit, \$10 plus \$2 per mph over 10 mph over the limit; 21-30 mph over the limit, \$30 plus \$3 per mph over 20 mph over the limit; 31 and more mph over the limit, \$60 plus \$5 per mph over 30 mph over the limit; |
| Disobeying traffic control device | 8-1507 | \$20 |
| Violating traffic control signal | 8-1508 | \$20 |
| Violating pedestrian control signal | 8-1509 | \$10 |
| Violating flashing traffic signals | 8-1510 | \$20 |
| Violating lane-control signal | 8-1511 | \$20 |
| Unauthorized sign, signal, marking or device | 8-1512 | \$10 |
| Driving on left side of roadway | 8-1514 | \$20 |
| Failure to keep right to pass oncoming vehicle | 8-1515 | \$20 |
| Improper passing; increasing speed when passed | 8-1516 | \$20 |
| Improper passing on right | 8-1517 | \$20 |
| Passing on left with insufficient clearance | 8-1518 | \$20 |
| Driving on left side where curve, grade, intersection railroad crossing, or obstructed view | 8-1519 | \$20 |
| Driving on left in no-passing zone | 8-1520 | \$20 |
| Driving wrong direction on one-way road | 8-1521 | \$20 |
| Improper driving on laned roadway | 8-1522 | \$20 |
| Following too close | 8-1523 | \$20 |
| Improper crossover on divided highway | 8-1524 | \$10 |
| Failure to yield right-of-way at uncontrolled intersection | 8-1526 | \$20 |
| Failure to yield to approaching vehicle when turning left | 8-1527 | \$20 |
| Failure to yield at stop or yield sign | 8-1528 | \$20 |
| Failure to yield from private road or driveway | 8-1529 | \$20 |
| Failure to yield to emergency vehicle | 8-1530 | \$30 |
| Failure to yield to pedestrian or vehicle working on roadway | 8-1531 | \$10 |
| Failure to comply with restrictions in road construction zone | section 2 | \$10 |
| Disobeying pedestrian traffic control device | 8-1532 | \$10 |
| Failure to yield to pedestrian in crosswalk; pedestrian suddenly entering roadway; passing vehicle stopped for pedestrian at crosswalk | 8-1533 | \$20 |
| Improper pedestrian crossing | 8-1534 | \$10 |
| Failure to exercise due care in regard to pedestrian | 8-1535 | \$10 |
| Improper pedestrian movement in crosswalk | 8-1536 | \$10 |
| Improper use of roadway by pedestrian | 8-1537 | \$10 |
| Soliciting ride or business on roadway | 8-1538 | \$10 |
| Driving through safety zone | 8-1539 | \$10 |
| Failure to yield to pedestrian on sidewalk | 8-1540 | \$10 |
| Failure of pedestrian to yield to emergency vehicle | 8-1541 | \$10 |
| Failure to yield to blind pedestrian | 8-1542 | \$10 |
| Pedestrian disobeying bridge or railroad signal | 8-1544 | \$10 |
| Improper turn or approach | 8-1545 | \$20 |
| Improper "U" turn | 8-1546 | \$20 |
| Unsafe starting of stopped vehicle | 8-1547 | \$10 |
| Unsafe turning or stopping, failure to give proper signal; using turn signal unlawfully | 8-1548 | \$20 |
| Improper method of giving notice of intention to turn | 8-1549 | \$10 |
| Improper hand signal | 8-1550 | \$10 |
| Failure to stop or obey railroad crossing signal | 8-1551 | \$30 |
| Failure to stop at railroad crossing stop sign | 8-1552 | \$20 |
| Certain hazardous vehicles failure to stop at railroad crossing | 8-1553 | \$30 |
| Improper moving of heavy equipment at railroad crossing | 8-1554 | \$10 |
| Vehicle emerging from alley, private roadway, building or driveway | 8-1555 | \$20 |
| Improper passing of school bus; improper use of school bus signals | 8-1556 | \$30 |

| | | | | | |
|--|---------|------|---|----------|------|
| Improper passing of church or day-care bus; improper use of signals | 8-1556a | \$30 | Improper school bus lighting equipment and warning devices | 8-1730 | \$10 |
| Impeding normal traffic by slow speed | 8-1561 | \$10 | Unauthorized lights and devices on church or day-care bus | 8-1730a | \$10 |
| Speeding on motor-driven cycle | 8-1562 | \$20 | Improper lights on highway construction or maintenance vehicles | 8-1731 | \$10 |
| Speeding in certain vehicles or on posted bridge | 8-1563 | \$10 | Defective brakes | 8-1734 | \$10 |
| Improper stopping, standing or parking on roadway | 8-1569 | \$10 | Defective or improper use of horn or warning device | 8-1738 | \$10 |
| Parking, standing or stopping in prohibited area | 8-1571 | \$10 | Defective muffler | 8-1739 | \$10 |
| Improper parking | 8-1572 | \$10 | Defective mirror | 8-1740 | \$10 |
| Unattended vehicle | 8-1573 | \$10 | Defective wipers; obstructed windshield or windows | 8-1741 | \$10 |
| Improper backing | 8-1574 | \$10 | Improper tires | 8-1742 | \$10 |
| Driving on sidewalk | 8-1575 | \$10 | Improper flares or warning devices | 8-1744 | \$10 |
| Driving with view or driving mechanism obstructed | 8-1576 | \$10 | Improper use of vehicular hazard warning lamps and devices | 8-1745 | \$10 |
| Unsafe opening of vehicle door | 8-1577 | \$10 | Improper air-conditioning equipment | 8-1747 | \$10 |
| Riding in house trailer | 8-1578 | \$10 | TV screen visible to driver | 8-1748 | \$10 |
| Improper driving in defiles, canyons, or on grades | 8-1579 | \$10 | Improper safety belt or shoulder harness | 8-1749 | \$10 |
| Coasting | 8-1580 | \$10 | Improper wide-based single tires | 8-1742b | \$20 |
| Following fire apparatus too closely | 8-1581 | \$20 | Defective motorcycle headlamp | 8-1801 | \$10 |
| Driving over fire hose | 8-1582 | \$10 | Defective motorcycle tail lamp | 8-1802 | \$10 |
| Putting glass, etc., on highway | 8-1583 | \$30 | Defective motorcycle reflector | 8-1803 | \$10 |
| Driving into intersection, crosswalk, or crossing without sufficient space on other side | 8-1584 | \$10 | Defective motorcycle stop lamps and turn signals | 8-1804 | \$10 |
| Improper operation of snowmobile on highway | 8-1585 | \$10 | Defective multiple-beam lighting | 8-1805 | \$10 |
| Parental responsibility of child riding bicycle | 8-1586 | \$10 | Improper road-lighting equipment on motor-driven cycles | 8-1806 | \$10 |
| Not riding on bicycle seat; too many persons on bicycle | 8-1588 | \$10 | Defective motorcycle or motor-driven cycle brakes | 8-1807 | \$10 |
| Clinging to other vehicle | 8-1589 | \$10 | Improper performance ability of brakes | 8-1808 | \$10 |
| Improper riding of bicycle on roadway | 8-1590 | \$10 | Operating motorcycle with disapproved braking system | 8-1809 | \$10 |
| Carrying articles on bicycle; one hand on handlebars | 8-1591 | \$10 | Defective horn, muffler, mirrors or tires | 8-1810 | \$10 |
| Improper bicycle lamps, brakes or reflectors | 8-1592 | \$10 | Unlawful statehouse parking | 75-4510a | \$ 5 |
| Improper operation of motorcycle; seats; passengers, bundles | 8-1594 | \$10 | | | |
| Improper operation of motorcycle on laned roadway | 8-1595 | \$20 | | | |
| Motorcycle clinging to other vehicle | 8-1596 | \$10 | | | |
| Improper motorcycle handlebars or passenger equipment | 8-1597 | \$20 | | | |
| Motorcycle helmet and eye-protection requirements | 8-1598 | \$10 | | | |
| Unlawful riding on vehicle | 8-1578a | \$20 | | | |
| Equipment offenses that are not misdemeanors | 8-1701 | \$20 | | | |
| Driving without lights when needed | 8-1703 | \$20 | | | |
| Defective headlamps | 8-1705 | \$10 | | | |
| Defective tail lamps | 8-1706 | \$10 | | | |
| Defective reflector | 8-1707 | \$10 | | | |
| Improper stop lamp or turn signal | 8-1708 | \$10 | | | |
| Improper lighting equipment on certain vehicles | 8-1710 | \$10 | | | |
| Improper lamp color on certain vehicles | 8-1711 | \$10 | | | |
| Improper mounting of reflectors and lamps on certain vehicles | 8-1712 | \$10 | | | |
| Improper visibility of reflectors and lamps on certain vehicles | 8-1713 | \$10 | | | |
| No lamp or flag on projecting load | 8-1715 | \$20 | | | |
| Improper lamps on parked vehicle | 8-1716 | \$10 | | | |
| Improper lights, lamps, reflectors and emblems on farm tractors or slow-moving vehicles | 8-1717 | \$10 | | | |
| Improper lamps and equipment on implements of husbandry, road machinery or animal-drawn vehicles | 8-1718 | \$10 | | | |
| Unlawful use of spot, fog, or auxiliary lamp | 8-1719 | \$10 | | | |
| Improper lamps or lights on emergency vehicle | 8-1720 | \$10 | | | |
| Improper stop or turn signal | 8-1721 | \$10 | | | |
| Improper vehicular hazard warning lamp | 8-1722 | \$10 | | | |
| Unauthorized additional lighting equipment | 8-1723 | \$10 | | | |
| Improper multiple-beam lights | 8-1724 | \$10 | | | |
| Failure to dim headlights | 8-1725 | \$20 | | | |
| Improper single-beam headlights | 8-1726 | \$10 | | | |
| Improper speed with alternate lighting | 8-1727 | \$10 | | | |
| Improper number of driving lamps | 8-1728 | \$10 | | | |
| Unauthorized lights and signals | 8-1729 | \$10 | | | |

(d) Traffic offenses classified as traffic infractions by this section shall be classified as ordinance traffic infractions by those cities adopting ordinances prohibiting the same offenses. A schedule of fines for all ordinance traffic infractions shall be established by the municipal judge in the manner prescribed by K.S.A. 12-4305 and amendments thereto. Such fines may vary from those contained in the uniform fine schedule contained in subsection (c).

(e) Fines listed in the uniform fine schedule contained in subsection (c) shall be doubled if a person is convicted of a traffic infraction, which is defined as a moving violation in accordance with rules and regulations adopted pursuant to K.S.A. 8-249, and amendments thereto, committed within any road construction zone as defined in section 1.

Sec. 11. K.S.A. 68-2104 is hereby amended to read as follows: 68-2104. Any municipality or the secretary of transportation may permit public use of a highway, or portion thereof, under their respective jurisdictions, during the making of the improvement construction or maintenance work in lieu of constructing or establishing a detour route, and such municipality or the secretary is authorized to regulate and control traffic thereon by speed restrictions, traffic signals, traffic lights, warning lights, watchmen, flagmen, signs or devices, which shall be effective when appropriate signs giving notice of such speed restrictions or other traffic regulations are erected at any intersection or other place or part of such highway. Any person failing, neglecting or refusing to comply with such restrictions or traffic regulations when appropriate signs giving notice thereof have been erected as herein provided, or shall fail to comply with traffic orders or traffic directions by a watchman or flagman, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined in a sum of not less than ten dollars (\$10) nor more than one hundred dollars (\$100) at the first sign identifying the road construction zone as defined in section 1.

Sec. 12. K.S.A. 8-1337, 8-1338, 8-1531, 8-1559, 8-1560, 8-2004 and 68-2104 and K.S.A. 1993 Supp. 8-1486 and 8-2118 are hereby repealed.

Sec. 13. This act shall take effect and be in force from and after its publication in the Kansas register.

(Published in the Kansas Register, April 21, 1994.)

SENATE BILL No. 529

AN ACT relating to a veterans memorial; creating the veterans memorial advisory committee.

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

Section 1. (a) A memorial to veterans may be placed on the grounds of the statehouse. If constructed, the memorial shall be located south of the statehouse at a site to be selected by the capitol area plaza authority. The memorial shall be constructed in accordance with design and architectural drawings reviewed by the division of facilities management and approved by the capitol area plaza authority. Additions and modifications to the memorial shall be constructed in accordance with design and architectural drawings reviewed by the division of facilities management and approved by the capitol area plaza authority. The state preservation officer shall serve in an advisory capacity to the capitol area plaza authority regarding the memorial.

(b) The selection of an architect shall be made by the veterans memorial advisory committee and shall not be subject to the advertising and architectural selection provisions of K.S.A. 75-430a and 75-1250 *et seq.*, and amendments thereto. The construction of the project shall be competitively bid pursuant to applicable statutes or regulations in effect at that time.

Sec. 2. (a) There is hereby established the veterans memorial advisory committee which shall be composed of nine members as follows:

(1) Eight representatives of veterans organizations each appointed by the governor, with no more than two representatives selected from a single veterans organization; and

(2) the secretary of administration, or the secretary's designee.

(b) Each veterans organization may submit a list of at least three names for consideration by the governor in making an appointment. The governor shall consider each such list if timely submitted and may appoint from among those listed.

(c) The veterans memorial advisory committee shall serve in an advisory role to the secretary of administration and the capitol area plaza authority with regard to matters concerning the memorial to veterans on the statehouse grounds. The veterans memorial advisory committee may also make recommendations to the governor and legislature regarding appropriate activities memorializing or commemorating veterans. The advisory committee may solicit grants, gifts, contributions and bequests for the memorial and shall remit all moneys so received for deposit in the state treasury to the credit of the veterans memorial fund in accordance with section 3.

(d) The members of the advisory committee shall organize annually by electing a chairperson and vice-chairperson. The advisory committee shall meet at least once each year upon call of the chairperson. The secretary of administration, or the secretary's designee, shall serve as secretary for the advisory committee. Members of the advisory committee appointed by the governor under this section shall serve at the pleasure of the governor.

Sec. 3. (a) The secretary of administration is hereby authorized to receive grants, gifts, contributions or bequests made for the purpose of financing the construction of the veterans memorial and its upkeep.

(b) There is hereby established in the state treasury the veterans memorial fund. Expenditures from the fund may be made for the purposes of constructing, updating and repairing the memorial, for other purposes related to memorializing and honoring veterans and for such other purposes as may be specified with regard to any grant, gift, contribution or bequest. All such expenditures shall be authorized by the veterans memorial advisory committee and made upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the secretary of administration. No public funds shall be used to construct or maintain the veterans memorial. Construction of the veterans memorial shall not commence until the veterans memorial fund contains sufficient funds to complete the construction and to repair reasonably foreseeable damage to the memorial.

(c) Interest attributable to investment of moneys in the fund shall be credited to the veterans memorial fund. On or before the 10th day of each month, the director of accounts and reports shall transfer

from the state general fund to the veterans memorial fund the amount of money certified by the pooled money investment board. Prior to the 10th day of each month, the pooled money investment board shall certify to the director of accounts and reports the amount of money equal to the proportionate amount of all the interest credited to the state general fund for the preceding month, pursuant to K.S.A. 75-4210a and amendments thereto, that is attributable to moneys in the veterans memorial fund. Such amount of money shall be determined by the pooled money investment board based on: (1) The average daily balance of moneys in the veterans memorial fund during the preceding month as certified to the board by the director of accounts and reports and (2) the average interest rate on repurchase agreements of less than 30 days' duration entered into by the pooled money investment board for that period. On or before the fifth day of each month, the director of accounts and reports shall certify to the pooled money investment board the average daily balance of moneys in the veterans memorial fund during the preceding month.

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

(Published in the Kansas Register, April 21, 1994.)

HOUSE BILL No. 2566

AN ACT providing for the Kansas postsecondary review program; designating the state board of education as the Kansas postsecondary review board to perform the functions of a state postsecondary review entity; prescribing the responsibilities and functions of the review board; establishing a state postsecondary review program oversight committee and prescribing the composition, responsibilities and functions of the oversight committee.

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

Section 1. The provisions of this act shall be known and may be cited as the Kansas postsecondary review program. The provisions of this act shall expire and the Kansas postsecondary review program shall terminate on June 30, 1995, unless this section is amended by act of the legislature prior to such date.

Sec. 2. As used in this act:

(a) "KPR board" means the Kansas postsecondary review board.

(b) "Federal law" means title IV, part H, subpart 1, of the higher education act of 1965, as amended, and any regulations adopted pursuant thereto.

(c) "Federal student aid programs" means student aid programs under title IV of the higher education act of 1965, as amended.

(d) "Secretary" means the secretary of the United States department of education.

(e) "Postsecondary institution" means any institution of postsecondary education that: (1) is or may be authorized under the laws of this state to operate in this state; and (2) is and desires to remain eligible or desires to become eligible for participation in federal student aid programs.

Sec. 3. (a) The state board of education is hereby designated as the Kansas postsecondary review board for the purpose of carrying out responsibilities prescribed by the federal law. The KPR board shall be the agency that is responsible, for and on behalf of the state of Kansas, to perform the functions required of a state postsecondary review entity under the federal law.

(b) The KPR board is hereby authorized and empowered to enter into any agreement with the secretary that is necessary for participation by this state in the state postsecondary review program under federal law and to do all things necessary to meet the requirements of any such agreement so long as such requirements are not in conflict with the laws of this state. In accordance with the requirements of an agreement entered into with the secretary, the KPR board shall: (1) Review or make arrangements for the review of postsecondary institutions referred by the secretary for the purpose of determining eligibility of such institutions for participation in federal student aid programs, on a schedule to coincide with the dates set by the secretary to certify or recertify such institutions; (2) prepare a plan for performing and perform the functions authorized by the state postsecondary review program under federal law; and (3) keep such records and provide such information, data and statistics to the secretary as may be requested.

(c) In addition to those postsecondary institutions referred by the secretary for review, the KPR board may review, subject to approval by the secretary, other institutions as authorized by law.

(d) The KPR board shall develop, in consultation with postsecondary institutions, standards governing review of the institutions by the board. The KPR board shall not adopt any standard which supersedes the authority of the governing board of a postsecondary institution with respect to the content of academic programs.

(e) The KPR board shall publicize and make available to postsecondary institutions the criteria for initial review of the institutions by the secretary, the standards governing review of the institutions by the KPR board, and the procedures that may be utilized by the institutions for requesting verification of data used as justification for review or for disapproval of eligibility for participation in federal student aid programs.

(f) If the KPR board finds, upon review and after affording a postsecondary institution an opportunity for a hearing, that the institution does not meet the standards developed for determining eligibility for participation in federal student aid programs, the KPR board shall notify the secretary of such findings and the actions that the KPR board is taking, or has taken, in response to such findings within a time period prescribed by the secretary by regulation. If the KPR board determines a postsecondary institution shall not be eligible for participation in federal student aid programs, the KPR board shall so notify the secretary.

(g) The KPR board, in consultation with postsecondary institutions, shall establish and publicize the availability of procedures for receiving and responding to complaints from students, faculty, and others about postsecondary institutions and shall keep records of such complaints in order to determine their frequency and nature for specific institutions.

(h) The KPR board shall make an annual report on the performance of its functions to the governor and the legislature and, in addition thereto, shall make such periodic and special reports of information, data and statistics to the legislative educational planning committee as the committee may request.

(i) The administrative functions of the KPR board are hereby assigned to the state department of education. All budgeting, purchasing and related management functions of the KPR board shall be administered under its direction and supervision. The state department of education shall provide office space and such professional, clerical and other staff assistance as may be required by the KPR board in performing its functions. As necessary, the KPR board shall be represented by one or more attorneys appointed by the KPR board.

Sec. 4. Any review of an institution by the KPR board shall include consultation with the state agency having authority over the institution, with Washburn University or with the Kansas Independent College Association, as appropriate for the institution being reviewed.

Sec. 5. (a) The KPR board may enter into agreements with any public agency or entity or with any private person or entity for assistance in performing its functions.

(b) The KPR board shall be responsible for the acceptance, allocation and expenditure of federal funds made available to it as the KPR board for the performance of its functions. Federal funds shall be deposited in the state treasury and credited to the Kansas postsecondary review program fund, which fund is hereby created. Expenditures from the fund shall be made only in accordance with and for the purposes specified in the federal law and this act. All vouchers for expenditures from the fund shall be approved by the chairperson of the KPR board or by a person or persons designated by the chairperson for such purpose.

Sec. 6. (a) The KPR board is hereby authorized to adopt rules and regulations not in conflict with law on any and all matters within its jurisdiction.

(b) The KPR board shall have the power and authority to conduct investigation and hearings relating to any matter arising under this act or rules and regulations adopted by the KPR board.

(c) For the purpose of any investigation which the KPR board conducts, the board shall have power to conduct such investigation, administer oaths, take depositions, and issue subpoenas to compel the attendance of witnesses and the production of books, papers, documents and testimony. If any person refuses to obey any subpoena so issued, or refuses to testify or produce any books, papers, or documents, the KPR board, or any member thereof, may present a petition to the district court of the judicial district in which any investigation is being conducted, setting forth the facts, and thereupon the court, in a proper case, shall issue its subpoena to such person, requiring attendance before the court and there to testify or to produce such books, papers and documents as may be deemed necessary and pertinent by the KPR board. Any person failing or refusing to obey the subpoena or order of the district court may be proceeded against for contempt in the same manner as for refusal to obey any other subpoena or order of the court. Hearings before the KPR board shall be conducted in accordance with the provisions of the Kansas administrative procedure act.

Sec. 7. (a) There is hereby established the Kansas postsecondary review program oversight committee which shall consist of eleven members, as follows: (1) Three members appointed by the state board of education, one of whom shall represent area vocational schools and area vocational-technical schools, one of whom shall represent community colleges, and one of whom shall represent proprietary schools; (2) three members appointed by the state board of regents; (3) one member appointed by the board of barbering; (4) one member appointed by the board of cosmetology; (5) one member appointed by the board of regents of Washburn University; and (6) two members appointed by the executive committee of the Kansas Independent College Association.

(b) Each member of the oversight committee shall serve until a successor is appointed. Vacancies in the membership of the committee shall be filled in the same manner as membership was originally filled.

(c) A chairperson and vice-chairperson of the committee, and such other officers as deemed appropriate by the committee, shall be elected by the membership of the committee.

(d) The committee shall hold meetings at such times and places as it deems necessary, on call of the chairperson or any three members of the committee.

(e) Each member of the committee attending meetings of such committee, or attending a subcommittee meeting thereof authorized by such committee, or performing any functions imposed on the member by such committee, shall be paid compensation, subsistence allowances, mileage and other expenses as provided in K.S.A. 75-3223, and amendments thereto. Amounts paid under this subsection to each member of the committee shall be paid from appropriations to the KPR board.

Sec. 8. The postsecondary review program oversight committee shall:

(a) Monitor implementation and operation of the Kansas postsecondary review program;

(b) evaluate the effect of this act and the state postsecondary review program on postsecondary institutions, students of such institutions, and the state of Kansas;

(c) make an annual report, together with any recommendations for legislation relating to the state postsecondary review program deemed necessary, to the legislature, the governor, and the KPR board.

Sec. 9. If any provision of this act or its applicability is declared by a court of competent jurisdiction to be invalid or unenforceable, provisions constituting the remainder of the act and the application of those provisions shall not be affected.

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 21, 1994.)
SENATE BILL No. 470

(Published in the Kansas Register, April 21, 1994.)
HOUSE BILL No. 2602

AN ACT concerning the Kansas film services commission; amending K.S.A. 74-9201 and repealing the existing section.

AN ACT concerning qualifications of licensed practical nurses to administer intravenous fluid therapy; establishing an advisory committee.

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

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

Section 1. K.S.A. 74-9201 is hereby amended to read as follows: 74-9201. (a) There is hereby established the Kansas film services commission. The commission shall consist of 19 voting members as follows: (1) One member of the senate appointed by the president of the senate; (2) one member of the senate appointed by the minority leader of the senate; (3) one member of the house of representatives appointed by the speaker of the house of representatives; (4) one member of the house of representatives appointed by the minority leader of the house of representatives; and (5) fifteen members appointed by the governor. ~~Of the members appointed by the governor, one shall be representative of the northeast Kansas tourism region and shall be appointed after consideration of a list of three names submitted by the northeast Kansas tourism council, one shall be representative of the northwest Kansas tourism region and shall be appointed after consideration of a list of three names submitted by the northwest Kansas tourism council, one shall be representative of the southeast Kansas tourism region and shall be appointed after consideration of a list of three names submitted by the southeast Kansas tourism council, one shall be representative of the southwest Kansas tourism region and shall be appointed after consideration of a list of three names submitted by the southwest Kansas tourism council, and one shall be representative of the south central Kansas tourism region and shall be appointed after consideration of a list of three names submitted by the south central Kansas tourism council. One of the members appointed by the governor shall be appointed from each tourism region recognized and designated as a tourism region by the secretary of commerce and housing.~~ All members appointed by the governor shall be appointed for terms of three years, except that of the members first appointed, five shall be appointed for one-year terms, five shall be appointed for two-year terms and five shall be appointed for three-year terms. The governor shall designate the term for which each of the members first appointed shall serve. In addition to the voting members of the commission, six members of the commission shall serve ex officio: The secretary of commerce *and housing*, the secretary of transportation, the secretary of wildlife and parks, the secretary of health and environment, the executive director of the Kansas arts commission and the secretary of the state historical society. Each ex officio member of the commission may designate an officer or employee of the state agency of the ex officio member to serve on the commission in place of the ex officio member. The ex officio members of the commission, or their designees, shall be nonvoting members of the commission and shall provide information and advice to the commission. In addition to the voting and ex officio members of the commission, the governor may appoint such number of representatives of the film industry to nonvoting membership on the commission as may be recommended by the secretary of commerce *and housing*.

(b) Legislative members shall be appointed for terms coinciding with the terms for which such members are elected. All legislative members and members appointed by the governor shall serve without compensation. All members appointed to fill vacancies in the membership of the commission and all members appointed to succeed members appointed to membership on the commission shall be appointed in like manner as that provided for the original appointment of the member succeeded. All members appointed to fill vacancies of a member of the commission appointed by the governor shall be appointed to fill the unexpired term of such member.

(c) The members of the commission shall elect annually a chairperson and vice-chairperson for the commission from among its members. The commission shall meet at least four times each year at the call of the chairperson of the commission. Ten voting members of the commission shall constitute a quorum.

Sec. 2. K.S.A. 74-9201 is hereby repealed.

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

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

(1) "Provider" means a person who is approved by the board to administer an examination and to offer an intravenous fluid therapy course which has been approved by the board.

(2) "Person" means an individual, organization, agency, institution or other legal entity.

(3) "Examination" means an intravenous fluid therapy competency examination approved by the board.

(4) "Supervision" means provision of guidance by a qualified nurse for the accomplishment of a nursing task or activity with initial direction of the task or activity and periodic inspection of the actual act of accomplishing the task or activity.

(b) A licensed practical nurse may perform a limited scope of intravenous fluid therapy under the supervision of a registered professional nurse.

(c) A licensed practical nurse may perform an expanded scope of intravenous fluid therapy under the supervision of a registered professional nurse, if the licensed practical nurse:

(1) Has had one year of clinical experience and successfully completes an intravenous fluid therapy course given by an approved provider and passes an intravenous fluid therapy examination administered by an approved provider;

(2) has had one year of clinical experience, has performed intravenous fluid therapy prior to the effective date of this act and has successfully passed an examination; or

(3) has had one year of clinical experience, has successfully completed an intravenous fluid therapy course not given by an approved provider and has passed an intravenous fluid therapy examination not administered by an approved provider or approved by the board and, upon application to the board for review and approval of such course and examination, has had the board determine that such course and examination meets or exceeds the standards required under this act for an approved course and approved examination administered by a provider.

(d) The board may adopt rules and regulations:

(1) Which define the limited and expanded scope of practice of intravenous fluid therapy which may be performed by a licensed practical nurse under the supervision of a registered professional nurse;

(2) which restricts specific intravenous fluid therapy practices;

(3) which prescribe standards for an intravenous fluid therapy course and examination required of an approved provider;

(4) which govern provider record requirements;

(5) which prescribe the procedure to approve, condition, limit and withdraw approval as a provider; and

(6) which further implement the provisions of this section.

(e) An advisory committee of not less than two board members and five nonboard members shall be established by the board to advise and assist the board in implementing this section as determined by the board. The advisory committee shall meet at least annually. Members of the advisory committee shall receive amounts provided for in subsection (e) of K.S.A. 75-3223 and amendments thereto for each day of actual attendance at any meeting of the advisory committee or any subcommittee meeting of the advisory committee authorized by the board.

(f) On and after July 1, 1995, no licensed practical nurse shall perform intravenous fluid therapy unless qualified to perform intravenous fluid therapy under this section and rules and regulations adopted by the board.

(g) Nothing in this section shall be construed to prohibit the performance of intravenous fluid therapy by a registered professional nurse.

(h) Nothing in this section shall be construed to prohibit performance of intravenous fluid therapy by a licensed practical nurse when performed by delegation of a person licensed to practice medicine and surgery or dentistry.

(i) This section shall be part of and supplemental to the Kansas nurse practice act.

Sec. 2. This act shall take effect and be in force from and after its publication in the Kansas register.

(Published in the Kansas Register, April 21, 1994.)

SENATE BILL No. 528

AN ACT making and concerning appropriations for the fiscal years ending June 30, 1994, and June 30, 1995, and authorizing certain financing, for certain capital improvement projects for the insurance department, department of administration, Fort Hays state university, Kansas state university, Kansas state university—Salina, college of technology, Emporia state university, Pittsburg state university, university of Kansas, university of Kansas medical center, Wichita state university, department of human resources, Kansas commission on veterans affairs, attorney general—Kansas bureau of investigation, Kansas highway patrol, adjutant general and Kansas state university veterinary medical center; authorizing the initiation and completion of certain capital improvement projects; and directing or authorizing certain disbursements and acts incidental to the foregoing.

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

Section 1. (a) For the fiscal years ending June 30, 1994, and June 30, 1995, appropriations are hereby made, restrictions and limitations are hereby imposed, and transfers, disbursements and acts incidental to the foregoing are hereby directed or authorized to initiate and complete capital improvement projects as provided in this act.

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

(c) This act shall not be subject to the provisions of subsection (a) of K.S.A. 1993 Supp. 75-6702 and amendments thereto.

Sec. 2.

INSURANCE DEPARTMENT

(a) There is appropriated for the above agency from the following special revenue funds for the fiscal year ending June 30, 1995, all moneys now or hereafter lawfully credited to and available in such funds, except that expenditures shall not exceed the following:

Table with 2 columns: Fund Name, Limit. Includes Insurance building principal and interest payment fund (No limit) and Insurance department rehabilitation and repair fund (No limit).

Sec. 3.

DEPARTMENT OF ADMINISTRATION

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 1995, for the capital improvement projects specified as follows:

Energy conservation improvements—debt service \$716,313

Any unencumbered balance in excess of \$100 as of June 30, 1994, in each of the following accounts is hereby reappropriated to the rehabilitation and repair—statehouse, judicial center and governor's residence account for fiscal year 1995: Special maintenance, repairs and improvements—statehouse, printing plant, judicial center, and governor's residence; heating and air conditioning repairs governor's residence; construct maintenance building—governor's residence; exterior stonework—statehouse; rehabilitation and repair—statehouse; rehabilitation and repair—judicial center; rehabilitation and repair—governor's residence.

(b) There is appropriated for the above agency from the following special revenue fund for the fiscal year ending June 30, 1995, all moneys now or hereafter lawfully credited to and available in such fund, except that expenditures shall not exceed the following:

Table with 2 columns: Fund Name, Limit. Includes Energy conservation improvements fund (No limit) and SBSF—capital improvements fund (No limit).

Provided, That expenditures may be made from this fund for the following capital improvement projects: Provided further, That expenditures from this fund for the following capital improvement projects shall not exceed the limitations prescribed therefor as follows:

Table with 2 columns: Project Name, Amount. Includes Rehabilitation and repair—statehouse, judicial center and governor's residence (\$83,000) and ADA capital improvement projects for state agencies (500,000).

Provided, That the secretary of administration may transfer moneys from this account to an account or accounts of any state agency to be expended by that state agency for one or more capital improvement projects which are approved by the secretary of administration for the state agency and which are related to requirements applicable to the state agency that are prescribed pursuant to public law 101-336, the federal Americans with disabilities act: Provided further, That each such project shall be reviewed by the director of facilities management in accordance with procedures prescribed by the secretary of administration: Provided, however, That no expenditures shall be made from any such account of any state agency until the pro-

posed project or projects have been reviewed by the joint committee on state building construction.

Table with 2 columns: Project Name, Amount. Includes Fire and safety alarms—statehouse (30,790) and Shawnee county space usage and needs study (75,000).

(c) In addition to the purposes for which expenditures may be made by the above agency from the state buildings depreciation fund for the fiscal year ending June 30, 1995, moneys may be expended by the above agency from the following capital improvement accounts of the state buildings depreciation fund during fiscal year 1995 for the following capital improvement projects, subject to the expenditure limitations prescribed therefor:

Table with 2 columns: Project Name, Amount. Includes Special maintenance, repairs and improvements—state office buildings (\$278,400) and Convert chillers to HCFC refrigerants (150,000).

Provided, That all expenditures from each such capital improvement account shall be in addition to any expenditure limitation imposed on the state buildings depreciation fund for fiscal year 1995.

(d) In addition to the other purposes for which expenditures may be made by the above agency from the state buildings depreciation fund for the fiscal year ending June 30, 1995, expenditures may be made by the above agency from the state buildings depreciation fund from the unencumbered balance as of June 30, 1994, in each capital improvement account for one or more projects approved for prior fiscal years: Provided, however, That expenditures from the unencumbered balance in any such account shall not exceed the amount of the unencumbered balance in such account on June 30, 1994: Provided further, That all expenditures from any such account shall be in addition to any expenditure limitation imposed on total expenditures from the state buildings depreciation fund for fiscal year 1995.

(e) On July 1, 1994, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer \$688,790 from the state budget stabilization fund of the department of administration to the SBSF—capital improvements fund of the department of administration.

Sec. 4.

FORT HAYS STATE UNIVERSITY

(a) There is appropriated for the above agency from the following special revenue funds for the fiscal year ending June 30, 1995, all moneys now or hereafter lawfully credited to and available in such funds, except that expenditures shall not exceed the following:

Table with 2 columns: Fund Name, Limit. Lists various university funds such as Student union annex fund, Housing system—maintenance and equipment reserve fund, etc., with 'No limit' for most.

Provided, That Fort Hays state university may make expenditures from this fund for the capital improvement project to renovate residence halls and refinance existing housing system debt financing in an amount of not more than \$2,445,000, plus all amounts required for cost of bond issuance, cost of interest on the bonds during the construction of the project and required reserves for the payment of principal and interest on the bonds: Provided further, That such capital improvement project is hereby approved for Fort Hays state university for the purposes of subsection (b) of K.S.A. 74-8905 and amendments thereto and the authorization of the issuance of bonds by the Kansas development finance authority in accordance with that statute: And provided further, That all moneys received from the issuance of any such bonds shall be deposited in the state treasury to the credit of this fund.

(continued)

Sec. 5.

KANSAS STATE UNIVERSITY

(a) There is appropriated for the above agency from the following special revenue funds for the fiscal year ending June 30, 1995, all moneys now or hereafter lawfully credited to and available in such funds, except that expenditures shall not exceed the following:

Table listing various funds and their limits. Items include Student fee project reserve fund, Student fee bonds principal and interest fund, Federal construction funds fund, Coliseum bond proceeds fund, etc. Limits are mostly 'No limit'.

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

Chester E. Peters recreation complex expansion and restoration fee fund No limit
Provided, That Kansas state university may make expenditures from this fund for the capital improvement project to expand and renovate

the Chester E. Peters recreation complex in an amount of not more than the total of \$7,600,000 plus all amounts required for cost of bond issuance, cost of interest on the bonds during the construction of the project and required reserves for the payment of principal and interest on the bonds. Such capital improvement project is hereby approved for Kansas state university for the purposes of subsection (b) of K.S.A. 74-8905 and amendments thereto and the authorization of the issuance of bonds by the Kansas development finance authority in accordance with that statute: Provided further, That all moneys received from the issuance of any such bonds shall be deposited in the state treasury to the credit of this fund.

(b) On or before July 10, 1994, and on or before the 10th day of each month thereafter during fiscal year 1995, the director of accounts and reports shall transfer from the state general fund to the student coliseum bond fee fund the amount of money certified by the pooled money investment board in accordance with this subsection. Prior to July 10, 1994, and prior to the 10th day of each month thereafter during fiscal year 1995, the pooled money investment board shall certify to the director of accounts and reports an amount of money equal to the proportionate amount of all the interest credited to the state general fund for the preceding month, pursuant to K.S.A. 75-4210a and amendments thereto, that is attributable to moneys in the student coliseum bond fee fund. Such amount of money shall be determined by the pooled money investment board based on: (1) The average daily balance of moneys in the student coliseum bond fee fund during the preceding month as certified to the board by the president of Kansas state university and (2) the average interest rate on repurchase agreements of less than 30 days duration entered into by the pooled money investment board for that period of time. On or before July 5, 1994, and on or before the fifth day of each month thereafter during fiscal year 1995, the president of Kansas state university shall certify to the pooled money investment board the average daily balance of moneys in the student coliseum bond fee fund during the preceding month.

(c) There is appropriated for the above agency from the Kansas educational building fund for the fiscal year ending June 30, 1995, for the capital improvement projects as follows:
Rehabilitation and repair projects \$1,104,787

(d) In addition to the other purposes for which expenditures may be made by the above agency from the coliseum repair, equipment, and improvement fund for the fiscal year ending June 30, 1995, expenditures may be made by the above agency from the coliseum repair, equipment, and improvement fund during fiscal year 1995 for the following capital improvement project, subject to the expenditure limitation prescribed therefor:
Bramlage coliseum parking lots project \$950,000

(e) In addition to the other purposes for which expenditures may be made by the above agency from the federal construction funds fund for the fiscal year ending June 30, 1995, expenditures may be made by the above agency from the federal construction funds fund during fiscal year 1995 for the following capital improvement project, subject to the expenditure limitation prescribed therefor:
Plan, construct and equip helium compressor facility (including helium compressor acquisition and installation) \$150,000

Sec. 6.

KANSAS STATE UNIVERSITY—SALINA, COLLEGE OF TECHNOLOGY

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 1995, for the capital improvement project specified as follows:

Lease payment—aeronautical center (including aeronautical laboratory center) \$189,466

(b) There is appropriated for the above agency from the following special revenue funds for the fiscal year ending June 30, 1995, all moneys now or hereafter lawfully credited to and available in such funds, except that expenditures shall not exceed the following:

New dormitory construction fund No limit

Provided, That expenditures may be made from this fund to construct and equip a student dormitory for the above agency on the campus at Salina, Kansas: Provided further, That the capital improvement project to construct and equip a dormitory at the Kansas state university—Salina, college of technology is hereby approved for the purposes of subsection (b) of K.S.A. 74-8905 and amendments thereto and the authorization of the issuance of bonds by the Kansas de-

velopment finance authority in accordance with that statute: And provided further, That all moneys received from the issuance of such bonds, local sales tax proceeds and any other source to construct and equip such dormitory shall be deposited in the state treasury to the credit of this fund.

Site improvements fund..... No limit

Provided, That expenditures may be made from this fund to construct new roads and sidewalks and make other site improvements for the above agency on the campus at Salina, Kansas: Provided further, That all moneys received from local sales tax proceeds or any other source for site improvements shall be deposited in the state treasury to the credit of this fund.

Technology center addition fund..... No limit

Provided, That expenditures may be made from this fund to construct an addition to the technology center for the above agency on the campus at Salina, Kansas: Provided further, That all moneys received from local sales tax proceeds or any other source for the technology center addition shall be deposited in the state treasury to the credit of this fund.

College center construction fund..... No limit

Provided, That expenditures may be made from this fund to construct a college center for the above agency on the campus at Salina, Kansas: Provided further, That all moneys received from local sales tax proceeds or any other source for construction of a college center shall be deposited in the state treasury to the credit of this fund.

Sec. 7.

EMPORIA STATE UNIVERSITY

(a) There is appropriated for the above agency from the following special revenue funds for the fiscal year ending June 30, 1995, all moneys now or hereafter lawfully credited to and available in such funds, except that expenditures shall not exceed the following:

Table listing various dormitory and student union funds with their respective limits (e.g., Men's dormitory No. 1—project revenue fund, No limit).

Sec. 8.

PITTSBURG STATE UNIVERSITY

(a) There is appropriated for the above agency from the following special revenue funds for the fiscal year ending June 30, 1995, all moneys now or hereafter lawfully credited to and available in such funds, except that expenditures shall not exceed the following:

Table listing various dormitory and student union funds with their respective limits (e.g., 1962 dormitory and student apartments sinking fund, No limit).

Provided, That Pittsburg state university may make expenditures from this fund for the capital improvement project to expand and

renovate the student center in an amount of not more than the total of \$2,500,000 plus all amounts required for cost of bond issuance, cost of interest on the bonds during the construction of the project and required reserves for the payment of principal and interest on the bonds: Provided further, That such capital improvement project is hereby approved for Pittsburg state university for the purposes of subsection (b) of K.S.A. 74-8905, and amendments thereto, and the authorization of the issuance of bonds by the Kansas development finance authority in accordance with that statute: And provided further, That all moneys received from the issuance of any such bonds shall be deposited in the state treasury to the credit of this fund.

Sec. 9.

UNIVERSITY OF KANSAS

(a) There is appropriated for the above agency from the following special revenue funds for the fiscal year ending June 30, 1995, all moneys now or hereafter lawfully credited to and available in such funds, except that expenditures shall not exceed the following:

Table listing various university funds with their respective limits (e.g., Plan and construct human development center—gift fund, No limit).

Provided, That expenditures may be made from this fund for the capital improvement project for the addition to and renovation of the student health facility: Provided further, That the capital improvement project to add and renovate the student health facility is hereby approved for the university of Kansas for the purposes of subsection (b) of K.S.A. 74-8905 and amendments thereto and the authorization of the issuance of bonds by the Kansas development finance authority in accordance with that statute: And provided further, That all moneys received from the issuance of any such bonds shall be deposited in the state treasury to the credit of this fund.

Biosciences research center—special revenue fund..... No limit.

Provided, That the university of Kansas may make expenditures from this fund for the capital improvement project to construct and equip a biosciences research center in addition to the expenditure of other moneys appropriated therefor: Provided, however, That expenditures from this fund for such capital improvement project shall not exceed \$4,053,000 plus all amounts required for costs of any bond issuance, costs of interest on any bond issued or obtained for such capital

(continued)

improvement project and any required reserves for payment of principal and interest on any bond: *Provided further*, That all gifts and grants received for the capital improvement project to construct and equip a biosciences research center, other than those received from the federal government for such capital improvement project, shall be deposited in the state treasury to the credit of this fund: *And provided further*, That the above agency may transfer moneys from the sponsored research overhead fund and from appropriate accounts of the restricted fees fund to this fund for such capital improvement project or for debt service for such capital improvement project: *And provided further*, That all transfers of moneys from the sponsored research overhead fund to this fund shall be in addition to any expenditure limitation imposed on the sponsored research overhead fund: *And provided further*, That such capital improvement project is hereby approved for the university of Kansas for the purposes of subsection (b) of K.S.A. 74-8905 and amendments thereto and the authorization of the issuance of bonds by the Kansas development finance authority in accordance with that statute: *And provided further*, That all moneys received from the issuance of any such bonds shall be deposited in the state treasury to the credit of this fund.

Law enforcement training center improvements special revenue fund No limit

Provided, That the university of Kansas may make expenditures from this fund for a capital improvement project for planning and construction—phase II—for law enforcement training center improvements: *Provided, however*, That expenditures from this fund for such capital improvement project shall not exceed \$5,436,000: *Provided further*, That the above agency may transfer moneys from the law enforcement training center fund to this fund for such capital improvement project: *And provided further*, That all transfers of moneys from the law enforcement training center fund to this fund shall be in addition to any expenditure limitation imposed on the law enforcement training center fund.

Sunflower research landfill remediation fund No limit

(b) During the fiscal year ending June 30, 1995, the university of Kansas is hereby authorized to make expenditures to raze building number 35A—Bailey annex.

Sec. 10.

UNIVERSITY OF KANSAS MEDICAL CENTER

(a) There is appropriated for the above agency from the following special revenue funds for the fiscal year ending June 30, 1995, all moneys now or hereafter lawfully credited to and available in such funds, except that expenditures shall not exceed the following:

| | |
|--|----------|
| Parking facility K DFA principal and interest fund | No limit |
| Parking facility K DFA bond reserve fund | No limit |
| Parking facility K DFA cost of issuance fund | No limit |
| Parking facility K DFA surplus fund | No limit |
| Parking facility K DFA rebate fund | No limit |
| Medical library revenue fund | No limit |
| Medical library bond and interest sinking fund | No limit |
| Clinical facility bond and interest sinking fund | No limit |
| Clinical facility bond reserve fund | No limit |
| Clinical facility extraordinary repair fund | No limit |
| Clinical facility discretionary fund | No limit |
| Parking facility revenue fund | No limit |
| Parking facility bond and interest sinking fund | No limit |
| Parking facility refunding interest and sinking fund | No limit |
| Parking facility refunding repair and construction fund | No limit |
| Hospital refunding principal and interest sinking fund | No limit |
| Hospital refunding bond reserve fund | No limit |
| Renovate cardio-thoracic ICU and post-operative ICU fund | No limit |
| Animal research facility debt service fund | No limit |
| Research building—special revenue fund | No limit |

Provided, That the university of Kansas medical center may make expenditures from this fund for the capital improvement project to construct and equip a research building in addition to the expenditure of other moneys appropriated therefor: *Provided, however*, That expenditures from this fund for such capital improvement project shall not exceed \$4,520,000 plus all amounts required for costs of any bond or loan issuance, costs of interest on any bond or loan issued or obtained for such capital improvement project and any required reserves for payment of principal and interest on any bond or loan: *Provided further*, That all gifts and grants received for the capital improvement project to construct and equip a research building, other than those received from the federal government for such capital improvement project, shall be deposited in the state treasury to the credit of this fund: *And provided further*, That the above agency may transfer moneys from the sponsored research overhead fund and from appropriate accounts of the restricted fees fund to this fund for such capital improvement project or for debt service for such capital improvement project: *And provided further*, That all transfers of moneys from the sponsored research overhead fund

to this fund shall be in addition to any expenditure limitation imposed on the sponsored research overhead fund: *And provided further*, That such capital improvement project is hereby approved for the university of Kansas medical center for the purposes of subsection (b) of K.S.A. 74-8905 and amendments thereto and the authorization of the issuance of bonds by the Kansas development finance authority in accordance with that statute: *And provided further*, That all moneys received from the issuance of any such bonds shall be deposited in the state treasury to the credit of this fund: *And provided further*, That, upon request of the chancellor of the university of Kansas to provide for any amounts that may be required to be paid for all or part of the cost of such capital improvement project and expenses related thereto, in addition to other available moneys, the pooled money investment board is authorized and directed to loan to the university of Kansas medical center sufficient moneys therefor: *And provided further*, That all loan amounts shall be transferred and credited to this fund upon certifications by the chancellor of the university of Kansas: *And provided further*, That the pooled money investment board is authorized and directed to use any moneys in operating accounts, investment accounts or other investments of the state of Kansas to provide moneys for such loan: *And provided further*, That such loan shall bear interest from the date of the loan transfer or transfers at an annual rate of interest which is not less than the average yield before taxes received on 91-day United States treasury bills as determined by the federal reserve banks as fiscal agents of the United States at its most recent public offering of such bills in effect on January 1 of such year and shall have such other terms as may be agreed upon by the chancellor of the university of Kansas and the pooled money investment board: *And provided further*, That such loan shall not be deemed to be an indebtedness or debt of the state of Kansas within the meaning of section 6 of article 11 of the constitution of the state of Kansas.

(b) On August 1, 1994, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer an amount specified by the chancellor of the university of Kansas from the hospital revenue fund to the hospital refunding principal and interest sinking fund.

Sec. 11.

WICHITA STATE UNIVERSITY

(a) There is appropriated for the above agency from the following special revenue funds for the fiscal year ending June 30, 1995, all moneys now or hereafter lawfully credited to and available in such funds, except that expenditures shall not exceed the following:

| | |
|---|----------|
| 1960 dormitory bond and interest sinking fund | No limit |
| 1960 dormitory repair and replacement reserve fund | No limit |
| 1976 dormitory bond and interest sinking fund | No limit |
| 1976 dormitory bond reserve fund | No limit |
| 1978 dormitory maintenance reserve fund | No limit |
| On-campus parking construction and maintenance fund | No limit |
| Stadium maintenance reserve fund | No limit |
| 1984 academic and service building surplus fund | No limit |
| 1971 academic and service building maintenance fund | No limit |
| McKinley hall—ventilation improvements fund | No limit |
| Plan, construct, equip—science building fund | No limit |

Sec. 12.

DEPARTMENT OF HUMAN RESOURCES

(a) On the effective date of this act, the expenditure limitation established by section 13(a) of chapter 283 of the 1993 Session Laws of Kansas on the rehabilitation, repair and garlow razing account of the special employment security fund is hereby increased from \$72,000 to \$222,000.

(b) In addition to the other purposes for which expenditures may be made by the above agency from the special employment security fund for the fiscal year ending June 30, 1995, expenditures may be made by the above agency from the unencumbered balance as of June 30, 1994, in the following capital improvement account of the special employment security fund for fiscal year 1995: Handicapped accessibility upgrades at existing buildings used by department of human resources: *Provided, however*, That expenditures from the unencumbered balance in such account shall not exceed the amount of the unencumbered balance in such account on June 30, 1994: *Provided further*, That any expenditures from the unencumbered balance in such account shall be in addition to any expenditure limitation on total expenditures from the special employment security fund for fiscal year 1995.

(c) In addition to the other purposes for which expenditures may be made by the above agency from the employment security administration fund for the fiscal year ending June 30, 1995, moneys may be expended by the above agency from the employment security

administration fund from moneys made available to the state under section 903 of the federal social security act, as amended, during fiscal year 1995: *Provided, however*, That expenditures from this fund during fiscal year 1994 of moneys made available to the state under section 903 of the federal social security act, as amended, shall be made only for the following capital improvement purposes: (1) For major maintenance of existing buildings used by the department of human resources for employment security purposes; (2) for paving, landscaping and acquiring fixed equipment as may be required for the use and operation of such buildings; or (3) for any combination of these purposes: *Provided further*, That expenditures from this fund during fiscal year 1995 of moneys made available to the state under section 903 of the federal social security act, as amended, for such capital improvement purposes shall not exceed \$201,276 plus the amounts of unencumbered balances on June 30, 1994, for capital improvement projects approved for fiscal years prior to fiscal year 1995: *And provided further*, That all expenditures from this fund for such capital improvement purposes or projects shall be in addition to any expenditure limitation imposed on total expenditures from the employment security administration fund for fiscal year 1995.

Sec. 13.

KANSAS COMMISSION ON VETERANS AFFAIRS

(a) There is appropriated for the above agency from the state institutions building fund for the fiscal year ending June 30, 1995, for the capital improvement projects specified as follows:

| | |
|--|-----------|
| Repair and rehabilitation projects | \$250,000 |
|--|-----------|

Sec. 14.

ATTORNEY GENERAL—KANSAS BUREAU OF INVESTIGATION

(a) There is hereby appropriated for the above agency from the state general fund for the fiscal year ending June 30, 1995, for the capital improvement projects specified as follows:

| | |
|---|----------|
| Rehabilitation and repair—headquarters building | \$15,000 |
|---|----------|

(b) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 1995, for the capital improvement project specified as follows:

| | |
|--|-----------|
| Debt service principal payment—headquarters building | \$110,000 |
|--|-----------|

Sec. 15.

KANSAS HIGHWAY PATROL

(a) In addition to the other purposes for which expenditures may be made by the above agency from the motor carrier inspection fund for the fiscal year ending June 30, 1995, moneys may be expended by the above agency from the motor carrier inspection fund during fiscal year 1995 for the following capital improvement projects, subject to the expenditure limitation prescribed therefor:

| | |
|--|----------|
| Addition to patrol garage in Topeka | \$45,000 |
| Replacement of Caney trailer | 35,000 |
| Remodeling, rehabilitation and repair projects | 20,000 |

Provided, That all expenditures from each such capital improvement project account shall be in addition to any expenditure limitation imposed on total expenditures from the motor carrier inspection fund for fiscal year 1995.

(b) In addition to the other purposes for which expenditures may be made by the above agency from the motor carrier inspection fund for the fiscal year ending June 30, 1995, expenditures may be made by the above agency for fiscal year 1995 from the unencumbered balance as of June 30, 1994, in the following capital improvement account of the motor carrier inspection fund: Install concrete barriers: *Provided, however*, That expenditures from the unencumbered balance in such account shall not exceed the unencumbered balance in such account on June 30, 1994: *Provided further*, That all expenditures from such account shall be in addition to any expenditure limitation imposed on total expenditures from the motor carrier inspection fund for fiscal year 1995.

(c) In addition to the other purposes for which expenditures may be made from the highway patrol training center fund for the fiscal year ending June 30, 1995, expenditures may be made by the above agency from the highway patrol training center fund for fiscal year 1995 to make debt service payments for the Kansas highway patrol training center at Salina for the bonds issued for such project pursuant to subsection (b) of section 6 of chapter 326 of the 1992 Session Laws of Kansas.

(d) On July 1, 1994, or as soon thereafter as moneys are available therefor, the director of accounts and reports shall transfer \$100,000 from the state highway fund of the department of transportation to the motor carrier inspection fund of the Kansas highway patrol for the purpose of financing capital improvement projects as provided by this section.

Sec. 16.

ADJUTANT GENERAL

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 1995, for the capital improvement projects specified as follows:

| | |
|--|-----------|
| Rehabilitation and repair projects | \$195,000 |
|--|-----------|

(b) On July 1, 1994, any unencumbered balance in excess of \$100 as of June 30, 1994, in the following capital improvement account of the state general fund is hereby reappropriated for fiscal year 1995: Rehabilitation and repair projects.

(c) There is appropriated for the above agency from the following special revenue funds for the fiscal year ending June 30, 1995, all moneys now or hereafter lawfully credited to and available in such funds, except that expenditures other than refunds authorized by law shall not exceed the following:

| | |
|--|-----------|
| SBSF—construct new armory—Great Bend | \$192,185 |
| SBSF—install new antenna box fund | 5,000 |

(d) On July 1, 1994, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer \$192,185 from the state budget stabilization fund of the department of administration to the SBSF—construct new armory—Great Bend fund of the adjutant general.

(e) On July 1, 1994, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer \$5,000 from the state budget stabilization fund of the department of administration to the SBSF—install new antenna box fund of the adjutant general.

Sec. 17.

KANSAS STATE UNIVERSITY VETERINARY MEDICAL CENTER

(a) In addition to the other purposes for which expenditures may be made by the above agency from the restricted fees fund for the fiscal year ending June 30, 1995, expenditures may be made by the above agency from the appropriate account or accounts of the restricted fees fund during fiscal year 1995 for the following capital improvement project, subject to the expenditure limitation prescribed therefor:

| | |
|---|-----------|
| Plan, construct and equip medical waste incinerator | \$500,000 |
|---|-----------|

Sec. 18. *Appeals to exceed limitations.* Upon written application to the governor and approval of the state finance council, expenditures from special revenue funds may exceed the amounts specified in this act.

Sec. 19. *Savings.* Any unencumbered balance as of June 30, 1994, in any special revenue fund, or account thereof, which is not otherwise specifically appropriated or limited by this or other appropriation act of the 1994 regular session of the legislature, is hereby appropriated for the fiscal year ending June 30, 1995, for the same use and purpose as the same was heretofore appropriated.

Sec. 20. Any Kansas educational building fund appropriation heretofore appropriated to any institution named in this or other appropriation act of the 1994 regular session of the legislature and having an unencumbered balance as of June 30, 1994, in excess of \$100 is hereby reappropriated for the fiscal year ending June 30, 1995, for the same use and purpose as originally appropriated, unless specific provision is made for lapsing such appropriation.

Sec. 21. Any state institutions building fund appropriation heretofore appropriated to any state agency named in this or other appropriation act of the 1994 regular session of the legislature and having an unencumbered balance as of June 30, 1994, in excess of \$100 is hereby reappropriated for the fiscal year ending June 30, 1995, for the same use and purpose as originally appropriated, unless specific provision is made for lapsing such appropriation.

Sec. 22. Any Kansas special capital improvements fund appropriation heretofore appropriated to any state agency named in this or other appropriation act of the 1994 regular session of the legislature, and having an unencumbered balance as of June 30, 1994, in excess of \$100 is hereby reappropriated for the fiscal year ending

(continued)

June 30, 1995, for the same uses and purposes as originally appropriated unless specific provision is made for lapsing such appropriation.

Sec. 23. *Effective date.* This act shall take effect and be in force from and after its publication in the Kansas register.

(Published in the Kansas Register, April 21, 1994.)

Substitute for Senate Bill No. 305

AN ACT concerning agriculture; relating to pesticides; amending K.S.A. 2-2440, 2-2448, 2-2450, 2-2451 and 2-2467a and repealing the existing sections.

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

Section 1. K.S.A. 2-2440 is hereby amended to read as follows: 2-2440. (a) Subject to the provisions of subsection (d), it is unlawful for any pesticide business which has not been issued a pesticide business license to:

(1) Advertise, offer for sale, sell or perform any service for the control of a pest on the property of another or apply a pesticide to the property of another within this state; or

(2) perform any service for the control of a pest or apply any pesticide on or at the premises of another person under any commission, division of receipts or subcontracting arrangement with a licensed pesticide business.

Nothing in this subsection shall be construed to require the licensing of any person applying restricted use pesticides to the property of another as a certified private applicator or under the supervision of a certified private applicator.

(b) Application for a pesticide business license or renewal shall be made in writing to the secretary on a designated form obtained from the secretary's office and shall be accompanied by an application fee per category in which the licensee applies, and an additional fee for each uncertified individual employed by the applicant to apply pesticides. The application fee per category and the additional fee for each such uncertified employee shall be fixed by rules and regulations adopted by the state board of agriculture except that such fees shall not exceed an application fee of \$100 per category in which the licensee applies and an additional fee of \$10 for each uncertified individual employed by the applicant to apply pesticides. The application fee per category and the additional fee for each uncertified employee in effect on the day preceding the effective date of this act shall continue in effect until the state board of agriculture adopts rules and regulations fixing a different fee therefor under this subsection. Any uncertified individual employed for a period of more than 10 days in a 30-day period or for five consecutive days by a licensee to apply pesticides subsequent to such application shall be reported to the secretary within 30 days of such employee's hiring and the fee shall be paid at that time. Each application shall also include the following:

(1) The business name of the person applying for such license or renewal;

(2) if the applicant is an individual, receiver, trustee, representative, agent, firm, partnership, association, corporation or other organized group of persons, whether or not incorporated, the full name of each owner of the firm or partnership or the names of the officers of the association, corporation or group;

(3) the principal business address of the applicant in the state and elsewhere; and

(4) any other information the secretary, by rules and regulations, deems necessary for the administration of this act.

(c) The secretary may issue a pesticide business license to apply pesticides in categories for which an applicant has applied if the applicant files the bond or insurance, *letter of credit or proof of an escrow account* as required under K.S.A. 2-2448 and amendments thereto, satisfies the requirements of subsection (b), and pays the required fees. Such license shall expire at the end of the calendar year for which it is issued unless it has been revoked or suspended prior thereto. If a license is not issued as applied for, the secretary shall inform the applicant in writing of the reasons therefor.

(d) The following persons shall be exempted from the licensing requirements of this act:

(1) State or federal personnel using pesticides or pest control services while engaged in pesticide use research;

(2) veterinarians or physicians using pesticides as a part of their professional services; and

(3) any person or such person's employee who applies pesticides on or at premises owned, leased or operated by such person.

(e) Subject to the provisions of subsection (d), it is unlawful for any governmental agency which has not been issued a government agency registration to apply pesticides within this state. Application for government agency registration shall be made in writing to the secretary on a designated form obtained from the secretary's office and shall be accompanied by a fee fixed by rules and regulations adopted by the state board of agriculture, except that such fee shall not exceed \$35. The governmental agency registration fee in effect on the day preceding the effective date of this act shall continue in effect until the state board of agriculture adopts rules and regulations fixing a different fee therefor under this subsection. No fee shall be required of any township located within a county which has previously applied for and received government agency registration. Each application for registration shall contain information including, but not limited to:

(1) The name of the government agency;

(2) the mailing address of the applicant;

(3) the name and mailing address of the person who heads such agency and who is authorized to receive correspondence and legal papers. Such person shall be (A) the mayor or city manager for municipalities, (B) the chairperson of the board of county commissioners for counties, (C) the township trustee for townships or (D) any person designated by any other governmental agency; and

(4) any other information the secretary, by rules and regulations, deems necessary for the administration of this act.

(f) If the secretary finds the application to be sufficient, the secretary shall issue a government agency registration. The government agency is not required to furnish a surety bond under this act. Such government agency registration shall expire at the end of the calendar year for which it is issued unless it has been revoked or suspended prior thereto. If a registration is not issued as applied for, the secretary shall inform the applicant in writing of the reasons therefor.

(g) A pesticide business license or government agency registration may be renewed by meeting the same requirements as for a new license or registration. Neither the pesticide business license nor the government agency registration shall be transferable, except that, in the event of the disability, incapacity or death of the owner, manager or legal agent of a pesticide business licensee, a permit may be issued by the secretary to permit the operation of such business until the expiration period of the license in effect at the time of such disability, incapacity or death if the applicant therefor can show that the policies and services of such business will continue substantially as before, with due regard to protection of the public and the environment.

(h) No pesticide business license may be issued to any person until such person is or has in such person's employ one or more individuals who are certified commercial applicators in each of the categories for which the license application is made.

Sec. 2. K.S.A. 2-2448 is hereby amended to read as follows: 2-2448. The secretary shall not issue a pesticide business license until the applicant has furnished proof of financial responsibility including a surety bond or a certificate of liability insurance as a condition precedent to such license being issued. The bond or certificate of liability insurance shall be executed by a corporate surety or insurance company authorized to do business in Kansas or by a licensed insurance agent operating under authority of K.S.A. 40-246b, and amendments thereto; and shall state the effective date and the expiration date. Such liability insurance shall be subject to the insurer's policy provisions filed with and approved by the commissioner of insurance pursuant to K.S.A. 40-216; and amendments thereto; except as authorized by K.S.A. 40-246b, and amendments thereto. The surety bond and certificate shall be executed on a form approved by the secretary. The applicant shall be named as the principal in the bond. On and after January 1, 1983, the amount of the bond coverage shall be fixed by the secretary, but shall not be less than \$6,000 per year. Such bond shall be to the state of Kansas and shall be conditioned upon compliance by the principal and by the principal's officers, agents, representatives and employees, with the provisions of this act and

acts amendatory thereof and supplemental thereto.

The liability insurance policy shall provide coverage (a) for not less than \$25,000 for bodily injury liability for each occurrence; and (b) for not less than \$5,000 for property damage liability for each occurrence. Pesticide application equipment, if required to be registered under K.S.A. 2-2456, and amendments thereto, shall be covered.

The secretary shall be notified in writing by the insurer at least 10 days prior to the effective date of any reduction or cancellation of liability insurance which was supplied as a prerequisite to licensing. Upon reduction or cancellation of the liability insurance, the secretary shall suspend such pesticide applicator's business license until the bond requirement or the insurance requirement is met by the licensee for the current license period.

It shall be unlawful for any licensed person to use the words "bond" or "bonded" in advertising or in publicizing such person's operations in connection with the application of pesticides unless such bond is a performance bond and that fact and the amount of such bond are specified.

(a) Except as provided by subsection (b), the secretary shall not issue a pesticide business license until the applicant has furnished proof of financial responsibility by one of the following:

(1) A surety bond in an amount not less than \$6,000 per year. The bond shall be executed by a corporate surety and shall state the effective date and the expiration date. The surety bond shall be executed on a form approved by the secretary. The applicant shall be named as the principal in the bond. Such bond shall be to the state of Kansas and shall be conditioned upon compliance by the principal and by the principal's officers, agents, representatives and employees, with the provisions of this act and acts amendatory thereof and supplemental thereto. It shall be unlawful for any licensed person to use the words "bond" or "bonded" in advertising or in publicizing such person's operations in connection with the application of pesticides unless such bond is a performance bond and that fact and the amount of such bond are specified.

(2) A certificate of liability insurance. The certificate of liability insurance shall be executed by an insurance company authorized to do business in Kansas or by a licensed insurance agent operating under authority of K.S.A. 40-246b, and amendments thereto, and shall state the effective date and the expiration date of the policy. Such liability insurance shall be subject to the insurer's policy provisions filed with and approved by the commissioner of insurance pursuant to K.S.A. 40-216, and amendments thereto, except as authorized by K.S.A. 40-246b, and amendments thereto. The liability insurance policy shall provide: (A) Coverage for not less than \$25,000 for bodily injury liability for each occurrence; and (B) coverage for not less than \$5,000 for property damage liability for each occurrence. In addition to the coverage specified above, if the applicant for a pesticide business license is an aerial applicator, the liability insurance policy shall provide coverage for any pesticide such applicant will be applying and for comprehensive chemical coverage. Pesticide application equipment, if required to be registered under K.S.A. 2-2456, and amendments thereto, shall be covered. The insurer shall notify the secretary, in writing, of any expiration, reduction or cancellation of liability insurance, furnished as a prerequisite of licensure, not later than 10 days before the expiration, reduction or cancellation takes effect. Upon expiration, reduction or cancellation of the liability insurance, the secretary shall suspend such pesticide applicator's business license until the insurance requirement is met by the licensee for the current license period. The certificate shall be executed on a form approved by the secretary.

(3) A \$6,000 letter of credit from a Kansas financial institution, as defined in K.S.A. 16-117, and amendments thereto. The letter of credit shall be executed on a form approved by the secretary. The letter of credit shall state the effective date and the expiration date and shall be valid through the term of the applicant's business license. Upon cancellation of the letter of credit, the secretary shall suspend such pesticide applicator's business license until the letter of credit requirement is met by the licensee for the current license period.

(4) Maintaining a minimum balance of \$6,000 in an escrow account in a Kansas financial institution as defined in K.S.A. 16-117, and amendments thereto. The escrow account shall maintain the

minimum balance through the term of the applicant's business license. The secretary shall be notified in writing by the financial institution within 10 days if the amount in the escrow account falls below the \$6,000 minimum balance. Upon notification, the secretary shall suspend such pesticide applicator's business license until the escrow account minimum balance is at \$6,000.

(b) Before June 1, 1994, the financial responsibility and proof of financial responsibility required pursuant to this section prior to March 1, 1994, shall continue to apply to any pesticide business holding a valid pesticide business license on February 28, 1994, and no different or additional financial responsibility or proof of financial responsibility shall be required of such business. On or before June 1, 1994, each pesticide business licensed before March 1, 1994, shall furnish to the secretary proof of financial responsibility conforming to the requirements of this section as amended by this act.

(c) The requirements of this section as amended by this act shall apply to any applicant applying for an original pesticide business license on or after March 1, 1994, and no different or additional financial responsibility or proof of financial responsibility shall be required of such applicant.

Sec. 3. K.S.A. 2-2450 is hereby amended to read as follows: 2-2450. If the surety bond or, certificate of liability insurance, letter of credit or proof of an escrow account previously furnished by the licensee expires or is canceled or terminated, the secretary shall suspend without a hearing the license until an acceptable substitute surety bond, letter of credit, proof of an escrow account or until a certificate establishing acceptable replacement of liability insurance is supplied.

Sec. 4. K.S.A. 2-2451 is hereby amended to read as follows: 2-2451. Before any pesticide business license, governmental registration or an applicator's certificate shall be revoked, denied renewal or modified, or before it shall be suspended for any cause other than termination of surety bond or, liability insurance coverage, letter of credit or proof of an escrow account, the secretary shall inform the licensee, registrant or holder of a certificate of the date and place of hearing upon said such proposed revocation, denial, modification or suspension. The hearing shall be conducted in accordance with the provisions of the Kansas administrative procedure act.

Sec. 5. K.S.A. 2-2467a is hereby amended to read as follows: 2-2467a. The secretary is hereby authorized to promulgate and adopt rules and regulations for the administration of this act and concerning the following matters which include but are not limited to:

- (a) The designation of certain pesticides as restricted use pesticides as provided in K.S.A. 2-2439, and amendments thereto;
- (b) the designation of categories for the issuance of pesticide business licenses as provided in K.S.A. 2-2444a, and amendments thereto;
- (c) the designation of categories for the certification of applicators as provided in K.S.A. 2-2444a, and amendments thereto;
- (d) the designation of training requirements for those persons applying for a pest control technician's registration as provided in K.S.A. 2-2440b, and amendments thereto;
- (e) the registration and identification of equipment used in the commercial application of pesticides as provided in K.S.A. 2-2456, and amendments thereto;
- (f) the storing and discarding of pesticides, pesticide materials, pesticide reinstates and pesticide containers;
- (g) proper health and safety precautions;
- (h) proof of financial responsibility including acceptable surety bond or, liability insurance coverage, letter of credit or proof of an escrow account;
- (i) furnishing of reports and information necessary for the secretary to carry out the provisions of this act; and
- (j) imposing limitations on the use of any pesticide in a manner inconsistent with its label or labeling, pursuant to K.S.A. 2-2471, and amendments thereto; and
- (k) any procedural or other matters related to the designation of pesticide management areas.

Sec. 6. K.S.A. 2-2440, 2-2448, 2-2450, 2-2451 and 2-2467a are hereby repealed.

Sec. 7. This act shall take effect and be in force from and after its publication in the Kansas register.

(Published in the Kansas Register, April 21, 1994.)

SENATE BILL No. 474

AN ACT concerning liabilities of the health care stabilization fund; amending K.S.A. 7-121b, 40-3401, 40-3403 and 40-3411 and repealing the existing sections.

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

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

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

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

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

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

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

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

(2) The board shall consist of 14 persons appointed by the commissioner of insurance, as follows: (A) The commissioner of insurance, or the designee of the commissioner, who shall act as chairperson; (B) two members appointed from the public at large who are not affiliated with any health care provider; (C) three members licensed to practice medicine and surgery in Kansas who are doctors of medicine; (D) three members who are representatives of Kansas hospitals; (E) two members licensed to practice medicine and surgery in Kansas who are doctors of osteopathic medicine; (F) one member licensed to practice chiropractic in Kansas; (G) one member who is a licensed professional nurse authorized to practice as a registered nurse anesthetist; and (H) one member of another category of health care providers. Meetings shall be called by the chairperson or by a written notice signed by three members of the board. The board, in addition to other duties imposed by this act, shall study and evaluate the operation of the fund and make such recommendations to the legislature as may be appropriate to ensure the viability of the fund.

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

(c) Subject to subsections (d), (e), (f), (i), (k), (m), (n), and (o), the fund shall be liable to pay: (1) Any amount due from a judgment or settlement which is in excess of the basic coverage liability of all liable resident health care providers or resident self-insurers for any personal injury or death arising out of the rendering of or the failure to render professional services within or without this state; (2) subject

to the provisions of subsection (m), any amount due from a judgment or settlement which is in excess of the basic coverage liability of all liable nonresident health care providers or nonresident self-insurers for any such injury or death arising out of the rendering or the failure to render professional services within this state but in no event shall the fund be obligated for claims against nonresident health care providers or nonresident self-insurers who have not complied with this act or for claims against nonresident health care providers or nonresident self-insurers that arose outside of this state; (3) subject to the provisions of subsection (m), any amount due from a judgment or settlement against a resident inactive health care provider, or an optometrist or pharmacist who purchased coverage pursuant to subsection (n), for any such injury or death arising out of the rendering of or failure to render professional services; (4) subject to the provisions of subsection (m), any amount due from a judgment or settlement against a nonresident inactive health care provider, or an optometrist or pharmacist who purchased coverage pursuant to subsection (n), for any injury or death arising out of the rendering or failure to render professional services within this state, but in no event shall the fund be obligated for claims against: (A) Nonresident inactive health care providers who have not complied with this act; or (B) nonresident inactive health care providers for claims that arose outside of this state, unless such health care provider was a resident health care provider or resident self-insurer at the time such act occurred; (5) Subject to subsection (b) of K.S.A. 40-3411 and amendments thereto, reasonable and necessary expenses for attorney fees incurred in defending the fund against claims; (6) any amounts expended for reinsurance obtained to protect the best interests of the fund purchased by the commissioner, which purchase shall be subject to the provisions of K.S.A. 75-3738 through 75-3744, and amendments thereto, but shall not be subject to the provisions of K.S.A. 75-4101 and amendments thereto; (7) reasonable and necessary actuarial expenses incurred in administering the act, including expenses for any actuarial studies contracted for by the legislative coordinating council, which expenditures shall not be subject to the provisions of K.S.A. 75-3738 through 75-3744, and amendments thereto; (8) periodically to the plan or plans, any amount due pursuant to subsection (a)(3) of K.S.A. 40-3413 and amendments thereto; (9) reasonable and necessary expenses incurred by the insurance department and the board of governors in the administration of the fund; (10) return of any unearned surcharge; (11) subject to subsection (b) of K.S.A. 40-3411, and amendments thereto, reasonable and necessary expenses for attorney fees and other costs incurred in defending a person engaged or who was engaged in residency training or the private practice corporations or foundations and their full-time physician faculty employed by the university of Kansas medical center from claims for personal injury or death arising out of the rendering of or the failure to render professional services by such health care provider; (12) notwithstanding the provisions of subsection (m), any amount due from a judgment or settlement for an injury or death arising out of the rendering of or failure to render professional services by a person engaged or who was engaged in residency training or the private practice corporations or foundations and their full-time physician faculty employed by the university of Kansas medical center; (13) reasonable and necessary expenses for the development and promotion of risk management education programs; (14) notwithstanding the provisions of subsection (m), any amount, but not less than the required basic coverage limits, owed pursuant to a judgment or settlement for any injury or death arising out of the rendering of or failure to render professional services by a person, other than a person described in clause (12) of this subsection, who was engaged in a postgraduate program of residency training approved by the state board of healing arts but who, at the time the claim was made, was no longer engaged in such residency program; and (15) subject to subsection (b) of K.S.A. 40-3411 and amendments thereto, reasonable and necessary expenses for attorney fees and other costs incurred in defending a person described in clause (14) of this subsection; and (16) periodically to the state general fund reimbursements of amounts paid to members of the health care stabilization fund oversight committee for compensation, travel expenses and subsistence expenses pursuant to subsection (e) of K.S.A. 40-3403b and amendments thereto.

(d) All amounts for which the fund is liable pursuant to subsection (c) shall be paid promptly and in full except that, if the amount for which the fund is liable is \$300,000 or more, it shall be paid, by

installment payments of \$300,000 or 10% of the amount of the judgment including interest thereon, whichever is greater, per fiscal year, the first installment to be paid within 60 days after the fund becomes liable and each subsequent installment to be paid annually on the same date of the year the first installment was paid, until the claim has been paid in full. Any attorney fees payable from such installment shall be similarly prorated.

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

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

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

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

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

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

(2) Upon the payment of moneys from the health care stabilization fund pursuant to subsection (c)(12), the commissioner shall certify to the director of accounts and reports the amount of such payment which is equal to the basic coverage liability of self-insurers, and the director of accounts and reports shall transfer an amount equal to the amount certified, reduced by any amount transferred pursuant to paragraph (3) of this subsection, from the state general fund to the health care stabilization fund.

(3) The university of Kansas medical center private practice foundation reserve fund is hereby established in the state treasury. On July 1, 1989, or as soon thereafter as is practicable, the private practice corporations or foundations referred to in subsection (c) of K.S.A. 40-3402, and amendments thereto, shall remit \$500,000 to the state treasurer, and the state treasurer shall credit the same to the university of Kansas medical center private practice foundation reserve fund. If the balance in such reserve fund is less than \$500,000 on July 1 of any succeeding year, the private practice corporations

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

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

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

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

(1) **OPTION 1.** The fund shall not be liable to pay in excess of \$100,000 pursuant to any one judgment or settlement for any party against such health care provider, subject to an aggregate limitation for all judgments or settlements arising from all claims made in the fiscal year in an amount of \$300,000 for such provider.

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

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

(m) The fund shall not be liable for any amounts due from a judgment or settlement against resident or nonresident inactive

(continued)

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

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

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

Sec. 2. K.S.A. 7-121b is hereby amended to read as follows: 7-121b. (a) *Subject to subsection (b) of K.S.A. 40-3411 and amendments thereto*, whenever a civil action is commenced by filing a petition or whenever a pleading states a claim in a district court for damages for personal injuries or death arising out of the rendering of or the failure to render professional services by any health care provider, compensation for reasonable attorney fees to be paid by each litigant in the action shall be approved by the judge after an evidentiary hearing and prior to final disposition of the case by the district court. Compensation for reasonable attorney fees for services performed in an appeal of a judgment in any such action to the court of appeals shall be approved after an evidentiary hearing by the chief judge or by the presiding judge of the panel hearing the case. Compensation for reasonable attorney fees for services performed in an appeal of a judgment in any such action to the supreme court shall be approved after an evidentiary hearing by the departmental justice for the department in which the appeal originated. In determining the reasonableness of such compensation, the judge or justice shall consider the following:

(1) The time and labor required, the novelty and difficulty of the questions involved and the skill requisite to perform the legal service properly.

(2) The likelihood, if apparent to the client, that the acceptance of the particular employment will preclude other employment by the attorney.

(3) The fee customarily charged in the locality for similar legal services.

(4) The amount involved and the results obtained.

(5) The time limitations imposed by the client or by the circumstances.

(6) The nature and length of the professional relationship with the client.

(7) The experience, reputation and ability of the attorney or attorneys performing the services.

(8) Whether the fee is fixed or contingent.

(b) As used in this section:

(1) "Health care provider" means a person licensed to practice any branch of the healing arts, a person who holds a temporary permit to practice any branch of the healing arts, a person engaged in a postgraduate training program approved by the state board of healing arts, a licensed medical care facility, a health maintenance organization, a licensed dentist, a licensed professional nurse, a licensed practical nurse, a licensed optometrist, a licensed podiatrist, a licensed pharmacist, a professional corporation organized pursuant to the professional corporation law of Kansas by persons who are authorized by such law to form such a corporation and who are health care providers as defined by this subsection, a registered physical therapist or an officer, employee or agent thereof acting in the course and scope of such person's employment or agency; and

(2) "professional services" means those services which require licensure, registration or certification by agencies of the state for the performance thereof.

Sec. 3. K.S.A. 40-3401 is hereby amended to read as follows: 40-3401. As used in this act the following terms shall have the meanings respectively ascribed to them herein.

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

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

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

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

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

(f) "Health care provider" means a person licensed to practice any branch of the healing arts by the state board of healing arts, a person who holds a temporary permit to practice any branch of the healing arts issued by the state board of healing arts, a person engaged in a postgraduate training program approved by the state board of healing arts, a medical care facility licensed by the department of health and environment, a health maintenance organization issued a certificate of authority by the commissioner of insurance, a podiatrist licensed by the state board of healing arts, an optometrist licensed by the board of examiners in optometry, a pharmacist licensed by the state board of pharmacy, a licensed professional nurse who is authorized to practice as a registered nurse anesthetist, a licensed professional nurse who has been granted a temporary authorization to practice nurse anesthesia under K.S.A. 65-1153 and amendments thereto, a professional corporation organized pursuant to the professional corporation law of Kansas by persons who are authorized by such law to form such a corporation and who are health care providers as defined by this subsection, a Kansas limited liability company organized for the purpose of rendering professional services by its members who are health care providers as defined by this subsection and who are legally authorized to render the professional services for which the limited liability company is organized, a partnership of persons who are health care providers under this subsection, a Kansas not-for-profit corporation organized for the purpose of rendering professional services by persons who are health care providers as defined by this subsection, a dentist certified by the state board of healing arts to administer anesthetics under K.S.A. 65-2899 and amendments thereto, a physical therapist registered by the state board of healing arts, a psychiatric hospital licensed under K.S.A. 75-3307b and amendments

thereto, or a mental health center or mental health clinic licensed by the secretary of social and rehabilitation services, except that health care provider does not include (1) any state institution for the mentally retarded, (2) any state psychiatric hospital, (3) any person holding an exempt license issued by the state board of healing arts or (4) any person holding a visiting clinical professor license from the state board of healing arts.

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

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

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

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

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

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

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

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

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

(p) "State institution for the mentally retarded" means Winfield state hospital and training center, Parsons state hospital and training center and the Kansas neurological institute.

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

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

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

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

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

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

Sec. 4. K.S.A. 40-3411 is hereby amended to read as follows: 40-3411. (a) In any claim in which the insurer of a health care provider or inactive health care provider covered by the fund has agreed to settle its liability on a claim against its insured or when the self-insurer has agreed to settle liability on a claim and the claimant's demand is in an amount in excess of such settlement, to which the commissioner does not agree, or where the claim is against an inactive health care provider covered by the fund who does not have liability insurance in effect which is applicable to the claim and the claimant and commissioner cannot agree upon a settlement, an action must be commenced by the claimant against the health care provider or inactive health care provider in a court of appropriate jurisdiction for such damages as are reasonable in the premises. If an action is already pending against the health care provider or inactive health care provider, the pending action shall be conducted in all respects as if the insurer or self-insurer had not agreed to settle.

(b) Any such action against a health care provider covered by the fund or inactive health care provider covered by the fund who has liability insurance in effect which is applicable to the claim shall be defended by the insurer or self-insurer in all respects as if the insurer or self-insurer had not agreed to settle its liability. *Notwithstanding any other provision of law*, the insurer or self-insurer shall be reimbursed from the fund for the costs of such defense incurred after the settlement agreement was reached, including a reasonable attorney's fee *not to exceed the maximum hourly rate established by the commissioner*. The commissioner is authorized to employ independent counsel in any such action against a health care provider or an inactive health care provider covered by the fund. *If the primary carrier or self-insurer determines that the policy limits or the self-insured amount of basic coverage should be tendered to the fund in order to relieve itself of further costs of defense, it may do so in the manner specified by the commissioner. In the event of such a tender, the fund shall become responsible for the conduct of the defense. The commissioner may employ the attorney retained by the primary carrier or self-insurer or appoint other counsel to represent such health care provider. In any event, the commissioner shall pay attorney's fees at a rate not to exceed the maximum hourly rate established by the commissioner. Under such circumstances, the fund shall have no liability for attorney's fees to any attorney not so appointed.*

(c) In any such action the health care provider or the inactive health care provider against whom claim is made shall be obligated to attend hearings and trials, as necessary, and to give evidence.

(d) The costs of the action shall be assessed against the fund if the recovery is in excess of the amount offered by the commissioner to settle the case and against the claimant if the recovery is less than such amount.

Sec. 5. K.S.A. 7-121b, 40-3401, 40-3403 and 40-3411 are hereby repealed.

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

(Published in the Kansas Register, April 21, 1994.)

SENATE BILL No. 443

AN ACT concerning community colleges; relating to out-district tuition for subjects or courses taught in counties in which state educational institutions are located; amending K.S.A. 1993 Supp. 71-609 and repealing the existing section.

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

Section 1. K.S.A. 1993 Supp. 71-609 is hereby amended to read as follows: 71-609. (a) No out-district state aid entitlement, no credit-hour state aid entitlement, and no general state aid entitlement shall be based upon credit hours in any subject or course the principal part of which is taught at a location outside of the county of the main campus of the community college, unless the location of such subject or course is specifically authorized by the state board of education.

(b) (1) No out-district tuition shall be based upon or charged for credit hours in any subject or course which is taught in a county in which the main campus of a state educational institution is located, unless the teaching of such subject or course is specifically authorized by the chief executive officer of the state educational institution or by a designee of the chief executive officer. The chief executive officer of each state educational institution may designate and authorize a person or committee to act on behalf of the chief executive officer in granting the authorizations required by this subsection.

(2) For the purposes of this subsection, the term "main campus of a state educational institution" as applied to Kansas state university of agriculture and applied science means and includes the campus of the university located in Riley county and the campus of the university's college of technology located in Saline county.

(3) The provisions of this subsection are subject to the provisions of subsection (c).

(c) No out-district tuition shall be based upon or charged for credit hours in any subject or course all or the principal part of which is taught at Fort Hays state university or at Wichita state university under an agreement entered into by a community college and the either such university. The provisions of this subsection shall expire on June 30, 1995, unless amended by act of the legislature prior to such date.

Sec. 2. K.S.A. 1993 Supp. 71-609 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 21, 1994.)

SENATE BILL No. 619

AN ACT concerning certain claims against the state; making appropriations, authorizing certain transfers, imposing certain restrictions and limitations, and directing or authorizing certain disbursements, procedures and acts incidental to the foregoing.

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

Section 1. For the fiscal year ending June 30, 1994, appropriations are hereby made, restrictions and limitations are hereby imposed, and transfers, disbursements, procedures and acts incidental to the foregoing are hereby directed or authorized as provided in this act.

Sec. 2. The department of revenue is hereby authorized and directed to pay the following amounts from the motor-vehicle fuel tax refund fund, for claims not filed within the statutory filing period prescribed in K.S.A. 79-3458 and amendments thereto, to the following claimants:

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| Ackerman, Robert, Route 1, Box 20, Park, KS 67751 | \$169.34 |
| Aistrup, Merle K., Route 1, Box 26, Hanston, KS 67849 | 222.14 |
| Algrim, Timothy L., 2914 Kris Place, Garden City, KS 67846 | 152.39 |
| A L S Farms, Inc., Route 2, Box 243, Scott City, KS 67871 | 340.89 |
| Armstrong, Harold, 8920 Parallel Road, Frankfort, KS 66427 | 221.85 |
| B&B Miller Farms, c/o Bud Miller, 218 Brownlee Road, Sylvia, KS 67581 | 39.40 |
| Baltzer, Doug, Route 1, Box 64, Lehigh, KS 67063 | 78.50 |
| Barbour, F. D., 36225 Victory Road, Paola, KS 66071 | 53.00 |
| Bauder Brothers, Route 1, Box 78, Howard, KS 67349 | 137.09 |
| Bauer, Charles C., Route 1, Lyons, KS 67554 | 84.52 |
| B Beard, Gene, Route 2, Box 325, Udall, KS 67146 | 431.80 |
| Bedwell Ranch, c/o Thomas Bedwell, Route 1, Box 43, Medicine Lodge, KS 67104 | 149.63 |
| Bell, Garland, Route 1, Box 280, Peck, KS 67120 | 18.15 |
| Beltz, Mike, Route 1, Box 81, Ramona, KS 67475 | 389.23 |
| Benfer, David H., 1025-4th Road, Longford, KS 67458 | 34.30 |

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| Berg, Christie D., Route 2, Box 117A, Logan, KS 67046 | 73.75 |
| Bergmeier, William R., Route 1, Wakefield, KS 67487 | 36.00 |
| Beyrle, Rose, 5755 SW 215 W, Viola, KS 67149 | 27.50 |
| Big Creek Recreation, Inc., 110 N. Main, Box 944, Wakeeney, KS 67672 | 92.64 |
| Billman-Hine, Farm, Route 1, Box 126, Altamont, KS 67330 | 19.00 |
| Blédsoe, Floyd L., Route 2, Box 211, Oskaloosa, KS 66066 | 27.50 |
| Blick, Victor H., Route 1, Box 11, Attica, KS 67009 | 149.79 |
| Boelton, Terry, Route 1, Box 42A, Lorraine, KS 67459 | 35.49 |
| Bohne, Francis, Box 292, Atwood, KS 66730 | 5.57 |
| Bollig, Gilbert E., HCR 1, Box 43, Clayton, KS 67629 | 52.86 |
| Borngamm, Orville, Route 1, Box 368, Athol, KS 67632 | 10.50 |
| Bornholdt Plantland, Inc., 509 N. Main, Hutchinson, KS 67501 | 417.46 |
| Bowin, Richard A., Route 2, Box 138, McCune, KS 66753 | 34.30 |
| Boyer, Bill J., Route 1, Box 141, Council Grove, KS 66846 | 671.22 |
| Boyd, Darrel E., Route 1, Beattie, KS 66406 | 155.60 |
| Bradley, W. F. or Beverly A., Route 2, Box 219, Lawrence, KS 66046 | 34.64 |
| Briscoe, Keith, Route 3, Box 67, Lincoln, KS 67455 | 27.50 |
| Broxterman, Daniel, Route 1, Centralia, KS 66415 | 668.91 |
| Bruning, Ernest, Route 1, Phillipsburg, KS 67661 | 15.43 |
| Brunker, William, Route 2, Box 61A, McLouth, KS 66054 | 51.30 |
| Bryn Pleasant Farms, Inc., Route 2, Box 125, Hiawatha, KS 66434 | 28.18 |
| Burkhardt Farms, Route 1, Box 31, Hanston, KS 67849 | 25.80 |
| Carlson, Eric A., Route 1, Box 59, 1254-22nd Road, Clay Center, KS 67432 | 10.50 |
| Carry, Lyle W., 8895 County Farm Road, Wamego, KS 66547 | 15.75 |
| Cass, Louis, Route 1, Box 127, Eskridge, KS 66423 | 161.02 |
| Chamberlin, Ralph V., Jr., Route 2, Box 196, Chapman, KS 67431 | 111.96 |
| Champlin Cattle Co., Route 1, Box 104, Grenola, KS 67346 | 70.68 |
| Cheney, Glen E., Route 1, Box 63, Sylvan Grove, KS 67481 | 19.17 |
| Christianson, Merrill, Route 2, Box 24, Durham, KS 67438 | 66.00 |
| City of Kiowa, Box 228, Kiowa, KS 67070 | 114.88 |
| City of Osborne, 133 West Main, Osborne, KS 67473 | 153.00 |
| City of Osborne, 133 West Main, Osborne, KS 67473 | 70.00 |
| Cizette Farms, Route 3, Box 30, Girard, KS 66743 | 34.64 |
| Claassen, R. Dwight, Route 5, Box 41A, Newton, KS 67114 | 231.12 |
| Clark, Raymond, Route 1, Box 97, Eskridge, KS 66423 | 34.30 |
| Comp, Jon D., Route 1, Box 122, White City, KS 66872 | 97.50 |
| Cook, Rodney, Route 1, Box 66, Lucas, KS 67648 | 1,108.08 |
| Cook, Wayne E., Box 88, Hope, KS 67451 | 53.34 |
| Corder, Robert D., HC 1, Box 23, St. Francis, KS 67756 | 34.30 |
| Cox, Lewis Nolen, Route 1, Box 27, Prescott, KS 66767 | 44.50 |
| Coyan, Ora, Route 1, Box 58, Redfield, KS 66769 | 19.00 |
| Cromwell, Dean, Route 1, Box 19, Haddam, KS 66944 | 135.10 |
| Crosson, David, HC 66, Box 61, Minneapolis, KS 67467 | 39.00 |
| Culver Fish Farm, Route 2, Box 185A, McPherson, KS 67460 | 816.39 |
| Cummings, Allen, Route 2, Box 90A, Howard, KS 67349 | 32.77 |
| Custom Metal Fabricators, Inc., Hwy 77 North, Herington, KS 67449 | 241.41 |
| Dahlsten, James, Route 2, Box 57, Lindsborg, KS 67456 | 19.17 |
| David, Buddie L., Route 2, Box 65, Moran, KS 66755 | 60.48 |
| Davies, J. Clinton, Reading, KS 66868 | 78.33 |
| Debey, Gene, Route 1, Cawker City, KS 67430 | 33.79 |
| Dege, Virgil L., Route 1, Box 11, Damar, KS 67632 | 83.09 |
| Demel, Stephen, Route 1, Box 30, Claflin, KS 67525 | 51.64 |
| Dettmer & Sons, Inc., Route 1, Box 17, Agra, KS 67621 | 1,893.64 |
| Dillon, Ralph, Route 2, Box 25, Hope, KS 67451 | 86.34 |
| Dillon, Ralph E., Route 2, Box 25, Hope, KS 67451 | 161.11 |
| Dinkel, Loren, 1737 N. Elm, Russell, KS 67665 | 78.50 |
| Duncan, James L., 14655 SW Fork Road, Garden City, KS 67846 | 39.00 |
| Eastwood, Dee, Route 1, Box 34, Bronson, KS 66716 | 83.09 |
| Ebert, George B., 12055 Louisville Road, St. George, KS 66535 | 57.76 |
| Engle, Howard, Route 1, Abilene, KS 67410 | 214.81 |
| Enslay, Ruth, Route 1, Box 120, Onaga, KS 66521 | 30.00 |
| Fabrizius, Paul M., Route 2, Box 14E, Wakeeney, KS 67672 | 35.15 |
| Fangman, Carlton M., Route 1, Box 165, Seneca, KS 66538 | 355.17 |
| Fast, Menno, Route 2, Box 129, Newton, KS 67114 | 44.50 |
| Feuerborn, Rick, Route 3, Box 70, Garnett, KS 66032 | 61.50 |
| Fitipi, Frank J., Jr., Route 1, Box 83, Narka, KS 66960 | 73.00 |
| Flaming, Kenneth, 2430 Country Club Road, El Dorado, KS 67042 | 32.26 |
| Floyd, Wolter E., Route 1, Box 48, Herington, KS 67449 | 55.89 |
| Flying M Ranch, c/o Everett Miller, Route 2, Box 262, Scott City, KS 67871 | 227.82 |
| Flying N, Inc., Route 2, Box 168, Hiawatha, KS 66434 | 142.60 |
| Fogelberg, Richard, Box 185, Scandia, KS 66966 | 10.50 |
| Frakes, Clarence L., Route 2, Box 174, Eureka, KS 67045 | 35.76 |
| Frick Farms, Inc., Rural Route, Box 50, Durham, KS 67438 | 143.55 |
| Funk, Ronald J., Route 2, Box 202, Valley Falls, KS 66088 | 169.75 |
| Garten Bros., Inc., Route 4, Abilene, KS 67410 | 318.55 |
| Haddan, E. W., Route 1, Stark, KS 66775 | 152.82 |
| Halferty, Edwin, Route 2, Box 27, Clyde, KS 66938 | 111.76 |
| Hammeke, Alfred J., Route 1, Box 77, Claflin, KS 67525 | 22.44 |
| Hardman Lumber Company, 404 N. 1st, Box 10, Osborne, KS 67473 | 79.35 |
| Harms, Ronald E., HCR 34, Box 245, Dodge City, KS 67801 | 590.08 |
| Harrison, Charles R., Naponee, NE 68960 | 70.00 |
| Haverkamp, Cletus, Route 3, Box 68, Seneca, KS 66538 | 156.06 |
| Hawley, Raymond L., Route 1, Box 78, Goff, KS 66428 | 13.05 |
| Heinen, Michael, Route 1, Box 108A, Centralia, KS 66415 | 34.30 |
| Hendrickson, Gene R., 903 Turner Drive, Pittsburg, KS 66716 | 14.41 |
| Herbel, Willis, Box 121, Tampa, KS 67483 | 109.74 |

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| Hermesch, Daniel W., Route 1, Box 243, Hiawatha, KS 66434 | 39.00 | Richmeier, Gerald, 655 Sage Hill Trail, Garden City, KS 67846 | 183.60 |
| Herynk, Rollin, Route 2, Box 126, Kincaid, KS 66039 | 179.97 | Roberts, C. M., Route 1, Caney, KS 67333 | 36.68 |
| Hiebert, Ron, Route 2, Box 159, Hillsboro, KS 67063 | 10.50 | Robinson, Bob, Route 3, Box 176, Holton, KS 66436 | 37.20 |
| Hiesterman Bros, c/o Erwin Hiesterman, Box 186, Linn, KS 66953 | 45.18 | Roever, Darrel, Route 1, Box 34, Home, KS 66438 | 75.62 |
| Hilltop Land & Cattle Co., Route 2, Box 225, Madison, KS 66880 | 739.10 | Rogers, S. L., Route 1, Box 24, Lebo, KS 66856 | 33.62 |
| Hines, Helen J. & Son, 20300 W. 91st Street, Lenexa, KS 66220 | 103.15 | Roth, Neal, Route 3, Box 61, Phillipsburg, KS 67661 | 55.55 |
| Hoag, Thomas E. or Sharri, Box 38, Toronto, KS 66777 | 306.15 | Roth, Philip A., Route 3, Box 123, Columbus, KS 66725 | 175.77 |
| Hodges, Charles L., 462 N. 851 Diagonal Road, Lawrence, KS 66047 | 17.64 | Rusco, A. Wayne, Route 3, Box 291, Great Bend, KS 67530 | 809.21 |
| Hofer & Son, c/o Steve Hofer, Route 1, Box 34B, Cedar, KS 67628 | 29.29 | Sand Springs Feedyard, Inc., Route 4, Box 91, Abilene, KS 67410 | 129.94 |
| Hoff, Elmer, Route 1, Box 43, Gorham, KS 67640 | 36.00 | Sander Bros., c/o George Sander, 1010 N. 1st, Stockton, KS 67669 | 78.50 |
| Holub, Mary or Kenneth J., Route 1, Box 24, Tampa, KS 67483 | 21.16 | Schwien, Larry & Norma, 3226-181 Street, Russell, KS 67665 | 113.35 |
| Horne, Wayne, 5911 Old Highway 13, Alta Vista, KS 66834 | 53.00 | Seetin, Roy G., Route 1, Box 140, Perry, KS 66073 | 35.40 |
| Howley, Charles, Clifton, KS 66937 | 35.15 | Shipley, Kenneth H., Route 1, Box 86, Norwich, KS 67118 | 134.09 |
| Hrenchir, Donald, Sr., Route 1, Box 50, Hoyt, KS 66440 | 34.30 | Shoemaker, Paul, Route 1, Box 80, Narka, KS 66960 | 521.10 |
| Hudson, Kenneth A., Route 1, Box 46, Franklin, NE 68939 | 169.37 | Shumate, Ray, 1891 Montana Road, Ottawa, KS 66067 | 25.00 |
| Huelsman, Donald R., Route 1, Box 89, Oakley, KS 67748 | 27.50 | Smith, Elva E., 2216 Georgia Road, Williamsburg, KS 66095 | 61.50 |
| Hughes, Dean Wesley II, 1018 N. Springfield, Anthony, KS 67003 | 1,835.77 | Smith, John D., Route 1, Box 75, Pleasanton, KS 66075 | 34.30 |
| Ingalls Feed Yard, Route 2, Ingalls, KS 67853 | 90.40 | Smith, L. Dale, Route 1, Box 68, Pleasanton, KS 66075 | 34.30 |
| Irvine, E. J., Route 4, Box 100, Independence, KS 67301 | 35.66 | Stenstrom, Larkin H., Route 2, Box 21, White City, KS 66872 | 31.41 |
| Jacobson Bros., Route 2, Box 127, Lindsborg, KS 67456 | 170.19 | Stepanich, Edward J., Route 1, Box 95, Cherryvale, KS 67335 | 119.88 |
| James, Lon, Route 5, Clay Center, KS 67432 | 273.74 | Stockebrand, David, Route 1, Box 144, Yates Center, KS 66783 | 365.85 |
| Janzen, Daniel, Route 3, Box 400, Independence, KS 67301 | 87.00 | Stroller, Darrel L., Route 4, Box 292, Sabetha, KS 66534 | 36.00 |
| Janzen, Howard, Route 1, Clearwater, KS 67026 | 183.42 | Stuewe, E. C., Route 2, Box 64, Alma, KS 66401 | 26.40 |
| Jenkins, Gary, 14277 Madison Road, Riley, KS 66531 | 207.16 | Suderman, Alvin H., 1219 S. Hillside, Newton, KS 67114 | 86.70 |
| Johnson, Brent L., HC 65, Box 53, Minneapolis, KS 67467 | 36.00 | Tanner, Harold, 307 Armer St., Box 235, Westmoreland, KS 66549 | 30.00 |
| Johnson, Donald D., 1939 Highway K 68, Ottawa, KS 66067 | 41.80 | Taylor, Arvilla, Route 1, Box 81, Studley, KS 67759 | 283.21 |
| Jordan, Hazel or Charles, Route 4, Box 89, Beloit, KS 67420 | 36.68 | Tjaden, Vern, Route 2, Box 14, Marysville, KS 66508 | 169.33 |
| Kansas City Railcar Service, Inc., 1616 Argentine Blvd., Kansas City, KS 66105 | 328.80 | Topliff, Elwyn, Route 2, Box 191, Jewell, KS 66949 | 137.52 |
| Kansas State University, 212 Anderson Hall, Manhattan, KS 66506 | 577.46 | Torneden, Marvin or Marvel, 22912 Linwood Road, Linwood, KS 66052 | 62.26 |
| Kansas State University, 212 Anderson Hall, Manhattan, KS 66506 | 1,539.49 | True, Lynn M., Gaylord, KS 67638 | 100.92 |
| Kansas State University, 212 Anderson Hall, Manhattan, KS 66506 | 328.18 | Umholtz, Max E., 3303 NW 48th, Newton, KS 67114 | 25.80 |
| Kerschen, Raymond, Route 2, Box 193, Cheney, KS 66025 | 60.48 | Vanguard Products Corp., 5230 NW 17th Street, Topeka, KS 66618 | 115.39 |
| Kinderknecht, Eugene, HCR 1, Box 87, Collyer, KS 67631 | 36.00 | Vawter, Robert D., Route 2, Box 20, Carbondale, KS 66414 | 10.50 |
| Kiowa County Highway Dept., 1002 S. Grove, Greensburg, KS 67054 | 160.51 | Vermillion Valley Farm, Inc., c/o John White, Route 1, Box 77, Belvue, KS 66407 | 559.05 |
| Klenda, Martin B., Route 1, Marion, KS 66861 | 33.00 | Vondra Bros., Route 2, Box 138, Geneseo, KS 67444 | 204.57 |
| Knight Feedlot, Inc., Route 1, Box 93, Lyons, KS 67554 | 260.10 | Walz, Robert E., HC 1, Box 12, St. Francis, KS 67756 | 275.40 |
| Kohl, James, Route 3, Box 27, Ellis, KS 67637 | 183.74 | Weber, Harlan, 13201 E. Pawnee, Wichita, KS 67230 | 84.68 |
| Korte, Herman C., Route 3, Box 207, Augusta, KS 67010 | 33.80 | Wendt, Cecil, Route 2, Box 133, Herington, KS 67449 | 42.46 |
| Kweskin, Marilyn, Benton Farm, Frankfort, KS 66427 | 369.87 | Wendt, Francis, Route 2, Box 60, Osawatomie, KS 66064 | 19.68 |
| Lacy Steel Co., Inc., Box 247, Lawrence, KS 66044 | 32.60 | Wichita Country Club, Box 8105, Mungler Station, Wichita, KS 67208 | 49.60 |
| Lady, Myron, Route 1, Box 189, Abilene, KS 67410 | 32.60 | Wiens, Jay, 7802 E. 95th, Buhler, KS 67522 | 17.04 |
| Lakin Feed Yard, Inc., Box 1026, Lakin, KS 67860 | 1,328.68 | Willems, John D., 6250 Rd. 14, Goodland, KS 67735 | 755.07 |
| Larsen, Lowell, Route 1, Box 52, Lincoln, KS 67455 | 15.60 | Winkelman, Harold, Route 2, Box 70, Cherryvale, KS 67335 | 36.68 |
| Larson, Carl, Box 180, Leonardville, KS 66449 | 162.10 | Winkler, Albert L., Route 1, Box 99A, Corning, KS 66417 | 35.15 |
| Lavender, Dale L., Route 1, Box 61, Altamont, KS 67330 | 504.47 | Woerner, Raymond, Route 1, Box 232, Linn, KS 66953 | 44.25 |
| Laws, Howard, Route 1, Box 196, Hartford, KS 66854 | 17.00 | Wood, Roy E., 2640 W. 56th Ave., Manhattan, KS 66502 | 127.02 |
| Leasure, Fern, Route 1, Box 53, Yates Center, KS 66783 | 53.00 | Wunder, Harold, Route 1, Box 100, Valley Falls, KS 66088 | 59.50 |
| Leebrick, Lance, Route 1, Box 44, Atwood, KS 67730 | 582.22 | Young, Marvin D., Route 1, Box 122, Quenemo, KS 66528 | 23.70 |
| Leppke, Elmer H., Route 2, Box 287, Marion, KS 66861 | 83.60 | Young, Michael, Route 1, Box 59, Oketo, KS 66518 | 34.13 |
| Levendofsky, George, 1711 G Street, Belleville, KS 66935 | 153.76 | Yust, Wallace O., 103 S. Netherland Rd., Route 1, Sylvia, KS 67581 | 36.00 |
| Long, Brad, Route 1, Box 120, Norcorat, KS 67653 | 179.95 | Zachman, Darrell E., 883 St. John, St. Andrew Road, Ellis, KS 67637 | 132.90 |
| Loomis, Jason, Route 1, Box 36A, Council Grove, KS 66846 | 106.72 | Zlab, Norman, Route 4, Yates Center, KS 66783 | 729.73 |
| Love, Levern, Route 1, Neosho Rapids, KS 66864 | 90.00 | Zlab, Ronald D., Route 4, Yates Center, KS 66783 | 455.02 |
| MacArthur, Mark, Route 3, Box 98, Garnett, KS 66032 | 19.00 | Total | \$42,034.53 |
| Mannell, Charles A., Route 1, Holton, KS 66436 | 44.50 | Sec. 3. The department of revenue is hereby authorized and directed to pay the following amounts from the sales tax refund fund for sales tax paid for materials and services incorporated in a tax exempt project, to the following claimants: | |
| Martin, James R., 3773 N. Donmyer Road, Solomon, KS 67480 | 522.66 | City of Prairie Village, 7700 Mission Rd., Prairie Village, KS 66208 | \$739.59 |
| Martin, Maurice J., HC 2, Box 18, Quinter, KS 67752 | 963.51 | Gove County, P.O. Box 128, Gove, KS 67736 | 1,178.12 |
| Metcalf, Sidney D., Route 1, Box 50, Danbury, NE 69026 | 661.30 | U.S.D. No. 487, 19 North Broadway, Herington, KS 67449 | 3,039.47 |
| Meuli, John C., Sr., Route 2, Box 83, Hope, KS 67451 | 371.84 | Total | \$4,957.18 |
| Minihan, Francis, Box 19, Blaine, KS 66410 | 271.76 | Sec. 4. The department of administration is hereby authorized and directed to pay the following amounts from the canceled warrants payment fund for payment of expired warrants, to the following claimants: | |
| Mockery, Marion, Route 3, Box 31, Oberlin, KS 67749 | 19.00 | Downer and Margie Dykes, 2903 Harvard Rd., Lawrence, KS 66049 | \$292.63 |
| Molitor, W. J., Route 1, Box 74, Spivey, KS 67142 | 37.19 | Marvin L. Arensman, Route 2, Box 140, Kinsley, KS 67547 | 94.06 |
| Moore Farms, Route 2, Box 71, Council Grove, KS 66846 | 83.60 | Robert G. Hinchsliff, 2721 SE 69th, Berrinton, KS 66409 | 134.00 |
| Morgan, David, 2004 N. Wilson Rd., Hutchinson, KS 67501 | 129.90 | Victoria L. Govan, 188 Glen Mary, Jackson, MS 39203-2018 | 135.00 |
| Naegele, John P., 110 West 35th, Hays, KS 67801 | 182.56 | Total | \$656.31 |
| Nickelson, Oren, Route 1, Box 181, Penokee, KS 67659 | 378.06 | Sec. 5. The El Dorado Correctional Facility is hereby authorized and directed to pay from the operating expenditures account of the state general fund for reimbursement for loss of or damage to the claimants' personal property which was in the care, custody and control of the personnel at such facility, to the following claimants: | |
| Niemann, Eric, Route 1, Box 11, Nortonville, KS 66060 | 67.84 | | |
| Nolte, Ruby A., Route 2, Box 184, Hiawatha, KS 66434 | 30.22 | | |
| Noren Farms, Route 2, Box 127, Oberlin, KS 67749 | 343.34 | | |
| Oesterhaus, Clyde W., 16016 Wandersee Road, Dwight, KS 66849 | 53.00 | | |
| Oettinger, Lloyd Construction, Inc., Box 635, Clay Center, KS 67432 | 156.52 | | |
| Owen, Elmer, Route 1, Box 68, Erie, KS 66733 | 36.00 | | |
| Parker, Arthur, Jr., Greenleaf, KS 66943 | 35.15 | | |
| Parks, Richard E., Route 2, Box 90, Cherryvale, KS 67335 | 24.06 | | |
| Peabody Tectank, Inc., 2101 S. 21, Box 996, Parsons, KS 67357 | 31.26 | | |
| Peddicord Feedlot, Inc., 25110 School View Road, Wamego, KS 66547 | 928.08 | | |
| Place, Steve, 504 N. Topeka, El Dorado, KS 67042 | 388.01 | | |
| Popp, Daryl, Route 1, Box 104, Hill City, KS 67642 | 317.88 | | |
| Potter, Tressie, Box 28, Leona, KS 66530 | 19.00 | | |
| Quigley, Edward O., Route 3, Box 38, Blaine, KS 66549 | 31.40 | | |
| Quinstar Corporation, Box 424, Quinter, KS 67752 | 183.60 | | |
| Raaf, Steven A., Route 1, Box 84, Gridley, KS 66852 | 34.47 | | |
| Regier, Inc., 19717 SW 72nd, Box 67, Burrton, KS 67020 | 202.42 | | |
| Renken, Floyd, Route 1, Box 58, Downs, KS 67437 | 421.72 | | |
| Rethman, Rupert R., Route 1, Box 100, Seneca, KS 66538 | 127.80 | | |

(continued)

| | |
|---|---------|
| Scott Swoboda, #8919, P.O. Box 311, El Dorado, KS 67042 | \$17.99 |
| James Edward Roberts, Jr., #7611, P.O. Box 2, Lansing, KS 66043 | 22.49 |
| Total | \$40.48 |

Sec. 6. (a) The Hutchinson Correctional Facility is hereby authorized and directed to pay from the operating expenditures account of the state general fund for reimbursement for loss of or damage to the claimants' personal property which was in the care, custody and control of the personnel at such facility, to the following claimants:

| | |
|---|----------|
| Curtis M. Brown, 5214 Woodlawn, Kansas City, MO 64110 | \$9.23 |
| Stephen A. Macomber, #44362, P.O. Box 311, El Dorado, KS 67042 | 40.00 |
| Larry E. Rice, #32025, P.O. Box 1568, Hutchinson, KS 67504-1568 | 57.97 |
| Total | \$107.20 |

(b) The Hutchinson correctional facility is hereby authorized and directed to pay from the operating expenditures account of the state general fund for payment as compensation for a personal injury sustained in the course and scope of the claimant's activity during a facility work detail, to the following claimant:

| | |
|--|------------|
| Jeff Redick, 1856 N. Woodland, Wichita, KS 67213 | \$1,297.70 |
|--|------------|

Sec. 7. The Lansing Correctional Facility is hereby authorized and directed to pay from the operating expenditures account of the state general fund for reimbursement for loss of or damage to the claimants' personal property which was in the care, custody and control of the personnel at such facility, to the following claimants:

| | |
|---|----------|
| Xuan H. Le, #53898, P.O. Box 311, El Dorado, KS 67042 | \$80.00 |
| Mark A. Goode, #40568, P.O. Box 2, Lansing, KS 66043 | 170.00 |
| Total | \$250.00 |

Sec. 8. The state fair board is hereby authorized and directed to pay the following amount from the state fair fee fund, as compensation for a personal injury, to the following claimant:

| | |
|--|----------|
| Betty Shay, 730 N. Main, Kingman, KS 67068 | \$682.54 |
|--|----------|

Sec. 9. The department of revenue is hereby authorized and directed to pay the following amount from the operating expenditures account of the state general fund, as payment of an employee suggestion award, to the following claimant:

| | |
|--|------------|
| Maria M. Benedict, 2331 S.E. Jefferson, Topeka, KS 66605 | \$3,100.00 |
|--|------------|

Sec. 10. The department of wildlife and parks is hereby authorized and directed to pay the following amount from the non-game wildlife improvement fund as a refund of a Chickadee Checkoff donation, to the following claimant:

| | |
|---|------------|
| Robert H. Kane, 4155 E. Jewell Ave., #616, Denver, CO 80222 | \$4,738.00 |
|---|------------|

Sec. 11. (a) The El Dorado correctional facility is hereby authorized and directed to pay the following amount from the operating expenditures account of the state general fund as reimbursement for funeral expenses, to the following claimants:

| | |
|---|------------|
| Mr. and Mrs. Fred Teufel, 1642 Denver Drive, Wichita, KS 67219 .. | \$2,500.00 |
|---|------------|

(b) The El Dorado correctional facility is hereby authorized and directed to pay the following amount from the operating expenditures account of the state general fund as compensation for loss of claimant's property, which was in the care, custody and control of department personnel, to the following claimant:

| | |
|---|---------|
| Gregory H. Jones, P.O. Box 137, Tillery, NC 27887 | \$30.03 |
|---|---------|

Sec. 12. The University of Kansas is hereby authorized and directed to pay the following amount from the operating expenditures (including official hospitality) account of the state general fund as compensation for personal injuries sustained while operating a university woodworking machine, to the following claimant:

| | |
|--|------------|
| Jill McLaughlin, c/o Karl Kuckelman, Attorney at Law, P.O. Box 12290, Overland Park, KS 66282-2290 | \$1,740.65 |
|--|------------|

Provided, That prior to payment of this amount the director of accounts and reports shall obtain a written release and satisfaction of all claims and rights against the state of Kansas and any agencies, officers or employees of the state of Kansas regarding the subject matter of this claim, including any claim for past, present or future injuries or related claims arising out of the accident occurring on or about February 23, 1993, at the University of Kansas School of Architecture.

Sec. 13. Pittsburg State University is hereby authorized and directed to pay \$521.00 from the unit A and B dormitory addition repair and replacement reserve fund, \$810.80 from the 1962 dormitory and student apartments repair and replacement fund and \$668.20 from the housing system operations fund as final payment

for construction services rendered, to the following claimant:
Miles Roofing and Coating, Inc., Route 1, Box 65-A, El Dorado Springs, MO 64744

| | |
|--|------------|
| | \$2,000.00 |
|--|------------|

Sec. 14. The department of administration is hereby authorized and directed to pay the following amount from the state institutions building fund, account number 507-00-8100-7-8028 06, as payment for construction services rendered to Parsons State Hospital and Training Center, to the following claimant:

| | |
|---|------------|
| LaForge and Budd Construction Co., Inc., c/o Jeffrey O. Ellis, Attorney at Law, 1050/40 Corporate Woods, 9401 Indian Creek Parkway, Overland Park, KS 66210 | \$4,847.70 |
|---|------------|

Sec. 15. The department of commerce and housing is hereby authorized and directed to pay the following amount from the state operations (including official hospitality) subaccount of the Kansas economic development endowment account of the state economic development initiatives fund for payment of a bill presented in the wrong fiscal year, to the following claimant:

| | |
|---|---------|
| Professional Cargo Services, P.O. Box 9244, Wichita, KS 67277 | \$30.60 |
|---|---------|

Sec. 16. The state board of agriculture is hereby authorized and directed to pay the following amount from the seed examination fee fund for payment of a bill presented in the wrong fiscal year, to the following claimant:

| | |
|--|---------|
| Eco Water Systems Distributing, 115 N. Van Buren, Topeka, KS 66603 | \$37.50 |
|--|---------|

Sec. 17. The department of transportation is hereby authorized and directed to pay the following amounts from the claims account of the state highway fund for compensation for loss of personal property, to the following claimants:

| | |
|---|------------|
| Roy Dean Thompson, Box 182, Lansing, KS 66043 | \$2,759.37 |
| Carl M. Moses, 16330 Parallel Road, Basehor, KS 66007 | 5,203.89 |
| Total | \$7,963.26 |

Sec. 18. The Kansas animal health department is hereby authorized and directed to pay the following amount from the animal disease control fund, as a refund of fees paid in error, to the following claimant:

| | |
|--|------------|
| Overbrook Livestock Commission, 507 Sunset Lane, Overbrook, KS 66524 | \$9,412.15 |
|--|------------|

Sec. 19. The University of Kansas Medical Center is hereby authorized and directed to pay the following amount from the restricted fees fund as payment for maintenance services rendered, to the following claimant:

| | |
|--|-------------|
| Aindahl Corporation, 9399 W. Higgins Rd., Suite 1100, Rosemont, IL 60018 | \$21,747.10 |
|--|-------------|

Sec. 20. The department of social and rehabilitation services is hereby authorized and directed to pay the following amount from the social welfare fund as compensation for losses related to a child support claim, to the following claimant:

| | |
|--|------------|
| Harry L. Edris, Route 1, Box 1, Whitewater, KS 67154 | \$4,600.00 |
|--|------------|

Sec. 21. (a) Except as otherwise provided by this act, the director of accounts and reports is hereby authorized and directed to draw warrants on the state treasurer in favor of the claimants specified in this act, upon vouchers duly executed by the state agencies directed to pay the amounts specified in such sections to the claimants or their legal representatives or duly authorized agents, as provided by law.

(b) The director of accounts and reports shall secure prior to the payment of any amount to any claimant, other than amounts authorized to be paid pursuant to section 2 as motor-vehicle fuel tax refunds or as transactions between state agencies as provided by this act, a written release and satisfaction of all claims and rights against the state of Kansas and any agencies, officers and employees of the state of Kansas regarding their respective claims.

Sec. 22. This act shall take effect and be in force from and after its publication in the Kansas register.

(Published in the Kansas Register, April 21, 1994.)

HOUSE BILL No. 2698

AN ACT concerning municipalities; relating to the powers and duties thereof; amending K.S.A. 1993 Supp. 80-1919 and repealing the existing section.

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

New Section 1. (a) As used in this act:

- (1) "City" means the city of Oxford, Kansas;
- (2) "bank" means the First National Bank of Winfield, located in Winfield, Kansas; and
- (3) "property" means: (A) The balance of money contained in the bank's account number 1244620; and (B) the right to receive future royalty payments from Conoco oil company pursuant to the Oxford community lease.

(b) The governing body of the city may file a petition in the district court of Sumner county seeking the court to declare property held by the bank to be abandoned.

(c) Within 30 days of filing a petition pursuant to subsection (b), the governing body shall cause to be published a notice that such petition has been filed. Such notice shall be published at least once each week for three consecutive weeks in the official county newspaper of Sumner county. Such notice shall be entitled "Notice to Owners of Certain Property," and shall contain:

- (1) A statement that information concerning the amount or description of the property and the name and address of the holder may be obtained by any persons possessing an interest in the property by addressing an inquiry to the court;
 - (2) a statement that if proof of claim is not presented by the owner or any person claiming ownership of such property to the court and if the owner's right to receive the property is not established to the court's satisfaction within 65 days from the date of the third published notice such property shall escheat to the city; and
 - (3) the date of the hearing at which such petition and any objections thereto shall be heard by the court.
- (d) The hearing on such petition shall be held no sooner than 65 days following publication of the third notice required by this section. At such hearing, the court shall hear testimony on such petition and any objections thereto.

It shall be presumed that such property is abandoned if for a period of 10 successive years:

- (1) The owner has not decreased the amount of the account;
 - (2) the owner has not corresponded in writing with the bank concerning the account;
 - (3) the owner has not indicated otherwise an interest in the account as evidenced by a memorandum on file with the bank; or
 - (4) the whereabouts of the owner has been and remains unknown.
- (e) Following such hearing, if the court finds: (1) Notice, as required by this section, has been given; and (2) no proof of claim of ownership has been given, the court shall enter an order declaring such property to be abandoned. Upon the entering of such order, such property shall escheat to the city.
- (f) Any property which has escheated to the city pursuant to this section shall be used solely for the purposes of providing water to the city or for paying the costs of a water supply system of the city.
- (g) Upon transfer by the bank of any property which has escheated to the city pursuant to this section the bank shall be relieved of all liability to the extent of the value of the property for any claim which then exists, or which thereafter may arise, or be made in respect to the property previously held by the bank.

Sec. 2. K.S.A. 1993 Supp. 80-1919 is hereby amended to read as follows: 80-1919. (a) The provisions of this act shall apply only to townships which are located in Barton, Crawford, Douglas, Franklin, Geary, Jackson, Labette, Leavenworth, Lyon, Montgomery, Neosho, Reno, Riley, Saline and Sumner counties, but, except as otherwise provided by subsection (b), the provisions of this act shall not apply to any such township unless and until a petition is presented to the township board, signed by not less than 51% of the qualified electors of the township as determined by the vote for secretary of state at the last preceding election. As used in this act, the phrase "township board" means the township trustee, township clerk, and the township treasurer acting as a board.

(b) The township board of any township located in any such county which has been levying a tax for the support of a township fire department for a period of not less than 15 years is hereby authorized to adopt a resolution designating such fire department as

the regularly organized fire department of the township without the presentation of a petition. Such fire department shall be operated under the control of the township board in the manner prescribed by K.S.A. 80-1921, and amendments thereto, and the township board is hereby authorized to provide for the organization, operation, equipping and maintenance of such department pursuant to K.S.A. 80-1920 and 80-1921, and amendments thereto, and to levy taxes for such purposes as therein authorized.

Sec. 3. K.S.A. 1993 Supp. 80-1919 is hereby repealed.

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

(Published in the Kansas Register, April 21, 1994.)

SENATE BILL No. 817

AN ACT relating to commercial drivers' licenses; providing for the issuance to non-residents; amending K.S.A. 8-2,128 and K.S.A. 1993 Supp. 8-2,133 and repealing the existing sections.

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

New Section 1. (a) The division may issue a nonresident commercial driver's license to an applicant who is at least 18 years of age and employed by a Kansas employer but is a resident of a foreign country for the operation of any commercial class of vehicles if such person has passed a knowledge and skills test pursuant to K.S.A. 8-2,133, and amendments thereto. Any person who is applying for a nonresident commercial driver's license shall be subject to the provisions of K.S.A. 8-2,125 through 8-2,145, and amendments thereto;

(b) A nonresident commercial driver's license issued pursuant to subsection (a) shall contain on the face of the license the statement "nonresident commercial driver's license" or "nonresident CDL";

(c) Any such license issued pursuant to subsection (a) shall be valid only for the period the nonresident is authorized to be employed in the United States. The fee for a nonresident commercial driver's license will be the same as for a resident commercial driver's license;

(d) If the nonresident applicant is the holder of a nonresident commercial driver's license issued by another state, such license shall be surrendered to the state of Kansas at the time a Kansas nonresident commercial driver's license is issued;

(e) The provisions of this section shall be a part of and supplemental to the Kansas uniform commercial drivers' license act.

Section 2. K.S.A. 8-2,128 is hereby amended to read as follows: 8-2,128. As used in this act:

(a) "Alcohol" means any substance containing any form of alcohol including, but not limited to, ethanol, methanol, propanol and isopropanol;

(b) "alcohol concentration" means:

(1) The number of grams of alcohol per 100 milliliters of blood; or

(2) the number of grams of alcohol per 210 liters of breath;

(c) "commercial driver's license" means a license issued pursuant to K.S.A. 8-234b, and amendments thereto;

(d) "commercial driver license system" means the information system established pursuant to the commercial motor vehicle safety act of 1986 to serve as a clearinghouse for locating information related to the licensing and identification of commercial motor vehicle drivers;

(e) "instruction permit" means a permit issued pursuant to K.S.A. 8-294, and amendments thereto;

(f) "commercial motor vehicle" means a motor vehicle designed or used to transport passengers or property, if:

(1) The vehicle has a gross vehicle weight rating of 26,001 or more pounds or such lesser rating, as determined by rules and regulations adopted by the secretary, but shall not be more restrictive than the federal regulation;

(2) the vehicle is designed to transport 16 or more passengers, including the driver; or

(3) the vehicle is transporting hazardous materials and is required to be placarded in accordance with 49 C.F.R. 172, subpart F, effective January 1, 1991;

(g) "controlled substance" means any substance so classified under K.S.A. 65-4101, and amendments thereto;

(continued)

(h) "conviction" means an unvacated adjudication of guilt or a determination that a person has violated or failed to comply with the law and in a court of original jurisdiction or an administrative proceeding, an unvacated forfeiture of bail or collateral deposited to secure the person's appearance in court, a plea of guilty or nolo contendere accepted by the court, the payment of a fine or court cost, or violation of a condition of release without bail, regardless of whether the penalty is rebated, suspended or probated;

(i) "disqualification" means a prohibition against driving a commercial motor vehicle, including the suspension, revocation or cancellation of the privilege to drive a commercial motor vehicle;

(j) "drive" means to drive, operate or be in physical control of a motor vehicle in any place open to the general public for purposes of vehicular traffic. For purposes of K.S.A. 8-2,144 and 8-2,145 and K.S.A. 8-2,137, 8-2,138 and 8-2,142, and amendments thereto, "drive" includes operation or physical control of a motor vehicle anywhere in the state;

(k) "driver" means any person who drives, operates or is in physical control of a commercial motor vehicle, in any place open to the general public for purposes of vehicular traffic, or who is required to hold a commercial driver's license;

(l) "driver's license" means any driver's license or any other license or permit to operate a motor vehicle issued under, or granted by, the laws of this state, including:

- (1) Any temporary license or instruction;
- (2) the privilege of any person to drive a motor vehicle whether or not such person holds a valid license; or
- (3) any nonresident's operating privilege;

(m) "employer" means any person, including the United States, a state or a political subdivision of a state, who owns or leases a commercial motor vehicle or assigns a person to drive a commercial motor vehicle;

(n) "endorsement" means an authorization to an individual's commercial driver's license required to permit the individual to operate certain types of commercial motor vehicles;

(o) "felony" means any offense under state or federal law that is punishable by death or imprisonment for a term exceeding one year;

(p) "gross vehicle weight rating" means the value specified by the manufacturer as the maximum loaded weight of a single or a combination (articulated) vehicle, or registered gross weight, whichever is greater. The gross vehicle weight rating of a combination (articulated) vehicle (commonly referred to as the "gross combination weight rating") is the gross vehicle weight rating of the power unit plus the gross vehicle weight rating of the towed unit or units;

(q) "hazardous materials" has the meaning as that found in section 103 of the hazardous materials transportation act, 49 U.S.C. 1801 *et seq.*;

(r) "motor vehicle" means every vehicle which is self-propelled, and every vehicle which is propelled by electric power obtained from overhead trolley wires but not operated upon rails, except vehicles moved solely by human power and motorized wheel chairs;

(s) "out of service order" means a temporary prohibition against driving a commercial motor vehicle, which is imposed when a driver has any measured or detected alcohol concentration while on duty, or operating, or in physical control of a commercial motor vehicle;

(t) "residence" means the place which is adopted by a person as the person's place of habitation and to which, whenever the person is absent, the person has the intention of returning. When a person eats at one place and sleeps at another, the place where the person sleeps shall be considered the person's residence;

(u) "secretary" means the secretary of the Kansas department of revenue;

(v) "serious traffic violation" means:

- (1) Excessive speeding, is defined as 15 miles per hour or more over the posted speed limit;
- (2) reckless driving, as defined under K.S.A. 8-1566, and amendments thereto;
- (3) a violation of any state or local law relating to motor vehicle traffic control, other than a parking violation, arising in connection with an accident or collision resulting in death to any person;
- (4) changing lanes of traffic illegally or erratically, as defined under K.S.A. 8-1548, and amendments thereto;

(5) following another vehicle too closely, as defined under K.S.A. 8-1523, and amendments thereto; or

(6) any other violation of a state or local law relating to motor vehicle traffic control, other than a parking violation, which the secretary determines by rule and regulation to be serious;

(w) "state" means a state of the United States and the District of Columbia;

(x) "state of domicile" means that state where a person has such person's true, fixed and permanent home and principal residence and to which such person has the intention of returning whenever such person is absent;

(y) "tank vehicle" means any commercial motor vehicle that is designed to transport any liquid or gaseous material within a tank that is either permanently or temporarily attached to the vehicle or the chassis. Such vehicles include, but are not limited to, cargo tanks, as defined in 49 C.F.R. 171 in effect on January 1, 1991. However, this definition does not include portable tanks having a rated capacity under 1,000 gallons;

(z) "United States" means the 50 states and the District of Columbia;

(aa) "division" means the division of vehicles of the Kansas department of revenue;

(bb) "director" means the director of the division of vehicles of the Kansas department of revenue;

(cc) "foreign country" means any jurisdiction other than the United States;

(dd) "nonresident commercial driver's license" means a license issued pursuant to section 1.

Sec. 3. K.S.A. 1993 Supp. 8-2,133 is hereby amended to read as follows: 8-2,133. (a) Except as provided in K.S.A. 1993 Supp. 8-2,146 or as provided in section 1, no person may be issued a commercial driver's license unless that person is a resident of this state and has passed a knowledge and skills test for driving a commercial motor vehicle which complies with minimum federal standards established by 49 C.F.R. 383, subparts G and H, effective January 1, 1991, and has satisfied all other requirements of the commercial motor vehicle safety act in addition to other requirements imposed by state law or federal regulation. The tests shall be prescribed and conducted by the secretary, *except that the secretary may accept the results of a person's knowledge test conducted in another state if such test complies with minimum federal standards;*

(b) the following criteria shall be met before an applicant who is currently licensed to drive a commercial motor vehicle may be exempt from the driving skills portion of the commercial driver license testing. The applicant shall provide evidence and certify that for the two-year period, except that for paragraph (F) of subsection (1) it shall be a five-year period, immediately prior to applying for a commercial driver's license, the applicant:

(1) (A) Has held only one license, except under the conditions outlined in 49 C.F.R. 383.21(b), effective January 1, 1991;

(B) currently has no actions pending which could result in the license of the driver being revoked, suspended or canceled or the driver being disqualified pursuant to 49 C.F.R. 383.51, effective January 1, 1991;

(C) has not had any driver's license suspended, revoked or canceled, except as otherwise provided within this statute;

(D) has not been convicted of any type of the disqualifications listed in paragraph (2) of subsection (b) of 49 C.F.R. 383.51, effective January 1, 1991; and

(E) has not had any conviction for a violation of state or local law relating to motor vehicle traffic control, other than parking, arising out of a traffic accident, and has no record of an accident in which the applicant was at fault; and

(F) had no convictions for violations enumerated in K.S.A. 8-254, and amendments thereto, or K.S.A. 8-285, and amendments thereto; and

(G) has not had more than one conviction for serious traffic violations as defined in K.S.A. 8-2,128, and amendments thereto; and

(2) (A) has previously taken and passed, within the previous two years, the required skills test through a state with a classified licensing and testing system and behind the wheel test in a representative vehicle in the class the applicant is now desiring to be tested in; or

(B) operated, for at least two years immediately preceding the application for a commercial driver's license, a representative vehicle that the applicant currently operates or expects to operate;

(c) the secretary may authorize a person, including an agency of this or another state, an employer, a private driver training facility or other private institution, or a department, agency or instrumentality of local government, to administer the skills test specified by this section, if:

(1) The test is the same which would otherwise be administered by the state; and

(2) the third party has entered into an agreement with the state which complies with requirements of 49 C.F.R. 383.75, effective January 1, 1991.

(d) A commercial driver's license or commercial driver's instruction permit may not be issued to a person while the person is subject to a disqualification from driving a commercial motor vehicle, or while the person's driver's license is suspended, revoked or cancelled in any state; nor shall a commercial driver's license be issued to a person who has a commercial driver's license issued by any other state unless the person first surrenders all such licenses, which must be returned to the issuing state for cancellation.

Sec. 4. K.S.A. 8-2,128 and K.S.A. 1993 Supp. 8-2,133 are hereby repealed.

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

(Published in the Kansas Register, April 21, 1994.)

HOUSE BILL No. 2623

AN ACT relating to property taxation; concerning the computation of tax levy rates; authorizing the waiver of interest and penalties upon escaped or underreported personal property; amending K.S.A. 79-1803 and repealing the existing section.

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

Section 1. K.S.A. 79-1803 is hereby amended to read as follows: 79-1803. As soon as the action of the state board of equalization is certified to the county clerk, the county clerk shall change the valuations as directed and shall notify the county appraiser of such change. After all amounts of ad valorem tax levies have been certified to the county clerk, the county clerk shall compute the final tax levy rate to be applied to each tract or lot of real property, in the name of the owner, if known, and upon the amount of personal property in the name of each person, company or corporation, which shall be levied equally upon all real and personal property subject to the same tax, and set down all taxes on the tax roll. *The amount of penalties imposed pursuant to K.S.A. 79-332a, 79-1422 and 79-1427a, and amendments thereto, shall not be considered in computing the final tax levy rate.* The clerk shall complete the same, and attach a certificate thereto, and deliver it to the county treasurer on or before November 1, and shall charge the treasurer with the amount of the respective taxes assessed on the tax roll.

New Sec. 2. The board of county commissioners of any county may waive any penalty imposed pursuant to the provisions of K.S.A. 79-1422 and 79-1427a, and amendments thereto, with respect to the discovery in 1993 or 1994 of tangible personal property which has been omitted from the tax rolls or the value of which has been underreported, and any interest that may have accrued thereon, in all cases where the appropriate total amount of tax due on such property as a result of such omission or underreporting is paid in 1994.

Sec. 3. K.S.A. 79-1803 is hereby repealed.

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

(Published in the Kansas Register, April 21, 1994.)

HOUSE BILL No. 2836

AN ACT amending the Kansas parimutuel racing act; relating to simulcast races; amending K.S.A. 74-8802, 74-8822, 74-8829 and 74-8836 and repealing the existing sections.

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

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

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

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

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

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

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

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

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

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

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

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

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

(j) "Horsemen's association" means any association or corporation:

(1) All officers, directors, members and shareholders of which are licensed owners of horses or licensed trainers of horses, or both;

(2) which is applying for or has been issued a facility owner license authorizing ownership of Eureka Downs; and

(3) none of the officers, directors, members or shareholders of which holds another facility owner license or is an officer, director, member or shareholder of another facility owner licensee.

(k) "Horsemen's nonprofit organization" means any nonprofit organization:

(1) All officers, directors, members or shareholders of which are licensed owners of horses or licensed trainers of horses, or both; and

(2) which is applying for or has been issued an organization license authorizing the conduct of horse races at Eureka Downs.

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

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

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

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

(continued)

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

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

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

(s) "Nonprofit organization" means:

(1) A corporation which is incorporated in Kansas as a not-for-profit corporation pursuant to the Kansas general corporation code and the net earnings of which do not inure to the benefit of any shareholder, individual member or person; or

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

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

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

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

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

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

(y) "Race meeting" means the entire period of time for which an organization licensee has been approved by the commission to hold live or simulcast horse or greyhound races at which parimutuel wagering is conducted or to hold horse races at which parimutuel wagering is not conducted, including such additional time as designated by the commission for the conduct of official business before and after the races.

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

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

(bb) "Recognized greyhound owners' group" means the duly recognized group elected in accordance with rules and regulations of the commission by a majority of the Kansas licensed greyhound owners at the racetrack facility voting in the election. The commission may designate an organization such as the national greyhound association of Abilene, Kansas, to conduct the election.

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

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

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

(ff) "Totalisator licensee" means any person, partnership, corporation or association licensed by the commission to provide totalisator equipment or services to an organization licensee.

Sec. 2. K.S.A. 1993 Supp. 74-8822 is hereby amended to read as follows: 74-8822. (a) Any person who claims to be entitled to any part of a parimutuel pool conducted by an organization licensee and who fails to claim the money due such person prior to the completion of the race meeting at which the pool was formed may file with the organization licensee within 60 days after the close of the race meeting:

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

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

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

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

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

(e) All unclaimed ticket proceeds from parimutuel wagering conducted by a simulcasting licensee on simulcast races displayed by the licensee shall be distributed as provided by K.S.A. 74-8836 on the 61st day after the end of the calendar year and amendments thereto.

Sec. 3. K.S.A. 1993 Supp. 74-8829 is hereby amended to read as follows: 74-8829. (a) There is hereby created in the state treasury the Kansas horse breeding development fund to which moneys shall be credited as provided by this act. Expenditures from such fund shall be made in accordance with appropriation acts upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the chairperson of the commission or a person designated by the chairperson.

(b) Moneys credited to the Kansas horse breeding development fund, including any moneys in the fund on March 24, 1994, and any moneys credited to the fund on or after that date, shall be apportioned into categories corresponding with the various breeds of horses which are participating in live races conducted by organization licensees in direct proportion to each category's contribution to the fund the number of horses in each category participating in such live races and shall be used in each category to provide:

(1) Purse supplements to owners of Kansas-bred horses;

(2) stakes and awards to be paid to the owners of the winning Kansas-bred horses in certain races as determined by the commission;

(3) a stallion award to each owner of a Kansas-registered stallion which is the sire of a Kansas-bred horse if such horse wins or wins, places or shows in any race conducted at a Kansas race meeting, but no such award shall be paid to the owner of a Kansas stallion that served outside Kansas at any time during the calendar year in which the winning Kansas-bred horse was conceived;

(4) a breeder's award to each owner of a Kansas-registered mare which is the dam of a Kansas-bred horse if such horse wins or wins, places or shows in any race conducted at a Kansas race meeting; and

(5) moneys for equine research through institutions of higher education under the state board of regents.

Sec. 4. K.S.A. 74-8836 is hereby amended to read as follows: 74-8836. (a) Any organization licensee that conducts at least 150 days of live racing during a calendar year or a county fair association that conducts fewer than 22 days of live racing during a calendar year may apply to the commission for a simulcasting license to display simulcast horse or greyhound races and to conduct intertrack parimutuel wagering thereon. If the organization licensee conducts races at a racetrack facility that is owned by a facility owner licensee, both licensees shall join in the application. A simulcasting license granted to a county fair association that conducts fewer than 22 days of live racing shall restrict the county fair association's display of simulcast races to a number of days, including days on which it conducts live horse races, equal to not more than twice the number of days on which it conducts live races.

(b) (1) A simulcasting license granted to an organization licensee other than a county fair association shall authorize the display of simulcast races at the racetrack facility where the live races are conducted. If a simulcasting licensee conducts live horse races on a day when simulcast races are displayed by the licensee and the licensee conducts fewer than 10 live horse races on such day, not less than 80% of the races on which wagers are taken by the licensee during such day shall be live races conducted by the licensee. If a simulcast licensee conducts live greyhound races on a day when simulcast races are displayed by the licensee and the licensee conducts fewer than 13 live greyhound races during a performance on such day, not less than 80% of the races on which wagers are taken by the licensee during such performance shall be live races conducted by the licensee.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(1) If a simulcasting licensee has a license to conduct live horse races and the licensee displays a simulcast horse race, breakage and unclaimed winning ticket proceeds shall be distributed in the manner provided by K.S.A. 74-8821 and 74-8822, and amendments thereto, for breakage and unclaimed winning ticket proceeds from live horse races: (A) All breakage proceeds shall be remitted by the licensee to the commission not later than the 15th day of the month following the race from which the breakage is derived and the commission shall promptly remit any such proceeds

(continued)

received to the state treasurer, who shall deposit the entire amount in the state treasury and credit it to the Kansas horse breeding development fund created by K.S.A. 74-8829 and amendments thereto; and (B) all unclaimed ticket proceeds shall be remitted by the licensee to the commission on the 61st day after the end of the calendar year and the commission shall promptly remit any such proceeds received to the state treasurer, who shall deposit the entire amount in the state treasury and credit it to the Kansas horse breeding development fund created by K.S.A. 74-8829 and amendments thereto.

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

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

(4) If a simulcasting licensee has a license to conduct live racing of only greyhounds and the licensee displays a simulcast horse race, breakage and unclaimed winning ticket proceeds shall be distributed in the manner provided by K.S.A. 74-8821 and 74-8822, and amendments thereto, for breakage and unclaimed winning ticket proceeds from live horse races: (A) All breakage proceeds shall be remitted by the licensee to the commission not later than the 15th day of the month following the race from which the breakage is derived and the commission shall promptly remit any such proceeds received to the state treasurer, who shall deposit the entire amount in the state treasury and credit it to the Kansas horse breeding development fund created by K.S.A. 74-8829 and amendments thereto; and (B) all unclaimed ticket proceeds shall be remitted by the licensee to the commission on the 61st day after the end of the calendar year and the commission shall promptly remit any such proceeds received to the state treasurer, who shall deposit the entire amount in the state treasury and credit it to the Kansas horse breeding development fund created by K.S.A. 74-8829 and amendments thereto.

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

(j) (1) The commission may authorize any simulcasting licensee

to participate in an interstate combined wagering pool with one or more other racing jurisdictions.

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

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

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

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

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

(k) If the organization licensee, facility owner licensee if any and the recognized horsemen's group or recognized greyhound owners' group are unable to agree concerning a simulcasting application, the matter may be submitted to the commission for determination at the written request of any party in accordance with rules and regulations of the commission.

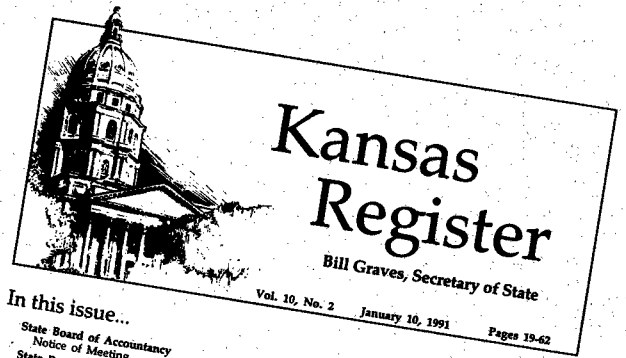
(l) This section shall be part of and supplemental to the Kansas parimutuel racing act.

Sec. 5. K.S.A. 74-8802, 74-8822, 74-8829 and 74-8836 are hereby repealed.

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

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