



# Kansas Register

Bill Graves, Secretary of State

Vol. 13, No. 18

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Pages 615-686

In this issue . . .	Page
<b>Kansas Judicial Council</b>	
Notice of meetings .....	617
<b>Kansas Sentencing Commission</b>	
Notice of acceptance of applications for research analyst .....	617
<b>Kansas State Treasurer</b>	
Notice of investment rates .....	617
<b>Kansas State Library</b>	
Notice to bidders .....	617
<b>Kansas Water Office</b>	
Notice of hearings .....	618
<b>State Employees Health Care Commission</b>	
Notice of pre-bid conference .....	618
Request for proposals .....	618
<b>Kansas State University</b>	
Notice to bidders .....	618
<b>State Board of Education</b>	
Notice of hearing on proposed administrative regulations .....	619
<b>State Emergency Response Commission</b>	
Notice of meeting .....	624
<b>Social and Rehabilitation Services</b>	
Notice of hearing on proposed administrative regulations .....	624
<b>University of Kansas</b>	
Notice to bidders .....	626
<b>Notice to bidders for state purchases</b> .....	626
<b>Pooled Money Investment Board</b>	
Notice of meeting .....	627
<b>Department of Health and Environment</b>	
Notice of hearing on proposed administrative regulations .....	627
Notice of proposed permit action .....	628
Notice concerning Kansas water pollution control permits .....	628
<b>State Corporation Commission</b>	
Notice of hearing on proposed administrative regulations .....	631
Notice of motor carrier hearings .....	632
<b>State Conservation Commission</b>	
Notice to contractors .....	634

(continued)

<b>Notice of Bond Redemption</b>	
City of Olathe .....	634
City of Lyons .....	635
<b>Temporary Administrative Regulations</b>	
The Kansas Lottery .....	635
<b>Secretary of State</b>	
Usury rate for May .....	637
<b>Permanent Administrative Regulations</b>	
State Board of Healing Arts .....	637
<b>Notice of Bond Sale</b>	
City of Salina .....	639
City of Manhattan .....	640
U.S.D. 418, McPherson County .....	641
Hamilton County .....	642
City of Lawrence .....	642
<b>Department of Transportation</b>	
Notice to contractors .....	641
<b>New State Laws</b>	
Senate Bill 459, relating to property taxation .....	643
Senate Bill 767, concerning the workers compensation act .....	644
Senate Bill 718, making and concerning appropriations .....	644
Senate Bill 716, concerning medical care facilities .....	647
Senate Bill 669, relating to solid waste .....	647
House Substitute for Senate Bill 520, relating to health assessments of school pupils .....	651
Senate Bill 461, concerning economic development .....	652
House Bill 2802, concerning school districts .....	654
House Bill 2619, relating to banks and trust companies .....	654
Senate Substitute for House Bill 2597, concerning retirement .....	656
<b>Court of Appeals docket</b> .....	676
<b>Index to administrative regulations</b> .....	681

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State of Kansas

**Kansas Judicial Council**

**Notice of Meetings**

The Kansas Judicial Council and its advisory committees will meet according to the following schedule at the Kansas Judicial Center, 301 S.W. 10th, Topeka:

Date	Committee	Time	Location
May 6	Care & Treatment	9:30 a.m.	Room 259
May 13	Judicial Council	9:00 a.m.	Room 259
May 20	Civil Code	9:00 a.m.	2nd Floor Court of Appeals Courtroom
May 20	PIK	9:30 a.m.	Room 259
May 27	Probate Law	9:30 a.m.	Room 259
June 3	Care & Treatment	9:30 a.m.	Room 259
June 17	PIK	9:30 a.m.	Room 259
June 17	Probate Law	9:30 a.m.	2nd Floor Court of Appeals Courtroom
June 23	Family Law	9:30 a.m.	Room 259
June 24	Judicial Council	9:30 a.m.	Room 259

Justice Kay McFarland  
Chair

Doc. No. 014816

State of Kansas

**Kansas Sentencing Commission**

**Notice of Acceptance of Applications  
for Research Analyst**

An unclassified state position for a research analyst with the Kansas Sentencing Commission will be available May 18. The research analyst will organize research studies; develop questionnaires; collect and analyze criminal justice data; design, implement and maintain databases; perform statistical analysis; and report correlations and conclusions. Requirements include the ability to design, test and maintain database in IBM PC compatible LAN environment; design and use SPSS, dBASE, or Microsoft Excel databases; analyze and interpret statistical data; and communicate concise, accurate technical information.

Applicants must have a bachelor's degree and knowledge of database structures and systems, research design methods and procedures, basic mathematics, standard statistical methods and applications to analysis and evaluation of data; and IBM PC compatible experience. Education and experience in the criminal justice field is extremely helpful.

Send resume, including references and letter of interest, to Lisa Moots, Executive Director, Kansas Sentencing Commission, Suite 501, Jayhawk Tower, 700 S.W. Jackson, Topeka 66603, by May 18.

Lisa Moots  
Executive Director

Doc. No. 014767

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 5-9-94 through 5-15-94**

Term	Rate
0-90 days	3.81%
3 months	3.95%
6 months	4.51%
9 months	4.93%
12 months	5.12%
18 months	5.46%
24 months	5.77%
36 months	6.18%
48 months	6.48%

Sally Thompson  
State Treasurer

Doc. No. 014800

State of Kansas

**Kansas State Library**

**Notice to Bidders**

The Kansas State Library, through the Kansas Association of Rehabilitation Facilities, is requesting bids for distribution of materials to more than 15,000 libraries across the United States as a part of an ADA Technical Assistance Program funded by the U.S. Department of Justice Civil Rights Division, Public Access Section.

Approximately \$115,000 is available to accomplish the distribution. The distribution effort will require:

1. Production of a container for materials.
2. Printing of selected information materials.
3. Receipt, assembly, and distribution of information materials.

Separate bids will be accepted for each part of the effort. Interested bidders may call Doreen Stanley, Kansas Association of Rehabilitation Facilities, (913) 235-5103 or FAX (913) 235-0020, for further information. Submitted bids are due at the Kansas Association of Rehabilitation Facilities, 700 S.W. Jackson, Suite 212, Topeka 66603, by 5 p.m. Friday, May 20.

Duane Johnson  
State Librarian

Doc. No. 014825

## State of Kansas

## Kansas Water Office

## Notice of Hearings

The Kansas Water Office will conduct four public hearings on the working draft of proposed additions to the *Kansas Water Plan*. The working draft contains a proposed new policy subsection entitled "State Role in Weather Modification" and revisions to five basin plan sections including the Upper Arkansas Basin, Cimarron Basin, Missouri Basin, Neosho Basin, and the Walnut Basin. The working draft was developed following a series of public meetings in March during which a preliminary draft of proposed additions to the *Kansas Water Plan* was reviewed and discussed.

The proposed policy subsection addressing the state role in weather modification recommends the establishment of a state-local cost share program if an evaluation of historic weather modification activities in western Kansas shows positive results. The basin section proposals include an Arkansas River Corridor plan in the Upper Arkansas River Basin addressing water quantity and quality issues; a Sandhills Research Facility addressing water use efficiency and water conservation in the Upper Arkansas and Cimarron River Basins; a revised subsection addressing fish, wildlife and recreation issues in the Missouri River Basin; a revised subsection addressing flooding issues in the Neosho River Basin; and a new fish, wildlife and recreation subsection in the Walnut River Basin.

The public hearings will be held as follows:

- June 1, 1 p.m., Old Supreme Court Room, Room 315-S, State Capitol, Topeka
- June 2, 7 p.m., State Building Complex, 1500 W. 7th, Kansas Room, Chanute
- June 6, 7 p.m., Colby Community College, Student Union, Room 108, 1255 S. Range, Colby
- June 7, 7 p.m., Finney County Public Library, 605 E. Walnut, Garden City

Interested persons are encouraged to attend the public hearings and to present written testimony to the Kansas Water Office on the proposed additions to the *Kansas Water Plan* or any water resource issues of concern. Written comments may also be sent to the Director, Kansas Water Office, 109 S.W. 9th, Suite 300, Topeka 66612-1249. The deadline for receipt of written comments on the working draft is June 10. For a copy of the working draft or for additional information, contact the Kansas Water Office at (913) 296-3185.

If accommodations are needed for persons with disabilities to participate in the hearings, please notify the Kansas Water Office at least two days in advance of the meeting (TTY 913/296-6604).

Stephen A. Hurst  
Director

Doc. No. 014824

## State of Kansas

## State Employees Health Care Commission

## Notice of Pre-bid Conference

The State Employees Health Care Commission issued a request for proposals May 4 for HMO plans. The deadline for receipt of proposals is 2 p.m. Wednesday, June 15.

A pre-bid conference will be at 10 a.m. Tuesday, May 17, in Room 108-S, Landon State Office Building, 900 S.W. Jackson, Topeka. All potential bidders for Health Maintenance Organizations are invited to attend.

This conference will offer potential bidders the opportunity to discuss any questions regarding the RFP with representatives of the state system.

Dave Charay  
Health Benefits Administrator

Doc. No. 014828

## State of Kansas

## State Employees Health Care Commission

## Request for Proposals

The State Employees Health Care Commission intends to issue a request for proposals (RFP) May 4 for coverage provided to Kansas state employees and retirees by health maintenance organizations (HMOs). The deadline for receipt of proposals is 2 p.m. Wednesday, June 15.

There are presently 38,976 active employees and 8,565 retirees participating in the health plan, of which 9,843 are enrolled in HMOs.

Requests for a copy of the RFP should be forwarded to Frances Welch, Division of Purchases, Room 102-N, Landon State Office Building, 900 S.W. Jackson, Topeka 66612, (913) 296-2372, Fax (913) 296-7240.

Dave Charay  
Health Benefits Administrator

Doc. No. 014781

## 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 16, 1994

40144

Pentium computers

40146

Sulfur dioxide analyzer

Tuesday, May 17, 1994

40147

Turbomolecular vacuum pumps

William H. Sesler  
Director of Purchasing

Doc. No. 014801



## State of Kansas

## Board of Education

Notice of Hearing on Proposed  
Administrative Regulations

The State Board of Education will conduct a public hearing at 1:30 p.m. Tuesday, June 14, in the board room of the State Education Building, 120 S.E. 10th, Topeka, to consider proposed State Board Regulations 91-1-30a, 91-1-85, 91-1-92, and 91-1-93a.

The proposed changes in these regulations would allow for provisional certificates to be granted for an initial two-year period which may be renewed for one additional two-year period. Currently, provisional certificates are granted on a one-year basis with the opportunity to renew up to three additional times. Each proposed regulation is printed with this notice.

The economic impact upon the State Department of Education would be very slight because loss of the yearly application fee would be offset by reduction in processing time. Both applicants and teacher education institutions would save additional expense. The applicant would no longer have to pay an additional \$24 certification fee and the institutions would not have to process the additional paperwork. A complete economic impact statement for each regulation may be obtained by contacting the secretary of the State Board of Education, 120 S.E. 10th, Topeka 66612.

Any individual with a disability may request accommodation in order to participate in the public hearing and may request the proposed regulations and economic impact statements in an accessible format. Requests for accommodation to participate in the hearing should be made at least five working days in advance of the hearing by contacting Lanny Gaston at (913) 296-3906 or (913) 296-8172 (TDD).

All interested persons will be given a reasonable opportunity at the hearing to present their views or arguments, either orally or in writing, in regard to the proposed regulations. In addition, the period of public notice hereby provided constitutes a public comment period for the purpose of receiving written public comments on the proposed regulations. Such written comments may be submitted to the secretary of the State Board of Education at the address above. The hearing shall be conducted in compliance with the public hearing procedures of the board.

**91-1-30a. Second field endorsement.** (a) Initial endorsement.

(1) Any Each applicant who holds or is eligible for a certificate with an endorsement at the secondary level for one or more subjects or fields shall be eligible for an initial ~~one~~ two-year provisional endorsement at the secondary level for another subject or field, if the applicant has:

(A) completed, in a state-approved program, the semester hours credit specified in this regulation for the subject and field;

(B) on file at a teacher education institution, a deficiency plan to complete a state-approved program, including, at the discretion of the teacher education institution, a methods course. Completion of other

professional education coursework shall not be required; and

(C) submitted a statement from the institution at which the deficiency plan is filed, verifying that the number of hours designated in this regulation have been completed.

(2) The semester hours required to be completed in the subject and field of a state-approved program for an initial ~~one~~ two-year provisional endorsement under this regulation shall be: *as follows.*

(A) Business education field. Each applicant shall have completed 12 semester hours in the field plus the specified number of semester hours indicated for the specific endorsement sought. *The required number of semester hours for the specific endorsements shall be:*

- (i) bookkeeping—6 semester hours;
- (ii) business economics—6 semester hours;
- (iii) business law—6 semester hours;
- (iv) office practice—6 semester hours;
- (v) shorthand—6 semester hours; or
- (vi) typing—6 semester hours.

(B) Industrial arts field. Each applicant shall have completed 12 semester hours in the field plus the specified number of semester hours indicated for the specific endorsement sought. *The required number of semester hours for the specific endorsements shall be:*

- (i) drafting—6 semester hours;
- (ii) electricity—6 semester hours;
- (iii) graphic arts—6 semester hours;
- (iv) metals—6 semester hours;
- (v) plastics—6 semester hours;
- (vi) power mechanics—6 semester hours; or
- (vii) wood—6 semester hours.

(C) Language arts field. *Each applicant shall have completed 3 semester hours in the field plus the specified number of semester hours indicated for the specific endorsement sought. The required number of semester hours for the specific endorsements shall be:*

- (i) English—15 semester hours;
- (ii) journalism—6 semester hours;
- (iii) speech communication—9 semester hours; or
- (iv) drama—9 semester hours.

(D) Natural sciences field. *Each applicant shall have completed 6 semester hours in the field plus the specified number of semester hours indicated for the specific endorsement sought. The required number of semester hours for the specific endorsements shall be:*

- (i) biology—12 semester hours;
- (ii) chemistry—12 semester hours;
- (iii) earth space science—6 semester hours;
- (iv) general science—9 semester hours;
- (v) physical science—9 semester hours; or
- (vi) physics—12 semester hours.

(E) Social sciences field. *Each applicant shall have completed 6 semester hours in the field plus the specified number of semester hours indicated for the specific endorsement sought. The required number of semester hours for the specific endorsements shall be:*

- (i) American history—12 semester hours;
- (ii) anthropology—3 semester hours;
- (iii) economics—3 semester hours;

(continued)

- (iv) geography—3 semester hours;
- (v) political science/government—6 semester hours;
- (vi) sociology—3 semester hours; or
- (vii) world history—12 semester hours.

(F) Mathematics. *Each applicant shall have completed 18 semester hours.*

(G) Computer Studies. *Each applicant shall have completed 9 semester hours.*

(H) Home Economics. *Each applicant shall have completed 18 semester hours.*

(I) Physical Education. *Each applicant shall have completed 18 semester hours.*

(J) French. *Each applicant shall have completed 15 semester hours.*

(K) German. *Each applicant shall have completed 15 semester hours.*

(L) Latin. *Each applicant shall have completed 15 semester hours.*

(M) Russian. *Each applicant shall have completed 15 semester hours.*

(N) Spanish. *Each applicant shall have completed 15 semester hours.*

(O) Any other foreign language. *Each applicant shall have completed 15 semester hours.*

(b) Renewal requirements.

(1) Any endorsement issued under the provisions of subsection (a) of this regulation may be renewed ~~for four~~ *once for an additional one two-year periods period*, if the applicant submits *annually*:

(A) an application for renewal; and

(B) a statement from the institution at which the deficiency plan is filed, verifying that progress has been made toward completing the state-approved program.

(2) A secondary endorsement shall not be granted under this regulation for any subject or field which is not specifically listed in paragraph (2) of subsection (a).

(c) ~~Any person who has been granted a one-year endorsement at the secondary level under the provisions of S.B.R. 91-1-30 (a)(4), as in effect on May 1, 1985, may have that endorsement renewed for a total of three one-year endorsements, if the applicant submits:~~

(1) ~~An application for renewal;~~

(2) ~~a transcript showing that the deficiency plan is being completed; and~~

(3) ~~a recommendation for renewal of the endorsement from the institution at which the deficiency plan is being completed. (Authorized by and implementing Article 6, Section 2(a) of the Kansas Constitution; effective May 1, 1986; amended P-\_\_\_\_.)~~

**91-1-85. Bilingual-multicultural education.** (a) Each applicant for a bilingual-multicultural education endorsement shall:

(1) hold a valid teaching certificate;

(2) shall have completed a state-approved bilingual-multicultural education program; and

(3) shall be recommended by a teacher education institution.

(b) Provisional endorsement.

(1) An applicant shall be issued an initial ~~one~~ *two-year* provisional bilingual-multicultural education endorsement if the applicant:

(A) has on file at a teacher education institution, a deficiency plan to complete a state-approved bilingual-multicultural education program; and

(B) has submitted a statement, from the teacher education institution at which the deficiency plan is filed, verifying that the applicant has completed a minimum of 12 semester hours in a state-approved bilingual-multicultural education program.

(2) A provisional endorsement issued under paragraph (1) of this subsection may be renewed *once* for ~~four~~ *an additional one two-year periods period* if the applicant submits *annually*:

(A) an application for renewal; and

(B) a statement, from the teacher education institution at which the deficiency plan is filed, verifying that progress has been made toward completion of the state-approved program.

(c) A state-approved bilingual-multicultural education program shall consist of a course of study allowing the students to demonstrate:

(1) knowledge of the history and cultural patterns of the United States and the history and culture related to the candidate's second language;

(2) the ability to adapt existing materials to the needs of the bilingual-multicultural program;

(3) knowledge of linguistics, including the differences between the language systems, sound systems, forms and structures of the second language and English and the ability to apply this knowledge to a bilingual-multicultural teaching situation;

(4) the ability to relate successfully to students, parents, and community members of the appropriate cultural group;

(5) knowledge of teaching methods and diagnostic and prescriptive activities which are appropriate for bilingual-multicultural teaching;

(6) knowledge of the history and philosophy of bilingualism and of bilingual and multicultural education;

(7) the ability to utilize continuous language and content assessment as part of the learning process and to recognize potential linguistic and cultural biases of existing assessment instruments and procedures; and

(8) the ability to utilize English and the *dominant second* language in all basic subject matter content and the field or fields of specialization.

(d) ~~This regulation shall take effect on and after July 1, 1989. (Authorized by and implementing Article 6, Section 2(a) of the Kansas Constitution; effective Jan. 8, 1982; amended July 1, 1989; amended P-\_\_\_\_.)~~

**91-1-92. English as a second language.** (a) Each applicant for an English as a second language endorsement shall have completed a state-approved English as a second language program and be recommended by a teacher education institution.

(b) Provisional endorsement.

(1) An applicant shall be issued an initial ~~one~~ *two-year* provisional English as a second language endorsement if the applicant:

(A) has on file at a teacher education institution, a deficiency plan to complete a state-approved English as a second language program; and

(B) has submitted a statement, from the teacher education institution at which the deficiency plan is filed, verifying that the applicant has completed a minimum of 12 semester hours in a state-approved English as a second language program.

(2) A provisional endorsement issued under paragraph (1) of this subsection may be renewed for ~~four one~~ additional ~~one two-year periods period~~, if the applicant submits ~~annually~~:

(A) an application for renewal; and

(B) a statement, from the teacher education institution at which the deficiency plan is filed, verifying that progress has been made toward completing the state-approved program.

(c) A state-approved English as a second language program shall consist of a course of study allowing the students to demonstrate:

(1) knowledge of general linguistics and applied linguistics so that the prospective teacher can apply to language teaching an understanding of the differences in the sound systems, forms, structures, and lexicon of English and other languages;

(2) knowledge of language as an essential element of culture and the principal ways in which the culture of the United States differs from other cultures;

(3) knowledge of the process of language acquisition and development;

(4) knowledge of present-day objectives of the teaching of English as a second language and of the methods and techniques for attaining these objectives;

(5) knowledge of specialized techniques and the ability to evaluate the effectiveness of teaching materials, procedures, and curricula, as well as the professional literature regarding teaching English as a second language;

(6) knowledge of the principles of language assessment and the ability to apply the techniques of second language assessment and to interpret the results; and

(7) a proficiency in spoken and written English at a level commensurate with the role of language model.

(~~d~~) This regulation shall take effect on and after July 1, 1989. (Authorized by and implementing Article 6, Section 2(a) of the Kansas Constitution; effective Jan. 8, 1982; amended July 1, 1989; amended P-\_\_\_\_.)

**91-1-93a. Special education.** (a) (1) Each applicant for one of the special education subject area endorsements shall be recommended by a teacher education institution and shall have successfully completed a state-approved program in at least one of the following special education subject areas:

(A) behavior disorders;

(B) early childhood handicapped;

(C) gifted;

(D) hearing impaired;

(E) learning disabilities;

(F) mentally retarded;

(G) physically impaired;

(H) severely, multiply, handicapped; or

(I) visually impaired. ~~Each applicant shall be recommended by a teacher education institution.~~

(2) Each applicant shall have successfully completed:

(A) a state-approved program to teach regular education students at the level for which the special edu-

cation subject area endorsement application is submitted, except any applicant for an endorsement to teach *the* early childhood handicapped or *the* severely, multiply handicapped may substitute an undergraduate degree in occupational therapy, speech-language pathology, child development, nursing or another related field; or

(B) a professional education component that allows students to acquire:

(i) knowledge of human development and learning;

(ii) knowledge of regular education foundations;

(iii) knowledge of interpersonal relations and multicultural education;

(iv) knowledge of teaching methodology for fields or subjects at the level or levels for which the initial special education subject area endorsement application is submitted; and

(v) ability to apply the requirements of paragraph (2)(B)(i) through (iv) to teaching nonexceptional pupils; or

(C) two years of recent accredited experience in the special education subject area for which the endorsement application is submitted.

(3) An applicant who has completed an approved special education subject area program in another state and does not meet the requirements of paragraph (2)(A), (B) or (C) shall be issued a ~~one two-year~~ provisional endorsement if recommended by a Kansas accredited teacher education institution that has a state-approved program in the subject area for which endorsement is sought.

(A) The applicant shall file a deficiency plan with the recommending teacher education institution to complete the requirements of paragraph (2)(A) or (B).

(B) A provisional endorsement may be renewed for ~~two one~~ additional ~~one-year~~ endorsements ~~two-year~~ endorsement if progress is made ~~each year~~ toward completing the requirements for full endorsement and the applicant receives the recommendation of the teacher education institution.

(b) Provisional endorsement for applicants who have not completed a state-approved special education subject area program.

(1) An applicant shall be issued a provisional endorsement, valid for ~~one year~~ ~~two years~~, upon receiving the recommendation of a teacher education institution and completing the following:

(A) the requirements of paragraph (c)(2);

(B) the requirements of:

(i) paragraphs (c)(4) and (5); or

(ii) paragraphs (c)(6), (7) and (8); and

(C) at least one of the placements required by paragraph (c)(14).

(2) Provisional ~~endorsement~~ endorsements may be renewed ~~yearly~~ for a maximum of ~~three additional years~~ one time for an additional two-year period with the recommendation of the teacher education institution and based on progress ~~each year~~ toward completing the requirements for full endorsement in the area.

(c) An approved special education subject area program shall require students to complete a course of study allowing the students to:

(continued)

(1) acquire knowledge of special education foundations. The course of study shall allow students to acquire the ability to:

(A) explain the relationship of special education to regular education;

(B) describe contributions of other disciplines to the identification, classification, treatment and education of exceptional pupils;

(C) identify contributors to the growth and improvement of special education knowledge and practices;

(D) describe types of instructional arrangements for exceptional pupils;

(E) explain the impact that state and national legislation, litigation and professional and parent organizations have upon the development of special education programs;

(F) describe the roles that teachers, other professionals and parents assume in providing instruction and other services for exceptional and nonexceptional pupils;

(G) explain commonalities and differences among special education areas in terms of etiology, diagnosis, characteristics, treatment/instructional approaches and post-school status;

(H) explain the manner in which a code of ethical conduct applies to continued development of professional skills, responsibility for the welfare of those served, sharing knowledge with others and cooperative efforts with colleagues; and

(I) describe ways to use past and present literature to improve performance as a professional special educator.

(2) acquire knowledge of the concepts used to establish etiology, identify characteristics of exceptionality and select instructional and intervention strategies. The course of study shall allow students to acquire the ability to:

(A) describe procedures used to identify and classify variance from normal standards in social, communication, cognitive, motor and affective behaviors;

(B) describe contributions of family/familial, biological and environmental factors to the origins of variant behaviors;

(C) explain the procedures used to screen and diagnose, and the manner in which these are related to selection of an instructional and intervention plan;

(D) give examples of behavioral performance profiles; and

(E) compare the similarities and differences among instructional and intervention strategies and describe the basis for the selection of strategies and the manner in which the effectiveness of strategies is determined.

(3) acquire the ability to apply and report the results of preinstructional assessment procedures. The course of study shall allow students to acquire the ability to:

(A) select and use formal and informal measurement instruments commensurate with a pupil's developmental level;

(B) score and interpret norm and criterion-referenced tests of academic achievement;

(C) modify or construct measurement devices when other instruments are not applicable;

(D) collect and analyze performance information through systematic observations and recordings of social and academic behaviors;

(E) use task analysis or similar procedures to determine the effectiveness of a pupil's problem-solving strategy;

(F) evaluate the impact of a present placement on a pupil's presenting problems; and

(G) present a report of assessment results.

(4) acquire the ability to relate instructional content and media to pupil needs. The course of study shall allow students to acquire the ability to:

(A) select instructional content that enables pupils to acquire knowledge and skills in areas such as literacy, self-care, personal growth, career preparation and social competence;

(B) select media to attain instructional goals and objectives; and

(C) explain the relationship between pupil failure and inappropriate behavior, and content and media that are too easy or difficult.

(5) acquire the ability to use assessment data to plan and implement instructional methodology. The course of study shall allow students to acquire the ability to:

(A) establish goals and objectives from assessment information;

(B) develop the scope and sequence of learning activities for pupil attainment of instructional goals and objectives;

(C) apply computer and related technology to instructional processes;

(D) vary instructional format and schedule to enhance pupil performance;

(E) select and apply specialized methods; and

(F) provide a pupil with information about performance results for the purpose of enhancing continued progress and the development of self-evaluation skills.

(6) acquire the ability to plan learning environments. The course of study shall allow students to acquire the ability to:

(A) arrange the instructional setting to enhance pupil performance;

(B) ensure pupil access to necessary instructional media;

(C) designate areas for specific pupil activities; and

(D) use visual displays consistent with instructional goals and objectives.

(7) acquire knowledge of processes to establish constructive pupil-teacher and pupil-pupil interpersonal relationships. The course of study shall allow students to acquire the ability to:

(A) explain the impact of cultural, social, affective and other pupil variables upon interpersonal relationships;

(B) describe methods to establish and maintain communication with a pupil;

(C) model behavior appropriate to specific circumstances, such as anger, affection, humor, or honesty;

(D) explain how communication methods are used to support pupil efforts to achieve; and

(E) develop a plan to enable exceptional and nonexceptional pupils to understand that both groups have needs in common and needs that are unique to individuals.

(8) acquire the ability to implement individual and group behavior management procedures. The course of study shall allow students to acquire the ability to:

(A) observe and record pupil performance on instructional and related objectives;

(B) apply appropriate expectations and consequences for pupil performance;

(C) plan programs to increase appropriate and decrease inappropriate pupil behaviors; and

(D) involve pupils in the development of group and self-management plans.

(9) acquire the ability to establish a program evaluation plan. The course of study shall allow students to acquire the ability to:

(A) develop measurement strategies consistent with instructional objectives;

(B) calculate the effects of the program upon individual pupil performance and use them to determine total program effectiveness;

(C) use evaluation results to maintain or change an instructional program;

(D) communicate evaluation results to administrators, other teachers, parents and members of the community; and

(E) develop a system to follow the progress of pupils who no longer need special education and related services.

(10) acquire knowledge of the principles related to development of cooperative and supportive relationships with colleagues. The course of study shall allow students to acquire the ability to:

(A) model communication, consultation and problem-solving skills that can be used to provide regular and special educators with knowledge of instructional and management procedures for exceptional pupils;

(B) develop a plan to communicate program needs to others;

(C) describe the manner in which suggestions from others can be used for program improvement;

(D) explain procedures for planning and implementing staff development activities; and

(E) participate as a member of an interdisciplinary team in activities related to planning, implementing and evaluating instructional and related programs for a pupil.

(11) acquire knowledge of procedures to involve parents in planning and implementing instructional and related programs. The course of study shall allow students to acquire the ability to:

(A) model consultation and communication skills that can be used in individual and group parent conferences;

(B) develop a plan to instruct parents in methods for implementing a home-based teaching and management plan for their child;

(C) locate and describe community services for exceptional pupils and their parents; and

(D) explain parental rights and responsibilities that are described in state and federal statutes and regulations.

(12) acquire knowledge of general management, supervisory and regulatory functions. The course of study shall allow students to acquire the ability to:

(A) describe the state special education plan to colleagues and members of the community;

(B) explain procedural due process rights to others;

(C) apply the knowledge and abilities required by paragraphs (3) through (9) of subsection (c) of this regulation in developing, implementing and evaluating an individualized education program;

(D) explain the role of paraprofessionals and volunteers in an instructional program; and

(E) describe a local educational agency's policies and procedures for providing special education and related services; and,

(13) acquire knowledge of procedures used in regular classroom, resource, self-contained, hospital and homebound, special school, residential center and other various instructional placements and the ability to describe operational variables or characteristics that discriminate among types of instructional placements. *The types of instruction placements may include:*

(A) regular classroom;

(B) resource;

(C) self-contained;

(D) hospital and homebound;

(E) special school;

(F) residential center; or

(G) other instructional placements.

(14) apply the knowledge and abilities required by paragraphs (1) through (13) of this regulation in a minimum of two of the placements common to the special education subject area.

(d) Programs for applicants who choose to add a level to an existing provisional or full special education subject area endorsement or *who choose* to include an additional level in a plan of study for provisional or full endorsement in a special education subject area shall require students to complete a course of study allowing the students to:

(1) acquire the ability to apply level-relevant knowledge and skills of the exceptionality area to level-associated curriculum and instructional methods. The course of study shall allow students to acquire the ability to:

(A) describe the impact of exceptionality upon cognitive, affective, social and motor domains;

(B) assess pupil performance before and after an instructional unit;

(C) plan instructional methods and media that function to increase pupil growth in knowledge and skills; and

(D) select instructional methods and media that function to increase pupil growth in knowledge and skills.

(2) Apply the knowledge and abilities required by paragraphs (d)(1)(A) through (d)(1)(D) of this regulation in one of the placements common to the special education subject area at the level for which the endorsement is added. (Authorized by and implementing Article 6, Section 2(a) of the Kansas Constitution; effective May 1, 1985; amended July 12, 1985; amended June 11, 1986; amended March 11, 1987; amended P-\_\_\_\_.)

Dr. Lee Droegemueller  
Commissioner of Education

Doc. No. 014792



## State of Kansas

## State Emergency Response Commission

## Notice of Meeting

The State Emergency Response Commission will meet at 9 a.m. Thursday, May 12, in Room 11 of the State Defense Building, 2800 S. Topeka Blvd., Topeka.

Robert C. Harder  
Secretary of Health  
and Environment

Doc. No. 014798

## State of Kansas

## Social and Rehabilitation Services

Notice of Hearing on Proposed  
Administrative Regulations

A public hearing will be conducted at 9 a.m. Tuesday, June 7, in the SRS Staff Development Conference Room, 300 S.W. Oakley, Topeka, to consider the adoption of proposed changes in existing rules and regulations on a permanent basis.

This 30-day notice of the public hearing shall constitute a public comment period for the purpose of receiving written public comments on the proposed regulations. All interested parties may submit written comments prior to the hearing to the Secretary of Social and Rehabilitation Services, Room 603-N, Docking State Office Building, 915 S.W. Harrison, Topeka 66612. All interested parties will be given a reasonable opportunity to present their views orally on the proposed regulations during the hearing. In order to give all parties an opportunity to present their views, it may be necessary to request each participant to limit any oral presentation to five minutes.

The adoption of the regulations will take place at 8 a.m. Friday, June 10, in the SRS Executive Conference Room, 603-N, Docking State Office Building. Teleconference will not be available. The proposed regulations are scheduled to become effective August 1, 1994. A summary of the proposed regulations and their economic impact follows.

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

## Article 4.—PUBLIC ASSISTANCE PROGRAM

**30-4-90. Eligibility factors specific to the GA-unrestricted (GAU) program.** This regulation is being amended to clarify that assistance can be granted to non-ADC children who are living with a guardian.

**Economic Impact:** This change is not expected to have any discernible economic impact as it reflects current policy.

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

**30-5-58. Definitions.** This regulation is being

amended to add definitions which pertain to the cost based reimbursement system for federally-qualified health centers being clarified in other regulations. A definition for "costs not related to patient care," "costs related to patient care," "agency," "organization costs," and "generally accepted accounting procedures" are being added.

**Economic Impact:** None. All changes are additional definitions as a result of the additions to K.A.R. 30-5-118a.

**30-5-64. Prior authorization or precertification.** This regulation is being amended to include reasons for placing a service on the list of those which require prior authorization.

**Economic Impact:** None.

**30-5-65. Filing limitations for medical claims.** This regulation is being amended to state that medicaid/medikan claims must be submitted to the Division of Medical Services or to Medicare (as appropriate) within 12 months of the date of service. Claims must be settled within 24 months of the date of service or date of submission to Medicare.

**Economic Impact:** Estimated increased expenditures of \$86,000 (\$35,200 state general funds).

**30-5-82a. Reimbursement for rural health clinic services.** This regulation is being amended to state that reimbursement for rural health clinic services covered by medicaid will be determined according to federal regulation.

**Economic Impact:** None.

**30-5-116. Scope of rehabilitation services.** This regulation is being amended to clarify that comprehensive evaluation and transition services are available to children with psychological, emotional, developmental, or special health needs. This service is designed to result in the least restrictive placement consistent with the child's needs.

**Economic Impact:** None.

**30-5-118a. Reimbursement for federally-qualified health center services.** This regulation is being extensively revised to include guidelines for cost reports submitted to the Division of Medical Services from federally-qualified health centers. The regulation states that costs not related to patient care shall not be considered when computing reimbursable costs. Examples of such costs are listed. Examples of costs allowed with limitations are listed. Revenue statements and revenues used to offset cost of patient care are explained, as is financial data included in the reports. The amendment of this regulation will provide guidance to federally-qualified health centers and to the agency for the computing of reimbursable costs from cost reports.

**Economic Impact:** The changes formalize existing policies and procedures into regulation form with the exception of a limitation on salaries of facility administrators. This limitation, which will be based on the civil service salary schedules, is anticipated to result in savings of \$50,000 per year.

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

**30-6-56. Transfer of assets.** This regulation is being amended to incorporate several clarifications resulting from federal guidelines released concerning the Omnibus Budget Reconciliation Act (OBRA) of 1993. They include:

(1) A clarification that the 60-month look-back period for trust transfers is applicable only to payments from a trust or portions of a trust that are treated as assets disposed of by the individual in accordance with K.A.R. 30-6-109 (c)(1) and (2)(B).

(2) A clarification that the date of application for medical assistance is based on the most recent application for assistance.

(3) Treatment of lump sum income which is transferred in the same manner as any resource that is transferred and treatment of ongoing income which is transferred as still available in determining patient liability for long-term care services.

(4) A new provision for allocating a period of ineligibility evenly between two spouses if both are institutionalized and for requiring that if one spouse is no longer subject to the period of ineligibility the remainder is served by the other spouse if he or she becomes institutionalized.

(5) A specific criteria for granting hardship. Undue hardship for waiving a period of ineligibility may be granted if the individual verifies that he or she has exhausted all available legal remedies for reclaiming the property or receiving full compensation, that all assets have been expended to meet living and medical expenses, and that his or her health or life would be endangered if deprived of medical care. (Federal Mandate.)

Economic Impact: These changes are not expected to have any additional economic impact.

**30-6-109. Personal property.** This regulation is being amended to incorporate criteria for granting undue hardship on consideration of a trust fund as an available asset. Undue hardship may be granted if the individual verifies that he or she has exhausted all legal remedies for gaining access to the principal or income of the trust, that all otherwise available assets have been expended to meet living and medical expenses, and that his or her health or life would be endangered if deprived of medical care. (Federal Mandate.)

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

**30-6-111. Applicable income.** This regulation is being amended to increase the amount of the earned income deduction for an alien who is a parent of an ADC child and excluded from the assistance plan from \$75 to \$90. (Federal Mandate.)

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

#### Article 10.—ADULT CARE HOME PROGRAM

**30-10-1a. Nursing facility program definitions.** This regulation is being amended to clarify wording and to add wording to the definition of "nursing facility for mental health" which would limit the number of facilities to those which had a provider agreement with SRS as of July 1, 1994.

Economic Impact: None.

**30-10-1b. Nursing facilities.** This regulation is being amended to limit nursing facilities for mental health to those with a provider agreement with SRS prior to July 1, 1994.

Economic Impact: None.

**30-10-2. Standards for participation; nursing facilities and nursing facilities for mental health.** This regulation is being amended to limit nursing facilities for mental health to those with a provider agreement with SRS prior to July 1, 1994.

Economic Impact: None.

This regulation is being further amended to revise the time-frames for the resident assessment forms to give nursing facilities somewhat more flexibility in submission of quarterly and significant change assessments.

Economic Impact: Minimal savings resulting from more efficient use of SRS and nursing facility staff time.

**30-10-7. Screening, evaluation, and referral for nursing facilities.** This regulation is being amended to incorporate the recommendations of the Kansas Preadmission Assessment and Referral Services Task Force. Individuals may be admitted to a nursing facility on an emergency basis without receiving preadmission assessment and referral services if this service is provided within 10 days of admission. For medicaid eligibility individuals, reimbursement may be provided for up to 13 days if the preadmission screening results in a finding that nursing facility placement was not appropriate.

Economic Impact: Estimated cost savings of \$6,100 (state general funds).

**30-10-18. Rates of reimbursement.** This regulation is being amended to establish cost center limits using a median plus percentage approach. This approach will allow all providers to operate within per diem limits set for each cost center.

Economic Impact: None.

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

Any individual with a disability may request accommodation in order to participate in the public hearing and may request the proposed regulations and economic impact statements in an accessible format. Requests for accommodation to participate in the hearing should be made at least five working days in advance of the hearing by contacting Mary Slaybaugh at (913) 296-3969 or by calling the Kansas Relay Center at 1-800-766-3777.

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

Donna L. Whiteman  
Secretary of Social and  
Rehabilitation Services

Doc. No. 014803

## State of Kansas

## University of Kansas

## Notice to Bidders

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

**Monday, May 16, 1994**

**RFQ 94 0765**

High-pressure furnace and power supply

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

Doc. No. 014822

## State of Kansas

Department of Administration  
Division of Purchases

## Notice to Bidders

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

**Monday, May 16, 1994**

**30424**

Statewide—Cushman repair parts

**98759**

Pittsburg State University—Soil aerator

**98760**

Lansing Correctional Facility—Glass and glazing material

**98765**

Kansas State University—Portable multimedia projector

**98807**

Department of Human Resources—Cargo vans

**Tuesday, May 17, 1994**

**A-7199**

Kansas Neurological Institute—Partial reroof, Pleasantview and Sunflower Lodge Buildings

**30420**

Department of Revenue—Uniform components

**30430**

University of Kansas Medical Center—Radiopharmaceuticals and radioimmunoassay (RIA) kits

**30433**

Statewide—Dairy products

**98764**

University of Kansas Medical Center—Fume hoods

**98766**

Kansas Highway Patrol—Automatic floor scrubbers, Salina

**98771**

Department of Social and Rehabilitation Services—SW60 and SW65 continuous forms

**98782**

Kansas State University—Hi-pro soybean meal

**98804**

Kansas State University—Character generator with RGB image capture

**Wednesday, May 18, 1994**

**A-7190**

Parsons State Hospital and Training Center—Repair and replace gym floor, recreation building

**98777**

Kansas State University—FTIR spectrometer

**98778**

University of Kansas—Handheld parking ticket writing units and printers

**98791**

Department of Human Resources—Furnish and install video production system

**Thursday, May 19, 1994**

**30417**

Statewide—Canned goods

**30418**

Department of Human Resources—CRT terminals

**30435**

Wichita State University—Course schedules

**98789**

Kansas State University—Spectrophotometer and software (textiles)

**98790**

Department of Social and Rehabilitation Services—Front deck mower, Salina

**98795**

University of Kansas—Furnish and install intelligent access control system

**Friday, May 20, 1994**

**A-7248**

Department of Transportation—Chemical storage building, Lindsborg

**A-7255**

Department of Transportation—Chemical storage building, Goodland

**A-7261**

Department of Transportation—Chemical storage building, Medicine Lodge

**A-7263**

Department of Transportation—Chemical storage building, Anthony

**A-7265**

Department of Transportation—Chemical storage building, Scott City

**A-7266**

Department of Transportation—Chemical storage building, Syracuse

**30434**

University of Kansas—Copier maintenance



98450 Rebid

Kanas State University—Furnish and install lift inclined platform

98798

Kansas State University—Vacuum system with glove box

98799

Kansas Correctional Industries—Flatbed trailer

98803

Department of Wildlife and Parks—Portable trailer mounted pump, Pleasanton

98808

University of Kansas—Centrifuge, EIA reader and incubator

98809

Department of Transportation—Oscilloscope, Hutchinson

Tuesday, May 24, 1994

A-7386

Youth Center at Topeka—Asbestos abatement, Administration Building

Wednesday, May 25, 1994

30349

Statewide—Syringes, needles, blood collection devices and related supplies (Class 11)

30425

Department of Administration, Division of Personnel Services—Automated system to support Workers Compensation Function

Friday, May 27, 1994

A-7171

Osawatomie State Hospital—Renovation of Adair "B-2" Ward

Wednesday, June 1, 1994

30431

Department of Human Resources—Accounting services

Thursday, June 2, 1994

98816

Adjutant General's Department—Furnish all labor, materials and equipment for construction of a training site headquarters and billeting complex, Salina

Monday, June 6, 1994

30419

Department of Wildlife and Parks—Eisenhower State Park hay lease

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Request for Proposals

Wednesday, June 1, 1994

30422

Consultation services for managed health care for the Department of Social and Rehabilitation Services

Jack R. Shipman  
Director of Purchases

Doc. No. 014823

State of Kansas

Pooled Money Investment Board

Notice of Meeting

The Pooled Money Investment Board will meet at 2 p.m. Wednesday, May 11, in the State Treasurer's Office, Conference Room 203, Landon State Office Building, 900 S.W. Jackson, Topeka. All meetings of the board are open to the public. For more information, contact Diane Gates at (913) 296-3372.

Sally Thompson  
Chairman

Doc. No. 014817

State of Kansas

Department of Health and Environment

Notice of Hearing on Proposed Administrative Regulations

The Kansas Department of Health and Environment will conduct a public hearing to consider amendments to K.A.R. 28-29-98 and revocation of K.A.R. 28-29-99, pertaining to solid waste management. The hearing will be conducted at the KDHE open meeting at 9 a.m. Tuesday, June 28, in the Kansas Historical Society Auditorium, 120 W. 10th, Topeka.

K.A.R. 28-29-98 adopts the new federal regulations contained in 40 CFR Part 258, effective November 15, 1993. K.A.R. 28-29-99 is being revoked.

By adopting 40 CFR Part 258, effective November 15, 1993, Kansas can maintain authorization by the EPA to be the regulatory authority of landfills in the state. If Kansas was not authorized to manage the MSWLF program, the EPA and third parties would manage the program. Thus, the economic impact of MSWLF compliance is not increased by adopting the amendments to K.A.R. 28-29-98.

Copies of the regulations and the economic impact statement may be obtained from the Kansas Department of Health and Environment, Bureau of Waste Management, Forbes Field, Topeka 66620, (913) 296-1590. Questions pertaining to these proposed rules should be directed to Mike Tate at (913) 296-0724.

The time period between the publication of this notice and the scheduled hearing constitutes a 30-day public comment period for the purpose of receiving written comments prior to the hearing. All interested parties will be given reasonable opportunity during the hearing to present their views, orally or in writing, concerning the adoption of the regulations. Following the hearing, all comments will be considered in determining whether to make changes to the proposed regulations.

Robert C. Harder  
Secretary of Health and Environment

Doc. No. 014827

## 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 Northern Natural Gas Co. (NNG), Amarillo, Texas, to install and operate new natural gas compressor stations at Section 5, T32S, R35W; Section 11, T32S, R35W; and Section 32, T32S, R37W, Stevens County, Kansas; and Section 29, T34S, R39W, Morton County, Kansas.

Written materials, including the permit applications and information relating to the applications submitted by NNG, and the draft permits are available for public inspection during normal business hours through June 3 by contacting Wayne Neese, Air Quality District Representative, Southwest KDHE Office, Dodge City, (316) 225-0596. This material also can be reviewed at the KDHE Office, Building 283, Forbes Field, Topeka. Questions concerning this proposed permit should be directed to L.C. Hinthier, KDHE, (913) 296-1576.

K.S.A. 65-3008 provides that any person affected by the issuance of a permit can request a public hearing prior to the permit's issuance. The request must be in writing and addressed to the secretary. If the secretary determines there is sufficient reason in the request, a public hearing will be conducted—the place, date and time of the hearing will be announced in this publication. A request for a hearing or written comments on the proposed permit must be submitted to the Secretary, Kansas Department of Health and Environment, Landon State Office Building, 900 S.W. Jackson, Topeka 66612, before June 3.

Robert C. Harder  
Secretary of Health  
and Environment

Doc. No. 014799

## State of Kansas

Department of Health  
and EnvironmentNotice Concerning Kansas  
Water Pollution Control Permits

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

## Public Notice No. KS-AG-94-29/33

Name and Address of Applicant	Legal Description	Receiving Water
Forsberg Brothers 2444 E. Mentor Road Assaria, KS 67416	SW/4, Sec. 20, T15S, R2W, Saline County	Smoky Hill River Basin

Kansas Permit No. A-SHSA-M001

The feedlot has capacity for approximately 125 dairy cattle and a contributing drainage area of approximately 3.9 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 80,000 cubic-foot.

Compliance Schedule: None, existing controls adequate.

Name and Address of Applicant	Legal Description	Receiving Water
Jim Meinig 31569 Indianapolis Road Paola, KS 66071	SW/4, Sec. 13, T17S, R22E, Miami County	Maris des Cygnes River Basin

Kansas Permit No. A-MCMI-S026

The proposed facility has the capacity for approximately 200 swine. Wastewater Control Facilities: Wastewater will be impounded for subsequent application to agricultural land for beneficial use. Wastewater storage capacity is provided in excess of minimum requirements.

Compliance Schedule: None, existing controls adequate.

Name and Address of Applicant	Legal Description	Receiving Water
Joe W. Ludwig Route 3, Box 56 Beloit, KS 67420	NW/4, Sec. 26, T7S, R8W, Mitchell County	Solomon River Basin

Kansas Permit No. A-SOMC-S021

The feedlot and enclosed building has capacity for approximately 200 swine and a contributing drainage area of approximately 2.3 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 1.7 acre-foot.

Compliance Schedule: None, existing controls adequate.

Name and Address of Applicant	Legal Description	Receiving Water
Eldon Long & Sons Route 1, Box 123 Norcatour, KS 67653	NE/4, Sec. 4, T3S, R27W, Decatur County	Upper Republican River Basin

Kansas Permit No. A-URDC-B001

The feedlot has capacity for approximately 980 cattle and a contributing drainage area of approximately 36 acres. This is an existing facility.

Runoff Control Facilities: Feedlot runoff is impounded for subsequent application to agricultural land for beneficial use. Wastewater storage capacity is provided in excess of 8.3 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
Rex D. Albin Feedlot Route 1, Box 82 Quinter, KS 67752	NE/4, Sec. 22, T14S, R27W, Gove County	Smoky Hill River Basin

Kansas Permit No. A-SHGO-C004 Feedlot Permit No. KS-0117765

The feedlot has capacity for approximately 4500 cattle and a contributing drainage area of approximately 61 acres. This is an existing facility.

Runoff Control Facilities: Feedlot runoff is impounded for subsequent application to agricultural land for beneficial use. Wastewater storage capacity is provided in excess of 15.2 acre-foot.  
Compliance Schedule: None, existing controls adequate.

**Public Notice No. KS-ND-94-4**

<b>Name and Address of Applicant</b>	<b>Waterway</b>	<b>Type of Discharge</b>
Lakeside Village WWTF Lakeside Village Improvement District Route 1, Box 458 Ozawkie, KS 66070 Jefferson County, Kansas Kansas Permit No. M-KS-56-N002	Non-overflowing	Non-overflowing

Description of Facility: This is a two-cell lagoon system with irrigation designed for domestic waste only. This is a new facility.

**Public Notice No. KS-94-26/39**

<b>Name and Address of Applicant</b>	<b>Waterway</b>	<b>Type of Discharge</b>
Department of Army 1st Infantry Division (M) and Fort Riley Building 1970 Attention: AFZN-DE-VE Fort Riley, KS 66442-6016 Riley County, Kansas Kansas Permit No. F-KS97-P001	Kansas River via Three Mile Creek	Discharge from 4th cell of lagoon system containing washwater

Fed. Permit No. KS-0029505

Description of Facility: This is a modification of an existing permit to add an additional Outfall 004, which is a controlled discharge from the Custer Hill washwater lagoon system. Proposed effluent limitations are pursuant to Kansas surface water quality standards, K.A.R. 28-16-28(b-f), and federal surface water criteria.

<b>Name and Address of Applicant</b>	<b>Waterway</b>	<b>Type of Discharge</b>
City of Fulton City Hall Fulton, KS 66738 Bourbon County, Kansas Kansas Permit No. M-MC12-0001	Little Osage River	Secondary wastewater treatment facility

Fed. Permit No. KS-0081701

Description of Facility: This facility is designed for the treatment of domestic sewage. This is an existing facility. Proposed effluent limitations are pursuant to Kansas surface water quality standards, K.A.R. 28-16-28(b-f), and federal surface water criteria, and are technology based.

<b>Name and Address of Applicant</b>	<b>Waterway</b>	<b>Type of Discharge</b>
Love's County Store #44 2506 Vine St., Hays, Kansas Love's Country Stores, Inc. P.O. Box 26210 Oklahoma City, OK 73126 Ellis County, Kansas Kansas Permit No. I-SH16-P005	Big Creek via Chetolah Creek via storm sewer	Effluent from air stripper from groundwater remediation project

Fed. Permit No. KS-0089559

Description of Facility: This is a retail gasoline station and convenience store, engaged in a groundwater remediation project. An air stripper is used to treat hydrocarbon contaminated groundwater prior to discharge to Chetolah Creek via a storm sewer. This is a new facility. Proposed effluent limitations are pursuant to Kansas surface water quality standards, K.A.R. 28-16-28(b-f), and federal surface water criteria.

<b>Name and Address of Applicant</b>	<b>Waterway</b>	<b>Type of Discharge</b>
Natural Gas Pipeline Company of America- Hydrostatic Test Dodge City, Kansas P.O. Box 2224 Chickasha, OK 73023 Ford County, Kansas	Mulberry Creek via unnamed tributary	Hydrostatic test discharge from existing natural gas pipelines

Kansas Permit No. I-UA11-P008 Fed. Permit No. KS-0090492

Description of Facility: This facility is engaged in hydrostatic test of existing natural gas pipelines. Discharge of the hydrostatic test water will occur to the Mulberry Creek via an unnamed tributary. Potable water from private water wells is the water source for the hydrostatic test. Hay bales are used for filtering solids prior to discharge. This is a new facility. Proposed effluent limitations are pursuant to Kansas surface water quality standards, K.A.R. 28-16-28(b-f), and federal surface water criteria.

<b>Name and Address of Applicant</b>	<b>Waterway</b>	<b>Type of Discharge</b>
Natural Gas Pipeline Company of America- Hydrostatic Test Hoisington, Kansas P.O. Box 2224 Chickasha, OK 73023 Barton County, Kansas Kansas Permit No. I-AR45-P005	Walnut Creek via unnamed tributary	Hydrostatic test discharge from existing natural gas pipelines

Fed. Permit No. KS-0090506

Description of Facility: This facility is engaged in hydrostatic test of existing natural gas pipelines. Discharge of the hydrostatic test water will occur to the Walnut Creek via an unnamed tributary. Potable water from private water wells is the water source for the hydrostatic test. Hay bales are used for filtering solids prior to discharge. This is a new facility. Proposed effluent limitations are pursuant to Kansas surface water quality standards, K.A.R. 28-16-28(b-f), and federal surface water criteria.

<b>Name and Address of Applicant</b>	<b>Waterway</b>	<b>Type of Discharge</b>
Northern Natural Gas Company Tescott Station-Tescott, KS Route 1, Box 5A Bushton, KS 67427 Attn: Ron Harkrader Ottawa County, Kansas Kansas Permit No. I-SA17-P002	Solomon River via unnamed tributary	Hydrostatic test discharge from an existing natural gas pipeline

Fed. Permit NO. KS-0090689

Description of Facility: Solomon River water is used to hydrostatically test an existing natural gas pipeline prior to discharge back to the Solomon River. This is a new facility. Proposed effluent limitations are pursuant to Kansas surface water quality standards, K.A.R. 28-16-28(b-f), and federal surface water criteria.

<b>Name and Address of Applicant</b>	<b>Waterway</b>	<b>Type of Discharge</b>
City of Salina Plant No. 1 (Main Plant) P.O. Box 1307 Salina, KS 67402-1307 Saline County, Kansas Kansas Permit No. M-SH33-I001	Smoky Hill River	Secondary wastewater treatment facility

Fed. Permit No. KS-0038474

Description of Facility: This is a modified permit. Modifications were updating the facility description, removal of outdated interim limits, removal of the outdated schedule of compliance, removal of the sludge requirements and notification of the 40 CFR 503 Sludge regulations, and changing the monitoring frequency for arsenic from weekly to monthly. Weekly arsenic analyses for the last two years resulted in all "non-detects" using an appropriate minimum detection limit. Also, there are no known specific sources of arsenic on the collection system.

<b>Name and Address of Applicant</b>	<b>Waterway</b>	<b>Type of Discharge</b>
Scouler Elevator % Roger Morrison Morrison Enterprises 1700 E. Iron Salina, KS 67401 Saline County, Kansas Kansas Permit No. I-SH33-P008	Smoky Hill River via East Dry Creek	Effluent from the air stripper for groundwater remediation Well #SC-3

Fed. Permit No. KS-0090336

Description of Facility: Groundwater contaminated with volatile organic compounds is pumped out of Well #SC-3 at a maximum rate

(continued)

of 15 gpm and routed through an air stripper before being discharged to the Smoky Hill River via East Dry Creek. This pumping is necessary to maintain a working water level in the basement of the Scoular Elevator facility. This is a new 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.

Name and Address of Applicant	Waterway	Type of Discharge
Sealright Company, Inc. 2925 Fairfax Road Kansas City, KS 66115	Missouri River via Fairfax clear water sewer	Once through noncontact cooling water from five air compressors, an air conditioning condenser and water chiller condenser

Wyandotte County, Kansas  
Kansas Permit No. I-M025-C001      Fed. Permit No. KS-0001902

Description of Facility: This facility manufactures various food packaging containers from converted paperboard. Well water from on-site wells is discharged as once through noncontact cooling water, air conditioning condenser and water chiller condenser. The spent cooling water is discharged to a common surge tank prior to being pumped to the Fairfax stormwater sewer. 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.

Name and Address of Applicant	Waterway	Type of Discharge
Service Mining Company Cedarvale Mine, Dexter Kansas P.O. Box 179 Pawnee, OK 74058	Caney River via Cedar Creek via South Cedar Creek via unnamed tributary	Washwater settling pond discharge

Cowley County, Kansas  
Kansas Permit No. I-VE43-P001      Fed. Permit No. KS-0090328

Description of Facility: This facility is engaged in a limestone crushing operation with occasional washing. The washwater is treated with a settling pond before discharge. This is a new 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.

Name and Address of Applicant	Waterway	Type of Discharge
Service Mining Company Jackson Mine, Piedmont, Kansas P.O. Box 179 Pawnee, OK 74058	Verdigris River via Elk River via unnamed tributary	Washwater settling pond discharge

Greenwood County  
Kansas Permit No. I-VE41-P001      Fed. Permit No. KS-0090310

Description of Facility: This facility is engaged in a limestone crushing operation with occasional washing. The washwater is treated with a settling pond before discharge. This is a new 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.

Name and Address of Applicant	Waterway	Type of Discharge
Service Mining Company K-38 Mine, Cambridge, Kansas P.O. Box 179 Pawnee, OK 74058	Verdigris River via Caney River via Otter Creek via unnamed tributary	Washwater settling pond discharge

Cowley County, Kansas  
Kansas Permit No. I-VE42-P001      Fed. Permit No. KS-0090301

Description of Facility: This facility is engaged in a limestone crushing operation with occasional washing. The washwater is treated with a settling pond before discharge. This is a new 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.

Name and Address of Applicant	Waterway	Type of Discharge
City of Silver Lake City Hall Silver Lake, KS 66539	Kansas River via Ensign Creek	Secondary wastewater treatment facility

Shawnee County, Kansas  
Kansas Permit No. M-KS69-0001      Fed. Permit No. KS-0079260

Description of Facility: This facility is designed for the treatment of domestic sewage. This is an existing facility. Proposed effluent limitations are pursuant to Kansas surface water quality standards, K.A.R. 28-16-28(b-f), and federal surface water criteria, and are technology based.

Name and Address of Applicant	Waterway	Type of Discharge
Vickers Service Station #2171, Hutchinson, Kansas % Total Petroleum, Inc. P.O. Box 500 Denver, CO 80201	Arkansas River via Cow Creek via unnamed tributary	Treated groundwater

Reno County, Kansas  
Kansas Permit No. K-AR49-P005      Fed. Permit No. KS-0085928

Description of Facility: An air stripping tower is utilized to treat hydrocarbon-contaminated groundwater prior to discharge. 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 June 3 will be considered in the formulation of final determinations regarding this public notice. Please refer to the appropriate public notice number (KS-AG-94-29/33, KS-ND-94-4, and KS-94-26/39) 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 283, 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. 014826

## State of Kansas

## State Corporation Commission

Notice of Hearing on Proposed  
Administrative Regulations

A public hearing will be conducted at 8:30 a.m. Friday, June 24, in the first floor hearing room of the State Corporation Commission, 1500 S.W. Arrowhead Road, Topeka, to consider the adoption of proposed changes in existing rules and regulations of the State Corporation Commission.

This 30-day notice of the public hearing shall constitute a public comment period for the purpose of receiving written public comments on the proposed rules and regulations. All interested parties may submit written comments prior to the hearing to the executive director, State Corporation Commission, 1500 S.W. Arrowhead Road, Topeka 66604-4027. All interested parties will be given a reasonable opportunity to present their views orally on the adoption of the proposed regulations during the hearing. In order to give all parties an opportunity to present their views, it may be necessary to request each participant to limit any oral presentation to five minutes.

These regulations are proposed for adoption on a permanent basis. A summary of proposed regulations and their economic impact follows.

**K.A.R. 82-4-1. Definitions.** The amendments to this regulation change the name of the State Corporation Commission from the State Corporation Commission of the State of Kansas to the Kansas Corporation Commission. Minor amendments were also made to correct the grammar and terminology used in the definitions. There is no economic impact associated with these amendments.

**K.A.R. 82-4-3. Motor carrier safety regulations.** The amendments to this regulation revoke subsections (a)(1) and (a)(5) in order to bring the safety regulations applicable to vehicles operating under the jurisdiction of the State Corporation Commission into conformity with federal regulations. The amendment cites the June 1, 1993, effective date of the federal motor carrier safety regulations, which are being adopted by reference. There is no economic impact associated with these amendments.

**K.A.R. 82-4-6d. Waiver of physical requirements.** The amendments to this regulation cite the April 1, 1993, effective date of the federal motor carrier safety regulations, which are being adopted by reference. There is no economic impact associated with such amendments.

**K.A.R. 82-4-20. Transportation of hazardous materials by motor vehicles.** The amendments to section (a) of this regulation cite the October 1, 1992, effective date of the federal hazardous materials regulations, which have been adopted by reference, and move the citations to the federal regulations to the beginning of section (a). Additionally, the materials listed under section 49 CFR 171.7(a)(3), which are referenced in section (a), have been enumerated below the section.

Section (b)(1) amendments specifically exempt certain cargo tanks from the packing requirements of 49 CFR 173.242 and 173.243. Section (b)(2) amendments require

that certain cargo tanks comply with the requirements of 49 CFR 173.242 and 173.243, except that spills or clean-out procedures involving materials which cannot be accommodated by the loading and unloading outlet valve required in 49 CFR 173.242 (b)(2) and 173.243(b)(2) shall be exempt from utilizing the loading and unloading outlet valve.

Section (c) amendments merely remove the citation to the 1991 Supplement edition of the Kansas Statutes Annotated.

There is an economic impact associated with these amendments; however, the total economic impact cannot be determined at this time.

**K.A.R. 82-4-22. Insurance requirements.** The amendments to section (a)(1) of this regulation cite K.S.A. 66-1,128 for the purpose of directing applicants to the state statute which mandates the requirement to have public liability and property damage insurance policies. The amendments in section (a) further impose upon applicants the requirement to be in compliance with the federal regulations promulgated under 49 U.S.C. § 11506, as adopted by K.A.R. 82-4-24a. Section (e) amendments require hearing and notice in accordance with K.S.A. 1993 Supp. 66-1,128 before the commission shall proceed to cancel a certificate, permit or license. There is no economic impact associated with these amendments.

**K.A.R. 82-4-23. General requirements.** The amendments to sections (c) and (d) of this regulation reference 49 CFR 1023 for the purpose of incorporating such federal requirements into the commission regulations. There is no economic impact associated with these amendments.

**K.A.R. 82-4-24a. Standard insurance forms.** The amendments to this regulation incorporate the federal regulations, which established the uniform standard insurance form and its effective date of August 1, 1993, into the Kansas regulations.

Amendments to section (c) of this regulation establish Form E as the form to use for intrastate regulated and interstate exempt motor carriers for uniform motor carrier bodily injury and property damage liability certificates of insurance.

Amendments to section (d) of this regulation establish that uniform motor carrier cargo certificates of insurance shall use Form H for intrastate common, contract, and local wreckers.

Amendments to section (e) of this regulation establish that Form BMC 91 and Form BMC 91X for interstate regulated motor carriers shall be in accordance with 49 CFR 1023, as in effect on August 1, 1993.

There is an economic impact associated with these amendments; however, the total impact cannot be determined at this time.

**K.A.R. 82-4-27. Applications for certificates of convenience and necessity.** The amendments to this regulation permit applications to be printed, in addition to being typed, when submitted to the commission. There is no economic impact associated with this amendment.

**K.A.R. 82-4-27a. Applications for transfer of certificates of convenience and necessity and permits.** The amendment to section (b) of this regulation instructs applicants to file an original and two copies of the appli-

(continued)

cation with the commission, instead of three copies. There is no economic impact associated with this amendment.

**K.A.R. 82-4-27f. Application for temporary operating authority.** The amendments to this regulation correct minor punctuation and grammatical errors. There is no economic impact associated with such amendments.

**K.A.R. 82-4-28. Application for contract carrier permits.** The amendments to this regulation specify that applicants shall file with the commission an original and two copies of applications for contract carrier permits on typewritten or printed forms furnished by the commission. There is no economic impact associated with such amendments.

**K.A.R. 82-4-29a. Application for authorization of joint registration of equipment.** The amendment to section (a) of this regulation specifies that applicants shall file with the commission an original and two copies of applications for authorization of joint registration of equipment on typewritten or printed forms furnished by the commission. There is no economic impact associated with this amendment.

**K.A.R. 82-4-30a. Applications for interstate licenses.** The amendments to sections (a) and (c) of this regulation incorporate the interstate licensing procedure, as required under 49 CFR 1023, into the Kansas regulations. There is no economic impact associated with these amendments.

**K.A.R. 82-4-31. Issuance of registration receipts to interstate regulated common and contract carriers.** The amendments to this regulation are to reflect a change in policy from the way a motor carrier establishes that it is in compliance with all regulations required by the state of Kansas and the federal government. A registration receipt will be issued to all motor carriers who have complied with all provisions of the Kansas law, rather than the cab cards previously issued. There is no economic impact associated with such amendments.

**K.A.R. 82-4-32. Completing motor carrier applications.** The amendments to sections (a) and (d) of this regulation detail the procedures to be followed in completing motor carrier applications. There is no economic impact associated with such amendments.

**K.A.R. 82-4-33. Services of process.** The amendments to this regulation incorporate in a new section (b) whereby all interstate regulated carriers are required to provide and maintain the name of their agent for service of process with their registration state pursuant to 49 CFR 1023, as in effect on August 1, 1993. There is no economic impact associated with such amendments.

**K.A.R. 82-4-35a. Inspections of motor carrier documents.** The amendments to this regulation acknowledge that all motor carrier documents (including registration receipts, authority cards, driver logs, bills of lading, way bills, freight bills, run tickets or equivalent documents and orders, and cab cards) are to be held available to commission staff and law enforcement officials, upon request. There is no economic impact associated with such amendments.

**K.A.R. 82-4-37. Identification cards.** The amendments to this regulation require all holders of certificates, permits or licenses to carry identification cards or registra-

tion receipts in their driver's compartments at all times. There is no economic impact associated with such amendments.

**K.A.R. 82-4-39. Surrender of identification cards.** The amendments to this regulation require, upon cessation of operation, motor carriers to forward all identification cards and registration receipts to the commission. There is no economic impact associated with these amendments.

**K.A.R. 82-4-42. Emergency and occasional equipment.** The amendments to this regulation add a section (d) which mandates that motor carriers operating in interstate commerce under the provision of 49 CFR 102, as in effect on August 1, 1993, shall not be eligible to register equipment under sections (a) and (b) of this regulation. There is no economic impact associated with such amendments.

Copies of the regulations and their economic impact statements may be obtained from the State Corporation Commission at the address given above, (913) 271-3159.

Judith McConnell  
Executive Director

Dec. No. 014794

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 24 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 Certificate of Convenience and Necessity:

Billy J. Baugh ) Docket No. 190,328 M  
2214 Robin Road )  
Dodge City, KS 67801 ) MC ID No. 150370

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

*Grain, seed, feed and feed ingredients, fertilizer and fertilizer materials (restricted against the transportation of anhydrous ammonia), petroleum products (restricted against the transportation of LPG) and building and construction materials),*

Between all points and places in the state of Kansas.

\*\*\*\*\*



**Application for Certificate of Convenience and Necessity:**

Bob's Truck Repair, Inc. ) Docket No. 190,330 M  
2007 S. Lorraine )  
Hutchinson, KS 67504-2857 ) MC ID No. 150372  
Applicant's Attorney: Clyde Christey, Southwest Plaza  
Building, Suite 124, 3601 W. 29th, Topeka, KS 66614  
*Wrecked, disabled, repossessed and replacement motor  
vehicles, trailers, recreational vehicles, recreational  
vehicle components, recreational trailers, golf carts, campers,  
pick up toppers, boats and motorcycles,*  
Between all points and places in the state of Kansas.  
\*\*\*\*\*

**Application for Certificate of Convenience and Necessity:**

James L. Bowie ) Docket No. 190,329 M  
200 E. 21st )  
Topeka, KS 66605 ) MC ID No. 150371  
Applicant's Attorney: None  
*Passengers and their baggage,*  
Between all points and places in the state of Kansas.  
\*\*\*\*\*

**Application for Name Change for Contract Carrier Application:**

Cono Transportation ) Docket No. 175,682 M  
Services, Inc. )  
6400 Glenwood, Suite 300 ) MC ID No. 139639  
Shawnee Mission, KS 66202  
TO:  
Adi Business Group, Inc., dba  
Cono Transportation Services  
6400 Glenwood, Suite 300  
Shawnee Mission, KS 66202  
Applicant's Attorney: None  
*General commodities (except hazardous materials, household  
goods, salt and commodities in bulk),*  
Between all points and places in the state of Kansas,  
under contract with Certain-Teed Corp. (Insulation  
Group) of Kansas City, Kansas, and Acme Distribution,  
Inc., of Kansas City, Kansas.  
\*\*\*\*\*

**Application for Certificate of Convenience and Necessity:**

George William Cummins ) Docket No. 144,751 M  
Route 2, Box 81 )  
Unionville, MO 63565 ) MC ID No. 120822  
Applicant's Attorney: William Barker, 3401 Harrison,  
Topeka, KS 66611  
*General commodities (except hazardous materials and  
household goods),*  
Between all points and places in the state of Kansas.  
\*\*\*\*\*

**Application for Certificate of Convenience and Necessity:**

Kevin A. Davis, ) Docket No. 190,331 M  
Michael A. Schooler )  
and Kevin M. Benton, dba )  
Lightning Tow )  
1023 W. Sheridan Ave. )  
Olathe, KS 66061 ) MC ID No. 150373  
Applicant's Attorney: None  
*Vehicles,*  
Between all points and places in the state of Kansas.  
\*\*\*\*\*

**Application for Certificate of Convenience and Necessity:**

W. Eakin, Inc. ) Docket No. 40,512 M  
P.O. Box 48 )  
Larned, KS 67550 ) MC ID No. 114874  
Applicant's Attorney: Clyde Christey, Southwest Plaza  
Building, Suite 124, 3601 W. 29th, Toepka, KS 66614  
*General commodities (except household goods, commodities  
requiring temperature control and hazardous materials),*  
Between all points and places in the state of Kansas.  
\*\*\*\*\*

**Application for Certificate of Convenience and Necessity:**

William E. Elmore ) Docket No. 190,327 M  
1011 Huntoon )  
Topeka, KS 66604 ) MC ID No. 150369  
Applicant's Attorney: None  
*Passengers and their baggage,*  
Between all points and places in the state of Kansas.  
\*\*\*\*\*

**Application for Extension of Certificate of Convenience and Necessity:**

Warren E. Hollis, dba ) Docket No. 158,363 M  
Hollis Truck Line )  
Route 1, Box 187 )  
Valley Falls, KS 66088 ) MC ID No. 126452  
Applicant's Attorney: Clyde Christey, Southwest Plaza  
Building, Suite 124, 3601 W. 29th, Topeka, KS 66614  
*General commodities including ammonium nitrate  
(except household goods, classes A and B explosives and all  
other hazardous materials),*  
Between all points and places in the state of Kansas.  
\*\*\*\*\*

**Application for Certificate of Convenience and Necessity:**

Tom Lisk ) Docket No. 190,075 M  
Route 3, Box 137 A )  
Medford, OK 73759 ) MC ID No. 150100  
Applicant's Attorney: None

(continued)

*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:**

National Commodity Exchange, Inc. ) Docket No. 166,908 M  
3401 N. Grant )  
Springfield, MO 65803 ) MC ID No. 130678

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

*General commodities (restricted against the transportation of hazardous materials and household goods),*

Between all points and places in the state of Kansas.

\*\*\*\*\*

**Application for Certificate of Convenience and Necessity:**

Potter Transport, Inc. ) Docket No. 168,861 M  
P.O. Box 273 )  
Boonville, MO 65233-0273 ) MC ID No. 136152

Applicant's Attorney: Tom Kretsinger, 20 E. Franklin, Liberty, MO 64068

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

Between all points and places in the state of Kansas.

\*\*\*\*\*

**Application for Abandonment of Contract Carrier Permit:**

Strnad Grain & Cattle, Inc. ) Docket No. 118,604 M  
South Main, Route 1, Box 52 )  
Munden, KS 66959-9637 ) MC ID No. 102632

Applicant's Attorney: None

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**Application for Certificate of Convenience and Necessity:**

Trans Services, Inc. ) Docket No. 190,326 M  
11004 W. 100th Place )  
Overland Park, KS 66282 ) MC ID No. 150368

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

*General commodities (except hazardous materials and commodities in bulk),*

Between all points and places in the state of Kansas.

\*\*\*\*\*

Don Carlile  
Administrator  
Transportation Division

Doc. No. 014821

**State of Kansas**

**State Conservation Commission**

**Notice to Contractors**

Sealed bids for the construction of a 72,000 cubic yard detention dam, Site 107 in Lyon County, will be received by the Eagle Creek Watershed District No. 77 at the Olpe State Bank, P.O. Box 207, Olpe 66865, until 10 a.m. May 21, and then opened. A copy of the invitation for bids and plans and specifications can be obtained from or reviewed at the residence of the contracting officer, Leroy Prichard, 1331 Prairie Park Lane, Emporia, (316) 343-1546.

Kenneth F. Kern  
Executive Director

Doc. No. 014797

(Published in the Kansas Register, May 5, 1994.)

**Notice of Complete Call for Redemption City of Olathe, Kansas Industrial Revenue Bonds Series 1979-1 (Olathe Building Partnership Project) Cusip #679400E05**

Notice is hereby given that pursuant to terms of Section 4(a) of Ordinance No. 846, the city of Olathe, Kansas, upon instructions from Olathe Building Partnership, has called for redemption the above mentioned bonds on June 1, 1994, at 102 percent of their principal amount thereof together with accrued interest thereon to June 1, 1994. The bonds to be redeemed are as follows:

Bond No.	Maturity Date	Principal Amount	Interest Rate
81-195	12/1/94	575,000	8.375

Payment of bonds to be redeemed will be made at the principal office of BANK IV Kansas, National Association, upon presentation and surrender of said bonds, together with all coupons, if any, appertaining thereto maturing on or after the redemption date. From and after June 1, 1994, interest on the bonds so called for redemption will cease to accrue.

Bonds should be surrendered at BANK IV Kansas, National Association, Corporate Trust Operations, P.O. Box 48850 or 100 N. Market, 3rd Floor-Exchange Place, Wichita, KS 67201.

Tax identification form W-9 or an exemption certificate is required or tax will be withheld from payment.

The trustee shall not be responsible for the selection or use of the CUSIP number, nor is any representation made as to its correctness indicated in the redemption notice or on any bond. It is included solely for convenience of the holders.

Dated April 27, 1994.

BANK IV Kansas, National Association

Doc. No. 014819



(Published in the Kansas Register, May 5, 1994.)

**Notice of Optional Redemption  
to the holders of  
City of Lyons, Kansas  
Industrial Revenue Bonds  
Series of A-1977  
Dated June 1, 1977**

Notice is hereby given on behalf of the city of Lyons, Kansas, that pursuant to the optional redemption provisions of Section 4 of Ordinance No. 1393 of the city, dated as of June 1, 1977, the city intends to redeem and pay in full on June 1, 1994 (the redemption date), all of the outstanding bonds of the city of Lyons, Kansas, Industrial Revenue Bonds, Series A-1977, dated June 1, 1977, maturing on and after June 1, 1995. The aggregate principal amount of bonds hereby called for redemption is \$120,000. Bonds hereby called for redemption shall be redeemed at par, with accrued interest to but not including the redemption date, plus a premium of 3 percent of the principal amount redeemed.

Bonds numbered 61 to 66, inclusive, maturing on June 1, 1994, will be payable on June 1, 1994, at 100 percent of the principal amount thereof, together with accrued interest to but not including June 1, 1994, and are not hereby called for redemption or otherwise affected by this notice of redemption.

Bonds called for redemption are more particularly described as follows:

Inclusive Bond Numbers	Aggregate Amount Redeemed	Interest Rate	Maturity	Cusip Numbers
67 to 73	\$35,000	8%	June 1, 1995	552198B1
74 to 81	40,000	8 1/4%	June 1, 1996	552198C9
82 to 90	45,000	8 1/4%	June 1, 1997	552198D7

Bonds hereby called for redemption shall be payable upon presentation and surrender thereof, with all interest coupons appertaining thereto maturing after June 1, 1994, attached, at the principal office of United Missouri Bank, N.A., Securities Transfer Division, 13th Floor, 928 Grand Ave., Kansas City, MO 64106, as agent for UMB Highland Park Bank & Trust, trustee.

Coupons representing interest payable on June 1, 1994, on the bonds hereby called for redemption should be presented for payment in the usual manner.

Interest on bonds designated for redemption shall cease to accrue from and after the redemption date.

Inquiries or requests for additional information should be directed to the principal office of United Missouri Bank, N.A., (816) 860-7786.

Under the provisions of the Interest and Dividend Tax Compliance Act of 1983, paying agents making payments of principal on municipal securities will be 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. Holders of the above described securities will avoid such withholding by providing a certified taxpayer identification number when presenting securities for payment.

The CUSIP numbers indicated above are included solely for the convenience of the holders of the bonds. The trustee is not responsible for the use or selection of CUSIP numbers, nor is any representation made as to

their correctness on the bonds or as indicated on any notice of redemption.

Dated May 5, 1994.

UMB Highland Park Bank & Trust  
as Trustee  
By United Missouri Bank, N.A.

Doc. No. 014795

**State of Kansas**

**The Kansas Lottery**

**Temporary Administrative  
Regulations**

**Article 4.—INDIVIDUAL GAME RULES**

**RULES FOR INSTANT GAME No. 73  
"MONEY DOUBLER"**

**111-4-564. Name of game.** The Kansas lottery shall conduct an instant winner lottery game entitled "Money Doubler" commencing on or after April 18, 1994. The specific rules for the "Money Doubler" game are contained in K.A.R. 111-3-1 *et seq.* and 111-4-564 through 111-4-567. (Authorized by and implementing K.S.A. 74-8710; effective, T-111-4-25-94, April 15, 1994.)

**111-4-565. Definitions.** The following definitions shall apply to the "Money Doubler" instant lottery game:

(a) "Game symbols" are the numbers, letters, symbols, or pictures printed in the play area of each instant game ticket and which determine if the ticket bearer is entitled to a prize. In this instant game, the game symbols are printed in black ink in WGI Symbol Font 15 with matching symbols in WGI Cap Font. A game symbol appears in each of six play spots within the play area. Each game symbol for this instant game is one of the following: \$1.<sup>00</sup> - \$5.<sup>00</sup> - 10.<sup>00</sup> - 20.<sup>00</sup> - \$2500 - \$5000 - \$\$.

(b) "Game symbol captions" are the words or portions of words, letters or numbers printed beneath each game symbol in the play area and are used to repeat or explain the game symbol. The game symbol caption associated with each game symbol is as follows:

Game Symbol	Game Symbol Caption
\$1. <sup>00</sup>	ONES
\$5. <sup>00</sup>	FIVES
10. <sup>00</sup>	TENS
20. <sup>00</sup>	TWENTY
\$2500	25-HUN
\$5000	FIVE-THOU
\$\$	DOUBLER

(c) "Ticket validation number" means a unique number appearing on each ticket which is used to validate winning tickets. For this instant game, the ticket validation number is a 10-digit number which appears below the game symbols under the removable covering in the play area on the front of each instant ticket.

(d) "Book-ticket number" means the unique number appearing on each ticket which includes the number of the book from which it was removed and the serially assigned number of the ticket within that book. For this

(continued)

instant game, the book-ticket number is an 8-digit book number followed by a dash and then a 3-digit ticket number. The ticket numbers in each book start with 000 and end with 299. The book-ticket number is printed in black ink on the front of each instant game ticket.

(e) "Retailer validation code" means the small letters found under removable covering in the play area of each instant game ticket. The retailer uses this code to verify and validate winners which are to be paid by the retailer. In this instant game, the retailer validation code is a two letter code printed and appearing in two of six varying locations among the game symbols. The codes and their meanings are as follows: CC = \$1.00; DD = \$2.00; KK = \$5.00; BB = \$10.00; NN = \$20.00. (Authorized by and implementing K.S.A. 74-8710; effective, T-111-4-25-94, April 15, 1994.)

**111-4-566. Determination of instant prize winners.** An instant prize winner is determined for this instant game when the player removes or "scratches off" the removable layer of material covering the play area to reveal the six game symbols and captions. This is a match three (3) of six (6) game which includes a doubler. If three (3) of the six (6) concealed prize amounts match, the player wins the amount shown. If two (2) of the six (6) concealed prize amounts match and a doubler symbol is found, the player wins double the prize amount. No ticket will be eligible to win more than one prize. Prizes a player may win are as follows:

Get	Win
3 - \$ 1.00	One dollar
2 - \$ 1.00 + Doubler	Two Dollars
3 - \$ 5.00	Five Dollars
2 - \$ 5.00 + Doubler	Ten Dollars
3 - \$ 10.00	Ten Dollars
3 - \$ 20.00	Twenty Dollars
2 - \$ 20.00 + Doubler	Forty Dollars
3 - \$2500.00	Two Thousand Five Hundred Dollars
2 - \$2500.00 + Doubler	Five Thousand Dollars
3 - \$5000.00	Five Thousand Dollars

(Authorized by K.S.A. 74-8710(b), (c) & (i); implementing K.S.A. 74-8710(b), (c) & (i) and 74-8720 (b) & (d); effective, T-111-4-25-94, April 15, 1994.)

**111-4-567. Number and value of instant prizes.** (a) There will be approximately 3,000,000 tickets ordered for this instant game. The expected number and value of the instant prizes are as follows:

Prizes	Expected Number of Prizes in Game	Expected Value in Game
3 - \$1's	260,000	\$ 260,000
2 - \$1's (*)	170,000	340,000
3 - \$5's	100,000	500,000
2 - \$5's (*)	20,000	200,000
3 - \$10's	10,000	100,000
3 - \$20's	10,000	200,000
2 - \$20's (*)	2,500	100,000
3 - \$2,500's	5	12,500
2 - \$2,500's (*)	2	10,000
3 - \$5,000's	3	15,000
	<u>572,510</u>	<u>\$1,737,500</u>

(\*) denotes doubler

(b) The executive director may terminate the sale of

tickets prior to the complete sale of all tickets. In this event, the number and value of prizes will be approximately proportional to the number of tickets actually sold.

(c) All prizes are subject to deductions provided by law. (Authorized by K.S.A. 74-8710(b), (c) & (f); implementing K.S.A. 74-8710(b), (c) & (f); and 74-8720; effective, T-111-4-25-94, April 25, 1994.)

**RULES FOR INSTANT GAME NO. 74  
"LUCKY ROLL"**

**111-4-568. Name of game.** The Kansas Lottery shall conduct an instant winner lottery game entitled "Lucky Roll" commencing on April 18, 1994. The specific rules for the "Lucky Roll" are contained in K.A.R. 111-3-1 et seq. and 111-4-568 through 111-4-571. (Authorized by and implementing K.S.A. 74-8710; effective, T-111-4-25-94, April 15, 1994.)

**111-4-569. Definitions.** The following definitions shall apply to the "Lucky Roll" instant lottery game:

(a) "Game symbols" are the numbers, letters, symbols, or pictures printed in the play area of each instant game ticket and which determine if the ticket bearer is entitled to a prize. In this instant game, the game symbols are printed in black ink in WGI Symbol Font 15 with matching captions in WGI Cap Font. A game symbol appears in each of nine play spots within the play area. Each game symbol for this instant game is one of the following: 1 - 2 - 3 - 4 - 5 - 6 - \$1.00 - \$5.00 - 10.00 - \$100\$ - \$2500.

(b) "Game symbol captions" are the words or portions of words printed beneath each game symbol in the play area and are used to repeat or explain the game symbol. The game symbol caption associated with each game symbol is as follows:

Game Symbol	Game Symbol Caption
1	ONE
2	TWO
3	THR
4	FOR
5	FIV
6	SIX
\$1.00	ONES\$
\$5.00	FIVES\$
10.00	TEN\$
\$100\$	ONE-HUN
\$2500	25-HUN

(c) "Ticket validation number" means a unique number appearing on each ticket which is used to validate winning tickets. For this instant game, the ticket validation number is a 10-digit number which appears on the front of each instant ticket and will be covered by latex.

(d) "Book-ticket number" means the unique number appearing on each ticket which includes the number of the book from which it was removed and the serially assigned number of the ticket within that book. For this instant game, the book-ticket number is an 8-digit book number followed by a dash and then a 3-digit ticket number. The ticket numbers in each book start with 000 and end with 299. The book-ticket number is printed in black ink on the bottom right portion of the front of each instant game ticket.

(e) "Retailer validation code" means the small letters found under removable covering in the play area of each instant game ticket. The retailer uses this code to verify and validate winners which are to be paid by the retailer. In this instant game, the retailer validation code is a two letter code printed and appearing in two of five varying locations among the game symbols. The codes and their meanings are as follows: CC = \$1.00; DD = \$2.00; EE = \$3.00; KK = \$5.00; BB = \$10.00; GG = \$15.00. (Authorized by and implementing K.S.A. 74-8710; effective, T-111-4-25-94, April 15, 1994.)

**111-4-570. Determination of instant prize winners.** An instant prize winner is determined for this instant game when the player removes or "scratches off" the removable layer of material covering the play area to reveal the nine game symbols and captions. Each ticket contains three separate games representing dice numbers marked "ROLL 1," "ROLL 2" and "ROLL 3." A solid line is imaged between "ROLL 1" and "ROLL 2," and between "ROLL 2" and "ROLL 3." Each game has a separate prize area. Totals in one game relate to that game only and not to either of the other two games. If the total of the two numbers in the play area under the image of two dice in one game is seven or eleven, the player wins the prize shown in the appropriate prize area. A player can win three times on a single ticket. (Authorized by K.S.A. 74-8710(b), (c) & (i); implementing K.S.A. 74-8710(b), (c) & (i) and 74-8720 (b) & (d); effective, T-111-4-25-94, April 15, 1994.)

**111-4-571. Number and value of instant prizes.** (a) There will be approximately 3,000,000 tickets ordered for this instant game. The expected number and value of the instant prizes are as follows:

Prizes	Expected Number of Prizes in Game	Expected Value in Game
\$1	250,000	\$ 250,000
\$2 (\$1+\$1)	150,000	300,000
\$3 (\$1+\$1+\$1)	80,000	240,000
\$5	40,000	200,000
\$10	10,000	100,000
\$10 (\$5+\$5)	20,000	200,000
\$15 (\$5+\$5+\$5)	20,000	300,000
\$30 (\$10+\$10+\$10)	4,000	120,000
\$100	80	8,000
\$2,500	7	17,500
	<u>574,087</u>	<u>\$1,735,500</u>

(b) The executive director may terminate the sale of tickets prior to the complete sale of all tickets. In this event, the number and value of prizes will be approximately proportional to the number of tickets actually sold.

(c) All prizes are subject to deductions provided by law. (Authorized by K.S.A. 74-8710(b), (c) & (f); implementing 74-8710(b), (c) & (f); and 74-8720; effective, T-111-4-25-94, April 15, 1994.)

Gregory P. Ziemak  
Executive Director

State of Kansas

Secretary of State

Usury Rate for May

Pursuant to the provisions of K.S.A. 16-207, the maximum effective rate of interest per annum for notes secured by all real estate mortgages and contracts for deed for real estate executed during the period of May 1, 1994 through May 31, 1994, is 10.17 percent.

Bill Graves  
Secretary of State

Doc. No. 014790

State of Kansas

Board of Healing Arts

Permanent Administrative Regulations

Article 10a.—EXEMPT LICENSE

**100-10a-1. Applications.** (a) Each application for an exempt license shall be submitted upon forms furnished by the board. These forms shall contain the following in plain, legible writing:

- (1) the applicant's name in full;
- (2) the applicant's post office address;
- (3) the applicant's residence address;
- (4) the applicant's Kansas license number;
- (5) a statement that the applicant does not hold himself or herself out to the public as being professionally engaged in the practice of the healing arts for which the applicant holds a license;

(6) a statement that the applicant is no longer regularly engaged in the state of Kansas in the branch of the healing arts for which the applicant holds a license;

(7) a statement describing the professional activities relating to the healing arts in which the applicant intends to engage if issued an exempt license;

(8) a statement acknowledging that if the applicant is issued an exempt license, the applicant shall be subject to all provisions of the healing arts act except for complying with requirements of continuing education; and

(9) a statement acknowledging that if the applicant is issued an exempt license:

(A) the applicant will not be a health care provider, as defined by K.S.A. 40-3401 and amendments thereto;

(B) the applicant will not be required to maintain professional liability insurance in accordance with K.S.A. 40-3401 *et seq.*; and

(C) any services rendered by the applicant, while the holder of an exempt license, will not be insured nor covered by the health care stabilization fund.

(b) Each application for an exempt license shall be signed by the applicant.

(c) Each application for an exempt license shall be accompanied by any fee required by K.A.R. 100-11-5. (Authorized by K.S.A. 65-2865; implementing K.S.A. 65-2809; effective, T-88-52, Dec. 6, 1987; effective May 1, 1988; amended June 20, 1994.)

(continued)

Doc. No. 014793

**Article 24.—PATIENT RECORDS**

**100-24-1. Adequacy; minimal requirements.** (a) Each licensee of the board shall maintain an adequate record for each patient documenting the course of treatment of the patient. Each patient record maintained shall be considered to be adequate and in compliance with this regulation if it conforms to the following minimal requirements. Each patient record shall:

- (1) be legible;
- (2) contain only those terms and abbreviations which are comprehensible to similar licensees;
- (3) contain adequate identification of the patient;
- (4) indicate the dates any professional service was provided;
- (5) contain pertinent and significant information concerning the patient's condition;
- (6) reflect what examinations, vital signs and tests were obtained, performed or ordered and the findings and results of each;
- (7) indicate the initial diagnosis and the patient's initial reason for seeking the licensee's services;
- (8) indicate the medications prescribed, dispensed or administered and the quantity and strength of each;
- (9) reflect the treatment performed or recommended; and
- (10) document the patient's progress during the course of treatment provided by the licensee.

(b) An adequate record for each patient documenting the course of treatment of the patient shall include any writing intended to be a final record, but shall not require the maintenance of rough drafts, notes, other writings, or recordings once such information is converted to final form. The final form shall accurately reflect the care and services rendered to the patient.

(c) Patient records shall be maintained by each licensee of the board or the licensee's designee for a minimum of 10 years from the date any professional service was provided. (Authorized by K.S.A. 65-2865; implementing K.S.A. 1993 Supp. 65-2837; effective, T-87-42, Dec. 19, 1986; effective May 1, 1987; amended June 20, 1994.)

**Article 26.—SERVICES RENDERED TO INDIVIDUALS LOCATED IN THIS STATE**

**100-26-1. Services rendered to individuals located in this state.** Except as authorized by K.S.A. 65-2872 and amendments thereto, each person, regardless of location, who performs an act included in subsection (a) of K.S.A. 65-2802 and amendments thereto or who issues an order for services which constitute the practice of the healing arts on an individual located in this state shall be deemed to be engaged in the practice of the healing arts in this state and shall be required to have a license, issued by the board, to practice the appropriate branch of the healing arts. (Authorized by and implementing K.S.A. 65-2802, 65-2803, 65-2867 and 65-2869; effective June 20, 1994.)

**Article 35.—PHYSICAL THERAPY REGISTRATION**

**100-35-7. Examination.** To successfully pass the examination for registration or certification, each physical therapist and physical therapist assistant shall attain a

criterion-referenced scaled score of at least 600 on a scale ranging from 200 to 800. (Authorized by K.S.A. 65-2911; implementing K.S.A. 65-2906; effective May 1, 1978; amended May 1, 1984; amended June 20, 1994.)

**Article 46.—EXTENSION OF REGISTRATION; ASSISTANTS**

**100-46-3. Same; number.** A physical therapist shall not have more than four physical therapist assistants working under the direction of that physical therapist at any time without exception. (Authorized by K.S.A. 65-2911; implementing K.S.A. 65-2906; effective May 1, 1975; amended May 1, 1984; amended June 20, 1994.)

**100-46-5. Lapsed registrations and certifications; revival and extension** Each physical therapist and physical therapist assistant desiring to revive and extend a lapsed registration shall: (a) Submit a completed written application on a form prescribed by the board;

(b) pay the reinstatement fee and any delinquent fee established by the board, no part of which will be refunded; and

(c) submit proof of satisfactory completion of a program of continuing education as set out in paragraphs (1), (2) and (3) below.

(1) If the registration has lapsed for less than two years, the applicant shall complete the continuing education which was required at the time the registration lapsed plus a minimum of an additional 10 contact hours for each six months since the date the registration lapsed. A minimum of  $\frac{1}{2}$  of these continuing education hours shall be in a Class I as defined in K.A.R. 100-47-1.

(2) If the time since the registration lapsed has been more than two years, the applicant shall provide proof of 10 contact hours per year with a maximum of 50 contact hours. If the applicant has been out of practice more than seven years, passage of the National Physical Therapy Examination (NPTE) shall be required.

(3) If the applicant has been in the active practice of physical therapy in another state or the District of Columbia since the date the registration lapsed, the applicant shall submit proof of current compliance with the continuing education requirements of that jurisdiction. (Authorized by and implementing K.S.A. 65-2910 and K.S.A. 65-2911; effective May 1 1987; amended May 1, 1988, amended Feb. 4, 1991; amended June 20, 1994.)

**Article 60.—PHYSICIANS' ASSISTANTS**

**100-60-13. Prescription-only drugs.** (a) A physician's assistant shall not transmit a prescription order for a prescription-only drug or administer or supply a prescription-only drug except as authorized by the drug transmission protocol required by K.A.R. 100-60-9 and as authorized by this regulation.

(b) A physician's assistant may directly administer a prescription-only drug as follows:

- (1) When directly ordered or authorized by the responsible or designated physician;
- (2) when authorized by a written protocol between the responsible physician and the physician's assistant; or
- (3) in an emergency situation.

(c) A physician's assistant may, by oral or telephonic communication only, transmit a prescription order for a schedule II controlled substance in an emergency situation, as defined in K.A.R. 68-20-19(a)(5). Within 72 hours after transmission of the prescription order, the responsible or designated physician shall cause a written prescription, completed in accordance with appropriate federal and state laws, to be delivered to the dispenser of the drug.

(d) A physician's assistant may, by oral or telephonic communication only, transmit a prescription order for a controlled substance listed in schedule III, IV or V in the same manner as the physician's assistant may perform acts which constitute the practice of medicine and surgery as specified in K.A.R. 100-60-8.

(e) A physician's assistant, either orally, telephonically or in writing, may transmit a prescription order for a prescription-only drug not listed in any schedule as a controlled substance in the same manner as the physician's assistant may perform acts which constitute the practice of medicine and surgery as specified in K.A.R. 100-60-8.

(f) If the transmission of a prescription order is written by a physician's assistant it shall:

(1) Contain the name, address and telephone number of the responsible physician;

(2) be signed by the physician's assistant with the letters "R.P.A." following the signature;

(3) contain the registration number issued to the physician's assistant by the board; and

(4) indicate whether the prescription order is being transmitted by direct order of the responsible or designated physician, pursuant to a written protocol, or because of an emergency situation.

(g) A physician's assistant may supply a prescription-only drug to a patient only:

(1) Under the same conditions as a physician's assistant may directly administer a prescription-only drug as described in subsection (b) above;

(2) if the drug has been provided to the physician's assistant or the physician's assistant's responsible physician or employer at no cost;

(3) if the drug is commercially labeled and is supplied to the patient in the original prepackaged unit dose container; and

(4) if the drug is supplied to the patient at no cost.

(h) A physician's assistant shall not administer, supply or transmit a prescription order for a prescription-only drug for any quantity or strength in excess of the normal, customary and prevalent practice of the responsible physician. (Authorized by and implementing K.S.A. 65-2896e; effective May 1, 1988; amended Feb. 15, 1993; amended June 20, 1994.)

Lawrence T. Buening, Jr.  
Executive Director

Doc. No. 014820

(Published in the Kansas Register, May 5, 1994.)

### Summary Notice of Bond Sale

City of Salina, Kansas

\$1,175,000

### General Obligation Internal Improvement Bonds Series 1994-A

#### Sealed Bids

Subject to the terms and conditions of the complete notice of bond sale and preliminary official statement dated May 2, 1994, sealed bids on the official bid form will be received by Judy D. Long, City Clerk, City of Salina, Kansas, Room 206, City/County Building, 300 W. Ash, Salina, KS 67402-0736, on behalf of the governing body, until 2 p.m. C.D.T. on Monday, May 16, 1994, for the purchase of \$1,175,000 principal amount of General Obligation Internal Improvement Bonds, Series 1994-A. No bid of less than the entire par value of the bonds and accrued interest thereon to the date of delivery will be considered. Each bid shall be accompanied by a cashier's or certified check in the amount of \$23,500.

#### Bond Details

The bonds will consist of fully registered certificated bonds in the denomination of \$5,000 or any integral multiple thereof, not exceeding the total principal amount of bonds maturing on each principal payment date. The bonds will be dated June 1, 1994, and will become due serially on October 1 in the years as follows:

Year	Principal Amount
1995	\$120,000
1996	120,000
1997	120,000
1998	120,000
1999	120,000
2000	115,000
2001	115,000
2002	115,000
2003	115,000
2004	115,000

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. Bonds maturing on October 1, 2002, and thereafter will be subject to redemption prior to maturity at the option of the city on October 1, 2001, and thereafter, in whole at any time or in part on any interest payment date, in such principal amounts for such maturities as shall be determined by the city, at a redemption price of 100 percent of the principal amount redeemed, plus accrued interest, without a premium.

#### Paying Agent and Bond Registrar

The Kansas State Treasurer will be the paying agent and bond registrar for the bonds.

#### Delivery

The city will pay for printing the bonds and will deliver the same properly prepared, executed and registered without cost to the successful bidder on or about June 9, 1994, at such location as may be specified by the purchaser.

(continued)

**Assessed Valuation and Indebtedness**

The equalized assessed valuation for computation of bonded debt limitations for the year 1994 is \$202,499,968. The total general obligation indebtedness of the city as of the date of the bonds, including the bonds being sold, is \$13,500,000.

**Approval of Bonds**

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

**Additional Information**

Additional information regarding the bonds may be obtained from the undersigned or from George K. Baum & Company, Kansas City, Missouri, (816) 474-1100, the city's financial advisor.

Dated May 2, 1994.

City of Salina, Kansas  
By Judy D. Long  
City Clerk  
Room 206  
City/County Building  
300 W. Ash  
Salina, KS 67402-0736  
(913) 826-7240

Doc. No. 014796

(Published in the Kansas Register, May 5, 1994.)

**Summary Notice of Bond Sale**

City of Manhattan, Kansas

\$982,000

General Obligation Bonds, Series 195

(General obligation bonds payable from unlimited ad valorem taxes)

**Sealed Bids**

Subject to the notice of bond sale dated May 5, 1994, sealed bids will be received by the city clerk of the city of Manhattan, Kansas (the issuer), on behalf of the governing body at City Hall, 1101 Poyntz, Manhattan, KS 66502, until 4 p.m. C.D.T. on May 17, 1994, for the purchase of \$982,000 principal amount of General Obligation Bonds, Series 195. No bid of less than the entire par value of the bonds, except a discount of not greater than 1.00 percent of the par value of the bonds, and accrued interest thereon to the date of delivery will be considered.

**Bond Details**

The bonds will consist of fully registered bonds in the denomination of \$5,000 or any integral multiple thereof, except one bond in the denomination of \$7,000. The bonds will be dated June 1, 1994, and will become due on November 1 in the years as follows:

Year	Principal Amount
1995	\$27,000
1996	35,000
1997	35,000

1998	35,000
1999	40,000
2000	40,000
2001	45,000
2002	50,000
2003	50,000
2004	55,000
2005	45,000
2006	45,000
2007	50,000
2008	50,000
2009	55,000
2010	60,000
2011	60,000
2012	65,000
2013	70,000
2014	70,000

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 November 1 and May 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 \$19,640 (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 14, 1994, at such bank or trust company in the contiguous United States of America as may be specified by the successful bidder.

**Assessed Valuation and Indebtedness**

The equalized assessed tangible valuation for computation of bonded debt limitations for the year 1993 is \$159,435,637. The total general obligation indebtedness of the issuer as of the date of the bonds, including the bonds being sold, is \$29,764,000.

**Approval of Bonds**

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

**Additional Information**

Additional information regarding the bonds may be obtained from the city clerk, (913) 537-0056, or from the financial advisor, George K. Baum & Company, Wichita, Kansas, Attention: Charles M. Bouilly, (316) 264-9351.

Dated May 5, 1994.

City of Manhattan, Kansas

Doc. No. 014804



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

Riley—81- C-3263-01—County road, 2 miles north of Manhattan over the Big Blue River, grading, bridge and surfacing. (Federal Funds)

Note: This is the corrected location for project C-3263-01 that was previously advertised for the May letting.

District Two—Northcentral

Mitchell—62 K-1315-05—Flood damaged roads in Glen Elder State Park, patching. (State Funds)

Note: This is the corrected project number and location for project K-1315-01 that was previously advertised for the May letting.

Michael L. Johnston  
Secretary of Transportation

Doc. No. 014818

(Published in the Kansas Register, May 5, 1994.)

Summary Notice of Bond Sale

Unified School District 418

McPherson County, Kansas (McPherson)

\$6,479,000

General Obligation School Building Bonds  
Series 1994

(General obligation bonds payable from  
unlimited ad valorem taxes)

Sealed Bids

Subject to the notice of bond sale dated April 25, 1994, sealed bids will be received by the clerk of Unified School District 418, McPherson County, Kansas (McPherson) (the issuer), on behalf of the governing body at the central office, 514 N. Main, McPherson, KS 67460, until noon C.D.T. on May 12, 1994, for the purchase of \$6,479,000 principal amount of General Obligation School Building 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.

Bond Details

The bonds will consist of fully registered bonds in the denomination of \$5,000 or any integral multiple thereof, except one bond in the denomination of \$4,000. The bonds will be dated May 15, 1994, and will become due on September 1 in the years as follows:

Year	Principal Amount
1997	\$ 79,000
1998	55,000
1999	60,000
2000	70,000

2001	80,000
2002	145,000
2003	315,000
2004	345,000
2005	370,000
2006	400,000
2007	430,000
2008	465,000
2009	500,000
2010	540,000
2011	580,000
2012	625,000
2013	695,000
2014	725,000

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 March 1 and September 1 in each year, beginning on March 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 \$129,580 (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 8, 1994, at such bank or trust company in the contiguous United States of America as may be specified by the successful bidder.

Assessed Valuation and Indebtedness

The equalized assessed tangible valuation for computation of bonded debt limitations for the year 1993 is \$93,810,593. The total general obligation indebtedness of the issuer as of the date of the bonds, including the bonds being sold, is \$8,984,000.

Approval of Bonds

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

Additional Information

Additional information regarding the bonds may be obtained from the clerk, (316) 241-9400, or from the financial advisor, Ranson Capital Corporation, 120 S. Market, Suite 450, Wichita, KS 67202, Attention: Stephen E. Shogren, (316) 262-4955.

Dated April 25, 1994.

Unified School District 418  
McPherson County, Kansas

Doc. No. 014805

(Published in the Kansas Register, May 5, 1994.)

**Hamilton County, Kansas**  
**\$300,000**  
**General Obligation Bonds**  
**Series 1994**

(General obligation bonds payable from  
 unlimited ad valorem taxes)

**Sealed Bids**

Subject to the notice of bond sale dated May 4, 1994, sealed bids will be received by the clerk of Hamilton County, Kansas (the issuer), on behalf of the governing body at Hamilton County Courthouse, Syracuse, KS 67878, (316) 384-5629, until 10 a.m. Mountain Daylight Time, on May 16, 1994, for the purchase of \$300,000 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.

**Bond Details**

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

Year	Principal Amount
1996	\$25,000
1997	25,000
1998	25,000
1999	75,000
2000	75,000
2001	75,000

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 June 1 and December 1 in each year, beginning on June 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 \$6,000 (2 percent of the principal amount of the bonds).

**Delivery**

The issuer will pay for printing the bonds and will deliver the same properly prepared, executed and registered without cost to the successful bidder on or before June 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 \$46,537,207. The total general obligation indebtedness of the issuer as of the date of the bonds, including the bonds being sold, is \$1,425,000.

**Approval of Bonds**

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

**Additional Information**

Additional information regarding the bonds may be obtained from the clerk, (316) 384-5629, or from the financial advisor, Chapman Securities, Inc., 150 N. Main, Suite 700, Wichita, KS 67202, (316) 265-3331, Attn: Michael D. Relihan.

Dated May 4, 1994.

Hamilton County, Kansas

Doc. No. 014829

(Published in the Kansas Register, May 5, 1994.)

**Summary Notice of Bond Sale**  
**City of Lawrence, Kansas**  
**\$1,995,000\* General Obligation Bonds**  
**Series P 1994 and**  
**\$4,830,000\* Temporary Notes**  
**Series 1994-A**  
**of the**  
**City of Lawrence, Kansas**  
**(General obligations payable from**  
**unlimited ad valorem taxes)**

**Sealed Bids**

Subject to the notice of sale and preliminary official statement, sealed bids will be received by the city clerk of the city of Lawrence, Kansas, on behalf of the governing body at City Hall, 6 E. 6th, Lawrence, KS 66044, until 11 a.m. C.D.T. on Tuesday, May 17, 1994, for the purchase of \$1,995,000\* principal amount of General Obligation Bonds, Series P 1994, and \$4,830,000\* Temporary Notes, Series 1994-A. No bid of less than the entire par value of the bonds or notes, as applicable, and accrued interest to the delivery will be considered.

**Bond Details**

The bonds will consist of fully registered bonds in the denomination of \$5,000 or any integral multiple thereof. The bonds will be dated May 15, 1994, and will become due on September 1 in the years as follows:

Year	Principal Amount*
1994	\$230,000
1995	155,000
1996	165,000
1997	175,000
1998	185,000
1999	195,000
2000	210,000
2001	220,000
2002	230,000
2003	230,000

The bonds will bear interest from the date thereof at rates to be determined when the bonds are sold, and interest will be payable semiannually on March 1 and



September 1 in each year, beginning on September 1, 1994.

#### Note Details

The notes will consist of fully registered notes in the denomination of \$5,000 or an integral multiple thereof. The notes will be dated May 15, 1994, will become due on June 1, 1995. The notes will bear interest for the dated date at rates to be determined when the notes are sold, and interest will be payable semiannually on December 1, 1994 and June 1, 1995 (or earlier redemption date).

#### Paying Agent and Bond Registrar

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

#### Good Faith Deposit

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

#### Delivery

The city will pay for printing the bonds and the preparation of the notes and will deliver the same properly prepared, executed and registered without cost to the successful bidder on or before May 31, 1994, at such bank or trust company in the United States of America as may be specified by the successful bidder.

#### Assessed Valuation and Indebtedness

The equalized assessed tangible valuation for computation of bonded debt limitations for the year 1993 is \$334,011,669. The total general obligation indebtedness of the city as of the date of the bonds, including the bonds and notes being sold, is \$22,025,000.

#### Approval of Bonds

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

#### Additional Information

Additional information regarding the bonds and notes may be obtained from the city clerk or the city's director of finance, (913) 832-3000; or from Gilmore & Bell, P.C., Bond Counsel, 700 W. 47th, Suite 400, Kansas City, MO 64112, (816) 931-7500.

Dated May 3, 1994.

City of Lawrence, Kansas  
By Raymond J. Hummert  
Lawrence City Clerk  
Lawrence City Hall  
6 E. 6th  
Lawrence, KS 66044  
(913) 832-3000

\*Subject to change.

Doc. No. 014802

#### 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, May 5, 1994.)

#### SENATE BILL No. 459

AN ACT relating to property taxation; authorizing property tax accumulated interest amnesty programs; authorizing partial payment of delinquent real property tax.

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

Section 1. (a) In accordance with the provisions of this section, the board of county commissioners of Wyandotte county may institute and administer a property tax accumulated interest amnesty program. Such program shall only be in effect for a 60-day period as specified by such board, and shall be instituted and completed prior to July 1, 1995. Notice of the institution and time period of such program shall be by publication in a newspaper having general circulation in the county. Also, notices shall be mailed to the owner of any homestead or other property who may qualify to participate in the program.

(b) Upon completion and execution of an application affidavit for eligibility for participation in the amnesty program by a qualified person, and payment of all or a portion of delinquent property tax, the county treasurer shall cancel all accumulated interest which has accrued upon the amount of such tax paid.

(c) As used in this section: (1) "Qualified person" means an individual or such individual's heirs who own and reside in a homestead upon which is owed delinquent property tax, or a person, corporation or other association of persons who own real property upon which is owed delinquent property tax; (2) "homestead" shall have the meaning ascribed thereto by section 9 of article 15 of the Kansas constitution; and (3) "delinquent property tax" means property tax, including any special assessments, levied upon a homestead or other real property which has remained unpaid for at least two years after it became due.

(d) The provisions of this section shall not be construed to conflict or otherwise affect any other provisions of law relating to the redemption, sale or foreclosure of real estate resulting from delinquent property tax.

Sec. 2. Notwithstanding any other provision of law to the contrary, the county treasurer of every county may accept partial payment of delinquent real property tax in accordance with payment guidelines established therefor by the county treasurer.

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, May 5, 1994.)

## SENATE BILL No. 767

AN ACT concerning the workers compensation act; relating to subcontracting; amending K.S.A. 44-503 and repealing the existing section.

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

Section 1. K.S.A. 44-503 is hereby amended to read as follows: 44-503. (a) Where any person (in this section referred to as principal) undertakes to execute any work which is a part of the principal's trade or business or which the principal has contracted to perform and contracts with any other person (in this section referred to as the contractor) for the execution by or under the contractor of the whole or any part of the work undertaken by the principal, the principal shall be liable to pay to any worker employed in the execution of the work any compensation under the workers compensation act which the principal would have been liable to pay if that worker had been immediately employed by the principal; and where compensation is claimed from or proceedings are taken against the principal, then in the application of the workers compensation act, references to the principal shall be substituted for references to the employer, except that the amount of compensation shall be calculated with reference to the earnings of the worker under the employer by whom the worker is immediately employed.

(b) Where the principal is liable to pay compensation under this section, the principal shall be entitled to indemnity from any person who would have been liable to pay compensation to the worker independently of this section, and shall have a cause of action under the workers compensation act for indemnification.

(c) Nothing in this section shall be construed as preventing a worker from recovering compensation under the workers compensation act from the contractor instead of the principal.

(d) This section shall not apply to any case where the accident occurred elsewhere than on, in or about the premises on which the principal has undertaken to execute work or which are otherwise under the principal's control or management, or on, in or about the execution of such work under the principal's control or management.

(e) A principal contractor, when sued by a worker of a subcontractor, shall have the right to implead the subcontractor.

(f) The principal contractor who pays compensation to a worker of a subcontractor shall have the right to recover over against the subcontractor in the action under the workers compensation act if the subcontractor has been impleaded.

(g) *Notwithstanding any other provision of this section, in any case where the contractor (1) is an employer who employs employees in an employment to which the act is applicable, or has filed a written statement of election with the director to accept the provisions of the workers compensation act pursuant to subsection (b) of K.S.A. 44-505, and amendments thereto, to the extent of such election, and (2) has secured the payment of compensation as required by K.S.A. 44-532, and amendments thereto, for all persons for whom the contractor is required to or elects to secure such compensation, as evidenced by a current certificate of workers compensation insurance, by a certification from the director that the contractor is currently qualified as a self-insurer under that statute, or by a certification from the commissioner of insurance that the contractor is maintaining a membership in a qualified group-funded workers compensation pool, then, the principal shall not be liable for any compensation under this or any other section of the workers compensation act for any person for which the contractor has secured the payment of compensation which the principal would otherwise be liable for under this section and such person shall have no right to file a claim against or otherwise proceed against the principal for compensation under this or any other section of the workers compensation act. In the event that the payment of compensation is not secured or is otherwise unavailable or in effect, then the principal shall be liable for the payment of compensation. No insurance company shall charge a principal a premium for workers compensation insurance for any liability for which the contractor has secured the payment of compensation.*

Sec. 2. K.S.A. 44-503 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, May 5, 1994.)

## SENATE BILL No. 718

AN ACT making and concerning appropriations for the fiscal year ending June 30, 1994, for the Kansas human rights commission, secretary of state, department of administration, Kansas public employees retirement system, adjutant general, Kansas highway patrol, Emporia state university, Kansas state university, Kansas state university veterinary medical center, university of Kansas, university of Kansas medical center, department of revenue—homestead property tax refunds, department of health and environment, department of human resources, department on aging, ombudsman of corrections, attorney general—Kansas bureau of investigation, legislature, Kansas healthy kids corporation, state fire marshal, Fort Hays state university, Pittsburg state university, Wichita state university, youth center at Atchison, youth center at Beloit, youth center at Topeka, governor's department, division of post audit and department of commerce and housing; authorizing certain transfers, imposing certain restrictions and limitations, and directing or authorizing certain receipts and disbursements and acts incidental to the foregoing.

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

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

## Sec. 2.

## KANSAS HUMAN RIGHTS COMMISSION

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

Operating expenditures ..... \$167,818

## Sec. 3.

## SECRETARY OF STATE

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

Operating expenditures ..... \$82,500

## Sec. 4.

## DEPARTMENT OF ADMINISTRATION

(a) The expenditure limitation established by section 7(b) of chapter 284 of the 1993 Session Laws of Kansas on the architectural services recovery fund is hereby increased from \$1,135,140 to \$1,138,882.

(b) The expenditure limitation established by section 7(b) of chapter 284 of the 1993 Session Laws of Kansas on the building and ground fund is hereby increased from \$203,497 to \$259,657.

(c) On the effective date of this act, of the \$3,876,934 appropriated for the above agency for the fiscal year ending June 30, 1994, by section 7(a) of chapter 284 of the 1993 Session Laws of Kansas from the state general fund in the central management systems operations account, the sum of \$548,000 may be expended for the personnel/payroll project: *Provided*, That additional expenditures may be made for this purpose if savings permit.

## Sec. 5.

## KANSAS PUBLIC EMPLOYEES RETIREMENT SYSTEM

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

For employers' contributions ..... \$1,949,184

(b) On the effective date of this act, the expenditure limitation established by the state finance council on the agency operations account of the Kansas public employees retirement fund is hereby increased from \$4,312,295 to \$4,355,837.

(c) On the effective date of this act, the expenditure limitation established by section 2(e) of chapter 292 of the 1993 Session Laws of Kansas on the investment related expenses account of the Kansas public employees retirement fund is hereby decreased from \$16,565,198 to \$16,470,198.

(d) On the effective date of this act, the expenditure limitation established by section 2(b) of chapter 284 of the 1993 Session Laws of Kansas on the real estate management fees account of the Kansas public employees retirement fund is hereby increased from \$1,000,000 to no limit.

(e) The expenditure limitation established by section 4(f) of Chapter 292 of the 1993 Session Laws of Kansas on the direct placement management fees account of the Kansas public employees retirement fund is hereby increased from \$2,480,000 to no limit.

(f) The expenditure limitation established by section 2(b) of Chapter 284 of the 1993 Session Laws of Kansas on the publicly traded securities management fees account of the Kansas public employees retirement fund is hereby increased from \$10,493,198 to no limit.

(g) The expenditure limitation established by section 2(b) of Chapter 284 of the 1993 Session Laws of Kansas on the direct placement investment program account of the Kansas public employees retirement fund is hereby increased from \$600,000 to no limit.

(h) The expenditure limitation established by section 2(b) of Chapter 284 of the 1993 Session Laws of Kansas on the custodial bank fees and expenses account of the Kansas public employees retirement fund is hereby increased from \$755,000 to no limit.

(i) The expenditure limitation established by section 2(b) of Chapter 284 of the 1993 Session Laws of Kansas on the investment consultant fees account of the Kansas public employees retirement fund is hereby increased from \$187,000 to no limit.

(j) The expenditure limitation established by section 2(b) of Chapter 284 of the 1993 Session Laws of Kansas on the investment related litigation expenses account of the Kansas public employees retirement fund is hereby increased from \$1,050,000 to no limit.

Sec. 6.

ADJUTANT GENERAL

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

Emergency fund flood relief..... \$500,000

Sec. 7.

KANSAS HIGHWAY PATROL

(a) The expenditure limitation established by the state finance council on the motor carrier safety assistance program fund is hereby increased from \$1,334,160 to \$1,667,231.

(b) On the effective date of this act, the director of accounts and reports shall transfer \$36,272 from the motor carrier license fees fund of the state corporation commission to the motor carrier safety assistance program fund of the Kansas highway patrol.

(c) The expenditure limitation established by the state finance council on the highway patrol training center fund is hereby increased from \$591,092 to \$924,655.

Sec. 8.

EMPORIA STATE UNIVERSITY

(a) On the effective date of this act, the director of accounts and reports shall transfer \$1,944 from the general fees fund to the educational opportunity grants—federal fund.

(b) The expenditure limitation established by section 9(d) of chapter 292 of the 1993 Session Laws of Kansas on the general fees fund is hereby increased from \$7,561,999 to \$7,609,858.

Sec. 9.

KANSAS STATE UNIVERSITY

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

Operating expenditures (including official hospitality)..... \$1,196,858

(b) The expenditure limitation established by section 24(i) of chapter 292 of the 1993 Session Laws of Kansas on the general fees fund is hereby decreased from \$34,578,315 to \$33,381,457.

Sec. 10.

KANSAS STATE UNIVERSITY VETERINARY MEDICAL CENTER

(a) On the effective date of this act, the position limitation on classified positions established by section 13(a) of chapter 266 of the 1993 Session Laws of Kansas for the above agency is hereby decreased from 154.9 to 149.6.

(b) On the effective date of this act, the position limitation on unclassified positions established by section 13(b) of chapter 266 of the 1993 Session Laws of Kansas is hereby increased from 93.9 to 99.2.

Sec. 11.

UNIVERSITY OF KANSAS

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

Operating expenditures (including official hospitality)..... \$408,998

(b) The expenditure limitation established by section 22(k) of chapter 292 of the 1993 Session Laws of Kansas on the general fees fund is hereby decreased from \$60,117,111 to \$59,708,114.

Sec. 12.

UNIVERSITY OF KANSAS MEDICAL CENTER

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

Operating expenditures (including official hospitality)..... \$1,144,583

(b) The expenditure limitation established by section 10(b) of chapter 266 of the 1993 Session Laws of Kansas on the medical scholarship and loan repayment fund is hereby decreased from \$4,502,338 to \$3,355,065.

(c) The expenditure limitation established by section 10(b) of chapter 266 of the 1993 Session Laws of Kansas on the operating expenditures account of the medical scholarship and loan repayment fund is hereby decreased from \$1,700,000 to \$552,727.

(d) The expenditure limitation established by section 23(c) of chapter 292 of the 1993 Session Laws of Kansas on the general fees fund is hereby increased from \$8,869,365 to \$9,004,365.

Sec. 13.

DEPARTMENT OF REVENUE—HOMESTEAD PROPERTY TAX REFUNDS

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

Homestead tax refunds..... \$1,572,021

Sec. 14.

DEPARTMENT OF HEALTH AND ENVIRONMENT

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

Hazardous waste collection fund..... No limit

(b) The expenditure limitation established by section 33(a) of chapter 292 of the 1993 Session Laws of Kansas on the air quality fee fund is hereby increased from \$0 to \$317,244.

(c) The expenditure limitation established by the state finance council on the title XIX fund is hereby increased from \$4,006,310 to \$4,046,436.

(d) The expenditure limitation established by the state finance council on the state operations account of the maternal and child health services block grant fund is hereby increased from \$2,590,798 to \$2,598,057.

(e) The expenditure limitation established by the state finance council on the early childhood development services—federal fund is hereby increased from \$35,483 to \$53,300.

(f) The expenditure limitation established by the state finance council on the child care and development block grant—federal fund is hereby increased from \$697,721 to \$733,113.

(g) The expenditure limitation established by the state finance council on the state operations account of the AIDS project—education and risk reduction—federal fund is hereby increased from \$846,343 to \$880,543.

Sec. 15.

DEPARTMENT OF HUMAN RESOURCES

(a) The expenditure limitation established by the state finance council on the federal indirect cost offset fund is hereby increased from \$283,006 to \$298,602.

Sec. 16.

DEPARTMENT ON AGING

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

Case management..... \$198,000

(b) On the effective date of this act, of the \$2,924,503 appropriated for the above agency for the fiscal year ending June 30, 1994, by section 6(a) of chapter 285 of the 1993 Session Laws of Kansas from the state general fund in the program grants account, the sum of \$198,000 is hereby lapsed.

Sec. 17.

OMBUDSMAN OF CORRECTIONS

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

Adult corrections oversight..... \$1,500

Sec. 18.

ATTORNEY GENERAL—KANSAS BUREAU OF INVESTIGATION

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

Operating expenditures..... \$71,000

Debt service payment—purchase of headquarters building at 1620 S.W. Tyler Street in Topeka..... 10,900

Total..... \$81,900

(b) The expenditure limitation established by section 6(b) of chapter 266 of the 1993 Session Laws of Kansas on the medical scholarship and loan repayment fund is hereby decreased from \$4,502,338 to \$3,355,065.

(continued)

ter 206 of the 1993 Session Laws of Kansas on the forensic laboratory and materials fee fund is hereby decreased from \$82,668 to \$11,668.

Sec. 19.

LEGISLATURE

(a) On the effective date of this act, of the \$9,161,770 appropriated for the above agency for the fiscal year ending June 30, 1994, by section 4(a) of chapter 249 of the 1993 Session Laws of Kansas from the state general fund in the operations (including official hospitality) account, the sum of \$108,664 is hereby lapsed.

(b) In addition to the other purposes for which expenditures may be made by the above agency from the operations (including official hospitality) account of the state general fund for fiscal year 1994, expenditures may be made by the above agency from the operations (including official hospitality) account of the state general fund for the fiscal year ending June 30, 1994, to determine if the murals on the ceiling of the chamber of the house of representatives in the capitol are historically significant and should be restored, except that such expenditures from the operations (including official hospitality) account of the state general fund for such purpose shall not exceed \$6,000 for the fiscal year ending June 30, 1994.

Sec. 20.

KANSAS HEALTHY KIDS CORPORATION

(a) On the effective date of this act, of the \$172,023 appropriated for the above agency for the fiscal year ending June 30, 1994, by section 7(a) of chapter 285 of the 1993 Session Laws of Kansas from the state general fund in the healthy kids corporation operations account, the sum of \$60,000 is hereby lapsed.

Sec. 21.

STATE FIRE MARSHAL

(a) On the effective date of this act, the expenditure limitation established by the state finance council on the fire marshal fee fund is hereby increased from \$1,812,620 to \$1,814,549.

Sec. 22.

FORT HAYS STATE UNIVERSITY

(a) The expenditure limitation established by section 10(g) of chapter 292 of the 1993 Session Laws of Kansas on the general fees fund is hereby increased from \$7,129,165 to \$7,185,613.

Sec. 23.

PITTSBURG STATE UNIVERSITY

(a) The expenditure limitation established by section 11(d) of chapter 292 of the 1993 Session Laws of Kansas on the general fees fund is hereby increased from \$9,877,522 to \$9,926,505.

Sec. 24.

WICHITA STATE UNIVERSITY

(a) During the fiscal year ending June 30, 1994, the director of accounts and reports shall transfer, prior to July 1, 1994, an amount specified by the president of not to exceed \$37,000 from the general fees fund to the educational opportunity grants fund, which amount shall be in addition to the amount authorized to be transferred by section 11(d) of chapter 266 of the 1993 Session Laws of Kansas.

Sec. 25.

YOUTH CENTER AT ATCHISON

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

Operating expenditures ..... \$1,581

(b) Expenditures may be made by the above agency from appropriations for the fiscal year ending June 30, 1994, for an educational services contract which is hereby authorized to be negotiated and entered into by the above agency with the unified school district or another public education services provider. Such educational services contract shall not be subject to the competitive bid requirements of K.S.A. 75-3739 and amendments thereto.

Sec. 26.

YOUTH CENTER AT BELOIT

(a) Expenditures may be made by the above agency from appropriations for the fiscal year ending June 30, 1994, for an educational services contract which is hereby authorized to be negotiated and entered into by the above agency with the unified school district or another public education services provider. Such educational services contract shall not be subject to the competitive bid requirements of K.S.A. 75-3739 and amendments thereto.

(b) On and after the effective date of this act, except for place-

ments of boys in the comprehensive screening unit, no moneys appropriated from the state general fund or from any special revenue fund for the fiscal year ending June 30, 1994, by any appropriations act of the 1993 or 1994 regular sessions of the legislature for the above agency shall be expended for the placing or care of any boy at the youth center at Beloit.

Sec. 27.

YOUTH CENTER AT TOPEKA

(a) Expenditures may be made by the above agency from appropriations for the fiscal year ending June 30, 1994, for an educational services contract which is hereby authorized to be negotiated and entered into by the above agency with the unified school district or another public education services provider. Such educational services contract shall not be subject to the competitive bid requirements of K.S.A. 75-3739 and amendments thereto.

Sec. 28.

GOVERNOR'S DEPARTMENT

(a) In addition to the other purposes for which expenditures may be made by the above agency from the operations account of the state general fund for fiscal year 1994, expenditures may be made by the above agency from the operations account of the state general fund for the fiscal year ending June 30, 1994, to study the structure of the educational system in Kansas, including elementary and secondary education, vocational education, community college education and higher education, except that such expenditures from the operations account of the state general fund for such purpose shall not exceed \$150,000 for the fiscal year ending June 30, 1994.

Sec. 29.

DIVISION OF POST AUDIT

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

Operations (including legislative post audit committee) ..... \$3,824

Sec. 30.

DEPARTMENT OF COMMERCE AND HOUSING

(a) In addition to the purposes for which expenditures may be made from the Kansas economic initiative opportunity fund subaccount of the Kansas economic development endowment account of the state economic development initiatives fund for the fiscal year ending June 30, 1994, moneys may be expended by the above agency from the Kansas economic initiative opportunity fund subaccount of the Kansas economic development endowment account of the state economic development initiatives fund during fiscal year 1994 for the following, subject to the expenditure limitations prescribed therefor:

King avionics project grant ..... \$100,000

Provided, That no expenditures may be made from this account to pay for or reimburse expenditures made for moving costs for the employees of King avionics.

Sommer Allibert project grant ..... 250,000

Sec. 31. Appeals to exceed position limitations. The limitations imposed by this act on the number of full-time and regular part-time positions equated to full-time, excluding seasonal and temporary positions, paid from appropriations for fiscal year 1994 made in this act or in any appropriation act of the 1993 regular session of the legislature or in any other appropriation act of the 1994 regular session of the legislature may be exceeded upon approval of the state finance council.

Sec. 32. 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. 33. 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, May 5, 1994.)

## SENATE BILL No. 716

AN ACT concerning medical care facilities; confidentiality of licensing information; contents of annual report and inspection forms; amending K.S.A. 65-436 and repealing the existing section.

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

Section 1. K.S.A. 65-436 is hereby amended to read as follows: 65-436. (a) Except as provided in subsection (b), information received by the licensing agency through filed reports, inspections or as otherwise authorized under this act, shall not be disclosed publicly in such manner as to identify individuals or medical care facilities.

(b) Notwithstanding the provisions of subsection (a) to the contrary, the following information may be disclosed publicly in such a manner as to identify individuals or medical care facilities: Information received by the licensing agency through filed reports, inspections or as otherwise authorized under this act, in a proceeding involving the question of licensure.

New Sec. 2. The contents of the annual report under K.S.A. 65-429 and amendments thereto and the contents of an inspection form for purposes of inspections under K.S.A. 65-433 and amendments thereto shall be developed by the licensing agency in consultation with the health care data governing board and the Kansas hospital association. The licensing agency may specify the contents of the annual report and the contents of the inspection form by rules and regulations. Nothing in this section shall require the licensing agency to adopt the annual report or the inspection form by rules and regulations.

Sec. 3. K.S.A. 65-436 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, May 5, 1994.)

## SENATE BILL No. 669

AN ACT relating to solid waste; concerning construction and demolition waste landfills; relating to certain rules and regulations; concerning waste tires; amending K.S.A. 65-3424a, 65-3424f and 65-3424g and K.S.A. 1993 Supp. 65-3402, 65-3406 and 65-3407 and repealing the existing sections; also repealing K.S.A. 1993 Supp. 65-3424j.

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

Section 1. K.S.A. 1993 Supp. 65-3402 is hereby amended to read as follows: 65-3402. As used in this act, unless the context otherwise requires:

(a) "Solid waste" means garbage, refuse and other discarded materials including, but not limited to, solid, semisolid, sludges, liquid and contained gaseous waste materials resulting from industrial, commercial, agricultural and domestic activities. Solid waste does not include hazardous wastes as defined by subsection (f) of K.S.A. 65-3430, and amendments thereto, recyclables or the waste of domestic animals as described by subsection (a)(1) of K.S.A. 65-3409, and amendments thereto.

(b) "Solid waste management system" means the entire process of storage, collection, transportation, processing, and disposal of solid wastes by any person engaging in such process as a business, or by any state agency, city, authority, county or any combination thereof.

(c) "Solid waste processing facility" means incinerator, compost plant, transfer station, reclamation facility or any other location where solid wastes are consolidated, temporarily stored, salvaged or otherwise processed prior to being transported to a final disposal site. This term does not include a scrap material recycling and processing facility.

(d) "Solid waste disposal area" means any area used for the disposal of solid waste from more than one residential premise, or one or more commercial, industrial, manufacturing or municipal operations.

(e) "Person" means individual, partnership, firm, trust, company, association, corporation, individual or individuals having controlling or majority interest in a corporation, institution, political subdivision, state agency or federal department or agency.

(f) "Waters of the state" means all streams and springs, and all bodies of surface or groundwater, whether natural or artificial, within the boundaries of the state.

(g) "Secretary" means the secretary of health and environment.

(h) "Department" means the Kansas department of health and environment.

(i) "Disposal" means the discharge, deposit, injection, dumping, spilling, leaking or placing of any solid waste into or on any land or water so that such solid waste or any constituent thereof may enter the environment or be emitted into the air or discharged into any water.

(j) "Open dumping" means the disposal of solid waste at any solid waste disposal area or facility which is not permitted by the secretary under the authority of K.S.A. 65-3407, and amendments thereto, or the disposal of solid waste contrary to rules and regulations adopted pursuant to K.S.A. 65-3406, and amendments thereto.

(k) "Generator" means any person who produces or brings into existence solid waste.

(l) "Monitoring" means all procedures used to (1) systematically inspect and collect data on the operational parameters of a facility, an area or a transporter, or (2) to systematically collect and analyze data on the quality of the air, groundwater, surface water or soils on or in the vicinity of a solid waste disposal facility or area.

(m) "Closure" means the permanent cessation of active disposal operations, abandonment of the disposal area, revocation of the permit or filling with waste of all areas and volume specified in the permit and preparing the area for the long-term care.

(n) "Postclosure" means that period of time subsequent to closure of a solid waste disposal area when actions at the site must be performed.

(o) "Reclamation facility" means any location at which material containing a component defined as a hazardous substance pursuant to K.S.A. 65-3452a and amendments thereto is processed.

(p) "Designated city" means a city or group of cities which, through interlocal agreement with the county in which they are located, is delegated the responsibility for preparation, adoption or implementation of the county solid waste plan.

(q) "Nonhazardous special waste" means any solid waste designated by the secretary as requiring extraordinary handling in a solid waste disposal area.

(r) "Recyclables" means any scrap materials that can be used as a replacement for virgin material in manufacturing, including but not limited to ferrous metals, scrap paper products, scrap plastics and nonferrous metals. Nonferrous metals shall be defined by rule and regulation.

(s) "Scrap material processing industry" means any person who accepts, processes and markets recyclables.

(t) "Scrap material recycling and processing facility" means a fixed location that utilizes machinery and equipment for processing only recyclables.

(u) "Construction and demolition waste" means solid waste resulting from the construction, remodeling, repair and demolition of structures, roads, sidewalks and utilities; *untreated wood and untreated sawdust from any source*; and solid waste consisting of vegetation from land clearing and grubbing, utility maintenance, and seasonal or storm-related cleanup. Such wastes include, but are not limited to, bricks, concrete and other masonry materials, roofing materials, soil, rock, wood, wood products, wall covering, plaster, drywall, plumbing fixtures, electrical wiring, electrical components containing no hazardous materials and nonasbestos insulation. It shall not include asbestos waste, garbage, cardboard, furniture, appliances, electrical equipment containing hazardous materials, tires, drums and containers even though such wastes resulted from construction and demolition activities. Clean rubble that is mixed with other construction and demolition waste during demolition or transportation shall be considered to be construction and demolition waste.

(v) "Construction and demolition landfill" means a permitted solid waste disposal area used exclusively for the disposal on land of construction and demolition wastes. This term shall not include a site that is used exclusively for the disposal of clean rubble.

(w) "Clean rubble" means inert uncontaminated construction and demolition waste which includes concrete and concrete products, reinforcing steel, asphalt pavement, brick, soil or rock.

Sec. 2. K.S.A. 1993 Supp. 65-3406 is hereby amended to read as follows: 65-3406. (a) The secretary is authorized and directed to:

(continued)



(1) Adopt such rules and regulations, standards and procedures relative to solid waste management as necessary to protect the public health and environment, prevent public nuisances and enable the secretary to carry out the purposes and provisions of this act.

(2) Report to the legislature on further assistance needed to administer the solid waste management program.

(3) Administer the solid waste management program pursuant to provisions of this act.

(4) Cooperate with appropriate federal, state, interstate and local units of government and with appropriate private organizations in carrying out duties under this act.

(5) Develop a statewide solid waste management plan.

(6) Provide technical assistance, including the training of personnel to cities, counties and other political subdivisions.

(7) Initiate, conduct and support research, demonstration projects and investigations and coordinate all state agency research programs with applicable federal programs pertaining to solid waste management systems.

(8) Establish policies for effective solid waste management systems.

(9) Assist counties and groups of counties to establish and implement solid waste planning and management.

(10) Authorize issuance of such permits and orders and conduct such inspections as may be necessary to implement the provisions of this act and the rules and regulations and standards adopted pursuant to this act.

(11) Conduct and contract for research and investigations in the overall area of solid waste storage, collection, transportation, processing, treatment, recovery and disposal including, but not limited to, new and novel procedures.

(12) Adopt rules and regulations for permitting of all solid waste disposal areas, including those that are privately owned.

(13) Adopt rules and regulations establishing criteria for the location of processing facilities and disposal areas for solid wastes.

(14) Adopt rules and regulations establishing appropriate measures for monitoring solid waste disposal areas and processing facilities, both during operation and after closure.

(15) Adopt rules and regulations requiring that, for such period of time as the secretary shall specify, any assignment, sale, conveyance or transfer of all or any part of the property upon which a permitted disposal area for solid waste is or has been located shall be subject to such terms and conditions as to the use of such property as the secretary shall specify to protect human health and the environment.

(16) Adopt suitable measures, including rules and regulations if appropriate, to encourage recovery and recycling of solid waste for reuse whenever feasible.

(17) Adopt rules and regulations establishing standards for transporters of solid waste.

(18) Adopt rules and regulations establishing minimum standards for closing, termination, and long-term care of sites for the land disposal of solid waste. In this subsection, "site" refers to a site for the land disposal of solid waste which has a permit issued under K.S.A. 65-3407 and amendments thereto. The owner of a site shall be responsible for the long-term care of the site for 30 years after the closing of the site, except the secretary may extend the long-term care responsibility of a particular site or sites as the secretary deems necessary to protect the public health and safety or the environment. Any person acquiring rights of ownership, possession or operation in a permitted site or facility for the land disposal of solid waste at any time after the site has begun to accept waste and prior to closure shall be subject to all requirements of the permit for the site or facility, including the requirements relating to long-term care of the site or facility.

(19) Enter into cooperative agreements with the secretary of commerce for the development and implementation of statewide market development for recyclable materials.

(20) Adopt rules and regulations for the management of nonhazardous special wastes.

(b) In adopting rules and regulations, the secretary shall allow the exemption contained in subsection (f)(1) of 40 CFR 258.1.

(c) ~~The secretary shall report on or before January 20 of each year to the house and senate standing committees on energy and natural resources (1) Any rules and regulations adopted by the secretary which establish standards for solid waste processing~~

facilities or solid waste disposal areas that exceed or are in addition to those required by federal law. The secretary's report shall include the reasons for the adoption of such standards.

(d) ~~Standards adopted by rule and regulation of the secretary and applicable to requirements for solid waste processing facilities or solid waste disposal areas should be no more stringent than the standards required by federal law or applicable federal regulations in effect on the effective date of this act. Any such standards adopted by the secretary which are more stringent than the standards required by federal law or applicable federal regulations on such date shall not become effective until 45 days after the beginning of the next ensuing session of the legislature, which date shall be specifically provided in such rule and regulation.~~

~~(2) The provisions of subsection (c)(1) shall not apply to rules and regulations adopted before January 1, 1995, which establish standards for location, design and operation of solid waste processing facilities and disposal areas.~~

Sec. 3. K.S.A. 1993 Supp. 65-3407 is hereby amended to read as follows: 65-3407. (a) It shall be unlawful for any person to construct, alter or operate a solid waste processing facility or a solid waste disposal area of a solid waste management system, except for clean rubble disposal sites, without first obtaining a permit from the secretary.

(b) Every person desiring to obtain a permit to construct, alter or operate a solid waste storage, treatment or processing facility or disposal area shall make application for such a permit on forms provided for such purpose by the rules and regulations of the secretary and shall provide the secretary with such information as necessary to show that the facility or area will comply with the purpose of this act. Upon receipt of any application and payment of the application fee, the secretary, with advice and counsel from the local health authorities and the county commission, shall make an investigation of the proposed solid waste processing facility or disposal area and determine whether it complies with the provisions of this act and any rules and regulations and standards adopted thereunder. The secretary also may consider the need for the facility or area in conjunction with the county or regional solid waste management plan. When the investigation reveals that the facility or area does conform with the provisions of the act and the rules and regulations and standards adopted thereunder the secretary shall approve the application and shall issue a permit for the operation of each solid waste processing or disposal facility or area set forth in the application. In the event that the facility or area fails to meet the rules and regulations and standards required by this act the secretary shall issue a report to the applicant stating the deficiencies in the application. The secretary may issue temporary permits conditioned upon corrections of construction methods being completed and implemented.

(c) Before reviewing any application for permit, the secretary shall conduct a background investigation of the applicant. The secretary shall consider the financial, technical and management capabilities of the applicant as conditions for issuance of a permit. The secretary may reject the application prior to conducting an investigation into the merits of the application if the secretary finds that:

(1) The applicant currently holds, or in the past has held, a permit under this section and while the applicant held a permit under this section the applicant violated a provision of subsection (a) of K.S.A. 65-3409, and amendments thereto; or

(2) the applicant previously held a permit under this section and that permit was revoked by the secretary; or

(3) the applicant failed or continues to fail to comply with any of the provisions of the air, water or waste statutes, including rules and regulations issued thereunder, relating to environmental protection or to the protection of public health in this or any other state or the federal government of the United States, or any condition of any permit or license issued by the secretary; or if the secretary finds that the applicant has shown a lack of ability or intention to comply with any provision of any law referred to in this subsection or any rule and regulation or order or permit issued pursuant to any such law as indicated by past or continuing violations; or

(4) the applicant is a corporation and any principal, shareholder, or other person capable of exercising total or partial control of such corporation could be determined ineligible to receive a permit pursuant to subsection (c)(1), (2) or (3) above.

(d) Before reviewing any application for a permit, the secretary

may request that the attorney general perform a comprehensive criminal background investigation of the applicant; or in the case of a corporate applicant, any principal, shareholder or other person capable of exercising total or partial control of the corporation. The secretary may reject the application prior to conducting an investigation into the merits of the application if the secretary finds that serious criminal violations have been committed by the applicant or a principal of the corporation.

(e) The fees for a solid waste processing or disposal permit shall be established by rules and regulations adopted by the secretary. The fee for the application and original permit shall not exceed \$5,000. The annual permit renewal fee shall not exceed \$2,000. No refund shall be made in case of revocation. *In establishing fees for a construction and demolition landfill, the secretary shall adopt a differential fee schedule based upon the volume of construction and demolition waste to be disposed of at such landfill.* All fees shall be deposited in the state treasury and credited to the solid waste management fund. A city, county, other political subdivision or state agency shall be exempt from payment of the fee but shall meet all other provisions of this act.

(f) Plans, designs and relevant data for the construction of solid waste processing facilities and disposal sites shall be prepared by a professional engineer licensed to practice in Kansas and shall be submitted to the department for approval prior to the construction, alteration or operation of such facility or area. In adopting rules and regulations, the secretary may specify sites, areas or facilities where the environmental impact is minimal and may waive such preparation requirements provided that a review of such plans is conducted by a professional engineer licensed to practice in Kansas.

(g) Each permit granted by the secretary, as provided in this act, shall be subject to such conditions as the secretary deems necessary to protect human health and the environment and to conserve the sites. Such conditions shall include approval by the secretary of the types and quantities of solid waste allowable for processing or disposal at the permitted location.

(h) As a condition of granting a permit to operate any processing facility or disposal area for solid waste, the secretary shall require the permittee to provide a trust fund, surety bond, cash bond, a secured trust fund, irrevocable letter of credit or insurance to pay costs of closure and postclosure cleanup, or shall require the permittee to meet a financial test established by the secretary for closure and postclosure, which test may be met by a permittee's ad valorem taxing power. In addition, the secretary shall require the permittee to provide liability insurance, including coverage against sudden and nonsudden occurrences, or any combination thereof, in such amount as determined necessary by the secretary to insure the financial responsibility of the permittee for any: (1) Operational activities contemplated by the act, rules and regulations adopted pursuant thereto, and the permit; and (2) liability incurred in the operation of the facility or area and to insure that, upon abandonment, cessation or interruption of the operation of the facility or area, all appropriate measures are taken to prevent present or future damage to human health and the environment. Any such liability insurance as may be required pursuant to this subsection or pursuant to the rules and regulations of the secretary shall be issued 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 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. Nothing contained in this subsection shall be deemed to apply to any state agency or department or agency of the federal government.

(i) Permits granted by the secretary, as provided in this act: (1) Shall not be transferable; and (2) shall be revocable or subject to suspension whenever the secretary shall determine that the solid waste processing or disposal facility or area is, or has been constructed or operated in violation of this act or the rules and regulations or standards adopted pursuant to the act, or is creating or threatens to create a hazard to persons or property in the area or to the environment, or is creating or threatens to create a public nuisance, or upon the failure to make payment of any fee required under this act. The secretary also may revoke, suspend or refuse to issue a permit when the secretary determines that past or continuing violations of the provisions of subsection (c)(3) of K.S.A. 65-3407,

and amendments thereto, have been committed by a permittee, or any principal, shareholder or other person capable of exercising partial or total control over a permittee.

(j) In case any permit is denied, suspended or revoked the person, city, county or other political subdivision or state agency may request a hearing before the secretary in accordance with K.S.A. 65-3412, and amendments thereto.

(k) (1) No permit to construct or operate a solid waste disposal area shall be issued on or after the effective date of this act if such area is located within 1/2 mile of a navigable stream used for interstate commerce or within one mile of an intake point for any public surface water supply system.

(2) Any permit, issued before the effective date of this act, to construct or operate a solid waste disposal area is hereby declared void if such area is not yet in operation and is located within 1/2 mile of a navigable stream used for interstate commerce or within one mile of an intake point for any public surface water supply system.

(3) The provisions of this subsection shall not be construed to prohibit: (A) Issuance of a permit for lateral expansion onto land contiguous to a permitted solid waste disposal area in operation on the effective date of this act; (B) issuance of a permit for a solid waste disposal area for disposal of a solid waste by-product produced on-site; (C) renewal of an existing permit for a solid waste area in operation on the effective date of this act; or (D) activities which are regulated under K.S.A. 65-163 through 65-165 or 65-171d, and amendments thereto.

New Sec. 4. (a) As used in this section, terms have the meanings provided by K.S.A. 65-3402 and amendments thereto.

(b) In addition to any other fee provided by law, the board of county commissioners of any county may impose, by resolution adopted pursuant to this section, a solid waste tonnage fee for each ton or equivalent volume of solid waste disposed of at any solid waste disposal area operated by such county. Such fees shall not apply to:

(1) Any waste tire, as defined by K.S.A. 65-3424 and amendments thereto, disposed in or at a permitted solid waste disposal area;

(2) any of the following wastes when disposed of at a monofill permitted by the department: (A) Sludges from public drinking water supply treatment plants; (B) cement kiln dust from the manufacture of portland and masonry cement; (C) flue gas desulfurization sludge, fly ash and bottom ash from coal-fired electric generating facilities; and (D) foundry sand;

(3) clean rubble;

(4) solid waste solely consisting of vegetation from land clearing and grubbing, utility maintenance and seasonal or storm-related cleanup but such exception shall not apply to yard waste;

(5) construction and demolition waste generated before January 1, 1996, from federal facilities as provided for under contract with the U.S. army corps of engineers before the effective date of this act; and

(6) construction and demolition waste disposed of by the state or any city or county, or by any person on behalf of the state or any city or county.

(c) Fees imposed pursuant to this section shall be collected by the county and deposited in a special fund in the county treasury. All interest earned on moneys in the fund shall also be deposited in the fund. If there is more than one solid waste disposal area in the county where fees are imposed pursuant to this section, a separate fund for each such disposal area shall be maintained from the fees collected from such disposal area. Money in the fund shall be used only for payment of costs of closure, postclosure actions and contamination remediation associated with the solid waste disposal area until the secretary determines that all requirements for closure, postclosure actions and contamination remediation associated with the disposal area have been met.

(d) The board of county commissioners, by resolution, may modify, discontinue or reinstate the fee authorized by this section.

(e) Transfer or expenditure of moneys in a special fund provided for by this section for any purpose other than authorized by this section is a class A nonperson misdemeanor and constitutes grounds for forfeiture of public office.

(continued)

(f) If two or more counties jointly operate a solid waste disposal area, the fee provided for by this section on solid waste disposed of at such disposal area may be imposed, modified, discontinued or reinstated only if a majority of the board of county commissioners of each county jointly operating the disposal area votes to impose, modify, discontinue or reinstate the fee.

Sec. 5. K.S.A. 65-3424a is hereby amended to read as follows: 65-3424a. (a) The owner or operator of any waste tire site, within six months after the effective date of this act, shall provide the department with information concerning the site's location and size and the approximate number of waste tires that are accumulated at the site and shall initiate steps to comply with subsection (b).

(b) ~~On or after July 1, 1990,~~ No person shall:

(1) Maintain a waste tire site unless: (A) such site is an integral part of the person's waste tire processing facility; or (B) the tires accumulated at such site are for use in the person's tire retreading business;

(2) dispose of waste tires in the state unless the waste tires are disposed of for processing, or collected for processing, at a solid waste processing facility, a waste tire site which is an integral part of a waste tire processing facility, a waste tire processing facility or a waste tire collection center or are made available to: (A) The department of wildlife and parks for use by the department; or (B) a person engaged in a farming or ranching activity, including the operation of a feedlot as defined by K.S.A. 47-1501, and amendments thereto, as long as the accumulation has a beneficial use to the person accumulating the tires and (i) the secretary determines that the use has no adverse environmental effects and (ii) the accumulation is in accordance with all applicable zoning regulations; or

(3) deposit waste tires in a landfill as a method of ultimate disposal, except that the secretary, by rules and regulations, may (A) authorize the final disposal of waste tires at a permitted solid waste disposal facility provided the tires have been cut into sufficiently small parts to assure their proper disposal or are utilized as part of a proven and approved leachate collection system in their original state and (B) allow waste tire material which has been cut into sufficiently small parts to be used as daily cover material for a landfill; or

(4) receive money in exchange for waste tires unless: (A) The person holds a permit issued by the secretary pursuant to K.S.A. 65-3424b, and amendments thereto; or (B) the person is a tire retailer who collects waste tires from the public in the ordinary course of business.

Sec. 6. K.S.A. 65-3424f is hereby amended to read as follows: 65-3424f. (a) ~~On or before December 31, 1991,~~ The secretary shall establish a program to make *base and abatement* grants to private companies, cities and counties which, individually or collectively, submit to the secretary plans, approved by the secretary. *Abatement grants shall be used to abate waste tire accumulations. Base grants shall be used to:*

- (1) Enforce laws relating to collection and disposal of tires;
- (2) encourage recycling of tires; or
- (3) develop and implement management plans for collection, abatement, recycling and disposal of tires.

(b) Each private company, city, county or group of private companies, cities or counties submitting a plan approved by the secretary shall be eligible for grants pursuant to this section on the basis of priority as determined by the secretary. No recipient shall be eligible to receive such *base* grants for more than two consecutive fiscal years, *but such limitation shall not apply to abatement grants.* The secretary shall require any private company receiving a grant pursuant to this section to file with the secretary a surety bond, cash bond or other security in an amount and form approved by the secretary and conditioned on the use of the grant in accordance with the plan approved by the secretary.

(c) Private companies, cities and counties may join together, pooling their financial resources, when utilizing their grants for the purposes described in subsection (a).

(d) The secretary, in cooperation with the statewide coordinator of waste reduction, recycling and market development, may provide technical assistance, upon request, to a private company, city, county or group of private companies, cities or counties desiring assistance in applying for waste tire grants or choosing a method of waste tire management which would be an eligible use of the grant funds.

Sec. 7. K.S.A. 65-3424g is hereby amended to read as follows: 65-3424g. (a) There is hereby established in the state treasury the waste tire management fund.

(b) Moneys in the waste tire management fund shall be used only for the purpose of:

(1) Making grants as provided by K.S.A. 65-3424f, and amendments thereto; and

(2) paying compensation and other expenses of employing personnel to carry out the duties of the secretary pursuant to K.S.A. 65-3424 through 65-3424h, and amendments thereto, but not more than ~~9% or \$130,000~~ 16% or \$200,000, whichever amount is less, of the moneys credited to the fund during the fiscal year shall be used for such purpose; and

(3) *action by the department to abate waste tires accumulated prior to July 1, 1990, or to abate a nuisance or risk to the public health or the environment created or which could be created by waste tires accumulated after July 1, 1990, if the owner or operator of the site has not been identified or has not abated the nuisance.*

(c) All expenditures from the waste tire management fund shall be made in accordance with appropriations acts upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the secretary.

New Sec. 8. (a) The secretary may undertake appropriate abatement action and may enter into contracts, including grant contracts, for abatement of waste tire accumulations, utilizing funds from the waste tire management fund.

(b) Any authorized representative of the secretary may enter, at reasonable times and upon written notice, onto any property or premises where an accumulation of waste tires is located to conduct an abatement of the accumulation.

(c) Whenever the secretary has reason to believe that an owner or operator has accumulated waste tires that create a nuisance or risk to public health or the environment, the secretary may require that owner or operator to abate the accumulation. Such abatement shall be performed in accordance with a plan approved by the secretary. The secretary shall give notice, by letter, to the owner and operator that the waste tires constitute a nuisance or risk to public health or the environment, and that the waste tire accumulation must be abated within a specified period. If the owner or operator fails to take the required action within the specified period, the secretary may undertake abatement action utilizing funds from the waste tire management fund. All costs incurred by the secretary in abatement of waste tires accumulated after July 1, 1990, including administrative and legal expenses, are recoverable from an owner or operator and may be recovered in a civil action in district court brought by the secretary. Abatement costs recovered under this section shall be remitted to the state treasurer, who shall deposit the entire amount in the state treasury and credit it to the waste tire management fund. An action to recover abatement costs may be commenced at any stage of an abatement.

(d) Neither the state of Kansas nor the waste tire management fund shall be liable to any owner or operator for the loss of business, damages or taking of property associated with any abatement or enforcement action taken pursuant to this section.

New Sec. 9. (a) Any person adversely affected by any order or decision of the secretary pursuant to K.S.A. 65-3424 through 65-3424i, and amendments thereto, may, within 15 days of service of the order or decision, request in writing a hearing. Hearings under this section shall be conducted in accordance with the provisions of the Kansas administrative procedure act.

(b) Any person adversely affected by any action of the secretary pursuant to this act may obtain review of such action in accordance with the act for judicial review and civil enforcement of agency actions.

Sec. 10. K.S.A. 65-3424a, 65-3424f and 65-3424g and K.S.A. 1993 Supp. 65-3402, 65-3406, 65-3407 and 65-3424j are hereby repealed.

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



(Published in the Kansas Register, May 5, 1994.)

## HOUSE Substitute for SENATE BILL No. 520

AN ACT relating to health assessments of school pupils; amending K.S.A. 1993 Supp. 72-5214 and repealing the existing section.

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

Section 1. K.S.A. 1993 Supp. 72-5214 is hereby amended to read as follows: 72-5214. (a) As used in this section:

(1) "School board" means the board of education of a school district and the governing authority of any nonpublic school;

(2) "school" means all elementary, junior high, or high schools within the state;

(3) "local health department" means any county or joint board of health having jurisdiction over the place where any pupil affected by this section may reside;

(4) "secretary" means the secretary of health and environment;

(5) "physician" means a person licensed to practice medicine and surgery;

(6) "nurse" means a person licensed to practice professional nursing;

(7) "health assessment" means a basic screening for hearing, vision, dental, lead, urinalysis, hemoglobin/hematocrit, nutrition, developmental, health history and complete physical examination, a health history, physical examination and such screening tests as are medically indicated to determine hearing ability, vision ability, nutrition adequacy and appropriate growth and development;

(8) "clinic" means an indigent health care clinic as defined by K.S.A. 75-6102 and amendments thereto.

(b) Subject to the provisions of subsection (d) and subsection (g), on and after July 1, 1994, every pupil up to the age of nine years who has not previously enrolled in any school in this state, prior to admission to and attendance in school, shall present to the appropriate school board the results of a health assessment, recorded on a form provided by the secretary pursuant to subsection (g), which assessment shall have been conducted within six 12 months before admission of school entry by a nurse or health care provider other than a physician approved by the secretary to perform health assessments or who has completed the department of health and environment training and certification, by a physician or by a person acting under the direction of a physician. In approving health care providers other than physicians to conduct health assessments, the secretary shall not approve such providers individually but shall approve such providers by a credentialed group. Information contained in the health assessment shall be confidential and shall not be disclosed or made public beyond that necessary under this section except that: (1) Information contained in the health assessment may be disclosed to school board personnel but only to the extent necessary to administer this section and protect the health of the pupil; (2) if a medical emergency exists, the information contained in the health assessment may be disclosed to medical personnel to the extent necessary to protect the health of the pupil; (3) if the parent or guardian of a pupil under 18 years of age consents to the disclosure of the information contained in the health assessment or, if the pupil is 18 years of age or older, if the pupil consents to the disclosure of the information; and (4) if no person can be identified in the information to be disclosed and the disclosure is for statistical purposes.

(c) As an alternative to the health assessment required under subsection (b), a pupil shall present:

(1) A written statement signed by one parent or guardian that the child is an adherent of a religious denomination whose religious teachings are opposed to such assessments; or

(2) a written statement signed by one parent or guardian that such assessments are in the process of being received and assessment will be scheduled and completed within 90 days after admission to school.

(d) Every pupil enrolling or enrolled in any school in this state who is subject to the requirements of subsection (b) and who has not complied with the requirements of subsections (b) or (c), shall present evidence of compliance with either subsection (b) or (c) to the school board upon admission to school.

(e) (d) Prior to the commencement of each school year, the school board of every school affected by this section shall give to all known pupils who are enrolled or who will be enrolling in the

school and who are subject to the requirements of subsection (b) or (c) (1) and (2), a copy of this section and any policy regarding the implementation of the provisions of this section adopted by the school board.

(f) (e) If a pupil transfers from one school to another, the school board of the school from which the pupil transfers shall forward with the pupil's transcript, upon request of the parent or guardian of the pupil therefor, the certification or statement results of the health assessment showing evidence of compliance with the requirements of this section to the school board of the school to which the pupil transfers.

(g) The local health department, upon application of the school board of any school affected by this section, at federal, state, county, municipal, local health department or school district, or any combination thereof, expense (to the extent that funds are available for this purpose) and without delay, shall provide the health assessments required by this section to such pupils as are not provided with them by their parents or guardians and who have not been exempted under subsection (e).

(f) Local health departments and clinics may charge a sliding fee for providing such health assessments based on ability to pay except that no pupil eligible to participate in the school lunch program under K.S.A. 72-5112 et seq., and amendments thereto, shall be charged a fee by the local health department for a health assessment required by this section. If no funds are available for the local health department to provide a health assessment to a pupil unable to pay for the health assessment, the local health department shall certify to the school board that insufficient funds are available for the local health department to provide the health assessment for such pupil. Upon receipt of such certification by the local school board, such pupil shall be exempt from the requirements of subsection (b) and no pupil shall be denied the health assessment due to inability to pay. The local health officer shall counsel and advise local school boards concerning on the administration of this section. The secretary may adopt rules and regulations to award grants to assist local health departments and clinics in providing such health assessments, consistent with state appropriations.

(h) (g) The secretary shall prescribe the content of forms and certificates to be used by the school boards in carrying out this section and shall provide, without cost to the school boards, sufficient copies of this section for distribution to pupils. The secretary may adopt such rules and regulations as are necessary to carry out the provisions of this section, but shall not prescribe a form on which the results of health assessments are reported.

(i) (h) The school board of every school affected by this section may exclude from school attendance, or by policy adopted by any such school board authorize any certificated employee or committee of certificated employees to exclude from school attendance, any pupil who is subject to and who has not complied with the requirements of subsection (b) or (c). A pupil shall be subject to exclusion from school attendance under this section until such time as the pupil shall have complied with the requirements of subsection (b) or (c). The policy shall include provisions for written notice to be given to the parent or guardian of the involved pupil. The notice shall indicate the reason for the exclusion from school attendance, state that the pupil shall continue to be excluded until the pupil has complied with the requirements of subsection (b) or (c) and inform the parent or guardian that a hearing thereon shall be afforded the parent or guardian upon request for a hearing.

(j) (i) The provisions of K.S.A. 72-1111 and amendments thereto do not apply to any pupil while subject to exclusion excluded from school attendance under the provisions of this section subsection (h).

(j) The provisions of this section shall expire on July 1, 1999.

Sec. 2. K.S.A. 1993 Supp. 72-5214 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, May 5, 1994.)

## SENATE BILL No. 461

AN ACT concerning economic development; providing incentives for certain service sector firms; providing for property tax exemptions for property leased from certain economic development corporations; amending K.S.A. 74-50,114 and 74-8307 and K.S.A. 1993 Supp. 74-50,115, 74-50,131 and 79-221 and repealing the existing sections.

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

Section 1. K.S.A. 1993 Supp. 74-50,131 is hereby amended to read as follows: 74-50,131. (a) As used in this act: "Qualified firm" means a for-profit business establishment, subject to state income, sales or property taxes, identified under the manufacturing standard industrial classification codes as in effect July 1, 1993, major groups 20 through 39 inclusive, and employs no more than 500 full-time equivalent employees. The number of full-time equivalent employees is determined by adding the number of full-time employees to the number of hours worked by part-time employees divided by 40. Additionally, a business establishment must meet one of the following criteria, major groups 40 through 49, and major groups 60 through 89, or is identified as a corporate or regional headquarters or back-office operation of a national or multi-nation corporation regardless of SIC code. In addition, the business establishment must employ no more than 500 full-time equivalent employees. The number of full-time equivalent employees is determined by adding the number of full-time employees to the number of hours worked by part-time employees divided by 40.

(b) In the case of firms in major groups 40 through 49, and major groups 60 through 89, the business establishment must also demonstrate the following:

(1) More than one-half of its gross revenues are a result of sales to commercial or governmental customers outside the state of Kansas; or

(2) more than one-half of its gross revenues are a result of sales to Kansas manufacturing firms within major groups 20 through 39; or

(3) more than one-half of its gross revenues are a result of a combination of sales described in (1) and (2).

(c) Additionally, a business establishment having met the criteria as established in subsection (a) or (b) must meet one of the following criteria:

(1) The establishment provides an average wage that is above the average wage paid by firms located in the same county which employ not more than 500 employees and share the same two-digit standard industrial classification code.

(2) The establishment is the sole firm within its two-digit standard industrial classification code in the county in which it is located. In this case, the wage requirement in subsection (a)(1) shall not apply.

(b) (d) The secretary of commerce and housing shall certify annually to the secretary of revenue that a firm meets the criteria established under subsection (a) for a qualified firm and that the firm is eligible for the benefits and assistance provided under this act. The secretary of commerce and housing shall publish rules and regulations for the implementation of this act. Such rules and regulations shall include, but not be limited to:

(1) A definition of "training and education" for purposes of K.S.A. 1993 Supp. 74-50,132 and amendments thereto.

(2) Establishment of eligibility requirements and application procedures for expenditures from the high performance incentive fund created in K.S.A. 1993 Supp. 74-50,133 and amendments thereto.

(3) Establishment of approval guidelines for private consultants authorized pursuant to K.S.A. 1993 Supp. 74-50,133 and amendments thereto.

(4) Establishment of guidelines for prioritizing business assistance programs pursuant to K.S.A. 1993 Supp. 74-50,133 and amendments thereto.

(5) A definition of "commercial customer" for the purpose of K.S.A. 1993 Supp. 74-50,133 and amendments thereto.

(6) A definition of "headquarters" for the purpose of K.S.A. 1993 Supp. 74-50,133 and amendments thereto.

Sec. 2. K.S.A. 74-8307 is hereby amended to read as follows: 74-8307. (a) To continue in certification, a Kansas venture capital

company must:

(1) Invest at least 30% of its original capitalization at the end of the initial three years in such a manner as to acquire equity in the ventures in which the investments are made;

(2) have invested at least 50% in the same manner at the end of five years; and

(3) have invested at least 75% in the same manner at the end of seven years.

(b) Invest at least 60% of the total investment of the Kansas venture capital company, except for Kansas Venture Capital, Inc. must be in Kansas businesses in which the funds so invested were to be used solely for the purpose of enhancing their productive capacity within the state, or to add value to goods or services produced or processed within the state.

(c) Funds invested by Kansas Venture Capital, Inc. shall be invested at 100% in Kansas businesses or in Kansas venture capital companies which invest 100% of the funds invested in such companies by Kansas Venture Capital, Inc. in Kansas businesses in which the funds so invested were to be used solely for the purpose of enhancing their productive capacity within the state, or to add value to goods or services produced or processed within the state.

(d) No more than 20% of the assets of a Kansas venture capital company may be invested in the equity of a single business at any one time, unless the Kansas venture capital company can reasonably demonstrate that a greater percentage in a single company at any one time is the result of losses suffered by the Kansas venture capital company in other investments.

(e) The use of invested funds by a Kansas business for oil and gas exploration and development, for real estate development or appreciation, for banking or lending operations, or service or retail are not acceptable investments to qualify for the tax credit provided in this act. Any investments by Kansas venture capital companies in any of these sectors shall not be counted as equity investments for the purpose of continuing certification under this section.

(f) For a service sector firm to be considered as an eligible investment under the provisions of this act, the firm must fall within standard industrial classification codes major service sector groups 70 through 89, and must also demonstrate one of the following:

(1) More than one-half of its gross revenues are a result of sales to commercial or governmental customers outside the state of Kansas; or

(2) more than one-half of its gross revenues are a result of sales to Kansas manufacturing firms within major groups 20 through 39; or

(3) more than one-half of its gross revenues are a result of a combination of sales described in (1) and (2).

(g) Documents and other materials submitted by Kansas venture capital companies or by Kansas businesses for purposes of the continuance and certification shall not be public records if such records are determined by the secretary to be trade or business secrets under the uniform trade secrets act (K.S.A. 60-3320 to 60-3330), inclusive, and amendments thereto, and shall be maintained in a secured environment by the secretary.

(h) At the time of an initial investment by a certified Kansas venture capital company, no investors in that certified Kansas venture capital company shall own a majority equity interest in a business in which the venture capital company is investing.

Sec. 3. K.S.A. 74-50,114 is hereby amended to read as follows: 74-50,114. As used in K.S.A. 74-50,113 through 74-50,117 and amendments thereto:

(a) "Business" means any manufacturing business or nonmanufacturing business.

(b) "Corporate headquarters" means a facility where principal officers of the corporation are housed and from which direction, management or administrative support for transactions is provided for a corporation or division of a corporation.

(c) "Full-time employee" means a person who is employed by a business or retail business to perform duties in connection with the operation of the business or retail business on:

(1) A regular, full-time basis;

(2) a part-time basis, provided such person is customarily performing such duties at least 20 hours per week throughout the taxable year; or

(3) a seasonal basis, provided such person performs such duties for substantially all of the season customary for the position in which such person is employed. The number of full-time employees during any taxable year shall be determined by dividing by 12 the sum of the number of full-time employees on the last business day of each month of such taxable year. If the business or retail business is in operation for less than the entire taxable year, the number of full-time employees shall be determined by dividing the sum of the number of full-time employees on the last business day of each full calendar month during the portion of such taxable year during which the business was in operation by the number of full calendar months during such period.

(e) (d) "Manufacturing business" means all commercial enterprises identified under the manufacturing standard industrial classification codes, major groups 20 through 39.

(e) (e) "Metropolitan county" means the county of Douglas, Johnson, Leavenworth, Sedgwick, Shawnee or Wyandotte.

(e) (f) "Nonmanufacturing business" means any commercial enterprise other than a manufacturing business or a retail business. *Nonmanufacturing business shall also include the corporate headquarters of an enterprise, regardless of the firm's classification as a retail business if that facility for which the sales tax exemption certificate is issued facilitates the creation of at least 20 new full-time positions.*

(e) (g) "Nonmetropolitan region" means a region established under K.S.A. 74-50,116 and amendments thereto and is comprised of any county or counties which are not metropolitan counties.

(e) (h) "Retail business" means any commercial enterprise primarily engaged in the sale at retail of goods or services, or both: (1) Any commercial enterprise primarily engaged in the sale at retail of goods or services taxable under the Kansas retailers' sales tax act; (2) any service provider set forth in K.S.A. 17-2707, and amendments thereto; (3) any bank, savings and loan or other lending institution; (4) any commercial enterprise whose primary business activity includes the sale of insurance; and (5) any commercial enterprise deriving its revenues directly from noncommercial customers in exchange for personal services such as, but not limited to, barber shops, beauty shops, photographic studios and funeral services.

(e) (i) "Secretary" means the secretary of the Kansas department of commerce.

(e) (j) "Standard industrial classification code" means a standard industrial classification code published in the Standard Industrial Classification manual, 1987, as prepared by the statistical policy division of the office of management and budget of the office of the president of the United States of America.

Sec. 4. K.S.A. 1993 Supp. 74-50,115 is hereby amended to read as follows: 74-50,115. (a) A manufacturing business may be eligible for a sales tax exemption under the provisions of subsection (ee) (cc) of K.S.A. 1993 Supp. 79-3606a 79-3606, and amendments thereto, if the manufacturing business complies with the following requirements:

(1) A manufacturing business shall provide documented evidence of job expansion involving the employment of at least two additional full-time employees; and

(2) a manufacturing business located within the state of Kansas that has documented evidence of job expansion as provided in paragraph (1), which relocates in another city or county within the state of Kansas must receive approval from the secretary prior to qualifying for the sales tax exemption in subsection (ee) (cc) of K.S.A. 1993 Supp. 79-3606a 79-3606, and amendments thereto, except that approval by the secretary shall not be required if the manufacturing business relocates within the same city.

(b) A nonmanufacturing business may be eligible for a sales tax exemption under the provisions of subsection (ee) (cc) of K.S.A. 1993 Supp. 79-3606a 79-3606, and amendments thereto, if the nonmanufacturing business complies with the following requirements:

(1) A nonmanufacturing business shall provide documented evidence of job expansion involving the employment of at least five additional full-time employees; and

(2) a nonmanufacturing business located within the state of Kansas that has documented evidence of job expansion as provided in paragraph (1), which relocates in another city or county within the state of Kansas must receive approval from the secretary prior to qualifying

for the sales tax exemption in subsection (ee) (cc) of K.S.A. 1993 Supp. 79-3606a 79-3606, and amendments thereto, except that approval by the secretary shall not be required if the nonmanufacturing business relocates within the same city.

(c) A retail business may qualify for the sales tax exemption under subsection (ee) (cc) of K.S.A. 1993 Supp. 79-3606a 79-3606, and amendments thereto, if the retail business complies with the following requirements:

(1) A retail business shall provide documented evidence of job expansion involving the employment of at least two additional full-time employees; and

(2) such retail business locates or expands to a city having a population of 2,500 or less, as determined by the latest United States federal census.

(d) *Any person constructing, reconstructing, remodeling or enlarging a facility which will be leased for a period of five years or more to a business that would be eligible for a sales tax exemption hereunder if such business had constructed, reconstructed, enlarged or remodeled such facility itself shall be entitled to the sales tax exemption under the provisions of subsection (cc) of K.S.A. 79-3606, and amendments thereto.*

(e) (e) A business may qualify for a sales tax exemption under subsection (ee) (cc) of K.S.A. 1993 Supp. 79-3606a 79-3606, and amendments thereto, without regard to any of the foregoing requirements of this section if it is certified as a qualified firm by the secretary of commerce and housing pursuant to K.S.A. 1993 Supp. 74-50,131 and is entitled to the corporate tax credit established in K.S.A. 1993 Supp. 74-50,132 or has received written approval for participation and has participated, during the tax year in which the exemption is claimed, in training assistance by the department of commerce and housing under the Kansas industrial training, Kansas industrial retraining or state of Kansas investments in lifelong learning program.

(e) (f) The secretary may adopt rules and regulations to implement and administer the provisions of this section.

Sec. 5. K.S.A. 1993 Supp. 79-221 is hereby amended to read as follows: 79-221. The following described property, to the extent herein specified, shall be exempt from all property or ad valorem taxes levied under the laws of the state of Kansas:

(a) All buildings, together with the land upon which such buildings are located, and all tangible personal property rented or leased from a lessor having a 51% or more ownership interest in the lessee, from a lessor in which the lessee has a 51% or more ownership interest or from a lessor which is a community based not-for-profit economic development corporation organized under the laws of this state which is exempt from federal income taxation pursuant to section 501(c)(6) paragraphs (4) and (6) of subsection (c) of section 501 of the federal internal revenue code of 1986 as in effect on January 1, 1990, if: (1) Such rented or leased property is integrally associated with other property which has been exempted pursuant to section 13 of article 11 of the Kansas constitution, and (2) such leased property is otherwise used exclusively for the same exempt purpose for which the exemption was granted pursuant to section 13 of article 11 of the Kansas constitution.

(b) For the purposes of this section, a community based not-for-profit economic development corporation shall mean a corporation organized and existing solely for the purpose of engaging in economic development activities and improving the economic climate of the county wherein lies the principal office of the corporation.

(c) The exemption granted pursuant to this section shall expire at the expiration of the same period of years for which the exemption was granted by the county or city for property owned by such lessee.

(d) The provisions of this section shall apply to all taxable years commencing after December 31, 1989 1993.

Sec. 6. K.S.A. 74-50,114 and 74-8307 and K.S.A. 1993 Supp. 74-50,115, 74-50,131 and 79-221 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, May 5, 1994.)

## HOUSE BILL No. 2802

AN ACT concerning school districts; relating to activities in which pupils may participate; authorizing the establishment of school activity funds by boards of education.

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

Section 1. (a) The board of education of any school district may authorize, by separate resolutions, the establishment of school activity funds from which to make needed expenditures for the payment of expenses attributable to activities in which pupils of the district may participate directly or indirectly. Every such resolution shall specify the general purpose for which the fund is to be established and shall authorize an employee of the school district to administer the fund.

(b) The employee authorized to administer any school activity fund established by any resolution provided for in this section shall keep a record of all receipts and expenditures from the fund, and shall, from time to time, and at the end of each school year, prepare a statement for the board of education showing all receipts, expenditures, and the balance in the fund. The fund shall be kept separate from all other funds and be used only for authorized expenditures, and itemized receipts shall be taken for each expenditure.

(c) All moneys received from the sale of admissions to activities which the school district sponsors shall be credited to school activity funds in accordance with policies and procedures adopted by the board of education. Such moneys shall not be considered to be moneys of the school district for the purposes of K.S.A. 72-8202d, and amendments thereto.

(d) The provisions of K.S.A. 12-105b, and amendments thereto, shall not apply to claims against any school activity fund established by any resolution provided for in this section.

(e) As used in this section, the term "activities" means activities, events, and competitions in such fields as athletics, music, forensics, and dramatics, and other interschool or intraschool extracurricular activities in which pupils may participate directly or indirectly.

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, May 5, 1994.)

## HOUSE BILL No. 2619

AN ACT relating to banks and trust companies; authority to establish and operate branches; regulation by state bank commissioner and state banking board; amending K.S.A. 1993 Supp. 9-2107 as amended by 1994 Substitute for Senate Bill No. 540 and section 3 of 1994 Substitute for Senate Bill No. 540 and repealing the existing sections.

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

Section 1. K.S.A. 1993 Supp. 9-2107, as amended by 1994 Substitute for Senate Bill No. 540, is hereby amended to read as follows: 9-2107. (a) As used in this section:

(1) "Contracting trustee" means any trust company, as defined in K.S.A. 9-701, and amendments thereto, any bank that has been granted trust authority by the state bank commissioner under K.S.A. 9-1602, and amendments thereto, or any national bank chartered to do business in Kansas that has been granted trust authority by the comptroller of the currency under 12 USC 92a, or any bank, regardless of where located, that has been granted trust authority and which is controlled, as defined in K.S.A. 9-1612 and amendments thereto by the same bank holding company as any trust company, state bank or national bank chartered to do business in Kansas, which accepts or succeeds to any fiduciary responsibility as provided in this section;

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

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

(b) Any contracting trustee and any originating trustee may enter into an agreement by which the contracting trustee, without any

further authorization of any kind, succeeds to and is substituted for the originating trustee as to all fiduciary powers, rights, duties, privileges and liabilities with respect to all accounts for which the originating trustee serves in any fiduciary capacity, except as may be provided otherwise in the agreement. *Notwithstanding the provisions of this section, no contracting trustee as defined in K.S.A. 9-2107(a)(1) and amendments thereto, having its home office outside the state of Kansas shall enter into an agreement except with an originating trustee which is commonly controlled as defined in K.S.A. 9-1612 and amendments thereto by the same bank holding company.*

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

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

(2) the originating trustee is absolved from all fiduciary duties and obligations arising under such writings and shall discontinue the exercise of any fiduciary duties with respect to such writings, except that the originating trustee is not absolved or discharged from any duty to account required by K.S.A. 59-1709, and amendments thereto, or any other applicable statute, rule of law, rules and regulations or court order, nor shall the originating trustee be absolved from any breach of fiduciary duty or obligation occurring prior to the effective date of the agreement.

(d) The agreement may authorize the contracting trustee:

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

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

(e) Any contracting trustee may enter into an agreement with a financial institution providing that the contracting trustee may establish a trust service desk as authorized by subsection (d) in the offices of such financial institution and which provides such financial institution, on a disclosed basis to customers, may act as the agent of contracting trustee for purposes of providing administrative services and advertising incident to the fiduciary services to be performed by the contracting trustee.

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

(1) The agreement;

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

(3) all other required regulatory approvals;

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

(5) a certification by the parties to the agreement that written notice of the proposed substitution was sent by first-class mail to each co-fiduciary, each surviving settlor of a trust, each ward of a guardianship, each person who has sole or shared power to remove the originating trustee as fiduciary and each adult beneficiary currently receiving or entitled to receive a distribution of principle or

income from a fiduciary account affected by the agreement, and that such notice was sent to each such person's address as shown in the originating trustee's records. An unintentional failure to give such notice shall not impair the validity or effect of any such agreement, except an intentional failure to give such notice shall render the agreement null and void as to the party not receiving the notice of substitution.

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

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

- (1) The reasonable probability of usefulness and success of the contracting trustee;
- (2) the financial history and condition of the contracting trustee including the character, qualifications and experience of the officers employed by the contracting trustee; and
- (3) whether the contracting agreement will result in any undue injury to properly conducted existing banks, national banks and trust companies.

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

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

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

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

(l) Within 15 days of the date of the commissioner's approval or denial, the applicant or any individual or corporation who filed a request for and presented evidence at the public hearing shall have the right to appeal in writing to the state banking board the commissioner's determination by filing a notice of appeal with the commissioner. The state banking board shall fix a date for hearing, which hearing shall be held within 45 days after such notice of appeal is filed. The board shall conduct the hearing in accordance with the provisions of the Kansas administrative procedure act and render its

decision affirming or rescinding the determination of the commissioner. Any action of the board pursuant to this section is subject to review in accordance with the act for judicial review and civil enforcement of agency actions. Any party which files an appeal to the state banking board of the commissioner's determination shall pay to the commissioner a fee in an amount established by rules and regulations of the commissioner, adopted pursuant to K.S.A. 9-1713 and amendments thereto, to defray the board's expenses associated with the conduct of the appeal.

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

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

Sec. 2. Section 3 of 1994 Substitute for Senate Bill No. 540 is hereby amended to read as follows: Sec. 3. (a) **Notwithstanding any provision contained in this act or any other Kansas statutes relating to the provision of trust services in this state Except as provided in K.S.A. 9-2107 and amendments thereto,** no trust company, trust department of a bank, corporation or other business entity, the home office of which is located outside the state of Kansas, shall establish or operate a trust facility within the state of Kansas.

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

Sec. 3. K.S.A. 1993 Supp. 9-2107, as amended by 1994 Substitute for Senate Bill No. 540 and section 3 of 1994 Substitute for Senate Bill No. 540 are hereby repealed.

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



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## SENATE Substitute for HOUSE BILL No. 2597.

AN ACT concerning retirement; relating to the Kansas public employees retirement system and certain retirement systems related thereto; benefits and contributions; membership; confidentiality of employer contributions; phased-retirement program for regents institutions; amending K.S.A. 13-14a08, 14-10a08, 45-217, 71-212, 72-5395, 74-4911, 74-4916, 74-4939, 74-4956, 74-4957, 74-49,104, 74-49,105, 74-49,116 and 76-746 and K.S.A. 1993 Supp. 20-2618, 74-4902, 74-4908, 74-4914, 74-4914e, 74-4917, 74-4919h, 74-4920, 74-4925, 74-4927, 74-4952, 74-4965, 74-4989, 74-4990, 75-2935 and 75-6801 and repealing the existing sections.

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

Section 1. On and after July 1, 1994, K.S.A. 13-14a08 is hereby amended to read as follows: 13-14a08. Any officer or member of any such police department or fire department who has served ~~twenty-two (22)~~ 22 years or more on such department and has reached the age of ~~fifty (50)~~ 50 years may make application to be retired, and if such application is made the respective board of trustees shall retire such officer or member and shall pay such officer or member monthly payments in amounts equal to ~~fifty percent (50%)~~ 50% or, for those who retire on and after July 1, 1994, 55% of such officer or member's monthly salary at the date of retirement, or if such officer or member has been discharged from such department by reason of disability or any other reason other than for conviction of a felony, or if such officer or member voluntarily terminated employment with such department, or if such officer or member has been discharged for any reason, except conviction of a felony, after such officer or member has served ~~twenty-two (22)~~ 22 or more years in such department, the respective board of trustees shall order and direct that said such person, upon attaining the age of ~~fifty (50)~~ 50 years, be paid monthly payments in amounts equal to ~~fifty percent (50%)~~ 50% or, for those who retire on and after July 1, 1994, 55% of the monthly salary of such officer or member at the date of discharge. No person who retires after the effective date of this act shall be paid any benefits under the provisions of this section while such person is a nonelective officer or employee of any municipal or quasi-municipal corporation receiving compensation from public funds.

Sec. 2. On and after July 1, 1994, K.S.A. 14-10a08 is hereby amended to read as follows: 14-10a08. Any officer or member of any such police department or fire department who has served ~~twenty-two (22)~~ 22 years or more on such department and has reached the age of ~~fifty (50)~~ 50 years may make application to be retired, and if such application is made the respective board of trustees shall retire such officer or member and shall pay such officer or member monthly payments in amounts equal to ~~fifty percent (50%)~~ 50% or, for those who retire on or after July 1, 1994, 55% of such officer or member's monthly salary at the date of retirement, or if such officer or member has been discharged from such department by reason of disability or any other reason other than for conviction of a felony, or if such officer or member voluntarily terminated employment with such department, or if such officer or member has been discharged for any other reason, except conviction of a felony, after such officer or member has served ~~twenty-two (22)~~ 22 or more years in such department, the respective board of trustees shall order and direct that said such person, upon attaining the age of ~~fifty (50)~~ 50 years, be paid monthly payments in amounts equal to ~~fifty percent (50%)~~ 50% or, for those who retire on or after July 1, 1994, 55% of the monthly salary of such officer or member at the date of discharge. No person who retires after the effective date of this act shall be paid any benefits under the provisions of this section while such person is a nonelective officer or employee of any municipal or quasi-municipal corporation receiving compensation from public funds.

Sec. 3. On and after July 1, 1994, K.S.A. 1993 Supp. 20-2618 is hereby amended to read as follows: 20-2618. Every annuity or other benefit received by any judge or other person pursuant to the retirement system for judges under the acts contained in article 26 of chapter 20 of the Kansas Statutes Annotated and acts amendatory thereof or supplemental amendments thereto is exempt from any tax of the state of Kansas or any political subdivision or taxing body thereof; shall not be subject to execution, garnishment, attachment or except as otherwise provided, any other process or claim whatsoever, except such annuity or other benefit or any accumulated contributions due and owing from the system to such judge are subject to decrees for child support or maintenance, or both,

as provided in K.S.A. 60-1610 and amendments thereto; and shall be unassignable, except that within 30 days after the death of a retirant the lump-sum death benefit payable to a retirant pursuant to the provisions of K.S.A. 74-4989 and amendments thereto may be assignable to a funeral establishment providing funeral services to such retirant by the beneficiary of such retirant. Any annuity or benefit or accumulated contributions due and owing to any judge or any person under the provisions of the retirement system for judges are subject to claims of an alternate payee under a qualified domestic relations order. As used in this subsection, the terms "alternate payee" and "qualified domestic relations order" shall have the meaning ascribed to them in section 414(p) of the United States internal revenue code of 1954, as amended. The provisions of this act shall apply to any qualified domestic relations order which was filed or amended either before or after July 1, 1994. The Kansas public employees retirement system shall not be a party to any action under article 16 of chapter 60 of the Kansas Statutes Annotated and amendments thereto, but is subject to orders from such actions issued by the district court of the county where such action was filed and may also accept orders which it deems to be qualified under this subsection from courts having jurisdiction of such actions outside the state of Kansas. Such orders from such actions shall specify either a specific amount or specific percentage of the amount of the pension or benefit or any accumulated contributions due and owing from the system to be distributed by the system pursuant to this act.

Sec. 4. On and after July 1, 1994, K.S.A. 45-217 is hereby amended to read as follows: 45-217. As used in the open records act, unless the context otherwise requires:

(a) "Business day" means any day other than a Saturday, Sunday or day designated as a holiday by the congress of the United States, by the legislature or governor of this state or by the respective political subdivision of this state.

(b) "Criminal investigation records" means records of an investigatory agency or criminal justice agency as defined by K.S.A. 22-4701 and amendments thereto, compiled in the process of preventing, detecting or investigating violations of criminal law, but does not include police blotter entries, court records, rosters of inmates of jails or other correctional or detention facilities or records pertaining to violations of any traffic law other than vehicular homicide as defined by K.S.A. 21-3405 and amendments thereto.

(c) "Custodian" means the official custodian or any person designated by the official custodian to carry out the duties of custodian of this act.

(d) "Official custodian" means any officer or employee of a public agency who is responsible for the maintenance of public records, regardless of whether such records are in the officer's or employee's actual personal custody and control.

(e) (1) "Public agency" means the state or any political or taxing subdivision of the state or any office, officer, agency or instrumentality thereof, or any other entity receiving or expending and supported in whole or in part by the public funds appropriated by the state or by public funds of any political or taxing subdivision of the state.

(2) "Public agency" shall not include:

(A) Any entity solely by reason of payment from public funds for property, goods or services of such entity; (B) any municipal judge, judge of the district court, judge of the court of appeals or justice of the supreme court; or (C) any officer or employee of the state or political or taxing subdivision of the state if the state or political or taxing subdivision does not provide the officer or employee with an office which is open to the public at least 35 hours a week.

(f) (1) "Public record" means any recorded information, regardless of form or characteristics, which is made, maintained or kept by or is in the possession of any public agency including, but not limited to, an agreement in settlement of litigation involving the Kansas public employees retirement system and the investment of moneys of the fund.

(2) "Public record" shall not include records which are owned by a private person or entity and are not related to functions, activities, programs or operations funded by public funds or records which are made, maintained or kept by an individual who is a member of the legislature or of the governing body of any political or taxing subdivision of the state.



(3) "Public record" shall not include records of employers related to the employer's individually identifiable contributions made on behalf of employees for workers compensation, social security, unemployment insurance or retirement. The provisions of this subsection shall not apply to records of employers of lump-sum payments for contributions as described in this subsection paid for any group, division or section of an agency.

(g) "Undercover agent" means an employee of a public agency responsible for criminal law enforcement who is engaged in the detection or investigation of violations of criminal law in a capacity where such employee's identity or employment by the public agency is secret.

Sec. 5. On and after July 1, 1994, K.S.A. 71-212 is hereby amended to read as follows: 71-212. The board of trustees of any community college may establish an early retirement incentive program for the benefit of the employees of the community college for the purpose of reducing, in whole or in part, the penalty under the federal insurance contributions act or the Kansas public employees retirement system, or both, for retirement of employees prior to the normal retirement age of 65 years. As used in this act, an "early retirement incentive program" is a program that provides cash payments, either in the form of a lump sum payment at the beginning of the fiscal year, or in regular payments during the fiscal year. No payment pursuant to an early retirement incentive program as provided in this section shall be made prior to the retirement under the provisions of the Kansas public employees retirement system of any such employee of the community college.

Sec. 6. On and after July 1, 1994, K.S.A. 72-5395 is hereby amended to read as follows: 72-5395. The board of education of any school district may establish an early retirement incentive program for the benefit of the employees of the district for the purpose of reducing, in whole or in part, the penalty under the federal insurance contributions act or the Kansas public employees retirement system, or both, for retirement prior to the normal retirement age of 65 years. As used in this act, an "early retirement incentive program" is a program that provides cash payments, either in the form of a lump sum payment at the beginning of the fiscal year, or in regular payments during the fiscal year. No payment pursuant to an early retirement incentive program as provided in this section shall be made prior to the retirement under the provisions of the Kansas public employees retirement system for any employee of the district.

Sec. 7. On and after July 1, 1994, K.S.A. 1993 Supp. 74-4902 is hereby amended to read as follows: 74-4902. As used in K.S.A. 74-4901 to 74-4929, inclusive, and amendments thereto, unless the context otherwise requires:

(1) "Accumulated contributions" means the sum of all contributions by a member to the system which are credited to the member's account, with interest allowed thereon;

(2) "acts" means K.S.A. 74-4901 to 74-4929, inclusive, and amendments thereto;

(3) "actuarial equivalent" means an annuity or benefit of equal value to the accumulated contributions, annuity or benefit, when computed upon the basis of the actuarial tables in use by the system;

(4) "actuarial tables" means the actuarial tables approved and in use by the board at any given time;

(5) "actuary" means the actuary or firm of actuaries employed or retained by the board at any given time;

(6) "agent" means the individual designated by each participating employer through whom system transactions and communication are directed;

(7) "beneficiary" means any natural person or persons or estate named by a member to receive any benefits as provided for by this act. Designations of beneficiaries by a member who is a member of more than one retirement system made on or after July 1, 1987, shall be the basis of any benefits payable under all systems unless otherwise provided by law. Except as otherwise provided by subsection (33) of this section, if there is no named beneficiary living at time of member's death, any benefits provided for by this act shall be paid to: (A) The member's surviving spouse; (B) the member's dependent child or children; (C) the member's dependent parent or parents; (D) the member's nondependent child or children; (E) the member's nondependent parent or parents; (F) the estate of the deceased member; in the order of preference as specified in this

subsection. Any payment made to a named beneficiary shall be a full discharge and release to the system from any further claims. Any payment made to a beneficiary as provided in clauses (A), (B), (C), (D), (E) or (F) of this subsection, as determined by the board, shall be a full discharge and release to the system from any further claims. Whenever any payment is payable to more than one beneficiary such payment shall be made to such beneficiaries jointly. Any benefits payable to a beneficiary or beneficiaries who are minor children or incompetent persons shall be made in the name of the beneficiary or beneficiaries and delivered to the lawfully appointed conservator of such beneficiaries who was nominated by will or as otherwise provided by law, except that in those cases where the benefit involves only the payment of the member's accumulated contributions with interest as provided by this act in an amount not to exceed \$500, the board is hereby authorized in its discretion without the appointment of a conservator or the giving of a bond to pay such amount as is due to the minor or minors themselves, any payment so made shall be a full discharge and release to the system from any further claims;

(8) "board of trustees," "board" or "trustees" means the managing body of the system which is known as the Kansas public employees retirement system board of trustees;

(9) "compensation" means all salary, wages and other remuneration payable to a member for personal services performed for a participating employer, including maintenance or any allowance in lieu thereof provided a member as part of compensation, but not including reimbursement for travel or moving expenses or payment pursuant to an early retirement incentive program made prior to the retirement of the member. Beginning with the employer's fiscal year which begins in calendar year 1991 or for employers other than the state of Kansas, beginning with the fiscal year which begins in calendar year 1992, when the compensation of a member who remains in substantially the same position during any two consecutive years of participating service used in calculating final average salary is increased by an amount which exceeds 15%, then the amount of such increase which exceeds 15% shall not be included in compensation, except that (A) any amount of compensation for accumulated sick leave or vacation or annual leave paid to the member, (B) any increase in compensation for any member due to a reclassification or reallocation of such member's position or a reassignment of such member's job classification to a higher range or level and (C) any increase in compensation as provided in any contract entered into prior to January 1, 1991, and still in force on the effective date of this act, pursuant to an early retirement incentive program as provided in K.S.A. 72-5395 et seq. and amendments thereto, shall be included in the amount of compensation of such member used in determining such member's final average salary and shall not be subject to the 15% limitation provided in this subsection. Any contributions by such member on the amount of such increase which exceeds 15% which is not included in compensation shall be returned to the member. Unless otherwise provided by law, beginning with the employer's fiscal year coinciding with or following July 1, 1985, compensation shall include any amounts for tax sheltered annuities or deferred compensation plans. Beginning with the employer's fiscal year which begins in calendar year 1991, compensation shall include amounts under sections 403b, 457 and 125 of the federal internal revenue code of 1986 and any other section of the federal internal revenue code of 1986 which defers or excludes amounts from inclusion in income;

(10) "credited service" means the sum of participating service and prior service and in no event shall credited service include any service which is credited under another retirement plan authorized under any law of this state;

(11) "dependent" means a parent or child of a member who is dependent upon the member for at least 1/2 of such parent or child's support;

(12) "effective date" means the date upon which the system becomes effective by operation of law;

(13) "eligible employer" means the state of Kansas, and any county, city, township, special district or any instrumentality of any one or several of the aforementioned or any noncommercial public television or radio station located in this state which receives state funds allocated by the Kansas public broadcasting commission whose

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employees are covered by social security. If a class or several classes of employees of any above defined employer are not covered by social security, such employer shall be deemed an eligible employer only with respect to such class or those classes of employees who are covered by social security;

(14) "employee" means any appointed or elective officer or employee of a participating employer whose employment is not seasonal or temporary and whose employment requires at least 1,000 hours of work per year, but not including: (A) Any person covered by or eligible for or who will become eligible for a retirement annuity under the provisions of K.S.A. 74-4925 and amendments thereto except as otherwise specifically provided in subsection (3) of K.S.A. 74-4925 and amendments thereto and this subsection; (B) any employee who is a contributing member of the United States civil service retirement system; (C) any employee of an eligible employer who is a participant in public service employment under title II and title VI of the federal comprehensive employment and training act of 1973; (D) any employee or class of employees specifically exempted by law. After June 30, 1975, no person who is otherwise eligible for membership in the Kansas public employees retirement system shall be barred from such membership by reason of coverage by, eligibility for or future eligibility for a retirement annuity under the provisions of K.S.A. 74-4925 and amendments thereto, except that no person shall receive service credit under the Kansas public employees retirement system for any period of service for which benefits accrue or are granted under a retirement annuity plan under the provisions of K.S.A. 74-4925 and amendments thereto. After June 30, 1982, no person who is otherwise eligible for membership in the Kansas public employees retirement system shall be barred from such membership by reason of coverage by, eligibility for or future eligibility for any benefit under another retirement plan authorized under any law of this state, except that no such person shall receive service credit under the Kansas public employees retirement system for any period of service for which any benefit accrues or is granted under any such retirement plan. Employee shall include persons who are in training at or employed by, or both, a sheltered workshop for the blind operated by the secretary of social and rehabilitation services. The entry date for such persons shall be the beginning of the first pay period of the fiscal year commencing in calendar year 1986. Such persons shall be granted prior service credit in accordance with K.S.A. 74-4913 and amendments thereto. However, such persons classified as home industry employees shall not be covered by the retirement system;

(15) "entry date" means the date as of which an eligible employer joins the system. The first entry date pursuant to this act is January 1, 1962;

(16) "executive secretary" means the managing officer of the system employed by the board under this act;

(17) "final average salary" means in the case of a member who retires prior to January 1, 1977, and in the case of a member who retires after January 1, 1977, and who has less than five years of participating service after January 1, 1967, the average highest annual compensation paid to such member for any five years of the last 10 years of participating service immediately preceding retirement or termination of employment, or in the case of a member who retires on or after January 1, 1977, and who has five or more years of participating service after January 1, 1967, the average highest annual compensation paid to such member on or after January 1, 1967, for any five years of participating service preceding retirement or termination of employment, or, in any case, if participating service is less than five years, then the average annual compensation paid to the member during the full period of participating service, or, in any case, if the member has less than one calendar year of participating service such member's final average salary shall be computed by multiplying such member's highest monthly salary received in that year by 12; in the case of a member who became a member under subsection (3) of K.S.A. 74-4925 and amendments thereto, or who became a member with a participating employer as defined in subsection (3) of K.S.A. 74-4931 and amendments thereto and who elects to have compensation paid in other than 12 equal installments, such compensation shall be annualized as if the member had elected to receive 12 equal installments for any such periods preceding retirement; in the case of a member who retires after July 1, 1987, the average highest annual compensation paid to such member for any four years of participating service preceding retirement or ter-

mination of employment; in the case of a member who retires on or after July 1, 1993, who was first hired as an employee, as defined in subsection (14) of K.S.A. 74-4902 and amendments thereto, prior to July 1, 1993, the average highest annual compensation, as defined in subsection (9), paid to such member for any four years of participating service preceding retirement or termination of employment or the average highest annual salary, as defined in subsection (34), paid to such member for any three years of participating service preceding retirement or termination of employment, whichever is greater; and in the case of a member who retires on or after July 1, 1993, and who is first hired as an employee, as defined in subsection (14) of K.S.A. 74-4902 and amendments thereto, on or after July 1, 1993, the average highest annual salary, as defined in subsection (34), paid to such member for any three years of participating service preceding retirement or termination of employment. Final average salary shall not include any purchase of participating service credit by a member as provided in subsection (2) of K.S.A. 74-4919h and amendments thereto which is completed within five years of retirement. *For any member who begins having contributions deducted from such member's compensation on or after July 1, 1994, at a percentage rate equal to two or three times the employee's rate of contribution or begins paying to the system a lump-sum amount to purchase or repurchase service credit for certain periods of service as provided by law on or after July 1, 1994, and such deductions or lump-sum payment commenced after the commencement of the first payroll period in the fourth quarter for members who are employees of the state of Kansas or after commencement of the first payroll period in the third quarter for members who are employees of any employer other than the state of Kansas "final average salary" shall not include any amount of compensation or salary which is based on such member's purchase or repurchase. For purposes of this subsection, the date that such member is first hired as an employee for members who are employees of employers that elected to participate in the system on or after January 1, 1994, shall be the date that such employee's employer elected to participate in the system;*

(18) "fiscal year" means, for the Kansas public employees retirement system, the period commencing July 1 of any year and ending June 30 of the next;

(19) "Kansas public employees retirement fund" means the fund created by this act for payment of expenses and benefits under the system and referred to as the fund;

(20) "leave of absence" means a period of absence from employment without pay, authorized and approved by the employer, and which after the effective date does not exceed one year;

(21) "member" means an eligible employee who is in the system and is making the required employee contributions, or any former employee who has made the required contributions to the system and has not received a refund;

(22) "military service" means service in the armed forces of the United States, which service is immediately preceded by a period of employment as an employee with a participating employer and is followed by return to employment as an employee with the same or another participating employer within 12 months immediately following discharge from such military service, except that if the board determines that such return within 12 months was made impossible by reason of a service-connected disability, the period within which the employee must return to employment with a participating employer shall be extended not more than two years from the date of discharge or separation from military service;

(23) "normal retirement date" means the date on or after which a member may retire with full retirement benefits pursuant to K.S.A. 74-4914 and amendments thereto;

(24) "participating employer" means an eligible employer who has agreed to make contributions to the system on behalf of its employees;

(25) "participating service" means the period of employment after the entry date for which credit is granted a member;

(26) "prior service" means the period of employment of a member prior to such member's entry date for which credit is granted a member under this act;

(27) "prior service annual salary" means the highest annual salary, not including any amounts received as payment for overtime or as reimbursement for travel or moving expense, received for personal services by the member from the current employer in any one of

the three calendar years immediately preceding January 1, 1962, or the entry date of the employer, whichever is later, except that if a member entered the employment of the state during the calendar year 1961, the prior service annual salary shall be computed by multiplying such member's highest monthly salary received in that year by 12;

(28) "retirant" means a member who has retired under this system;

(29) "retirement benefit" means a monthly income or the actuarial equivalent thereof paid in such manner as specified by the member pursuant to this act or as otherwise allowed to be paid at the discretion of the board, with benefits accruing from the first day of the month coinciding with or following retirement and ending on the last day of the month in which death occurs. Upon proper identification a surviving spouse may negotiate the warrant issued in the name of the retirant;

(30) "retirement system" or "system" means the Kansas public employees retirement system as established by this act and as it may be amended;

(31) "social security" means the old age, survivors and disability insurance section of the federal social security act;

(32) "total disability" means a physical or mental disability which prevents the member from engaging, for remuneration or profit, in any occupation for which the member is reasonably suited by education, training or experience;

(33) "trust" means an express trust, created by a trust instrument, including a will, designated by a member to receive payment of the insured death benefit under K.S.A. 74-4927 and amendments thereto and payment of the member's accumulated contributions under subsection (1) of K.S.A. 74-4916 and amendments thereto. A designation of a trust shall be filed with the board. If there is a designated trust at the time of the member's death, the insured death benefit for the member under K.S.A. 74-4927 and amendments thereto and the member's accumulated contributions under subsection (1) of K.S.A. 74-4916 and amendments thereto shall be paid to the trust in lieu of the member's beneficiary. If no will is admitted to probate within six months after the death of the member or no trustee qualifies within such six months or if the designated trust fails, for any reason whatsoever, the insured death benefit under K.S.A. 74-4927 and amendments thereto and the member's accumulated contributions under subsection (1) of K.S.A. 74-4916 and amendments thereto shall be paid in accordance with the provisions of subsection (7) of this section as in other cases where there is no named beneficiary living at the time of the member's death and any payments so made shall be a full discharge and release to the system from any further claims; and

(34) "salary" means all salary and wages payable to a member for personal services performed for a participating employer, including maintenance or any allowance in lieu thereof provided a member as part of salary. Salary shall not include reimbursement for travel or moving expenses, payment for accumulated sick leave or vacation or annual leave, severance pay or any other payments to the member determined by the board to not be payments for personal services performed for a participating employer constituting salary or payment pursuant to an early retirement incentive program made prior to the retirement of the member. When the salary of a member who remains in substantially the same position during any two consecutive years of participating service used in calculating final average salary is increased by an amount which exceeds 15%, then the amount of such increase which exceeds 15% shall not be included in salary. Any contributions by such member on the amount of such increase which exceeds 15% which is not included in compensation shall be returned to the member. Unless otherwise provided by law, salary shall include any amounts for tax sheltered annuities or deferred compensation plans. Salary shall include amounts under sections 403b, 457 and 125 of the federal internal revenue code of 1986 and any other section of the federal internal revenue code of 1986 which defers or excludes amounts from inclusion in income. In any case, if participating service is less than three years, then the average annual salary paid to the member during the full period of participating service, or, in any case, if the member has less than one calendar year of participating service such member's final average salary shall be computed by multiplying such member's highest monthly salary received in that year by 12.

Sec. 8. On and after July 1, 1994, K.S.A. 1993 Supp. 74-4908 is hereby amended to read as follows: 74-4908. (1) The board shall appoint an executive secretary and shall establish the compensation therefor. Subject to the direction of the board, the executive secretary shall be the managing officer of the system and as such shall have charge of the office, records and supervision and direction of the employees of the system. The executive secretary shall be in the unclassified service under the Kansas civil service act.

(2) The executive secretary shall recommend to the board the administrative organization, the number and qualifications of employees necessary to carry out the intent of this act and the directions of the board. Upon approval of the board, the executive secretary is authorized to employ such persons in accordance with the Kansas civil service act.

(3) The board of trustees shall select and employ or retain a qualified actuary who shall serve at its pleasure as its technical advisor on matters regarding operation of the system. The actuary shall:

(a) Make an annual valuation of the liabilities and reserves of the system, and a determination of the contributions required by the system to discharge its liabilities and administrative costs under this act, and recommend to the board rates of employer contributions required to establish and maintain the system on an actuarial reserve basis. Such recommended employer contributions shall not be based on any other purpose outside of the needs of the system as prescribed by this subsection.

(b) As soon after the effective date as practicable and once every three years thereafter, make a general investigation of the actuarial experience under the system including mortality, retirement, employment turnover and interest, and recommend actuarial tables for use in valuations and in calculating actuarial equivalent values based on such investigation.

(c) Perform such other duties as may be assigned by the board.

(4) The attorney general of the state shall furnish such legal services as may be necessary upon receipt of a request from the board.

(5) The board shall employ or retain qualified investment counsel or counselors or may negotiate with a trust company to assist and advise in the judicious investment of funds as herein provided.

(6) The board may appoint an investment officer, an investment analyst, a real estate manager, a direct placement manager, a chief fiscal officer and a member services officer and an attorney to advise and assist the board in the performance of powers, duties and functions relating to the management and investment of the fund and in such other matters as may be directed by the board. The investment officer, investment analyst, real estate manager, direct placement manager, chief fiscal officer and member services officer and attorney shall be in the unclassified service under the Kansas civil service act. The compensation of the investment officer, investment analyst, real estate manager, direct placement manager, chief fiscal officer and member services officer and attorney shall be established by the board.

Sec. 9. On and after July 1, 1994, K.S.A. 74-4911 is hereby amended to read as follows: 74-4911. (1) Any employee of a participating employer other than an elected official on the entry date of such employer shall be a member of the system on either the entry date or the first day of the payroll period coinciding with or following the completion of one year of service, whichever is later. For purposes of this act occasional breaks in service which shall not exceed an aggregate of 10 days in any such year shall not constitute a break in service for purposes of determining the membership date of such employee.

(2) Except as otherwise provided in this subsection, any employee other than an elected official who is employed by a participating employer after the entry date of such employer shall be a member of the system on the first day of the payroll period coinciding with or following completion of one year of continuous service. For purposes of this act, occasional breaks in service which shall not exceed an aggregate of 10 days in any such year shall not constitute a break in continuous service for purposes of determining the membership date of such employee. For purposes of this subsection, any employee of a local governmental unit which has its own pension plan who becomes an employee of a participating employer as a result of a merger or consolidation of services provided by local governmental

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units, which occurred on January 1, 1994, may count service with such local governmental unit in determining whether such employee has met the one year of continuous service requirement contained in this subsection.

(3) Any employee who is an elected official and is eligible to join the system shall elect to become or not to become a member of the system. Such election shall become effective on the first day of the first payroll period of the first quarter following receipt of the election in the office of the retirement system. In the event that such elected official fails to file the election to become a member of the retirement system, it shall be presumed that such person has elected not to become a member.

(4) Any employee other than an elected official who is in military service or on leave of absence on the entry date of such employee's employer shall become a member of the system upon returning to active employment or on the first day of the payroll period coinciding with or following the completion of one year of service, whichever is later. For purposes of this act, occasional breaks in service which shall not exceed an aggregate of 10 days in any such year shall not constitute a break in service for purposes of determining the membership date of such employee.

(5) Any employee of the state of Kansas other than an elected official, who is receiving or is eligible for assistance by the state board of regents in the purchase of a retirement annuity under K.S.A. 74-4925, and amendments thereto, and who becomes ineligible for such assistance because such employee's position is reclassified to a position in the classified service under the Kansas civil service act, or who becomes ineligible for such assistance because such person accepts and transfers to a position in the classified service under the Kansas civil service act shall be a member of the system on the first day of the payroll period coinciding with or following the effective date of such reclassification or transfer. Any such employee who became ineligible for such assistance prior to the effective date of this act because of such a reclassification or such a transfer occurring prior to the effective date of this act and who is not a member of the system on the effective date of this act shall be a member of the system on the first day of the payroll period coinciding with or following the effective date of this act.

(6) Any employee of the state board of regents or of an educational institution under its management, other than an elected official, who is a member of the system and who becomes ineligible to be a member of the system because such employee's position is reclassified to a position under the Kansas civil service act which is eligible for assistance by the state board of regents in the purchase of a retirement annuity under K.S.A. 74-4925 and amendments thereto, or who becomes ineligible to be a member of the system because such employee transfers to a position under the Kansas civil service act which is eligible for such assistance, shall become eligible for such assistance in accordance with the provisions of K.S.A. 74-4925 and amendments thereto, unless such employee files a written election in the office of the retirement system, in the form and manner prescribed by the board of trustees thereof, to remain a member of the system prior to the first day of the first complete payroll period occurring after the effective date of such reclassification or transfer. Failure to file such written election shall be presumed to be an election not to remain a member of the system and to become eligible for assistance by the state board of regents in the purchase of a retirement annuity under K.S.A. 74-4925 and amendments thereto. Such election, whether to remain a member of the system or to become eligible for such assistance, shall be effective as of the effective date of such reclassification or transfer, and shall be irrevocable.

(7) Any employee who is an elected official and is eligible to join the system as a result of being an elected official, and who at the time of becoming an elected official is already a member of the system by being or having been an employee of a participating employer shall elect to continue as a member of the system or not to continue as a member of the system. Such election shall become effective on the first day of the first payroll period of the first quarter following receipt of the election in the office of the retirement system. In the event that such elected official fails to file the election to continue as a member of the system or not to continue as a member of the system, it shall be presumed that such elected official has elected to continue as a member of the system.

Sec. 10. On and after July 1, 1994, K.S.A. 1993 Supp. 74-4914 is hereby amended to read as follows: 74-4914. (1) The normal retirement date for a member of the system shall be the first day of the month coinciding with or following the attainment of age 65 or, commencing July 1, 1986, age 65 or age 60 with the completion of 35 years of credited service or at any age with the completion of 40 years of credited service, or commencing July 1, 1993, any alternative normal retirement date already prescribed by law or age 62 with the completion of 10 years of credited service or the first day of the month coinciding with or following the date that the total of the number of years of credited service and the number of years of attained age of the member is equal to or more than 85. In no event shall a normal retirement date for a member be before six months after the entry date of the participating employer by whom such member is employed. A member may retire on the normal retirement date or on the first day of any month thereafter upon the filing with the office of the retirement system of an application in such form and manner as the board shall prescribe. Nothing herein shall prevent any person, member or retirant from being employed, appointed or elected as an employee, appointee, officer or member of the legislature. Elected officers may retire from the system on any date on or after the attainment of the normal retirement date, but no retirement benefits payable under this act shall be paid until the member has terminated such member's office.

(2) No retirant shall make contributions to the system or receive service credit for any service after the date of retirement.

(3) Any member who is an employee of an affiliating employer pursuant to K.S.A. 74-4954b and amendments thereto and has not withdrawn such member's accumulated contributions from the Kansas police and firemen's retirement system may retire before such member's normal retirement date on the first day of any month coinciding with or following the attainment of age 55.

(4) Any member may retire before such member's normal retirement date on the first day of any month coinciding with or following the attainment of age 55 with the completion of 10 years of credited service, but in no event before six months after the entry date, upon the filing with the office of the retirement system of an application for retirement in such form and manner as the board shall prescribe.

(5) If a retirant who retired on or after July 1, 1988, is employed or appointed in or to any position or office for which compensation for service is paid, during calendar years 1988 through 1990, in an amount equal to \$6,000 or more in any one such calendar year; during calendar year 1991, in an amount equal to \$9,720 or more; during calendar year 1992, in an amount equal to \$10,200 or more; during calendar year 1993, in an amount equal to \$10,560 or more; or during calendar year 1994 and all calendar years thereafter, in an amount equal to \$10,560 \$11,160 or more in any one such calendar year, by any participating employer for which such retirant was employed or appointed during the final two years of such retirant's participation, such retirant shall not receive any retirement benefit for any month for which such retirant serves in such position or office. Such retirant may elect to revoke such retirant's retirement and become an active member and make employee contributions to the system and receive service credit for any service after the date of commencement of service in such position or office by filing with the office of the retirement system a notice of such intention in such form and manner as the board prescribes within 10 days after the date of commencement of service in such position or office. Any retirant employed by a participating employer shall not make contributions nor receive additional credit under such system for such service except as provided by this section. Upon request of the executive secretary of the system, the secretary of revenue shall provide such information as may be needed by the executive secretary to carry out the provisions of this act. The provisions of this subsection shall not apply to retirants employed as substitute teachers or officers, employees, appointees or members of the legislature or any other elected officials.

(6) For purposes of this section, any employee of a local governmental unit which has its own pension plan who becomes an employee of a participating employer as a result of a merger or consolidation of services provided by local governmental units, which occurred on January 1, 1994, may count service with such local



governmental unit in determining whether such employee has met the years of credited service requirements contained in this section.

Sec. 11. On and after July 1, 1994, K.S.A. 1993 Supp. 74-4914e is hereby amended to read as follows: 74-4914e. (1) As used in this section:

(a) "Correctional employee" means any member of the system who is a security officer or other employee of the department of corrections and who is in a position for which the duties and responsibilities involve regular contact with inmates as certified by the secretary of corrections;

(b) "disability" means the total inability to perform permanently the duties of the position of a correctional employee in which the correctional employee was employed at the time of disability;

(c) "service-connected" means any physical or mental disability resulting from external force, violence or disease occasioned by an act of duty as a correctional employee and includes, for any correctional employee after five years of credited service, any death or disability resulting from a heart disease or disease of the lung or respiratory tract, except that in the event that the correctional employee ceases to be a contributing member except by reason of a service-connected disability for a period of six months or more and then again becomes a contributing member the provision relating to death or disability resulting from a heart disease or disease of the lung or respiratory tract shall not apply until such correctional employee has again become a contributing member for a period of not less than two years or unless clear and precise evidence is presented that the heart disease or disease of the lung or respiratory tract was in fact occasioned by an act of duty as a correctional employee; and

(d) "final average salary" means the average highest annual compensation paid to a correctional employee for any three of the last five years of participating service immediately preceding the date of disability, or if participating service is less than three years, then the average annual compensation paid to the correctional employee during the full period of participating service or if a correctional employee has less than one calendar year of participating service the correctional employee's final average salary shall be computed by multiplying the correctional employee's highest monthly salary received in that year by 12.

(2) If any active contributing correctional employee becomes totally and permanently disabled due to service-connected causes as defined in subsection (1), such correctional employee shall be retired and the following benefits shall become payable and shall continue until the correctional employee's death or until the correctional employee recovers from the disability if a report of the event in a form acceptable to the board is filed in the office of the executive secretary of the board within 220 days after the date of the event or act of duty causing such disability and an application for such benefit, in such form and manner as the board shall prescribe, is filed by the correctional employee or the correctional employee's authorized representative in the office of the executive secretary of the board within two years of the date of disability:

(a) The correctional employee shall receive a retirement benefit equal to 50% of the correctional employee's final average salary. Such benefit shall accrue from the day upon which the correctional employee ceases to draw compensation.

(b) Each of the correctional employee's unmarried children under the age of 18 years or each of the correctional employee's children under the age of 23 years who are full-time students as provided in K.S.A. 74-49,117 and amendments thereto shall receive an annual benefit equal to 10% of the correctional employee's final average salary. Such benefit shall accrue from the day upon which the correctional employee ceases to draw compensation and shall end on the first day of the month in which each such child or children attains the age of 18 years, die or marry, whichever occurs earlier or in which each such child or children attains the age of 23 years, if such child or children are full-time students as provided in K.S.A. 74-49,117 and amendments thereto.

(c) In no case shall the total benefits payable under paragraphs (a) and (b) of this subsection (2) be in excess of 75% of the correctional employee's final average salary.

(d) In the event a correctional employee who is retired under paragraph (a) of this subsection (2), dies within two years after the date of such retirement, then benefits may be payable under subsection (2) of K.S.A. 74-4916 and amendments thereto.

(e) In the event a correctional employee who is retired under paragraph (a) of this subsection (2), dies more than two years after the date of such retirement, and the proximate cause of such death is the service-connected cause from which the disability resulted, then benefits may be payable under subsection (2) of K.S.A. 74-4916 and amendments thereto.

(3) If any correctional employee who is an active contributing member prior to such correctional employee's normal retirement becomes totally and permanently disabled for a period of 180 days from causes not service-connected, and not as the result of a willfully negligent or intentional act of the correctional employee, such correctional employee shall be retired and the following benefit shall become payable and shall continue until the correctional employee's death or until the correctional employee recovers from such disability whichever occurs first if a report of the disability in a form acceptable to the board is filed in the office of the executive secretary of the board within 220 days after the date of the commencement of such disability and if an application for such benefit in such form and manner as the board shall prescribe is filed in the office of the executive secretary of the board within two years of the date of disability:

A retirement benefit equal to 2% of the correctional employee's final average salary multiplied by the number of years of credited service, except that such retirement benefit shall be at least equal to 25% of the member's final average salary but not to exceed the amount of the retirement benefit provided in paragraph (a) of subsection (2). Such benefit shall not become payable until satisfactory evidence is presented to the board that the correctional employee is and has been for a period of 180 days totally and permanently disabled, but benefits shall accrue from the day upon which the correctional employee ceases to draw compensation.

(4) Any correctional employee who is employed for compensation by an employer other than the department of corrections and whose disability is incurred in the course of such other employment shall not be eligible for any of the benefits provided in subsection (3).

(5) If a correctional employee becomes totally and permanently disabled and no benefits are payable under subsections (2) or (3), the sum of the correctional employee's accumulated contributions shall be paid to the correctional employee.

(6) Any correctional employee receiving benefits under this section shall submit to medical examination, not oftener than annually, by one or more physicians or any other practitioners of the healing arts holding a valid license issued by Kansas state board of healing arts, as the board of trustees may direct. If upon such medical examination the examiners report to the board that the retirant is physically able and capable of resuming employment with the participating employer from whose employment the correctional employee retired, the disability benefits shall terminate. A retirant who has been receiving benefits under the provisions of this section and who returns to employment of a participating employer shall immediately commence accruing service credit which shall be added to that which has been accrued by virtue of previous service.

(7) Any retirant who has been receiving benefits under the provisions of this section for a period of five years shall be deemed finally retired and shall not be subject to further medical examinations, except that if the board of trustees shall have reasonable grounds to question whether the retirant remains totally and permanently disabled, a further medical examination or examinations may be required.

(8) Refusal or neglect to submit to examination as provided in subsection (6) shall be sufficient cause for suspending or discontinuing benefit payments under this section and if such refusal or neglect shall continue for a period of one year, the correctional employee's rights in and to all benefits under the system may be revoked by the board.

(9) Any retirement benefits payable under the provisions of this section shall be in lieu of all other benefits under the system.

(10) Each correctional employee shall report to such member's participating employer any event or act of duty causing disability within 200 days after such event or act of duty. The department of corrections shall file in the office of the executive secretary of the board, in a form acceptable to the board, a report of the event or

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act of duty causing disability within 220 days after the event or act of duty.

(11) Benefits payable under this section shall be reduced by the amount of any disability benefits received under the federal social security act or the workmen's compensation act. In no case shall a correctional employee who is entitled to receive benefits under this section receive less than \$100 per month.

(12) The provisions of this section shall apply to disabilities occurring after June 30, 1982, and prior to July 1, 1994 1995. At the direction of the board of trustees, the actuary shall conduct an experience evaluation of benefits payable under this section and the board shall provide copies of such study to the governor and members of the legislature.

(13) The provisions of K.S.A. 74-4927 and amendments thereto relating to insured disability benefits shall not be applicable to correctional employees subject to the provisions of this section.

Sec. 12. On and after July 1, 1994, K.S.A. 74-4916 is hereby amended to read as follows: 74-4916. (1) Upon the death of a member before retirement, the member's accumulated contributions shall be paid to the member's beneficiary.

(2) (a) In the event that a member dies before retirement as a result of an accident arising out of and in the course of the member's actual performance of duty in the employ of a participating employer independent of all other causes and not as a result of a willfully negligent or intentional act of the member, an accidental death benefit shall be payable if: (A) A report of the accident, in a form acceptable to the board, is filed in the office of the executive secretary of the board within 60 days after the date of the accident causing such death and an application for such benefit, in such form and manner as the board shall prescribe, is filed in the office of the executive secretary of the board within two years of the date of the accident, but the board may waive such time limits for a reasonable period if in the judgment of the board the failure to meet these limits was due to lack of knowledge or incapacity; and (B) the board finds from such evidence as it may require, to be submitted in such form and manner as it shall prescribe, that the natural and proximate cause of death was the result of an accident arising out of and in the course of the member's employment with a participating employer independent of all other causes at a definite time and place. Such accidental death benefit shall be a lump-sum amount of \$50,000 and an annual amount of  $\frac{1}{2}$  of the member's final average salary which shall accrue from the first day of the month following the date of death and which shall be payable in monthly installments or as the board may direct, but, after June 30, 1982, in no case shall the accidental death benefit be less than \$100 per month. The accidental death benefit payments shall be paid to the surviving spouse of such deceased member, such payments to continue so long as such surviving spouse lives or if there is no surviving spouse, or in the case the spouse dies before the youngest child of such deceased member attains age 18 or before the youngest child of such deceased member attains age 23 years, if such child is a full-time student as provided in K.S.A. 74-49,117 and amendments thereto or if there are one or more children of the member who are totally disabled and dependent on the member or spouse, then to the child or children of such member under age 18 or under age 23, if such child or children are full-time students as provided in K.S.A. 74-49,117 and amendments thereto and to the child or children of the member who are totally disabled and dependent on the member or spouse, divided in such manner as the board in its discretion shall determine, to continue until the youngest surviving child dies or attains age 18 or attains age 23 if such child is a full-time student as provided in K.S.A. 79-49,117 and amendments thereto or, in the case of the child or children who are totally disabled and dependent on the member or spouse, until death or until no longer totally disabled, or if there is no surviving spouse or child eligible for accidental death benefits under this subsection (2) at the time of the member's death, then to the parent or parents of such member who are dependent on such member, to continue until the last such parent dies. All payments due under this subsection (2) to a minor shall be made to a legally appointed conservator of such minor or totally disabled child as provided in subsection (7) of K.S.A. 74-4902 and amendments thereto. Commencing on the effective date of this act, any surviving spouse, who was receiving benefits pursuant to this section and who had such benefits terminated by reason of such spouse's remarriage, shall be entitled to once again receive benefits

pursuant to this section, except that such surviving spouse shall not be entitled to recover any benefits not received after the termination of benefits by reason of such surviving spouse's remarriage but before the effective date of this act.

(b) In construction of this section of the act there shall be no presumption that the death of the member was the result of an accident nor shall there be a liberal interpretation of the law or evidence in favor of the person claiming under this subsection (2). In the event of the death of a member resulting from a heart, circulatory or respiratory condition there must be clear and precise evidence that death was the result of an accident independent of all other causes which arose out of and in the course of the member's actual performance of duties in the employ of a participating employer.

(c) ~~The value, as determined by the board upon recommendation of the actuary, of any workmen's compensation benefits paid or payable to the recipient or recipients of an annual benefit under this subsection (2) shall be deducted from the amounts which become payable under this section. The annual benefit under this subsection (2) shall be reduced by any workers compensation benefit payable. If the workers compensation benefit is paid in a lump sum, the amount of such reduction shall be calculated on a monthly basis over the period of time for which workers compensation benefits would have been payable had such lump sum not been paid. For any recipient already in receipt of such benefits on the effective date of this act, no change in the original reduction for workers compensation benefits shall be applicable to benefits paid prior to July 1, 1994.~~ In the event that a member should die as a result of an accident as described in this subsection (2), all elections or options previously made by the deceased member shall become void and of no effect whatsoever and the retirement system shall be liable only for the accidental death benefit, refund of accumulated contributions as described in subsection (1) and any insured death benefit that may be due. The benefit payable under this subsection (2) shall be known and referred to as the "accidental death benefit."

(3) (a) Upon the application of a member, or the member's appointing authority acting for the member, a member who is in the employ of a participating employer and becomes totally and permanently disabled for duty in the employ of a participating employer, by reason of an accident which occurred prior to July 1, 1975, may be retired by the board if, (A) the board finds the total and permanent disability to be the natural and proximate result of an accident causing personal injury or disease independent of all other causes and arising out of and in the course of the member's actual performance of duties as an employee of a participating employer; and (B) a report of the accident, in a form acceptable to the board is filed in the office of the executive secretary of the board within 200 days after the date of the accident causing such injury; and (C) such application for retirement under this provision, in such form and manner as shall be prescribed by the board, is filed in the office of the executive secretary of the board within two years of the date of the accident; and (D) after a medical examination of the member has been made by or under the direction of a medical physician or physicians or any other practitioner holding a valid license issued by the Kansas state board of healing arts designated by the board and the medical physician or physicians or any other practitioner holding a valid license issued by the Kansas state board of healing arts report in writing to the board that the member is physically or mentally totally disabled for duty in the employ of a participating employer and that such disability will probably be permanent; and (E) the board finds that the member became permanently and totally disabled on a date certain based on the evidence furnished and the professional guidance obtained and that such disability was not the result of a willfully negligent or intentional act of the member. If the board shall so retire the applicant, the member shall receive annually an accidental total disability benefit equal to  $\frac{1}{2}$  of the member's final average salary which shall accrue from the first day of the month following the date of such accidental total and permanent disability as found by the board payable in monthly installments or as the board may direct.

(b) In construction of this subsection (3) there shall be no presumption that the disability of the member was the result of an accident nor shall there be a liberal interpretation of the law or evidence in favor of the member claiming under this subsection (3).



In the event of the disability of a member resulting from a heart, circulatory or respiratory condition there must be clear and precise evidence that disability was the result of an accident independent of all other causes which arose out of and in the course of the member's actual performance of duties in the employ of a participating employer.

(c) A member will continue to receive such accidental total disability benefit so long as the member is wholly and continuously disabled by such injury and prevented thereby from engaging in any gainful occupation or employment for which the member is reasonably qualified by reason of education, training or experience. The accidental loss of both hands by actual severance through or above the wrist joint, or the accidental loss of both feet by actual severance through or above the ankle joint or the entire and irrecoverable accidental loss of sight of both eyes, or such severance of one hand and one foot, and such severance of one hand or one foot and such loss of sight of one eye, shall be deemed accidental total and permanent disability and accidental total disability benefits shall be paid so long as the member lives.

(d) Any retiree retired by reason of such accidental total and permanent disability who has been receiving benefits under the provisions of this subsection (3) for a period of five years shall be deemed finally retired and shall not be subject to further medical examinations, except that if the board of trustees has reasonable grounds to question whether the retiree remains totally and permanently disabled, a further medical examination or examinations may be required. Refusal or neglect to submit to examination shall be sufficient cause for suspending or discontinuing the accidental total disability benefit. If the refusal or neglect continues for a period of one year, all of the member's rights with respect to such accidental total disability benefit may be revoked by the board.

(e) In the event that a retiree who is receiving an accidental total disability benefit dies within five years after the date of the retiree's retirement, an accidental death benefit shall then be payable as provided in subsection (2) of this section.

(f) A member who retires under the provisions of this subsection (3) shall receive such benefits as provided in this subsection (3) in lieu of all other retirement benefits provided under the retirement system except that no member shall be entitled to receive any payments under this subsection (3) for a period for which insured disability benefits are received.

(g) The value, as determined by the board upon recommendation of the actuary, of any workmen's compensation benefits paid or payable to the recipient of an accidental total disability benefit shall be deducted from the amount payable under this section.

(h) The benefit payable under subsection (3) of this section shall be known and referred to as "accidental total disability benefit."

Sec. 13. On and after July 1, 1994, K.S.A. 1993 Supp. 74-4917 is hereby amended to read as follows: 74-4917. (1) Upon termination of employment with a participating employer, not followed by employment with such participating employer or another participating employer, the member shall be paid an amount equal to the member's accumulated contributions then on deposit with the system after making application in such form as may be prescribed by the board, except that the system shall have a reasonable time to process the application for withdrawal. The participating employer shall, upon giving a terminated employee a withdrawal application, certify to the system all member contributions which have not been reported previously. In the case of a death of an active member, the participating employer shall certify to the system all member contributions which have not been reported previously and remit such contributions if the participating employer has not submitted a monthly remittance for the terminating quarter. A leave of absence, a period of total disability or military service shall not be considered a termination of employment unless the member withdraws accumulated contributions.

(2) *Except as otherwise provided by this subsection*, if such member has completed 10 years of credited service at date of termination, such member automatically shall be granted a vested retirement benefit in the system, except that at any time prior to the commencement of retirement benefit payments the member may withdraw accumulated contributions, whereupon no other benefits shall be payable for such member's prior and participating service credit. *For purposes of this subsection, any employee of a local governmental*

*unit which has its own pension plan who becomes an employee of a participating employer as a result of a merger or consolidation of services provided by local governmental units, which occurred on January 1, 1994, may count service with such local governmental unit in determining whether such employee has met the 10 years of credited service for vesting requirement contained in this subsection.* Eligibility of such member for retirement benefits and procedures for making application for retirement benefits shall be in accordance with K.S.A. 74-4914 and amendments thereto. Such member shall make application for retirement in such form as may be prescribed by the board and retirement benefits shall accrue from the first day of the month following receipt of such application. The amount of the retirement benefit shall be determined as provided in K.S.A. 74-4915 and amendments thereto.

(3) Termination of employment of a member, followed by employment with a participating employer within five years after such termination, does not constitute a break in continuous employment if such member has not withdrawn accumulated contributions. Such period while not employed shall not be credited.

(4) If, after the expiration of five years following the termination of employment, a former member becomes an employee of such former member's former participating employer, or another participating employer, such former member shall be deemed to be a new employee. If a member, who has a vested benefit again becomes an employee of a participating employer, any credited service such member subsequently accrues shall be added to that which had been vested by virtue of previous service. Eligibility of such member for retirement benefits and procedures for making application for retirement benefits shall be in accordance with K.S.A. 74-4914 and amendments thereto.

Sec. 14. On and after July 1, 1994, K.S.A. 1993 Supp. 74-4919h is hereby amended to read as follows: 74-4919h. (1) In addition to any military service credited under the provisions of K.S.A. 74-4913 or 74-4936 and amendments thereto, or in the event that an active contributing member does not qualify for credit for military service as defined in subsection (22) of K.S.A. 74-4902 and amendments thereto, such member may purchase participating credit for periods of active service in the armed forces of the United States and for periods of service required to fulfill the requirements of section 651 of title 10, United States code, which are not otherwise creditable, which when added to any creditable military service do not exceed six years and which are not the basis for military pension rights. *Except as provided in subsection (4)(a) for such purchase of participating credit for such periods of such military service which is the basis for military pension rights*, such member shall be entitled to purchase one quarter of participating service credit for each year of service required to fulfill the requirements of section 651 of title 10, United States code. Such purchase shall be effected by the member submitting proof of such service acceptable to the board and electing in writing to have employee contributions as provided in K.S.A. 74-4919 and amendments thereto deducted from such member's compensation at a percentage rate equal to two times or three times the employee's rate of contribution as provided in K.S.A. 74-4919 and amendments thereto for such periods of service. Such deductions shall commence at the beginning of the quarter following such election and shall remain in effect until all of the full quarters of such service have been purchased.

(2) Such purchase of participating service credit must be completed prior to such member's retirement. For members purchasing such participating service credit on or after July 1, 1993, whose purchase is completed within five years before such member's retirement, such member shall pay the actuarially determined amount by means of a single lump-sum payment or equal annual payments which shall be completed prior to retirement. The lump-sum payment or annual payments shall be determined by the system's actuary by using the member's current annual salary at the time, actuarial assumptions and tables currently in use by the system and the member's attained age. No participating employer shall pay all or any part of the cost of service credit purchased by a member under this subsection. Any member who purchases such participating service credit and who does not make the lump-sum payment or annual payments as required by this subsection shall have any previously credited service under this section voided and such member shall

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be refunded such member's payments previously made for such purchase plus interest.

(3) In the event such member has elected to purchase participating service credit as provided in K.S.A. 74-4919a to 74-4919e, inclusive, and any amendments thereto, the increased employee contributions and purchase of participating service credit provided herein shall not commence until after the purchase of participating service credit under K.S.A. 74-4919a to 74-4919e, inclusive, and any amendments thereto, has been completed. If a member terminates employment before completing the purchase of all participating service credit as such member may be entitled to, such member shall only receive such credit for those full quarters as the percentage rate equal to two times or three times the employee's rate of contribution as provided in K.S.A. 74-4919 and amendments thereto has been deducted from such member's compensation.

(4) (a) *Any member of the system who has not yet retired shall purchase participating service credit for military service as described in this section which is the basis for military pension rights by means of a single lump-sum payment. The lump-sum payment shall be an amount determined by the actuary using the member's then current annual rate of compensation, or if not actively employed, the member's annual rate of compensation when last participating, the actuarial assumptions and tables currently in use by the retirement system and the member's attained age. No participating employer shall pay all or any part of the cost of any additional participating service credit to be purchased by means of a lump-sum payment by a member under this section.*

(b) Any member of the retirement system who has not retired may purchase participating service credit for military service as described in this section which is not the basis for military pension rights by electing to effect such purchase by means of a single lump-sum payment in lieu of employee contributions as provided in this section. The lump-sum payment shall be an amount determined by the actuary using the member's then current annual rate of compensation, or if not actively employed, the member's annual rate of compensation when last participating, the actuarial assumptions and tables currently in use by the retirement system and the member's attained age. No participating employer shall pay all or any part of the cost of any additional participating service credit to be purchased by means of a lump-sum payment by a member under this section.

Sec. 15. On and after July 1, 1994, K.S.A. 1993 Supp. 74-4920 is hereby amended to read as follows: 74-4920. (1) Upon the basis of each annual actuarial valuation and appraisal as provided for in subsection (3)(a) of K.S.A. 74-4908 and amendments thereto, the board shall certify, on or before July 15 of each year, to the division of the budget in the case of the state and to the agent for each other participating employer an actuarially determined estimate of the rate of contribution which will be required, together with all accumulated contributions and other assets of the system, to be paid by each such participating employer to pay all liabilities which shall exist or accrue under the system, including amortization of the actuarial accrued liability over a period of 40 years commencing on July 1, 1993, and the actuarial accrued liability for members of the faculty and other persons who are employed by the state board of regents or by educational institutions under its management assisted by the state board of regents in the purchase of retirement annuities as provided in K.S.A. 74-4925 and amendments thereto, as provided in this section. The actuarial accrued liability for all participating employers other than the state board of regents relating to members of the faculty and other persons described in this section, shall be amortized by annual payments that increase 4% for each year remaining in the amortization period. For all participating employers other than the state board of regents relating to members of the faculty and other persons described in this section, the projected unit credit actuarial cost method shall be used in annual actuarial valuations, commencing with the 1993 valuation, to determine the employer contribution rates that shall be certified by the board. The actuarial accrued liability for members of the faculty and other persons described in this subsection assisted by the state board of regents in the purchase of retirement annuities as provided in K.S.A. 74-4925 and amendments thereto shall be amortized by annual level payments over a period of 10 years commencing July 1, 1993. Such certified rate of contribution shall be based on the standards set forth in subsection (3)(a) of K.S.A. 74-4908 and amendments thereto

and shall not be based on any other purpose outside of the needs of the system.

(2) The division of the budget and the governor shall include in the budget and in the budget request for appropriations for personal services the sum required to satisfy the state's obligation under this act as certified by the board and shall present the same to the legislature for allowance and appropriation.

(3) Each other participating employer shall appropriate and pay to the system a sum sufficient to satisfy the obligation under this act as certified by the board.

(4) Each participating employer is hereby authorized to pay the employer's contribution from the same fund that the compensation for which such contribution is made is paid from or from any other funds available to it for such purpose. Each political subdivision, other than an instrumentality of the state, which is by law authorized to levy taxes for other purposes, may levy annually at the time of its levy of taxes, a tax which may be in addition to all other taxes authorized by law for the purpose of making its contributions under this act and, in the case of cities and counties, to pay a portion of the principal and interest on bonds issued under the authority of K.S.A. 12-1774 and amendments thereto by cities located in the county, which tax, together with any other fund available, shall be sufficient to enable it to make such contribution. In lieu of levying the tax authorized in this subsection, any taxing subdivision may pay such costs from any employee benefits contribution fund established pursuant to K.S.A. 12-16,102 and amendments thereto. Each participating employer which is not by law authorized to levy taxes as described above, but which prepares a budget for its expenses for the ensuing year and presents the same to a governing body which is authorized by law to levy taxes as described above, may include in its budget an amount sufficient to make its contributions under this act which may be in addition to all other taxes authorized by law. Such governing body to which the budget is submitted for approval, may levy a tax sufficient to allow the participating employer to make its contributions under this act, which tax, together with any other fund available, shall be sufficient to enable the participating employer to make the contributions required by this act.

(5) The rate of contribution certified to a participating employer as provided in this section shall apply during the fiscal year of the participating employer which begins in the second calendar year following the year of the actuarial valuation. For the fiscal year commencing in calendar year 1993, the employer rate of contribution for the state of Kansas and for participating employers under K.S.A. 74-4931 and amendments thereto shall be 3.1% of the amount of compensation upon which members contribute during the period. For the fiscal year commencing in calendar year 1994, the employer rate of contribution for the state of Kansas and for participating employers under K.S.A. 74-4931 and amendments thereto shall be 3.2% of the amount of compensation upon which members contribute during the period. For the fiscal year commencing in calendar year 1994, the employer rate of contribution for participating employers other than the state of Kansas shall be 2.2% of the amount of compensation upon which members contribute during the period. *Except as specifically provided in this section*, for fiscal years commencing in calendar year 1995 and in each subsequent calendar year, the rate of contribution certified to a participating employer shall in no event exceed such participating employer's contribution rate for the immediately preceding fiscal year by more than 0.1% of the amount of compensation upon which members contribute during the period. There shall be an employer rate of contribution certified to the state of Kansas and participating employers under K.S.A. 74-4931 and amendments thereto. There shall be a separate employer rate of contribution certified to all other participating employers other than the state of Kansas.

(6) *The actuarial cost of any legislation enacted in the 1994 session of the Kansas legislature will be included in the June 30, 1994, actuarial valuation in determining contribution rates for participating employers.*

(7) The board with the advice of the actuary may fix the contribution rates for participating employers joining the system after one year from the first entry date or for employers who exercise the option contained in K.S.A. 74-4912 and amendments thereto at rates different from the rate fixed for employers joining within one year of the first entry date.

(7) (8) Employer contributions shall in no way be limited by any

other act which now or in the future establishes or limits the compensation of any member.

(8) (9) Each participating employer shall remit quarterly, or as the board may otherwise provide, all employee deductions and required employer contributions to the executive secretary for credit to the Kansas public employees retirement fund within 20 days after the end of the period covered by the remittance or within 25 days after forms or written instructions from the system were mailed by the system to such employer, whichever is later. Remittances of such deductions and contributions received after such date are delinquent. Delinquent payments due under this subsection shall be subject to interest at the rate established for interest on judgments under subsection (a) of K.S.A. 16-204 and amendments thereto. At the request of the board, delinquent payments which are due or interest owed on such payments, or both, may be deducted from any other moneys payable to such employer by any department or agency of the state.

Sec. 16. On and after July 1, 1994, K.S.A. 1993 Supp. 74-4925 is hereby amended to read as follows: 74-4925. (1) The state board of regents shall:

(a) Assist all those members of the faculty and other persons who are employed by the state board of regents or by educational institutions under its management and who are in the unclassified service under the Kansas civil service act as provided in subsection (1)(f) of K.S.A. 75-2935 and amendments thereto, except health care employees, as defined by subsection (1)(f) of K.S.A. 75-2935 and amendments thereto, in the purchase of retirement annuities for their service rendered after December 31, 1961. Effective on the first day of the first payroll period commencing with or following the effective date of this act July 1, 1994, no county extension agent agents employed by Kansas state university under K.S.A. 2-615 and amendments thereto shall be eligible for assistance by the state board of regents in the purchase of retirement annuities under this section. The state board of regents shall not assist any such person who is employed after December 31, 1961, until such person has been employed for a waiting period of at least one year except that (i) the state board of regents may assist any newly employed person immediately if at the time of the commencement of employment the person is covered by a valid retirement annuity contract issued by a company described in subsection (2) which was entered into pursuant to a retirement pension plan adopted for faculty members or other persons, or both, employed by an institution of higher education and to which such person or such person's employer on such person's behalf has been making contributions for at least one year, and (ii) all periods of employment with (A) participating employers under the Kansas public employees retirement system, for which employment participating service credit accrued, or (B) institutions of higher education in other states for which employment retirement benefits accrued under a retirement system or plan provided for such employment, shall be credited toward satisfaction of such one-year waiting period if served, in either case, during the five years immediately preceding employment with the state board of regents or with an educational institution under its management in the unclassified service under the Kansas civil service act as provided in subsection (1)(f) of K.S.A. 75-2935 and amendments thereto, in addition to such employment with the state board of regents or with an educational institution under its management; no period of employment as a student employee, as a seasonal or temporary employee or as a part-time employee, whose employment requires less than 1,000 hours of work per year, shall be credited toward the one-year waiting period under subsection (1)(a); this act shall not apply to persons employed in such temporary and part-time positions designated by the state board of regents as exceptions hereto;

(b) require such members of the faculty and others described in subsection (1)(a) who are so assisted by the state board of regents to contribute an amount toward the purchase of such retirement annuities of 5.5% of their salaries, such contributions to be made through payroll deductions and on a pretax basis;

(c) contribute an amount toward the purchase of such retirement annuities equal to the percentage amount, as prescribed by K.S.A. 74-4925e and amendments thereto, of the total amount of the salaries on which such members of the faculty and others described in subsection (1)(a) contribute during such period for which the contribution of the state board of regents is made;

(d) provide, under such rules and regulations as the state board

of regents may adopt, for the retirement of any such member of the faculty or other person described in subsection (1)(a) on account of age or condition of health, retirement of such member of the faculty or other person described in subsection (1)(a) on account of age to be not earlier than the 55th birthday and prior to January 1, 1994, not later than the end of the academic year following the 70th year. On and After January 1, 1994, there shall be no mandatory retirement on account of age. Any person who retires under this section and who receives benefits from the Kansas public employees retirement system for prior service credit shall have such benefits calculated in accordance with the applicable provisions of K.S.A. 74-4914 and 74-4915 and amendments thereto.

(2) For the purposes of this section the state board of regents may contract with:

(a) Any life insurance company authorized to do business in this state; or

(b) any life insurance company organized and operated without profit to any private shareholder or individual exclusively for the purpose of aiding and strengthening educational institutions by issuing insurance and annuity contracts only to or for the benefit of such institution and individuals engaged in the services of such institutions, whether or not such company is authorized to do business in Kansas. No premium tax or income tax shall be due or payable on such annuity contract or contracts for such retirement programs issued by a company described in this subsection (2)(b), except that neither the purchase nor the issuance of such retirement annuities from or by a company described in this subsection (2)(b) shall constitute the effecting of a contract of insurance.

(3) (a) Such member of the faculty or other person described in subsection (1)(a) shall also be a member of the Kansas public employees retirement system, but only for the purpose of granting retirement benefits based on prior service only which was rendered prior to January 1, 1962, which shall be credited to the member as provided in subsection (1) of K.S.A. 74-4913 and amendments thereto, except that such member of the faculty or other person described in subsection (1)(a) who was employed prior to July 1, 1962, who has not yet retired and who is employed on July 1, 1988, on an academic year contract, shall receive credit for 12 months of prior service for each nine months of prior service for which such member or person was employed on an academic year contract prior to July 1, 1962. For the purpose of determining eligibility for a vested benefit, service by such a member of the faculty or other person after December 31, 1961, shall be construed to be credited service under subsection (2) of K.S.A. 74-4917 and amendments thereto.

(b) Any member of the faculty or other person described in subsection (1)(a) who retires after 10 years of continuous service immediately preceding retirement shall be granted a retirement benefit based on prior service only which was rendered prior to January 1, 1962. Application for such benefit shall be in such form and manner as the board shall prescribe.

(4) For the purpose of establishing a procedure whereby the state board of regents and any member of the faculty or other person described in subsection (1)(a), subject to rules and regulations of the state board of regents, may take advantage of section 403(a) or (b) of the federal internal revenue code of 1986 or any other section of the federal internal revenue code of 1986 which defers or excludes amounts from inclusion in income, any member of the faculty or any other person described in subsection (1)(a), whether or not such person has satisfied the one-year waiting period requirement under subsection (1)(a), may request in writing that the state board of regents reduce such person's annual salary, as fixed by the board, in an amount equal to not less than 5% nor more than the percentage allowed under section 403(b) of the federal internal revenue code of 1986, as designated by such member of the faculty or other person described in subsection (1)(a), of the gross amount of such annual salary. In the event of such request by a faculty member or other person who is required to make the contribution as provided in subsection (1)(b), such person shall not be required to make such contribution and the state board of regents shall provide a sum equal to the percentage amount, as prescribed by K.S.A. 74-4925e and amendments thereto, of the gross annual salary of the member of the faculty or other person and shall purchase for and on behalf of

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each such person whose salary has been so reduced a retirement annuity contract or contracts, the annual premiums for which shall be equal to the sum of the amount of the salary reduction of the member of the faculty or other person and the amount paid by the state board of regents. In the event of such request by a faculty member or other person who is serving the one-year waiting period pursuant to subsection (1)(a) who is not required to make the contribution as provided in subsection (1)(b), the state board of regents shall purchase for and on behalf of each such person whose salary has been so reduced a retirement annuity contract or contracts, the annual premiums for which shall be equal to the sum of the amount of the salary reduction of the member of the faculty or other person, but the state board of regents shall not provide the sum equal to the percentage amount, as prescribed by K.S.A. 74-4925e and amendments thereto, of the gross annual salary of such person as provided for such person who is required to make the contribution as provided in subsection (1)(b). Such retirement annuity contracts may be purchased by the state board of regents from companies described in subsection (2)(a) and subsection (2)(b) or from noninsurance companies who offer retirement plans that meet the requirements of section 403(b) of the federal internal revenue code of 1986, except that the state board of regents may require that the first 5% of the gross amount of such person's annual salary which is reduced under this subsection (4) and the amount equal to the percentage amount, as prescribed by K.S.A. 74-4925e and amendments thereto, of the gross amount of such person's annual salary which is provided by the state board of regents for the purchase of retirement annuity contracts under this subsection (4), if required to be provided under this subsection (4), shall be used to purchase such retirement annuity contracts from such company or companies as may be designated by the state board of regents for such purposes. The director of accounts and reports is authorized to draw warrants on the state treasurer upon the filing with the director of proper vouchers for the amount of the premium on the retirement annuity contract to be paid pursuant to the terms of such contracts and this act.

(5) All employees who are described in subsection (1)(a) and who commence such employment on and after July 1, 1976, shall receive assistance under subsection (1) and shall be covered by a valid retirement annuity contract issued by a company described in subsection (2).

(6) Any employee of the state board of regents or of an educational institution under its management, other than an elected official, who is receiving or is eligible for assistance by the state board of regents in the purchase of a retirement annuity under this section and who becomes ineligible for such assistance because such employee's position is reclassified to a position in the classified service under the Kansas civil service act or who becomes ineligible for such assistance because such employee transfers to a position in the classified service under the Kansas civil service act with the state board of regents or an educational institution under its management, shall become a member of the Kansas public employees retirement system in accordance with the provisions of subsection (5) of K.S.A. 74-4911 and amendments thereto, unless such employee files a written election in the office of the Kansas public employees retirement system, in the form and manner prescribed by the board of trustees thereof, to remain eligible for assistance by the state board of regents under this section prior to the first day of the first complete payroll period occurring after the effective date of such reclassification or transfer. Failure to file such written election shall be presumed to be an election not to remain eligible for assistance by the state board of regents under this section and to become a member of the Kansas public employees retirement system under subsection (5) of K.S.A. 74-4911 and amendments thereto. Such election, whether to remain eligible for such assistance or to become a member of such system, shall be effective as of the effective date of such reclassification or transfer and shall be irrevocable.

(7) The state board of regents shall adopt uniform policies applicable to members of the faculty and other persons, who are employed by the state board of regents or by any educational institution under its management and who are in the unclassified service under the Kansas civil service act as provided in subsection (1)(f) of K.S.A. 75-2935 and amendments thereto, except health care employees, as defined by subsection (1)(f) of K.S.A. 75-2935 and amendments

thereto, for the purposes of administering the provisions of this section and the provision of retirement annuities and other benefits hereunder. All assistance provided by the state board of regents for such persons, and agreements entered into therefor, pursuant to this section prior to the effective date are hereby authorized, confirmed and validated.

(8) Any employee described in subsection (1)(a) who is on leave of absence and who accepts a position in the executive branch of government may file a written election in the office of the Kansas public employees retirement system, in the form and manner prescribed by the board, to remain eligible for assistance by the state board of regents under this section prior to the first day of the first complete payroll period occurring after the commencement of such service in the executive branch of government. Failure to file such written election shall be presumed to be an election not to remain eligible for assistance by the state board of regents. The state board of regents shall contribute an amount toward the purchase of retirement annuities on behalf of such employee equal to the sum of the amounts provided in subsection (1)(c).

Sec. 17. On and after July 1, 1994, K.S.A. 1993 Supp. 74-4927 is hereby amended to read as follows: 74-4927. (1) The board may establish a plan of death and long-term disability benefits to be paid to the members of the retirement system as provided by this section. The long-term disability benefit shall not be payable until the member has been prevented from carrying out each and every duty pertaining to the member's employment as a result of sickness or injury for a period of 180 days and the annual benefit shall not exceed an amount equal to 66 $\frac{2}{3}$ % of the member's annual rate of compensation on the date such disability commenced and shall be payable in equal monthly installments. In the event that a member's compensation is not fixed at an annual rate but on an hourly, weekly, biweekly, monthly or any other basis than annual, the board shall prescribe by rule and regulation a formula for establishing a reasonable rate of annual compensation to be used in determining the amount of the death or long-term disability benefit for such member. Such plan shall provide that:

(A) For deaths occurring prior to January 1, 1987, the right to receive such death benefit shall cease upon the member's attainment of age 70 or date of retirement whichever first occurs. The right to receive such long-term disability benefit shall cease (i) for a member who becomes eligible for such benefit before attaining age 60, upon the date that such member attains age 65 or the date of such member's retirement, whichever first occurs, (ii) for a member who becomes eligible for such benefit at or after attaining age 60, the date that such member has received such benefit for a period of five years, upon the date that such member attains age 70, or upon the date of such member's retirement, whichever first occurs, (iii) for all disabilities incurred on or after January 1, 1987, for a member who becomes eligible for such benefit at or after attaining age 70, the date that such member has received such benefit for a period of 12 months or upon the date of such member's retirement, whichever first occurs, and (iv) for all disabilities incurred on or after January 1, 1987, for a member who becomes eligible for such benefit at or after attaining age 75, the date that such member has received such benefit for a period of six months or upon the date of such member's retirement, whichever first occurs.

(B) Long-term disability benefit payments shall be in lieu of any accidental total disability benefit that a member may be eligible to receive under subsection (3) of K.S.A. 74-4916 and amendments thereto. Such plan may provide that any amount which a member receives as a social security benefit or a disability benefit or compensation from any source by reason of any employment including, but not limited, to workers compensation benefits may be deducted from the amount of insured disability benefit payments under such plan, except that not more than 50% of such workers compensation benefits shall be deducted therefrom. *Such insured disability payments shall accrue from the later of the 181st day of total disability or the first day upon which the member ceases to draw compensation from the employer. If the social security benefit, workers compensation benefit, other income or wages or other disability benefit by reason of employment, or any part thereof, is paid in a lump sum, the amount of the reduction shall be calculated on a monthly basis over the period of time for which the lump sum is given.* In no case shall a member who is entitled to receive insured disability benefits receive less than \$50 per month. As used in this section, "workers



compensation benefits" means the total award of disability benefit payments under the workers compensation act notwithstanding any payment of attorney fees from such benefits as provided in the workers compensation act.

(C) The plan may include other provisions relating to qualifications for benefits; schedules and graduation of benefits; limitations of eligibility for benefits by reason of termination of employment or membership; conversion privileges; limitations of eligibility for benefits by reason of leaves of absence, military service or other interruptions in service; limitations on the condition of long-term disability benefit payment by reason of improved health; requirements for medical examinations or reports; or any other reasonable provisions as established by rule and regulation of uniform application adopted by the board.

(D) On and after April 30, 1981, the board may provide under the plan for the continuation of long-term disability benefit payments to any former member who forfeits the entitlement to continued service credit under the retirement system or continued assistance in the purchase of retirement annuities under K.S.A. 74-4925 and amendments thereto and to continued long-term disability benefit payments and continued death benefit coverage, by reason of the member's withdrawal of contributions from the retirement system or the repurchase of retirement annuities which were purchased with assistance received under K.S.A. 74-4925 and amendments thereto. Such long-term disability benefit payments may be continued until such individual dies, attains age 65 or is no longer disabled, whichever occurs first.

(E) Any visually impaired person who is in training at and employed by a sheltered workshop for the blind operated by the secretary of social and rehabilitation services and who would otherwise be eligible for the insured disability benefit as described in this section shall not be eligible to receive such benefit due to visual impairment as such impairment shall be determined to be a pre-existing condition.

(2) (A) In the event that a member becomes eligible for a long-term disability benefit under the plan authorized by this section such member shall be given participating service credit for the entire period of such disability. Such member's final average salary shall be computed in accordance with subsection (17) of K.S.A. 74-4902 and amendments thereto except that the years of participating service used in such computation shall be the years of salaried participating service.

(B) In the event that a member eligible for a long-term disability benefit under the plan authorized by this section shall be disabled for a period of five years or more immediately preceding retirement, such member's final average salary shall be adjusted upon retirement by the actuarial salary assumption rates in existence during such period of disability. Effective July 1, 1993, such member's final average salary shall be adjusted upon retirement by 5% for each year of disability after July 1, 1993.

(C) In the event that a member eligible for a long-term disability benefit under the plan authorized by this section shall be disabled for a period of five years or more immediately preceding death, such member's current annual rate shall be adjusted by the actuarial salary assumption rates in existence during such period of disability. Effective July 1, 1993, such member's current annual rate shall be adjusted upon death by 5% for each year of disability after July 1, 1993.

(3) (A) To carry out the legislative intent to provide, within the funds made available therefor, the broadest possible coverage for members who are in active employment or involuntarily absent from such active employment, the plan of death and long-term disability benefits shall be subject to adjustment from time to time by the board within the limitations of this section. The plan may include terms and provisions which are consistent with the terms and provisions of group life and long-term disability policies usually issued to those employers who employ a large number of employees. The board shall have the authority to establish and adjust from time to time the procedures for financing and administering the plan of death and long-term disability benefits authorized by this section. Either the insured death benefit or the insured disability benefit or both such benefits may be financed directly by the system or by one or more insurance companies authorized and licensed to transact group life and group accident and health insurance in this state.

(B) The board may contract with one or more insurance com-

panies, which are authorized and licensed to transact group life and group accident and health insurance in Kansas, to underwrite or to administer or to both underwrite and administer either the insured death benefit or the insured disability benefit or both such benefits. Each such contract with an insurance company under this subsection shall be entered into on the basis of competitive bids solicited and administered by the board. Such competitive bids shall be based on specifications prepared by the board.

(i) In the event the board purchases one or more policies of group insurance from such company or companies to provide either the insured death benefit or the insured disability benefit or both such benefits, the board shall have the authority to subsequently cancel one or more of such policies and, notwithstanding any other provision of law, to release each company which issued any such canceled policy from any liability for future benefits under any such policy and to have the reserves established by such company under any such canceled policy returned to the system for deposit in the group insurance reserve of the fund.

(ii) In addition, the board shall have the authority to cancel any policy or policies of group life and long-term disability insurance in existence on the effective date of this act and, notwithstanding any other provision of law, to release each company which issued any such canceled policy from any liability for future benefits under any such policy and to have the reserves established by such company under any such canceled policy returned to the system for deposit in the group insurance reserve of the fund. Notwithstanding any other provision of law, no premium tax shall be due or payable by any such company or companies on any such policy or policies purchased by the board nor shall any brokerage fees or commissions be paid thereon.

(4) (A) The cost of the plan of death and long-term disability benefits shall be paid from a special reserve hereby created in the fund, to be known as the group insurance reserve. Each participating employer shall appropriate and pay to the system in such manner as the board shall prescribe in addition to the employee and employer retirement contributions an amount equal to .6% of the amount of compensation on which the members' contributions to the Kansas public employees retirement system are based for deposit in the group insurance reserve of the Kansas public employees retirement fund.

(B) The director of the budget and the governor shall include in the budget and in the budget request for appropriations for personal services a sum to pay the state's contribution to the group insurance reserve as provided by this section and shall present the same to the legislature for allowances and appropriation.

(C) The provisions of subsection (4) of K.S.A. 74-4920 and amendments thereto shall apply for the purpose of providing the funds to make the contributions to be deposited to the group insurance reserve.

(D) Any dividend or retrospective rate credit allowed by an insurance company or companies shall be credited to the group insurance reserve and the board may take such amounts into consideration in determining the amounts of the benefits under the plan authorized by this section.

(5) The death benefit provided under the plan of death and long-term disability benefits authorized by this section shall be known and referred to as insured death benefit. The long-term disability benefit provided under the plan of death and long-term disability benefits authorized by this section shall be known and referred to as insured disability benefit.

(6) The board is hereby authorized to establish an optional death benefit plan. Except as provided in subsection (7), such optional death benefit plan shall be made available to all employees who are covered or may hereafter become covered by the plan of death and long-term disability benefits authorized by this section. The cost of the optional death benefit plan shall be paid by the applicant either by means of a system of payroll deductions or direct payment to the board. The board shall have the authority and discretion to establish such terms, conditions, specifications and coverages as it may deem to be in the best interest of the state of Kansas and its employees which should include term death benefits for the person's period of active state employment regardless of age, but in no case, on and after January 1, 1989, shall the maximum allowable coverage be less

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than \$200,000. The cost of the optional death benefit plan shall not be established on such a basis as to unreasonably discriminate against any particular age group. The board shall have full administrative responsibility, discretion and authority to establish and continue such optional death benefit plan and the director of accounts and reports of the department of administration shall when requested by the board and from funds appropriated or available for such purpose establish a system to make periodic deductions from state payrolls to cover the cost of the optional death benefit plan coverage under the provisions of this subsection (6) and shall remit all deductions together with appropriate accounting reports to the system. All funds received by the board, whether in the form of direct payments, payroll deductions or otherwise, shall be accounted for separately from all other funds of the retirement system and shall be paid into a special reserve hereby created in the fund, to be known as the optional death benefit plan reserve, from which reserve the board is authorized to make the appropriate payments and to pay the ongoing costs of administration of such optional death benefit plan as may be incurred in carrying out the provisions of this subsection (6).

(7) Any employer other than the state of Kansas which is currently a participating employer of the Kansas public employees retirement system or is in the process of affiliating with the Kansas public employees retirement system may also elect to affiliate for the purposes of subsection (6). All such employers shall make application for affiliation with such system in the manner provided by K.S.A. 74-4910 and amendments thereto, to be effective on January 1 next following application. Such optional death benefit plan shall not be available for employees of employers specified under this subsection until after July 1, 1988.

Sec. 18. On and after July 1, 1994, K.S.A. 74-4939 is hereby amended to read as follows: 74-4939. (1) Except as otherwise provided in this section, the provisions of K.S.A. 74-4919 and 74-4920, and amendments to such sections thereto, shall apply to employee and employer contributions and obligations.

(2) The employer contribution rate for participating employers who are eligible employers as specified in subsections (1), (2) and (3) of K.S.A. 74-4931 and amendments thereto shall be as certified by the board. Participating employers shall certify to the state board of education before September 15 of each year the anticipated total compensation to be paid during the next fiscal year to employees who are or are to become members. The state board of education shall transmit the information necessary to the division of the budget and the governor who shall include in the budget and budget document each year thereafter provisions for the transfer from the state general fund of sufficient sums to satisfy the participating employer's obligation under this act. The director of accounts and reports shall make a transfer therefor to the system quarterly, at the same time such employee contributions are remitted by such participating employers. *Such transfer from the general fund of sufficient sums to satisfy the participating employer's obligation shall not include any adjustments for individual employee's service in prior periods. The employer's obligation for such adjustments shall be paid by the participating employer.* Transfers required by this subsection shall be provided for annually by act of the legislature.

(3) Participating employers who are eligible employers as specified in subsection (4) of K.S.A. 74-4931 and amendments thereto shall pay to the system employer contributions at a rate of contribution as certified by the board.

(4) Upon the effective date of this act, the transfers for the employer's obligation pursuant to subsection (2) for the quarter commencing on January 1, 1987, shall be made on July 1, 1987, together with interest thereon at the rate of 6.72% per annum from the date the payment would have been made as provided in this section immediately prior to this amendment until the date paid.

Sec. 19. On and after July 1, 1994, K.S.A. 1993 Supp. 74-4952 is hereby amended to read as follows: 74-4952. As used in K.S.A. 74-4951 to 74-4969 and amendments thereto:

(1) "Accumulated contributions" means the sum of all contributions by a member to the system which shall be credited to the member's account with interest allowed thereon after June 30, 1982.

(2) "Disability" means the total inability to perform permanently the duties of the position of a policeman or fireman.

(3) "Eligible employer" means any city, county, township or other

political subdivision of the state employing one or more employees as firemen or policemen.

(4) "Employee" means any policeman or fireman employed by a participating employer whose employment for police or fireman purposes is not seasonal or temporary and requires at least 1,000 hours of work per year.

(5) "Entry date" means the date as of which an eligible employer joins the system; the first entry date pursuant to this act is January 1, 1967.

(6) "Final average salary" means:

(a) For members who are first hired as an employee, as defined in subsection (4), before July 1, 1993, the average highest annual compensation paid to a member for any three of the last five years of participating service immediately preceding retirement or termination of employment, or if participating service is less than three years, then the average annual compensation paid to the member during the full period of participating service, or if a member has less than one calendar year of participating service, then the member's final average salary shall be computed by multiplying the member's highest monthly salary received in that year by 12; and

(b) for members who are first hired as an employee, as defined in subsection (4), on and after July 1, 1993, the average highest annual salary, as defined in subsection (34) of K.S.A. 74-4902 and amendments thereto, paid to a member for any three of the last five years of participating service immediately preceding retirement or termination of employment, or if participating service is less than three years, then the average annual salary, as defined in subsection (34) of K.S.A. 74-4902 and amendments thereto, paid to the member during the full period of participating service, or if a member has less than one calendar year of participating service, then the member's final average salary shall be computed by multiplying the member's highest monthly salary received in that year by 12.

(c) For purposes of subparagraphs (a) and (b) of this subsection, the date that such member is first hired as an employee for members who are employees of employers that elected to participate in the system on or after January 1, 1994, shall be the date that such employee's employer elected to participate in the system.

(d) For any member who begins having contributions deducted from such member's compensation on or after July 1, 1994, at a percentage rate equal to two or three times the employee's rate of contribution or begins paying to the system a lump-sum amount to purchase or repurchase service credit for certain periods of service as provided by law on or after July 1, 1994, and such deductions or lump-sum payment commenced after the commencement of the first payroll period in the fourth quarter for members who are employees of the state of Kansas or after the commencement of the first payroll period in the third quarter for members who are employees of any employer other than the state of Kansas, "final average salary" shall not include any amount of compensation or salary which is based on such member's purchase or repurchase.

(7) "Retirement benefit" means a monthly income or the actuarial equivalent thereof paid in such manner as specified by the member as provided under the system or as otherwise allowed to be paid at the discretion of the board, with benefits accruing from the first day of the month coinciding with or following retirement and ending on the last day of the month in which death occurs. Upon proper identification such surviving spouse may negotiate the warrant issued in the name of the retiree.

(8) "Normal retirement date" means the date on or after which a member may retire with eligibility for retirement benefits for age and service as provided in subsections (1) and (3) of K.S.A. 74-4957 and amendments thereto;

(9) "Retirement system" or "system" means the Kansas police and firemen's retirement system as established by this act and as it may be hereafter amended.

(10) "Service-connected" means with regard to a death or any physical or mental disability, any such death or disability resulting from external force, violence or disease occasioned by an act of duty as a policeman or fireman and, for any member after five years of credited service, includes any death or disability resulting from a heart disease or disease of the lung or respiratory tract or cancer as provided in this subsection, except that in the event that the member ceases to be a contributing member except by reason of a service-connected disability for a period of six months or more and then again becomes a contributing member, the provision relating to death



or disability resulting from a heart disease, disease of the lung or respiratory tract or cancer as provided in this subsection shall not apply until such member has again become a contributing member for a period of not less than two years or unless clear and precise evidence is presented that the heart disease, disease of the lung or respiratory tract or cancer as provided in this subsection was in fact occasioned by an act of duty as a policeman or fireman. The provisions of this section relating to the presumption that the death or disability resulting from cancer is service-connected shall only apply if the condition that caused the death or disability is a type of cancer which may, in general, result from exposure to heat, radiation or a known carcinogen.

(11) "Fireman" or "firemen" means an employee assigned to the fire department and engaged in the fighting and extinguishment of fires and the protection of life and property therefrom or in support thereof and who is specifically designated, appointed, commissioned or styled as such by the governing body or city manager of the participating employer and certified to the retirement system as such.

(12) "Police," "policeman" or "policemen" means an employee assigned to the police department and engaged in the enforcement of law and maintenance of order within the state and its political subdivisions, including sheriffs and sheriffs' deputies, or in support thereof and who is specifically designated, appointed, commissioned or styled as such by the governing body or city manager of the participating employer and certified to the retirement system as such.

(13) Except as otherwise defined in this act, words and phrases used in K.S.A. 74-4951 to 74-4969, and amendments thereto, shall have the same meanings ascribed to them as are defined in K.S.A. 74-4902 and amendments thereto.

Sec. 20. K.S.A. 74-4956 is hereby amended to read as follows: 74-4956. (1) Prior service shall be credited as follows:

(a) Each member shall receive:

(i) Full credit for all employment, whether or not continuous, as either a policeman or fireman prior to the entry date with such member's employer who is such member's employer on the entry date;

(ii) full credit for all employment, whether or not continuous, as either a police or fireman prior to the entry date of such police or fireman's employer, with a participating employer, if such member has at least 20 years of credited service; and

(iii) for all continuous employment with the same employer other than either as policeman or fireman, immediately preceding such service as a policeman or fireman, 12 months of credit for each 24 months of service. Any member or retirant who has been credited with prior service as provided in this section may apply to the board on such forms as the board prescribes for prior service credit with a participating employer under the Kansas police and firemen's retirement system other than such member's entry date employer. Each member shall receive full credit for all employment as either a policeman or fireman with such other participating employers and shall receive 12 months of credit for each 24 months of continuous service with other participating employers for continuous employment preceding service as a policeman or fireman. Upon receipt of written verification of such employment from such other participating employer, the board may grant such additional prior service credit. With respect to a retirant, the board shall adjust the amount of the retirement benefit accordingly commencing with the next monthly benefit payment due following receipt of written verification. In the case of any person other than a retirant receiving a retirement benefit, such person may make application for an adjustment in the benefit amount in the same manner as a member or retirant, and in such case the adjustment in the benefit amount shall be determined by the board upon the advice of the actuary, and shall commence with the next monthly benefit payment due following receipt of written verification, except that no additional prior service credit shall be granted for any service with another participating employer for which benefits are being received or will be received.

If a member was employed as a fireman (other than as a volunteer fireman) by a township which is annexed by a participating employer the member's retirement benefits and death and disability benefits shall be computed on the basis of credited service. Continuous service as a fireman with a township prior to annexation by a member, who became a member immediately following the annexation, shall be considered credited service.

No such service shall be considered credited service for the pur-

pose of computing years of service if such fireman is receiving or will become eligible to receive benefits as a result of such service with the township.

(b) Leaves of absence and military service shall not be counted as breaks in continuous employment; however, military service which is preceded within 30 days and followed by employment with a participating employer shall be credited, except that after July 1, 1974, not more than five years credit for military service shall be granted hereunder, but leaves of absence shall not be credited.

(2) Participating service shall be credited as follows: (a) A member shall receive credit for participating service with a participating employer in accordance with the rules and regulations established by the board. No more than one calendar quarter of participating service shall be credited for employment within any one calendar quarter.

(b) No credit shall be allowed for service after the first day of the month coinciding with or following the attainment of age 60 except for the purpose of fulfilling the required years of service as provided in K.S.A. 74-4957 and amendments thereto.

(c) Leaves of absence shall not be counted as a termination of employment provided the member leaves such member's accumulated contributions on deposit with the system and returns to employment with the employer granting such leave; however, the period of leave of absence shall not be credited service.

(d) Military service shall not count as a break in continuous employment provided the member leaves such member's accumulated contributions on deposit with the system and returns to employment within 12 months of such member's discharge from military service without voluntarily extending such member's service. Such member shall receive credited service for such period of military service.

(e) Termination of employment with a participating employer followed by employment with the same or another participating employer within two years shall not constitute a termination of membership provided the member leaves such member's accumulated contributions on deposit with the system; however, the period while not employed shall not be credited.

(3) In determining the number of years of credited service for calculation of retirement benefits a fractional year of six months or more of credited service shall be considered as one year and a fractional year of less than six months of credited service shall be disregarded.

Sec. 21. On and after July 1, 1994, K.S.A. 74-4957 is hereby amended to read as follows: 74-4957. (1) The normal retirement date for a member of the system who is appointed or employed prior to July 1, 1989, and who does not make an election pursuant to K.S.A. 74-4955a shall be the first day of the month coinciding with or following the attainment of age 55 and the completion of 20 years of credited service. Any member may retire on such member's normal retirement date or on the first day of any month thereafter.

(2) *Early retirement.* Any member who is appointed or employed prior to July 1, 1989, and who does not make an election pursuant to K.S.A. 74-4955a and amendments thereto may retire before such member's normal retirement date on the first day of any month coinciding with or following the attainment of age 50 and the completion of 20 years of credited service.

(3) *Notwithstanding* the provisions of subsections (1) and (2) of this section and K.S.A. 74-4955a, 74-4957a, 74-4958a, 74-4960a, 74-4963a and 74-4964a *notwithstanding and amendments thereto*, the normal retirement date for any member who was, up to the entry date of such member's employer, covered by a pension system under the provisions of K.S.A. 13-14a01 to 13-14a14, inclusive, or 14-10a01 to 14-10a15, inclusive, and amendments thereto, shall be the first day of the month coinciding with or following the attainment of age 50 and the completion of 25 years of credited service.

(4) In no event shall a member be eligible to retire until such member has been a contributing member of the system for 12 months of participating service, and shall have given such member's employer prior notice of retirement.

(5) If a retirant *who retired on or after July 1, 1994*, is employed, elected or appointed in or to any position or office for which compensation for service is paid, *during calendar year 1994, and all calendar years thereafter, in an amount equal to \$11,160 or more*

(continued)

in any one such calendar year, by the same state agency or the same police or fire department of any county, city, township or special district or the same sheriff's office of a county for a period of more than 30 days in any one calendar year during the final two years of such retiree's participation, such retiree shall not receive any retirement benefit for any month for which such retiree serves in such position or office. Such retiree may elect to revoke their retirement and become an active member and make employee contributions to the system and receive service credit for any service after the date of commencement of service in such position or office by filing with the office of the retirement system a notice of such intention in such form and manner as the board prescribes within 10 days after the date of commencement of service in such position or office. Any retiree employed by a participating employer in the Kansas police and firemen's retirement system shall not make contributions nor receive additional credit under such system for such service except as provided by this section. Upon request of the executive secretary of the system, the secretary of revenue shall provide such information as may be needed by the executive secretary to carry out the provisions of this act.

Sec. 22. K.S.A. 1993 Supp. 74-4965 is hereby amended to read as follows: 74-4965. (1) Except as otherwise provided in this section, each participating employer shall, beginning with the first payroll period for services performed after the entry date, deduct from the compensation of each member 7% of such member's compensation as employee contributions, except that in the case of a member whose employment is covered by social security and the member is a member of the class certified in the case of *Brazelton v. Kansas public employees retirement system*, 227 K. 443, 607 P.2d 510 (1980), the deduction from such member's compensation shall be reduced by the amount of such member's contributions to social security.

(2) For any member other than a member who is a member of the class certified in the case of *Brazelton v. Kansas public employees retirement system*, 227 K. 443, 607 P.2d 510 (1980), no employee contributions shall be reduced because of contributions to social security.

(3) All such deductions shall be remitted quarterly, or as the board may otherwise provide, to the executive secretary for credit to the Kansas public employees retirement fund and shall be credited to the members' individual accounts. Interest on each member's accumulated contributions at the rate determined under subsection (a) of K.S.A. 74-4922 and amendments thereto shall be added annually to the member's individual account.

(4) For all payroll periods commencing on or after the effective date of this act, each participating employer shall deduct from the compensation of each member who has received 32 years of credited service or who has attained age 60 and who has received 20 years of credited service, 2% of such member's compensation as employee contributions.

(5) (a) Each participating employer, pursuant to the provisions of section 414(h)(2) of the United States internal revenue code, shall pick up and pay the contributions which would otherwise be payable by members as prescribed in subsection (1) commencing with the third quarter of 1984. The contributions so picked up shall be treated as employer contributions for purposes of determining the amounts of federal income taxes to withhold from the member's compensation.

(b) Member contributions picked up by the employer shall be paid from the same source of funds used for the payment of compensation to a member. A deduction shall be made from each member's compensation equal to the amount of the member's contributions picked up by the employer, provided that such deduction shall not reduce the member's compensation for purposes of computing benefits under the system.

(c) Member contributions picked up by the employer shall be remitted quarterly, or as the board may otherwise provide, to the executive secretary for credit to the Kansas public employees retirement fund. Such contributions shall be credited to a separate account within the member's individual account so that amounts contributed by the member commencing with the third quarter of 1984 may be distinguished from the member contributions picked up by the employer. Interest shall be added annually to members' individual accounts.

Sec. 23. On and after July 1, 1994, K.S.A. 1993 Supp. 74-4989 is hereby amended to read as follows: 74-4989. (1) (a) Except as provided in subsection (1)(b), upon the death of a retiree, the board of trustees of the Kansas public employees retirement system shall pay a lump-sum death benefit which shall not exceed \$4,000 for such retiree, less any amount payable for funeral benefits under the applicable provisions of any local police or fire pension plan, as defined by subsection (c) of K.S.A. 12-5001 and amendments thereto.

(b) Notwithstanding the provisions of K.S.A. 74-4923 and amendments thereto, any amounts owed the system shall be deducted from such lump-sum death benefit.

(2) As used in this section, "retiree" means any person who is a member or special member of the Kansas public employees retirement system, the Kansas police and firemen's retirement system, the state school retirement system or the retirement system for judges and who has retired.

Sec. 24. On and after July 1, 1994, K.S.A. 1993 Supp. 74-4990 is hereby amended to read as follows: 74-4990. (1) An arrearage obligation shall arise when it is ascertained that required contributions have not been made to the Kansas public employees retirement system at the required time. Such arrearage obligation shall be met by the employer by preparing a report on the appropriate form to correct all previous quarterly reports affected by the arrearage obligation. Such report shall be submitted by the employer with the first quarterly report after such an arrearage obligation is discovered or as the board of trustees of the system may otherwise prescribe. The proper remittance to cover employer contributions in arrearage shall accompany such report or as the board of trustees of the system may otherwise prescribe. The amounts due for an arrearage obligation shall be based upon the compensation paid to the member and at the rates in effect at the time the contributions were originally due to be paid to the system.

(2) In the event the proper remittance to cover employee contributions in arrearage does not accompany such report, service credits for that period of employment involving the arrearage obligation may be purchased by the member as participating service at any time prior to retirement by making application therefor and paying to the system a single lump-sum amount determined by the system's actuary using (a) the member's then current annual rate of compensation, or if not actively employed, the member's annual rate of compensation when last participating and (b) the actuarial assumptions and tables currently in use by the system.

(3) Any member may purchase participating service credits for that period of employment involving the arrearage obligation as described in this section by electing to effect such purchase by means of having employee contributions as provided in K.S.A. 74-4919 and amendments thereto deducted from such member's compensation at a percentage rate equal to two times or three times the employee's rate of contribution as provided in K.S.A. 74-4919 and amendments thereto for such periods of service, in lieu of a lump-sum amount as provided in this section. Such deductions shall commence at the beginning of the quarter following such election and shall remain in effect until all quarters of such service have been purchased.

(4) Notwithstanding the provisions of this section, no employee contributions shall be due and owing for stipulated compensation amounts paid to any employee or former employee of a city of the first class whose dispute with such city was settled by stipulation of settlement either in Case No. 90-2328-0 in the United States District Court for the District of Kansas or in Case No. 91-1182 in the Supreme Court of the United States. Any such employee or former employee may elect to remit such employee contributions to the system. No employee or former employee whose contributions are deemed not to be due or owing or who did not elect to remit such employee contributions to the system as provided in this section according to this provision shall have any claim against the Kansas public employees retirement system for any retirement, disability, death or survivors benefit or any return of accumulated contributions based on such contributions or on the compensation amounts that would have been reflected by such contributions.

Sec. 25. On and after July 1, 1994, K.S.A. 74-49,104 is hereby amended to read as follows: 74-49,104. The normal retirement date for any person who is a member of the Kansas public employees retirement system pursuant to subsection (b) of K.S.A. 74-4999 and amendments thereto and who retires on or after July 1, 1994, shall

be the first day of the month coinciding with or following the attainment of age 65 or age 62 with the completion of 10 years of credited service or the first day of the month coinciding with or following the date that the total of the number of years of credited service and the number of years of attained age of the person is equal to or more than 85. Any such person may retire before such member's normal retirement date on the first day of any month coinciding with or following the attainment of age 55 with the completion of 10 years of credited service, upon the filing with the office of the retirement system of an application for retirement in such form and manner as the board may prescribe. Any member who retires before such member's normal retirement date as provided in this subsection shall have such member's retirement benefit determined as provided in subsection (2) of K.S.A. 74-4915 and amendments thereto. Notwithstanding any provision of K.S.A. 74-4915 and amendments thereto to the contrary, any person who is a member of the Kansas public employees retirement system pursuant to subsection (b) of K.S.A. 74-4999 and amendments thereto and who retires on or after July 1, 1975, shall be entitled to the greater total retirement benefit of the following:

(a) The retirement benefit provided for in K.S.A. 74-4915 and any amendments thereto; or

(b) the retirement benefit provided for members of the retirement system for court reporters, as such phrase is defined in subsection (a) of K.S.A. 74-4999 and amendments thereto, under the laws in effect on the date immediately preceding the effective date of this act; or

(c) The retirement benefit provided for members of the retirement system for court reporters, as such phrase is defined in subsection (a) of K.S.A. 74-4999 and amendments thereto, under the laws in effect on the date immediately preceding July 1, 1975, except that such benefit shall be computed on the basis of final average salary, as such phrase is defined in subsection (17) of K.S.A. 74-4902 and amendments thereto, and there shall be no reduction in such payments for any benefits which such member is receiving or is eligible to receive under the federal social security act. As used in this section and K.S.A. 74-49,106 and amendments thereto, "federal social security act" includes the Kansas and federal old-age survivors and disability insurance acts.

Each person who is a member of the Kansas public employees retirement system pursuant to subsection (a) of K.S.A. 74-4999 and amendments thereto and who retired prior to July 1, 1982, shall have such member's retirement benefit recalculated under this section as amended by this act. If such recalculation results in an increase in such member's retirement benefit, such increase shall accrue and be payable to such member on and after July 1, 1982.

Sec. 26. On and after July 1, 1994, K.S.A. 74-49,105 is hereby amended to read as follows: 74-49,105. Every retirement benefit received by any person under subsection (b) of K.S.A. 74-49,104 and amendments thereto shall be exempt from any tax of the state of Kansas or any political subdivision or taxing body of the state; shall not be subject to execution, garnishment, attachment or *except as otherwise provided*, any other process or claim whatsoever, including decrees for support or maintenance; and shall be unassignable. Any retirement benefit due and owing to any person under subsection (b) of K.S.A. 74-49,104 and amendments thereto is subject to claims of an alternate payee under a qualified domestic relations order. As used in this subsection, the terms "alternate payee" and "qualified domestic relations order" shall have the meaning ascribed to them in section 414(p) of the United States internal revenue code of 1954, as amended. The provisions of this act shall apply to any qualified domestic relations order which was filed or amended either before or after July 1, 1994.

Sec. 27. On and after July 1, 1994, K.S.A. 74-49,116 is hereby amended to read as follows: 74-49,116. (a) Except as otherwise provided by this section, any payments due the system by a participating employer under the provisions of subsection (6) of K.S.A. 74-4914 and amendments thereto and subsection (1) of K.S.A. 74-4917 and amendments thereto may be recovered by the system by offsetting against any funds of the participating employer held by the county treasurer in accordance with this subsection. To offset and recover the payments due the system, the system shall certify the amount of such liability to the officials of the participating employer and the county treasurer. Upon receipt of the system's cer-

tification, the county treasurer shall remit the amount certified to the system from the funds of such participating employer within 30 days after receipt of such certification. The county treasurer shall notify the participating employer of the amount remitted to the system.

(b) Any payments due the system by a state agency which is a participating employer under the provisions of subsection (6) of K.S.A. 74-4914 and amendments thereto and subsection (1) of K.S.A. 74-4917 and amendments thereto may be recovered by the system by offsetting against any moneys in the accounts and funds appropriated for the state agency and from which salaries and wages are paid to employees of the state agency. The system shall certify the amount of such liability to the chief administrative officer of the state agency and to the director of accounts and reports. Upon receipt of the system's certification, the director of accounts and reports shall transfer the amount certified from such accounts or funds of the state agency to the Kansas public employees retirement fund within 30 days after receipt of such certification. The director of accounts and reports shall notify the state agency of the amount transferred to the Kansas public employees retirement fund.

(c) Any payments due the system from a participating employer which is an eligible employer as provided in K.S.A. 74-4931 and amendments thereto under the provisions of subsection (6) of K.S.A. 74-4914 and amendments thereto and subsection (1) of K.S.A. 74-4917 and amendments thereto may be recovered by the system in accordance with this subsection by offsetting against any moneys payable to such participating employer from moneys appropriated from the state general fund to the department of education. The system shall certify the amount of such liability to the officials of such participating employer, the commissioner of education and the director of accounts and reports. Upon receipt of the system's certification, the director of accounts and reports shall transfer the amount certified from the moneys appropriated from the appropriate account of the state general fund, as determined by the department of education to the Kansas public employees retirement fund within 30 days after receipt of such certification. The system and the department of education shall credit such participating employer with the amount so offset and recovered in the respective accounts. The department of education shall notify such participating employer of each such amount offset and recovered by the system under this subsection.

Sec. 28. On and after July 1, 1994, K.S.A. 1993 Supp. 75-2935 is hereby amended to read as follows: 75-2935. The civil service of the state of Kansas is hereby divided into the unclassified and the classified services.

(1) The unclassified service comprises positions held by state officers or employees who are:

- (a) Chosen by election or appointment to fill an elective office;
- (b) members of boards and commissions, heads of departments required by law to be appointed by the governor or by other elective officers, and the executive or administrative heads of offices, departments, divisions and institutions specifically established by law;
- (c) except as otherwise provided under this section, one personal secretary to each elective officer of this state, and in addition thereto, 10 deputies, clerks or employees designated by such elective officer;
- (d) all employees in the office of the governor;
- (e) officers and employees of the senate and house of representatives of the legislature and of the legislative coordinating council and all officers and employees of the office of revisor of statutes, of the legislative research department, of the division of legislative administrative services, of the division of post audit and the legislative counsel;

(f) chancellor, president, deans, administrative officers, student health service physicians, pharmacists, teaching and research personnel, health care employees and student employees in the institutions under the state board of regents, the executive officer of the board of regents and the executive officer's employees other than clerical employees, and, at the discretion of the state board of regents, directors or administrative officers of departments and divisions of the institution and county extension agents, except that this subsection (1)(f) shall not be construed to include the custodial, clerical or maintenance employees, or any employees performing duties in connection with the business operations of any such in-

(continued)

stitution, except administrative officers and directors; as used in this subsection (1)(f), "health care employees" means employees of the university of Kansas medical center who provide health care services at the university of Kansas medical center and who are medical technicians or technologists or respiratory therapists, who are licensed professional nurses or licensed practical nurses, or who are in job classes which are designated for this purpose by the chancellor of the university of Kansas upon a finding by the chancellor that such designation is required for the university of Kansas medical center to recruit or retain personnel for positions in the designated job classes; and employees of any institution under the state board of regents who are medical technologists;

(g) operations, maintenance and security personnel employed to implement agreements entered into by the adjutant general and the federal national guard bureau, and officers and enlisted persons in the national guard and the naval militia;

(h) persons engaged in public work for the state but employed by contractors when the performance of such contract is authorized by the legislature or other competent authority;

(i) persons temporarily employed or designated by the legislature or by a legislative committee or commission or other competent authority to make or conduct a special inquiry, investigation, examination or installation;

(j) officers and employees in the office of the attorney general and special counsel to state departments appointed by the attorney general, except that officers and employees of the division of the Kansas bureau of investigation shall be in the classified or unclassified service as provided in K.S.A. 75-711 and amendments thereto;

(k) all employees of courts;

(l) client, patient and inmate help in any state facility or institution;

(m) all attorneys for boards, commissions and departments;

(n) the secretary and assistant secretary of the Kansas state historical society;

(o) physician specialists, dentists, dental hygienists, pharmacists and medical technologists employed by the commissioner of mental health and retardation services and assigned by the commissioner to a position in mental health and retardation services or any institution under the supervision of the state department of social and rehabilitation services;

(p) physician specialists, dentists and medical technologists employed by any board, commission or department or by any institution under the jurisdiction thereof;

(q) student employees enrolled in public institutions of higher learning;

(r) administrative officers, directors and teaching personnel of the state board of education and the state department of education and of any institution under the supervision and control of the state board of education, except that this subsection (1)(r) shall not be construed to include the custodial, clerical or maintenance employees, or any employees performing duties in connection with the business operations of any such institution, except administrative officers and directors;

(s) all officers and employees in the office of the secretary of state;

(t) one personal secretary and one special assistant to the following: The secretary of administration, the secretary of aging, the secretary of commerce, the secretary of corrections, the secretary of health and environment, the superintendent of the Kansas highway patrol, the secretary of human resources, the secretary of revenue, the secretary of social and rehabilitation services, the secretary of transportation and the secretary of wildlife and parks;

(u) one personal secretary and one special assistant to the chancellor and presidents of institutions under the state board of regents;

(v) one personal secretary and one special assistant to the executive vice chancellor of the university of Kansas medical center;

(w) one public information officer and one chief attorney for the following: The department of administration, the department on aging, the department of commerce, the department of corrections, the department of health and environment, the department of human resources, the department of revenue, the department of social and rehabilitation services, the department of transportation and the Kansas department of wildlife and parks;

(x) civil service examination monitors;

(y) one executive director, one general counsel and one director of public affairs and consumer protection in the office of the state corporation commission;

(z) specifically designated by law as being in the unclassified service.

(2) The classified service comprises all positions now existing or hereafter created which are not included in the unclassified service. Appointments in the classified service shall be made according to merit and fitness from eligible lists prepared upon the basis of examination which so far as practicable shall be competitive. No person shall be appointed, promoted, reduced or discharged as an officer, clerk, employee or laborer in the classified service in any manner or by any means other than those prescribed in the Kansas civil service act and the rules adopted in accordance therewith.

(3) For positions involving unskilled, or semiskilled labor, the secretary of administration, as provided by law, shall establish rules and regulations concerning certifications, appointments, layoffs and reemployment which may be different from the rules and regulations established concerning these processes for other positions in the classified service.

(4) Officers authorized by law to make appointments to positions in the unclassified service, and appointing officers of departments or institutions whose employees are exempt from the provisions of the Kansas civil service act because of the constitutional status of such departments or institutions shall be permitted to make appointments from appropriate registers of eligibles maintained by the division of personnel services.

Sec. 29. On and after July 1, 1994, K.S.A. 1993 Supp. 75-6801 is hereby amended to read as follows: 75-6801. (a) As used in this section:

(1) "Executive secretary" means the executive secretary of the Kansas public employees retirement system.

(2) "F.T.E. positions" means the number of full time and regular part time positions equated to full time, excluding seasonal and temporary positions, paid from appropriations.

(3) "Head of the governmental branch" means the governor, in the case of the executive branch; and the legislative coordinating council, in the case of the legislative branch.

(4) "Retiree" means any person electing to retire pursuant to K.S.A. 74-4914, and amendments thereto, except that "retiree" shall not include any person who is retiring from a position which provides direct care for patients at Topeka state hospital, Osawatomie state hospital, Rainbow mental health facility or Larned state hospital, Kansas neurological institute, Parsons state hospital and training center, Winfield state hospital and training center and university of Kansas medical center.

(b) The executive secretary shall provide the head of the governmental branch notice of the name, employing state agency and retirement date of each retiree retiring after the effective date of this act and such other information that may be prescribed by the head of the governmental branch.

(c) (1) Upon receipt of each notice pursuant to subsection (b) regarding a retiree employed by a state agency in the executive branch, the governor shall direct the secretary of administration to reduce by one the number of F.T.E. positions authorized for the state agency that employed the retiree and reduce the expenditure authority of such state agency in an amount attributable to the amount of unused salary and employer-paid benefits attributable to the retiree's job position.

(2) Upon receipt of each notice pursuant to subsection (c) regarding a retiree employed by a state agency in the legislative branch, the legislative coordinating council shall reduce by one the number of F.T.E. positions for the state agency that employed the retiree and reduce the expenditure authority of such state agency in an amount attributable to the retiree's job position.

(d) (1) For reductions made in the executive branch of government, the governor is authorized to restore or allocate, to any state agency or agencies within the executive branch, no more than  $\frac{3}{4}$  of the F.T.E. positions and expenditure authority reductions made pursuant to subsection (c)(1), except that, upon request of the governor, the reduced number of authorized F.T.E. positions and the reduced amount of expenditure authority established under subsection (c)(1) for a state agency in the executive branch of government may be increased upon approval by the state finance council acting



on this matter which is hereby characterized as a matter of legislative delegation and subject to the guidelines prescribed in subsection (c) of K.S.A. 75-3711c and amendments thereto.

(2) For reductions made in the legislative branch of government, the legislative coordinating council is authorized to restore or allocate, to any state agency or agencies within the legislative branch, no more than  $\frac{3}{4}$  of the F.T.E. positions and expenditure authority reductions made pursuant to subsection (c)(2), except that, upon request of the agency head, the reduced number of authorized F.T.E. positions and the reduced amount of expenditure authority established under subsection (c) for a state agency in the legislative branch of government may be increased upon approval by the legislative coordinating council.

(e) The secretary of administration is authorized to prescribe such policies and procedures as may be deemed necessary to carry out the provisions of this section.

Sec. 30. On and after July 1, 1994, K.S.A. 76-746 is hereby amended to read as follows: 76-746. (a) The state board of regents is hereby authorized to develop and implement a ~~reduced-service phased-retirement~~ program for ~~faculty members unclassified employees~~ of state educational institutions under the control and supervision of the board in accordance with the provisions of this act. Subject to rules and regulations adopted by the state board of regents ~~therefor~~, each state educational institution may enter into ~~reduced-service phased-retirement~~ agreements under this section with ~~officers and unclassified employees~~ of the institution who are ~~faculty members in the unclassified service under the Kansas civil service act and who are at least 60 years of age but who are under 65 years of age~~. Such ~~faculty members~~ shall be eligible for participation in a ~~reduced-service~~ program during the academic year in which the faculty member becomes 60 years of age and until the end of the academic year in which the faculty member becomes 65 years of age. ~~Reduced-service~~ agreements shall provide that the ~~faculty member unclassified employee~~ shall accept an appointment in a position which is less than the ~~faculty member's employee's~~ current appointment but which is at least  $\frac{1}{4}$  time, and the state educational institution shall pay on behalf of the ~~faculty member (a) employee~~ (1) the amount specified by the Kansas state employees health care commission under K.S.A. 75-6508, and amendments thereto, as if the ~~faculty member employee~~ is serving under a full-time appointment as an employee of the state educational institution and participating in the state health care benefits program to provide for such participation of the ~~faculty member employee~~, (b) (2) the amount required to assist in the purchase of retirement annuities under K.S.A. 74-4925, and amendments thereto, as if the ~~faculty member employee~~ is serving under a full-time appointment as an employee of the state educational institution, and (c) (3) the amount required as contributions under subsection (2) of K.S.A. 74-4927a, and amendments thereto, as if the ~~faculty member employee~~ is serving under a full-time appointment as an employee of the state educational institution at the full-time equivalent salary. For each ~~faculty member unclassified employee~~ who has entered into a ~~reduced-service phased-retirement~~ agreement with an ~~state educational institution under this section and who is at least 60 years of age but who is under 65 years of age~~, the full-time equivalent salary, calculated as if the ~~faculty member employee~~ is serving under a full-time appointment as an employee of the state educational institution, shall be utilized for the purposes of calculating all employer provided benefits, including but not limited to, compensation for accumulated sick leave, the insured death benefit and the insured disability benefit under K.S.A. 74-4927, and amendments thereto, and calculating final average salary as defined in subsection (17) of K.S.A. 74-4902, and amendments thereto.

(b) For the purposes of this section, the term "unclassified employee" means an employee of a state educational institution, except health care employees, who is within the unclassified service under the Kansas civil service act and who meets minimum age and service requirements as determined and prescribed by the board of regents.

New Sec. 31. (1) To the extent required by federal law, the system, at the request of any member entitled to withdraw such member's accumulated contributions or to receive a lump-sum benefit or other nonperiodic distribution, shall pay the taxable portion of the accumulated contributions to be withdrawn or lump-sum ben-

efit or other nonperiodic distribution to be received directly to any entity that: (a) Is designated in writing by that person; (b) is qualified under federal law to accept an eligible rollover distribution from a qualified plan; and (c) has agreed to accept the distribution. For purposes of this section, "system" means the Kansas public employees retirement system, Kansas police and firemen's retirement system and the retirement system for judges.

(2) The provisions of this section shall take effect on and after July 1, 1994.

New Sec. 32. (a) The retirement benefit, pension or annuity payments accruing after June 30, 1994, to each retirant and each local school annuitant from the retirant's retirement system or the local school annuitant's separate retirement system maintained by a local school district, shall be increased by an amount equal to the greater of: (1) 1.5% of the retirement benefit, pension or annuity payment in effect on July 1, 1993; or (2) \$.50 for each year of credited service and \$.50 for each year since the retirant's or local school annuitant's retirement or, if a disability recipient, \$.50 for each year of disability from the retirant's retirement system or the local school annuitant's separate retirement system maintained by a local school district. For the purpose of determining years of credited service and years of retirement and disability, as provided in this section, a remainder of six months or more will be rounded to a whole year and a remainder of less than six months will be disregarded. Such payments shall be paid by such retirement system to the retirant or by such separate retirement system maintained by a local school district to the local school annuitant during such period. All such increased payments to local school annuitants shall be paid by the local school district maintaining a separate retirement system and such payments shall be made at no additional cost to any employer other than the local school district. Such payments shall be paid out of the net amount of investment income of the system.

(b) As used in this section:

(1) "Retirant" means (A) any person who is a member of a retirement system and who retired prior to July 1, 1993, (B) any person who is a special member of a retirement system and who retired prior to July 1, 1993, (C) any person who is a joint annuitant or beneficiary of any member described in clause (A) or any special member described in clause (B), and (D) any insured disability benefit recipient, except that "retirant" does not include any person whose total service credit is based exclusively on service as a member of the legislature or exclusively on such legislative service and on military service or out-of-state teaching service, or exclusively on both such military and out-of-state teaching service in conjunction with such legislative service.

(2) "Retirement system" means the Kansas public employees retirement system, the Kansas police and firemen's retirement system, the state school retirement system and the retirement system for judges.

(3) "Local school annuitant" means (A) any person who is an annuitant with 10 or more years of service, who is receiving an annuity from a school district maintaining a separate retirement system, whose annuity is not included, in whole or in part, in payments made to such school district under K.S.A. 72-5512b, and amendments thereto, and who is not a member of a group I or of group II as defined in K.S.A. 72-5518, and amendments thereto, and (B) any person who is receiving an annuity from a school district maintaining a separate retirement system which is receiving an aggregate payment from the Kansas public employees retirement system under K.S.A. 72-5512b, and amendments thereto, and who retired prior to September 1, 1981.

(4) "Insured disability benefit recipient" means any person receiving an insured disability benefit under K.S.A. 74-4927, and amendments thereto, prior to July 1, 1993.

New Sec. 33. (1) Any member of the Kansas police and firemen's retirement system may purchase participating credit for periods of active service in the armed forces of the United States and for periods of service required to fulfill the requirements of section 651 of title 10, United States code, which does not exceed six years. Such member shall be entitled to purchase one quarter of participating service credit for each year of service required to fulfill the requirements

(continued)

of section 651 of title 10, United States code. Such purchase shall be effected by the member submitting proof of such service acceptable to the board and electing in writing in such form as prescribed by the board to make such purchase.

(2) Any member of the retirement system who has not retired shall purchase participating service credit for military service as described in this section by means of a single lump-sum payment. The lump-sum payment shall be an amount determined by the actuary using the member's then current annual rate of compensation, or if not actively employed, the member's annual rate of compensation when last participating, the actuarial assumptions and tables currently in use by the retirement system and the member's attained age. No participating employer shall pay all or any part of the cost of any additional participating service credit to be purchased by means of a lump-sum payment by a member under this section.

(3) Any participating service credit purchased by a member as provided by this section shall not be counted toward or be used in determining whether such member meets the years of credited service requirement provided for in K.S.A. 74-4957 or 74-4957a and amendments thereto.

(4) The provisions of this section shall take effect on and after July 1, 1994.

New Sec. 34. (a) If the member selects or will receive a retirement benefit or annuity which would provide for a life-time payment to a joint annuitant which is less than payment that the joint annuitant would receive under the joint and  $\frac{1}{2}$  to joint annuitant survivor option, as provided in K.S.A. 20-2610a, 74-4918, 74-4964 or 74-4964a and amendments thereto, at the time of such selection of a retirement benefit or annuity the member shall submit a notarized statement of the marital status of the member and, if the member is currently married, a statement of the spouse's consent or objection to the member's selected retirement benefit or annuity under the provisions of this section signed by the spouse and notarized in such form and manner as provided by the system.

(b) (i) If the spouse of the member does not consent to the member's selection of a retirement benefit or annuity under the provisions of this section before the date of actual retirement, the system shall:

(A) Notify the spouse that the spouse has 90 days to consent or have the member change such member's selected retirement benefit or annuity; and

(B) pay the retirement benefit or annuity at the amount as provided by the joint and  $\frac{1}{2}$  to joint annuitant survivor option until the spouse consents or for 90 days, whichever is less.

(ii) Upon consent of the spouse or at the end of 90 days, the retirement benefit or annuity must be recalculated and paid as provided by the terms of the member's original selected retirement benefit or annuity retroactively to the date on which the retirement became effective.

(iii) The system is not liable for any damages resulting from false designation of marital status by a member or retiree.

(c) For purposes of this section, "retirement system" or "system" means the Kansas public employees retirement system, the Kansas police and firemen's retirement system and the retirement system for judges.

(d) The provisions of this section shall take effect on and after July 1, 1994.

New Sec. 35. (a) Any member who is elected or appointed to a full-time position as a school employee representative may elect to continue to participate in the Kansas public employees retirement system under the provisions of this act after the date the member assumes such full-time position as an employee representative. Such election is valid only if the member files notice of such election in the office of the executive secretary of the Kansas public employees retirement system, in a form acceptable to the system, within a reasonable time after the member assumes such full-time position as an employee representative.

(b) For purposes of contribution to and benefits under the Kansas public employees retirement system, compensation of such member shall be a monthly amount equal to the monthly amount of the member's compensation with the member's participating employer at the time the member left to assume such full-time position as an

employee representative. The employer rate of contribution and employee rate of contribution shall be applied to such amount monthly. Such member shall remit the required employee and employer contributions to such member's participating employer monthly in advance with a report as may be required by the system.

(c) Any election by such member under subsection (a) shall remain in effect for a period not to exceed one elected term or until revoked in writing and received by the system or such member becomes an employee of another participating employer or upon failure of such member to remit to such member's participating employer the employee and employer contributions required under subsection (b).

(d) The provisions of subsection (2) of K.S.A. 74-4916 and amendments thereto are not applicable to any person making an election under subsection (a).

(e) The provisions of this section shall take effect on and after July 1, 1994.

New Sec. 36. (1) Any judge, who first became a member of the retirement system for judges after attaining age 60 years, may elect to purchase additional benefits for service credit under the retirement system for judges. In no case shall a judge be entitled to purchase additional benefits as provided in this section if the judge's number of years of credited service and number of years of service credit purchased as provided in this section exceeds 15 years. The benefit for each such year of service credit purchased as provided in this section shall be as provided in K.S.A. 20-2610 and amendments thereto. Such benefit shall be based on the annual compensation of such judge at the time the judge purchases such additional benefits. Such member may purchase such additional benefits by making application therefor prior to date of retirement and making a single lump-sum payment representing the amount that a judge would normally contribute under the system had the years of service credit purchased by the judge as provided in this section actually been years of credited service. Such lump-sum payment shall be based on an amount equal to the then present value of the benefits being purchased as determined by the actuary using the judge's attained age, annual compensation at the time of purchase and the actuarial assumptions and tables then in use by this system. The lump-sum payment shall be made immediately upon being notified of the amount due.

(2) The provisions of this section shall take effect on and after July 1, 1994.

New Sec. 37. (a) Each active or inactive vested member of a local police or fire pension plan, which is maintained and funded by a city which has affiliated prior to the effective date of this act with the Kansas police and firemen's retirement system with regard to all active members and retired members of such plan as provided in K.S.A. 74-4954 and amendments thereto, who elected not to become a member of the system prior to the effective date of this act, may become a member of the system by filing a written statement of election to become a member of the system with the board of trustees on or after July 1, 1994, but not later than December 31, 1994. As a part of such written statement of election, such active member shall elect whether to be covered by the provisions of K.S.A. 74-4957a, 74-4958a, 74-4960a, 74-4963a and 74-4964a and amendments thereto or not to be covered by such provisions. Each election as provided by this section shall be effective on the first day of the first payroll period of the calendar quarter coinciding with or following the date of such filing. Failure to file such written statement of election shall be presumed to be an election not to become a member of the system. Such election, whether to become a member or not to become a member as provided in this section, shall be irrevocable.

(b) Except as otherwise provided in this act, any active member of a local police or fire pension plan who elects to become a member of the Kansas police and firemen's retirement system as provided in this section, shall be subject to the provisions of K.S.A. 12-5001 *et seq.* and 74-4951 *et seq.* and amendments thereto.

(c) For any such active member who elects to become a member of the Kansas police and firemen's retirement system as provided in this section, the term "final average salary" means average highest annual compensation paid to such member for service as a policeman or fireman for any three of the five years immediately preceding



retirement or termination of service, notwithstanding the definition of such term in K.S.A. 74-4952 and amendments thereto. For purposes of this section, compensation includes any amount of compensation for accumulated sick leave or vacation or annual leave paid to such member. The date that such active member who elects to become a member of the system as provided in this section is first hired as an employee shall mean the date that such active member became a member of the system as provided in this act.

(d) Any benefits which first become payable on or after the effective date of this act for any such active member who elects to become a member of the Kansas police and firemen's retirement system as provided in this section, shall be reduced by an amount equal to the value of the difference between contributions actually made by such active member and contributions which would have been made had such member always been a member of the Kansas police and firemen's retirement system. The amount of reduction shall be made by the board upon the advice of the actuary at the time benefits become payable and shall continue until benefits are no longer payable. Should such a member repay in a lump sum prior to or on such member's date of retirement an amount equal to the difference between contributions actually made by the member and contributions which would have been made had such member always been a member of the Kansas police and firemen's retirement system, there shall be no reduction as provided in this section. Such member shall pay the actual amount plus interest at a rate specified by the board of trustees.

(e) Except as otherwise provided, the terms used in this act:

(1) "Policeman" means an employee of a city who is assigned to the police department of the city, who is engaged in law enforcement and maintenance of order, who has been specifically designated, appointed, commissioned or styled as a policeman by the governing body or city manager of the city, and whose employment as a policeman is not seasonal or temporary and requires at least 1,000 hours of work per year.

(2) "Fireman" means an employee of a city who is assigned to the fire department of the city, who is engaged in the fighting and extinguishing of fires and the protection of life and property therefrom, who has been specifically designated, appointed, commissioned or styled as a fireman by the governing body or city manager of the city, and whose employment as a fireman is not seasonal or temporary and requires at least 1,000 hours of work per year.

(3) "Local police or fire pension plan" means any pension plan, system or fund which covers the policemen of a city or the firemen of a city, or both, and which was established by and is maintained and funded by such city under:

(A) K.S.A. 13-14a01 to 13-14a14, inclusive, and amendments thereto; or

(B) any part of K.S.A. 13-14a01 to 13-14a14, inclusive, and amendments thereto, and one or more charter ordinances adopted by such city under section 5 of article 12 of the Kansas constitution; or

(C) K.S.A. 14-10a01 to 14-10a15, inclusive, and amendments thereto; or

(D) any part of K.S.A. 14-10a01 to 14-10a15, inclusive, and amendments thereto, and one or more charter ordinances adopted by such city under section 5 of article 12 of the Kansas constitution; or

(E) one or more charter ordinances adopted by such city under section 5 of article 12 of the Kansas constitution.

(4) "Active member" means a person who is in active employment with a city as a policeman or fireman and who is covered by a local police or fire pension plan which is maintained and funded by such city.

(f) The provisions of this section shall take effect on and after July 1, 1994.

New Sec. 38. (1) On July 1, 1994, or any July 1 thereafter, the assets of a retirement fund under the provisions of K.S.A. 72-1759 and amendments thereto may be transferred to the Kansas public employees retirement system. The actuary for the Kansas public employees retirement system shall compute the remaining actuarial accrued liability as of the preceding June 30 and the board of education of such school district as provided in K.S.A. 72-1759 and amendments thereto shall remit to the Kansas public employees retirement system annually on July 1, for a period not to exceed the remaining amortization period under the provisions of subsection (1) of K.S.A. 74-4920 and amendments thereto an amount sufficient to retire the actuarial accrued liability.

(2) Upon such transfer of assets, all active and retired members or any person who is a joint annuitant or beneficiary of any member shall become a special member of the Kansas public employees retirement system.

New Sec. 39. Notwithstanding the provisions of K.S.A. 74-4914 and amendments thereto, a member who was born on December 1, 1942, who was employed from August 1967, to August 1975, by a first class city which maintains its own local pension plan and who became a member of the Kansas public employees retirement system on August 14, 1976, may count such service with such first class city in determining whether such employee has met the years of credited service requirements contained in K.S.A. 74-4914 and amendments thereto.

Sec. 40. K.S.A. 74-4956 and K.S.A. 1993 Supp. 74-4965 are hereby repealed.

Sec. 41. On and after July 1, 1994, K.S.A. 13-14a08, 14-10a08, 45-217, 71-212, 72-5395, 74-4911, 74-4916, 74-4939, 74-4957, 74-49,104, 74-49,105, 74-49,116 and 76-746 and K.S.A. 1993 Supp. 20-2618, 74-4902, 74-4908, 74-4914, 74-4914e, 74-4917, 74-4919h, 74-4920, 74-4925, 74-4927, 74-4952, 74-4989, 74-4990, 75-2935 and 75-6801 are hereby repealed.

Sec. 42. This act shall take effect and be in force from and after its publication in the Kansas register.

State of Kansas

**Office of Judicial Administration  
Court of Appeals Docket**

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

Kansas Court of Appeals  
Court of Appeals Courtroom, Second Floor  
Kansas Judicial Center  
Topeka, Kansas

Before Briscoe, C.J., Pierron, J.; and Carlos Murguia,  
District Judge, assigned.

Tuesday, May 17, 1994

9:30 a.m.

Case No.	Case Name	Attorneys	County
70,984	Michael Welch, Appellant, v. Amanda Suhr, <i>et al.</i> , Appellees.	James E. Benfer III Thomas V. Murray	Shawnee
70,993	Manda Feldkamp, Appellant, v. Shelter Mutual Insurance Co., Appellees.	James E. Benfer III J. H. Eschmann	Nemaha
10:30 a.m.			
70,747	Rhonda Peralta, Appellant, v. Ulyss and Bennie Reed, Appellees.	Robert E. Duncan II George F. Farrell Jr.	Shawnee
69,931	State of Kansas, Appellee, v. Frank W. Zeilinger III, Appellant.	County Attorney Attorney General Rebecca Woodman	Jefferson
70,472	Robert Hubbard, Appellant, v. U.S.D. 434, <i>et al.</i> , Appellees.	Richard D. Anderson Robert V. Eye Patricia E. Baker Fred W. Rausch Jr.	Osage
1:30 p.m.			
70,470	In the Interest of C.C.	Gary Ellis Robert C. Littrell William Scott Hesse County Attorney	Riley
70,624	Farm Bureau Life Insurance Co., Appellee, v. Farmway Credit Union, Appellant.	Ronald W. Fairchild Curtis A. Frasier	Riley
70,446 70,818	Nora Decker, <i>et al.</i> Appellants, v. Rebecca Robison-White <i>et al.</i> , Appellees.	Kevin L. Phillips Robin G. Maxon Daniel D. Metz	Jewell
3:00 p.m.			
70,830	Alex Levier, Appellee, v. Jeffrey Koppenheffer, Appellee, and Aetna Casualty and Surety Co., Appellant.	John F. Stites Ronald D. Heck	Geary
<b>Summary Calendar—No Oral Argument</b>			
70,256	Roderick F. Fields, Appellant, v. State of Kansas, Appellee.	Jessica R. Kunen Attorney General County Attorney	Riley

70,791	Globe Indemnity Co., Appellant, v. Ed Bozarth Chevrolet Inc., Appellee.	Todd B. Butler	Shawnee
69,754	State of Kansas, Appellee, v. Rito Mejia, Jr., Appellant.	Thomas J. Wilder County Attorney Attorney General Stephen Moss	Lyon
70,443	Paul Blackford, Appellant, v. Kansas Employment Security Board, Appellee.	Paul Blackford, <i>pro se</i>  Marlin A. White	Shawnee
70,114	State of Kansas, Appellee, v. Ronald C. Fleshman, Appellant.	County Attorney Attorney General Thomas Jacquinet	Chase
70,044	State of Kansas, Appellee, v. Philip P. Patrzykont, Appellant.	District Attorney Attorney General Hazel Haupt	Johnson

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

**Before Gernon, P.J.; Elliott and Green, JJ.**

**Tuesday May 17, 1994**

**11:00 a.m.**

Case No.	Case Name	Attorneys	County
70,369	In the Matter of the Marriage of Kenneth J. Walje and Carol A. Walje.	J. Sharbutt Michael T. Halloran	Johnson
70,805	Doris Wheeler, Appellant, v. Conagra, Inc., <i>et al.</i> , Appellees.	David R. Smith Richmond M. Enochs Gerald A. King	Johnson
70,683	Helen McField, Appellee, v. Norman Jacobs, <i>et al.</i> , Appellants.	Michael R. McIntosh Brett C. Coonrod Russell C. Ashley	Johnson
70,264	Lorance Contracting Co., <i>et al.</i> , Appellants, v. Ed Southall, <i>et al.</i> , Appellees.	J. R. Russell  Jeffrey A. Chanay N. Cason Boudreau	Wyandotte
70,178	State of Kansas, Appellee, v. Joseph Vandiver, Appellant.	County Attorney Attorney General Daniel S. Garrity	Atchison
70,220	State of Kansas, Appellee, v. Kenneth Cantrell, Appellant.	County Attorney Attorney General Dennis Moore	Linn
71,010	Eugene Carl Alexander, Appellant, v. State of Kansas, <i>et al.</i> , Appellees.	Terri Harris Attorney General County Attorney	Leavenworth

**Wednesday, May 18, 1994**

**9:00 a.m.**

Case No.	Case Name	Attorneys	County
70,182	D.J. Teel, Appellant, v. AT&SF Railway Co., Appellee.	Michael J. Peterson  Paul R. Hoferer	Wyandotte

(continued)

70,550	James Mebane, Appellant, v. Proctor & Gamble Mfg. Co., et al., Appellees.	D'Ambra M. Howard  William L. Phalen David L. Black	Wyandotte
10:30 a.m.			
69,682	State of Kansas, Appellee, v. Jorge Garcia, Appellant.	District Attorney Attorney General Thomas Jacquinet	Wyandotte
69,867	State of Kansas, Appellee, v. Gerard Crawley, Appellant.	District Attorney Attorney General Hazel Haupt	Johnson
<b>Summary Calendar—No Oral Argument</b>			
70,703	City of Olathe, Appellee, v. John Marshall Jack, Appellant.	Donna K. Dixon  Larry T. Hughes	Johnson
70,773	In the Interest of R.L., et al.	Donald S. Smith Jon S. Willard District Attorney	Johnson
70,645	In the Interest of A.W., C.V., and E.V.	Aline E. Fryor Kathryn P. Barnett Craig Lubow	Wyandotte
70,142	In the Interest of M.J.V.	Gerald C. Golden District Attorney	Johnson

**Kansas Court of Appeals  
11th Floor Courtroom, Sedgwick County Courthouse  
525 N. Main  
Wichita, Kansas**

**Before Royse, P.J.; Lewis, J.; and Adrian J. Allen,  
District Judge Retired, assigned.**

**Tuesday, May 17, 1994**

**9:00 a.m.**

Case No.	Case Name	Attorneys	County
70,188	In the Matter of the Marriage of Marion Zerby and Juanita Zerby.	James M. Glover Donald E. Lambdin	Sedgwick
70,529	In the Matter of the Marriage of Deborah J. Dopps and Bradley E. Dopps.	John C. King Ray Hodge	Sedgwick
69,974	Bank One, Texas, Appellee, v. Petrol. Prod., Inc., et al., Appellants.	Robert E. Nugent  Dan W. Forker Jr.	Sedgwick
10:45 a.m.			
69,957 69,988 70,207	Federal Resources Corp., Appellant, v. King Louie Enterprises, et al., Appellees.	Richard C. Hite Alan L. Rupe J. Nick Badgerow Heather S. Woodson W. Perry Brandt Jeffrey A. Befort	Sedgwick
70,225	Chris Garcia, Appellee, v. Sutherland Lumber, Appellant.	Jack Shelton  Paul Hasty Jr.	Sedgwick
1:30 p.m.			
70,107	State of Kansas, Appellee, v. Karl Burgdorf, Appellant.	Debra S. Byrd Attorney General Reid Nelson	Sedgwick

70,330	State of Kansas, Appellee, v. Rickey L. Johnson, Appellant.	Debra S. Byrd Attorney General Thomas Jacquinet	Sedgwick
70,032	State of Kansas, Appellee, v. Alexander Madrid, Appellant.	Debra S. Byrd Attorney General Jeffrey Shaw	Sedgwick
70,892	State of Kansas, Appellee, v. Bradley A. Hembree, Appellant.	Debra S. Byrd Attorney General Jessica R. Kunen	Sedgwick
<b>Summary Calendar—No Oral Argument</b>			
70,047	State of Kansas, Appellee, v. William D. Owens III, Appellant.	Debra S. Byrd Attorney General Jessica R. Kunen	Sedgwick
70,489	In the Interests of D.C.C., K.L.C., and K.L.C.	Roger Batt Pamela J. Guizlo Paul J. Mohr Donald E. Lambdin Mark F. Anderson	Sedgwick
69,918	State of Kansas, Appellee, v. Jesus Salome, Appellant.	Debra S. Byrd Attorney General Steven R. Zinn	Sedgwick
70,002	In the Interest of E.M.L.	William R. Griffith Kevin B. Johnson James Ward	Sedgwick
69,448	State of Kansas, Appellee, v. Von C. Voner, Appellant.	Debra S. Byrd Attorney General Steven R. Zinn	Sedgwick
70,198 70,339	In the Interests of P.L.K. and S.A.K.	Donald C. Astle Kevin B. Johnson Debra S. Byrd Roger Batt	Sedgwick

**Kansas Court of Appeals  
Reno County Courthouse, Third Floor Courtroom  
Hutchinson, Kansas**

**Before Rulon, P.J.; Larson, J.; and Daniel L. Love,  
District Judge, assigned.**

**Wednesday, May 18, 1994**

**9:00 a.m.**

**Attorneys**

Case No.	Case Name	Attorneys	County
70,190	Carl Bratcher, deceased, Appellant, v. R.V.B. Trucking, <i>et al.</i> , Appellees.	Dennis D. Webb	Reno
70,219	Pratt Feeders, Inc., <i>et al.</i> , Appellees, v. Haven Erectors, Inc., appellant.	Lyndon W. Vix Michael Johnston Bill Hampton Jr. Mark J. Cullen Thomas J. Berg Charles E. Millsap	Pratt
70,283	State of Kansas, Appellee, v. Melvin Raine, Appellant.	County Attorney Attorney General Steven R. Zinn	Reno

(continued)



70,488	Fred Marcotte Estate, <i>et al.</i> , Appellees, v. Charles Winter, <i>et al.</i> , Appellants.	Ward E. Loyd Gerald O. Schultz Scott E. Daniel Clyde C. Farris Jr. Linda S. Parks Lelyn J. Braun	Finney
		1:00 p.m.	
70,599	In the Matter of the Marriage of Glenda Lee Wilson and Jeffrey Paul Wilson.	Van Z. Hampton Mickey Carl Moorman	Finney
70,261	In the Matter of the Marriage of Dana Gayle Jewell and David Wesley Jewell.	Michael J. Friesen Robert H. Gale Jr.	Hamilton
	Summary Calendar—No Oral Argument		
70,847	Excel Corp., Appellee, v. Human Rights Comm., <i>et al.</i> , Appellants.	Robert D. Overman Judy Fowler	Sedgwick
69,375	In the Interest of J.N.N.M.	Douglas P. Witteman Alma A. Heckler Gerald J. Domitrovic Verlin A. Ingram	Sedgwick
69,627	State of Kansas, Appellee, v. Maximo Ruiz Canonogo, Appellant.	County Attorney Attorney General Thomas Jacquinet	Meade
70,976	Deanna Vincent, Appellant, v. Collins Bus. Corp., <i>et al.</i> , Appellees.	Russell B. Cranmer John F. Hayes	WC Board
70,180	In the Interest of J.L.R. and R.R.R.	Gerald J. Domitrovic Alma A. Heckler J. Shawn Elliott Donald H. Legg Thomas McDowell	Sedgwick
70,259	Danny Von Williams, Appellant, v. State of Kansas, Appellee.	Stephen Moss Attorney General County Attorney	Reno
70,770	City of Colby, Appellee, v. Paul Edgar Chase, Appellant.	Joel R. Kriss Paul Chase, <i>pro se</i>	Thomas
70,844	In the Interest of P.C. and L.C.	Willis Musick Terry Cikanek Leonard J. Dix	Rooks
70,543	State of Kansas, Appellee, v. Charles McQueen, Appellant.	County Attorney Attorney General Hazel Haupt	Geary

Carol G. Green  
Clerk of the Appellate Courts

**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
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
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
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

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. 725
28-15-13	Amended	V. 12, p. 727
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
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

(continued)

28-31-9	Amended	V. 13, p. 319
28-31-10	Amended	V. 13, p. 320
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
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
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
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
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
68-1-1a	Amended	V. 13, p. 533
68-1-1f	Amended	V. 13, p. 534
68-7-12a	New	V. 12, p. 186
68-7-14	Amended	V. 13, p. 534
68-7-19	New	V. 12, p. 187
68-11-1	Amended	V. 13, p. 534
68-11-2	Amended	V. 13, p. 535
68-12-2	Amended	V. 12, p. 187
68-20-9	Amended	V. 13, p. 535
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
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 74-11-6	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
82-3-107	Amended	V. 13, p. 531
82-3-138	Amended	V. 13, p. 532
82-3-200	Amended	V. 13, 532
82-3-203	Amended	V. 13, p. 532
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
82-3-604	Amended	V. 13, p. 532
82-3-605	Amended	V. 13, p. 533
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
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

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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
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	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
111-4-346 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
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
111-4-443 through 111-4-453	New	V. 11, p. 1794-1796
111-4-455 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
111-4-543 through 111-4-546	New	V. 13, p. 150
111-4-547 through 111-4-554	New	V. 13, p. 337-339
111-4-555 through 111-4-563	New	V. 13, p. 396-398
111-5-1 through 111-5-23	New	V. 7, p. 209-213
111-5-9 through 111-5-15	Amended	V. 8, p. 210, 211
111-5-11	Amended	V. 9, p. 505
111-5-12	Amended	V. 11, p. 415
111-5-17	Amended	V. 8, p. 211
111-5-18	Amended	V. 10, p. 13
111-5-19	Amended	V. 8, p. 212
111-5-21 through 111-5-33	New	V. 11, p. 415-418
111-5-22	Amended	V. 11, p. 481
111-5-23	Amended	V. 11, p. 481
111-5-24	Amended	V. 11, p. 983
111-5-25	Amended	V. 11, p. 482
111-5-27	Amended	V. 11, p. 482
111-5-28	Amended	V. 12, p. 317
111-5-34	New	V. 12, p. 318
111-5-35 through 111-5-38	New	V. 12, p. 526
111-6-1 through 111-6-15	New	V. 7, p. 213-217
111-6-1	Amended	V. 13, p. 339
111-6-3	Amended	V. 12, p. 527
111-6-4	Amended	V. 10, p. 1413
111-6-5	Amended	V. 12, p. 1262
111-6-6	Amended	V. 11, p. 1973
111-6-7	Amended	V. 11, p. 1477
111-6-7a	New	V. 12, p. 1118
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
111-6-17	Revoked	V. 10, p. 1475
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
111-7-46	Amended	V. 11, p. 1152
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
111-7-64 through 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
111-7-76 through 111-7-78	New	V. 11, p. 1478-1480
111-7-79	Revoked	V. 13, p. 340
111-7-80 through 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	Revoked	V. 9, p. 1680
111-9-6 through 111-9-13	Revoked	V. 9, p. 1680
111-9-18 through 111-9-25	New	V. 9, p. 699, 700
111-9-30 through 111-9-31	New	V. 10, p. 262
111-9-36 through 111-9-37	New	V. 10, p. 1439, 1440
111-9-48 through 111-9-49	New	V. 12, p. 318, 319
111-9-54	New	

111-9-55 through 111-9-60	New	V. 12, p. 1263, 1264
111-10-1 through 111-10-9	New	V. 8, p. 136-138
111-10-7	Amended	V. 8, p. 301

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. 356, 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. 13, p. 592
115-4-7	Amended	V. 13, p. 594
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
115-30-10	New	V. 13, p. 595

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

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