



Kansas Register

Ron Thornburgh, Secretary of State

Vol. 14, No. 10

March 9, 1995

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State of Kansas

**State Employees Health
Care Commission**

Notice of Meeting

The Kansas State Employees Health Care Commission will meet at 1 p.m. Thursday, March 16, in the third floor conference room of the Kansas Insurance Department, 420 S.W. 9th, Topeka. ◆

Sheila Frahm
Chairperson

Doc. No. 015982

State of Kansas

Department of Administration

Public Notice

Under requirements of K.S.A. 65-34,117(b), records of the Division of Accounts and Reports show the unobligated balances are \$1,458,965.62 in the underground petroleum storage tank release trust fund and \$8,083,071.37 in the aboveground petroleum storage tank release trust fund at February 28, 1995.

Shelia Frahm
Secretary of Administration

Doc. No. 015996

State of Kansas

**Department of Administration
Division of Architectural Services**

**Notice of Commencement of
Negotiations for Engineering Services**

Notice is hereby given of the commencement of negotiations for engineering services for a fire alarm system for the Kansas State Capitol, Topeka.

The current system in the Capitol consists of a smoke detection system located at the elevator lobbies on each floor. These are connected to the main fire system computer in the Docking State Office Building (DSOB). There is no alarm system.

This project will design an audible/visible system of fire alarms and detectors throughout the Capitol for protection and notification of occupants in the event of a fire or other emergency.

The required system shall be connected to the existing system through either the existing FS90 Honeywell system or through an expanded system to be located in the basement of the Capitol.

The alerting system shall consist of alarm horn/speakers operated from the security area in the DSOB. The new system shall consist of both audible and visual alarms located

in the public areas to comply with both the life safety code and the Americans With Disabilities Act accessibility guidelines. The private office areas shall have audio/visual alarms added as required to provide the best coverage possible within the spaces. The audible alarm system shall be by the use of speakers and an alert tone generated from the panel in the DSOB.

If interested, an original and six copies of the SF 255 form (plus relevant attachments of information regarding similar projects) should be submitted to Gary Grimes, Division of Architectural Services, 625 Polk, Topeka, 66603, (913) 233-9367. These submittals should be concise, relevant to the project and follow the State Building Advisory Commission guidelines for submittal. Copies of the guidelines have previously been distributed to firms; if copies of the guidelines are required, contact Gary Grimes.

Please note that any questions concerning the project should be directed to Barry Greis, Acting Director of Facilities Management, Division of Facilities Management, Room 653, Landon State Office Building, 900 S.W. Jackson, 66612, (913) 296-1318. All submittals must be received by Gary Grimes by 5 p.m. March 24.

Thaine H. Hoffman
Director, Division of
Architectural Services

Doc. No. 015993

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Secretary of State
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Topeka, KS 66612-1594
(913) 296-2236



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

State of Kansas

Office of the State Treasurer

Notice of Investment Rates

The following rates are published in accordance with K.S.A. 1994 Supp. 75-4210, as amended. 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.

Effective 3-13-95 through 3-19-95

Term	Rate
0-90 days	5.91%
3 months	5.86%
6 months	6.27%
9 months	6.48%
12 months	6.57%
18 months	6.78%
24 months	6.88%
36 months	7.03%
48 months	7.15%

Sally Thompson
State Treasurer

Doc. No. 016001

State of Kansas

Legislative Research Department

Request for Information

The Kansas Legislative Research Department is attempting to identify public and private entities that would be potential bidders for a contract for services to facilitate Kansas' participation in the U.S. Census Bureau's Census 2000 Redistricting Data Program: Block Boundary Suggestion Project (BBSP). The purpose of this request for information is to identify potential bidders only. No firm decision has yet been made to contract for these services. This is not a request for proposals (RFP). In the event that proposals for provision of these services are solicited, persons who have responded to this request for information, among others which this office has identified as potential respondents, will receive an RFP. Responses to this RFI are due by 5 p.m. March 31.

Scope of the Project

The U.S. Census Bureau will invite states to participate in the BBSP early in 1995. Much of the work of the first phase of the project will be done during state fiscal year 1996 (July 1, 1995-June 30, 1996); however, the entire project may not be completed until 1999. The Legislature has not yet made a decision to participate in BBSP, but the planning process is underway so that if an affirmative decision is made, implementation can proceed quickly. If an RFP is issued, it will be during the late spring of 1995, with a target date of July 1, 1995, for starting work on the project.

Information describing the BBSP as conducted by the Census Bureau during the last half of the 1980s is available from the Kansas Legislative Research Department. The current assumption is that the program timing and guidelines will be very similar during this decade. The Census Bureau expects to publish guidelines during the

spring of 1995. Those guidelines will dictate the scope of the project.

Responses

Persons who are interested in receiving an RFP, if one is circulated, should respond to the Kansas Legislative Research Department, Room 545-N, State Capitol, 300 S.W. 10th, Topeka, 66612-1504, Attn: Mary Galligan.

Please include the following information in any response:

1. Name, address and fax and telephone numbers of the person responding and a contact person;
2. a description of the corporate structure of the entity that would do the work (e.g., department of a university, engineering firm, state agency, independent contractor with or without subcontractors, etc.);
3. a brief description of experience with and knowledge of U.S. Census geography and Census procedures;
4. a brief description of resources available for the project;
5. a brief description of any experience with election geography; and
6. a brief description of any experience with electronic mapping systems or geographic information systems.

Questions may be addressed to Mary Galligan at the address above, (913) 296-3181.

Richard Ryan
Director

Doc. No. 015955

State of Kansas

Office of the Governor

Executive Order No. 95-171

Relating to Motor Vehicle Use by State Employees

WHEREAS, the least costly mode of transportation for official state business is generally by state motor pool vehicle.

WHEREAS, the current state motor pool rate is 19¢ per mile and the privately-owned automobile rate is 28¢ per mile.

WHEREAS, my administration has pledged to seek efficiencies and economies in state operations.

NOW THEREFORE, pursuant to the authority vested in me as Governor of the State of Kansas, I hereby direct the Secretary of Administration to maximize efficiencies in the use of vehicles for official state business by amending the applicable Kansas administrative regulation governing mileage rates for use of private vehicles while on official state business.

This document shall be filed with the Secretary of State as Executive Order No. 95-171 and shall become effective immediately.

Dated February 16, 1995.

Bill Graves
Governor
Attest: Ron Thornburgh
Secretary of State

Doc. No. 015990

State of Kansas

University of Kansas

Notice to Bidders

Sealed bids for the item 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, March 20, 1995

RFQ 95 0509

Scanning spectrofluorophotometer

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

Doc. No. 015998

State of Kansas

Wichita State University

Notice to Bidders

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

Closing March 17, 1995

Quotation 950352-4

NCD HMX 21 Xterminals with 8MB memory

Closing March 22, 1995

Quotation 950356-1

Filament winder

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

Gary D. Link
Director of Purchasing

Doc. No. 015999

State of Kansas

Attorney General

Opinion No. 95-22

Cities and Municipalities—General Provisions—Countywide and City Retailers' Sales Tax; Election Required; Validation of Election. Senator Ben Vidricksen, 24th District, Salina, February 21, 1995.

The constitution of the state of Kansas does not prohibit the legislature from enacting curative legislation the effect of which would retroactively ratify an election wherein the voters authorized the levying of a countywide retailers' sales tax, provided the action does not impair contractual rights nor disturb vested rights. Cited herein: Gen. Stat. 1909, §§ 7792, 7795, 7801, 7809; Kan. Const., art. 2, §§ 1, 16, 17; Kan. Const., art. 11, § 4. RDS

Opinion No. 95-23

State Boards, Commissions and Authorities—Public Employees Retirement Systems; Kansas Public Employees Retirement System—Rights of Members and Beneficiaries Not Affected By Change or Repeal of Act, Exception; Benefits and Rights Exempt From Taxes; 1995 Senate Bill No. 39. Senator Paul Feleciano, Jr., 28th District, Wichita, February 21, 1995.

To the extent 1995 Senate Bill 39 impairs a contractual right of those members of the Kansas Public Employees Retirement System having a vested interest in the retirement system without offering an offsetting or counterbalancing advantage, the bill violates Section 10 of Article 1 of the United States Constitution. Cited herein: K.S.A. 74-4919; K.S.A. 1994 Supp. 74-4923; 74-4965; 79-32,117; 1995 Senate Bill No. 39; 1994 Senate Bill No. 623; U.S. Const., art. 1, § 10. RDS

Opinion No. 95-24

State Boards, Commissions and Authorities—State Board of Agriculture—Election of Board Members. Representative Laura L. McClure, 119th District, Osborne, February 25, 1995.

The "governor's cabinet" has evolved through custom and tradition loosely patterned after the United States president's cabinet. Each member of the president's cabinet has a constitutional duty to provide opinions as the principal officer of an executive department when required by the president (U.S. Const., Art. II, § 2). There is a similar provision in the Kansas Constitution. As such, cabinet members serve as advisors to the governor. The members of the current governor's cabinet include the secretaries of various state departments who are appointed by the governor subject to the confirmation of the senate and serve at the pleasure of the governor. In our opinion, the legislature may require that the secretary of the Board of Agriculture serve as a member of the governor's cabinet because, as a member of the executive department, she is already subject to the governor's request for information regarding her duties. Cited herein: K.S.A. 32-801; 74-5002; K.S.A. 1994 Supp. 75-3702a; 75-5001; 75-5101; 75-5203; 75-5301; 75-5601; 75-5701; 75-5903. Kan. Const., art. 1, § 1; Kan. Const., art. 2, § 18; Kan. Const., art. 15, § 1; U.S. Const., Art. II, § 2. GE

Opinion No. 95-25

Taxation—Judicial Foreclosure and Sale of Real Estate by County—Action to Enforce Lien for Unredeemed Real Estate Bid in by County; Conveyance of Land Sold for Taxes; Adverse Possession Claim on Property. Philip E. Winter, Lyon County Counselor, Emporia, February 23, 1995.

When a valid claim of adverse possession is rendered against a tract of land subsequently sold by the county in a tax sale, the adverse possessor's claim to the tract of land is valid and prevails over the holder of the tax deed. Cited herein: K.S.A. 58-2208; 58-3404(c); 60-503; K.S.A. 1994 Supp. 79-2401a; K.S.A. 79-2604; 79-2804. NKF

Carla Stovall
Attorney General

Doc. No. 016004

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, Room 102, Landon State Office Building, 900 S.W. Jackson, Topeka, until 2 p.m. on the date indicated, and then will be publicly opened. Interested bidders may call (913) 296-2377 for additional information.

Monday, March 20, 1995

30928 Rebid

Department of Human Resources—Security guard services

31002

Department of Transportation—Asphaltic materials, various locations

31022

Statewide—Bacteriologicals

01006

Department of Human Resources—Touchscreen monitor upgrades

01007

Department of Human Resources—CD Rom upgrade kits

Tuesday, March 21, 1995

A-7661

Wichita State University—Window replacement, Brennan and Fairmont Towers Residence Halls

31013

Kansas State University—Liquid helium (bulk purchase)

31014

Department of Transportation—Automotive lubricants, statewide

31019

Kansas State University—April (1995) meat products

01001

Kansas State University—Law enforcement vehicle

01030

Department of Wildlife and Parks—Fish feed, various locations

Wednesday, March 22, 1995

31018

Statewide—Frozen eggs

Thursday, March 23, 1995

01014

University of Kansas—Color graphics multiprocessor RISC workstation

01018

Department of Wildlife and Parks—Chemicals, Pratt, Farlington and Milford fish hatcheries

01019

Department of Administration, Division of Information Systems and Communications—DASD array storage devices

Friday, March 24, 1995

01029

Pittsburg State University—Riding mower

01031

Department of Wildlife and Parks—Steel framework and netting, Milford Fish Hatchery

Tuesday, March 28, 1995

A-7073(d)

Kansas State University-Salina—Landscape and irrigation

Wednesday, March 29, 1995

A-7510 and A-7511

Department of Transportation—Chemical storage facilities, Ashland and Bucklin

A-7649

Topeka State Hospital—Asbestos abatement/boiler demolition, Boiler No. 3

30805

Statewide—Radiographic supplies (Class 013)

Thursday, March 30, 1995

A-6967(b)

Winfield State Hospital and Training Center—Replace branch circuit panelboards, Holly Building

31016

Various state agencies—Air charter service, Manhattan, Topeka and Kansas City

Tuesday, April 4, 1995

31011

Various Board of Regents Institutions—Individual professional liability insurance

Wednesday, April 5, 1995

A-6291(d)

Department of Corrections, Lansing Correctional Facility—Utility tunnel and various utility system improvements, Phase 3

31020

University of Kansas—Property insurance

Thursday, April 13, 1995

A-7471

University of Kansas—Watkins Student Health Center addition/renovation

Request for Proposals

Thursday, March 30, 1995

31023

Baseline risk assessment and community relations services for the Department of Health and Environment

Leo E. Vogel

Acting Director of Purchases

Doc. No. 016000

State of Kansas

Commission on Disability Concerns

Notice of Meeting

The Kansas Commission on Disability Concerns will meet from 9:30 a.m. to 4 p.m. Friday, March 17, in the classroom located at Employment Security Systems Institute Building (ESSI), 1309 S.W. Topeka Blvd., Topeka.

Wayne L. Franklin
Secretary of Human Resources

Doc. No. 015989

State of Kansas

Private Industry Council

Public Notice

The Kansas Private Industry Council of Service Delivery Area III (SDA 3) is submitting a "modification" of its two-year plan to carry out programs in Johnson, Leavenworth and Wyandotte counties authorized by the Job Training Partnership Act (JTPA). JTPA programs prepare youth, unskilled adults and economically disadvantaged individuals with barriers to employment in need of training with occupational and basic skills needed for entry into and retention in the workforce. JTPA programs also provide readjustment services and retraining needed to enable dislocated workers who have been terminated or laid off from their jobs to re-enter the world of work. Education and training programs offered include on-the-job training, classroom training, work experience, job search and others.

The respective program years are July 1, 1994 to June 30, 1995 (PY 1994), and July 1, 1995 to June 30, 1996 (PY 1995). The modification is for the PY 1995 period of July 1, 1995 through June 30, 1996, and includes changes in funding level, grant recipient, administrative entity and program operator. The PY 1995 JTPA funding levels for SDA 3 are: Title IIA (Adult), \$1,308,058; Title IIC (Youth), \$741,886; Title III (Dislocated Workers), \$1,240,733; and Title IIB (Summer Youth), \$1,304,490.

The Private Industry Council and the Local Elected Officials Board for SDA 3 have designated the Kansas Department of Human Resources (KDHR) as the grant recipient and administrative entity for JTPA funds in the service delivery area. The KDHR in turn has contracted with Heartland Works Inc., a private nonprofit corporation, to operate JTPA programs in SDA 3.

The plan modification will become effective July 1, 1995. Questions and comments may be directed to the Kansas Private Industry Council, SDA III, 1020 Gateway Center Tower II, 4th and State Ave., Kansas City, KS 66101, (913) 371-1607; or Heartland Works, Inc., SDA II, 117 S.W. 10th, 3rd Floor, Topeka, 66612, (913) 234-0500.

Teresa Slater
Administrative Assistant

Doc. No. 015987

State of Kansas

University of Kansas Medical Center

Notice to Bidders

Sealed bids for the items listed below will be received by the University of Kansas Medical Center, Purchasing Department, 3901 Rainbow Blvd., Kansas City, KS, 66160-7162, until 2 p.m. on the date indicated and then will be publicly opened. Interested bidders may call Peggy Davis at (913) 588-1115 for additional information.

Tuesday, March 21, 1995

72596

Nerve monitor with printer

Thursday, March 23, 1995

72597

Ortho spine surgical instruments

Barbara Lockhart
Purchasing Director

Doc. No. 015997

State of Kansas

Department of Health
and Environment

Public Notice

Notice is hereby given that Procter & Gamble Manufacturing Company has applied for an air emission construction permit from the Kansas Department of Health and Environment and the Wyandotte County Health Department, Department of Air Quality to add a sulfator reactor to maintain the HDL paste making capacity of the Kansas City MSL department located at 19th and Kansas Ave., Kansas City, Kansas. This modification will emit volatile organic compounds.

Initial assessments on the air pollution potential of the proposed modification and its ability to comply with applicable air pollution regulatory requirements have been completed by the agencies mentioned above. These assessments are now available for public inspection and comment through April 9. Procter & Gamble Manufacturing Company's permit application and the draft permit are available for public inspection during normal business hours at the office of the Department of Air Quality, Wyandotte County Health Department, 619 Ann Ave., Kansas City, Kansas.

Questions or comments on the draft permit should be directed to Roylene A. Cunningham, Department of Air Quality, Wyandotte County Health Department, at (913) 573-6700.

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, Kansas Department of Health and Environment, Landon State Office Building, 900 S.W. Jackson, Topeka, 66612, before April 9. If the secretary determines there is sufficient reason in the request, a public hearing will be announced in this publication.

James J. O'Connell
Secretary of Health
and Environment

Doc. No. 015994

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. 28-19-300, construction permits and approvals, to Coffeyville Concrete to install and operate a portable ready mix concrete plant at Coffeyville.

Written materials, including the permit application and information relating to the application submitted by Coffeyville Concrete, draft permit and analysis by KDHE describing the basis for the proposed permit are available for public inspection during normal business hours through April 10 by contacting Lynn Ranabargar, 1500 W. 7th, Chanute, 66720-9701, (316) 431-2390.

This material also can be reviewed at the KDHE office, Bureau of Air and Radiation, Building 283, Forbes Field, Topeka. Questions concerning this proposed permit should be directed to Cheryl Evans, KDHE, (913) 296-6438.

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 April 10.

James J. O'Connell
Secretary of Health and Environment

Doc. No. 015995

State of Kansas

Department of Health and Environment

Notice Concerning Kansas Water Pollution Control Permits

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

Public Notice No. KS-AG-95-12/18

Name and Address of Applicant	Legal Description	Receiving Water
Jack L. Clark Route 1, Box 125 Courtland, KS 66939	NW/4, Sec. 19, T1S, R5W, Republic County	Lower Republican River Basin
Kansas Permit No. A-LRRP-H001		Federal Permit No. KS-0091375

The proposed expanded facility will have capacity for approximately 2,620 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
Midwest Feeders, Inc. 05013 13 Road Ingalls, KS 67853	SE/4, Sec. 24 & NE/4, Sec. 25, T24S, R29W, Gray County	Upper Arkansas River Basin
Kansas Permit No. A-UAGY-C005		Federal Permit No. KS-0115169

The feedlot has capacity for approximately 12,000 cattle with expansion planned for an additional 8,000 cattle and a contributing drainage area of approximately 163 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 74 acre-feet.

Compliance Schedule: None, existing controls adequate.

Name and Address of Applicant	Legal Description	Receiving Water
Circle Feeders, Inc. William C. Porterfield P.O. Box 1255 Garden City, KS 67846	NW/4, Sec. 27, T24S, R33W, Finney County	Upper Arkansas River Basin
Kansas Permit No. A-UAFI-C015		Federal Permit No. KS-0079901

The feedlot has capacity for approximately 8,000 cattle with expansion planned for an additional 2,000 cattle and a contributing drainage area of approximately 102 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 41 acre-feet.

Compliance Schedule: None, existing controls adequate.

Name and Address of Applicant	Legal Description	Receiving Water
Jerold D. Schmidt Route 2, Box 193 Newton, KS 67114	SE/4, Sec. 9, T22S, R1E, Harvey County	Little Arkansas River Basin
Kansas Permit No. A-LAHV-S036		

The proposed facility will have capacity for approximately 300 swine.

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

Compliance Schedule:

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

(continued)

Name and Address of Applicant	Legal Description	Receiving Water
Romain Swanson 4349 S. Kipp Road Gypsum, KS 67448	SW/4, Sec. 9, T15S, R1W, Saline County	Smoky Hill River Basin

Kansas Permit No. A-SHSA-B002

The feedlot has capacity for approximately 450 cattle and a contributing drainage area of approximately 3.9 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 1.9 acre-feet.

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

Name and Address of Applicant	Legal Description	Receiving Water
Miller Feeders, Inc. Ernest Miller 128 N. 4th Kiowa, KS 67070	SW/4, Sec. 4, T35S, R11W, Barber County	Lower Arkansas River Basin

Kansas Permit No. A-ARBA-B001

The feedlot has capacity for approximately 900 cattle and a contributing drainage area of approximately 3.4 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 2.4 acre-feet.

Compliance Schedule:
Prior to construction the following information must be submitted to this agency.

- Our design standards require a 10-foot separation distance between the bottom of the lagoon and the static groundwater level. Information must be submitted which verifies a minimum 10-foot separation between the proposed bottom of the lagoon and the static groundwater level.
- Before construction of the lagoon could begin, you would need to provide the following information to us:
 - Number and capacity of pumping equipment available.
 - Location of irrigated wastewater application and approximate number of acres available.

Name and Address of Applicant	Legal Description	Receiving Water
Merlin Unruh 913 S. Springlake Road Halstead, KS 67056	SE/4, Sec. 20, T23S, R2W, Harvey County	Littler Arkansas River Basin

Kansas Permit No. A-LAHV-S034

The proposed facility will have capacity for approximately 480 swine. Wastewater Control Facilities: Wastewater will be impounded for subsequent application to agricultural land for beneficial use. Wastewater storage capacity is provided in excess of minimum requirements.

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

Public Notice No. KS-95-12

Name and Address of Applicant	Waterway	Type of Discharge
Kansas City Plant No. 14 City of Kansas City 701 N. 7th Kansas City, KS 66101	Kansas River via unnamed tributary	Secondary wastewater treatment facility

Wyandotte County, Kansas
Kansas Permit No. M-KS27-R014 Fed. Permit No. KS-0080209

Description of Facility: This facility is being re-public noticed due to changes made in the permit. 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.

Public Notice No. KS-PT-95-1

Name and Address of Applicant	POTW	Type of Discharge
Yuasa-Exide Corporation Hays, Kansas Facility 645 Penn St. P.O. Box 14205 Reading, PA 19612 Ellis County, Kansas	Hays MWWTP	Process wastewater

Kansas Permit No. P-SH16-0001

Description of Facility: This facility manufactures sealed lead acid batteries for computers and emergency lighting equipment. Pollutant limits are calculated based on the actual production of lead processed. This is an existing facility.

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 April 8 will be considered in the formulation of final determinations regarding this public notice. Please refer to the appropriate public notice number (KS-AG-95-12/18, KS-95-12 and KS-PT-95-1) 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.

James J. O'Connell
Secretary of Health
and Environment

Doc. No. 016007

State of Kansas

Department of Health
and Environment

Notice of Grants Available

A community partnership mini-grant program has been developed as a part of the Kansas Breast and Cervical Cancer Early Detection Program. The program is designed to assist in building local partnerships for breast and cervical cancer education and screening.

The grants are being provided to build local partnerships in order to ensure that women are aware of the importance of breast and cervical cancer screening, are knowledgeable about providers of services, become active initiators of the screening process, and adhere to recommended screening guidelines.

As many as 20 grants of \$1,000-\$2,500 each will be awarded to local community partnerships. Applications addressing minority or rural women will receive priority funding. Funded proposals must identify a community partnership of interested organizations and/or individuals committed to improving access to breast cancer screening. The deadline for applications is April 7.

Award notification will be made prior to May 1. Funds must be expended by September 30 (programs may continue).

Application materials can be obtained from the Kansas Department of Health and Environment by contacting Deb Silvius, Public Health Educator, Bureau of Chronic Disease and Health Promotion, Suite 901, Landon State Office Building, 900 S.W. Jackson, Topeka, 66612, (913) 296-8161.

James J. O'Connell
Secretary of Health
and Environment

Doc. No. 016008

State of Kansas

Secretary of State

Notice of Corporations Forfeited

In accordance with K.S.A. 17-7510, the articles of incorporation of the following corporations organized under the laws of Kansas and the authority of the following foreign corporations authorized to do business in Kansas were forfeited during the month of February 1995 for failure to timely file an annual report and pay the annual franchise tax as required by the Kansas general corporation code:

Domestic Corporations

AAA Flush, Inc., Winchester, KS.
Advantage Rentals and Management Co., Inc.,
Wichita, KS.
Air Delivery Systems, Inc., Prairie Village, KS.
AMYX Enterprises, Inc., Columbus, KS.
Ardene Kansas Inc., Topeka, KS.
Armstrong Holding Company, Inc., Florence, KS.
Australian Machinery Exchange (U.S.A.), Inc.,
Kansas City, MO.

Back In Action, Inc., Topeka, KS.
Bahm & Sons Lumber Company, Topeka, KS.
Bill Lauer Construction Company, Inc., Wichita, KS.
Bionic Burger, Inc., Wichita, KS.
Blue Mound Energy, Inc., Kansas City, KS.
Blue Valley North Booster Club, Inc.,
Overland Park, KS.
Bohi Land Inc., Olathe, KS.
Bridges East, Inc., Elbing, KS.
C.L.B. Enterprises, Inc., Pittsburg, KS.
Cafe International, Inc., Topeka, KS.
Casework, Inc., Wichita, KS.
Central States Machining & Welding, Inc., Topeka, KS.
Children's Wish Foundation International, Inc.,
Atlanta, GA.
Choices, P.A., Overland Park, KS.
Colby Sixth Street Club, Inc., Colby, KS.
Collins Commodity Brokerage Co., Inc., Wichita, KS.
Concorde Payne Industries, Inc., Overland Park, KS.
Consolidated Resource Management, Inc.,
Overland Park, KS.
Crump Brothers Farm, Inc., Tulsa, OK.
CTL Corporation, Council Grove, KS.
D and D, Incorporated, Osage City, KS.
Dawson Brothers, Inc., Wichita, KS.
Digital Voice Communications, Inc.,
Prairie Village, KS.
Direct Telecommunications, Inc., Cedar Creek, MO.
Dressler Energy Corporation, Lenexa, KS.
Ear, Nose, and Throat Surgical Group of Wichita, P.A.,
Wichita, KS.
Eclipse III, Inc., Wichita, KS.
Ed Thompson's Furniture City, Inc., Great Bend, KS.
Evolution Enterprises, Inc., Trinidad, CO.
Festive Feast, Ltd., Shawnee, KS.
Financial Concepts Group, Inc., Topeka, KS.
First Southern Baptist Church of Treece, Treece, KS.
Frank L. Korte P.A., Wellington, KS.
Freelancer, Inc., Wichita, KS.
G&W, Inc., Hartford, KS.
Gateway Cathedral, Inc., Wichita, KS.
Gene Kidwell Builders, Inc., Lawrence, KS.
Georgetti Ltd., Leawood, KS.
Grand Aerie, Fraternal Order of Eagles, Lodge 3774,
WaKeeney, Kansas, WaKeeney, KS.
Great Bend Petroleum Club, Inc., Great Bend, KS.
Gross Enterprises, Inc., Olathe, KS.
Guthrie Transportation Services, Inc., Great Bend, KS.
Hahnco, Inc., Minneapolis, KS.
Heart for Youth Foundation, Manhattan, KS.
Heart of America Research Institute, Inc., Mission, KS.
Home & Cabinet Designs, Inc., Wichita, KS.
Human Transactions, Inc., Shawnee, KS.
Inlow Foam Products, Inc., Florence, KS.
Janz-Mack Advertising Associates, Incorporated,
Shawnee, KS.
Kansas Communications Team Inc., Topeka, KS.
Kaw Corp., Leavenworth, KS.
King Arthur's, Inc., Lawrence, KS.
Lake King Rod Company, Inc., Topeka, KS.
Lawrence Bus Company, Inc., Lawrence, KS.

(continued)

M.K. of Pittsburg, Inc., Pittsburg, KS.
 Mahmood Real Estate, Inc., Emporia, KS.
 Marlene Seal, Inc., Wichita, KS.
 Marmac Petroleum Company, Denver, CO.
 Mays Mission for the Handicapped, Inc.,
 Heber Springs, AR.
 McCord Farming, Inc., Kansas City, MO.
 Mobile Communications, Inc., Omaha, NE.
 Murphy Trucking Company, Inc., Emporia, KS.
 My Brother's Keeper, Inc., Wichita, KS.
 Ninnescah River Valley Builders, Inc., Milton, KS.
 Northend Disposal Services, Inc., Dodge City, KS.
 Norton Fraternal Order of Eagles, Aerie No. 3288,
 Norton, KS.
 Office Products, Inc., Great Bend, KS.
 Philpott Oil & Gas Co., Inc., Atwood, KS.
 Planned Parenthood Action Fund, Inc.,
 New York, NY.
 Planned Parenthood Federation of America, Inc.,
 New York, NY.
 Players, Inc., Overland Park, KS.
 Portson, Inc., Overland Park, KS.
 Powderhorn Land Company, Lawrence, KS.
 Prairie Development Corporation,
 Shawnee Mission, KS.
 Prestige Painting, Inc., Olathe, KS.
 R & H Properties, Inc., Wichita, KS.
 Ramsay Farms, Inc., Wichita, KS.
 Ray Stoneback's, Inc., Lawrence, KS.
 Rico Enterprises, Inc., Little River, KS.
 Robins Insurance and Investments, Inc.,
 Ellinwood, KS.
 Robinson Glass Contracting of Kansas City, Inc.,
 Tulsa, OK.
 Role Model Plus Foundation, Kansas City, KS.
 S.A.N., Inc., Wichita, KS.
 S.D. Restaurant Corporation, Overland Park, KS.
 Salina Commercial Maintenance, Inc., Salina, KS.
 Sally A. McCubbin, Chartered, Norton, KS.
 Samplers', Inc., Hutchinson, KS.
 SCI Kansas Funeral Services, Inc., Houston, TX.
 Skylink Cablevision, Inc., Caney, KS.
 South Side Supply, Incorporated, Osawatomie, KS.
 Starshot Corporation, Overland Park, KS.
 Strauss Energy, Inc., Kansas City, KS.
 Sunset Plaza Merchants, Inc., Salina, KS.
 The Institute of Internal Auditors, Inc., Wichita Chapter,
 Wichita, KS.
 The Oakley Jaycees, Inc., Oakley, KS.
 The Tigger Corporation, Lawrence, KS.
 The Vliets Farmers Cooperative Association,
 Vliets, KS.
 Thunderbird Travel, Inc., Concordia, KS.
 Topeka Knights Inn, Inc., Topeka, KS.
 Travel Air Aircraft Company, Inc., Wichita, KS.
 Valley Park Elementary School Parent-Teacher
 Organization, Inc., Overland Park, KS.
 W.E.N. Enterprises, Inc., Overland Park, KS.
 Welshire Construction, Inc., Topeka, KS.
 Wellner Woodworks, Inc., Wichita, KS.
 Western and Pacific Services Corporation,
 Overland Park, KS.

Westgate Homes, Inc., Parsons, KS.
 Wheatshocker Realty, Inc., Wichita, KS.
 William Carpino, D.P.M., P.A., Pittsburg, KS.
 451 Degree Protection, Inc., Manhattan, KS.

Foreign Corporations

A.J.M. Packaging Corporation, Bloomfield Hills, MI.
 ABB Power T & D Company, Inc., Blue Bell, PA.
 ABC Rail Products Corporation, Chicago, IL.
 Additional Technical Support, Inc., Waltham, MA.
 American Lending Group, Inc., St. Charles, MO.
 B.T.S. Lighting, Inc., Kansas City, KS.
 Beiswenger, Hoch & Associates, Inc.,
 North Miami, FL.
 Biotechnica International, Inc., Overland Park, KS.
 Blacktop Paving Co., Inc., Kansas City, MO.
 Casino & Credit Services, Inc., Conshohocken, PA.
 CMC Manufacturing, Inc., Corinth, MS.
 Dealers Utility Equipment Co., Inc.,
 North Little Rock, AR.
 Dell Marketing Corporation, Wilmington, DE.
 Denny's Management, Inc., Spartanburg, SC.
 Denny's Realty, Inc., Spartanburg, SC.
 Double D Advertising, Inc., Kansas City, MO.
 Edwards-Warren Tire Company, Conyers, GA.
 England Flying Service, England, AR.
 Environmental Waste Management, Inc.,
 Lee's Summit, MO.
 Fashion Crossroads, Inc., Los Angeles, CA.
 Friendly Frank's Distribution Inc., Addison, IL.
 GE Capital Communication Services Corporation,
 Atlanta, GA.
 Grace Drilling Company, Boca Raton, FL.
 Grading Systems Network Services, Inc., Lenexa, KS.
 Greenberg Holdings, Inc., Kansas City, MO.
 Henley Construction, Inc., Harrison, AR.
 Holtzman's Little Folk Shop, Inc., New York, NY.
 Insignia Management Corporation, Greenville, SC.
 Johnson Hill Press, Inc., Fort Atkinson, WI.
 Judson Enterprises, Inc., a Montana Corporation,
 Billings, MT.
 Kennedy & Mitchell, Inc., Dallas, TX.
 L & L Coffee Service, Inc., Spearman, TX.
 L & M Fahrenbruch, Inc., Trenton, NE.
 Master Design International Ltd., Overland Park, KS.
 Midwest Pipeline Contractors, Inc., Calgary, Alberta,
 Canada.
 Mr. Gatti's, Inc., Kerrville, TX.
 Netzer Sales, Inc., Kansas City, KS.
 Oil-Dri Corporation of America, Chicago, IL.
 Pronghorn Production Company, Wichita, KS.
 Safety Centers, Inc., South Holland, IL.
 Southwestern Bell Messaging Services, Inc.,
 San Antonio, TX.
 Spartan Cryogenics, Inc., Suwanee, GA.
 Sterling Select Advisors Incorporated, Wichita, KS.
 Tarko's Creations, Inc., George, IA.
 The Ribbon Outlet Inc., Somerville, NJ.
 Tri-State Baking Company, Amarillo, TX.
 Tri-State Osteopathic Hospital Association, Joplin, MO.
 Trident Gas Marketing, Inc., Spring, TX.
 Vanguard Integrated Resources, Inc., Dallas, TX.

Ron Thornburgh
 Secretary of State

Doc. No. 015992

(Published in the Kansas Register March 9, 1995.)

**Summary Notice of Note Sale
Harvey County, Kansas
\$155,000**

Temporary Improvement Notes, Series 1995-1

**(General obligation notes payable from
unlimited ad valorem taxes)**

Dated February 27, 1995.

Harvey County, Kansas

Doc. No. 016005

(Published in the Kansas Register March 9, 1995.)

**City of El Dorado
Notice to Contractors
8TE-0006-01
STP-T000(610)**

Sealed Bids

Subject to the notice of bond sale dated February 27, 1995, sealed bids will be received by the county administrator of Harvey County, Kansas (the issuer), on behalf of the governing body at Harvey County Courthouse, Newton, KS 67114, until 9 a.m. C.S.T. on March 20, 1995, for the purchase of \$155,000 principal amount of Temporary Improvement Notes, Series 1995-1. No bid of less than the entire par value of the notes, except a discount of not greater than 1½ percent of the par value of the notes, and accrued interest thereon to the date of delivery will be considered.

Note Details

The notes will consist of bearer notes in denominations to be specified by the bidder not to exceed 31 notes. The notes will be dated April 1, 1995, and will become due on April 1, 1996.

The notes will bear interest from the date thereof at rates to be determined when the notes are sold as hereinafter provided, which interest will be payable at maturity or earlier redemption.

Paying Agent

Harvey County Treasurer, Newton, Kansas.

Good Faith Deposit

Each bid shall be accompanied by a cashier's or certified check drawn on a bank located in the state of Kansas or Kansas City, Missouri, in the amount of \$3,100 (2 percent of the principal amount of the notes).

Delivery

The issuer will pay for printing the notes and will deliver the same properly prepared, executed and registered without cost to the successful bidder on or before April 4, 1995, 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 1994 is \$158,205,727. The total general obligation indebtedness of the issuer as of the date of the notes, including the notes being sold, is \$2,491,000.

Approval of Notes

The notes 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 notes will be furnished and paid for by the issuer, printed on the notes and delivered to the successful bidder as and when the notes are delivered.

Additional Information

Additional information regarding the notes may be obtained from the county administrator, (316) 284-6806.

Notice is hereby given that sealed proposals for the rehabilitation of the historic Missouri Pacific Railroad Passenger Depot, El Dorado, Kansas, and associated site work will be received in the city manager's conference room, El Dorado City Hall, 220 E. First, El Dorado, 67042, until 1:30 p.m. March 31, and then publicly opened.

A mandatory pre-bid conference will be at 1:30 p.m. March 16 in City Hall. Failure to attend the mandatory pre-bid conference will make the bid non-responsive and not eligible for award consideration.

This project is the renovation and exterior restoration of the Missouri Pacific Depot located at the northeast corner of Third Avenue and North Main Street. The city of El Dorado and the Kansas Department of Transportation have entered into an agreement for the use of federal Transportation Enhancement (ISTEA) funds for this project.

There will be no discrimination against anyone because of race, age, religion, color, sex, disability or national origin in the award of contracts. Each bidder shall file a sworn statement executed by or on behalf of the person, firm, association or corporation submitting the bid, certifying that such person, firm, association or corporation has not, either directly or indirectly, entered into any agreement, participated in any collusion, or otherwise taken any action in restraint of free competitive bidding in connection with the submitted bid. This sworn statement shall be in the form of an affidavit executed and sworn to by the bidder before a person who is authorized by the laws of the state to administer oaths. The required form of the affidavit will be provided by the city to each prospective bidder. Failure to submit the sworn statement as part of the bid approval package will make the bid non-responsive and not eligible for award consideration.

In addition to this requirement, each bidder shall execute all required documents in the plans, specifications and bid package. Failure to properly execute all required documents as part of the bid approval package will make the bid non-responsive and not eligible for award consideration.

Plans and specifications for the project may be obtained from the offices of Ekdahl, Davis, Depew, Persson/Architects, P.A., 700 S.W. Harrison, Topeka, 66603, (913) 234-6664.

City of El Dorado, Kansas

Doc. No. 015947

(Published in the Kansas Register March 9, 1995.)

**Summary Notice of Bond Sale
City of Wamego, Kansas
\$481,850***

General Obligation Bonds, Series 1995

**(General obligation bonds payable from
unlimited ad valorem taxes)**

Sealed Bids

Subject to the notice of bond sale dated March 8, 1995, sealed bids will be received by the clerk of the city of Wamego, Kansas (the issuer), on behalf of the governing body at City Hall, 428 Lincoln Ave., Wamego, KS 66547, until 4 p.m. C.S.T. on March 21, 1995, for the purchase of \$481,850* principal amount of General Obligation Bonds, Series 1995. 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 for one bond in the denomination of \$6,850. The bonds will be dated March 15, 1995, and will become due on September 1 in the years as follows:

Year	Principal Amount
1996	\$ 6,850
1997	20,000
1998	25,000
1999	25,000
2000	25,000
2001	30,000
2002	30,000
2003	30,000
2004	35,000
2005	35,000
2006	40,000
2007	40,000
2008	45,000
2009	45,000
2010	50,000

The bonds will bear interest from the date thereof at rates to be determined when the bonds are sold as hereinafter provided, which interest will be payable semiannually on March 1 and September 1 in each year, beginning on March 1, 1996.

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 \$9,637 (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 March 30, 1995, 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 1994 is \$15,472,855. The total general obligation indebtedness of the issuer as of the date of the bonds, including the bonds being sold, is \$1,444,850.

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, (913) 456-9119; or from the financial advisor, BANK IV: Public Finance, 534 S. Kansas Ave., Topeka, KS 66603-3412, Attention: David Brant, (913) 295-3543.

Dated March 8, 1995.

City of Wamego, Kansas

* Subject to change.

Doc. No. 016006

(Published in the Kansas Register March 9, 1995.)

**Summary Notice of Bond Sale
City of Lenexa, Kansas
\$8,775,000**

**General Obligation Bonds
Series 1995A**

**(General obligation bonds payable from
unlimited ad valorem taxes)**

Sealed Bids

Subject to the notice of bond sale dated March 3, 1995, sealed bids will be received by the city clerk/finance director of the city of Lenexa, Kansas, on behalf of the governing body at 12350 W. 87th St. Parkway, Lenexa, KS 66215, until 11 a.m. central time on March 16, 1995, for the purchase of \$8,775,000 principal amount of General Obligation Bonds, Series 1995A. 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 April 1, 1995, and will become due on September 1 in the years as follows:

Maturity September 1	Principal Amount
1996	\$ 675,000
1997	715,000
1998	755,000
1999	800,000
2000	845,000
2001	890,000
2002	940,000
2003	995,000

2004	1,050,000
2005	1,110,000

The bonds will bear interest from the date thereof at rates to be determined when the bonds are sold as hereinafter provided, which interest will be payable semiannually on March 1 and September 1 in each year, beginning March 1, 1996.

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 \$175,500 (2 percent of the principal amount of 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 April 10, 1995, 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 1994 is \$465,469,211. The total general obligation indebtedness of the city as of the date of the bonds, including the bonds being sold, is \$49,046,029.

Approval of Bonds

The bonds will be sold subject to the legal opinion of Logan, Riley, Carson & Kaup, L.C., Overland Park, bond counsel, whose approving legal opinion as to the validity of the bonds will be furnished and paid for by the city, printed on the bonds and delivered to the successful bidder as and when the bonds are delivered.

Additional Information

Additional information regarding the bonds may be obtained from the city clerk/finance director, (913) 492-8800; from the city's financial advisor, Evensen Dodge, Inc., Minneapolis, Minnesota, (612) 338-3535; or from the city's bond counsel, Logan, Riley, Carson & Kaup L.C., 9200 Indian Creek Parkway, Suite 230, Overland Park, KS, 66210, (913) 661-0399.

Dated March 9, 1995.

City of Lenexa, Kansas
By Sandra Howell
City Clerk/Finance Director
City Hall
12350 W. 87th St. Parkway
Lenexa, KS 66215
(913) 492-8800

Doc. No. 016003

State of Kansas

The Kansas Lottery

Temporary Administrative Regulations

Article 2.—LOTTERY RETAILERS

111-2-1. Application to become a lottery retailer. (a) Persons or businesses wanting to sell lottery tickets or

shares shall apply to the Kansas lottery on forms available through the lottery headquarters in Topeka or through any lottery regional office.

(b) Effective February 18, 1995, each application to become an instant lottery retailer shall be accompanied by a fee of \$50.00. All fees shall be non-refundable.

(c) Effective February 18, 1995, the application fee to become an on-line retailer shall be \$100.00. Additionally, on-line retailers shall be subject to the following:

(1) Retailers required to have dedicated telephone lines will be charged one percent of all on-line sales each week with a minimum of \$10.00 and a maximum of \$30.00 per week.

(2) Certain retailers whose businesses are seasonal or are based at events in which Kansas lottery staff is participating, regularly occur four or fewer days a week during the season, may qualify for cellular telephone services rather than dedicated telephone lines. There shall be no service charges for those on-line retailers selected to receive cellular telephone services available from the lottery.

(d) To become an on-line lottery retailer, an applicant must also be an instant lottery retailer and actively offer for sale at least one of the current instant games offered by the lottery, unless approved by the executive director as a "social environment establishment" defined at K.A.R. 111-6-1.

(e) An applicant receiving a lottery retailer certificate pursuant to K.S.A. 74-8708, as amended, may apply for a temporary lottery retailer certificate, good for no more than fourteen days, at a specific location, for special lottery events and other events approved by the executive director. An application for a temporary lottery retailer certificate shall designate the event and the specific location where tickets will be sold.

(f) No sale shall be made at any location not authorized by the executive director or his designee. (Authorized by K.S.A. 74-8708 and 74-8710 and implementing K.S.A. 74-8710; effective, T-88-38, Sept. 28, 1987, amended, T-88-61, Dec. 19, 1987; amended, T-111-12-1-88, Dec. 1, 1988; amended, T-111-2-28-95, Feb. 17, 1995.)

111-2-32. E-Z Shop "Mystery Shopper" on-line sales promotion. In addition to compensation specified in K.A.R. 111-2-4, the Kansas lottery offers the following as bonus incentives to enhance the sale of "Cash Lotto" tickets:

(a) The "Mystery Shopper" promotion for E-Z Shop stores in Kansas will commence on Sunday, February 19, 1995, and end on Saturday, March 18, 1995.

(b) A checklist of qualifying point of sale requirements will be completed for each store by a designated mystery shopper from the lottery. All seven items on the checklist must be checked with a "yes" response for a store to be eligible for the drawing. Each store will be surveyed with a checklist three times during the promotion by a mystery shopper, giving each location three possible entries into the drawing if the checklists for all three surveys contain nothing but "yes" responses. All of the E-Z Shop store managers will receive a copy of the checklist specifying qualifying requirements prior to being surveyed.

(continued)

(c) At the end of the promotion, all checklists will be forwarded to the sales department at the lottery. The executive director of the Kansas lottery will review any disputes over the compliance with the checklist and his decision will be final.

(d) To be eligible for the grand prize drawing, a store must also have a minimum of a 25 percent increase in "Cash Lotto" sales from February 19, 1995, through March 18, 1995, when comparing sales figures to an average four-week period "Cash Lotto" sales base for the 12 weeks from November 6, 1994, through January 28, 1995.

(e) If a store passes all requirements, at the end of the promotion, the retailer number, store number, and address will be written on the back of a sample ticket and entered into a drawing. A sample ticket will be completed for all qualifying entries per store.

(f) Following the end of the promotion, a random drawing of all eligible stores will be conducted by the lottery at 10:00 a.m. on Tuesday, March 21, 1995, at lottery headquarters, in accordance with lottery drawing procedures, to determine the grand prize winner of a trip for two to Las Vegas, Nevada, for four days and three nights. The winning store will also receive 100 Wild Time II tickets to be distributed among the store employees.

(g) The trip must be used before December 31, 1995, and is provided by KCFX of Kansas City and the Kansas lottery, and consists of:

(1) Round trip air fare for two to Las Vegas, from Kansas City, Missouri.

(2) Hotel accommodations for four days and three nights in Las Vegas.

(h) There will also be a prize of \$250.00 awarded to the store that has the greatest cumulative percentage increase in "Cash Lotto" sales from February 19, 1995, through March 18, 1995. If the store winning the grand prize is also the store with the greatest cumulative percentage increase in "Cash Lotto" sales, the store with the next greatest percentage increase will receive the above prize.

(i) All prizes will awarded on Tuesday, March 21, 1995. (Authorized by and implementing K.S.A. 74-8710; effective, T-111-2-28-95, Feb. 17, 1995.)

111-2-33. "Ask for the sale" promotion. (a) During the period beginning February 18, 1995, and ending March 18, 1995, in addition to compensation provided for in K.A.R. 111-2-4, the Kansas lottery also offers all Love's Country Stores located in Kansas an opportunity to participate in a bonus retailer "ask for the sale" incentive promotion of the Kansas Cash Lotto game.

(b) On each Wednesday and Saturday, all store personnel selling Kansas lottery tickets will ask every adult customer making a purchase if the customer would like to purchase a Kansas Cash Lotto lottery ticket. If the employee fails to ask adult customers for the purchase of a Cash Lotto ticket and the adult customer notices before leaving the premises, the retailer shall give that adult customer one Cash Lotto ticket at no charge.

(c) All retailer employees at each location shall wear promotional buttons provided by the lottery each Wednesday and Saturday from 6:00 a.m. to 7:00 p.m. during the promotion.

(d) The Kansas lottery will provide each location with a credit of 10 tickets to be given away one at a time if the employee forgets to "ask for the sale." Any tickets given away above 10 per location will be the responsibility of Love's.

(e) Each retail location shall maintain a ticket log form to be completed every time a Cash Lotto ticket is given away. The log will be picked up by the Kansas lottery district manager servicing the retailer location at the end of the promotion.

(f) At the end of the promotion, the lottery accounting department will determine the total number of Cash Lotto tickets sold. The store with the greatest percentage increase in Cash Lotto sales for the period from February 18, 1995, through March 18, 1995, over the average of Cash Lotto sales for October, November and December, 1994 will win \$100.00 worth of lottery tickets. The second and third place stores will receive promotional items provided by the lottery. (Authorized by K.S.A. 74-8710; implementing K.S.A. 74-8710 and K.S.A. 74-8708; effective, T-111-2-28-95, Feb. 17, 1995.)

Article 4.—INDIVIDUAL GAME RULES

RULES FOR INSTANT GAME NO. 94 "DOUBLE DOUBLER"

111-4-674. Name of game. The following definitions shall conduct an instant winner lottery game entitled "Double Doubler" commencing on or after March 3, 1995. The specific rules for the "Double Doubler" game are contained in K.A.R. 111-3-1 et seq. and 111-4-674 through 111-4-677. (Authorized by and implementing K.S.A. 74-8710; effective, T-111-2-28-95, Feb. 17, 1995.)

111-4-675. Definitions. The following definitions shall apply to the "Double 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 the instant game, the game symbols are printed in black ink in 15 point WGI Symbol font 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: \$1.00 - \$2.00 - \$5.00 - 20.00 - 40.00 - \$2500 - \$5000 - "Single Prize" - "Double Prize" - "Double Doubler."

(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
\$1.00	ONES
\$2.00	TWOS
\$5.00	FIVES
20.00	TWENTY
40.00	FORTY
\$2500	25-HUN
\$5000	FIVETHOU
SINGLE PRIZE	SINGLE
DOUBLE PRIZE	DOUBLE
DOUBLE DOUBLER	4XPRIZE

(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 an 11-digit number which appears below the game symbols under the removable covering in the play area on the front of each instant ticket.

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

(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 three letter code printed and appearing in three of six varying locations among the game symbols. The codes and their meanings are as follows: ONE = \$1.00; TWO = \$2.00; FOR = \$4.00; FIVE = \$5.00; TEN = \$10.00; TWY = \$20.00; FRY = \$40.00; ETY = \$80.00.

(f) "Bar code" means the 16-digit bar coded number appearing on the back of each ticket. (Authorized by and implementing K.S.A. 74-8710; effective, T-111-2-28-95, Feb. 17, 1995.)

111-4-676. 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 of six game which includes a doubler which is double the prize amount shown and a double doubler which is four times the prize amount shown. If three of the six concealed prize amounts match, the player wins the amount shown if the "Your Prize Level" box shows "Single Prize." If "Your Prize" box shows "Double Prize," the player wins double the prize amount. If the "Your Prize" box shows "Double Doubler," the player wins four times 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's (single prize)	One Dollar
3-\$2's (single prize)	Two Dollars
3-\$1's (double prize)	Two Dollars
3-\$1's (double doubler)	Four Dollars
3-\$5's (single prize)	Five Dollars
3-\$5's (double prize)	Ten Dollars
3-\$5's (double doubler)	Twenty Dollars
3-\$20's (double prize)	Forty Dollars
3-\$40's (single doubler)	Forty Dollars
3-\$20's (double doubler)	Eighty Dollars
3-\$2,500's (single prize)	Two Thousand Five Hundred dollars
3-\$2,500's (double prize)	Five Thousand Dollars
3-\$5,000's (double prize)	Ten Thousand Dollars
3-\$2,500's (double doubler)	Ten 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-111-2-28-95, Feb. 17, 1995.)

111-4-677. Number and value of instant prizes. (a) There will be approximately 2,100,000 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 (single prize)	161,000	\$ 161,000
3-\$2's (single prize)	28,000	56,000
3-\$1's (double prize)	56,000	112,000
3-\$1's (double doubler)	21,000	84,000
3-\$5's (single prize)	35,000	175,000
3-\$5's (double prize)	21,000	210,000
3-\$5's (double doubler)	14,000	280,000
3-\$20's (double prize)	1,050	42,000
3-\$40's (single prize)	1,050	42,000
3-\$20's (double doubler)	105	8,400
3-\$2,500's (single prize)	2	5,000
3-\$2,500's (double prize)	2	10,000
3-\$5,000's (double prize)	2	20,000
3-\$2,500's (double doubler)	1	10,000
	338,212	\$1,215,400

(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-111-2-28-95, Feb. 17, 1995.)

Article 6.—ON-LINE GAMES

111-6-3. Sale of tickets. (a) No person other than a retailer under a contract for the sale of instant game tickets with the lottery may sell on-line lottery tickets except that nothing in this section shall be construed to prevent a person who may lawfully purchase tickets from making a gift of lottery tickets to another.

(b) An on-line retailer must have a current retailer certificate and must be actively engaged in the sale of at least one of the most current instant games to the public unless otherwise approved as a social environment establishment by the executive director.

(c) Tickets may not be sold at a location other than the address listed on the retailer's certificate with the lottery.

(d) Nothing in this section shall be construed to prohibit the Lottery from designating certain of its agents and employees to sell lottery tickets directly to the public. (Authorized by and implementing K.S.A. 74-8710; effective, T-89-4, Jan. 21, 1988; amended, T-111-12-28-89, Dec. 21, 1989; amended, T-111-3-26-93, March 19, 1993; amended, T-111-2-28-95, Feb. 17, 1995.)

111-6-9. (Authorized by and implementing K.S.A. 1990 Supp. 74-8710; effective, T-89-4, Jan. 22, 1988; amended, T-111-8-2-91, July 19, 1991; revoked, T-111-2-28-95, Feb. 17, 1995.)

Gregory P. Ziemak
Executive Director

Doc. No. 015991

State of Kansas

Kansas Commission on Governmental
Standards and Conduct

Advisory Opinion No. 95-1

Written February 16, 1995, to Barry L. Arbuckle, Attorney at Law, Wichita.

This opinion is in response to your letter of December 22, 1994, in which you request an opinion from the Kansas Commission on Governmental Standards and Conduct concerning the local conflict of interests law (K.S.A. 75-4301 *et seq.*).

Factual Statement

We understand you request this opinion in your capacity as the city attorney for Goddard, Kansas. You advise us that the city is contemplating annexing certain land adjacent to existing city limits at the request of the landowner, the local school district. The district is planning to construct a new high school at that location.

One of the council members is employed as a teacher by the local high school. Thus, the councilperson would be in a position to vote on both the proposed annexation and an agreement between the school board and the city concerning payment of costs associated with the building of the new school.

Questions

Is it permissible for the councilperson to vote on the contemplated annexation? Is it permissible for the councilperson to vote on the agreement concerning costs between the school district and the city council?

Opinion

K.S.A. 75-4304 states "(a) No local governmental officer or employee shall, in the capacity of such an officer or employee, make or participate in the making of a contract with any person or business by which the officer or employee is employed or in whose business the officer or employee has a substantial interest."

This commission has consistently held that this section relates to "contracts" and not to legislative decisions such as annexation. Therefore, this section does not cover the situation you have described and the councilperson could vote on the annexation.

Turning to your second question, since local subdivisions of government such as school districts and city councils are not included in the definition of "business" as defined by K.S.A. 75-4301a(b), no conflict would exist. Thus, the city councilperson could vote on the agreement between the city and the school board.

Note that under state law "business" is defined to include governmental entities and that a different outcome would have been reached if state law applied.

Advisory Opinion No. 95-2

Written February 16, 1995, to Mary Holladay, Former Chief of Staff for Governor Finney, Topeka.

This opinion is in response to your letter of December 28, 1994, in which you request an opinion from the Kansas Commission on Governmental Standards and Con-

duct concerning the state conflict of interests law (K.S.A. 46-215 *et seq.*).

Factual Statement

We understand you request this opinion as the chief of staff for former Governor Finney. You advise us that during the Hayden administration, the Chamber of Commerce in El Dorado, Kansas, began the Governor's One Shot Turkey Hunt. The purpose of this annual event is to promote tourism in the state.

In 1992, during the Finney administration, O.F. Mossberg and Sons, a gun manufacturer, presented Governor Finney with a 12-gauge shotgun inscribed with her name and the state seal to use at the turkey shoot. The value of the shotgun is in excess of \$40.

You further state that Mossberg does not have a manufacturing plant in Kansas. You also believe that no legislation was or is pending affecting the gun manufacturer, and the Governor had no reason to believe the gun was given to influence her official duties.

Question

Is it permissible under the state conflict of interest laws, K.S.A. 46-215 *et seq.*, for the Governor to personally retain the shotgun upon leaving office?

Opinion

We have reviewed the state conflict of interest laws, K.S.A. 46-215 *et seq.*, in their entirety and found two sections that apply to your situation.

K.S.A. 46-237(a) states: "No state officer or employee or candidate for state office shall accept, or agree to accept any economic opportunity, gift, loan, gratuity, special discount, favor, hospitality, or service having an aggregate value of \$40 or more in any calendar year from any one person known to have a special interest, under circumstances where such person knows or should know that a major purpose of the donor is to influence such person in the performance of their official duties or prospective official duties."

K.S.A. 46-228 states: "'Special Interest' means an interest of any person as herein defined (1) concerning action or non-action by the legislature on any legislative matter affecting such person as distinct from affect upon the people of the state as a whole, or (2) in the action or non-action of any state agency or state officer or employee upon any matter affecting such person as distinct from affect upon the people of the state as a whole."

The threshold issue is whether, in 1992, the shotgun was accepted by the Governor on behalf of the state, or accepted by her personally.

It was estimated that 600 people from various occupations and a variety of states attended the 1992 Governor's Turkey Shoot. Media attention was given to the event, and several articles were printed specifically discussing the Governor receiving the shotgun. At least seven bills that year were brought before the Kansas Legislature concerning some type of gun control. Lobbyists for the National Rifle Association reported spending \$342 to lobby in Kansas during 1992. There was a considerable amount of attention focused on the Brady Bill and what effect it would have on the state. Therefore, we believe O.F. Mossberg and Sons had a "special interest" as defined by K.S.A. 46-228.

The Governor was presented a shotgun to be used at a publicized event attended by several hundred people. The Governor plays an important role in the legislative process and is the recognized leader of state government. The gun was given to the Governor "under circumstances where such person knows or should know that a major purpose of the donor is to influence such person in the performance of their official duties or prospective official duties."

Therefore, since the Governor accepted a gift "having an aggregate value of \$40 or more in any calendar year from any one person known to have a special interest, under circumstances where such person knows or should know that a major purpose of the donor is to influence such person in the performance of their official duties or prospective official duties," the shotgun could only have been accepted on behalf of the state of Kansas. The shotgun became state property when accepted by the Governor in 1992, and must remain the property of the state of Kansas.

Advisory Opinion No. 95-3

Written February 16, 1995, to the Honorable Tom Sloan, State Representative, Lawrence.

This opinion is in response to your letter of January 19, 1995, in which you request an opinion from the Kansas Commission on Governmental Standards and Conduct concerning the Campaign Finance Act (K.S.A. 25-4142 *et seq.*).

Factual Statement

We understand you request this opinion in your capacity as a Kansas state representative from the 45th district. You advise us that newspapers offer commercial advertisers "echo ads" which are the same advertisement run again within seven days at a reduced rate. You further advise that political advertisers may not always be offered this rate charge.

Question

Is it permissible under K.S.A. 25-4156 for a newspaper to offer reduced rate "echo ads" to commercial advertisers but deny this offer to political advertisers? Does K.S.A. 25-4156 require radio stations to offer such special rates to political advertisers?

Opinion

K.S.A. 25-4156(a)(1) states: "Whenever any person sells space in any newspaper, magazine or other periodical to a candidate or to a candidate committee, the charge made for the use of such space shall not exceed the charges made for comparable use of such space for other purposes."

We believe the language, "the charge made for the use of such space shall not exceed the charges made for comparable use of such space for other purposes," means just that, and political advertisers should have the same rate offers as commercial advertisers. In this situation, "comparable use" is newspaper space used for advertising by both political and commercial advertisers. The "charge made for the use of such space" is the rate charged to all advertisers by the newspaper. When a political advertiser pays more for advertising space than does a commercial

advertiser, the charge to the political advertiser has "exceeded the charges made" to the commercial advertiser.

Thus, if a rate is offered to a commercial advertiser at a discount, but the discounted rate is not offered to a political advertiser, there has not been full statutory compliance. Therefore, when newspapers provide reduced rate "echo ads" for space to commercial advertisers, they must provide political advertisers with the same rate offer.

The answer to your second question concerning whether radio stations must provide "echo ads" to political advertisers is beyond the jurisdiction of this commission. We recommend that you contact the Federal Communications Commission or the Kansas Broadcasters Association for guidance.

Advisory Opinion No. 95-4

Written February 16, 1995, to Frank H. Jenkins, Jr., Lowe, Farmer, Bacon & Roe, Olathe.

This opinion is in response to your letter of January 25, 1995, in which you request an opinion from the Kansas Commission on Governmental Standards and Conduct concerning the local conflict of interests law (K.S.A. 75-4301 *et seq.*).

Factual Statement

We understand you request this opinion in your capacity as city attorney for the city of Spring Hill, Kansas. You advise us that the spouse of a city council member is a member of the City Planning Commission. You are concerned about any potential conflict of interests.

Question

Is it permissible under the local conflict of interests law (K.S.A. 75-4301 *et seq.*) for the spouse of a city council member to be a member of the City Planning Commission?

Opinion

We have reviewed the local conflict of interests law (K.S.A. 75-4301 *et seq.*) in its entirety, and the only provision that applies to this situation is K.S.A. 75-4304.

K.S.A. 75-4304 states:

- (a) No local governmental officer or employee shall, in the capacity of such an officer or employee, make or participate in the making of a contract with any person or business by which the officer or employee is employed or in whose business the officer or employee has a substantial interest.

The applicability of K.S.A. 75-4304 to this situation depends, in part, on whether the local governmental officer is employed or holds a "substantial interest" in any "person" or "business." The holdings of spouses are attributed to one another insofar as the definition of "substantial interest" is concerned under K.S.A. 75-4301. However, because local subdivisions of government are not defined as "businessess" under K.S.A. 75-4301, the prohibitions of K.S.A. 75-4304 would not apply. Further, because there is no definition of "person" under K.S.A. 75-4301, and because this commission has consistently held that local subdivisions of government are not "persons" for purposes of holding a "substantial interest," the prohibitions in K.S.A. 75-4304 would again not apply.

(continued)

Therefore, the situation you have described is permissible under the local conflict of interests law (K.S.A. 75-4301 *et seq.*).

Advisory Opinion No. 95-5

Written February 16, 1995, to Steven Brown, Executive Director, Kansas Republican Party, Topeka.

This opinion is in response to your letter of December 20, 1994, in which you request an opinion from the Kansas Commission on Governmental Standards and Conduct concerning the Campaign Finance Act (K.S.A. 25-4142 *et seq.*) and the state conflict of interests law (K.S.A. 46-215 *et seq.*).

Factual Statement

We understand that you ask for this opinion in your capacity as executive director for the Kansas Republican Party. You request our opinion regarding financial transactions which take place for the purpose of paying legal fees associated with court challenges to the seating of individuals elected to serve in the Kansas Legislature.

Questions

You ask the following questions:

1. When a candidate who has been defeated in a general election contests the certification of election of his opponent through the courts, is he or she still considered a candidate for the purposes of soliciting and accepting contributions to pay his or her legal fees associated with such a contest?

2. When a candidate who has been defeated in a general election contests the certification of election of his opponent through the courts, would the solicitation and acceptance of contributions for the purpose of paying legal fees be considered campaign contributions and, if not, what limits would apply?

3. If the legal proceedings associated with such a challenge take place in a non-election year, would the challenging candidate be considered as a candidate for the next election cycle?

Opinion

First, we note that the definition of "candidate" depends on which section of Chapter 25 applies. For purposes of the Campaign Finance Act, K.S.A. 25-4142 *et seq.*, an individual becomes a "candidate" by doing one of the following: appointing a treasurer or candidate committee, making a public announcement, making any expenditure or accepting any contribution towards becoming a candidate, or filing a declaration of intent or a nomination petition (see K.S.A. 25-4143(a)). However, an individual becomes a "candidate" for purposes of being placed on the election ballot only by filing a declaration of intent or a nomination petition pursuant to K.S.A. 25-205. Therefore, an individual can become a "candidate," but never appear on the election ballot.

Similarly, an individual ceases to be a "candidate" under the Campaign Finance Act when all residual funds are expended, the position of treasurer or candidate committee is dissolved and a termination report is filed (see K.S.A. 25-4157 and K.S.A. 25-4157a). However, under the remainder of Chapter 25, an individual ceases to be a candidate upon withdrawing the declaration of intent or

nomination petition, or when the Board of Canvassers announces the winner and loser of each election (see K.S.A. 25-306a and K.S.A. 25-701). Therefore, an individual can withdraw from the ballot or lose an election, but still be a "candidate" under the Campaign Finance Act.

In answer to your first question, when a candidate who has been defeated in a general election contests the certification of his or her opponent, we believe the individual is still a "candidate" until a termination report is filed.

The same situation applies to your third question. When the challenge to the certification takes place during a non-election year, so long as the candidate's campaign account is open and no termination report is filed, that individual remains a "candidate" for purposes of the Campaign Finance Act. However, he or she would not become a "candidate" for purposes of appearing on the primary election ballot until a new declaration of intent or a nomination petition is filed with the Secretary of State.

The answer to your second question depends, in part, on how the individual chooses to pay for his or her legal fees. First, we note that K.S.A. 25-4143(d)(1) defines "contribution" in pertinent part to mean:

Any advance, conveyance, deposit, distribution, gift, loan or payment of money or any other thing of value made for the purpose of influencing the nomination or election of any individual to state or local office

The issue then is the intent of the donor. Anyone donating money to a defeated candidate contesting the election certification is giving such money "for the purpose of influencing the nomination or election of any individual to state or local office." Any such donation would clearly be a contribution and would need to be reported as such. We believe that the use of campaign funds to contest an election certification is "for legitimate campaign purposes or for expenses of holding political office," and therefore could be used by the candidate to contest the certification (see K.S.A. 25-4157a(a)). However, the campaign contribution limitations found in K.S.A. 25-4153 would apply, and beginning January 1, 1995, the primary election cycle for the 1996 primary election began (see K.S.A. 25-4149). Since there is a chance that the defeated candidate may win the election certification or, if not, file a new declaration of intent or nomination petition to be placed on the 1996 ballot, the state party needs to be aware that a contested primary has a \$500 limit per recipient. We suggest the state party not contribute more than \$500 to help in the contested certification in the event there is a contested primary in 1996. Also, since the individual contesting the election certification is still a "candidate," contributions from any registered lobbyist or political committee from January 1 through May 15 could not be accepted (see K.S.A. 25-4153a).

If the candidate wanted to set up an independent fund rather than use campaign funds to pay for the legal costs associated with the contested certification, the state conflict of interest laws, K.S.A. 46-215 *et seq.*, would apply.

K.S.A. 46-236 states:

No state officer or employee or candidate for state office shall solicit any economic opportunity, gift, loan, gratuity, special discount, favor, hospitality, or service from any person known to

have a special interest, under circumstances where such officer, employee or candidate knows or should know that a major purpose of the donor in granting the same could be to influence the performance of the official duties or prospective official duties of such officer, employee or candidate.

Therefore, the candidate could not solicit donations to this fund from anyone known to have a "special interest."

If the candidate were to receive unsolicited donations to this independent fund, K.S.A. 46-237(a) would apply. That section states:

No state officer or employee or candidate for state office shall accept, or agree to accept any economic opportunity, gift, loan, gratuity, special discount, favor, hospitality, or service having an aggregate value of \$40 or more in any calendar year from any one person known to have a special interest, under circumstances where such person knows or should know that a major purpose of the donor is to influence such person in the performance of their official duties or prospective official duties.

Anyone donating to this fund known to have a "special interest" would be subject to the \$40 per calendar year limitation.

In closing, we note that the solicitation prohibition in K.S.A. 46-236 and the \$40 limitation on unsolicited donations in K.S.A. 46-237 do not apply if the candidate receives the donations as campaign contributions and properly reports them as such. Thus, we suggest that any donations received by the candidate to be used for legal fees associated with the contested certification be received as campaign funds.

Advisory Opinion No. 95-6

Written February 16, 1995, to the Honorable Marian Reynolds, State Senator, Dodge City.

This opinion is in response to your letter of February 6, 1995, in which you request an opinion from the Kansas Commission on Governmental Standards and Conduct concerning the state conflict of interests law (K.S.A. 46-215 *et seq.*).

Factual Statement

We understand you request this opinion in your capacity as a state senator from the 38th district. You advise us that you are considering accepting a position as the executive director of a local Chamber of Commerce. The chamber receives funding from both city and county sources, a portion of which goes to supplant the salary of the director.

Question

It is permissible for you to accept a position as executive director of a local Chamber of Commerce during your tenure in the legislature?

Opinion

Based on the specific facts stated in this situation, we find nothing in the Conflict of Interest Act, K.S.A. 46-215 *et seq.*, which prohibits the situation you have described.

Richard C. Loux
Chairman

Doc. No. 015988

State of Kansas

Legislature

Legislative Bills Introduced

The following numbers and titles of bills and resolutions have been recently introduced by the 1995 Kansas Legislature. Copies of bills and resolutions are available free of charge from the Legislative Document Room, 145-N, State Capitol, Topeka, 66612, (913) 296-4096.

Bills introduced February 23-28:

House Bills

HB 2546, An act concerning certain recreational areas; relating to liability of owners of such areas; amending K.S.A. 58-3203 and 58-3204 and repealing the existing sections.

HB 2547, An act concerning the Kansas lottery; authorizing electronic games of chance; repealing abolition of the state lottery; amending K.S.A. 74-8702, 74-8705, 74-8708, 74-8710 and 74-8711 and K.S.A. 1994 Supp. 74-8718 and 74-8719 and repealing the existing sections; also repealing K.S.A. 74-8723.

HB 2548, An act enacting the juvenile justice reform act; amending K.S.A. 38-1604, 38-1606, 38-1616, 38-1635, 38-1638, 38-1639, 38-1655, 38-1661, 38-1662, 38-1665, 38-1672, 38-1674, 38-1691, 38-1692, 38-16111, 38-16119, 39-1701, 39-1702, 39-1703, 39-1704, 75-3335a, 76-12a18, 76-12a19, 76-12a21, 76-2101, 76-2125, 76-2201 and 76-2219 and K.S.A. 1994 Supp. 21-2511, 21-3413, 38-1602, 38-1608, 38-1663, 38-1671, 38-1673, 38-1675, 38-1676, 38-1677 and 75-5205 and repealing the existing sections.

HB 2549, An act concerning salaries and compensation and longevity bonus payments for state officers and employees; making appropriations for the fiscal year ending June 30, 1996; amending K.S.A. 40-102, 46-137a, 46-137b and K.S.A. 1994 Supp. 75-3101, 75-3103, 75-3104, 75-3108, 75-3110 and 75-3111a and repealing the existing sections.

House Concurrent Resolutions

HCR 5018, A concurrent resolution relating to the 1995 regular session of the legislature; providing for an adjournment of the House of Representatives and the Senate and the consent of both houses thereto.

HCR 5019, A concurrent resolution directing the attorney general to bring an action to enjoin the enforcement of, and to declare unenforceable and in violation of the Constitution of the United States, the national voter registration act of 1993.

HCR 5020, A concurrent resolution urging the State Board of Education to consider certain recommendations regarding accreditation of schools.

Senate Bills

SB 351, by Committee on Ways and Means: An act abolishing the Stormont medical library fund; amending K.S.A. 75-2525 and repealing the existing section; also repealing K.S.A. 75-2526, 75-2528, 75-2529, 75-2533 and K.S.A. 1994 Supp. 75-2527.

SB 352, by Committee on Federal and State Affairs: An act relating to taxation; providing for a fee in lieu of LP-gas tax for certain vehicles; also repealing K.S.A. 79-3492a, 79-3492c, 79-3492d and 79-3492e and K.S.A. 1994 Supp. 79-3492b.

SB 353, by Committee on Ways and Means: An act concerning historical interests of the state; changing the trustee of the state for historical property; amending K.S.A. 75-2702, 75-2705, 75-2713, 75-2714, 75-2717, 75-2718, 75-2721, 75-2722, 75-2723, 75-2743 and 75-2744 and K.S.A. 1994 Supp. 75-2701, 75-2703, 75-2704, 75-2726, 75-2729 and 75-2749 and repealing the existing sections; also repealing K.S.A. 75-3148.

SB 354, by Committee on Ways and Means: An act relating to income taxation; concerning certain additions to federal adjusted gross income; excluding privilege taxes; amending K.S.A. 1994 Supp. 79-32,117 and repealing the existing section.

SB 355, by Committee on Ways and Means: An act concerning school districts implementing court-ordered desegregation plans; providing for additional supplemental general state aid entitlements under certain conditions.

SB 356, by Committee on Ways and Means: An act concerning school district finance; rescinding the provision of school facilities weighting;

(continued)

amending K.S.A. 1994 Supp. 72-6407 and 72-6441 and repealing the existing sections; also repealing K.S.A. 72-6415.

SB 357, by Committee on Ways and Means: An act concerning the reimbursement of moving expenses for state officers and employees; repealing K.S.A. 1994 Supp. 75-3219 and 75-3224.

SB 358, by Committee on Ways and Means: An act concerning certain health care providers; relating to peer review; amending K.S.A. 1994 Supp. 65-4915 and repealing the existing section.

SB 359, by Committee on Ways and Means: An act concerning the correctional industries fund; amending K.S.A. 1994 Supp. 75-5282 and repealing the existing section.

SB 360, by Committee on Ways and Means: An act concerning crimes, punishments and criminal procedure; relating to certain placement of inmates, reduction of sentences for good time and postrelease supervision; amending K.S.A. 1994 Supp. 21-4603d, 21-4706, 21-4722, 22-3717 and 75-5217 and repealing the existing sections.

Senate Concurrent Resolutions

SCR 1610, A concurrent resolution expressing the legislature's appreciation to the Steering Committee to Reinvent Kansas Government, Environmental Water Permitting Study Team for its effort to improve water permitting agencies service and requesting further cooperation between water permitting agencies and the study team.

Senate Resolutions

SR 1812, A resolution congratulating and commending George Tignor for being named the 1995 National Secondary School Principal of the Year.

Doc. No. 016002

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, April 11, in the board room of the State Education Building, 120 S.E. 10th Ave., Topeka, to consider proposed changes in State Board Regulations 91-1-68a, 91-1-68b, 91-1-68c, 91-1-68d, 91-1-68e, 91-1-70a and 91-1-70b.

These regulations govern the accreditation of teacher education institutions and the approval of teacher education programs. State Board Regulation 91-1-70a would incorporate, by reference, the accreditation standards of the National Council on the Accreditation of Teacher Education (NCATE).

Each regulation is printed with this notice. The economic impact upon the Kansas State Department of Education or upon other governmental agencies will not exceed \$10,000, and there will be no economic impact upon private business or individuals. 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 Ave., 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 should be made at least five working days in advance of the hearing by contacting Lanny Gaston at (913) 296-3906 or (TDD) (913) 296-8172.

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 above address. The hearing shall be conducted in compliance with the public hearing procedures of the board.

The regulations to be amended are as follows:

91-1-68a. Institutional accreditation and program approval definitions. As used in S.B.R. 91-1-68b, 91-1-68c and 91-1-68d:

(a) "Academic year" means July 1 through June 30.

(b) "Accredited," when applied to continuing or initial accreditation, means the status assigned to a teacher education institution which meets substantially the accreditation standards prescribed in regulations adopted by the state board.

(c) "Accredited with stipulation" means the status assigned to a teacher education institution that has critical deficiencies based on the accreditation standards prescribed in regulations adopted by the state board that must be addressed by the institution prior to the granting of "accredited" status.

(d) "Annual report" means information as specified by the commissioner which must be submitted on a yearly basis.

(e) "Approved" means the status assigned to a teacher education program which meets the program standards prescribed in regulations adopted by the state board.

(f) "Approved with stipulation" means the status assigned to a professional education program that has critical deficiencies based on the program standards prescribed in regulations adopted by the state board that must be addressed by the institution prior to the granting of approval.

(g) "Combined on-site review team" means an on-site review team which has members who represent NCATE and the state board.

(h) "Commissioner" means the state commissioner of education or the commissioner's designee.

(i) "Continuing accreditation" means the status assigned to a teacher education institution which after achieving initial accreditation continues to substantially meet the accreditation standards prescribed in regulations adopted by the state board.

(j) "Evaluation review committee" means the standing committee of the teaching and school administration professional standards board, or its successor, which is responsible for recommending accreditation and program approval actions to the state board.

(k) "Institutional report" means a qualitative and quantitative description of how a teacher education institution's professional education unit meets the accreditation standards prescribed in regulations adopted by the state board.

(l) "NCATE" means the national council for accreditation of teacher education.

(m) "Not accredited" means the status assigned to a teacher education institution which fails substantially to meet accreditation standards prescribed in regulations adopted by the state board.

(n) "Not approved" means the status assigned to a teacher professional education program which fails substantially to meet program standards prescribed in regulations adopted by the state board.

(j) (o) "On-site review team" means a group of persons appointed by the commissioner to review and analyze an institutional self-study report, conduct an on-site review of the teacher education institution or a professional program or programs of such institution, and prepare a report concerning the matter.

(p) "Probation" means the two-year status assigned to a teacher education institution which after achieving initial accreditation, failed to continue to meet substantially accreditation standards prescribed in regulations adopted by the state board.

(q) "Teacher Professional education program" or "program" means an organized set of learning activities designed to provide prospective school personnel with the knowledge, competencies and skills to successfully perform successfully in a specified educational position.

(r) "Program folio" means a qualitative and quantitative description of how a teacher education institution's professional education unit meets the program standards prescribed in regulations adopted by the state board.

(s) "Review team" means a group of persons appointed by the commissioner to review and analyze an institutional report or program folio of a teacher education institution and prepare a report concerning the matter.

(k) "Provisionally accredited" means the status assigned to a teacher education institution which substantially meets the accreditation standards prescribed in regulations adopted by the state board.

(l) "Provisionally approved" means the status assigned to a teacher education program which substantially meets the program standards prescribed in regulations adopted by the state board.

(m) (t) "State board" means the state board of education.

(n) (u) "Teacher education institution" or "institution" means a college or university which offers at least a four-year program of study in higher education and which maintains a department or unit which offers teacher education programs. (Authorized by and implementing Article 6, Section 2(a) of the Kansas Constitution; effective Sept. 2, 1991; amended P____)

91-1-68b. Procedures for initially accrediting teacher education institutions. (a) *Process initiation.* Each teacher education institution that desires to be initially accredited by the state board shall submit a request for an intent to seek unit accreditation to the commissioner at least 24 months prior to the time at which accredited status is to begin. Each institution also shall submit an institutional self-study report to the commissioner, which shall be in the form and contain the information prescribed by the commissioner. The self-study shall be submitted at least three months 60 days prior to the date of the on-site review scheduled for the institution. These requirements shall be applicable whether or not an institution is currently accredited by the state board.

(b) *On-site review team.*

(1) Upon receipt of a complete institutional self-study report, the commissioner shall consult with the institution concerning the appointment of an on-site review team, including its size, membership and chairperson. After such consultation, the commissioner shall appoint an on-site review

team to analyze the institutional self-study report and conduct an on-site review. The commissioner shall designate the chairperson of the review team and shall determine the number of review team members based upon the scope of the programs offered to be reviewed at the teacher education institution. An institution may challenge the appointment of a team member only on the basis of a conflict of interest.

(2) If a teacher education institution requests a joint accreditation review by the state board and NCATE:

(A) after consultation with representatives of NCATE and the institution, the commissioner may appoint a combined on-site review team, and the commissioner shall have final authority on the designation of the state chairperson and the number of state review team members; and

(B) the institution shall be evaluated utilizing NCATE accreditation standards as in effect on March 1, 1991, and any state board accreditation standards not included in the NCATE standards. The commissioner shall conclusively determine resolve any question regarding the standards which apply to the review of any institution.

(c) *On-site review.*

(1) In accordance with procedures adopted by the state board, each on-site review team shall examine and analyze the self-study institutional report, conduct an on-site review of the teacher education institution, and prepare a report expressing the findings and conclusions of the review team. The on-site review team report shall be submitted to the commissioner who shall forward the report to the evaluation review committee and to an appropriate representative of the teacher education institution.

(2) Any such institution may prepare a written response to the on-site review team report. This response shall be prepared and submitted to the commissioner within 30 days of receipt of the on-site review team's report. The commissioner shall forward any such response to the evaluation review committee.

(d) *Initial recommendation.* The evaluation review committee, in accordance with procedures adopted by the state board, shall examine and analyze the institutional self-study report, the on-site review team report, the response by the institution to the on-site review team's report, if any, and any other relevant information properly brought to its attention. The committee shall then prepare a written initial recommendation regarding the appropriate accreditation status to be assigned to the teacher education institution, which shall include a statement of the findings and conclusions of the evaluation review committee. The recommendation shall be submitted to an appropriate representative of the teacher education institution and to the commissioner.

(e) *Request for hearing.*

(1) Within 30 days of the receipt of an initial recommendation of the evaluation review committee, the teacher education institution may submit a written request to the commissioner for a hearing before the evaluation review committee to appeal the initial recommendation. This request shall specify, in detail, the basis for the appeal, including an identification of each item disputed by the institution.

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(2) If a request for a hearing is submitted, the evaluation review committee shall conduct a hearing. The committee shall then prepare a written final recommendation regarding the appropriate status to be assigned to the teacher education institution, which shall include a statement of the findings and conclusions of the evaluation review committee. The recommendation shall be submitted to an appropriate representative of the teacher education institution and to the commissioner who shall submit the final recommendation to the state board for its consideration and determination of accreditation status according to subsection (f)(1) of this regulation.

(3) If a request for a hearing is not submitted within the time allowed under paragraph (1) of this subsection, the initial recommendation of the evaluation review committee shall become the final recommendation of the review committee. In any such situation, the commissioner shall submit the recommendation of the evaluation review committee to the state board for its consideration and determination of accreditation status according to subsection (f)(1) of this regulation.

(f) *Accreditation status.*

(1) The initial accreditation status assigned to any teacher education institution pursuant to this regulation shall be accredited, provisionally accredited with stipulation, or not accredited.

(2) Subject to subsequent action by the state board, the assignment of accredited status to a teacher education institution shall be effective for five academic years. Any teacher education institution accredited by the state board shall submit an annual report to the commissioner on or before October 1 of each year. The state board, at any time, may change the accredited status of a teacher education institution if, after providing an opportunity for a hearing, it is found that the institution has failed to meet any substantially accreditation standards adopted by the state board or has made substantial changes to the unit. The state board, for just cause, may extend the accredited status of an institution, and the accredited status of an institution shall be extended automatically if, at the end of the current accreditation period, the institution is in the process of being reaccredited by the state board. Any extension of accredited status shall be counted as part of any subsequent accreditation period of an institution.

(3) (A) Provisionally accredited Accredited with stipulation status shall be effective for one academic year, but may be assigned to an institution for a total of three, consecutive academic years a period of time specified by the state board.

(B) Any teacher education institution that is provisionally accredited with stipulation shall submit to the commissioner, on or before March 1, a report which indicates the include in its annual report to the commissioner steps the institution has taken and the progress the institution has made during the current previous academic year to meet the accreditation standards stipulations.

(C) The commissioner shall submit any such the annual report to the evaluation review committee for its examination and analysis. After such examination and analysis, the evaluation review committee shall prepare a written initial recommendation regarding the status to be assigned to the teacher education institution for the succeeding academic year or years. The recommendation

shall include a statement of the findings and conclusions of the evaluation review committee. The recommendation shall be submitted to an appropriate representative of the teacher education institution and to the commissioner. Thereafter, the provisions in subsection (e) of this regulation shall be applicable.

(D) For certification purposes, each teacher education institution that is provisionally accredited with stipulation shall be considered as being accredited. (Authorized by and implementing Article 6, Section 2(a) of the Kansas Constitution; effective Sept. 2, 1991; amended P ____.)

91-1-68c. Procedures for initial approval of teacher education programs. (a) *Application Process initiation.*

(1) Each teacher education institution that desires to have any new program approved by the state board shall submit an application for intent to seek program approval to the commissioner. The application intent to seek program approval shall be submitted by December May 1 of the year preceding the academic year in which the institution plans to begin offering the program.

(2) Each institution shall submit with its application intent to seek program approval, a detailed written description of the proposed program and a plan for implementation and operation of the program, which shall be in the form and contain the information prescribed by the commissioner. The institution shall submit the number of copies of the written program description and plan requested by the commissioner.

(b) *Program review and report.* (1) Upon receipt of a complete application, program description and plan program folio, the commissioner shall review appoint a review team to analyze the materials to determine whether the proposed program meets the standards for such a program established by the state board, and prepare a report expressing the findings and conclusions of the review program folio. The chairperson of the review team shall be designated by the commissioner. The number of review team members shall be determined by the commissioner based upon the scope of the program to be reviewed. An institution may challenge the appointment of a team member only on the basis of a conflict of interest.

(2) The commissioner shall submit one copy of the report to an appropriate representative of the teacher education institution. Another copy of the report along with a copy of the institution's application, program description and plan, shall be submitted to the evaluation review committee.

(c) *Program review.*

(1) In accordance with procedures adopted by the state board, each review team shall examine and analyze the proposed program description and plan and prepare a report expressing the findings and conclusions of the review team. The review team report shall be submitted to the commissioner who shall forward the report to the evaluation review committee and to an appropriate representative of the teacher education institution.

(2) Any such institution may prepare a response to the commissioner's review team report, and submit it. This response shall be prepared and submitted to the commissioner within 30 days of receipt of the commissioner's review team report. The commissioner shall forward any Any such response shall be forwarded to the evaluation review committee by the commission.

(e) (d) *Initial recommendation.* The evaluation review committee, in accordance with procedures adopted by the state board, shall examine and analyze the institution's application, program description and plan, the commissioner's report, the response by the institution, if any, and any other relevant information properly brought to its attention. The committee shall then prepare a written initial recommendation regarding the appropriate status to be assigned to the proposed program, which shall include a statement of the findings and conclusions of the evaluation review committee. The recommendation shall be submitted to an appropriate representative of the teacher education institution and to the commissioner.

(d) (e) *Request for hearing.*

(1) Within 30 days of the receipt of an initial recommendation of the evaluation review committee, the teacher education institution or the commissioner may submit a written request to the evaluation review committee for a hearing before the committee to appeal the initial recommendation. This request shall specify, in detail, the basis for the appeal, including an identification of each item disputed by the institution or by the commissioner.

(2) If a request for a hearing is submitted, the evaluation review committee shall conduct a hearing. The committee shall then prepare a written final recommendation regarding the appropriate status to be assigned to the proposed program, which shall include a statement of the findings and conclusions of the evaluation review committee. The recommendation shall be submitted to an appropriate representative of the teacher education institution and to the commissioner who shall submit the final recommendation to the state board for its consideration and determination of program approval according to subsection (e)(1) of this regulation.

(3) If a request for a hearing is not submitted within the time allowed under paragraph (1) of this subsection, the initial recommendation of the evaluation review committee shall become the final recommendation of the review committee. In any such situation, the commissioner shall submit the recommendation of the evaluation review committee to the state board for its consideration and determination of program approval according to subsection (e)(1) of this regulation.

(e) (f) *Approval status.*

(1) Each new program shall be provisionally approved with stipulation or not approved.

(2) If a new program is provisionally approved with stipulation, that status shall be effective for the first two consecutive academic years that the program is operated and may be extended for one additional academic year. This status shall be extended automatically if, at the end of the current approval period, the program is in the process of being reevaluated by the state board. Any such extension shall be counted as part of any subsequent approval period of the program until the institution's next on-site visit.

(f) (g) *Progress Annual report and on-site review team.*

(1) If provisionally approved with stipulation status is assigned to a new program, the institution shall submit an annual report to the commissioner within 45-60 days after completion of the second semester of operation of the program, the institution shall submit a progress report to the

commissioner, containing the information required by the commissioner and on or before October 1 of each year thereafter until the institution's next on-site visit.

(2) Upon receipt of a complete progress report, the commissioner shall consult with the institution concerning the appointment of an on-site review team, including its size, membership and chairperson. After such consultation, the commissioner shall appoint an on-site review team to analyze the report and conduct an on-site review. The commissioner shall designate the chairperson of the review team and shall determine the number of review team members based upon the scope of the program or programs to be reviewed. The report shall be submitted by the commissioner to the evaluation review committee for its examination and analysis.

(g) *On-site review.*

(1) In accordance with procedures adopted by the state board, each on-site review team shall examine and analyze the progress report, conduct an on-site review of the teacher education program, and prepare a report expressing the findings and conclusions of the review team. The on-site review team report shall be submitted to the commissioner who shall forward the report to the evaluation review committee and to an appropriate representative of the teacher education institution.

(2) Any such institution may prepare a written response to the on-site review team report. Any such response shall be prepared and submitted to the commissioner within 30 days of receipt of the on-site review team's report. The commissioner shall forward any such response to the evaluation review committee.

(h) *Initial recommendation.* The evaluation review committee, in accordance with procedures adopted by the state board, shall examine and analyze the progress report, the on-site review team report, the response by the institution to the on-site review team's report, if any, and any other relevant information properly brought to its attention. The committee shall then prepare a written initial recommendation regarding the appropriate status to be assigned to the program, which shall include a statement of the findings and conclusions of the evaluation review committee. The recommendation shall be submitted to the appropriate representative of the teacher education institution and to the commissioner.

(i) *Request for hearing.*

(1) Within 30 days of the receipt of an initial recommendation of the evaluation review committee under subsection (h), the teacher education institution may submit a written request to the commissioner for a hearing before the evaluation review committee to appeal the initial recommendation. This request shall specify, in detail, the basis for the appeal, including an identification of each item disputed by the institution.

(2) If a request for a hearing is submitted, the evaluation review committee shall conduct a hearing. The committee shall then prepare a written final recommendation regarding the appropriate status to be assigned to the teacher education program, which shall include a statement of the findings and conclusions of the evaluation review committee. The recommendation shall be submitted to an appropriate representative of the teacher education institution and to the commissioner who shall submit the final recommendation to the state board for its consideration and determination.

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(3) If a request for a hearing is not submitted within the time allowed under paragraph (1) of this subsection, the initial recommendation of the evaluation review committee shall become the final recommendation of the review committee. In any such situation, the commissioner shall submit the recommendation of the evaluation review committee to the state board for its consideration and determination.

(j) *(h) Approval status.*

(1) The status assigned to any teacher education program pursuant to subsections (h) or (i) shall be approved, provisionally approved, or not approved.

(2) Subject to subsequent action by the state board, the assignment of approved status to a teacher education program shall be effective for five academic years. After the state board assigns approved status to a teacher education program, such status may be renewed pursuant to S.B.R. 91-1-68d.

(3) (1) The state board, at any time, may change the approved status of a teacher education program if, after providing an opportunity for a hearing, it is found that the institution has failed to meet *substantially* any program standards or has materially changed the program. The state board, for just cause, may extend the approved status of a program, and the status of a program shall be extended automatically if, at the end of the current approval period, the program is in the process of being reevaluated by the state board. Any such extension shall be counted as part of any subsequent approval period of a program.

(2) At the time of the institution's next on-site visit, the new program shall be reviewed pursuant to S.B.R. 91-1-68d.

(4) (3) For certification licensure purposes, each teacher education program that is provisionally approved with stipulation shall be considered to be approved. (Authorized by and implementing Article 6, Section 2(a) of the Kansas Constitution; effective Sept. 2, 1991; amended P____.)

91-1-68d. Procedures for renewal of teacher education program approval. (A) *Application Process initiation.* Each teacher education institution that desires to have the state board renew the approval of one or more of its teacher education programs shall submit an application for intent to seek program approval to the commissioner. The application intent to seek program approval shall be submitted at least 12 months prior to the expiration of the current approval period of the program or programs. Each institution also shall submit an institutional self-study report a program folio, which shall be in the form and contain the information prescribed by the commissioner at least three six months prior to the date of the on-site review scheduled for expiration of the current approval period of the program or programs.

(b) *On-site Review team.* Upon receipt of a complete institutional self-study report program folio, the commissioner shall consult with the institution concerning the appointment of an on-site review team, including its size, membership and chairperson. After such consultation, the commissioner shall appoint an on-site review team to analyze the institutional self-study report and conduct an on-site review program folio. The commissioner shall designate The chairperson of the review team shall be designated by the commissioner. and shall determine The number of review team members shall be determined by the commissioner based upon the scope of

the program or programs for which approval is sought to be reviewed. An institution may challenge the appointment of a team member only on the basis of a conflict of interest.

(c) *On-site Program folio review.*

(1) In accordance with procedures adopted by the state board, each on-site folio review team shall examine and analyze the self-study program folio report, conduct an on-site review, and prepare a report expressing the findings and conclusions of the review team. The on-site folio review team report shall be submitted to the commissioner who shall forward the report to the evaluation review committee and to an appropriate representative of the teacher education institution.

(2) Any such institution may prepare a written response to the on-site folio review team report. Any such response shall be prepared and submitted to the commissioner within 30 days of receipt of the on-site review team's report. The commissioner shall forward any such response to the evaluation review committee.

(d) *Initial recommendation.* The evaluation review committee, in accordance with procedures adopted by the state board, shall examine and analyze the institutional self-study report, the on-site review team report, the response by the institution to the on-site review team's report, if any, and any other relevant information properly brought to its attention. The committee shall then prepare a written initial recommendation regarding the appropriate status to be assigned to the program or programs, which shall include a statement of the findings and conclusions of the evaluation review committee. The recommendation shall be submitted to an appropriate representative of the teacher education institution and to the commissioner.

(e) *Request for hearing.*

(1) Within 30 days of the receipt of an initial recommendation of the evaluation review committee, the teacher education institution may submit a written request to the commissioner for a hearing before the evaluation review committee to appeal the initial recommendation of the committee. This request shall specify, in detail, the basis for the appeal, including an identification of each item disputed by the institution.

(2) If a request for a hearing is submitted, the evaluation review committee shall conduct a hearing. The committee shall then prepare a written final recommendation regarding the appropriate status to be assigned to the program or programs, which shall include a statement of the findings and conclusions of the evaluation review committee. The recommendation shall be submitted to an appropriate representative of the teacher education institution and to the commissioner who shall submit the final recommendation to the state board for its consideration and determination of program approval according to subsection (f)(1) of this regulation.

(3) If a request for a hearing is not submitted within the time allowed under paragraph (1) of this subsection, the initial recommendation of the evaluation review committee shall become the final recommendation of the review committee. In any such situation, the commissioner shall submit the recommendation of the evaluation review committee shall be submitted by the commissioner to the state board for its consideration and determination of program approval according to subsection (f)(1) of this regulation.

(f) *Approval status.*

(1) The status assigned to any teacher education program pursuant to this regulation shall be approved, provisionally approved *with stipulation*, or not approved.

(2) Subject to subsequent action by the state board, the assignment of approved status to a teacher education program shall be effective for five academic years. The state board, at any time, may change the status of an approved program if, after providing an opportunity for a hearing, it is found that the institution has failed to meet any substantially program standards adopted by the state board or has made a material change in an approved program. The state board, for just cause, may extend the approved status of a program, and the status of an approved program shall be extended automatically if, at the end of the current approval period, the program is in the process of being reevaluated by the state board. Any extension of approved status shall be counted as part of any subsequent approval period of a program.

(3) (A) Provisionally approved *Approved with stipulation* status shall be effective for one academic year, but may be assigned to a program for a total of three, consecutive academic years a period of time specified by the state board.

(B) If any program of a teacher education institution is provisionally approved *with stipulation*, the institution shall submit to the commissioner, on or before March 1, a report which indicates the include in its annual report to the commissioner, the steps the institution has taken and the progress the institution has made during the current previous academic year to meet program standards stipulation.

(C) The commissioner shall submit any such The annual report shall be submitted by the commissioner to the evaluation review committee for its examination and analysis. After such examination and analysis, the evaluation review committee shall prepare a written initial recommendation regarding the status to be assigned to the teacher education program for the succeeding academic year or years. The recommendation shall include a statement of the findings and conclusions of the evaluation review committee. The recommendation shall be submitted to an appropriate representative of the teacher education institution and to the commissioner. Thereafter, the provisions in subsection (e) of this regulation shall be applicable.

(D) For certification licensure purposes, each teacher education program that is provisionally approved *with stipulation* shall be considered to be approved. (Authorized by and implementing Article 6, Section 2(a) of the Kansas Constitution; effective Sept. 2, 1991; amended P ———)

91-1-68e. Procedures for continuing accreditation of teacher education institutions. (a) *Process initiation.* Each teacher education institution that is currently accredited by the state board and desires to continue such accreditation shall submit an intent to proceed with continuing accreditation application to the commissioner at least 24 months prior to the expiration date of the current accreditation.

(b) *Review of annual reports.* Upon receipt of an intent to proceed with the continuing accreditation application, the commissioner shall instruct the evaluation review committee to conduct a review of the annual report data.

In accordance with procedures adopted by the state board, the evaluation review committee shall examine and analyze the annual report data received since the last on-site visit and prepare a report expressing the findings and conclusions of the review. The evaluation review committee report shall be submitted to the commissioner who shall forward the report to an appropriate representative of the teacher education institution.

(c) *Institutional report.* Each institution also shall submit an institutional report to the commissioner, which shall be in the form and contain the information prescribed by the commissioner. The institutional report shall be submitted at least 60 days prior to the date of the on-site continuing accreditation review scheduled for the institution.

(d) *On-site review team.*

(1) Upon receipt of an institutional report, the commissioner shall appoint an on-site review team to analyze the institutional report and conduct an on-site review. The commissioner shall designate the chairperson of the review team and shall determine the number of review team members based upon the scope of the programs to be reviewed at the teacher education institution. An institution may challenge the appointment of a team member only on the basis of a conflict of interest.

(2) If a teacher education institution requests a joint continuing accreditation review by the state board and NCATE:

(A) after consultation with representatives of NCATE and the institution, the commissioner may appoint a combined on-site review team, and the commissioner shall have final authority on the designation of the state chairperson and the number of state review team members; and

(B) the institution shall be evaluated utilizing NCATE accreditation standards and any state board accreditation standards not included in the NCATE standards. The commissioner shall resolve any question regarding the standards which apply to the review of any institution.

(e) *On-site review.*

(1) In accordance with procedures adopted by the state board, each on-site review team shall examine and analyze the institutional report, conduct an on-site review of the teacher education institution, and prepare a report expressing the findings and conclusions of the review team. The on-site review team report shall be submitted to the commissioner who shall forward the report to the evaluation review committee and to an appropriate representative of the teacher education institution.

(2) Any such institution may prepare a written response to the on-site review team report. This response shall be prepared and submitted to the commissioner within 30 days of receipt of the on-site review team's report. The commissioner shall forward any such response to the evaluation review committee.

(f) *Initial recommendation.* The evaluation review committee, in accordance with procedures adopted by the state board, shall prepare a written initial recommendation regarding the appropriate accreditation status to be assigned to the teacher education institution, which shall include a statement of the findings and conclusions of the

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evaluation review committee. The recommendation shall be submitted to an appropriate representative of the teacher education institution and to the commissioner.

(g) *Request for hearing.*

(1) Within 30 days of the receipt of an initial recommendation of the evaluation review committee, the teacher education institution may submit a written request to the commissioner for a hearing before the evaluation review committee to appeal the recommendation. This request shall specify, in detail, the basis for the appeal, including an identification of each item disputed by the institution.

(2) If a request for a hearing is submitted, the evaluation review committee shall conduct a hearing. The committee shall then prepare a written final recommendation regarding the appropriate status to be assigned to the teacher education institution, which shall include a statement of the findings and conclusions of the evaluation review committee. The recommendation shall be submitted to an appropriate representative of the teacher education institution and to the commissioner who shall submit the final recommendation to the state board for its consideration and determination of accreditation status according to subsection (h)(1) of this regulation.

(3) If a request for a hearing is not submitted within the time allowed under paragraph (1) of this subsection, the initial recommendation of the evaluation review committee shall become the final recommendation of the review committee. In any such situation, the commissioner shall submit the recommendation of the evaluation review committee to the state board for its consideration and determination of accreditation status according to subsection (h)(1) of this regulation.

(h) *Accreditation status.*

(1) The continuing accreditation status assigned to any teacher education institution pursuant to this regulation shall be continuing accreditation or probation.

(2) Subject to subsequent action by the state board, the assignment of continuing accreditation status to a teacher education institution shall be effective for five academic years. Any teacher education institution accredited by the state board shall submit an annual report to the commissioner on or before October 1 of each year. The state board, at any time, may change the accreditation status of a teacher education institution if, after providing an opportunity for a hearing, it is found that the institution has failed to meet substantially accreditation standards adopted by the state board or has made substantial changes to the unit. The state board, for just cause, may extend the accreditation status of an institution, and the accreditation status of an institution shall be extended automatically if, at the end of the current accreditation period, the institution is in the process of continuing accreditation by the state board.

(3)(A) If an institution is given probation status, a comprehensive on-site visit pursuant to state board regulation 91-1-68b shall be scheduled by the institution within two years of the semester in which the decision was rendered. After the visit, a decision whether to continue or revoke accreditation shall be made by the board.

(B) Any teacher education institution with probation status shall include in its annual report to the commis-

sioner the steps the institution has taken and the progress the institution has made during the previous academic year to meet the accreditation standards. The commissioner shall submit the annual report to the evaluation review committee for its examination and analysis.

(C) For licensure purposes, each teacher education institution with probation accreditation status shall be considered as being accredited. (Authorized by and implementing Article 6, Section 2(a) of the Kansas Constitution; effective P____.)

91-1-70a. (a) The "NCATE Refined Standards," as published by the National Council on the Accreditation of Teacher Education (NCATE) on March 5, 1994, including the "Introduction to NCATE'S Standards" and "Standards Glossary," are adopted by reference.

(b) This regulation shall take effect on July 1, 1997. (Authorized and implementing Article 6, Section 2(a) of the Kansas Constitution; effective P____.)

91-1-70b. (a) Until July 1, 1997, any teacher education institution may seek accreditation under the unit accreditation standards prescribed in S.B.R. 91-1-70 through S.B.R. 91-1-78, or may use the standards prescribed in S.B.R. 91-1-70a.

(b) After July 1, 1997, each teacher education institution shall be accredited under the unit accreditation standards prescribed in S.B.R. 91-1-70a. (Authorized by and implementing Article 6, Section 2(a) of the Kansas Constitution; effective P____.)

Dr. Lee Droegemueller
Commissioner of Education

Doc. No. 015986

State of Kansas

Secretary of State

I, Ron Thornburgh, Secretary of State of the State of Kansas, do hereby certify that the following bills are correct copies of the original enrolled bills now on file in my office.

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

Ron Thornburgh
Secretary of State

(Published in the Kansas Register March 9, 1995.)

HOUSE BILL No. 2074

AN ACT relating to banks and banking; concerning conversion, merger, consolidation or transfer of assets and liabilities; requiring certain notification; tangible personal property; amending K.S.A. 9-809 and K.S.A. 1994 Supp. 9-1101 and 9-1724 and repealing the existing sections.

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

Section 1. K.S.A. 9-809 is hereby amended to read as follows: 9-809.
(a) Any state bank now or hereafter chartered may at any time, upon the affirmative vote of not less than two-thirds $\frac{2}{3}$ of its outstanding voting stock, become a national bank, but in all the proceedings incident thereto the same such bank shall be governed by the same rulings, laws and regulations as may be in force and effect under federal law and authority governing national banks becoming state banks.

(b) The state bank shall provide written notice to the state bank commissioner within 10 days after the date the state bank receives preliminary approval to convert to a national banking association from the office of the comptroller of the currency. In addition, not more than 15 days fol-

lowing the issuance of a charter certificate to the bank by the comptroller, the bank shall surrender its state certificate of authority or charter and shall certify in writing that notice of the conversion has been given to the corporations division of the secretary of state's office.

Sec. 2. K.S.A. 1994 Supp. 9-1724 is hereby amended to read as follows: 9-1724. (a) Before any bank can merge, consolidate with or transfer its assets and liabilities under the provisions of article 67 or article 68 of chapter 17 of the Kansas Statutes Annotated, the bank concerned in such merger, consolidation or transfer shall file, or cause to be filed, with the state banking commissioner, certified copies of all proceedings had by its directors and stockholders relating to such merger, consolidation or transfer. The stockholders' proceedings shall show that a majority of the stockholders outstanding voting stock was voted in favor of the merger, consolidation or transfer. The stockholders' proceedings shall also contain a complete copy of the agreement made and entered into by the bank, with reference to such merger, consolidation or transfer. *The provisions of this act shall not apply to the merger, consolidation or transfer of assets and liabilities of a bank when the surviving entity is a national banking association or other federally chartered financial institution, except that the bank shall provide written notification to the state bank commissioner of such a merger, consolidation or transfer of assets and liabilities at least 10 days prior to its consummation. In addition, not more than 15 days following such a merger, consolidation or transfer of assets and liabilities, the bank shall surrender its state certificate of authority or charter and shall certify in writing that the proper instruments as required by the Kansas general corporation code have been filed in accordance with K.S.A. 17-6003, and amendments thereto.*

Upon the filing of the stockholders and directors' proceedings, the commissioner shall make an investigation of each party to the merger, consolidation or transfer to determine whether:

- (1) The interests of the depositors, creditors and stockholders of the bank are protected;
- (2) the merger, consolidation or transfer is in the public interest; and
- (3) the merger, consolidation or transfer is made for legitimate purposes.

The commissioner's consent to or rejection of such merger, consolidation or transfer shall be based upon such investigation. No merger, consolidation or transfer shall be made without the consent of the commissioner. At the time of filing the request for merger, consolidation or transfer, a fee shall be paid to the commissioner in an amount established by rules and regulations adopted by the commissioner.

Notice of the merger, consolidation or transfer shall be published at least once each week for three consecutive weeks before or after the merger, consolidation or transfer is to become effective, at the discretion of the commissioner, in a newspaper of general circulation published in each city or county in which the bank is located and a certified copy of the notice shall be filed with the commissioner.

(b) As used in this section, "bank" means a state bank or trust company incorporated under the laws of Kansas.

New Sec. 3. In addition to powers and limitations conferred or imposed on any bank by K.S.A. 9-1101 and amendments thereto, any bank is hereby authorized to exercise by its board of directors or duly authorized officers or agents, subject to law, all such powers including incidental powers as shall be necessary or convenient to do what is authorized by this section:

(a) (1) A bank may become the legal or beneficial owner of tangible personal property for the purpose of leasing such property;

(2) to obtain an assignment of a lessor's interest in a lease of such property; or

(3) to incur obligations incidental to its position as the legal or beneficial owner and lessor of the leased property;

so long as each lease entered into by the bank is a net, full-payout lease.

(b) A bank may acquire specific property to be leased only after the bank has entered into either:

(1) A legally binding written agreement to lease the property on terms which comply with this section; or

(2) a legally binding written agreement which indemnifies the bank against loss in connection with its acquisition of the property.

(c) In the event of the lessee's default, early termination of a lease or at the expiration of the lease, the bank's interest in the property shall be liquidated or re-leased in accordance with this section as soon as practicable, but in no case shall the off-lease property be carried on the bank's books for a period exceeding one year.

(d) Each lease financing transaction entered into by the bank pur-

suant to this section shall be considered a loan for the purposes of applying all legal lending limitations and prior approval requirements contained in K.S.A. 9-1104 and amendments thereto.

(e) For purposes of this section:

(1) (A) "Net lease" means a lease under which the bank will not, directly or indirectly, provide or be obligated to provide for:

(i) The servicing, repair or maintenance of the leased property during the lease term;

(ii) the purchasing of parts and accessories for the leased property, except that improvements and additions to the leased property may be leased to the lessee upon such lessee's request in accordance with the full-payout requirements of this section;

(iii) the loan of replacement or substitute property while the leased property is being serviced;

(iv) the purchasing of insurance for the lessee, except where the lessee has failed to discharge a contractual obligation to purchase or maintain insurance; or

(v) the renewal of any license, registration or filing for the property unless such action by the bank is necessary to protect the bank's interest as an owner or financier of the property;

(B) if, in good faith, a bank believes there has been an unanticipated change in conditions which threaten its financial position by significantly increasing its exposure to loss, the provisions of (e)(1)(A) shall not prevent the bank:

(i) As the owner and lessor under a net, full-payout lease, from taking reasonable and appropriate action to salvage or protect the value of the property of its interest arising under the lease;

(ii) as the assignee of a lessor's interest in a lease, from becoming the owner and lessor of the leased property pursuant to its contractual right, or from taking any reasonable and appropriate action to salvage or protect the value of the property or its interest arising under the lease; or

(iii) from including any provisions in a lease, or from making any additional agreements, to protect its financial position or investment in the circumstances set forth in provisions (i) or (ii).

(2) (A) "Full-payout lease" means a lease from which the lessor can reasonably expect to realize a return of its full investment in the leased property, plus the estimated cost of financing the property over the term of the lease, from rentals, estimated tax benefits and the estimated residual value of the property at the expiration of the initial term of the lease.

(B) Except as provided in subsection (f), the estimated residual value of the property shall not exceed 25% of the original cost of the property to the lessor unless the estimated residual value is guaranteed by a manufacturer, a lessee or a third party not an affiliate of the bank and the bank properly documents that the guarantor has the resources to meet the guarantee. In all cases both the estimated residual value of the property and that portion of the estimated residual value relied upon by the lessor to satisfy the requirements of a full-payout lease must be reasonable in light of the nature of the leased property and all relevant circumstances so that realization of the bank's full investment plus the cost of financing the property depends primarily on the creditworthiness of the lessee and of any guarantor of the residual value, and not on the residual market value of the leased property.

(f) Notwithstanding the limit on residual value contained in (e)(2)(B), the bank may enter into lease financing transactions in which the residual value relied upon for realization of a return of its full investment plus costs of financing exceeds 25% of the original cost of the property provided:

(1) The lease financing transaction conforms with all other requirements of this section;

(2) the lease financing transaction has a term in excess of 90 days;

(3) the records relating to lease financing transactions entered into pursuant to this provision are clearly segregated and specifically identified to distinguish them from the records relating to lease financing transactions entered into pursuant to the other provisions; and

(4) the aggregate book value of all tangible personal property held for lease pursuant to this subsection does not exceed 10% of the consolidated assets of the bank.

(g) This section shall not apply to any leases executed by a bank prior to the effective date of this act. Any lease which was entered into in good faith prior to the effective date of this act that does not comply with the provisions of this section may be renewed only if there is a binding agreement in the expiring lease which requires the bank to renew the lease at the lessee's option, and the bank cannot otherwise reasonably or properly

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avoid its commitment to renew. Except for those leases renewed pursuant to such a binding agreement, any prior lease renewed after the effective date of this act shall be included for purposes of determining compliance with the legal lending limitations contained in K.S.A. 9-1104 and amendments thereto and subsection (d).

Sec. 4. K.S.A. 1994 Supp. 9-1101 is hereby amended to read as follows: 9-1101. Any bank hereby is authorized to exercise by its board of directors or duly authorized officers or agents, subject to law, all such powers, including incidental powers, as shall be necessary to carry on the business of banking, and:

(1) To receive deposits and to pay interest thereon at rates which need not be uniform. The state bank commissioner, with approval of the state banking board, may by regulations of general application fix maximum rates of interest to be paid on deposit accounts other than accounts for public moneys;

(2) to buy and sell exchange, gold, silver, foreign coin, bullion, commercial paper, bills of exchange, notes and bonds;

(3) to buy and sell bonds, securities, or other evidences of indebtedness of the United States of America or those fully guaranteed, directly or indirectly, by it, and general obligation bonds of the state of Kansas or any municipality or quasi-municipality thereof, and of other states, and of municipalities or quasi-municipalities in other states of the United States of America. No bank shall invest an amount in excess of 15% of its capital stock paid in and unimpaired and the unimpaired surplus fund of such bank in bonds, securities or other evidences of indebtedness of any municipality or quasi-municipality of any other state or states of the United States of America: (a) If and when the direct and overlapping indebtedness of such municipality or quasi-municipality is in excess of 10% of its assessed valuation, excluding therefrom all valuations on intangibles and homestead exemption valuation; (b) or if any bond, security, or evidence of indebtedness of any such municipality or quasi-municipality has been in default in the payment of principal or interest within 10 years prior to the time that any bank acquires any such bonds, security or evidence of indebtedness;

(4) to make all types of loans, including loans on real estate, subject to the loan limitations contained in this act. Every real estate loan shall be secured by a mortgage or other instrument constituting a lien, or the full equivalent thereof, upon the real estate securing the loan, according to any lawful or well recognized practice, which is best suited to the transaction. The mortgage may secure future advances. The lien of such mortgage shall attach upon its execution and have priority from time of recording as to all advances made thereunder until such mortgage is released of record. The lien of such mortgage shall not exceed at any one time the maximum amount stated in the mortgage;

(5) to discount and negotiate bills of exchange, negotiable notes and notes not negotiable;

(6) to buy and sell investment securities which are evidences of indebtedness. The buying and selling of investment securities shall be limited to buying and selling without recourse marketable obligations evidencing indebtedness of any person, copartnership, association, corporation, or state or federal agency, including revenue bonds issued pursuant to K.S.A. 76-6a15, and amendments thereto, or the state armory board in the form of bonds, notes or debentures or both, commonly known as investment securities, under such further definition of the term "investment securities" as prescribed by the board, but the total amount of such investment securities of any one obligor or maker held by such bank shall at no time exceed 15% of the capital stock paid in and unimpaired and the unimpaired surplus fund of such bank except that this limit shall not apply to obligations of the United States government or any agency thereof. If the obligor is a state agency including any agency issuing revenue bonds pursuant to K.S.A. 76-6a15, and amendments thereto, or the state armory board, the total amount of such investment securities shall at no time exceed 25% of the capital stock paid in and unimpaired and the unimpaired surplus fund of such bank;

(7) to subscribe to, buy and own such stock of the federal national mortgage association as required by title 3, section 303 of the federal act known as the national housing act as amended by section 201 of public law No. 560, of the United States (68 Stat. 613-615), known as the housing act of 1954, or amendments thereto;

(8) to subscribe to, buy and own stock in one or more small business investment companies in Kansas as otherwise authorized by federal law, except that in no event shall any bank acquire shares in any small business investment company if, upon the making of that acquisition the aggregate amount of shares in small business investment companies then held by

the bank would exceed 5% of its capital and surplus. Nothing in this act contained shall prohibit any bank from holding and disposing of such real estate and other property as it may acquire in the collection of its assets;

(9) to subscribe to, buy and own stock in any agricultural credit corporation or livestock loan company, or its affiliate, organized pursuant to the provisions of the laws of the United States providing for the information and operation of agricultural credit corporations and livestock loan companies, in an amount not exceeding either the undivided profits or 10% of the capital stock and surplus and undivided profits from such bank, whichever is greater;

(10) to become the owner or lessor of personal property acquired upon the specific request and for the use of a customer, and may incur such additional obligations as may be incident to becoming an owner or lessor of such property. Any bank which claims a credit against its privilege tax of any amount of ad valorem taxes on property acquired pursuant to this subsection shall not be designated as a depository for any state funds by the pooled money investment board. Lease transactions shall not result in obligations for the purpose of determining limitations or restrictions on the amount of loans. Lease payments on such transactions shall be considered rents and not interest;

(11) (10) to subscribe to, buy and own stock in minbank capital corporation, a company formed for the purpose of providing capital to minority-owned banks. No bank's investment in such stock shall exceed 2% of its capital and surplus;

(12) (11) to buy, hold, and sell any type of investment securities not enumerated in this section with approval of the commissioner and upon such conditions and under such regulations as are prescribed by the state banking board;

(13) (12) to act as escrow agent;

(14) (13) to subscribe to, acquire, hold and dispose of stock of a corporation having as its purpose the acquisition, holding and disposition of loans secured by real estate mortgages, and to acquire, hold and dispose of the debentures and capital notes of such corporation. No bank's investment in such stock, debentures and capital notes shall exceed 2% of its capital stock, surplus and undivided profits and such investment shall be carried on the books of the bank as directed by the commissioner;

(15) (14) to purchase and sell securities and stock without recourse solely upon the order, and for the account, of customers;

(16) (15) to subscribe to, acquire, hold and dispose of any class of stock, debentures and capital notes of MABSCO agricultural services, inc. or any similar corporation having as its purpose the acquisition, holding and disposition of agricultural loans originated by Kansas banks. No bank's investment in such stock, debentures and capital notes shall exceed 2% of its capital stock, surplus and undivided profits. Such investment shall be carried on the books of the bank as directed by the commissioner;

(17) (16) to buy, hold and sell mortgages, stock, obligations and other securities which are issued or guaranteed by the federal home loan mortgage corporation under sections 305 and 306 of the federal act known as the federal home loan mortgage corporation act (P.L. 91-351);

(18) (17) to buy, hold and sell obligations or other instruments or securities, including stock, issued or guaranteed by the student loan marketing association created by (P.L. 92-318) of the United States;

(19) (18) to engage in financial future contracts on United States government and agency securities subject to such rules and regulations as the state bank commissioner may prescribe pursuant to K.S.A. 9-1713, and amendments thereto, to promote safe and sound banking practices;

(20) (19) to subscribe to, buy and own stock in a state or federally chartered bankers' bank or a one bank holding company which owns or controls such a bankers' bank, except no bank's investment in such stock shall exceed 10% of its capital stock, surplus and undivided profits;

(21) (20) subject to such rules and regulations as the state bank commissioner may adopt pursuant to K.S.A. 9-1713, and amendments thereto, to promote safe and sound banking practices, upon recorded prior approval by the board of directors of the initial investment in a specific company and pursuant to an investment policy approved by the board of directors which specifically provides for such investments to buy, hold and sell shares of an open-end investment company registered with the federal securities and exchange commission under the federal investment company act of 1940 and the federal securities act of 1933 and of a privately offered company sponsored by an affiliated commercial bank, the shares of which are purchased and sold at par and the assets of which consist solely of securities which may be purchased by the bank for its own account. Such shares may be purchased without limit if the assets of the company consist solely of and are limited to obligations that are eligible for purchase by the bank without limit. If the assets of the

company include securities which may be purchased by the bank subject to limitation, such shares may be purchased subject to the limitation applicable to purchase by the bank of such securities;

(22) (21) subject to the prior approval of the state bank commissioner and the state banking board and subject to such rules and regulations as are adopted by the state bank commissioner pursuant to K.S.A. 9-1713, and amendments thereto, to promote safe and sound banking practices, a bank may establish a subsidiary which engages in the following securities activities: (a) selling or distributing stocks, bonds, debentures, notes, mutual funds and other securities, (b) issuing and underwriting municipal bonds, (c) organizing, sponsoring and operating mutual funds, (d) acting as a securities broker-dealer;

(23) (22) to subscribe to, acquire, hold and dispose of stock of any class of the federal agricultural mortgage corporation, a corporation having as its purpose the acquisition, holding and disposition of loans secured by agricultural real estate mortgages. No bank's investment in such corporation shall exceed 5% of its capital stock, surplus and undivided profits and such investment shall be carried on the books of the bank as directed by the commissioner;

(24) (23) to subscribe to, buy and own stock in an insurance company incorporated prior to 1910, under the laws of Kansas, with corporate headquarters in this state, which only provides insurance to financial institutions. The investment in such stock shall not exceed 2% of the bank's capital stock, surplus and undivided profits;

(25) (24) to purchase and hold an interest in life insurance policies on the life of its executive officers and directors, and to purchase life insurance policies for the sole purpose of providing employee deferred compensation and benefit plans subject to the limitations listed herein. Funding for the payment of employee compensation and benefit plans as well as the benefits derived may be made or split in a joint manner between the bank, employee or bank holding company as in "split dollar" or other insurance plans;

(a) Life insurance purchased and held on the life of executive officers and directors are subject to the following limitations:

(i) The cash surrender value of any life insurance policy on an executive officer or director underwritten by any one life insurance company cannot at any time exceed 15% of the bank's capital stock, surplus, undivided profits, loan loss reserve, capital notes and debentures and reserve for contingency, unless the bank has obtained the prior approval of the state bank commissioner;

(ii) the cash surrender value of life insurance policies on executive officers or directors, in the aggregate from all companies, cannot at any time exceed 25% of the bank's capital stock, surplus, undivided profits, loan loss reserve, capital notes and debentures and reserve for contingency, unless the bank has obtained the prior approval of the state bank commissioner;

(iii) the authority to hold life insurance on any executive officer ceases if the executive officer is no longer employed by the bank or no longer meets the definition of an executive officer;

(iv) the authority to hold life insurance on a director ceases when that director is no longer a member of the board of directors;

(v) the bank's board of directors must approve and document the purchase of any life insurance, including the reasonableness of such purchase; and

(vi) except as part of a reasonable compensation or benefit plan, a bank is not authorized to purchase life insurance as an estate management device for the benefit of officers, directors or employees who are also controlling shareholders of the bank.

(b) Life insurance purchased for the sole purpose of providing deferred compensation and benefit plans are subject to the following limitations:

(i) The bank may purchase individual or group policies for the sole purpose of providing deferred compensation agreements entered into with its officers and employees;

(ii) the bank may purchase policies on directors to fund a deferred directors fees program;

(iii) the board of directors must approve and document such deferred plans including the reasonableness of the plans;

(iv) the bank is not authorized to hold the policies unless specifically approved by the state banking board if no liability exists under the deferred compensation plans;

(v) the cash surrender value of any life insurance policy purchased for the sole purpose of providing deferred compensation and benefit plans, underwritten by any one life insurance company, cannot exceed at

any time, 15% of the bank's capital stock, surplus, undivided profits, loan loss reserve, capital notes and debentures and reserve for contingency, unless the bank has obtained the prior approval of the state bank commissioner;

(vi) the cash surrender value of life insurance policies purchased for the sole purpose of providing deferred compensation and benefit plans, in the aggregate from all companies, cannot at any time exceed 25% of the bank's capital stock, surplus, undivided profits, loan loss reserve, capital notes and debentures and reserve for contingency, unless the bank has obtained the prior approval of the state bank commissioner; and

(vii) the present value of the projected cash flow from the policy must not substantially exceed the present value of the projected cost of the deferred compensation or benefit program liabilities;

(26) (25) to make loans to the bank's stockholders or the stockholders of the bank's controlling bank holding company on the security of the shares of the bank or shares of the bank's controlling bank holding company, with the limitation that this may occur only if the bank would have extended credit to such stockholder on exactly the same terms without the shares pledged as collateral, and provided the shares pledged are not a director's qualifying shares per K.S.A. 9-1117, and amendments thereto; and

(27) (26) to make investments in and loans to community development corporations (CDCs) and community development projects (CD projects) as defined in K.S.A. 9-701 and amendments thereto, subject to the limitations prescribed by the comptroller of the currency as interpreted by rules and regulations which shall be adopted by the state bank commissioner as provided by K.S.A. 9-1713 and amendments thereto.

Sec. 5. K.S.A. 9-809 and K.S.A. 1994 Supp. 9-1101 and 9-1724 are hereby repealed.

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

(Published in the Kansas Register March 9, 1995).

SENATE BILL No. 20

AN ACT relating to city and countywide retailers' sales tax; authorizing certain counties to impose a sales tax for the purpose of financing a jail facility; authorizing Dickinson county to impose a sales tax for the purpose of financing the renovation of a county community use building; providing for retention of revenue by Montgomery county; classifying certain cities; amending K.S.A. 1994 Supp. 12-187, 12-188, 12-189 and 12-192 and repealing the existing sections.

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

Section 1. K.S.A. 1994 Supp. 12-187 is hereby amended to read as follows: 12-187. (a) (1) No city shall impose a retailers' sales tax under the provisions of this act without the governing body of such city having first submitted such proposition to and having received the approval of a majority of the electors of the city voting thereon at an election called and held therefor. The governing body of any city may submit the question of imposing a retailers' sales tax and the governing body shall be required to submit the question upon submission of a petition signed by electors of such city equal in number to not less than 10% of the electors of such city.

(2) The governing body of any city located in any county which does not impose a countywide retailers' sales tax pursuant to paragraph (5) of subsection (b) may submit the question of imposing a retailers' sales tax at the rate of .25%, .5%, .75% or 1% and pledging the revenue received therefrom for the purpose of financing the provision of health care services, as enumerated in the question, to the electors at an election called and held thereon. The tax imposed pursuant to this paragraph shall be deemed to be in addition to the rate limitations prescribed in K.S.A. 12-189, and amendments thereto. As used in this paragraph, health care services shall include but not be limited to the following: Local health departments, city, county or district hospitals, city or county nursing homes, preventive health care services including immunizations, prenatal care and the postponement of entry into nursing homes by home health care services, mental health services, indigent health care, physician or health care worker recruitment, health education, emergency medical services, rural health clinics, integration of health care services, home health services and rural health networks.

(b) (1) The board of county commissioners of any county may submit the question of imposing a countywide retailers' sales tax to the electors at an election called and held thereon, and any such board shall be re-

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quired to submit the question upon submission of a petition signed by electors of such county equal in number to not less than 10% of the electors of such county who voted at the last preceding general election for the office of secretary of state, or upon receiving resolutions requesting such an election passed by not less than $\frac{2}{3}$ of the membership of the governing body of each of one or more cities within such county which contains a population of not less than 25% of the entire population of the county, or upon receiving resolutions requesting such an election passed by $\frac{2}{3}$ of the membership of the governing body of each of one or more taxing subdivisions within such county which levy not less than 25% of the property taxes levied by all taxing subdivisions within the county.

(2) The board of county commissioners of Barton, Butler, Cowley, Cherokee, Crawford, Jefferson, Lyon, Montgomery, Riley, Saline, Seward and Wyandotte counties may submit the question of imposing a countywide retailers' sales tax and pledging the revenue received therefrom for the purpose of financing the construction or remodeling of a courthouse, jail, law enforcement center facility or other county administrative facility, to the electors at an election called and held thereon. The tax imposed pursuant to this paragraph shall expire when sales tax sufficient to pay all of the costs incurred in the financing of such facility has been collected by retailers as determined by the secretary of revenue. Nothing in this paragraph shall be construed to allow the rate of tax imposed by Butler, Cowley, Lyon, Montgomery or Riley county pursuant to this paragraph to exceed or be imposed at any rate other than the rates prescribed in K.S.A. 12-189, and amendments thereto.

(3) Except as otherwise provided in this paragraph, the result of the election held on November 8, 1988, on the question submitted by the board of county commissioners of Jackson county for the purpose of increasing its countywide retailers' sales tax by 1% is hereby declared valid, and the revenue received therefrom by the county shall be expended solely for the purpose of financing the Banner Creek reservoir project. The tax imposed pursuant to this paragraph shall take effect on the effective date of this act and shall expire not later than five years after such date.

(4) The board of county commissioners of Finney and Ford counties may submit the question of imposing a countywide retailers' sales tax at the rate of .25% and pledging the revenue received therefrom for the purpose of financing all or any portion of the cost to be paid by Finney or Ford county for construction of highway projects identified as system enhancements under the provisions of paragraph (5) of subsection (b) of K.S.A. 68-2314, and amendments thereto, to the electors at an election called and held thereon. Such election shall be called and held in the manner provided by the general bond law. The tax imposed pursuant to this paragraph shall expire upon the payment of all costs authorized pursuant to this paragraph in the financing of such highway projects. Nothing in this paragraph shall be construed to allow the rate of tax imposed by Finney or Ford county pursuant to this paragraph to exceed the maximum rate prescribed in K.S.A. 12-189, and amendments thereto. If any funds remain upon the payment of all costs authorized pursuant to this paragraph in the financing of such highway projects in Finney county, the state treasurer shall remit such funds to the treasurer of Finney county and upon receipt of such moneys shall be deposited to the credit of the county road and bridge fund. If any funds remain upon the payment of all costs authorized pursuant to this paragraph in the financing of such highway projects in Ford county, the state treasurer shall remit such funds to the treasurer of Ford county and upon receipt of such moneys shall be deposited to the credit of the county road and bridge fund.

(5) The board of county commissioners of any county may submit the question of imposing a retailers' sales tax at the rate of .25%, .5%, .75% or 1% and pledging the revenue received therefrom for the purpose of financing the provision of health care services, as enumerated in the question, to the electors at an election called and held thereon. Whenever any county imposes a tax pursuant to this paragraph, any tax imposed pursuant to paragraph (2) of subsection (a) by any city located in such county shall expire upon the effective date of the imposition of the countywide tax, and thereafter the state treasurer shall remit to each such city that portion of the countywide tax revenue collected by retailers within such city as certified by the director of taxation. The tax imposed pursuant to this paragraph shall be deemed to be in addition to the rate limitations prescribed in K.S.A. 12-189, and amendments thereto. As used in this paragraph, health care services shall include but not be limited to the following: Local health departments, city or county hospitals, city or county nursing homes, preventive health care services including immunizations, prenatal care and the postponement of entry into nursing homes by home

care services, mental health services, indigent health care, physician or health care worker recruitment, health education, emergency medical services, rural health clinics, integration of health care services, home health services and rural health networks.

(6) The board of county commissioners of Allen county may submit the question of imposing a countywide retailers' sales tax at the rate of .5% and pledging the revenue received therefrom for the purpose of financing the costs of operation and construction of a solid waste disposal area or the modification of an existing landfill to comply with federal regulations to the electors at an election called and held thereon. The tax imposed pursuant to this paragraph shall expire upon the payment of all costs incurred in the financing of the project undertaken. Nothing in this paragraph shall be construed to allow the rate of tax imposed by Allen county pursuant to this paragraph to exceed or be imposed at any rate other than the rates prescribed in K.S.A. 12-189 and amendments thereto.

(7) *The board of county commissioners of Dickinson county may submit the question of imposing a countywide retailers' sales tax at the rate of .25% and pledging the revenue received therefrom for the purpose of financing the costs of renovating a building owned by the county to be used for community purposes to the electors at an election called and held thereon. The tax imposed pursuant to this paragraph shall expire after three years from the date such tax is first collected.*

(c) The boards of county commissioners of any two or more contiguous counties, upon adoption of a joint resolution by such boards, may submit the question of imposing a retailers' sales tax within such counties to the electors of such counties at an election called and held thereon and such boards of any two or more contiguous counties shall be required to submit such question upon submission of a petition in each of such counties, signed by a number of electors of each of such counties where submitted equal in number to not less than 10% of the electors of each of such counties who voted at the last preceding general election for the office of secretary of state, or upon receiving resolutions requesting such an election passed by not less than $\frac{2}{3}$ of the membership of the governing body of each of one or more cities within each of such counties which contains a population of not less than 25% of the entire population of each of such counties, or upon receiving resolutions requesting such an election passed by $\frac{2}{3}$ of the membership of the governing body of each of one or more taxing subdivisions within each of such counties which levy not less than 25% of the property taxes levied by all taxing subdivisions within each of such counties.

(d) Any city retailers' sales tax in the amount of .5% being levied by a city on July 1, 1990, shall continue in effect until repealed in the manner provided herein for the adoption and approval of such tax or until repealed by the adoption of an ordinance so providing. In addition to any city retailers' sales tax being levied by a city on July 1, 1990, any such city may adopt an additional city retailers' sales tax in the amount of .25% or .5%, provided that such additional tax is adopted and approved in the manner provided for the adoption and approval of a city retailers' sales tax. Any countywide retailers' sales tax in the amount of .5% or 1% in effect on July 1, 1990, shall continue in effect until repealed in the manner provided herein for the adoption and approval of such tax.

(e) A class B city shall have the same power to levy and collect a city retailers' sales tax that a class A city is authorized to levy and collect and in addition, in 1990, 1991 or 1992, the governing body of any class B city may submit the question of imposing an additional city retailers' sales tax in an amount not to exceed 1% and pledging the revenue received therefrom for flood control projects to the electors at an election called and held thereon. Any additional sales tax imposed pursuant to this paragraph shall expire upon the payment of all costs incurred in financing such flood control projects.

(f) A class D city shall have the same power to levy and collect a city retailers' sales tax that a class A city is authorized to levy and collect and in addition, the governing body of any class D city may submit the question of imposing an additional city retailers' sales tax in the amount of .25%, .5% or .75% and pledging the revenue received therefrom for economic development initiatives, *strategic planning initiatives* or for public infrastructure projects including buildings to the electors at an election called and held thereon. Any additional sales tax imposed pursuant to this paragraph shall expire no later than five years from the date of imposition thereof.

(g) Any city or county proposing to adopt a retailers' sales tax shall give notice of its intention to submit such proposition for approval by the electors in the manner required by K.S.A. 10-120 and amendments thereto. The notices shall state the time of the election and the rate and

effective date of the proposed tax. If a majority of the electors voting thereon at such election fail to approve the proposition, such proposition may be resubmitted under the conditions and in the manner provided in this act for submission of the proposition. If a majority of the electors voting thereon at such election shall approve the levying of such tax, the governing body of any such city or county shall provide by ordinance or resolution, as the case may be, for the levy of the tax. Any repeal of such tax or any reduction or increase in the rate thereof, within the limits prescribed by K.S.A. 12-189, and amendments thereto, shall be accomplished in the manner provided herein for the adoption and approval of such tax except that the repeal of any such city retailers' sales tax may be accomplished by the adoption of an ordinance so providing.

(h) The sufficiency of the number of signers of any petition filed under this section shall be determined by the county election officer. Every election held under this act shall be conducted by the county election officer.

(i) The governing body of the city or county proposing to levy any retailers' sales tax shall specify the purpose or purposes for which the revenue would be used, and a statement generally describing such purpose or purposes shall be included as a part of the ballot proposition.

Sec. 2. K.S.A. 1994 Supp. 12-188 is hereby amended to read as follows: 12-188. The following classes of cities are hereby established for the purpose of imposing limitations and prohibitions upon the levying of sales and excise taxes or taxes in the nature of an excise upon sales or transfers of personal or real property or the use thereof, or the rendering or furnishing of services by cities as authorized and provided by article 12, section 5, of the constitution of the state of Kansas:

Class A cities. All cities in the state of Kansas which have the authority to levy and collect excise taxes or taxes in the nature of an excise upon the sales or transfers of personal or real property or the use thereof, or the rendering or furnishing of services by cities.

Class B cities. All cities in the state of Kansas having a population of more than 1,000 but less than 2,000 located in a county having a population of more than 150,000 but less than 175,000 which has the authority to levy and collect excise taxes or taxes in the nature of an excise upon the sales or transfers of personal or real property or the use thereof, or the rendering or furnishing of services.

Class C cities. All cities in the state of Kansas having a population of more than 290,000 located in a county having a population of more than 350,000 which has the authority to levy and collect excise taxes or taxes in the nature of an excise upon the sales or transfers of personal or real property or the use thereof, or the rendering or furnishing of services.

Class D cities. All cities in the state of Kansas located in *Ellis*, *Ellsworth* or *Montgomery* county or in both *Riley* and *Pottawatomie* counties which have the authority to levy and collect excise taxes or taxes in the nature of an excise upon the sales or transfers of personal or real property or the use thereof, or the rendering or furnishing of services.

Sec. 3. K.S.A. 1994 Supp. 12-189 is hereby amended to read as follows: 12-189. Except as otherwise provided by paragraph (2) of subsection (a) of K.S.A. 12-187, and amendments thereto, the rate of any class A or class C city retailers' sales tax shall be fixed in the amount of .25%, .5%, .75% or 1% which amount shall be determined by the governing body of the city. Except as otherwise provided by paragraph (2) of subsection (a) of K.S.A. 12-187, and amendments thereto, the rate of any class B city retailers' sales tax shall be fixed in the amount of .25%, .5%, .75%, 1%, 1.25%, 1.5%, 1.75% or 2%. Except as otherwise provided by paragraph (2) of subsection (a) of K.S.A. 12-187, and amendments thereto, the rate of any class D city retailers' sales tax shall be fixed in the amount of .25%, .5%, .75%, 1%, 1.25%, 1.5% or 1.75%. The rate of any countywide retailers' sales tax shall be fixed in an amount of either .25%, .5%, .75% or 1% which amount shall be determined by the board of county commissioners, except that:

(a) The board of county commissioners of *Cherokee*, *Crawford*, *Saline*, *Seward* or *Wyandotte* county, for the purposes of paragraph (2) of subsection (b) of K.S.A. 12-187, and amendments thereto, may fix such rate at 1.5%, and the board of county commissioners of *Barton* or *Jefferson* county, for the purposes of paragraph (2) of subsection (b) of K.S.A. 12-187, and amendments thereto, may fix such rate at 2%;

(b) the board of county commissioners of *Jackson* county, for the purposes of paragraph (3) of subsection (b) of K.S.A. 12-187, and amendments thereto, may fix such rate at 2%;

(c) the boards of county commissioners of *Finney* and *Ford* counties, for the purposes of paragraph (4) of subsection (b) of K.S.A. 12-187, and amendments thereto, may fix such rate at .25% or

(d) the board of county commissioners of any county for the purposes of paragraph (5) of subsection (b) of K.S.A. 12-187, and amendments thereto, may fix such rate at a percentage which is equal to the sum of the rate allowed to be imposed by a board of county commissioners on the effective date of this act plus .25%, .5%, .75% or 1%, as the case requires; or

(e) the board of county commissioners of *Dickinson* county, for the purposes of paragraph (7) of subsection (b) of K.S.A. 12-187, and amendments thereto, may fix such rate at 1.25%.

Any county or city levying a retailers' sales tax is hereby prohibited from administering or collecting such tax locally, but shall utilize the services of the state department of revenue to administer, enforce and collect such tax. Except as otherwise specifically provided in K.S.A. 12-189a, and amendments thereto, such tax shall be identical in its application, and exemptions therefrom, to the Kansas retailers' sales tax act and all laws and administrative rules and regulations of the state department of revenue relating to the Kansas retailers' sales tax shall apply to such local sales tax insofar as such laws and rules and regulations may be made applicable. The state director of taxation is hereby authorized to administer, enforce and collect such local sales taxes and to adopt such rules and regulations as may be necessary for the efficient and effective administration and enforcement thereof.

Upon receipt of a certified copy of an ordinance or resolution authorizing the levy of a local retailers' sales tax, the state director of taxation shall cause such taxes to be collected within or without the boundaries of such taxing subdivision at the same time and in the same manner provided for the collection of the state retailers' sales tax. All moneys collected by the director of taxation under the provisions of this section shall be credited to a county and city retailers' sales tax fund which fund is hereby established in the state treasury. Any refund due on any county or city retailers' sales tax collected pursuant to this act shall be paid out of the sales tax refund fund and reimbursed by the director of taxation from collections of local retailers' sales tax revenue. All local retailers' sales tax revenue collected within any county or city pursuant to this act shall be apportioned and remitted at least quarterly by the state treasurer, on instruction from the director of taxation, to the treasurer of such county or city.

The director of taxation shall provide, upon request by a city or county clerk or treasurer of any city or county levying a local retailers' sales tax, a monthly report identifying each retailer having a place of business in such city or county and setting forth the amount of such tax remitted by each retailer during the preceding month. Such report shall be made available to the clerk or treasurer of such city or county within a reasonable time after it has been requested from the director of taxation. The director of taxation shall be allowed to assess a reasonable fee for the issuance of such report. Information received by any city or county pursuant to this section shall be confidential, and it shall be unlawful for any officer or employee of such city or county to divulge any such information in any manner. Any violation of this paragraph by a city or county officer or employee is a class B misdemeanor, and such officer or employee shall be dismissed from office.

Sec. 4. K.S.A. 1994 Supp. 12-192 is hereby amended to read as follows: 12-192. (a) Except as otherwise provided by subsection (b), (d) or (h), all revenue received by the director of taxation from a countywide retailers' sales tax shall be apportioned among the county and each city located in such county in the following manner: (1) One-half of all revenue received by the director of taxation shall be apportioned among the county and each city located in such county in the proportion that the total tangible property tax levies made in such county in the preceding year for all funds of each such governmental unit bear to the total of all such levies made in the preceding year, and (2) except as provided by paragraph (3), 1/2 of all revenue received by the director of taxation from such countywide retailers' sales tax shall be apportioned among the county and each city located in such county, first to the county that portion of the revenue equal to the proportion that the population of the county residing in the unincorporated area of the county bears to the total population of the county, and second to the cities in the proportion that the population of each city bears to the total population of the county, except that no persons residing within the Fort Riley military reservation shall be included in the determination of the population of any city located within Riley county, or (3) one-half of all revenue received by the director of taxation from countywide retailers' sales taxes levied in *Geary* county

(continued)

in any year shall be apportioned among the county and each city located in such county, first to the county that portion of the revenue equal to the proportion that the population of the county residing in the unincorporated area of the county less the population residing on a military reservation bears to the total population of the county less the population residing on a military reservation, and second to the cities in the proportion that the population of each city bears to the total population of the county less the population residing on a military reservation. All revenue apportioned to a county shall be paid to its county treasurer and shall be credited to the general fund of the county.

(b) (1) As an alternative and in lieu of the apportionment formula provided in subsection (a), all revenue received by the ~~Johnson county treasurer~~ director of taxation from a countywide retailers' sales tax imposed within Johnson county at the rate of 1% after the effective date of this act may be apportioned among the county and each city located in such county in the following manner: (1) (A) One-half of all such revenue shall be apportioned in the manner prescribed by subsection (a) and (2) (B) one-half of all such revenue shall be apportioned as follows: (A) (i) One-fourth shall be apportioned among the county and each city located in such county in the proportion that the total tangible property tax levies made in such county in the preceding year for all funds of each such governmental unit bear to the total of all such levies made in the preceding year and (B) (ii) one-fourth shall be apportioned among the county and each city located in such county, first to the county that portion of the revenue equal to the proportion that the population of the county residing in the unincorporated area of the county bears to the total population of the county, and second to the cities in the proportion that the population of each city bears to the total population of the county and (C) (iii) one-half shall be retained by the county for its sole use and benefit.

(2) In lieu of the apportionment formula provided in subsection (a), all money received by the director of taxation from a countywide sales tax imposed within Montgomery county pursuant to the election held on November 8, 1994, shall be remitted to and shall be retained by the county and expended only for the purpose for which the revenue received from the tax was pledged. All revenue apportioned and paid from the imposition of such tax to the treasurer of any city prior to the effective date of this act shall be remitted to the county treasurer and expended only for the purpose for which the revenue received from the tax was pledged.

(c) (1) Except as otherwise provided by paragraph (2) of this subsection, for purposes of subsections (a) and (b), the term "total tangible property tax levies" means the aggregate dollar amount of tax revenue derived from ad valorem tax levies applicable to all tangible property located within each such city or county. The ad valorem property tax levy of any county or city district entity or subdivision shall be included within this term if the levy of any such district entity or subdivision is applicable to all tangible property located within each such city or county.

(2) For the purposes of subsections (a) and (b), any ad valorem property tax levied on property located in a city in Johnson county for the purpose of providing fire protection service in such city shall be included within the term "total tangible property tax levies" for such city regardless of its applicability to all tangible property located within each such city.

If the tax is levied by a district which extends across city boundaries, for purposes of this computation, the amount of such levy shall be apportioned among each city in which such district extends in the proportion that such tax levied within each city bears to the total tax levied by the district.

(d) (1) All revenue received from a countywide retailers' sales tax imposed pursuant to paragraphs (2) or, (6) or (7) of subsection (b) of K.S.A. 12-187, and amendments thereto, shall be remitted to and shall be retained by the county and expended only for the purpose for which the revenue received from the tax was pledged.

(2) Except as otherwise provided in paragraph (5) of subsection (b) of K.S.A. 12-187, and amendments thereto, all revenues received from a countywide retailers' sales tax imposed pursuant to paragraph (5) of subsection (b) of K.S.A. 12-187, and amendments thereto, shall be remitted to and shall be retained by the county and expended only for the purpose for which the revenue received from the tax was pledged.

(e) All revenue apportioned to the several cities of the county shall be paid to the respective treasurers thereof and deposited in the general fund of the city. Whenever the territory of any city is located in two or more counties and any one or more of such counties do not levy a countywide retailers' sales tax, or whenever such counties do not levy countywide retailers' sales taxes at a uniform rate, the revenue received by such city from the proceeds of the countywide retailers' sales tax, as an alternative to depositing the same in the general fund, may be used for the purpose of reducing the tax levies of such city upon the taxable tangible property located within the county levying such countywide retailers' sales tax.

(f) Prior to March 1 of each year, the secretary of revenue shall advise each county treasurer of the revenue collected in such county from the state retailers' sales tax for the preceding calendar year.

(g) Prior to December 31 of each year, the clerk of every county imposing a countywide retailers' sales tax shall provide such information deemed necessary by the secretary of revenue to apportion and remit revenue to the counties and cities pursuant to this section.

(h) As an alternative and in lieu of the apportionment formula provided in subsection (a) and if the same is approved by the electorate, all revenue received by the Montgomery county treasurer from a countywide retailers' sales tax imposed at the rate of 1% after the effective date of this act shall be apportioned among the county and each city located in such county, first to the county that portion of the revenue equal to the proportion that the population of the county residing in the unincorporated area of the county bears to the total population of the county, and second to the cities in the proportion that the population of each city bears to the total population of the county. The provisions of this subsection shall only apply for the five-year period of time next following the date upon which it is authorized.

Sec. 5. K.S.A. 1994 Supp. 12-187, 12-188, 12-189 and 12-192 are hereby repealed.

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

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
1-2-20	New	V. 14, p. 172
1-2-30	Amended	V. 12, p. 902

1-2-46	Amended	V. 12, p. 1705	1-13-1a	Amended	V. 12, p. 1709
1-5-15	Amended	V. 13, p. 1500	1-14-6	Amended	V. 12, p. 1817
1-5-24	Amended	V. 13, p. 1679	1-14-7	Amended	V. 12, p. 1817
1-5-28	Amended	V. 12, p. 902	1-14-8	Amended	V. 12, p. 1710
1-5-29	Amended	V. 13, p. 1461, 1501	1-14-10	Amended	V. 12, p. 1818
1-6-21	Amended	V. 13, p. 1461, 1501	1-14-12	New	V. 12, p. 1711
1-6-22a	Amended	V. 13, p. 1501	1-16-2	Amended	V. 12, p. 721, 864
1-6-23	Amended	V. 12, p. 1706	1-16-2a	Amended	V. 12, p. 721, 864
1-6-33	New	V. 14, p. 172	1-16-2b	Amended	V. 12, p. 721, 864
1-7-4	Amended	V. 12, p. 1707	1-16-2d	Amended	V. 12, p. 721, 864
1-8-2	Amended	V. 13, p. 1461, 1502	1-16-2f	Revoked	V. 12, p. 722, 865
1-8-5	Amended	V. 13, p. 1461, 1502	1-16-2k	Amended	V. 12, p. 722, 865
1-8-6	Amended	V. 13, p. 1462, 1502	1-16-22	Amended	V. 12, p. 865
1-9-5	Amended	V. 12, p. 902	1-17-13	Amended	V. 13, p. 720
1-9-6	Amended	V. 12, p. 1708	1-18-1a	Amended	V. 12, p. 865
1-9-13	Amended	V. 12, p. 1709	1-21-1	Amended	V. 12, p. 865
1-9-21	Amended	V. 12, p. 903	1-21-2	Amended	V. 12, p. 866
1-9-22	Amended	V. 13, p. 1502	1-21-3	Revoked	V. 12, p. 866
1-9-23	Amended	V. 13, p. 1462, 1503	1-21-4	Amended	V. 12, p. 866
1-9-24	New	V. 12, p. 1709, 1779	1-21-5	Revoked	V. 12, p. 866
1-9-25	New	V. 14, p. 173	1-21-6	Revoked	V. 12, p. 866
1-9-26	New	V. 14, p. 175	1-21-7	Amended	V. 12, p. 866
1-10-6	Amended	V. 12, p. 1709	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
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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
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1-49-11	New	V. 12, p. 1711
1-50-2	Revoked	V. 12, p. 867
1-63-1	New	V. 13, p. 1463, 1504
1-63-2	New	V. 13, p. 1463, 1504

AGENCY 2: MUNICIPAL ACCOUNTING BOARD

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2-3-3	Revoked	V. 12, p. 887

AGENCY 4: BOARD OF AGRICULTURE

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4-2-4	Revoked	V. 13, p. 1609
4-2-5	Revoked	V. 13, p. 1609
4-2-6	Revoked	V. 13, p. 1609
4-2-8	Amended	V. 13, p. 1609
4-2-20	New	V. 13, p. 1609
4-3-47	Amended	V. 13, p. 1609
4-3-49	Amended	V. 13, p. 1609
4-4-900	Amended	V. 13, p. 1017, 1043
4-4-982	New	V. 13, p. 1018, 1043
4-4-983	New	V. 13, p. 1018, 1043
4-4-984	New	V. 13, p. 1018, 1043
4-7-716	Amended	V. 13, p. 1018
4-7-719	Amended	V. 13, p. 1018
4-7-900	Amended	V. 13, p. 1610
4-7-901	Amended	V. 13, p. 1610
4-7-904	Amended	V. 13, p. 1610
4-7-905	Amended	V. 13, p. 1610
4-8-14a	Amended	V. 12, p. 1212
4-8-28	Amended	V. 12, p. 1212
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4-16-1c	Amended	V. 13, p. 1611
4-16-300	Amended	V. 13, p. 1611
4-16-301	Amended	V. 13, p. 1611
4-16-304	Amended	V. 13, p. 1611
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4-17-1c	Amended	V. 13, p. 1612
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4-17-305	Amended	V. 13, p. 1613

AGENCY 5: BOARD OF AGRICULTURE—DIVISION OF WATER RESOURCES

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5-3-5e	New	V. 13, p. 493
5-3-9	New	V. 13, p. 1543
5-3-10	New	V. 13, p. 1543
5-3-11	New	V. 13, p. 1544
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5-3-18	New	V. 13, p. 1545-1547
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5-5-12	New	V. 13, p. 1547-1551
5-7-1	Amended	V. 13, p. 494
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5-7-4	New	V. 13, p. 495
5-10-6	New	V. 13, p. 1551
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5-11-2	New	V. 13, p. 496
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5-21-4	New	V. 13, p. 444
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7-19-6	New	1355, 1356
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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		
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7-36-6	New	V. 13, p. 5
7-37-1	New	V. 13, p. 765
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16-6-2	New	V. 13, p. 1992

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17-15-1	Amended	V. 12, p. 311
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17-23-16	New	V. 13, p. 49-57
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AGENCY 19: KANSAS COMMISSION ON GOVERNMENTAL STANDARDS AND CONDUCT

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20-2-6	New	V. 12, p. 1488
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20-2-8	New	V. 12, p. 1488
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AGENCY 22: STATE FIRE MARSHAL

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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

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
25-4-1	Amended	V. 13, p. 1195, 1400

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. 13, p. 1428
26-8-3	Amended	V. 13, p. 1429
26-8-4	Amended	V. 13, p. 1429
26-8-5	Amended	V. 13, p. 1429
26-8-7	Amended	V. 13, p. 1429

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
28-1-19	Amended	V. 13, p. 1932
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
28-4-550		
through		
28-4-572	New	V. 13, p. 1932-1945
28-15-11	Amended	V. 13, p. 1788
28-15-13	Amended	V. 13, p. 1790
28-15-14	Amended	V. 13, p. 1792
28-15-15a	Amended	V. 13, p. 1801
28-15-16	Amended	V. 13, p. 1802
28-15-19	Amended	V. 13, p. 1157
28-15-20	Amended	V. 13, p. 1157
28-15-21	New	V. 12, p. 978

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28-15-22	New	V. 13, p. 1157	28-31-8	Amended	V. 13, p. 318	28-35-251	Amended	V. 12, p. 1177
28-15-35	Amended	V. 12, p. 1847	28-31-8b	Amended	V. 13, p. 319	28-35-253	New	V. 12, p. 1177
28-15-36	Amended	V. 12, p. 1849	28-31-9	Amended	V. 13, p. 319	28-35-254	New	V. 12, p. 1177
28-15-36a	New	V. 12, p. 1851	28-31-10	Amended	V. 13, p. 320	28-35-255	New	V. 12, p. 1177
28-15-37	Amended	V. 12, p. 1852	28-31-11	Amended	V. 13, p. 320	28-35-276	Amended	V. 12, p. 1177
28-16-28b			28-31-14	Amended	V. 13, p. 320	28-35-282	Amended	V. 12, p. 1177
through			28-34-1	Revoked	V. 12, p. 780	28-35-284	Amended	V. 12, p. 1177
28-16-28f	Amended	V. 13, p. 1050-1061	28-34-1a	New	V. 12, p. 780	28-35-285	Amended	V. 12, p. 1177
28-16-61	Amended	V. 12, p. 1209	28-34-2	Amended	V. 12, p. 781	28-35-287	Amended	V. 12, p. 1177
28-16-150			28-34-3b	New	V. 12, p. 781	28-35-288	Amended	V. 12, p. 1177
through			28-34-5	Revoked	V. 12, p. 782	28-35-333	Amended	V. 13, p. 1323
28-16-154	New	V. 12, p. 1210	28-34-5a	New	V. 12, p. 782	28-35-334	Amended	V. 13, p. 1324
28-17-6	Amended	V. 12, p. 1020	28-34-6	Revoked	V. 12, p. 782	28-35-341		
28-17-20	Amended	V. 12, p. 1020	28-34-6a	New	V. 12, p. 782	through		
28-19-7	Amended	V. 13, p. 1865	28-34-8	Revoked	V. 12, p. 783	28-35-363	New	V. 12, p. 1177, 1178
28-19-8	Amended	V. 13, p. 1874	28-34-8a	New	V. 12, p. 783	28-36-21	Amended	V. 12, p. 1059
28-19-14	Amended	V. 13, p. 1874	28-34-9a	Amended	V. 12, p. 784	28-36-30	Amended	V. 12, p. 1211
28-19-14a	Revoked	V. 13, p. 1874	28-34-10	Revoked	V. 12, p. 784	28-38-18		
28-19-14b	Revoked	V. 12, p. 1853	28-34-10a	New	V. 12, p. 784	through		
28-19-17c	Amended	V. 13, p. 151	28-34-16	Revoked	V. 12, p. 785	28-38-23	Amended	V. 12, p. 437, 438
28-19-17c	Amended	V. 13, p. 151	28-34-16a	New	V. 12, p. 785	28-38-29	New	V. 12, p. 439
28-19-17f	Amended	V. 13, p. 151	28-34-17	Revoked	V. 12, p. 785	28-39-76	Revoked	V. 12, p. 1399
28-19-17m	Amended	V. 13, p. 151	28-34-17a	New	V. 12, p. 785	28-39-77	Revoked	V. 12, p. 1399
28-19-31	Amended	V. 12, p. 1458	28-34-17b	New	V. 12, p. 786	28-39-77a	Revoked	V. 12, p. 1400
28-19-32	Amended	V. 12, p. 1458	28-34-20	Revoked	V. 12, p. 787	28-39-78	Revoked	V. 12, p. 1400
28-19-63	Amended	V. 12, p. 1458	28-34-20a	New	V. 12, p. 787	28-39-79	Revoked	V. 13, p. 37
28-19-78	Revoked	V. 13, p. 151	28-34-32a	Revoked	V. 12, p. 787	28-39-80	Revoked	V. 13, p. 37
28-19-202	Amended	V. 13, p. 1875	28-34-32b	New	V. 12, p. 787	28-39-81	Revoked	V. 13, p. 37
28-19-204	New	V. 13, p. 1876	28-34-125	Revoked	V. 12, p. 787	28-39-81a	Revoked	V. 13, p. 37
28-19-210	New	V. 12, p. 1535	28-35-135	Amended	V. 13, p. 1287	28-39-81b	Revoked	V. 13, p. 37
28-19-212	New	V. 13, p. 1876	28-35-143	Revoked	V. 12, p. 1176	28-39-82		
28-19-275	New	V. 13, p. 1877	28-35-144a	New	V. 13, p. 1299	through		
28-19-300			28-35-180a	Amended	V. 12, p. 1176	28-39-103	Revoked	V. 12, p. 1400
through			28-35-199a	Amended	V. 13, p. 1300	28-39-103a	Revoked	V. 12, p. 1400
28-19-304	New	V. 13, p. 1877-1880	28-35-211a	Amended	V. 13, p. 1300	28-39-104		
28-19-400			28-35-211b	Revoked	V. 12, p. 1176	through		
through			28-35-211c	New	V. 13, p. 1300	28-39-113	Revoked	V. 12, p. 1400
28-19-404	New	V. 13, p. 1880, 1881	28-35-211d	New	V. 13, p. 1300	28-39-144		
28-19-500	New	V. 13, p. 1881	28-35-212a	Amended	V. 13, p. 1301	through		
28-19-501	New	V. 13, p. 1882	28-35-212b	Amended	V. 13, p. 1301	28-39-162	New	V. 12, p. 1400-1416
28-19-502	New	V. 13, p. 1883	28-35-212c	New	V. 13, p. 1301	28-39-162a	New	V. 12, p. 1417
28-19-510			28-35-212d	New	V. 13, p. 1302	28-39-162b	New	V. 12, p. 1422
through			28-35-212e	New	V. 13, p. 1302	28-39-162c	New	V. 12, p. 1424
28-19-518	New	V. 13, p. 1883-1892	28-35-212f	New	V. 13, p. 1303	28-39-163	New	V. 12, p. 1428
28-19-540			28-35-212g	New	V. 13, p. 1304	28-39-164		
through			28-35-213a	Amended	V. 13, p. 1305	through		
28-19-546	New	V. 13, p. 1892-1894	28-35-213b	New	V. 13, p. 1305	28-39-174	New	V. 13, p. 37-42
28-19-561	New	V. 13, p. 1894	28-35-214a	Amended	V. 12, p. 1176	28-39-227		
28-19-562	New	V. 13, p. 1895	28-35-215a	Revoked	V. 13, p. 1306	through		
28-19-563	New	V. 13, p. 1896	28-35-217a	Amended	V. 13, p. 1306	28-39-239	New	V. 13, p. 399-403
28-19-575			28-35-217b	New	V. 13, p. 1306	28-44-28	New	V. 12, p. 1541
through			28-35-218a	Amended	V. 12, p. 1176	28-44-29	New	V. 12, p. 1541
28-19-578	New	V. 13, p. 1896, 1897	28-35-219a	Amended	V. 13, p. 1306	28-46-1	Amended	V. 13, p. 152
28-19-720	New	V. 13, p. 1897	28-35-220a	Amended	V. 13, p. 1309	28-46-2	Amended	V. 13, p. 152
28-19-735	New	V. 13, p. 1897	28-35-221a	Amended	V. 13, p. 1310	28-46-3	Amended	V. 13, p. 152
28-19-750			28-35-221b	Amended	V. 13, p. 1310	28-46-5		
through			28-35-222a	Amended	V. 13, p. 1317	through		
28-19-753	New	V. 13, p. 1897, 1898	28-35-223a	Amended	V. 13, p. 1317	28-46-22	Amended	V. 13, p. 152, 153
28-23-82	Amended	V. 12, p. 1058	28-35-224a	Amended	V. 13, p. 1317	28-46-24	Amended	V. 13, p. 154
28-25-1			28-35-225a	Amended	V. 13, p. 1318	28-46-26		
through			28-35-226a	Amended	V. 13, p. 1318	through		
28-25-15	New	V. 12, p. 1058, 1059	28-35-227a	Revoked	V. 13, p. 1318	28-46-34	Amended	V. 13, p. 154, 155
28-29-23a	New	V. 14, p. 5	28-35-227b			28-46-36	Amended	V. 13, p. 155
28-29-6a	New	V. 13, p. 151	through			28-46-37	Revoked	V. 13, p. 354
28-29-84	New	V. 12, p. 435, 487	28-35-227i	New	V. 13, p. 1318, 1319	28-46-38	Amended	V. 13, p. 354
28-29-85	New	V. 12, p. 436, 488	28-35-228a	Amended	V. 13, p. 1320	28-46-39	Revoked	V. 13, p. 156
28-29-98	Amended	V. 14, p. 7, 91	28-35-229a	Amended	V. 13, p. 1320	28-46-41	Amended	V. 13, p. 156
28-29-99	Revoked	V. 13, p. 1017	28-35-230a	Amended	V. 13, p. 1321	28-46-42	Amended	V. 13, p. 156
28-29-100	New	V. 13, p. 1356	28-35-230b	Amended	V. 13, p. 1321	28-46-43	New	V. 13, p. 156
28-29-101	New	V. 13, p. 1357	28-35-230c	New	V. 13, p. 1321	28-46-44	New	V. 13, p. 156
28-29-102	New	V. 13, p. 1358	28-35-230d	New	V. 13, p. 1321	28-51-100		
28-29-103	New	V. 13, p. 1361	28-35-230e	New	V. 13, p. 1322	through		
28-29-104	New	V. 13, p. 1362	28-35-230f	New	V. 13, p. 1322	28-51-104	Amended	V. 13, p. 43-45
28-29-108	New	V. 13, p. 1366	28-35-231b	Amended	V. 13, p. 1322	28-51-108	Amended	V. 13, p. 45
28-29-111	New	V. 13, p. 1369	28-35-232a	Revoked	V. 13, p. 1323	28-51-110	Amended	V. 13, p. 45
28-29-112	New	V. 13, p. 1371	28-35-233a	Revoked	V. 13, p. 1323	28-51-111	Amended	V. 13, p. 46
28-29-113	New	V. 13, p. 1372	28-35-234a	Revoked	V. 13, p. 1323	28-51-112	Amended	V. 13, p. 46
28-29-114	New	V. 13, p. 1376	28-35-242	Amended	V. 12, p. 1177	28-59-5	Amended	V. 13, p. 1158
28-29-121	New	V. 13, p. 1377	28-35-245	Revoked	V. 12, p. 1177	28-59-5a	New	V. 13, p. 1159
28-30-2	Amended	V. 12, p. 1539	28-35-246	Revoked	V. 12, p. 1177	28-59-7	Amended	V. 13, p. 1159
28-30-3	Amended	V. 12, p. 1540	28-35-247	Amended	V. 12, p. 1177	28-65-1	Amended	V. 12, p. 1541
28-30-6	Amended	V. 12, p. 730	28-35-248	Revoked	V. 12, p. 1177	28-65-2	Amended	V. 13, p. 1551
28-31-1			28-35-249	Amended	V. 12, p. 1177	28-65-3	Amended	V. 13, p. 1552
through			28-35-250	Revoked	V. 12, p. 1177	28-65-4	Amended	V. 13, p. 1552
28-31-6	Amended	V. 13, p. 312-318	28-35-250a	New	V. 12, p. 1177			

28-66-1 through
28-66-4 New V. 13, p. 46-48
28-67-1 through
28-67-12 New V. 13, p. 1645-1649

AGENCY 30: SOCIAL AND REHABILITATION SERVICES

Reg. No.	Action	Register
30-2-16	Amended	V. 13, p. 1159
30-4-34	Amended	V. 13, p. 1685
30-4-35w	New	V. 13, p. 1685
30-4-41w	New	V. 13, p. 1685
30-4-50w	New	V. 13, p. 1686
30-4-52	Amended	V. 12, p. 1213
30-4-52w	New	V. 13, p. 1686
30-4-53w	New	V. 13, p. 1686
30-4-54w	New	V. 13, p. 1686
30-4-55w	New	V. 13, p. 1686
30-4-58w	New	V. 13, p. 1687
30-4-59w	New	V. 13, p. 1688
30-4-61w	New	V. 13, p. 1688
30-4-63	Amended	V. 12, p. 1213
30-4-63w	New	V. 13, p. 1688
30-4-64	Amended	V. 12, p. 1215
30-4-64w	New	V. 13, p. 1689
30-4-70w	New	V. 13, p. 1670
30-4-71w	New	V. 13, p. 1690
30-4-72w	New	V. 13, p. 1690
30-4-73	Amended	V. 12, p. 386
30-4-74w	New	V. 13, p. 1691
30-4-85a	Amended	V. 12, p. 1461, 1486
30-4-90	Amended	V. 13, p. 721
30-4-90w	New	V. 13, p. 1691
30-4-96	Amended	V. 13, p. 1159
30-4-100w	New	V. 13, p. 1693
30-4-105w	New	V. 13, p. 1694
30-4-106w	New	V. 13, p. 1694
30-4-109w	New	V. 13, p. 1695
30-4-110w	New	V. 13, p. 1696
30-4-111	Amended	V. 12, p. 1737, 1781
30-4-111w	New	V. 13, p. 1696
30-4-112	Amended	V. 13, p. 1697
30-4-112w	New	V. 13, p. 1698
30-4-113	Amended	V. 13, p. 1699
30-4-113w	New	V. 13, p. 1699
30-4-120w	New	V. 13, p. 1700
30-4-122a	Amended	V. 12, p. 1461, 1486
30-4-130	Amended	V. 12, p. 1217
30-4-130w	New	V. 13, p. 1700
30-4-140w	New	V. 13, p. 1702
30-5-58	Amended	V. 14, p. 162
30-5-59	Amended	V. 14, p. 168
30-5-60	Amended	V. 12, p. 393
30-5-64	Amended	V. 14, p. 4
30-5-65	Amended	V. 13, p. 730
30-5-70	Amended	V. 12, p. 394
30-5-71	Amended	V. 13, p. 1703
30-5-73	Amended	V. 12, p. 1224
30-5-81b	Amended	V. 12, p. 1225
30-5-82a	Amended	V. 13, p. 730
30-5-100	Amended	V. 12, p. 1225
30-5-105	Amended	V. 12, p. 1226
30-5-106	Amended	V. 14, p. 169
30-5-107	Amended	V. 14, p. 169
30-5-109a	Amended	V. 12, p. 1226
30-5-116	Amended	V. 13, p. 730
30-5-116a	Amended	V. 12, p. 1226
30-5-118a	Amended	V. 13, p. 731
30-5-151	Amended	V. 12, p. 266, 579
30-5-173	Revoked	V. 14, p. 4
30-5-173a	Revoked	V. 14, p. 4
30-6-34	Amended	V. 13, p. 1705
30-6-35w	New	V. 13, p. 1705
30-6-41w	New	V. 13, p. 1705
30-6-50w	New	V. 13, p. 1706
30-6-52	Amended	V. 13, p. 1160
30-6-52w	New	V. 13, p. 1706
30-6-53w	New	V. 13, p. 1706
30-6-54w	New	V. 13, p. 1707
30-6-55w	New	V. 13, p. 1708
30-6-56	Amended	V. 13, p. 734
30-6-56w	New	V. 13, p. 1708
30-6-59w	New	V. 13, p. 1710

30-6-60w	New	V. 13, p. 1710
30-6-65w	New	V. 13, p. 1710
30-6-70w	New	V. 13, p. 1711
30-6-72w	New	V. 13, p. 1711
30-6-77	Amended	V. 13, p. 1711
30-6-77w	New	V. 13, p. 1712
30-6-78w	New	V. 13, p. 1712
30-6-81w	New	v. 13, p. 1713
30-6-82w	New	V. 13, p. 1713
30-6-85w	New	V. 13, p. 1713
30-6-86w	New	V. 13, p. 1713
30-6-87w	New	V. 13, p. 1713
30-6-94w	New	V. 13, p. 1714
30-6-103	Amended	V. 13, p. 1714
30-6-103w	New	V. 13, p. 1714
30-6-105w	New	V. 13, p. 1715
30-6-106	Amended	V. 13, p. 1966
30-6-106w	Amended	V. 13, p. 1968
30-6-107	Amended	V. 13, p. 1717
30-6-107w	New	V. 13, p. 1717
30-6-109	Amended	V. 13, p. 735
30-6-109w	New	V. 13, p. 1717
30-6-110w	New	V. 13, p. 1719
30-6-111	Amended	V. 13, p. 1719
30-6-111w	New	V. 13, p. 1720
30-6-112	Amended	V. 13, p. 1722
30-6-112w	New	V. 13, p. 1723
30-6-113	Amended	V. 13, p. 1724
30-6-113w	New	V. 13, p. 1725
30-6-150	Amended	V. 12, p. 1745, 1789
30-6-150w	New	V. 13, p. 1726
30-7-100	Amended	V. 12, p. 398
30-10-1a	Amended	V. 13, p. 1163
30-10-1b	Amended	V. 13, p. 1165
30-10-1c	Amended	V. 12, p. 1748
30-10-1d	Amended	V. 12, p. 1748
30-10-2	Amended	V. 13, p. 1165
30-10-6	Amended	V. 14, p. 4
30-10-7	Amended	V. 14, p. 5
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. 13, p. 1167
30-10-19	Amended	V. 12, p. 1756
30-10-20	Amended	V. 14, p. 169
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
30-41-1	Amended	V. 13, p. 1970
30-44-2	New	V. 13, p. 1971
30-44-3	New	V. 13, p. 1972
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 33: DEPARTMENT OF WILDLIFE AND PARKS

Reg. No.	Action	Register
33-1-18	Revoked	V. 13, p. 1926
33-1-20	Revoked	V. 13, p. 1926

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
44-5-102	Revoked	V. 13, p. 835
44-5-115	New	V. 13, p. 1755
44-6-124	Amended	V. 13, p. 1755
44-6-142	Amended	V. 13, p. 1756
44-6-146	Amended	V. 13, p. 1756
44-7-104	Amended	V. 13, p. 835
44-7-116	New	V. 12, p. 1155
44-9-103	Revoked	V. 13, p. 836
44-9-104	Revoked	V. 13, p. 837
44-9-105	Amended	V. 13, p. 837
44-12-601	Amended	V. 13, p. 1757
44-12-1202	Amended	V. 13, p. 1758
44-12-1308	Amended	V. 13, p. 1758
44-13-201	Amended	V. 13, p. 837
44-13-201b	Amended	V. 13, p. 838
44-13-202	Amended	V. 13, p. 838
44-13-402	Amended	V. 13, p. 839
44-13-403	Amended	V. 13, p. 839
44-13-408	Amended	V. 13, p. 1758
44-13-603	Amended	V. 13, p. 841
44-13-704	Amended	V. 13, p. 1759
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. 13, p. 841
44-14-303	Amended	V. 12, p. 1596
44-14-305a	Revoked	V. 12, p. 1596
44-14-306	Amended	V. 12, p. 1596
44-14-307	Amended	V. 12, p. 1597
44-14-309	Amended	V. 12, p. 1597
44-14-310	Amended	V. 12, p. 1597
44-14-311	Amended	V. 12, p. 1597
44-14-314	Amended	V. 12, p. 1597
44-14-316	Amended	V. 12, p. 1597
44-14-318	New	V. 12, p. 1597

AGENCY 51: DEPARTMENT OF HUMAN RESOURCES—

DIVISION OF WORKERS COMPENSATION

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

AGENCY 56: OFFICE OF THE ADJUTANT GENERAL

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

AGENCY 60: BOARD OF NURSING

Reg. No.	Action	Register
60-1-101	Revoked	V. 12, p. 1205
60-1-102	Amended	V. 12, p. 348
60-1-103	Amended	V. 12, p. 348
60-3-101	Amended	V. 12, p. 348
60-3-102	Amended	V. 13, p. 1498
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. 13, p. 1086
60-3-111	New	V. 12, p. 349
60-4-101	Amended	V. 13, p. 1964
60-4-103	Amended	V. 13, p. 365
60-7-104	Amended	V. 13, p. 366
60-7-106	Amended	V. 13, p. 1086
60-7-108	New	V. 12, p. 349
60-8-101	Amended	V. 13, p. 1964
60-9-105	Amended	V. 12, p. 349
60-9-107	Amended	V. 12, p. 1206

(continued)

60-11-103	Amended	V. 13, p. 1086
60-11-104a	Amended	V. 13, p. 1754
60-11-108	Amended	V. 13, p. 1087
60-11-113	Amended	V. 13, p. 366
60-11-118	Amended	V. 12, p. 350
60-11-119	Amended	V. 13, p. 1964
60-12-104	Amended	V. 12, p. 1208
60-12-105	Amended	V. 12, p. 1208
60-13-101	Amended	V. 13, p. 1964
60-13-110	Amended	V. 13, p. 366
60-16-101		
through		
60-16-105	New	V. 13, p. 1498-1500

AGENCY 63: BOARD OF MORTUARY ARTS

Reg. No.	Action	Register
63-1-3	Amended	V. 14, p. 202
63-1-4	Amended	V. 12, p. 632
63-2-3	Amended	V. 14, p. 202
63-2-12	Amended	V. 14, p. 203
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
63-6-1	Amended	V. 14, p. 203
63-6-2	Amended	V. 14, p. 203
63-6-3	Amended	V. 14, p. 204

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
66-6-1	Amended	V. 13, p. 1992
66-6-4	Amended	V. 13, p. 1993
66-6-6	Amended	V. 12, p. 1926
66-6-8	Amended	V. 13, p. 1994
66-6-9	Amended	V. 13, p. 1994
66-7-3	New	V. 13, p. 1994
66-8-2		
through		
66-8-5	Amended	V. 12, p. 1926, 1927
66-8-4	Amended	V. 13, p. 1994
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. 13, p. 1994
66-10-3	Amended	V. 13, p. 1994
66-10-4	Amended	V. 13, p. 1995
66-10-5	Revoked	V. 13, p. 1995
66-10-9	Amended	V. 13, p. 1995
66-10-10	Amended	V. 13, p. 1995
66-10-10a	Amended	V. 13, p. 1995
66-10-11	Amended	V. 13, p. 1996
66-10-12	Amended	V. 13, p. 1996
66-11-1	Amended	V. 12, p. 1929
66-11-2	Amended	V. 12, p. 1929
66-11-3	Revoked	V. 13, p. 1996
66-12-1	Amended	V. 13, p. 1996

AGENCY 67: BOARD OF HEARING AID EXAMINERS

Reg. No.	Action	Register
67-2-4	Amended	V. 14, p. 66

AGENCY 68: BOARD OF PHARMACY

Reg. No.	Action	Register
68-1-1a	Amended	V. 14, p. 124
68-1-1f	Amended	V. 14, p. 125
68-2-12a	Amended	V. 14, p. 125
68-2-20	Amended	V. 14, p. 125
68-7-12a	Amended	V. 14, p. 125
68-7-14	Amended	V. 14, p. 126
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
68-14-1	Amended	V. 14, p. 126
68-20-9	Amended	V. 13, p. 535
68-20-15a	Amended	V. 14, p. 126

68-20-18	Amended	V. 14, p. 127
68-20-19	Amended	V. 14, p. 128

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
69-13-1	New	V. 13, p. 1825
69-13-2	New	V. 13, p. 1825
69-13-3	New	V. 13, p. 1825

AGENCY 70: BOARD OF VETERINARY EXAMINERS

Reg. No.	Action	Register
70-1-4	New	V. 13, p. 1681
70-1-5	New	V. 13, p. 1681
70-3-1	Amended	V. 14, p. 90
70-3-2	Amended	V. 14, p. 90
70-3-4	Revoked	V. 14, p. 90
70-5-1	Amended	V. 13, p. 445
70-6-1	New	V. 13, p. 1681

AGENCY 71: KANSAS DENTAL BOARD

Reg. No.	Action	Register
71-1-13	Revoked	V. 14, p. 68
71-1-16	New	V. 13, p. 1085
71-1-17	New	V. 13, p. 1085
71-1-18	New	V. 12, p. 1700
71-3-3	Amended	V. 13, p. 1085

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. 13, p. 1152
74-5-203	Amended	V. 13, p. 1152
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		
74-11-5	Revoked	V. 12, p. 1922
74-11-6		
through		
74-11-14	New	V. 12, p. 1922-1926
74-12-1	Amended	V. 13, p. 1152
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
81-2-1	Amended	V. 14, p. 287
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
81-5-7	Amended	V. 13, p. 1355
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
81-5-12	New	V. 14, p. 287
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
82-3-101	Amended	V. 14, p. 129
82-3-103	Amended	V. 14, p. 132
82-3-106	Amended	V. 14, p. 133
82-3-107	Amended	V. 13, p. 531
82-3-115	Amended	V. 14, p. 134
82-3-115a	New	V. 14, p. 135
82-3-115b	New	V. 14, p. 135
82-3-116	Amended	V. 14, p. 136
82-3-120	Amended	V. 14, p. 136
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
82-3-300	Amended	V. 14, p. 137
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. 13, p. 1929
82-4-3	Amended	V. 13, p. 1930
82-4-6d	Amended	V. 13, p. 1931
82-4-8a	Amended	V. 12, p. 441
82-4-20	Amended	V. 13, p. 1931
83-4-22	Amended	V. 13, p. 1190
82-4-23	Amended	V. 13, p. 1190
82-4-24a	Amended	V. 13, p. 1191
82-4-27	Amended	V. 13, p. 1191
82-4-27a	Amended	V. 13, p. 1191
82-4-27f	Amended	V. 13, p. 1192
82-4-28	Amended	V. 13, p. 1192
82-4-29	Amended	V. 12, p. 443
82-4-29a	Amended	V. 13, p. 1193
82-4-30	Amended	V. 13, p. 1193
82-4-31	Amended	V. 13, p. 1193
82-4-32	Amended	V. 13, p. 1193
82-4-33	Amended	V. 13, p. 1194
82-4-34	Revoked	V. 12, p. 443
82-4-35a	Amended	V. 13, p. 1194
82-4-37	Amended	V. 13, p. 1194
82-4-38	Revoked	V. 12, p. 443
82-4-39	Amended	V. 13, p. 1194
82-4-42	Amended	V. 13, p. 1194

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
86-2-8	New	V. 13, p. 1108
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
88-12-1		
through		
88-12-8	Amended	V. 13, p. 1542
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
91-1-30a	Amended	V. 13, p. 975
91-1-56	Amended	V. 13, p. 308
91-1-80	Amended	V. 12, p. 580
91-1-85	Amended	V. 13, p. 976
91-1-92	Amended	V. 13, p. 976
91-1-93a	Amended	V. 13, p. 977
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. 14, p. 91
91-12-24a	Amended	V. 12, p. 590
91-12-25	Amended	V. 14, p. 91
91-12-27	Amended	V. 12, p. 590
91-12-28	Amended	V. 12, p. 590
91-12-29	Revoked	V. 14, p. 92
91-12-30	Amended	V. 12, p. 591
91-12-33	Amended	V. 12, p. 591
91-12-34	Revoked	V. 14, p. 92
91-12-35	Amended	V. 14, p. 92
91-12-37	Amended	V. 12, p. 591
91-12-40	Amended	V. 12, p. 592
91-12-41	Amended	V. 14, p. 92
91-12-42	Amended	V. 14, p. 93
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. 14, p. 94
91-12-53	Amended	V. 12, p. 596
91-12-54	Amended	V. 14, p. 94
91-12-55	Amended	V. 12, p. 598
91-12-56	Amended	V. 14, p. 94
91-12-59	Amended	V. 12, p. 598
91-12-60	Amended	V. 14, p. 95
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
91-12-74	New	V. 14, p. 95

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 99: BOARD OF AGRICULTURE—
DIVISION OF WEIGHTS AND MEASURES**

Reg. No.	Action	Register
99-40-21		
through		
99-40-46	New	V. 13, p. 1013-1015
99-40-100	New	V. 13, p. 1608
99-40-101	New	V. 13, p. 1608
99-40-104	New	V. 13, p. 1608
99-40-105	New	V. 13, p. 1609

AGENCY 100: BOARD OF HEALING ARTS

Reg. No.	Action	Register
100-10a-1	Amended	V. 13, p. 637
100-11-1	Amended	V. 12, p. 1704
100-24-1	Amended	V. 13, p. 638
100-26-1	New	V. 13, p. 638
100-35-7	Amended	V. 13, p. 638
100-38-1	Amended	V. 12, p. 1704
100-46-3	Amended	V. 13, p. 638
100-46-5	Amended	V. 13, p. 638
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
100-60-13	Amended	V. 13, p. 638

**AGENCY 102: BEHAVIORAL SCIENCES
REGULATORY BOARD**

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

**AGENCY 105: BOARD OF INDIGENTS'
DEFENSE SERVICES**

Reg. No.	Action	Register
105-2-1	Amended	V. 13, p. 183
105-3-2	Amended	V. 12, p. 976, 1013

105-3-11	New	V. 13, p. 184
105-5-2	Amended	V. 13, p. 184
105-5-6	Amended	V. 12, p. 977, 1013
105-5-7	Amended	V. 12, p. 977, 1014
105-5-8	Amended	V. 12, p. 977, 1014
105-5-9	New	V. 12, p. 1014
105-9-5	New	V. 12, p. 1014
105-10-1	Revoked	V. 13, p. 184
105-10-1a	New	V. 13, p. 184
105-10-3	New	V. 13, p. 184
105-10-4	New	V. 13, p. 185
105-10-5	New	V. 13, p. 185

**AGENCY 109: BOARD OF EMERGENCY
MEDICAL SERVICES**

Reg. No.	Action	Register
109-1-1	Amended	V. 13, p. 1928
109-2-5	Amended	V. 12, p. 1015
109-2-8	Amended	V. 12, p. 1016
109-5-1	Amended	V. 13, p. 1649
109-8-1	Amended	V. 13, p. 1650
109-9-4	Amended	V. 12, p. 1874
109-9-5	Amended	V. 12, p. 1875
109-10-1	Amended	V. 14, p. 235
109-10-2	New	V. 12, p. 1091
109-10-3	New	V. 12, p. 1875
109-10-4	New	V. 12, p. 1876
109-10-5	New	V. 13, p. 1651
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
110-7-1		
through		
110-7-4	New	V. 13, p. 1407, 1408 1571, 1572
110-6-7	New	V. 12, p. 1490
110-40-5	Amended	V. 13, p. 1132

AGENCY 111: THE KANSAS LOTTERY

Reg. No.	Action	Register
111-1-2	Amended	V. 7, p. 1190
111-1-5	Amended	V. 13, p. 1045
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	Amended	V. 13, p. 1435
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		
through		
111-2-26	Revoked	V. 13, p. 1401
111-2-27	New	V. 12, p. 1370
111-2-28	New	V. 12, p. 1844
111-2-29	New	V. 12, p. 1844
111-2-30	New	V. 13, p. 1401
111-2-31	New	V. 14, p. 170
111-3-1	Amended	V. 13, p. 1825
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. 13, p. 1826
111-3-13	Amended	V. 11, p. 1148
111-3-14	Amended	V. 13, p. 1826
111-3-16	Amended	V. 9, p. 1566
111-3-19		
through		
111-3-22	Amended	V. 9, p. 30

111-3-19	Revoked	V. 13, p. 1827
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. 13, p. 1827
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	Amended	V. 13, p. 1828
111-3-36	New	V. 13, p. 877
111-3-37	New	V. 13, p. 877
111-4-1		
through		
111-4-5	Revoked	V. 12, p. 113
111-4-5a	Revoked	V. 12, p. 113
111-4-6		
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111-4-15	Revoked	V. 12, p. 113
111-4-66		
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111-4-77	New	V. 7, p. 207-209
111-4-96		
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111-4-114	New	V. 7, p. 1606-1610
111-4-100	Amended	V. 13, p. 1045
111-4-101	Amended	V. 13, p. 1045
111-4-102	Amended	V. 12, p. 1114
111-4-103	Amended	V. 10, p. 1211
111-4-104	Amended	V. 13, p. 1046
111-4-105	Amended	V. 13, p. 1046
111-4-106	Amended	V. 13, p. 1046
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. 13, p. 1047
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		
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111-4-228	Revoked	V. 10, p. 1585
111-4-229		
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111-4-236	Revoked	V. 10, p. 1585, 1586
111-4-237		
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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		
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111-4-256	Revoked	V. 12, p. 113, 114
111-4-257		
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111-4-286	Revoked	V. 11, p. 413, 414
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through		
111-4-300	New	V. 10, p. 883-886

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111-4-287 through			111-4-405 through			111-4-555 through		
111-4-290	Revoked	V. 12, p. 1371	111-4-413	New	V. 11, p. 756, 757	111-4-563	New	V. 13, p. 396-398
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111-4-300	Revoked	V. 12, p. 114	111-4-407	Amended	V. 13, p. 877	111-4-571	New	V. 13, p. 635-637
111-4-301 through			111-4-408	Amended	V. 13, p. 877	111-4-572 through		
111-4-307	Revoked	V. 13, p. 1402	111-4-409	Amended	V. 13, p. 877	111-4-585	New	V. 13, p. 878-880
111-4-301	Amended	V. 12, p. 1115	111-4-411	Amended	V. 11, p. 1474	111-4-586 through		
111-4-303	Amended	V. 12, p. 1115	111-4-412	Amended	V. 11, p. 1475	111-4-593	New	V. 13, p. 1047-1049
111-4-304	Amended	V. 12, p. 1115	111-4-413	Amended	V. 11, p. 1475	111-4-594 through		
111-4-306	Amended	V. 12, p. 1115	111-4-414 through			111-4-606	New	V. 13, p. 1402-1405
111-4-308 through			111-4-428	Revoked	V. 14, p. 8	111-4-607 through		
111-4-320	New	V. 10, p. 1214, 1215	111-4-414	Amended	V. 11, p. 1150	111-4-619	New	V. 13, p. 1436-1438
111-4-308	Amended	V. 12, p. 1261	111-4-429 through			111-4-620 through		
111-4-311	Amended	V. 12, p. 1262	111-4-432	Revoked	V. 12, p. 1373	111-4-623	New	V. 13, p. 1567
111-4-312	Amended	V. 12, p. 1262	111-4-433 through			111-4-624 through		
111-4-313	Amended	V. 12, p. 1262	111-4-436	Revoked	V. 12, p. 1374	111-4-652	New	V. 13, p. 1828-1835
111-4-318 through			111-4-437 through			111-4-640	Amended	V. 13, p. 1922
111-4-321	Revoked	V. 12, p. 114	111-4-444	New	V. 11, p. 1475-1477	111-4-652	Amended	V. 13, p. 1922
111-4-322 through			111-4-437 through			111-4-653 through		
111-4-331	New	V. 10, p. 1411-1413	111-4-440	Revoked	V. 12, p. 1374	111-4-664	New	V. 13, p. 1923-1925
111-4-322 through			111-4-441 through			111-4-665 through		
111-4-327	Revoked	V. 12, p. 1371	111-4-443	Revoked	V. 14, p. 8	111-4-669	New	V. 14, p. 8, 9
111-4-328 through			111-4-445 through			111-4-670 through		
111-4-335	Revoked	V. 12, p. 114	111-4-453	New	V. 11, p. 1794-1796	111-4-673	New	V. 14, p. 170
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111-4-345	New	V. 10, p. 1526-1528	111-4-448	Revoked	V. 12, p. 1374	111-5-23	New	V. 7, p. 209-213
111-4-336 through			111-4-449 through			111-5-9		
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111-4-341	Revoked	V. 11, p. 1473	111-4-454			111-5-11	Amended	V. 9, p. 505
111-4-341a	Revoked	V. 12, p. 1372	700through			111-5-12	Amended	V. 11, p. 415
111-4-341b	Amended	V. 12, p. 1372	111-4-465	Revoked	V. 12, p. 1664, 1665	111-5-17	Amended	V. 8, p. 211
111-4-341c	New	V. 12, p. 1664	111-4-466 through			111-5-18	Amended	V. 10, p. 13
111-4-344	Amended	V. 12, p. 1373	111-4-473	New	V. 12, p. 316, 317	111-5-19	Amended	V. 8, p. 212
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111-4-361	New	V. 10, p. 1586-1589	111-4-473	New	V. 12, p. 316, 317	111-5-33	New	V. 11, p. 415-418
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111-4-349	Revoked	V. 12, p. 114	111-4-474 through			111-5-25	Amended	V. 11, p. 482
111-4-362 through			111-4-488	New	V. 12, p. 522-524	111-5-27	Amended	V. 11, p. 482
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111-4-366 through			111-4-497 through			111-5-38	Revoked	V. 13, p. 1439
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111-4-370 through			111-4-501 through			111-6-15	New	V. 7, p. 213-217
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111-4-387	Revoked	V. 12, p. 1373	111-4-530	New	V. 12, p. 1569, 1570	111-6-6	Amended	V. 11, p. 1973
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111-4-392	Amended	V. 12, p. 520	111-4-543 through			111-6-11	Revoked	V. 12, p. 1376
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						111-6-22	New	V. 13, p. 881
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111-7-5	Amended	V. 9, p. 986
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111-7-9	Amended	V. 12, p. 1263
111-7-11	Amended	V. 10, p. 1475
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111-7-32	New	V. 7, p. 1194-1196
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111-7-43	New	V. 7, p. 1197, 1198
111-7-33a	New	V. 8, p. 300
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111-7-54	Revoked	V. 13, p. 340
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111-7-63	Revoked	V. 10, p. 1217
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111-7-83	New	V. 11, p. 1478-1480
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111-10-9	New	V. 8, p. 136-138
111-10-7	Amended	V. 8, p. 301

AGENCY 112: KANSAS RACING COMMISSION

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112-5-10	New	V. 13, p. 1088
112-6-1	Amended	V. 13, p. 1088
112-6-2	Amended	V. 13, p. 1088
112-6-9	New	V. 13, p. 1089
112-6-10	New	V. 13, p. 1089
112-7-24	New	V. 13, p. 843, 1090
112-8-13	New	V. 13, p. 1090
112-9-1	New	V. 13, p. 1090
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
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112-11-21	Amended	V. 13, p. 1090
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112-12-11	Amended	V. 12, p. 50-53
112-12-2	Amended	V. 13, p. 1996
112-12-3	Revoked	V. 13, p. 1997
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112-12-9	Amended	V. 13, p. 1997-1999
112-12-10	Amended	V. 12, p. 1816
112-12-12	Amended	V. 13, p. 1999
112-12-13	Amended	V. 13, p. 1999
112-12-14	New	V. 13, p. 962, 1091
112-15-2	Amended	V. 13, p. 1091
112-15-3	Amended	V. 13, p. 1091
112-15-5	Amended	V. 13, p. 1091
112-15-6	Amended	V. 13, p. 1091
112-17-15	New	V. 12, p. 1034, 1211
112-18-9	Amended	V. 13, p. 1092
112-18-11	Amended	V. 13, p. 1092

112-18-17	Amended	V. 13, p. 1092
112-18-18	Amended	V. 13, p. 1092
112-18-20	New	V. 13, p. 1093

AGENCY 115: DEPARTMENT OF WILDLIFE AND PARKS

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115-4-1	Amended	V. 12, p. 570
115-4-3	Amended	V. 13, p. 1926
115-4-5	Amended	V. 12, p. 571
115-4-6	Amended	V. 13, p. 592
115-4-7	Amended	V. 13, p. 594
115-4-12	Amended	V. 13, p. 1286
115-5-1	Amended	V. 12, p. 1490
115-5-2	Amended	V. 13, p. 1286
115-5-3	New	V. 13, p. 1287
115-8-3	Amended	V. 13, p. 1680
115-8-19	New	V. 13, p. 1926
115-8-22	New	V. 13, p. 233
115-9-1	Revoked	V. 12, p. 1702
115-9-5	Amended	V. 13, p. 980
115-9-7	New	V. 13, p. 1287
115-14-1	Amended	V. 13, p. 980
115-14-2	Amended	V. 13, p. 980
115-14-8	Amended	V. 13, p. 980
115-14-9	Amended	V. 13, p. 980
115-14-10	Amended	V. 13, p. 981
115-17-15	New	V. 12, p. 1702
115-17-16 through		
115-17-20	New	V. 13, p. 234-236
115-18-4	Amended	V. 12, p. 1491
115-18-8	Amended	V. 13, p. 1927
115-18-9	New	V. 12, p. 1702
115-18-10	New	V. 12, p. 1702
115-18-12	Amended	V. 13, p. 1927
115-18-13	New	V. 13, p. 981
115-18-14	New	V. 13, p. 1680
115-20-1	Amended	V. 14, p. 123
115-21-3	New	V. 12, p. 1703
115-30-3	Amended	V. 14, p. 123
115-30-8	Amended	V. 12, p. 1703
115-30-10	New	V. 13, p. 595

AGENCY 116: STATE FAIR BOARD

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116-3-2	New	V. 12, p. 1175
116-4-1	New	V. 13, p. 934
116-4-2	New	V. 13, p. 934

AGENCY 117: REAL ESTATE APPRAISAL BOARD

Reg. No.	Action	Register
117-1-1	Amended	V. 13, p. 974
117-2-1	Amended	V. 12, p. 528
117-2-2	Amended	V. 13, p. 913
117-2-4	Amended	V. 12, p. 529
117-3-1	Amended	V. 12, p. 529
117-3-2	Amended	V. 13, p. 913
117-4-1	Amended	V. 12, p. 1699
117-4-2	Amended	V. 13, p. 913
117-4-4	Amended	V. 12, p. 530
117-5-1	New	V. 13, p. 975
117-6-1	Amended	V. 13, p. 1965
117-6-2	Amended	V. 13, p. 1965
117-7-1	Amended	V. 13, p. 1966
117-8-1	Amended	V. 13, p. 1966

AGENCY 120: HEALTH CARE DATA GOVERNING BOARD

Reg. No.	Action	Register
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