



Kansas Register

Ron Thornburgh, Secretary of State

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April 6, 1995

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 (913) 296-3489

State of Kansas

State Records Board

Notice of Meeting

The Kansas State Records Board will meet at 10 a.m. Thursday, April 13, in the second floor conference room of the Memorial Building, 120 W. 10th, Topeka. The board will consider requests from state agencies submitting proposals for retention and disposition of noncurrent government records. In addition, general administrative matters and other business will be discussed.

Patricia A. Michaelis
State Archivist and
Secretary, State Records Board

Doc. No. 016089

State of Kansas

Social and Rehabilitation Services

Public Notice

The Kansas Department of Social and Rehabilitation Services submitted a waiver request March 22, 1995, to the Health Care Financing Administration seeking approval to implement Community Care of Kansas (CCK), a "managed cooperation" approach to delivery of medical care to Medicaid beneficiaries in Bourbon, Finney, Montgomery and Sedgwick counties under AFDC and poverty-level women and children programs. This waiver request is the result of a cooperative effort by the Sedgwick County Medical Society and the four hospitals in Wichita to provide more comprehensive and coordinated care of higher quality to more beneficiaries, without increasing costs. As the state Medicaid agency, SRS must submit the waiver and is responsible for its implementation.

CCK will be a not-for-profit corporation whose sole function is provision of medical services to individuals who receive Aid to Families with Dependent Children (AFDC) or related poverty-level programs for women and children (PLE). CCK will receive a capitated payment per beneficiary to cover all services and contract with local providers to manage and provide medical care. The design of the program is sensitive to the need to maintain the quality of care for these beneficiaries and maintain an adequate network of medical providers to serve the total Medicaid population. CCK will be monitored for indications of quality care, in addition to normal grievance and complaint mechanisms applying to care. The availability of care providers for not only CCK beneficiaries, but also Medicaid beneficiaries, will be closely monitored.

Public comments may be submitted through May 8 to the Kansas Department of Social and Rehabilitation Services, Attn: Karl D. Hockenbarger, Room 611-N, Docking State Office Building, 915 S.W. Harrison, Topeka, 66612-1570; or to the Health Care Financing Administration, Attn: Penny Pine, 6340 Security Blvd., 2230 Oak Meadows Building, Baltimore, MD 21207.

Janet Schalansky
Acting Secretary of Social and
Rehabilitation Services

Doc. No. 016101

State of Kansas

State Emergency Response Commission

Notice of Meeting

The State Emergency Response Commission will meet at 9 a.m. Thursday, April 13, in Room 11 of the State Defense Building, 2800 S.W. Topeka Blvd., Topeka.

James J. O'Connell
Secretary of Health
and Environment

Doc. No. 016084

State of Kansas

Social and Rehabilitation Services

Request for Comments

The draft Social Service Block Grant (SSBG) State Plan for fiscal year 1996 is in the public comment period from April 20 to May 19. Copies of the draft plan will be available for review at each of the 12 SRS area offices throughout Kansas.

Comments concerning the draft plan are to be submitted by May 19 to the Kansas Department of Social and Rehabilitation Services, Management Services Division, Room 611-N, Docking State Office Building, 915 S.W. Harrison, Topeka, 66612. Copies of the draft plan are also available upon written request to the same address.

The SSBG State Plan is scheduled to be adopted by the Secretary of Social and Rehabilitation Services at the June 6 SRS open meeting.

Janet Schalansky
Acting Secretary of Social and
Rehabilitation Services

Doc. No. 016111

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(1), 12-1675(b)(c)(d) and 75-4209(a)(1)(B), as amended.

Effective 4-10-95 through 4-16-95	
Term	Rate
0-90 days	6.19%
3 months	5.94%
6 months	6.19%
9 months	6.40%
12 months	6.51%
18 months	6.68%
24 months	6.79%
36 months	6.94%
48 months	7.03%

Sally Thompson
State Treasurer

Doc. No. 016098

State of Kansas

Secretary of State

Usury Rate for April

Pursuant to the provisions of K.S.A. 16-207, the maximum effective rate of interest per annum for notes secured by all real estate mortgages and contracts for deed for real estate executed during the period of April 1, 1995 through April 30, 1995, is 10.22 percent.

Ron Thornburgh
Secretary of State

Doc. No. 016083

State of Kansas

Department of Transportation

Notice to Consulting Engineering Firms

The Kansas Department of Transportation is seeking qualified consultant engineering firms for the following project:

Project: 106-K 5575-01
106-K 5575-02

The scope of work is to provide long-term engineering and administrative assistance for the implementation of the Kansas Scenic Byways Program. The consultant will be responsible for planning and presenting workshops, meeting with route sponsors, making field surveys and route evaluations, assisting nominating groups with preparing management plans, attending KSBC meetings, and other assistance as required. The estimated total project cost is \$215,000.

Responses must be received by April 13 for the consultant engineering firm to be considered. Seven signed copies of responses should be mailed to Mike Stock, P.E., Project Control Engineer, Office of Engineering Support, KDOT, 7th Floor, Docking State Office Building, 915 S.W. Harrison, Topeka, 66612.

From firms expressing interest, the Consultant Selection Committee will select a list of the most highly qualified (not less than three, not more than five) and invite them to attend a pre-proposal conference. Firms not selected will be notified by letter.

The Negotiating Committee, appointed by the Secretary of Transportation, will conduct discussions with firms invited to the pre-proposal conference and select one firm with which to negotiate a contract. After a contract has been awarded, the firms not selected will be notified by letter.

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

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

E. Dean Carlson
Secretary of Transportation

Doc. No. 016064

State of Kansas

Kansas Judicial Council

Notice of Meetings

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

Date	Committee	Time	Location
April 7	Care & Treatment	9:30 a.m.	Room 259
April 21	PIK-Civil	9:30 a.m.	Room 259
April 21	Family Law	9:30 a.m.	2nd Floor, Court of Appeals Courtroom
April 27	Probate Law	9:30 a.m.	Room 259
May 5	Judicial Council	9:00 a.m.	Room 259
May 19	PIK-Criminal	9:30 a.m.	Room 259

Justice Kay McFarland
Chair

Doc. No. 016102

State of Kansas

Board of Technical Professions

Notice of Meetings

The Board of Technical Professions' Continuing Education/Continuing Professional Competency Committee will meet at 3 p.m. Friday, April 14, in Room 507-N of the Landon State Office Building, 900 S.W. Jackson, Topeka.

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

Betty L. Rose
Executive Director

Doc. No. 016100

State of Kansas

Office of the Governor

Executive Order No. 95-173

WHEREAS, Robert L. Jackson, age 25, was convicted in Shawnee County District Court of murdering three people in a Topeka night club in April, 1994; and

WHEREAS, Robert L. Jackson escaped from the Shawnee County Jail on March 19, 1995;

NOW, THEREFORE, by virtue of the authority vested in me by K.S.A. 75-113, I, Bill Graves, Governor of the State of Kansas, do hereby offer a reward of five thousand dollars (\$5,000.00) for information leading to the apprehension of said Robert L. Jackson.

This document shall be filed with the Secretary of State as Executive Order No. 95-173, and shall become effective immediately.

Dated March 22, 1995.

Bill Graves
Governor
Attest: Ron Thornburgh
Secretary of State

Doc. No. 016090

State of Kansas

Kansas State University

Notice to Bidders

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

Monday, April 17, 1995

#50164

Laser scan confocal microscope system

#50165

Automatic cell counter

William H. Sesler
Director of Purchasing

Doc. No. 016092

State of Kansas

Wichita State University

Notice to Bidders

Wichita State University is accepting bids on the following item:

Closing April 14, 1995

Quotation 950386-4

Silicon graphics WB-TW0200XZ2 workstation

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 date. Please refer to the above quotation number on all correspondence. For additional information contact the Office of Purchasing, (316) 689-3080.

Gary D. Link
Director of Purchasing

Doc. No. 016095

State of Kansas

Attorney General

Opinion No. 95-34

Cities and Municipalities—General Provisions—Countywide and City Retailers' Sales Taxes; Sunset Provision. Representative Clyde D. Graeber, 41st District, Leavenworth, March 24, 1995.

A countywide retailers' sales tax may be imposed for a fixed term without the necessity of repealing the resolution authorizing the levy. Furthermore, a county may state its intention to limit the tax for a fixed time period on the resolution and/or the ballot. Cited herein: K.S.A. 1994 Supp. 12-187. MF

Opinion No. 95-35

Waters and Watercourses—Groundwater Management Districts—Board of Directors; Terms of Members; Expenses; Officers; Quorum; Vote for Actions; Filling Vacancies. Senator Stephen Morris, 39th District, Hugoton, March 24, 1995.

A groundwater management district organized pursuant to K.S.A. 82a-1020 *et seq.* may group the election of directors in counties with geographical proximity as long as statutory constraints are observed. These constraints require that board members serve a term of three years, the board maintain an uneven number of three to 15 members, and the elections reflect a one-third staggered scheme. Cited herein: K.S.A. 82a-1020; 82-1023; 82a-1026; 82a-1027; 82a-1034. GE

Opinion No. 95-36

State Boards, Commissions, and Authorities—Eisenhower Presidential Library Commission—Disposition of Library Property Upon Abolition. Senator Don Steffes, 35th District, McPherson, March 24, 1995.

The old Rock Island Railroad depot building donated in 1959 to the Eisenhower Presidential Library Commis-

sion was library property, and title thereto was acquired in the name of the state. Assuming the governor conveyed the library property of the Eisenhower Presidential Library Commission to the United States as provided by L. 1961, ch. 393, and assuming the federal government accepted such conveyance pursuant to federal statute, title to the building was thereby transferred to the federal government. The storage contract for the depot building executed in 1960 by the commission and Old Abilene Town Company, Inc. expired in 1985. Thereafter, the federal government, as the presumed successor title owner, had the legal right to take possession of the depot building. Cited herein: L. 1955, ch. 358, §§ 1, 2, 5; L. 1957, ch. 432, §§ 1, 2; L. 1959, ch. 324, §§ 1, 2; L. 1961, ch. 264; L. 1961, ch. 393, §§ 1, 2, 7; L. 1963, ch. 410; L. 1965, ch. 445; K.S.A. 58-601; K.S.A. 74-4601 *et seq.* (repealed 1967); K.S.A. 74-4612 (repealed 1970); 44 U.S.C. § 397(f) (1964), 69 Stat. 695, ch. 859 (1955) (repealed). LEG

Opinion No. 95-37

Cities and Municipalities—Miscellaneous Provisions—Municipal Policies Regarding the Provision of Assistance During Times of Disaster; Use of County Road Personnel and Equipment to Fight Fires.

Counties and County Officers—General Provisions—Home Rule Powers; Limitations, Restrictions and Prohibitions; Use of County Road Personnel and Equipment to Fight Fires. Leonard Dix, Rooks County Attorney, Stockton, March 24, 1995.

In the absence of any general statutory impediment prohibiting use of county employees and road equipment for the public purpose of fighting fires, it is a discretionary decision of the county under its home rule authority. Cited herein: K.S.A. 1994 Supp. 12-16, 117; K.S.A. 12-2901; K.S.A. 1994 Supp. 19-101a; K.S.A. 19-212; 31-158; 68-141a; 68-536; 75-3137; 79-2925; 80-1516; 80-1517; 80-1904. TMN

Carla Stovall
Attorney General

Doc. No. 016103

State of Kansas

Long Term Care Action Committee

Notice of Meeting

The Long Term Care Action Committee will meet from 2 to 3:30 p.m. Friday, April 21, in Room 602-N, Docking State Office Building, 915 S.W. Harrison, Topeka.

Janet Schalansky
Acting Secretary of Social
and Rehabilitation Services

Doc. No. 016085

State of Kansas

State Fair Board

Notice of Meeting

The State Fair Board will meet at 10 a.m. Thursday, April 13, in the board room at the Administration Office on the fairgrounds in Hutchinson. For further information, contact Deana Novak at (316) 669-3612.

Deana K. Novak
Public Service Administrator

Doc. No. 016093

State of Kansas

State Corporation Commission

Notice of Motor Carrier Hearings

Applications set for hearing are to be heard at 9:30 a.m. April 25 before the State Corporation Commission, 1500 S.W. Arrowhead Road, Topeka.

Questions concerning applications for hearing dates should be addressed to the State Corporation Commission, 1500 S.W. Arrowhead Road, Topeka, 66604-4027, (913) 271-3196 or 271-3146. Anyone needing special accommodations should give notice to the commission 10 days prior to the scheduled hearing date.

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

Applications set for April 25, 1995

Application for Certificate of Convenience
and Necessity:

B.C. & R. Storage Co., Inc.) Docket No. 105,278 M
1321 N. 3rd)
Lawrence, KS 66044) MC ID No. 113697

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

General commodities (except hazardous materials),

Between all points and places in the state of Kansas.

Application for Certificate of Convenience
and Necessity:

Charlie Baucom, Inc.) Docket No. 140,924 M
Route 1, Box 97)
Dechard, TN 37324) MC ID No. 118099

Applicant's Attorney: Robert Baker, 1700 Nashville City

Center, 511 Union Street, P.O. Box 190613, Nashville,
TN 37219

General commodities (except household goods),

Between all points and places in the state of Kansas.

Application for Certificate of Convenience
and Necessity:

Earl D. Crisp, dba) Docket No. 137,736 M
Trail's End Feed Store)
1201 E. Trail)
Dodge City, KS 67801) MC ID No. 114979

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

*General commodities (except hazardous materials and
household goods),*

Between all points and places in the state of Kansas.

Application for Abandonment of Contract
Carrier Permit:

Dillon Companies, Inc.) Docket No. 179,712 M
2700 E. 4th)
Hutchinson, KS 67504-1608) MC ID No. 112880

Applicant's Attorney: None

Application for Certificate of Convenience
and Necessity:

Elkhart Implement, Inc.) Docket No. 114,531 M
East Highway 56)
Elkhart, KS 67950) MC ID No. 115970

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

*General commodities (except household goods and
hazardous materials),*

Between all points and places in the state of Kansas.

Application for Certificate of Convenience
and Necessity:

H & H Lease Service, Inc.) Docket No. 192,005 M
514 N. Main)
Holyrood, KS 67450) MC ID No. 151450

Applicant's Attorney: None

Oil well tubing, line pipe, stock tanks, pump units, sucker rods,

Between all points and places in the state of Kansas.

Application for Certificate of Convenience
and Necessity:

Dean F. Haselhorst, dba) Docket No. 192,011 M
Crazy Horse Trucking)
1102 Canterbury)
Hays, KS 67601) MC ID No. 151623

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

General commodities (except hazardous materials and household goods),

Between all points and places in the state of Kansas.

Application for Certificate of Convenience and Necessity:

J & S Trucking, Inc.) Docket No. 191, 689 M
Route 1, Box 9)
Prairie View, KS 67664) MC ID No. 151399

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

General commodities (except household goods and hazardous materials),

Between all points and places in the state of Kansas.

Application for Certificate of Convenience and Necessity:

Myron Kolbeck) Docket No. 192,007 M
12632 Kettle Road)
Spearville, KS 67876) MC ID No. 151452

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

General commodities (except explosives and household goods),

Between all points and places in the state of Kansas.

Application for Name Change of Certificate of Convenience and Necessity:

Maeden Transportation) Docket No. 164,375 M
Services, Inc., dba)
Nationwide Traffic Services)
1632 N. Jackson Ave.)
Kansas City, MO 64120-4222) MC ID No. 133254

TO:
Nationwide Traffic Services, Inc.
1632 N. Jackson Ave.
Kansas City, MO 64120-4222

Applicant's Attorney: None

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

Between all points and places in Kansas on and east of U.S. 81.

Also,

Between all points and places in Kansas on and east of U.S. 81, on the one hand, and all points and places in Kansas, on the other.

Note: Effective January 1, 1995, the commission may no longer enact or enforce any statute or regulation related to routes of intrastate motor common carriers of property other than household goods. The holder of an intrastate certificate may transport the above described commodities anywhere within the state of Kansas.

Application for Certificate of Convenience and Necessity:

Cindy Hays Mangus, dba) Docket No. 192,010 M
Grain and Gravel Express)
LLC)
12500 Highway 385)
Burlington, CO 80807) MC ID No. 151455

Applicant's Attorney: None

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

Between all points and places in the state of Kansas.

Application for Certificate of Convenience and Necessity:

Dorothy McChristian, dba) Docket No. 192,256 M
M & P Transport)
1601-S. Summit)
Arkansas City, KS 67005) MC ID No. 151796

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

General commodities (except household goods) including petroleum products which do not require pressurization during transportation,

Between all points and places in the state of Kansas.

Application for Certificate of Convenience and Necessity:

Moonlite Trucking, Inc.) Docket No. 192,009 M
420 E. Main)
Council Grove, KS 66846) MC ID No. 151454

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

General commodities (except household goods and explosives),

Between all points and places in the state of Kansas.

Application for Extension of Certificate of Convenience and Necessity:

Pony Express Courier) Docket No. 59,680 M
Corporation)
5550-77 Center Drive)
Suite 320)
Charlotte, NC 28217) MC ID No. 120069

Applicant's Attorney: None.

General commodities (except household goods),

Between all points and places in the state of Kansas.

Application for Extension of Certificate of Convenience and Necessity:

Reimer Transportation, Inc.) Docket No. 116,238 M
223 S. Fowler St.)
Meade, KS 67864) MC ID No. 101630

Applicant's Attorney: None

General commodities (except household goods and hazardous materials),

Between all points and places in the state of Kansas.

(continued)

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

SBS Enterprises, Inc.) Docket No. 192,008 M
125 S. Main)
South Hutchinson, KS 67505) MC ID No. 141453
Applicant's Attorney: Clyde Christey, Southwest Plaza
Bldg., Suite 124, 3601 W. 29th, Topeka, KS 66614

*General commodities (except household goods and hazardous
materials) and vehicles in driveway service,*

Between all points and places in the state of Kansas.

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

Sam's Overland Body, Inc.) Docket No. 123,675 M
7932 Foster)
Overland Park, KS 66204-3642) MC ID No. 103327
TO:

Overland Body, Inc.
7932 Foster
Overland Park, KS 66204-3642

Applicant's Attorney: None

*Wrecked, disabled, repossessed and replacement
motor vehicles and trailers,*

Between all points and places in Leavenworth, Wyandotte, Douglas, Johnson, Jefferson, Franklin and Miami counties, Kansas.

Also,

Between all points and places in Leavenworth, Wyandotte, Douglas, Johnson, Jefferson, Franklin and Miami counties, Kansas, on the one hand, and all points and places in the state of Kansas, on the other.

Note: Effective January 1, 1995, the commission may no longer enact or enforce any statute or regulation related to routes of intrastate motor common carriers of property other than household goods. The holder of an intrastate certificate may transport the above described commodities anywhere within the state of Kansas.

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

Robert Dean Schoenhals, dba) Docket No. 192,006 M
North Side Auto)
North Highway 69)
Pleasanton, KS 66075) MC ID No. 141451

Applicant's Attorney: None

Wrecked and disabled motor vehicles,

Between all points and places in the state of Kansas.

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

Stuart Stoops, dba) Docket No. 192,235 M
Stoops Trucking)
Route 1, Box 79)
Hugoton, KS 67951) MC ID No. 151775

Applicant's Attorney: None

*General commodities (except household goods and
hazardous materials),*

Between all points and places in the state of Kansas.

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

Western Kansas Xpress, Inc.) Docket No. 32, 505 M
3833 S. West St.)
Wichita, KS 67217-0042) MC ID No. 101295

TO:
Western Xpress, Inc.
3833 S. West St.
Wichita, KS 67217-0042

Applicant's Attorney: None

Unprocessed feed, seeds, hay and grain,

Between points and places within a 20-mile radius of Cedar Point, Kansas.

Also,

Between points and places within said radius, on the one hand, and all points and places in Kansas, on the other.

Processed mill feeds,

Between points and places within a 20-mile radius of Cedar Point, Kansas.

Also,

Between Wichita, Emporia and Kansas City, Kansas, on the one hand, and Cedar Point and farms and rural locations within a 20-mile radius thereof, on the other.

Building blocks, cement, cinder or haydite, and sand,

Between Cedar Point, Kansas, and farms and rural locations within a 20-mile radius thereof.

Also,

Between Wichita and Kansas City, Kansas, on the one hand, and Cedar Point and farms and rural locations within a 20-mile radius of Cedar Point, on the other.

Salt,

Between points and places within a 10-mile radius of Cedar Point, Kansas.

Also,

Between points and places within said radius, on the one hand, and Hutchinson, Kansas, on the other.

Coal,

Between Cedar Point and Florence, Kansas, on the one hand, and farms and rural locations within a 10-mile radius of Cedar Point, Kansas, on the other.

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

Between all points and places in the state of Kansas.

Don Carlile
Administrator
Transportation Division

Doc. No. 016109

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 March 23-29:

House Bills

HB 2583, by Representative McKechnie: An act concerning community colleges; affecting state aid entitlements; rescinding the statutory requirement for out-district tuition charges; amending K.S.A. 71-201, 71-204, 71-401, 71-403, 71-602, 71-604, 71-605, 71-609a, 71-610, 71-611, 71-613a, 71-701, 71-1508 and 71-1702 and K.S.A. 1994 Supp. 19-101a, 71-301, 71-302, 71-607, 71-609 and 79-5028 and repealing the existing sections; also repealing K.S.A. 71-304, 71-305, 71-306 and 71-1705.

HB 2584, by Committee on Appropriations: An act authorizing the state historical society to lease certain property to the city of Hays, Kansas; relating to the terms and conditions of such lease; amending K.S.A. 76-2007a and 76-2007b and repealing the existing sections; also repealing 76-2007c.

HB 2585, by Committee on Appropriations: An act concerning certain claims against the state, relating to set-off of certain moneys received by inmates for court ordered restitution; amending K.S.A. 46-920 and repealing the existing section.

HB 2586, by Committee on Calendar and Printing: An act concerning crimes and punishment; relating to criminal defamation; amending K.S.A. 1994 Supp. 21-4004 and repealing the existing section.

HB 2587, by Representative McKechnie: An act establishing a department of public safety; providing for the appointment of a secretary of public safety; prescribing powers, duties and functions of the secretary and department; abolishing certain state agencies and transferring powers, duties and functions thereof to the department; and repealing K.S.A. 75-711, 75-712, 75-1510 and 75-5117.

House Concurrent Resolutions

HCR 5024, A concurrent resolution directing the Secretary of Social and Rehabilitation Services to review rules of intermediate care facilities for the mentally retarded relating to certification standards and develop a home and community based services waiver request for one group home facility for persons with physical disabilities.

House Resolutions

HR 6003, A resolution supporting federal legislation to approve the National Highway System.

Senate Bills

SB 379, by Committee on Ways and Means: An act concerning the Kansas racing commission; relating to the inspector of parimutuels; amending K.S.A. 74-8805 and repealing the existing section.

SB 380, by Committee on Ways and Means: An act concerning grain storage; public warehouse license fees; amending K.S.A. 34-228 and repealing the existing section.

SB 381, An act concerning eligibility requirements of applicants for and recipients of public assistance; amending K.S.A. 1994 Supp. 39-709 and repealing the existing section.

SB 382, An act concerning the health care stabilization fund; amending K.S.A. 1994 Supp. 40-3404 and 75-3170a and repealing the existing sections.

SB 383, An act concerning the computation of accumulated vacation leave for certain officers or employees of agencies in the executive branch of state government.

SB 384, An act concerning reports to the secretary of health and environment for the health care data base; assessments to pay anticipated expenses; amending K.S.A. 1994 Supp. 40-2251 and repealing the existing section.

Senate Resolutions

SR 1823, A resolution in memory of Irvin Powell.

SR 1824, A resolution congratulating and commending the Wichita County High School wrestling team and Coach John Flores for winning the 1995 Kansas State High School Activities Association Class 3-2-1A State Wrestling Championship.

SR 1825, A resolution congratulating and commending the Brewster High School Boys' basketball team and Coach Jon McLean for winning the 1995 Class 1A State Basketball Championship in Kansas.

SR 1826, A resolution congratulating and commending Marietta (Mary) Potter for being recognized as 1995 Kansas Outstanding Vocational Student, "Overcomer" and current finalist for National Student of the Year.

SR 1827, A resolution congratulating and commending Walter P. Vincent on being awarded a Purple Heart Medal 50 years after being wounded in the battle for Iwo Jima.

SR 1828, A resolution congratulating and commending Amanda Holbert on being recognized as 1995 Kansas Outstanding High School Vocational Student and current finalist for National Student of the Year.

SR 1829, A resolution congratulating and commending the Sublette High School Boys' basketball team and Coach Monty Marlin for winning the 1995 Class 2A State Basketball Championship in Kansas.

SR 1830, A resolution congratulating and commending the Lawrence High School Boys' basketball team and Head Coach Jack Schreiner for winning the 1995 Class 6A State Basketball Championship in Kansas.

SR 1831, A resolution congratulating and commending the Paola High School football team and boy's basketball team for winning the 1994-95 Kansas State High School Activities Association Class 4A State Football and Basketball Championships.

Doc. No. 016099

(Published in the Kansas Register April 6, 1995.)

**Summary Notice of Bond Sale
Unified School District No. 383
Riley County, Kansas (Manhattan)
\$9,587,000**

**General Obligation School Building Bonds
Series 1995**

(General obligation bonds payable from
unlimited ad valorem taxes)

Sealed Bids

Subject to the notice of bond sale dated March 15, 1995, sealed bids will be received by the clerk of Unified School District No. 383, Riley County, Kansas (Manhattan) (the issuer), on behalf of the governing body at the office of the Board of Education, 2031 Poyntz, Manhattan, KS 66502, until 7 p.m. C.D.T. on April 19, 1995, for the purchase of \$9,587,000 principal amount of General Obligation School Building Bonds, Series 1995. No bid of less than the entire par value of the bonds, except a discount of not greater than 1 percent of the par value of the bonds, and accrued interest thereon to the date of delivery will be considered.

Bond Details

The bonds will consist of fully registered bonds in the denomination of \$5,000 or any integral multiple thereof, except one bond in the denomination of \$7,000. The bonds will be dated April 15, 1995, and will become due on November 1 in the years as follows:

Year	Principal Amount
1996	207,000
1997	260,000
1998	285,000
1999	310,000
2000	335,000

(continued)

2001	365,000
2002	395,000
2003	425,000
2004	455,000
2005	485,000
2006	515,000
2007	550,000
2008	585,000
2009	625,000
2010	665,000
2011	710,000
2012	755,000
2013	805,000
2014	855,000

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 May 1 and November 1 in each year, beginning on May 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 \$191,740 (2 percent of the principal amount of the bonds).

Delivery

The issuer will pay for printing the bonds and will deliver the same properly prepared, executed and registered without cost to the successful bidder on or before May 15, 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 \$209,910,437. The total general obligation indebtedness of the issuer as of the date of the bonds, including the bonds being sold, is \$29,462,000.

Approval of Bonds

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

Additional Information

Additional information regarding the bonds may be obtained from the clerk, (913) 587-2000; or from the financial advisor, Ranson Capital Corporation, Wichita, Kansas, Attention: Stephen E. Shogren, (316) 262-4955.

Dated March 15, 1995.

Unified School District No. 383
Riley County, Kansas (Manhattan)

Doc. No. 016110

State of Kansas

Speech-Language Pathology and Audiology Board

Notice of Meeting

The Speech-Language Pathology and Audiology Board will meet at 10 a.m. Friday, April 14, in Room 1003 of the Landon State Office Building, 900 S.W. Jackson, Topeka.

Lesa Bray, Director
Health Occupations Credentialing

Doc. No. 016117

(Published in the Kansas Register April 6, 1995.)

Summary Notice of Bond Sale

\$1,893,250*

City of Andover, Kansas

General Obligation Internal Improvement Bonds (General obligation bonds payable from unlimited ad valorem taxes)

Details of the Sale

Subject to the terms and conditions of the complete official notice of bond sale dated March 28, 1995, of the city of Andover, Kansas, in connection with the city's General Obligation Internal Improvement Bonds, Series A, 1995, hereinafter described, sealed, written bids shall be received at the office of the city administrator at City Hall, 909 N. Andover Road, Andover, until 7 p.m. C.D.T. on Tuesday, April 18, 1995, for the purchase of the bonds. All bids shall be publicly opened, read aloud and tabulated on said date and at said time and shall immediately thereafter be considered and acted upon by the governing body of the city.

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

Bids shall be accepted only on the official bid form which has been prepared for the public bidding on these bonds, and which may be obtained from the city or from the city's financial advisor. Bids may be submitted by mail or may be delivered in person, and must be received at the place and no later than the date and time hereinbefore specified. Each bid shall be accompanied by a good faith deposit in the form of a certified or cashier's check drawn on a bank located within the United States and made payable to the order of the city, and shall be in an amount equal to \$37,865.

Details of the Bonds

The bonds to be sold will be in an aggregate principal amount which shall not exceed \$1,893,250*. The bonds shall be issued as fully registered bonds in denominations of \$5,000, or any integral multiple thereof not exceeding the principal amount of bonds maturing on the respective principal payment dates, except that one bond maturing in the year 1996 shall be issued in a denomination which represents the odd amount of the bonds. The bonds shall bear a dated date of May 1, 1995. The bonds shall bear interest, payable as hereinafter set forth, at the rates specified by the successful bidder for the bonds. Certain of the bonds are subject to redemption prior to their maturities as set forth in the official notice of bond sale.

Interest on the bonds shall be payable semiannually on May 1 and November 1 in each year, commencing May 1, 1996, and the bonds shall mature serially on November 1 in each of the years and principal amounts as follows:

Principal Amount	Year of Maturity
\$ 28,250	1996
90,000	1997
95,000	1998
100,000	1999
105,000	2000
110,000	2001
120,000	2002
125,000	2003
135,000	2004
140,000	2005
150,000	2006
160,000	2007
165,000	2008
180,000	2009
190,000	2010

*Subject to change as provided under "Adjustment of Issue Size" herein.

Payment of Principal and Interest

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

Security for the Bonds

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

Delivery of the Bonds

The bonds, duly printed, executed and registered, shall be furnished and delivered at the expense of the city to the successful bidder, or at its direction, on or before Tuesday, May 1, 1995, at such bank or trust company or other qualified depository in the state of Kansas or Kansas City, Missouri, as may be specified by the successful bidder. Delivery elsewhere shall be made at the expense of the successful bidder.

Legal Opinion

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

Adjustment of Issue Size

The city reserves the right to, in its sole discretion, decrease the total principal amount of the bonds, depending

on the total amount, if any, which the city receives by closing on April 14, 1995, as cash payment of special assessments which have been levied by the city for the internal improvements which will be permanently financed from the proceeds of the bonds. The final total principal amount of the bonds will be determined by noon on Monday, April 17, 1995; interested prospective purchasers for the bonds may telephone the city or the city's financial advisor (see telephone numbers later in this notice) at any time thereafter to obtain the final total principal amount. If the total principal amount is so decreased, one or more of the principal maturities will be decreased at the discretion of the city.

The successful bidder may not withdraw its bid or change the interest rates bid as a result of any changes made to the principal amount of the bonds or the amounts of the individual principal maturities as described herein. In the event there is a decrease in the final total principal amount of the bonds and in any principal amount per maturity as described above, the successful bidder will be notified in writing of such decrease.

Financial Matters

The city's equalized assessed tangible valuation for computation of bonded debt limitations is \$24,538,931. On May 1, 1995, the city's outstanding bonded indebtedness, including the bonds described herein, will be \$4,300,250. This amount does not include \$2,134,000 of outstanding temporary notes which the city will pay and redeem upon issuance of the bonds described herein.

Official Statement

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

Additional Information

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

Patricia Stuenkel
City Clerk/Administrator
City Hall
909 N. Andover Road
P. O. Box 295
Andover, KS 67007
(316) 733-1303

Doc. No. 016114

(Published in the Kansas Register April 6, 1995.)

Summary Notice of Bond Sale**City of Derby, Kansas****\$2,887,000****General Obligation Bonds, Series 1995-1****(General obligation bonds payable from unlimited ad valorem taxes)****Sealed Bids**

Subject to the notice of bond sale dated April 4, 1995, sealed bids will be received by the clerk of the city of Derby, Kansas (the issuer), on behalf of the governing body at City Hall, 611 Mulberry, Derby, KS 67037, until 11 a.m. C.D.T. on April 13, 1995, for the purchase of \$2,887,000 principal amount of General Obligation Bonds, Series 1995-1. No bid of less than the entire par value of the bonds and accrued interest thereon to the date of delivery will be considered.

Bond Details

The bonds will consist of fully registered bonds in the denomination of \$5,000 or any integral multiple thereof, except one bond in the denomination of \$7,000. The bonds will be dated May 1, 1995, and will become due on December 1 in the years as follows:

Year	Principal Amount
1996	\$162,000
1997	235,000
1998	250,000
1999	265,000
2000	280,000
2001	300,000
2002	320,000
2003	340,000
2004	355,000
2005	380,000

The bonds will bear interest from the date thereof at rates to be determined when the bonds are sold as hereinafter provided, which interest will be payable semiannually on June 1 and December 1 in each year, beginning on June 1, 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 \$57,740 (2 percent of the principal amount of the bonds).

Delivery

The issuer will pay for printing the bonds and will deliver the same properly prepared, executed and registered without cost to the successful bidder on or before May 1, 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 \$74,344,118. The total general obligation indebtedness of

the issuer as of the date of the bonds, including the bonds being sold, is \$21,517,000.

Approval of Bonds

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

Additional Information

Additional information regarding the bonds may be obtained from the clerk, (316) 778-1519; or from the financial advisor, Riedl & Co., 345 Riverview, Suite 715, Wichita, KS 67203, Attention: Theron L. Froggatte, (316) 265-9341.

Dated April 4, 1995.

City of Derby, Kansas

Doc. No. 016113

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 construction permit in accordance with K.A.R. 28-19-300 through 28-19-304 (construction permits and approvals) to Mesa Operating Limited Partnership of Amarillo, Texas, to install and operate two compressor engines at Sec. 3, T30S, R37W in Grant County. Emissions of oxides of nitrogen, carbon monoxide and volatile organic compounds were evaluated as part of the permit review process.

Written materials, including the permit application, information relating to the application submitted by Mesa Operating Limited Partnership, draft permit, permit summary and analysis by KDHE describing the basis for the proposed permit, are available for public inspection during normal business hours through May 8 by contacting Wayne Neese, KDHE Southwest District Air Quality Representative, 302 E. McArtor Road, Dodge City, 67801; (316) 225-0596. This material also can be reviewed at the KDHE office in Building 283, Forbes Field, Topeka. Questions concerning this proposed permit should be directed to Art Hofmeister of KDHE/Bureau of Air and Radiation at (913) 296-0910.

K.S.A. 65-3008 provides that any person affected by the issuance of a permit can request a public hearing prior to the permit's issuance. The request must be in writing and addressed to the secretary. If the secretary determines there is sufficient reason in the request, a public hearing will be conducted—the place, date and time of the hearing will be announced in this publication.

A request for a hearing or written comments on the proposed permit must be submitted to the Secretary, Kansas Department of Health and Environment, Landon State Office Building, 900 S.W. Jackson, Topeka, 66612, before May 8.

James J. O'Connell
Secretary of Health
and Environment

Doc. No. 016108

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-95-25/29

Name and Address of Applicant	Legal Description	Receiving Water
Jim Clark Feedlot Route 1, Box 180 Preston, KS 67569	SW/4, Sec. 33, T25S, R12W, Stafford County	Lower Arkansas River Basin
Kansas Permit No. A-ARSF-C005 Federal Permit No. KS-0091561		

The feedlot has capacity for approximately 950 cattle with expansion planned for an additional 1,050 cattle and a contributing drainage area of approximately 15.9 acres. This is an expansion of an existing facility.

Runoff Control Facilities: Feedlot runoff is impounded for subsequent application to agricultural land for beneficial use. Wastewater storage capacity is provided in excess of 9 acre-feet.

Compliance Schedule: None, existing controls adequate.

Name and Address of Applicant	Legal Description	Receiving Water
C and D Dairy c/o Dennis Lubbers Kingman, KS 67068	NE/4, Sec. 36, T26S, R8W, Reno County	Lower Arkansas River Basin
Kansas Permit No. A-ARRN-M024		

The feedlot has capacity for approximately 250 head of dairy cattle and a contributing drainage area of approximately 5.2 acres of open lots and dairy parlor. 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 3 acre-feet. Compliance Schedule: None, existing controls adequate.

Name and Address of Applicant	Legal Description	Receiving Water
Howard Miller Miller Dairy 7305 W. Morgan Hutchinson, KS 67501	NE/4, Sec. 1, T24S, R7W, Reno County	Lower Arkansas River Basin
Kansas Permit No. A-ARRN-M023		

The dairy has capacity for approximately 70 head of dairy cattle and a contributing drainage area of approximately 1.55 acres and dairy parlor. This is a new facility.

Runoff Control Facilities: Open lot and parlor wastes are impounded for subsequent application to agricultural land for beneficial use. Wastewater storage capacity is provided in excess of 1.2 acre-feet. Compliance Schedule: None, existing controls adequate.

Name and Address of Applicant	Legal Description	Receiving Water
Lee and Joyce Bracken South Site c/o Lee Bracken Route 3, Box 131 Fredonia, KS 66736	NE/4, Sec. 13, T30S, R14E, Wilson County	Verdigris River Basin
Kansas Permit No. A-VEWL-H002 Federal Permit No. KS-0091456		

The existing facility has capacity for approximately 3,000 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: Dewatering equipment shall be obtained within six months after issuance of this permit through purchase, rental or custom application agreement. It shall be capable of pumping at least 300 gallons per minute and dispersing the wastewater over 150 acres of land suitable for waste application. Written verification of the acquisition of the equipment shall be submitted to the department.

Name and Address of Applicant	Legal Description	Receiving Water
Larry Amon Route 2, Box 48 Netawaka, KS 66516	SE/4, Sec. 29, T5S, R16E, Jackson County	Kansas River Basin
Kansas Permit No. A-KSJA-S018		

The existing facility has capacity for approximately 800 swine. Wastewater Control Facilities: Wastewater will be impounded for subsequent application to agricultural land for beneficial use. Wastewater storage capacity is provided in excess of minimum requirements.

Compliance Schedule: None, existing controls adequate

Public Notice No. KS-ND-95-10/11

Name and Address of Applicant	Waterway	Type of Discharge
J. H. Shears' Sons, Inc. Emporia Plant #903- Emporia 819 W. 1st Hutchinson, KS 67504-1605 Lyon County, Kansas	Non-overflowing	Non-overflowing
Kansas Permit No. I-NE24-N007		

Description of Facility: This facility is an asphalt plant which utilizes two concrete-lined settling basins for collection of wet washer water from the air pollution control system. The wet washer water is recycled as makeup water for the wet washer or sprayed on roads for dust control. This is a new facility.

Name and Address of Applicant	Waterway	Type of Discharge
J. H. Shears' Sons, Inc. Newton Plant #915-Newton 819 W. 1st Hutchinson, KS 67504-1605 Harvey County, Kansas	Non-overflowing	Non-overflowing
Kansas Permit No. I-LA13-N008		

Description of Facility: This facility is an asphalt plant which utilizes two concrete-lined settling basins for collection of wet washer water from the air pollution control system. The wet-washer water is recycled as makeup water for the wet washer or sprayed on roads for dust control. This is a new facility.

Public Notice No. KS-95-16/17

Name and Address of Applicant	Waterway	Type of Discharge
KPL, a Western Resource Co. Gordon Evans Station- Colwich 201 N. Market P.O. Box 208 Wichita, KS 67201 Sedgwick County, Kansas	Unnamed tributary to Cowskin Creek to Arkansas River	Cooling tower and boiler blowdown, fire- side washwater, floor drains and stormwater

(continued)

Kansas Permit No. I-AR24-P001

Fed. Permit No. KS-0000604

Description of Facility: This facility generates electricity with high pressure steam produced by fossil fuel combustion. Discharges include cooling tower and boiler blowdown, boiler fireside washwater, floor drains, water softener wastewater, and oil storage area runoff. Abatement includes treatment with lime, caustic, sulfuric acid, CO2 and oxidizing agents in treatment ponds prior to discharge to unnamed tributary of Cowskin Creek. This is an existing facility and this permit is being re-public noticed due to an addition of a Schedule of Compliance for TRC at Outfall 001(a) in the permit. Proposed effluent limitations are pursuant to Kansas surface water quality standards, K.A.R. 28-16-28(b-f), and federal surface water criteria.

Name and Address of Applicant

KPL, a Western Resource Co.
Hutchinson Energy Center
Hutchinson, Kansas
818 Kansas Ave.
P.O. Box 889
Topeka, KS 66601

Waterway

Little Arkansas River via unnamed tributary

Type of Discharge

Boiler and cooling tower blowdowns, zeolite and ion exchange softener blowdowns, oil storage runoff, roof and floor drains, condenser drains and stormwater runoff

Reno County, Kansas

Kansas Permit No. I-LA22-P001

Fed. Permit No. KS-0079723

Description of Facility: This facility generates electric power with high pressure steam produced by burning fossil fuel. Combustion turbine units are also used. Zeolite and ion exchange softener blowdowns, boiler blowdowns, oil storage runoff, roof, floor and condenser drains and yard drains discharge into an unlined earthen pond. Wastewater from the earthen pond is pumped into a cooling tower basin where it mingles with non-contact cooling water from cooling towers prior to discharge at Outfall 001. Domestic sewage from rest-rooms and showers is directed to a septic tank lateral field system. This is an existing facility. Proposed effluent limitations are pursuant to Kansas surface water quality standards, K.A.R. 28-16-28(b-f), and federal surface water criteria.

Written comments on the proposed determinations may be submitted to Bethel Spotts, Permit Clerk, or Dorothy Geisler (agricultural permits), Kansas Department of Health and Environment, Division of Environment, Bureau of Water, Forbes Field, Topeka, 66620. All comments postmarked or received on or before May 5 will be considered in the formulation of final determinations regarding this public notice. Please refer to the appropriate public notice number (KS-AG-95-25/29, KS-ND-95-10/11, KS-95-16/17) 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 copy-

ing 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. 016107

State of Kansas

Department of Health and Environment

Notice of Hearing

The Kansas Department of Health and Environment will conduct a public hearing at 10 a.m. Monday, May 8, in the third floor auditorium of the Wyandotte County Health Department, 619 Ann Ave., Kansas City, Kansas, to consider adoption of a proposed revision to the Kansas City Ozone Maintenance State Implementation Plan (the Ozone Maintenance SIP). The Ozone Maintenance SIP is applicable only in Johnson and Wyandotte counties.

This SIP revision updates the volatile organic compounds (VOC) emissions inventory for the years 1990 through 2000 contained in the Ozone Maintenance SIP approved by the Environmental Protection Agency in June 1992. The revision also supplements the Ozone Maintenance SIP with a nitrogen oxides (NOx) emissions inventory for the same period and with both VOC and NOx emissions estimates for the years 2005 and 2010. It also defines a motor vehicle emissions budget for both VOCs and NOx, solely for the purpose of determining transportation conformity.

The time period between the publication of this notice and the scheduled hearing constitutes a public comment period for the purpose of receiving written public comments on the proposed SIP revision. All interested parties may submit written comments prior to the hearing to Eileen Hiney, Bureau of Air and Radiation, Building 740, Forbes Field, Topeka, 66620. All interested parties will be given a reasonable opportunity to present their views orally on the proposed SIP revision during the hearing. In order to give all parties an opportunity to present their views, it may be necessary to require each participant to limit any oral presentation to five minutes.

Copies of the SIP revision may be obtained by contacting Rob Bradford, Kansas Department of Health and Environment, Bureau of Air and Radiation, (913) 296-1587. A copy will be available for inspection at the Wyandotte County Health Department, Department of Air Quality. Questions pertaining to the SIP revision should be directed to Eileen Hiney, (913) 296-1581.

Any individual with a disability may request accommodation in order to participate in the public hearing and may request the proposed SIP revision in an accessible format. Requests for accommodation should be made at least five working days in advance of the hearing by contacting Rob Bradford.

James J. O'Connell
Secretary of Health and Environment

Doc. No. 016106

State of Kansas

Office of Judicial Administration
Supreme Court Docket

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

Monday, April 17, 1995

9:00 a.m.

Case No.	Case Name	Attorneys	County
71,557	State of Kansas, Appellee, v. Franklin E. Patterson, Appellant.	Carla J. Stovall, Attorney General Debra S. Peterson, Assistant District Attorney	Sedgwick
71,688	State of Kansas, Appellee, v. Quilan Z. Jones, Appellant.	Hazel Haupt, Assistant Appellate Defender Carla J. Stovall, Attorney General Debra S. Peterson, Assistant District Attorney	Sedgwick
71,398	State of Kansas, Appellee, v. Harold H. Hill, Appellant.	Wendy L. Rhyne Slayton, Special Appellant Defender Carla J. Stovall, Attorney General Debra S. Peterson, Assistant District Attorney	Sedgwick
71,633	State of Kansas, Appellee, v. Brent L. Alford, Appellant.	Thomas Jacquinot, Special Appellant Defender Carla J. Stovall, Attorney General Debra S. Peterson, Assistant District Attorney	Sedgwick

1:30 p.m.

71,260	Warren Brown Gillespie, Appellee, v. Martin, Pringle, Oliver, Wallace & Swartz, Appellants.	Glenn D. Young, Jr. Eldon L. Boisseau	Sedgwick
71,851	State of Kansas, Appellee, v. Kenneth Allan Rasch, Appellant.	Carla J. Stovall, Attorney General Ty Kaufman, County Attorney	McPherson
70,833	State of Kansas, Appellee, v. Joel Lee Russell, Appellant.	Rebecca E. Woodman, Assistant Appellate Defender Carla J. Stovall, Attorney General Timothy J. Chambers, County Attorney	Reno
		Benjamin C. Wood, Special Appellant Defender	

Tuesday, April 18, 1995

9:00 a.m.

Case No.	Case Name	Attorneys	County
71,542	Orion Stables, et al., Appellees, v. The Kansas Racing Commission, et al., Appellants.	Luis Mata Terry D. Hamblin	Shawnee

(continued)

71,907	State of Kansas, Appellee, v. Kenneth Haddock, Appellant.	Carla J. Stovall, Attorney General Paul J. Morrison, District Attorney	Johnson
70,786	State of Kansas, Appellee, v. Michael L. Chase, Appellant.	John C. Tillotson Carla J. Stovall, Attorney General Paul J. Morrison, District Attorney	Johnson
71,687	State of Kansas, Appellant, v. George D. Miller, Appellee.	Benjamin C. Wood, Special Appellant Defender Carla J. Stovall, Attorney General Edwin Rodney Smith, County Attorney	Osage
70,777	State of Kansas, Appellant, v. Douglas Longbine, Appellee.	Jessica R. Kunen, Chief Appellate Defender	Saline
72,315	State of Kansas, Appellant, v. Barbara Gulledege, Appellee.	1:30 p.m. Carla J. Stovall, Attorney General Julie A. McKenna, County Attorney.	On Petition for Review Ellsworth
71,799	State of Kansas, Appellee, v. Alexander David Curls, Appellant.	Dan D. Boyer Carla J. Stovall, Attorney General Joe Shepack, County Attorney	Labette
		Reid T. Nelson, Assistant Appellate Defender Carla J. Stovall, Attorney General Robert Forer, County Attorney	
		Melanie Morgan, Special Appellate Defender	

Wednesday, April 19, 1995

9:00 a.m.
Attorneys

Case No.	Case Name	Attorneys	County
72,534	Darrell W. Boulanger, Appellant, v. Dr. P. Albert Pol, et al., Appellees.	W. J. Fitzpatrick	Chautauqua
71,729	State of Kansas, Appellee, v. Troy Arteaga, Appellant.	Thomas L. Theis Scott K. Logan Carla J. Stovall, Attorney General John P. Wheeler, Jr., County Attorney	Finney
71,528	State of Kansas, Appellee, v. Anthony E. Mason, Appellant.	Debra Wilson, Assistant Appellate Defender Carla J. Stovall, Attorney General Nick A. Tomasic, District Attorney	Wyandotte
70,958	State of Kansas, Appellee, v. Walter L. Jenkins, Appellant.	Wendy L. Rhyne Slayton, Special Appellate Defender Carla J. Stovall, Attorney General Don L. Scott, County Attorney	Seward
72,329	First National Bank & Trust, Osawatomie, Kansas, Appellee, v. Larry D. Low, et al., Appellants.	Jessica R. Kunen, Chief Appellate Defender	On Petition for Review Miami
		1:30 p.m. Craig S. Powell	
		Terry D. Bertholf	

71,923	State of Kansas, Appellant, v. Arthur Wendell Kleen, Appellee.	Carla J. Stovall, Attorney General William C. O'Keefe, County Attorney	Nemaha
71,757	State of Kansas, Appellee, v. Bryant Colbert, Appellant.	Judith A. Jones Carla J. Stovall, Attorney General Ann Smith, County Attorney Benjamin C. Wood, Special Appellate Defender	Montgomery

Thursday, April 20, 1995

9:00 a.m.

Case No.	Case Name	Attorneys	County
72,751	The Lawrence Paper Company, a Corporation, Appellant, v. George R. Gomez, et al., Appellees.	J. D. Lysaught Michael Lennen A. J. Kotich	Shawnee
72,605	United Telephone Company of Kansas, Appellee, v. The City of Hill City, Kansas, et al., Appellants.	Michael Lennen Denton C. Roberts	Graham
70,895	State of Kansas, Appellee, v. Daniel R. Hopkins, Appellant.	William B. Elliott Kenneth Clark Carla J. Stovall, Attorney General Joan M. Hamilton, District Attorney	Shawnee
70,221	State of Kansas, Appellee, v. Jeffrey A. Spresser, Appellant.	Edward G. Collister, Jr., Special Appellant Defender Carla J. Stovall, Attorney General Joan M. Hamilton, District Attorney Steven R. Zinn, Deputy Appellant Defender	Shawnee

Friday, April 21, 1995

9:00 a.m.

Case No.	Case Name	Attorneys	County
71,138	Joyce H. Crandon, Appellant, v. State of Kansas, ex rel., Kansas Banking Commission, et al., Appellees.	Thomas L. Steele Carla J. Stovall, Attorney General Nancy L. Ulrich, Assistant Attorney General	Shawnee
73,451	In the Matter of Kym E. Myers, Respondent.	Stanton A. Hazlett, Deputy Disciplinary Administrator Kym E. Myers, pro se Steven L. Davis	Original
73,410	In the Matter of Wendell Betts, Respondent.	Stanton A. Hazlett, Deputy Disciplinary Administrator Wendell Betts, pro se John J. Ambrosio	Original
73,381	In the Matter of Terry C. Pilgreen, Respondent.	Stanton A. Hazlett, Deputy Disciplinary Administrator Terry C. Pilgreen, pro se	Original
73,307	In the Matter of Leo N. Johnson, Respondent.	Stanton A. Hazlett, Deputy Disciplinary Administrator Leo N. Johnson, pro se Wayne E. Hundley	Original
73,306	In the Matter of Jeffrey C. Sturm, Respondent.	Stanton A. Hazlett, Deputy Disciplinary Administrator Jeffrey C. Sturm, pro se	Original

Carol G. Green
Clerk of the Appellate Courts

State of Kansas

The Kansas Lottery

Temporary Administrative Regulations

Article 4.—INDIVIDUAL GAME RULES

RULES FOR INSTANT GAME NO. 95 "BINGO"

111-4-678. Name of game. The Kansas lottery shall conduct an instant winner lottery game entitled "BINGO" commencing on or after March 15, 1995. The specific rules for the "BINGO" game are contained in K.A.R. 111-3-1 *et seq.* and 111-4-678 through 111-4-682. (Authorized by and implementing K.S.A. 74-8710; effective, T-111-3-28-95, March 16, 1995.)

111-4-679. Definitions. The following definitions shall apply to the "BINGO" instant lottery game:

(a) "Game symbols" are the numbers, letters, symbols, or pictures printed in the play area of each instant game ticket and which determine if the ticket bearer is entitled to a prize. In this instant game, the game symbols for the "PLAYER'S CARDS" are printed in black ink in 10 point WGI font, and for the "CALLER'S CARD" in black ink in WGI 15 font. A game symbol appears on "PLAYER'S CARDS" in each of 30 play spots within the play area, including the word "BINGO" at the top of each of the four cards, and in 24 play spots on the "CALLER'S CARD." Each game symbol for this instant game is one of the following:

"PLAYER'S CARDS"

01	02	03	04	05	06	07	08	09	10	
11	12	13	14	15	16	17	18	19	20	
21	22	23	24	25	26	27	28	29	30	
31	32	33	34	35	36	37	38	39	40	
41	42	43	44	45	46	47	48	49	50	
51	52	53	54	55	56	57	58	59	60	
61	62	63	64	65	66	67	68	69	70	
71	72	73	74	75	FREE	B	I	N	G	O

"CALLER'S CARD"

B01	B02	B03	B04	B05	B06	B07	B08	B09	B10
B11	B12	B13	B14	B15	I16	I17	I18	I19	I20
I21	I22	I23	I24	I25	I26	I27	I28	I29	I30
N31	N32	N33	N34	N35	N36	N37	N38	N39	N40
N41	N42	N43	N44	N45	G46	G47	G48	G49	G50
G51	G52	G53	G54	G55	G56	G57	G58	G59	G60
O61	O62	O63	O64	O65	O66	O67	O68	O69	O70
O71	O72	O73	O74	O75					

(b) "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.

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

instant game, the book-ticket number is an 8-digit number followed by a dash and then a 3-digit ticket number. The ticket numbers in each book start with 000 and end with 149. The book-ticket number is printed in black ink on the back of each instant game ticket below the bar code.

(d) "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 locations at either end of the game symbols on the "CALLER'S CARD." The codes and their meanings are as follows: TWO - \$2.00; FOR - \$4.00; FIV - \$5.00; SEV - \$7.00; TEN - \$10.00; TWY - \$20.00; TWF - \$25.00; FTY - \$50.00; STF - \$75.00; HUN - \$100.00; THN - \$200.00; THY - \$250.00; FHN - \$500.00.

(e) "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-111-3-28-95, March 16, 1995.)

111-4-680. Cost of ticket. The price of "BINGO" instant tickets sold by a retailer shall be \$2.00 each. (Authorized by and implementing K.S.A. 74-8710; effective, T-111-3-28-95, March 16, 1995.)

111-4-681. Determination of instant prize winners. This game is played similarly to the traditional "BINGO" game. The player removes the scratch-off material on the area of the ticket indicated as the "CALLER'S CARD" to reveal 24 "BINGO" letter/number combinations. The player then checks to see if any of the letter/number combinations on the "CALLER'S CARD" match the letter/number combinations on any of the four "PLAYER'S CARDS." The player may then mark matching combinations by scratching or marking the matched spot on the "PLAYER'S CARDS." If the player gets a "BINGO" by matching the letter/number combinations on one of the four "PLAYER'S CARDS" in any horizontal, vertical, or diagonal line as shown in illustration number one on the back of each "BINGO" card; by matching combinations in all four corners as shown in illustration number two on the back of each "BINGO" card; or by matching combinations in both diagonals forming an "X" as shown in illustration number three on the back of each "BINGO" card, the player wins the prize amount indicated on the appropriate winning "PLAYER'S CARD." Players can win up to four times on this ticket, but can win only one way on any of the four "PLAYER'S CARDS" on each ticket; that is there will only be one winning pattern per "PLAYER'S CARD." Prizes a player can win are as follows:

Get	Win
\$2(Card 1)	\$2
\$2(Card 2)	\$2
\$2 + \$2(Card 1 + Card 2)	\$4
\$5(Card 3)	\$5
\$5 + \$2(Card 3 + Card 1)	\$7
\$5 + \$2(Card 3 + Card 2)	\$7
\$10(Card 4)	\$10
\$20(Card 1)	\$20
\$20 + \$5(Card 1 + Card 3)	\$25

	\$50(Card 2)	\$50
\$50 + \$20 + \$5(Card 2 + Card 1 + Card 3)	\$75	\$75
	\$100(Card 1)	\$100
	\$100(Card 3)	\$100
	\$100(Card 4)	\$100
	\$100 + \$100(Card 1 + Card 3)	\$200
	\$100 + \$100(Card 1 + Card 4)	\$200
	\$100 + \$100(Card 3 + Card 4)	\$200
\$100 + \$50 + \$100(Card 1 + Card 2 + Card 3)	\$250	\$250
\$100 + \$50 + \$100(Card 1 + Card 2 + Card 4)	\$250	\$250
\$50 + \$100 + \$100(Card 2 + Card 3 + Card 4)	\$250	\$250
	\$500(Card 2)	\$500
\$500 + \$100 + \$100 + \$100(Card 2 + Card 1 + Card 3 + Card 4)	\$800	\$800
	\$1,000(Card 3)	\$1,000
	\$10,000(Card 4)	\$10,000

(Authorized by K.S.A. 74-8710(b), (c) and (i); implementing K.S.A. 74-8710(b), (c) and (i) and 74-8720(b) and (d); effective, T-111-3-28-95, March 16, 1995.)

111-4-682. 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
\$2	152,000	\$ 304,000
\$2	152,000	304,000
\$4	144,000	576,000
\$5	96,000	480,000
\$7	12,000	84,000
\$7	12,000	84,000
\$10	16,000	160,000
\$20	16,000	320,000
\$25	8,000	200,000
\$50	800	40,000
\$75	400	30,000
\$100	80	8,000
\$100	80	8,000
\$100	80	8,000
\$200	32	6,400
\$200	24	4,800
\$200	24	4,800
\$250	32	8,000
\$250	24	6,000
\$250	24	6,000
\$500	64	32,000
\$800	40	32,000
\$1,000	24	24,000
\$10,000	6	60,000
TOTAL	609,734	\$2,790,000

(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-111-3-28-95, March 16, 1995.)

Gregory P. Ziemak
Executive Director

Doc. No. 016094

State of Kansas

Department of Administration
Division of Purchases

Notice to Bidders

Sealed bids for items listed below 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, April 17, 1995

- 31077
Statewide—Unix management tools
31083
Kansas Correctional Industries—Calcium carbonate for paint
31085
Kansas Correctional Industries—Methyl carbitol, various glycols and phosphate
31086
Kansas Correctional Industries—Acrylic polymer emulsion
31087
University of Kansas—Natural gas services
01272
Department of Health and Environment—Printed banners

Tuesday, April 18, 1995

- A-7569-(Rebid)
Kansas State University—Ion lab/compressor building, Cardwell Hall
A-7650(a)
Kansas State University—Dykstra Hall parking lot improvements
30919
Department of Corrections—Correctional officer uniform components, coats
31048
Statewide—Frozen foods
31079
Department of Corrections—Frozen entrees, various locations
31088
Kansas State University—Natural gas services
01217
Kansas Highway Patrol—Hand-held laser speed and range detectors
01250
Kansas State University—Corn
01261
Adjutant General's Department—Mess Hall renovation at Leader Development Center, Building #49, Fort Leavenworth, Kansas
01267
Kansas State University—Furnish and install/set up recumbent exercise equipment

(continued)

01268

Kansas State University—Furnish and install/set up exercise equipment

Wednesday, April 19, 1995

01216

Pittsburg State University—Brush chipper

01218

University of Kansas Medical Center—Storage and retrieval system

01222

Kansas State University—Personnel lift

01223

Department of Social and Rehabilitation Services—Handicapped van modification, Overland Park

01246

Kansas State University—Furnish and install exercise equipment (stairclimbers)

01249

University of Kansas Medical Center—Tray carts

Thursday, April 20, 1995

01230

Kansas Highway Patrol—Pickup truck

01231

Department of Transportation—Ready mix concrete (K.C.), Wyandotte County

01232

Department of Administration, Division of Information Systems and Communications—Unix workstation

01240

University of Kansas Medical Center—UV/VIS spectrophotometer

01241

Kansas State University—Furnish and install/set up exercise equipment (treadmill)

01242

Kansas State University—Furnish and install/set up exercise equipment (treadmill)

Friday, April 21, 1995

31047

Statewide—Spices and miscellaneous groceries

01248

Department of Transportation—Hydraulic press, Chanute and Salina

01251

Kansas Highway Patrol—Warning lights

01252

Health Care Stabilization Fund—Consulting services

01258

Kansas Historical Society—Acid-free microfilm boxes

01265

Department of Transportation—Tool boxes for pickup trucks, various locations

01266

Fort Hays State University—Furnish and install floor tile and cove base

01270

Department of Wildlife and Parks—Furnish and install electric motors and panels

01271

Department of Wildlife and Parks—Solar light systems

Tuesday, April 25, 1995

A-7064(b)

Kansas State University—Lawn irrigation system, Chester Peters Recreation Complex

01269

Kansas State University—Furnish and install strength and rehabilitation equipment

Wednesday, April 26, 1995

31082

Kansas State Fair—Ribbons, rosettes and banners

Request for Proposals

Friday, April 28, 1995

31078

Space lease for the Department of Health and Environment

Leo E. Vogel
Acting Director of Purchases

Doc. No. 016112

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 April 6, 1995.)

SENATE BILL No. 204

AN ACT concerning banks and banking; amending bank holding company act and banking code; re federal Riegle-Neal interstate banking and branching efficiency act of 1994; amending K.S.A. 9-519, 9-533, 9-534, 9-535, 9-536, 9-537, 9-538 and 9-539 and K.S.A. 1994 Supp. 9-523, 9-532, 9-701, 9-1101 and 9-1111 and repealing the existing sections; also repealing K.S.A. 9-522 and K.S.A. 1994 Supp. 9-524.

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

Section 1. On September 29, 1995, K.S.A. 9-519 is hereby amended to read as follows: 9-519. For the purposes of K.S.A. 9-520 through 9-524, and amendments thereto, and K.S.A. 9-532 through 9-539, and amendments thereto, unless otherwise required by the context:

(a) (1) "Bank holding company" means any company:

(A) Which directly or indirectly owns, controls, or has power to vote 25% or more of any class of the voting shares of a bank or 25% or more of any class of the voting shares of a company which is or becomes a bank holding company by virtue of this act;

(B) Which controls in any manner the election of a majority of the directors of a bank or of a company which is or becomes a bank holding company by virtue of this act;

(C) For the benefit of whose shareholders or members 25% or more of any class of the voting shares of a bank or 25% or more of any class of the voting shares of a company which is or becomes a bank holding company by virtue of this act, is held by trustees; or

(D) which, by virtue of acquisition of ownership or control of, or the power to vote the voting shares of, a bank or another company, becomes a bank holding company under this act.

(2) Notwithstanding paragraph (1), no company:

(A) Shall be deemed to be a bank holding company by virtue of its ownership or control of shares acquired by it in connection with its underwriting of securities if such shares are held only for such period of time as will permit the sale thereof on a reasonable basis;

(B) formed for the sole purpose of participating in a proxy solicitation shall be deemed to be a bank holding company by virtue of its control of voting rights of shares acquired in the course of such solicitation;

(C) shall be deemed to be a bank holding company by virtue of its ownership or control of shares acquired in securing or collecting a debt previously contracted in good faith, provided such shares are disposed of within a period of two years from the date on which such shares could have been disposed of by such company;

(D) owning or controlling voting shares of a bank shall be deemed to be a bank holding company by virtue of its ownership or control of shares held in a fiduciary capacity except where such shares are held for the benefit of such company or its shareholders.

(b) "Company" means any corporation, trust, limited partnership, association or similar organization including a bank but shall not include any corporation the majority of the shares of which are owned by the United States or by any state, or include any individual or partnership.

(c) "Bank" means an insured bank as defined in section 3(h) of the federal deposit insurance act, 12 U.S.C. 1813(h), except the term shall not include a national bank which engages only in credit card operations, does not accept demand deposits or deposits that the depositor may withdraw by check or similar means for payment to third parties or others, does not accept any savings or time deposits of less than \$100,000, accepts deposits only from corporations which own 51% or more of the voting shares of the bank holding company or its parent corporation of which the bank engaging only in credit card operations is a subsidiary, maintains only one office that accepts deposits, and does not engage in the business of making commercial loans.

(d) "Subsidiary" with respect to a specified bank holding company means:

(1) Any company more than 5% of the voting shares of which, excluding shares owned by the United States or by any company wholly owned by the United States, is directly or indirectly owned or controlled by such bank holding company or is held by it with power to vote;

(2) any company the election of a majority of the directors of which is controlled in any manner by such bank holding company; or

(3) any company more than 5% of the voting shares of which is held by trustees for the benefit of such bank holding company or its shareholders.

(e) "Commissioner" means the Kansas state bank commissioner.

(f) "Kansas bank" means any bank, as defined by subsection (c), which, in the case of a state chartered bank, is a bank chartered under the authority of the state of Kansas, and in the case of a national banking association, a bank with its main office located in Kansas.

(g) "Kansas bank holding company" means a bank holding company, as defined by subsection (a), with total subsidiary bank deposits in Kansas which exceed the bank holding company's subsidiary bank deposits in any other state.

(h) "Out-of-state bank holding company" means any holding company which is not a Kansas bank holding company as defined in subsection (g).

(i) "Foreign bank" means any company organized under the laws of a foreign country, a territory of the United States, Puerto Rico, Guam, American Samoa or the Virgin Islands, which engages in the business of banking, or any subsidiary or affiliate, organized under such laws, of any such company.

Sec. 2. On September 29, 1995, K.S.A. 1994 Supp. 9-523 is hereby amended to read as follows: 9-523. Except for banks whose voting shares are acquired by a bank holding company pursuant to subsection (b) of K.S.A. 9-520, and amendments thereto, a majority of the board of directors of each Kansas bank domiciled in this state which is a subsidiary of a bank holding company shall be residents of this state.

Sec. 3. On September 29, 1995, K.S.A. 1994 Supp. 9-532 is hereby amended to read as follows: 9-532. (a) On and after July 1, 1992, a bank holding company located in a state contiguous to this state or in the state of Arkansas or Iowa, with approval of the state banking board, with prior approval of the commissioner, any bank holding company may acquire,

directly or indirectly, ownership or control of, or power to vote, any of the voting shares of, an interest in, or all or substantially all of the assets of a Kansas bank having its principal place of business located in this state or of a Kansas bank holding company located in this state.

(b) For purposes of K.S.A. 9-519 through 9-524, and amendments thereto, and K.S.A. 9-532 through 9-539, and amendments thereto, a bank holding company is located in that state or jurisdiction in which the total deposits of its banking subsidiaries are largest.

(c) A bank holding company located in a state or jurisdiction other than this state proposing to acquire, directly or indirectly, ownership or control of, or power to vote, any of the voting shares of, an interest in, or all or substantially all of the assets of a bank having its principal place of business located in this state, or of a bank holding company located in this state, shall file an application with the state banking board in a form and Request for approval shall be made by filing an application in such form as required by the commissioner, containing the information prescribed by K.S.A. 9-533, and amendments thereto, and by rules and regulations adopted by the state bank commissioner. At the time of filing the application, the applicant shall pay to the commissioner a fee in an amount established by rules and regulations adopted by the commissioner.

(d) Nothing in this section shall be construed to permit a bank holding company located in a state other than those referred to in subsection (a); to acquire directly or indirectly, ownership or control of, or power to vote, any of the voting shares of, an interest in, or all or substantially all of the assets of a bank or bank holding company located in this state. In the event a bank holding company ceases to be "located" as defined in subsection (b); in a state referred to in subsection (a); the bank holding company shall immediately notify the commissioner of the change in its status and shall, as soon as practical and within not more than two years after the change in its status; divest itself of direct or indirect ownership or control of, or power to vote, any of the voting shares of, an interest in, or all or substantially all of the assets of all Kansas banks and Kansas bank holding companies. A bank holding company that fails to immediately notify the commissioner shall be guilty of a misdemeanor and shall be fined \$500 each day beginning the day its status changed and ending the day notification is received by the commissioner.

Sec. 4. On September 29, 1995, K.S.A. 9-533 is hereby amended to read as follows: 9-533. An application filed pursuant to subsection (c) of K.S.A. 9-532 and amendments thereto shall provide the following information and include the following documents:

(a) A copy of any application by applicant seeking approval by a federal agency of the acquisition of the voting shares or assets of a Kansas bank having its principal place of business in this state or of a Kansas bank holding company located in this state, and of any supplemental material or amendments filed with the application.

(b) Copies of the public sections of the most recent CRA performance evaluations for all banks which are subsidiaries of the applicant evaluating performance of such banks which were assigned a rating of "needs to improve record of meeting community credit needs" or "substantial noncompliance in meeting community needs" under the federal community reinvestment act of 1977, 12 U.S.C. 2901 et seq.

(c) Statements of the financial condition and future prospects, including current and projected capital positions and levels of indebtedness, of the applicant; its existing subsidiaries; and the Kansas bank or Kansas bank holding company which is the subject of the application filed pursuant to subsection (c) of K.S.A. 9-532 and amendments thereto.

(d) Information as to how the applicant proposes to adequately meet the convenience and needs of the community served by the Kansas bank or Kansas bank holding company which is the subject of the application filed pursuant to subsection (c) of K.S.A. 9-532 and amendments thereto and the communities served by other Kansas banks having their principal places of business in Kansas which are subsidiaries of applicant, in accordance with the federal community reinvestment act of 1977, 12 U.S.C. 2901 et seq.

(e) A list of the name and location of each subsidiary bank of the applicant, together with each subsidiary's most recent examination date, and assigned composite CAMEL rating, and information reflecting each subsidiary's total assets, capital ratios, return on assets ratio and loan to deposit ratios.

(f) Any additional information the commissioner deems necessary.

Sec. 5. On September 29, 1995, K.S.A. 9-534 is hereby amended to read as follows: 9-534. In determining whether to approve an application

(continued)

filed pursuant to subsection (e) of K.S.A. 9-532 and amendments thereto, the state banking board commissioner shall consider the following factors:

- (a) Whether the banks already subsidiaries of the applicant are operated in a safe, sound and prudent manner.
- (b) Whether banks already subsidiaries of the applicant have provided adequate and appropriate services to their communities, including services contemplated by the federal community reinvestment act of 1977, 12 U.S.C. 2901 et seq.
- (c) Whether the applicant proposes to provide adequate and appropriate services, including services contemplated by the federal community reinvestment act of 1977, 12 U.S.C. 2901 et seq., in the communities served by the Kansas bank having its principal place of business located in this state or by the Kansas bank subsidiaries of the Kansas bank holding company located in this state.
- (d) Whether the proposed acquisition will result in a Kansas bank or Kansas bank holding company located in this state that has adequate capital and good earnings prospects.
- (e) Whether the financial condition of the applicant or any of its subsidiary banks would jeopardize the financial stability of the Kansas bank or Kansas bank holding company which is the subject of the application.

Sec. 6. On September 29, 1995, K.S.A. 9-535 is hereby amended to read as follows: 9-535. (a) The state banking board commissioner shall approve the application if it determines the commissioner determines that:

- (a) The acquisition is authorized by this act;
- (b) the laws of the state or jurisdiction in which the applicant bank holding company is located in effect as of the time the application is filed permit a bank holding company located in this state to acquire, directly or indirectly, the voting shares of, an interest in, or all or substantially all of the assets of a bank having its principal place of business located in such other state or jurisdiction on terms that are substantially no more restrictive than those established under this act; and
- (c) after consideration of the factors the application favorably meets each and every factor prescribed in K.S.A. 9-534 and amendments thereto, the proposed acquisition is in the interest of the depositors and creditors of the Kansas bank or Kansas bank holding company which is the subject of the proposed acquisition and in the public interest generally. Otherwise, the application shall be denied.

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

Sec. 7. On September 29, 1995, K.S.A. 9-536 is hereby amended to read as follows: 9-536. An applicant filing an application pursuant to subsection (e) of K.S.A. 9-532 and amendments thereto also shall be subject to K.S.A. 9-1719 through 9-1724, and amendments thereto; to the extent applicable.

Sec. 8. On September 29, 1995, K.S.A. 9-537 is hereby amended to read as follows: 9-537. The commissioner at any time may review the activities of a any bank holding company located in a state or jurisdiction other than this state with a subsidiary bank in Kansas and its subsidiary banks located in this state to determine if the proposals of the company as stated in the information provided pursuant to subsection (d) of K.S.A. 9-533 and amendments thereto are being fulfilled. The commissioner may require the company and such banks to furnish such additional information as the commissioner finds necessary to make such determination.

Sec. 9. On September 29, 1995, K.S.A. 9-538 is hereby amended to read as follows: 9-538. (a) Each bank having its principal place of business in this state which is a subsidiary of a bank holding company located in a state or jurisdiction other than this state shall file with the state bank commissioner a copy of the public section of the bank's most recent CRA performance evaluation under the federal community reinvestment act of 1977, 12 U.S.C. 2901 et seq. Each bank holding company with a subsidiary bank in Kansas shall file with the commissioner a copy of the

public section of any CRA performance evaluation of the Kansas bank issued under the federal community reinvestment act of 1977, 12 U.S.C. 2901 et seq., which assigns the Kansas bank a CRA rating of "needs to improve record of meeting community credit needs" or "substantial non-compliance in meeting community credit needs" or which is requested by the commissioner. The copy shall be filed within 30 days of its receipt by the bank from the bank's primary federal financial supervisory agency.

(b) Should any such evaluation assign the bank a rating of "substantial noncompliance in meeting community credit needs," the state bank commissioner shall give appropriate public notice of that fact. The commissioner also shall notify the pooled money investment board of the bank's rating of substantial noncompliance and thereafter the bank shall not be designated as a depository for any state moneys until such time as the commissioner notifies the board that the bank is no longer assigned such rating.

Sec. 10. On September 29, 1995, K.S.A. 9-539 is hereby amended to read as follows: 9-539. The state bank commissioner shall adopt such rules and regulations as shall be necessary to carry out the intent and purposes of K.S.A. 9-519 through 9-524, and amendments thereto, and K.S.A. 9-532 through 9-539, and amendments thereto, which shall be known as the bank holding company act. All rules and regulations of general application shall first be submitted by the commissioner to the state banking board for its approval and upon approval shall be filed as provided by article 4 of chapter 77 of the Kansas Statutes Annotated.

New Sec. 11. No foreign bank shall establish or maintain any branch, agency, office or other place of business in this state.

New Sec. 12. (a) No out-of-state bank holding company or any subsidiary thereof shall directly or indirectly acquire ownership or control of, or power to vote, more than 5% of any class of the voting shares of any Kansas bank unless such Kansas bank has been in existence and actively engaged in business for five or more years.

(b) This section shall not prohibit an out-of-state bank holding company or any subsidiary thereof from acquiring ownership or control of, or power to vote, more than 5% of the voting shares of any Kansas bank which has been organized solely for the purpose of, and does not open for business prior to, facilitating a merger of such Kansas bank with or into a Kansas bank which has been in existence and actively engaged in business for five or more years, or a consolidation of such Kansas bank and one or more Kansas banks which have been in existence and actively engaged in business for five or more years.

(c) This section shall not prohibit an out-of-state bank holding company or any subsidiary thereof from acquiring ownership or control of, or power to vote, more than 5% of any class of the voting shares of any Kansas bank if the commissioner, in the case of a bank organized under the laws of this state, or the comptroller of the currency, in the case of a national banking association, determines that an emergency exists and that the acquisition is appropriate in order to protect the public interest against the failure or probable failure of the Kansas bank.

Sec. 13. K.S.A. 1994 Supp. 9-701 is hereby amended to read as follows: 9-701. Unless otherwise clearly indicated by the context, the following words when used in this act, for the purposes of this act, shall have the meanings respectively ascribed to them in this section:

- (a) "Bank" means a state bank incorporated under the laws of Kansas.
- (b) "Trust company" means a trust company incorporated under the laws of Kansas and which does not accept deposits.
- (c) "Board" means the Kansas state banking board.
- (d) "Commissioner" means the Kansas state bank commissioner.
- (e) "Executive officer" means the chairperson of the board, the president, each vice president, the cashier, the secretary and the treasurer of a bank, unless such officer is excluded by resolution of the board of directors or by the bylaws of the bank or bank holding company from participation, other than in the capacity of a director, in major policymaking functions of the bank or bank holding company, and the officer does not actually participate in major policymaking functions of the bank or bank holding company.
- (f) "Insured bank" means a state bank whose deposits are insured through the federal deposit insurance corporation or other governmental agency or by an insurer approved by the state commissioner of insurance for such purpose.
- (g) "Item" means any check, note, order, or other instrument or memorandum providing for the payment of money, or upon which money may be collected.
- (h) "Demand deposits" includes every deposit which is not a "time deposit," "savings deposit" or "negotiable order of withdrawal deposit" as defined in this section.

(i) "Time deposits" means "time certificates of deposit" and "time deposits, open account" as defined in this section.

(j) "Time certificate of deposit" means a deposit evidenced by a negotiable or nonnegotiable instrument which provides on its face that the amount of such deposit is payable, upon presentation and surrender of the instrument, to bearer or to any specified person or to such person's order:

(1) On a certain date, specified in the instrument, not less than seven days after the date of the deposit; or

(2) at the expiration of a certain specified time not less than seven days after the date of the instrument; or

(3) upon notice in writing which is actually required to be given not less than seven days before the date of repayment.

(k) "Time deposit, open account" means a deposit, other than a "time certificate of deposit," with respect to which there is in force a written contract with the depositor that neither the whole nor any part of such deposit may be withdrawn, by check or otherwise, prior to the date of maturity, which shall be not less than seven days after the date of the deposit, or prior to the expiration of the period of notice which must be given by the depositor in writing not less than seven days in advance of withdrawal.

(l) "Savings deposit" means a deposit: (1) Which consists of funds deposited to the credit of or in which the entire beneficial interest is held by one or more individuals, or of a corporation, association or other organization operated primarily for religious, philanthropic, charitable, educational, fraternal or other similar purposes and not operated for profit; or that consists of funds deposited to the credit of or in which the entire beneficial interest is held by the United States, any state of the United States or any county, municipality or political subdivision thereof, or that consists of funds deposited to the credit of, or in which any beneficial interest is held by a corporation, partnership, association or other organization not qualifying above; and (2) with respect to which the depositor is not required by the deposit contract but may at any time be required by the bank to give notice in writing of an intended withdrawal not less than seven days before such withdrawal is made and which is not payable on a specified date or at the expiration of a specified time after the date of deposit.

(m) "Public moneys" means all moneys coming into the custody of the United States government or any board, commission or agency thereof, and also shall mean all moneys coming into the custody of any officer of any municipal or quasi-municipal or public corporation, the state or any political subdivision thereof, pursuant to any provision of law authorizing any such official to collect or receive the same.

(n) "Municipal corporation" means any city incorporated under the laws of Kansas.

(o) "Quasi-municipal corporation" means any county, township, school district, drainage district, or any other governmental subdivision in the state of Kansas having authority to receive or hold moneys or funds.

(p) "Certificate of authority" means a statement signed and sealed by the commissioner evidencing the authority of a bank or trust company to transact a general business as such.

(q) "Transaction account" means a deposit or account on which the depositor or account holder is permitted to make withdrawals by negotiable or transferable instrument, payment orders of withdrawal, telephone transfers, or other similar device for the purpose of making payments or transfers to third persons or others.

(r) "Nonpersonal time deposit" means a time deposit, including a savings deposit that is not a transaction account, representing funds in which any beneficial interest is held by a depositor which is not a natural person.

(s) "Negotiable order of withdrawal deposit" means a deposit on which interest is paid and which is subject to withdrawal by the owner by negotiable or transferable instruments for the purpose of making transfers to third parties, and which consists solely of funds in which the entire beneficial interest is held by one or more individuals, an organization which is operated primarily for religious, philanthropic, charitable, educational, fraternal or other similar purposes and which is not operated for profit, and with respect to deposits of public funds by an officer, employee or agent of the United States, any state, county, municipality or political subdivision thereof, the District of Columbia, the commonwealth of Puerto Rico, American Samoa, Guam, any territory or possession of the United States or any political subdivision thereof.

(t) "Trust business" means engaging in, or holding out to the public as willing to engage in, the business of acting as a fiduciary for hire, except

that no accountant, attorney, credit union, insurance broker, insurance company, investment adviser, real estate broker or sales agent, savings and loan association, savings bank, securities broker or dealer, real estate title insurance company or real estate escrow company shall be deemed to be engaged in a trust company business with respect to fiduciary services customarily performed by them for compensation as a traditional incident to their regular business activities.

(u) "Community development corporation" (CDC) means a corporate entity established by one or more financial institutions or by financial institutions and other investors or members, and operating for the primary purpose of housing development, economic growth and revitalization, small and minority business creation, and other community development initiatives.

(v) "Community development project" (CD project) means a specific project in a particular location, such as a neighborhood, city, county or state, the primary purpose of which is the economic improvement of that area or the provision of housing for low-income and moderate-income persons in that area and any state tax credit equity fund established pursuant to K.S.A. 74-8904, and amendments thereto.

(w) "Depository institution" means any state bank, national banking association, state savings and loan or federal savings association, without regard to the state where the institution is chartered or the state in which the institution's main office is located.

Sec. 14. 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

(continued)

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 (88 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) to subscribe to, buy and own stock in minibank 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) 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) to act as escrow agent;

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

(16) 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) 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) 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) 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) 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) 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) 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) 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) 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) 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) 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) 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; and

(28) *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, to act as an agent and receive deposits, renew time deposits, close loans, service loans, and receive payments on loans and other obligations for any company which is a subsidiary, as defined in subsection (d) of K.S.A. 9-519 and amendments thereto of the bank holding company which owns the bank. Nothing in this subsection shall authorize a bank to conduct activities as an agent which the bank or the subsidiary would be prohibited from conducting as a principal under any applicable federal or state law. Any bank which enters or terminates any agreement pursuant to this subsection shall within 30 days of the effective date of the agreement or termination provide written notification to the commissioner which details all parties involved and services to be performed or terminated.*

Sec. 15. K.S.A. 1994 Supp. 9-1111 is hereby amended to read as follows: 9-1111. The general business of every bank shall be transacted at the place of business specified in its certificate of authority and at one or more branch banks established and operated as provided in this section. Except for the establishment or operation of a trust branch bank or the relocation of an existing trust branch bank pursuant to K.S.A. 1994 Supp. 9-1135 and amendments thereto, it shall be unlawful for any bank to establish and operate any branch bank or relocate an existing branch bank except as hereinafter provided. *Notwithstanding the provisions of this section, any location at which a depository institution, as defined by K.S.A. 9-701 and amendments thereto, receives deposits, renews time deposits, closes loans, services loans or receives payments on loans or other obligations, as agent, for a bank pursuant to subsection (28) of K.S.A. 9-1101 and amendments thereto or other applicable state or federal law, shall not be deemed to be a branch bank.*

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

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

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

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

(e) the application shall include the name selected for the proposed branch bank. The name selected for the proposed branch bank shall not be the name of any other bank or branch bank doing business in the same city or town nor shall the name selected be required to contain the name of the applicant bank. If the name selected for the proposed bank does not contain the name of the applicant bank, the branch bank shall provide in the public lobby of such branch bank, a public notice that it is a branch bank of the applicant bank;

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

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

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

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

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

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

(4) the proposed branch bank can be established without undue injury to properly conducted existing banks and national banking associa-

(continued)

tions, the application shall be granted, otherwise, the application shall be denied;

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

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

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

(l) any state bank or national banking association having its principal office and main banking house in this state may provide and engage in banking transactions by means of remote service units wherever located, which remote service units shall not be considered to be branch banks authorized herein. Any banking transaction effected by use of a remote service unit shall be deemed to be transacted at a bank and not at a remote service unit;

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

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

Sec. 16. K.S.A. 1994 Supp. 9-701, 9-1101 and 9-1111 are hereby repealed.

Sec. 17. On September 29, 1995, K.S.A. 9-519, 9-522, 9-533, 9-534, 9-535, 9-536, 9-537, 9-538 and 9-539 and K.S.A. 1994 Supp. 9-523, 9-524 and 9-532 are hereby repealed.

Sec. 18. This act shall take effect and be in force from and after its publication in the Kansas register.

(Published in the Kansas Register April 6, 1995.)

SENATE BILL No. 192

AN ACT regulating traffic; concerning the soliciting of contributions; amending K.S.A. 8-1538 and repealing the existing section.

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

Section 1. K.S.A. 8-1538 is hereby amended to read as follows: 8-1538. (a) No person shall stand in a roadway for the purpose of soliciting a ride.

(b) No person shall stand on a highway for the purpose of soliciting employment, business or contributions from the occupant of any vehicle.

(c) No person shall stand on or in proximity to a street or highway for the purpose of soliciting the watching or guarding of any vehicle while parked or about to be parked on a street or highway.

(d) *The soliciting of contributions under subsection (b) shall not be prohibited, if such person or organization has first obtained a permit authorizing such soliciting from the local authorities in their respective jurisdictions.*

Sec. 2. K.S.A. 8-1538 is hereby repealed.

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

(Published in the Kansas Register April 6, 1995.)

HOUSE BILL No. 2305

AN ACT concerning employment security; imposing a temporary moratorium on contributions by positive balance employers; amending K.S.A. 44-710a and 44-717 and repealing the existing sections.

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

Section 1. K.S.A. 44-710a is hereby amended to read as follows: 44-710a. (a) *Classification of employers by the secretary.* The term "employer" as used in this section refers to contributing employers. The secretary shall classify employers in accordance with their actual experience in the payment of contributions on their own behalf and with respect to benefits charged against their accounts with a view of fixing such contribution rates as will reflect such experience. If, as of the date such classification of employers is made, the secretary finds that any employing unit has failed to file any report required in connection therewith, or has filed a report which the secretary finds incorrect or insufficient, the secretary shall make an estimate of the information required from such employing unit on the basis of the best evidence reasonably available to the secretary at the time, and notify the employing unit thereof by mail addressed to its last known address. Unless such employing unit shall file the report or a corrected or sufficient report as the case may be, within 15 days after the mailing of such notice, the secretary shall compute such employing unit's rate of contributions on the basis of such estimates, and the rate as so determined shall be subject to increase but not to reduction on the basis of subsequently ascertained information. The secretary shall determine the contribution rate of each employer in accordance with the requirements of this section.

(1) *New employers.* (A) No employer will be eligible for a rate computation until there have been 24 consecutive calendar months immediately preceding the computation date throughout which benefits could have been charged against such employer's account.

(B) (i) Employers who are not eligible for a rate computation shall pay contributions at an assigned rate equal to the sum of 1% plus the greater of the average rate assigned in the preceding calendar year to all employers in such industry division or the average rate assigned to all covered employers during the preceding calendar year, except that in no instance shall any such assigned rate be less than 2%. Employers engaged in more than one type of industrial activity shall be classified by principal activity. All rates assigned will remain in effect for a complete calendar year. If the sale or acquisition of a new establishment would require reclassification of the employer to a different industry division, the employer would be promptly notified, and the contribution rate applicable to the new industry division would become effective the following January 1. *For rate year 1995 and 1996, all employers who are not eligible for rate computation shall pay contributions at the rate of 1%. However, for rate year 1996, the 1% contribution rate for all employers who are not eligible for a rate computation shall not be effective if the reserve fund ratio in column A of schedule III as determined by this section is less than 2%.*

(ii) For purposes of this subsection (a), employers shall be classified by industrial activity in accordance with standard procedures as set forth in rules and regulations adopted by the secretary.

(C) "Computation date" means June 30 of each calendar year with respect to rates of contribution applicable to the calendar year beginning with the following January 1. In arriving at contribution rates for each calendar year, contributions paid on or before July 31 following the computation date for employment occurring on or prior to the computation date shall be considered for each contributing employer who has been subject to this act for a sufficient period of time to have such employer's rate computed under this subsection (a).

(2) *Eligible employers.* (A) A reserve ratio shall be computed for each eligible employer by the following method: Total benefits charged to the employer's account for all past years shall be deducted from all contributions paid by such employer for all such years. The balance, positive or negative, shall be divided by the employer's average annual payroll, and the result shall constitute the employer reserve ratio.

(B) Negative account balance employers as defined in subsection (d) shall pay contributions at the rate of 5.4% for each calendar year.

(C) Eligible employers, other than negative account balance employers, who do not meet the average annual payroll requirements as stated in subsection (a)(2) of K.S.A. 44-703 and amendments thereto, will be issued the maximum rate indicated in subsection (a)(3)(C) of this section until such employer establishes a new period of 24 consecutive calendar months immediately preceding the computation date throughout which benefits could have been charged against such employer's account by resuming the payment of wages. Contribution rates effective for each calendar year thereafter shall be determined as prescribed below.

(D) As of each computation date, the total of the taxable wages paid during the twelve-month period prior to the computation date by all employers eligible for rate computation, except negative account balance employers, shall be divided into 51 approximately equal parts designated in column A of schedule I as "rate groups," except, with regard to a year in which the taxable wage base changes. The taxable wages used in the calculation for such a year and the following year shall be an estimate of what the taxable wages would have been if the new taxable wage base had been in effect during the entire twelve-month period prior to the computation date. The lowest numbered of such rate groups shall consist of the employers with the most favorable reserve ratios, as defined in this section, whose combined taxable wages paid are less than 1.96% of all taxable wages paid by all eligible employers. Each succeeding higher numbered rate group shall consist of employers with reserve ratios that are less favorable than those of employers in the preceding lower numbered rate groups and whose taxable wages when combined with the taxable wages of employers in all lower numbered rate groups equal the appropriate percentage of total taxable wages designated in column B of schedule I. Each eligible employer, other than a negative account balance employer, shall be assigned an experience factor designated under column C of schedule I in accordance with the rate group to which the employer is assigned on the basis of the employer's reserve ratio and taxable payroll. If an employer's taxable payroll falls into more than one rate group the employer shall be assigned the experience factor of the lower numbered rate group. If one or more employers have reserve ratios identical to that of the last employer included in the next lower numbered rate group, all such employers shall be assigned the experience factor designated to such last employer, notwithstanding the position of their taxable payroll in column B of schedule I.

SCHEDULE I — Eligible Employers

Column A Rate group	Column B Cumulative taxable payroll	Column C Experience factor (Ratio to total wages)
1	Less than 1.96%	.025%
2	1.96% but less than 3.92	.04
3	3.92 but less than 5.88	.08
4	5.88 but less than 7.84	.12
5	7.84 but less than 9.80	.16
6	9.80 but less than 11.76	.20
7	11.76 but less than 13.72	.24
8	13.72 but less than 15.68	.28
9	15.68 but less than 17.64	.32
10	17.64 but less than 19.60	.36
11	19.60 but less than 21.56	.40
12	21.56 but less than 23.52	.44
13	23.52 but less than 25.48	.48
14	25.48 but less than 27.44	.52
15	27.44 but less than 29.40	.56
16	29.40 but less than 31.36	.60
17	31.36 but less than 33.32	.64

18	33.32 but less than 35.28	.68
19	35.28 but less than 37.24	.72
20	37.24 but less than 39.20	.76
21	39.20 but less than 41.16	.80
22	41.16 but less than 43.12	.84
23	43.12 but less than 45.08	.88
24	45.08 but less than 47.04	.92
25	47.04 but less than 49.00	.96
26	49.00 but less than 50.96	1.00
27	50.96 but less than 52.92	1.04
28	52.92 but less than 54.88	1.08
29	54.88 but less than 56.84	1.12
30	56.84 but less than 58.80	1.16
31	58.80 but less than 60.76	1.20
32	60.76 but less than 62.72	1.24
33	62.72 but less than 64.68	1.28
34	64.68 but less than 66.64	1.32
35	66.64 but less than 68.60	1.36
36	68.60 but less than 70.56	1.40
37	70.56 but less than 72.52	1.44
38	72.52 but less than 74.48	1.48
39	74.48 but less than 76.44	1.52
40	76.44 but less than 78.40	1.56
41	78.40 but less than 80.36	1.60
42	80.36 but less than 82.32	1.64
43	82.32 but less than 84.28	1.68
44	84.28 but less than 86.24	1.72
45	86.24 but less than 88.20	1.76
46	88.20 but less than 90.16	1.80
47	90.16 but less than 92.12	1.84
48	92.12 but less than 94.08	1.88
49	94.08 but less than 96.04	1.92
50	96.04 but less than 98.00	1.96
51	98.00 and over	2.00

(E) Negative account balance employers shall, in addition to paying the rate provided for in subsection (a)(2)(B) of this section, pay a surcharge based on the size of the employer's negative reserve ratio, the calculation which is provided for in subsection (a)(2) of this section. The amount of the surcharge shall be determined from column B of schedule II of this section. Each negative account balance employer who does not satisfy the requirements to have an average annual payroll, as defined by subsection (a)(2) of K.S.A. 44-703 and amendments thereto, shall be assigned a surcharge of 1%. Contribution payments made pursuant to this subsection (a)(2)(E) shall be credited to the appropriate account of such negative account balance employer.

SCHEDULE II — Surcharge on Negative Accounts

Column A Negative Reserve Ratio	Column B Surcharge as a percent of taxable wages
Less than 2.0%	0.10%
2.0% but less than 4.0	.20
4.0 but less than 6.0	.30
6.0 but less than 8.0	.40
8.0 but less than 10.0	.50
10.0 but less than 12.0	.60
12.0 but less than 14.0	.70
14.0 but less than 16.0	.80
16.0 but less than 18.0	.90
18.0 and over	1.00

(3) *Planned yield.* (A) For rate year 1995, and all years thereafter, the average required yield shall be determined from schedule III of this section, and the planned yield on total wages in column B of schedule III shall be determined by the reserve fund ratio in column A of schedule III. The reserve fund ratio shall be determined by dividing total assets in the employment security fund provided for in subsection (a) of K.S.A. 44-712 and amendments thereto, excluding all moneys credited to the account of this state pursuant to section 903 of the federal social security act, as amended, which have been appropriated by the state legislature, whether or not withdrawn from the trust fund, and excluding contributions not yet paid on July 31 by total payrolls for contributing employers for the preceding fiscal year which ended June 30.

SCHEDULE III — Fund Control Ratios to Total Wages

Column A Reserve Fund Ratio	Column B Planned Yield
5.000% and over	0.30%
4.975 but less than 5.000%	0.31
4.950 but less than 4.975	0.32
4.925 but less than 4.950	0.33
4.900 but less than 4.925	0.34
4.875 but less than 4.900	0.35
4.850 but less than 4.875	0.36

(continued)

4.825 but less than 4.850	0.37
4.800 but less than 4.825	0.38
4.775 but less than 4.800	0.39
4.750 but less than 4.775	0.40
4.725 but less than 4.750	0.41
4.700 but less than 4.725	0.42
4.675 but less than 4.700	0.43
4.650 but less than 4.675	0.44
4.625 but less than 4.650	0.45
4.600 but less than 4.625	0.46
4.575 but less than 4.600	0.47
4.550 but less than 4.575	0.48
4.525 but less than 4.550	0.49
4.500 but less than 4.525 and over	0.50 0.00
4.475 but less than 4.500	0.51 0.01
4.450 but less than 4.475	0.52 0.02
4.425 but less than 4.450	0.53 0.03
4.400 but less than 4.425	0.54 0.04
4.375 but less than 4.400	0.55 0.05
4.350 but less than 4.375	0.56 0.06
4.325 but less than 4.350	0.57 0.07
4.300 but less than 4.325	0.58 0.08
4.275 but less than 4.300	0.59 0.09
4.250 but less than 4.275	0.60 0.10
4.225 but less than 4.250	0.61 0.11
4.200 but less than 4.225	0.62 0.12
4.175 but less than 4.200	0.63 0.13
4.150 but less than 4.175	0.64 0.14
4.125 but less than 4.150	0.65 0.15
4.100 but less than 4.125	0.66 0.16
4.075 but less than 4.100	0.67 0.17
4.050 but less than 4.075	0.68 0.18
4.025 but less than 4.050	0.69 0.19
4.000 but less than 4.025	0.70 0.20
3.950 but less than 4.000	0.71 0.21
3.900 but less than 3.950	0.72 0.22
3.850 but less than 3.900	0.73 0.23
3.800 but less than 3.850	0.74 0.24
3.750 but less than 3.800	0.75 0.25
3.700 but less than 3.750	0.76 0.26
3.650 but less than 3.700	0.77 0.27
3.600 but less than 3.650	0.78 0.28
3.550 but less than 3.600	0.79 0.29
3.500 but less than 3.550	0.80 0.30
3.450 but less than 3.500	0.81 0.31
3.400 but less than 3.450	0.82 0.32
3.350 but less than 3.400	0.83 0.33
3.300 but less than 3.350	0.84 0.34
3.250 but less than 3.300	0.85 0.35
3.200 but less than 3.250	0.86 0.36
3.150 but less than 3.200	0.87 0.37
3.100 but less than 3.150	0.88 0.38
3.050 but less than 3.100	0.89 0.39
3.000 but less than 3.050	0.90 0.40
2.950 but less than 3.000	0.91 0.41
2.900 but less than 2.950	0.92 0.42
2.850 but less than 2.900	0.93 0.43
2.800 but less than 2.850	0.94 0.44
2.750 but less than 2.800	0.95 0.45
2.700 but less than 2.750	0.96 0.46
2.650 but less than 2.700	0.97 0.47
2.600 but less than 2.650	0.98 0.48
2.550 but less than 2.600	0.99 0.49
2.500 but less than 2.550	1.00 0.50
2.450 but less than 2.500	1.01 0.51
2.400 but less than 2.450	1.02 0.52
2.350 but less than 2.400	1.03 0.53
2.300 but less than 2.350	1.04 0.54
2.250 but less than 2.300	1.05 0.55
2.200 but less than 2.250	1.06 0.56
2.150 but less than 2.200	1.07 0.57
2.100 but less than 2.150	1.08 0.58
2.050 but less than 2.100	1.09 0.59
2.000 but less than 2.050	1.10 0.60
1.975 but less than 2.000	1.11 0.61
1.950 but less than 1.975	1.12 0.62
1.925 but less than 1.950	1.13 0.63
1.900 but less than 1.925	1.14 0.64
1.875 but less than 1.900	1.15 0.65
1.850 but less than 1.875	1.16 0.66
1.825 but less than 1.850	1.17 0.67
1.800 but less than 1.825	1.18 0.68
1.775 but less than 1.800	1.19 0.69
1.750 but less than 1.775	1.20 0.70
1.725 but less than 1.750	1.21 0.71
1.700 but less than 1.725	1.22 0.72
1.675 but less than 1.700	1.23 0.73
1.650 but less than 1.675	1.24 0.74
1.625 but less than 1.650	1.25 0.75
1.600 but less than 1.625	1.26 0.76
1.575 but less than 1.600	1.27 0.77
1.550 but less than 1.575	1.28 0.78

1.525 but less than 1.550	1.29 0.79
1.500 but less than 1.525	1.30 0.80
1.475 but less than 1.500	1.31 0.81
1.450 but less than 1.475	1.32 0.82
1.425 but less than 1.450	1.33 0.83
1.400 but less than 1.425	1.34 0.84
1.375 but less than 1.400	1.35 0.85
1.350 but less than 1.375	1.36 0.86
1.325 but less than 1.350	1.37 0.87
1.300 but less than 1.325	1.38 0.88
1.275 but less than 1.300	1.39 0.89
1.250 but less than 1.275	1.40 0.90
1.225 but less than 1.250	1.41 0.91
1.200 but less than 1.225	1.42 0.92
1.175 but less than 1.200	1.43 0.93
1.150 but less than 1.175	1.44 0.94
1.125 but less than 1.150	1.45 0.95
1.100 but less than 1.125	1.46 0.96
1.075 but less than 1.100	1.47 0.97
1.050 but less than 1.075	1.48 0.98
1.025 but less than 1.050	1.49 0.99
1.000 but less than 1.025	1.50 1.00
0.900 but less than 1.000	1.51 1.01
0.800 but less than 0.900	1.52 1.02
0.700 but less than 0.800	1.53 1.03
0.600 but less than 0.700	1.54 1.04
0.500 but less than 0.600	1.55 1.05
0.400 but less than 0.500	1.56 1.06
0.300 but less than 0.400	1.57 1.07
0.200 but less than 0.300	1.58 1.08
0.100 but less than 0.200	1.59 1.09
Less than 0.100%	1.60 1.10

(B) *Adjustment to taxable wages.* The planned yield as a percent of total wages, as determined in this subsection (a)(3), shall be adjusted to taxable wages by multiplying by the ratio of total wages to taxable wages for all contributing employers for the preceding fiscal year ending June 30, except, with regard to a year in which the taxable wage base changes. The taxable wages used in the calculation for such a year and the following year shall be an estimate of what the taxable wages would have been if the new taxable wage base had been in effect during all of the preceding fiscal year ending June 30.

(C) *Effective rates.* Except with regard to rates for negative account balance employers, employer contribution rates to be effective for the ensuing calendar year shall be computed by adjusting proportionately the experience factors from schedule I of this section to the required yield on taxable wages. For the purposes of this subsection (a)(3), all rates computed shall be rounded to the nearest .01% and for calendar year 1983 and ensuing calendar years, the maximum effective contribution rate shall not exceed 5.4%. For rate years 1995 and 1996, employers, who are current in filing of all reports and in payment of all contributions due, shall be issued a contributions rate of 0%. To be eligible for the 0% rate for rate year 1995, an employer must file all delinquent reports and pay all contributions due within a 30-day period following the date of mailing of the amended rating notice. For rate year 1996, in order to be eligible for the 0% rate, employers must file all reports due and pay all contributions due on or before January 31, 1996. However, for rate year 1996, the 0% contribution rate for such eligible employers shall not be effective if the reserve fund ratio in column A of schedule III as determined by this section is less than 2%.

(b) *Successor classification.* (1) For the purposes of this subsection (b), whenever an employing unit, whether or not it is an "employing unit" within the meaning of subsection (g) of K.S.A. 44-703 and amendments thereto, becomes an employer pursuant to subsection (h)(4) of K.S.A. 44-703 and amendments thereto or is an employer at the time of acquisition and meets the definition of a "successor employer" as defined by subsection (dd) of K.S.A. 44-703 and amendments thereto and is controlled substantially either directly or indirectly by legally enforceable means or otherwise by the same interest or interests, shall acquire the experience rating factors of the predecessor employer. These factors consist of all contributions paid, benefit experience and annual payrolls of the predecessor employer.

(2) A successor employer as defined by subsection (h)(4) or subsection (dd) of K.S.A. 44-703 and amendments thereto may receive the experience rating factors of the predecessor employer if an application is made to the secretary or the secretary's designee in writing within 120 days of the date of the transfer.

(3) Whenever an employing unit, whether or not it is an "employing unit" within the meaning of subsection (g) of K.S.A. 44-703 and amendments thereto, acquires or in any manner succeeds to a percentage of an employer's annual payroll which is less than 100% and intends to continue

the acquired percentage as a going business, (A) shall acquire the same percentage of the predecessor's experience factors if the employer is controlled substantially, either directly or indirectly or by legally enforceable means or otherwise, by the same interest or interests or (B) may acquire the same percentage of the predecessor's experience factors if: (i) The predecessor employer and successor employing unit make an application in writing on the form prescribed by the secretary, (ii) the application is submitted within 120 days of the date of the transfer, (iii) the successor employing unit is or becomes an employer subject to this act immediately after the transfer, (iv) the percentage of the experience rating factors transferred shall not be thereafter used in computing the contribution rate for the predecessor employer, and (v) the secretary finds that such transfer will not tend to defeat or obstruct the object and purposes of this act.

(4) If the acquiring employing unit was an employer subject to this act prior to the date of the transfer, the rate of contribution for the period from such date to the end of the then current contribution year shall be the same as the contribution rate prior to the date of the transfer. An employing unit which was not subject to this act prior to the date of the transfer shall have a newly computed rate based on the transferred experience rating factors as of the computation date immediately preceding the date of acquisition. These experience rating factors consist of all contributions paid, benefit experience and annual payrolls.

(5) Whenever an employer's account has been terminated as provided in subsections (d) and (e) of K.S.A. 44-711 and amendments thereto and the employer continues with employment to liquidate the business operations, that employer shall continue to be an "employer" subject to the employment security law as provided in subsection (h)(8) of K.S.A. 44-703 and amendments thereto. The rate of contribution from the date of transfer to the end of the then current calendar year shall be the same as the contribution rate prior to the date of the transfer. At the completion of the then current calendar year, the rate of contribution shall be that of a "new employer" as described in subsection (a)(1) of this section.

(6) No rate computation will be permitted an employing unit succeeding to the experience of another employing unit pursuant to this section for any period subsequent to such succession except in accordance with rules and regulations adopted by the secretary. Any such regulations shall be consistent with federal requirements for additional credit allowance in section 3303 of the federal internal revenue code of 1986, and consistent with the provisions of this act.

(c) *Voluntary contributions.* Notwithstanding any other provision of the employment security law, any employer may make voluntary payments for the purpose of reducing or maintaining a reduced rate in addition to the contributions required under this section. Such voluntary payments may be made only during the thirty-day period immediately following the date of mailing of experience rating notices for a calendar year. All such voluntary contribution payments shall be paid prior to the expiration of 120 days after the beginning of the year for which such rates are effective. The amount of voluntary contributions shall be credited to the employer's account as of the next preceding computation date and the employer's rate shall be computed accordingly, except that no employer's rate shall be reduced more than five rate groups as provided in schedule I of this section as the result of a voluntary payment. An employer not having a negative account balance may have such employer's rate reduced not more than five rate groups as provided in schedule I of this section as a result of a voluntary payment. An employer having a negative account balance may have such employer's rate reduced to that prescribed for rate group 51 of schedule I of this section by making a voluntary payment in the amount of such negative account balance or to that rate prescribed for rate groups 50 through 47 of schedule I of this section by making an additional voluntary payment that would increase such employer's reserve ratio to the lower limit required for such rate groups 50 through 47. Under no circumstances shall voluntary payments be refunded in whole or in part.

(d) As used in this section, "negative account balance employer" means an eligible employer whose total benefits charged to such employer's account for all past years have exceeded all contributions paid by such employer for all such years.

(e) The secretary of human resources shall annually prepare and submit a certification as to the solvency and adequacy of the amount credited to the state of Kansas' account in the federal employment security trust fund to the governor and the employment security advisory council. Commencing in calendar year 1994, the certification shall be submitted on or before December 1 of each calendar year and shall be for the twelve-month period ending on June 30 of that calendar year. Each certification

shall be used to determine the need for any adjustment to schedule III in subsection (a)(3)(A) and to assist in preparing legislation to accomplish any such adjustment.

Sec. 2. K.S.A. 44-717 is hereby amended to read as follows: 44-717. (a) *Penalties on past-due reports, interest on past-due contributions, payments in lieu of contributions and benefit cost payments.* Any employer or any officer or agent of an employer, who fails to file any wage report or contribution return when due, as required by the secretary of human resources, or within a five-day grace period, shall pay a penalty as provided by this subsection (a) for each month or fraction of a month until the report or return is received by the secretary of human resources. The penalty for each month or fraction of a month shall be an amount equal to .05% of the total wages paid by the employer during the quarter, except that no penalty shall be less than \$25 nor more than \$200 for each such report or return not timely filed. Contributions, payments in lieu of contributions and benefit cost payments unpaid on the date on which they are due and payable, as prescribed by the secretary of human resources, or within a five-day grace period, shall bear interest at the rate of 1.5% 1% per month or fraction of a month until payment is received by the secretary of human resources except that an employing unit, which is not theretofore subject to this law and which becomes an employer and does not refuse to make the reports, returns and contributions, payments in lieu of contributions and benefit cost payments required under this law, shall not be liable for such penalty or interest if the wage reports and contribution returns required are filed and the contributions, payments in lieu of contributions or benefit cost payments required are paid within 10 days following notification by the secretary of human resources that a determination has been made fixing its status as an employer subject to this law. Upon written request and good cause shown, the secretary of human resources may abate any penalty or interest or portion thereof provided for by this subsection (a). Interest amounting to less than \$1 shall be waived by the secretary of human resources and shall not be collected. Penalties and interest collected pursuant to this subsection shall be paid into the special employment security fund. For all purposes under this section, amounts assessed as surcharges under subsection (j) or under K.S.A. 44-710a and amendments thereto shall be considered to be contributions and shall be subject to penalties and interest imposed under this section and to collection in the manner provided by this section.

(b) *Collection.* (1) If, after due notice, any employer defaults in payment of any penalty, contributions, payments in lieu of contributions, benefit cost payments, or interest thereon the amount due may be collected by civil action in the name of the secretary of human resources and the employer adjudged in default shall pay the cost of such action. Civil actions brought under this section to collect contributions, payments in lieu of contributions, benefit cost payments, penalties, or interest thereon from an employer shall be heard by the district court at the earliest possible date and shall be entitled to preference upon the calendar of the court over all other civil actions except petitions for judicial review under this act and cases arising under the workmen's compensation act. All liability determinations of contributions due, payments in lieu of contributions or benefit cost payments due shall be made within a period of five years from the date such contributions, payments in lieu of contributions or benefit cost payments were due except such determinations may be made for any time when an employer has filed fraudulent reports with intent to evade liability.

(2) Any employing unit which is not a resident of this state and which exercises the privilege of having one or more individuals perform service for it within this state and any resident employing unit which exercises that privilege and thereafter removes from this state, shall be deemed thereby to appoint the secretary of state as its agent and attorney for the acceptance of process in any civil action under this subsection. In instituting such an action against any such employing unit the secretary of human resources shall cause such process or notice to be filed with the secretary of state and such service shall be sufficient service upon such employing unit and shall be of the same force and validity as if served upon it personally within this state. The secretary of human resources shall send notice immediately of the service of such process or notice, together with a copy thereof, by registered or certified mail, return receipt requested, to such employing unit at its last-known address and such return receipt, the affidavit of compliance of the secretary of human resources with the provisions of this section, and a copy of the notice of service, shall be appended to the original of the process filed in the court in which such civil action is pending.

(continued)

(3) Any contractor, who is or becomes an employer under the provisions of this act, who contracts with any subcontractor, who also is or becomes an employer under the provisions of this act, shall be directly liable for such contributions, penalties and interest due from the subcontractor and the secretary of human resources shall have all of the remedies of collection against the contractor under the provisions of this act as though the services in question were performed directly for the contractor, unless the contractor requires the subcontractor to provide a good and sufficient bond guaranteeing payment of all contributions, penalties and interest due or to become due with respect to wages paid for employment on the contract. For the purpose of this subsection (b)(3), the words, "contractor" and "subcontractor" mean and include individuals, partnerships, firms or corporations, or other associations of persons engaged in the business of the construction, alteration, repairing, dismantling or demolition of buildings, roads, bridges, viaducts, sewers, water and gas mains, streets, disposal plants, water filters, tanks and towers, airports, dams, levees and canals, oil and gas wells, water wells, pipelines, and every other type of structure, project, development or improvement coming within the definition of real property.

(4) The district courts of this state shall entertain, in the manner provided in subsections (b)(1), (b)(2) and (b)(3), actions to collect contributions, payments in lieu of contributions, benefit cost payments and other amounts owed including interest thereon for which liability has accrued under the employment security law of any other state or of the federal government.

(c) *Priorities under legal dissolutions or distributions.* In the event of any distribution of employer's assets pursuant to an order of any court under the laws of this state, including but not limited to any probate proceeding, interpleader, receivership, assignment for benefit of creditors, adjudicated insolvency, composition or similar proceedings, contributions or payments in lieu of contributions then or thereafter due shall be paid in full from the moneys which shall first come into the estate, prior to all other claims, except claims for wages of not more than \$250 to each claimant, earned within six months of the commencement of the proceedings. In the event of an employer's adjudication in bankruptcy, judicially confirmed extension proposal, or composition, under the federal bankruptcy act of 1898, as amended, contributions then or thereafter due shall be entitled to such priority as is provided in that act for taxes due any state of the United States.

(d) *Assessments.* If any employer fails to file a report or return required by the secretary of human resources for the determination of contributions, or payments in lieu of contributions, or benefit cost payments, the secretary of human resources may make such reports or returns or cause the same to be made, on the basis of such information as the secretary may be able to obtain and shall collect the contributions, payments in lieu of contributions or benefit cost payments as determined together with any interest due under this act. The secretary of human resources shall immediately forward to the employer a copy of the assessment by registered or certified mail to the employer's address as it appears on the records of the agency, and such assessment shall be final unless the employer protests such assessment and files a corrected report or return for the period covered by the assessment within 15 days after the mailing of the copy of assessment. Failure to receive such notice shall not invalidate the assessment. Notice in writing shall be presumed to have been given when deposited as certified or registered matter in the United States mail, addressed to the person to be charged with notice at such person's address as it appears on the records of the agency.

(e) (1) *Lien.* If any employer or person who is liable to pay contributions, payments in lieu of contributions or benefit cost payments neglects or refuses to pay the same after demand, the amount, including interest and penalty, shall be a lien in favor of the state of Kansas, secretary of human resources, upon all property and rights to property, whether real or personal, belonging to such employer or person. Such lien shall not be valid as against any mortgagee, pledgee, purchaser or judgment creditor until notice thereof has been filed by the secretary of human resources in the office of register of deeds in any county in the state of Kansas, in which such property is located, and when so filed shall be notice to all persons claiming an interest in the property of the employer or person against whom filed. The register of deeds shall enter such notices in the financing statement record and shall also record the same in full in miscellaneous record and index the same against the name of the delinquent employer. The register of deeds shall accept, file, and record such notice without prepayment of any fee, but lawful fees shall be added to the amount of such lien and collected when satisfaction is presented for entry. Such lien shall be satisfied of record upon the pres-

entation of a certificate of discharge by the state of Kansas, secretary of human resources. Nothing contained in this subsection (e) shall be construed as an invalidation of any lien or notice filed in the name of the unemployment compensation division or the employment security division and such liens shall be and remain in full force and effect until satisfied as provided by this subsection (e).

(2) *Authority of secretary or authorized representative.* If any employer or person who is liable to pay any contributions, payments in lieu of contributions or benefit cost payments, including interest and penalty, neglects or refuses to pay the same within 10 days after notice and demand therefor, the secretary or the secretary's authorized representative may collect such contributions, payments in lieu of contributions or benefit cost payments, including interest and penalty, and such further amount as is sufficient to cover the expenses of the levy, by levy upon all property and rights to property which belong to the employer or person or which have a lien created thereon by this subsection (e) for the payment of such contributions, payments in lieu of contributions or benefit cost payments, including interest and penalty. As used in this subsection (e), "property" includes all real property and personal property, whether tangible or intangible, except such property which is exempt under K.S.A. 60-2301 *et seq.*, and amendments thereto. Levy may be made upon the accrued salary or wages of any officer, employee or elected official of any state or local governmental entity which is subject to K.S.A. 60-723 and amendments thereto, by serving a notice of levy as provided in subsection (d) of K.S.A. 60-304 and amendments thereto. If the secretary or the secretary's authorized representative makes a finding that the collection of the amount of such contributions, payments in lieu of contributions or benefit cost payments, including interest and penalty, is in jeopardy, notice and demand for immediate payment of such amount may be made by the secretary or the secretary's authorized representative and, upon failure or refusal to pay such amount, immediate collection of such amount by levy shall be lawful without regard to the ten-day period provided in this subsection (e).

(3) *Seizure and sale of property.* The authority to levy granted under this subsection (e) includes the power of seizure by any means. A levy shall extend only to property possessed and obligations existing at the time thereof. In any case in which the secretary or the secretary's authorized representative may levy upon property or rights to property, the secretary or the secretary's authorized representative may seize and sell such property or rights to property.

(4) *Successive seizures.* Whenever any property or right to property upon which levy has been made under this subsection (e) is not sufficient to satisfy the claim of the secretary for which levy is made, the secretary or the secretary's authorized representative may proceed thereafter and as often as may be necessary, to levy in like manner upon any other property or rights to property which belongs to the employer or person against whom such claim exists or upon which a lien is created by this subsection (e) until the amount due from the employer or person, together with all expenses, is fully paid.

(f) *Warrant.* In addition or as an alternative to any other remedy provided by this section and provided that no appeal or other proceeding for review permitted by this law shall then be pending and the time for taking thereof shall have expired, the secretary of human resources or an authorized representative of the secretary may issue a warrant certifying the amount of contributions, payments in lieu of contributions, benefit cost payments, interest or penalty, and the name of the employer liable for same after giving 15 days prior notice. Upon request, service of final notices shall be made by the sheriff within the sheriff's county, by the sheriff's deputy or some person specially appointed by the secretary for that purpose, or by the secretary's designee. A person specially appointed by the secretary or the secretary's designee to serve final notices may make service any place in the state. Final notices shall be served as follows:

(1) *Individual.* Service upon an individual, other than a minor or incapacitated person, shall be made by delivering a copy of the final notice to the individual personally or by leaving a copy at such individual's dwelling house or usual place of abode with some person of suitable age and discretion then residing therein, by leaving a copy at the business establishment of the employer with an officer or employee of the establishment, or by delivering a copy to an agent authorized by appointment or by law to receive service of process, but if the agent is one designated by a statute to receive service, such further notice as the statute requires shall be given. If service as prescribed above cannot be made with due diligence, the secretary or the secretary's designee may order service to

be made by leaving a copy of the final notice at the employer's dwelling house, usual place of abode or business establishment.

(2) *Corporations and partnerships.* Service upon a domestic or foreign corporation or upon a partnership or other unincorporated association, when by law it may be sued as such, shall be made by delivering a copy of the final notice to an officer, partner or resident managing or general agent thereof by leaving a copy at any business office of the employer with the person having charge thereof or by delivering a copy to any other agent authorized by appointment or required by law to receive service of process, if the agent is one authorized by law to receive service and, if the law so requires, by also mailing a copy to the employer.

(3) *Refusal to accept service.* In all cases when the person to be served, or an agent authorized by such person to accept service of petitions and summonses, shall refuse to receive copies of the final notice, the offer of the duly authorized process server to deliver copies thereof and such refusal shall be sufficient service of such notice.

(4) *Proof of service.* (A) Every officer to whom a final notice or other process shall be delivered for service within or without the state, shall make return thereof in writing stating the time, place and manner of service of such writ, and shall sign such officer's name to such return.

(B) If service of the notice is made by a person appointed by the secretary or the secretary's designee to make service, such person shall make an affidavit as to the time, place and manner of service thereof in a form prescribed by the secretary or the secretary's designee.

(5) *Time for return.* The officer or other person receiving a final notice shall make a return of service promptly and shall send such return to the secretary or the secretary's designee in any event within 10 days after the service is effected. If the final notice cannot be served it shall be returned to the secretary or the secretary's designee within 30 days after the date of issue with a statement of the reason for the failure to serve the same. The original return shall be attached to and filed with any warrant thereafter filed.

(6) *Service by mail.* (A) Upon direction of the secretary or the secretary's designee, service by mail may be effected by forwarding a copy of the notice to the employer by registered or certified mail to the employer's address as it appears on the records of the agency. A copy of the return receipt shall be attached to and filed with any warrant thereafter filed.

(B) The secretary of human resources or an authorized representative of the secretary may file the warrant for record in the office of the clerk of the district court in the county in which the employer owing such contributions, payments in lieu of contributions, benefit cost payments, interest, or penalty has business property. The warrant shall certify the amount of contributions, payments in lieu of contributions, benefit cost payments, interest and penalty due, and the name of the employer liable for such amount. It shall be the duty of the clerk of the district court to file such warrant of record and enter the warrant in the records of the district court for judgment and decrees under the procedure prescribed for filing transcripts of judgment.

(C) The clerk shall enter, on the day the warrant is filed, the case on the appearance docket, together with the amount and the time of filing the warrant. From the time of filing such warrant, the amount of the contributions, payments in lieu of contributions, benefit cost payments, interest, and penalty, certified therein, shall have the force and effect of a judgment of the district court until the same is satisfied by the secretary of human resources or an authorized representative or attorney for the secretary. Execution shall be issuable at the request of the secretary of human resources, an authorized representative or attorney for the secretary, as is provided in the case of other judgments.

(D) Postjudgment procedures shall be the same as for judgments according to the code of civil procedure.

(E) Warrants shall be satisfied of record by payment to the clerk of the district court of the contributions, payments in lieu of contributions, benefit cost payments, penalty, interest to date, and court costs. Warrants may also be satisfied of record by payment to the clerk of the district court of all court costs accrued in the case and by filing a certificate by the secretary of human resources, certifying that the contributions, payments in lieu of contributions, benefit cost payments, interest and penalty have been paid.

(g) *Remedies cumulative.* The foregoing remedies shall be cumulative and no action taken shall be construed as an election on the part of the state or any of its officers to pursue any remedy or action under this section to the exclusion of any other remedy or action for which provision is made.

(h) *Refunds.* If any individual, governmental entity or organization

makes application for refund or adjustment of any amount paid as contributions, benefit cost payments or interest under this law and the secretary of human resources determines that such amount or any portion thereof was erroneously collected, except for amounts less than \$1, the secretary of human resources shall allow such individual or organization to make an adjustment thereof without interest, in connection with subsequent contribution payments, or if such adjustment cannot be made the secretary of human resources shall refund the amount, except for amounts less than \$1, without interest, from the employment security fund, except that all interest erroneously collected which has been paid into the special employment security fund shall be refunded out of the special employment security fund. No adjustment or refund shall be allowed with respect to a payment as contributions, benefit cost payments or interest unless an application therefor is made on or before whichever of the following dates is later: (1) One year from the date on which such payment was made; or (2) three years from the last day of the period with respect to which such payment was made. For like cause and within the same period adjustment or refund may be so made on the secretary's own initiative. The secretary of human resources shall not be required to refund any contributions, payments in lieu of contributions or benefit cost payments based upon wages paid which have been used as base-period wages in a determination of a claimant's benefit rights when justifiable and correct payments have been made to the claimant as the result of such determination.

(i) *Refund for reimbursing employer.* Upon termination of an employer's business or termination of any election to make payments in lieu of contributions, a reimbursing employer may file for a refund of any payments made to the fund which are in excess of any regular or extended benefits which have been charged or could become chargeable to the reimbursing employer's account. No refund may be made within a twenty-four-month period following termination of a reimbursing employer's business or election for payments in lieu of contributions.

(j) (1) *Cash deposit or bond.* If any contributing employer is delinquent in making payments under the employment security law during any two quarters of the most recent four-quarter period, the secretary or the secretary's authorized representative shall have the discretionary power to require such contributing employer either to deposit cash or to file a bond with sufficient sureties to guarantee the payment of contributions, penalty and interest owed by such employer.

(2) The amount of such cash deposit or bond shall be not less than the largest total amount of contributions, penalty and interest reported by the employer in two of the four calendar quarters preceding any delinquency. Such cash deposit or bond shall be required until the employer has shown timely filing of reports and payment of contributions for four consecutive calendar quarters.

(3) Failure to file such cash deposit or bond shall subject the employer to a surcharge of 2.0% which shall be in addition to the rate of contributions assigned to the employer under K.S.A. 44-710a and amendments thereto. Contributions paid as a result of this surcharge shall not be credited to the employer's experience rating account. This surcharge shall be effective during the next full calendar year after its imposition and during each full calendar year thereafter until the employer has filed the required cash deposit or bond or has shown timely filing of reports and payment of contributions for four consecutive calendar quarters.

(k) Any officer, major stockholder or other person who has charge of the affairs of an employer, which is an employing unit described in section 501(c)(3) of the federal internal revenue code of 1954 or which is any other corporate organization or association, or any member or manager of a limited liability company, or any public official, who willfully fails to pay the amount of contributions, payments in lieu of contributions or benefit cost payments required to be paid under the employment security law on the date on which such amount becomes delinquent, shall be personally liable for the total amount of the contributions, payments in lieu of contributions or benefit cost payments and any penalties and interest due and unpaid by such employing unit. The secretary or the secretary's authorized representative may assess such person for the total amount of contributions, payments in lieu of contributions or benefit cost payments and any penalties, and interest computed as due and owing. With respect to such persons and such amounts assessed, the secretary shall have available all of the collection remedies authorized or provided by this section.

Sec. 3. K.S.A. 44-710a and 44-717 are hereby repealed.

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

(Published in the Kansas Register April 6, 1995.)

SENATE BILL No. 4

AN ACT concerning the Kansas postsecondary review program; extending the date for termination thereof; specifying duties and powers of the KPR board with respect to review of postsecondary institutions; relating to proceedings to effect termination of participation by certain postsecondary institutions in federal student aid programs; amending K.S.A. 1994 Supp. 76-3101, 76-3102, 76-3103, 76-3104 and 76-3106 and repealing the existing sections.

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

Section 1. K.S.A. 1994 Supp. 76-3101 is hereby amended to read as follows: 76-3101. The provisions of this act shall be known and may be cited as the Kansas postsecondary review program. The provisions of this act shall expire and the Kansas postsecondary review program shall terminate on June 30, 1995 1997, unless this section is amended by act of the legislature prior to such date.

Sec. 2. K.S.A. 1994 Supp. 76-3102 is hereby amended to read as follows: 76-3102. As used in this act:

(a) "KPR board" means the *state board of education when acting in its statutorily designated capacity as the Kansas postsecondary review board.*

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

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

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

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

Sec. 3. K.S.A. 1994 Supp. 76-3103 is hereby amended to read as follows: 76-3103. (a) The state board of education is hereby designated as the Kansas postsecondary review board for the purpose of carrying out responsibilities prescribed by the federal law. The KPR board shall be the agency that is responsible, for and on behalf of the state of Kansas, to perform the functions required of a state postsecondary review entity under the federal law.

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

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

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

(e) The KPR board shall publicize and make available to postsecondary institutions the criteria for initial review of the institutions by the secretary of education, the standards governing review of the institutions by the KPR board, and the procedures that may be utilized by the institutions for requesting verification of data used as justification for review or for ~~disapproval of eligibility determination that institutions should not be eligible~~ for participation in federal student aid programs. *Each year, before conducting a review of any postsecondary institution, the KPR board shall make available information regarding the board's review priority system.*

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

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

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

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

Sec. 4. K.S.A. 1994 Supp. 76-3104 is hereby amended to read as follows: 76-3104. (a) Any review of ~~an~~ a postsecondary institution by the KPR board shall include consultation with the state agency having authority over the institution, with Washburn University or with the Kansas Independent College Association as appropriate for the institution being reviewed.

(b) *Not later than 30 days after completion of a review of a postsecondary institution, the KPR board shall provide a report of its findings to the institution. If the KPR board finds that the institution is in violation of one or more of the standards developed for determining eligibility for participation in federal student aid programs, the board shall: (1) For each finding (A) cite the standard violated and the nature of the violation and (B) except as provided in subsection (d), prescribe a course of action the institution must follow to correct the violation and (C) determine an appropriate period for the institution to correct the violation and come into compliance with the violated standard; or (2) initiate a proceeding to effect termination of the institution's participation in federal student aid programs.*

(c) *The KPR board shall give the postsecondary institution an opportunity to respond to the board's findings and required actions.*

(d) *The KPR board may determine, on the basis of compelling evidence provided by the postsecondary institution, that the institution's failure to satisfy a standard does not warrant any further action by the board.*

(e) *If the postsecondary institution chooses to respond to the KPR board's report within the time determined appropriate by the board, the board shall evaluate the institution's response and issue a final report to the institution that includes the board's findings and required action.*

(f) *The KPR board shall provide to the secretary of education a copy of the board's final report to an institution within 30 days of issuance of the report to the institution or, if the institution did not respond to the board's initial report by the date determined by the board, the board shall provide to the secretary of education a copy of the board's initial report. The board's initial report shall become its final report on the day after the date provided to the institution for responding to the report. If the board did not prescribe a course of action for the institution to follow in order to correct a violation of one or more of the standards developed for determining eligibility for participation in federal student aid programs, the board shall include in its report to the secretary of education an explanation of why no action was prescribed.*

(g) *In addition to the reasons for initiating a proceeding under subsection (b) to effect termination of a postsecondary institution's eligibility for participation in federal student aid programs, the KPR board may determine that the institution should no longer be eligible to participate in federal student aid programs if the institution: (1) Does not respond to the board's findings or comply with the board's required actions within the time determined appropriate by the board and the board's findings show violations of the standards developed for determining eligibility for*

participation in federal student aid programs; (2) does not allow personnel of the KPR board at the institution; or (3) fails to provide official representatives of the KPR board with prompt access to documents and records maintained by the institution.

New Sec. 5. (a) The KPR board may initiate a proceeding to effect termination of a postsecondary institution's participation in federal student aid programs by serving written notice upon the institution that the board has determined that the institution should not be eligible for participation in such programs. The notice shall include a statement of the reasons for the determination and a statement that the institution may contest the finding before a hearing officer upon written request filed with the KPR board. The request to be heard must be filed within 15 days from the date of the notice of the board's determination. Upon receipt of a request by an institution to be heard, the KPR board shall notify the secretary of human resources that the appointment of a hearing officer is required. Within 10 days after receipt of notification from the KPR board, the secretary of human resources shall appoint a hearing officer from a list, which shall be compiled and maintained by the secretary of human resources, of impartial persons who are representative of the public and who are qualified to serve as hearing officers.

(b) Any hearing requested by a postsecondary institution as provided in subsection (a) shall be commenced within 15 calendar days after the hearing officer is appointed and shall be conducted in accordance with the provisions of the Kansas administrative procedure act. Within 30 days after close of the hearing, the hearing officer shall render a written opinion setting forth the hearing officer's findings of fact and recommendation as to the determination of the matter. The opinion shall be submitted to the KPR board and to the postsecondary institution. If, after receipt of the hearing officer's opinion, the KPR board concludes that the board's determination that the institution should not be eligible for participation in federal student aid programs was warranted, the board shall notify the institution and the secretary of education of the determination and the reasons therefor.

Sec. 6. K.S.A. 1994 Supp. 76-3106 is hereby amended to read as follows: 76-3106. (a) The KPR board is hereby authorized to adopt rules and regulations not in conflict with law on any and all matters within its jurisdiction.

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

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

Sec. 7. K.S.A. 1994 Supp. 76-3101, 76-3102, 76-3103, 76-3104 and 76-3106 are hereby repealed.

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

(Published in the Kansas Register April 6, 1995.)

SENATE BILL No. 14

AN ACT relating to sales taxation; exempting sales of original construction labor services and certain utility services consumed in the production of property or provision of services; amending K.S.A. 1994 Supp. 79-3602, 79-3603, 79-3603, as amended by section 2, and 79-3703 and repealing the existing sections.

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

Section 1. On June 1, 1995, K.S.A. 1994 Supp. 79-3602 is hereby amended to read as follows: 79-3602. (a) "Persons" means any individual, firm, copartnership, joint adventure, association, corporation, estate or trust, receiver or trustee, or any group or combination acting as a unit, and the plural as well as the singular number; and shall specifically mean any city or other political subdivision of the state of Kansas engaging in a business or providing a service specifically taxable under the provisions of this act.

(b) "Director" means the state director of taxation.

(c) "Sale" or "sales" means the exchange of tangible personal property, as well as the sale thereof for money, and every transaction, conditional or otherwise, for a consideration, constituting a sale, including the sale or furnishing of electrical energy, gas, water, services or entertainment taxable under the terms of this act and including, except as provided in the following provision, the sale of the use of tangible personal property by way of a lease, license to use or the rental thereof regardless of the method by which the title, possession or right to use the tangible personal property is transferred. The term "sale" or "sales" shall not mean the sale of the use of any tangible personal property used as a dwelling by way of a lease or rental thereof for a term of more than 28 consecutive days.

(d) "Retailer" means a person regularly engaged in the business of selling tangible personal property at retail or furnishing electrical energy, gas, water, services or entertainment, and selling only to the user or consumer and not for resale.

(e) "Retail sale" or "sale at retail" means all sales made within the state of tangible personal property or electrical energy, gas, water, services or entertainment for use or consumption and not for resale.

(f) "Tangible personal property" means corporeal personal property. Such term shall include any computer software program which is not a custom computer software program, as described by subsection (s) of K.S.A. 79-3603, and amendments thereto.

(g) "Selling price" means the total cost to the consumer exclusive of discounts allowed and credited, but including freight and transportation charges from retailer to consumer.

(h) "Gross receipts" means the total selling price or the amount received as defined in this act, in money, credits, property or other consideration valued in money from sales at retail within this state; and embraced within the provisions of this act. The taxpayer, may take credit in the report of gross receipts for: (1) An amount equal to the selling price of property returned by the purchaser when the full sale price thereof, including the tax collected, is refunded in cash or by credit; (2) an amount equal to the allowance given for the trade-in of property.

(i) "Taxpayer" means any person obligated to account to the director for taxes collected under the terms of this act.

(j) "Isolated or occasional sale" means the nonrecurring sale of tangible personal property, or services taxable hereunder by a person not engaged at the time of such sale in the business of selling such property or services. Any religious organization which makes a nonrecurring sale of tangible personal property acquired for the purpose of resale shall be deemed to be not engaged at the time of such sale in the business of selling such property. Such term shall include: (1) Any sale by a bank, savings and loan institution, credit union or any finance company licensed under the provisions of the Kansas uniform consumer credit code of tangible personal property which has been repossessed by any such entity; and (2) any sale of tangible personal property made by an auctioneer or agent on behalf of not more than two principals or households if such sale is nonrecurring and any such principal or household is not engaged at the time of such sale in the business of selling tangible personal property.

(k) "Service" means those services described in and taxed under the provisions of K.S.A. 79-3603 and amendments thereto.

(l) "Ingredient or component part" means tangible personal property which is necessary or essential to, and which is actually used in and becomes an integral and material part of tangible personal property or services produced, manufactured or compounded for sale by the producer,

(continued)

manufacturer or compounder in its regular course of business. The following items of tangible personal property are hereby declared to be ingredients or component parts, but the listing of such property shall not be deemed to be exclusive nor shall such listing be construed to be a restriction upon, or an indication of, the type or types of property to be included within the definition of "ingredient or component part" as herein set forth:

(1) Containers, labels and shipping cases used in the distribution of property produced, manufactured or compounded for sale which are not to be returned to the producer, manufacturer or compounder for reuse.

(2) Containers, labels, shipping cases, paper bags, drinking straws, paper plates, paper cups, twine and wrapping paper used in the distribution and sale of property taxable under the provisions of this act by wholesalers and retailers and which is not to be returned to such wholesaler or retailer for reuse.

(3) Seeds and seedlings for the production of plants and plant products produced for resale.

(4) Paper and ink used in the publication of newspapers.

(5) Fertilizer used in the production of plants and plant products produced for resale.

(6) Feed for animals, fowl and aquatic plants and animals, the primary purpose of which is use in agriculture or aquaculture, as defined in K.S.A. 47-1901, and amendments thereto, the production of food for human consumption, the production of animal, dairy, poultry or aquatic plant and animal products, fiber, fur, or the production of offspring for use for any such purpose or purposes.

(m) "Property which is consumed" means tangible personal property which is essential or necessary to and which is used in the actual process of and immediately consumed or dissipated in (1) the production, manufacture, processing, mining, drilling, refining or compounding of tangible personal property, (2) the providing of services or (3) the irrigation of crops, for sale in the regular course of business, and which is not reusable for such purpose. The following items of tangible personal property are hereby declared to be "consumed" but the listing of such property shall not be deemed to be exclusive nor shall such listing be construed to be a restriction upon or an indication of, the type or types of property to be included within the definition of "property which is consumed" as herein set forth:

(A) Insecticides, herbicides, germicides, pesticides, fungicides, antibiotics, biologicals, pharmaceuticals, vitamins and chemicals for use in commercial or agricultural production of fruit, vegetables, feeds, seeds, animals or animal products whether fed, injected, applied or otherwise used; and

(B) *electricity, gas and water.*

(n) "Political subdivision" means any municipality, agency or subdivision of the state which is, or shall hereafter be, authorized to levy taxes upon tangible property within the state or which certifies a levy to a municipality, agency or subdivision of the state which is, or shall hereafter be, authorized to levy taxes upon tangible property within the state. Such term also shall include any public building commission, housing, airport, port, metropolitan transit or similar authority established pursuant to law.

(o) "Municipal corporation" means any city incorporated under the laws of Kansas.

(p) "Quasi-municipal corporation" means any county, township, school district, drainage district or any other governmental subdivision in the state of Kansas having authority to receive or hold moneys or funds.

(q) "Nonprofit blood bank" means any nonprofit place, organization, institution or establishment that is operated wholly or in part for the purpose of obtaining, storing, processing, preparing for transfusing, furnishing, donating or distributing human blood or parts or fractions of single blood units or products derived from single blood units, whether or not any remuneration is paid therefor, or whether such procedures are done for direct therapeutic use or for storage for future use of such products.

(r) "Contractor, subcontractor or repairman" means a person who agrees to furnish and install tangible personal property or install tangible personal property at a specified price. A person who maintains an inventory of tangible personal property which enables such person to furnish and install the tangible personal property or install the tangible personal property shall not be deemed a contractor, subcontractor or repairman but shall be deemed a retailer.

Sec. 2. K.S.A. 1994 Supp. 79-3603 is hereby amended to read as follows: 79-3603. For the privilege of engaging in the business of selling tangible personal property at retail in this state or rendering or furnishing any of the services taxable under this act, there is hereby levied and there

shall be collected and paid a tax at the rate of 4.9%, unless otherwise more specifically provided, upon:

(a) The gross receipts received from the sale of tangible personal property at retail within this state: If any contractor has entered into a written binding contract prior to May 15, 1992, for the construction, reconstruction, repair, equipment or improvement of any building, airport, highway, street, road, alley, sewer, sewage system, water line, water system or any other improvement, and such contract and the contract price includes the furnishing by the contractor of tangible personal property subject to the tax imposed by this act and which is to become part of the completed improvement, such tax shall be imposed at the rate prescribed by law immediately prior to the effective date of this act, but this provision shall not apply unless the contractor shall give notice and proof of such contract to the director of taxation on or before July 10, 1992, which notice and proof shall be in such form and of such sufficiency as the director of taxation shall prescribe;

(b) (1) the gross receipts from intrastate telephone or telegraph services and (2) the gross receipts received from the sale of interstate telephone or telegraph services, which (A) originate within this state and terminate outside the state and are billed to a customer's telephone number or account in this state; or (B) originate outside this state and terminate within this state and are billed to a customer's telephone number or account in this state except that the sale of interstate telephone or telegraph service does not include: (A) Any interstate incoming or outgoing wide area telephone service or wide area transmission type service which entitles the subscriber to make or receive an unlimited number of communications to or from persons having telephone service in a specified area which is outside the state in which the station provided this service is located; (B) any interstate private communications service to the persons contracting for the receipt of that service that entitles the purchaser to exclusive or priority use of a communications channel or group of channels between exchanges; (C) any value-added nonvoice service in which computer processing applications are used to act on the form, content, code or protocol of the information to be transmitted; (D) any telecommunication service to a provider of telecommunication services which will be used to render telecommunications services, including carrier access services; or (E) any service or transaction defined in this section among entities classified as members of an affiliated group as provided by federal law (U.S.C. Section 1504);

(c) the gross receipts from the sale or furnishing of gas, water, electricity and heat, which sale is not otherwise exempt from taxation under the provisions of this act, and whether furnished by municipally or privately owned utilities;

(d) the gross receipts from the sale of meals or drinks furnished at any private club, drinking establishment, catered event, restaurant, eating house, dining car, hotel, drugstore or other place where meals or drinks are regularly sold to the public;

(e) the gross receipts from the sale of admissions to any place providing amusement, entertainment or recreation services including admissions to state, county, district and local fairs, but such tax shall not be levied and collected upon the gross receipts received from sales of admissions to any cultural and historical event which occurs triennially;

(f) the gross receipts from the operation of any coin-operated device dispensing or providing tangible personal property, amusement or other services except laundry services, whether automatic or manually operated;

(g) the gross receipts from the service of renting of rooms by hotels, as defined by K.S.A. 36-501 and amendments thereto;

(h) the gross receipts from the service of renting or leasing of tangible personal property except such tax shall not apply to the renting or leasing of machinery, equipment or other personal property owned by a city and purchased from the proceeds of industrial revenue bonds issued prior to July 1, 1973, in accordance with the provisions of K.S.A. 12-1740 through 12-1749, and amendments thereto, and any city or lessee renting or leasing such machinery, equipment or other personal property purchased with the proceeds of such bonds who shall have paid a tax under the provisions of this section upon sales made prior to July 1, 1973, shall be entitled to a refund from the sales tax refund fund of all taxes paid thereon;

(i) the gross receipts from the rendering of dry cleaning, pressing, dyeing and laundry services except laundry services rendered through a coin-operated device whether automatic or manually operated;

(j) the gross receipts from the rendering of the services of washing and washing and waxing of vehicles;

(k) the gross receipts from cable, community antennae and other subscriber radio and television services;

(l) the gross receipts received from the sales of tangible personal property to all contractors, subcontractors or repairmen of materials and supplies for use by them in erecting structures for others, or building on, or otherwise improving, altering, or repairing real or personal property of others;

(m) the gross receipts received from fees and charges by public and private clubs, drinking establishments, organizations and businesses for participation in sports, games and other recreational activities, but such tax shall not be levied and collected upon the gross receipts received from: (1) Fees and charges by any political subdivision, or any youth recreation organization exclusively providing services to persons 18 years of age or younger which is exempt from federal income taxation pursuant to section 501(c)(3) of the federal internal revenue code of 1986, for participation in sports, games and other recreational activities; and (2) entry fees and charges for participation in a special event or tournament sanctioned by a national sporting association to which spectators are charged an admission which is taxable pursuant to subsection (e);

(n) the gross receipts received from dues charged by public and private clubs, drinking establishments, organizations and businesses, payment of which entitles a member to the use of facilities for recreation or entertainment;

(o) the gross receipts received from the isolated or occasional sale of motor vehicles or trailers but not including: (1) The transfer of motor vehicles or trailers by a person to a corporation solely in exchange for stock or securities in such corporation; or (2) the transfer of motor vehicles or trailers by one corporation to another when all of the assets of such corporation are transferred to such other corporation. In determining the base for computing the tax on such isolated or occasional sale, the fair market value of any motor vehicle or trailer traded in by the purchaser to the seller may be deducted from the selling price;

(p) the gross receipts received for the service of installing or applying tangible personal property which when installed or applied is not being held for sale in the regular course of business, and whether or not such tangible personal property when installed or applied remains tangible personal property or becomes a part of real estate, except that no tax shall be imposed upon the service of installing or applying tangible personal property in connection with the original construction of: (1) (A) An oil or gas well; and (B) a community housing development project sponsored by a nonprofit community housing development organization; and (2) a tax at the rate of 2.5% shall be imposed upon the gross receipts received from the service of installing or applying tangible personal property in connection with the original construction of a building or facility or the construction, reconstruction, restoration, replacement or repair of a bridge or highway.

For the purposes of this subsection:

(1) "Original construction" shall mean the first or initial construction of a new building or facility. The term "original construction" shall include the addition of an entire room or floor to any existing building or facility, the completion of any unfinished portion of any existing building or facility and the restoration, reconstruction or replacement of a building or facility damaged or destroyed by fire, flood, tornado, lightning, explosion or earthquake, but such term shall not include replacement, remodeling, restoration, renovation or reconstruction under any other circumstances;

(2) "building" shall mean only those enclosures within which individuals customarily live or are employed, or which are customarily used to house machinery, equipment or other property, and including the land improvements immediately surrounding such building; and

(3) "facility" shall mean a mill, plant, refinery, oil or gas well, water well, feedlot or any conveyance, transmission or distribution line of any cooperative, nonprofit, membership corporation organized under or subject to the provisions of K.S.A. 17-4601 *et seq.*, and amendments thereto, or of any municipal or quasi-municipal corporation, including the land improvements immediately surrounding such facility. If any contractor has entered into a written binding contract prior to May 15, 1992, for the original construction of a building or facility or the construction, reconstruction, restoration, replacement or repair of a bridge or highway, and such contract and the contract price includes the furnishing by the contractor of services which would have been exempt from taxation pursuant to this subsection prior to its amendment by this act, such services shall continue to be exempt from taxation if the contractor gives notice and proof of such contract to the director of taxation on or before July 10, 1992, which notice and proof shall be in such form and of such sufficiency as the director shall prescribe;

(q) the gross receipts received for the service of repairing, servicing, altering or maintaining tangible personal property, except computer software described in subsection (s), which when such services are rendered is not being held for sale in the regular course of business, and whether or not any tangible personal property is transferred in connection therewith. The tax imposed by this subsection shall be applicable to the services of repairing, servicing, altering or maintaining an item of tangible personal property which has been and is fastened to, connected with or built into real property;

(r) the gross receipts from fees or charges made under service or maintenance agreement contracts for services, charges for the providing of which are taxable under the provisions of subsection (p) or (q);

(s) the gross receipts received from the sale of computer software, and the sale of the services of modifying, altering, updating or maintaining computer software. As used in this subsection, "computer software" means information and directions loaded into a computer which dictate different functions to be performed by the computer. Computer software includes any canned or prewritten program which is held or existing for general or repeated sale, even if the program was originally developed for a single end user as custom computer software. The sale of computer software or services does not include: (1) The initial sale of any custom computer program which is originally developed for the exclusive use of a single end user; or (2) those services rendered in the modification of computer software when the modification is developed exclusively for a single end user only to the extent of the modification and only to the extent that the actual amount charged for the modification is separately stated on invoices, statements and other billing documents provided to the end user. The services of modification, alteration, updating and maintenance of computer software shall only include the modification, alteration, updating and maintenance of computer software taxable under this subsection whether or not the services are actually provided;

(t) the gross receipts received for telephone answering services, including mobile phone services, beeper services and other similar services; and

(u) the gross receipts received from all sales of electricity, gas and water which is essential or necessary to and which is used in the actual process of and immediately consumed or dissipated in: (1) The production, manufacture, processing, mining, drilling, refining or compounding of tangible personal property; (2) the providing of services; or (3) the irrigation of crops, for sale in the regular course of business, and which is not reusable for such purposes which shall be taxed at the rate of 2.5%.

Sec. 3. On June 1, 1995, K.S.A. 1994 Supp. 79-3603, as amended by section 2, is hereby amended to read as follows: 79-3603. For the privilege of engaging in the business of selling tangible personal property at retail in this state or rendering or furnishing any of the services taxable under this act, there is hereby levied and there shall be collected and paid a tax at the rate of 4.9%; ~~unless otherwise more specifically provided, upon:~~

(a) The gross receipts received from the sale of tangible personal property at retail within this state;

(b) (1) the gross receipts from intrastate telephone or telegraph services and (2) the gross receipts received from the sale of interstate telephone or telegraph services, which (A) originate within this state and terminate outside the state and are billed to a customer's telephone number or account in this state; or (B) originate outside this state and terminate within this state and are billed to a customer's telephone number or account in this state except that the sale of interstate telephone or telegraph service does not include: (A) Any interstate incoming or outgoing wide area telephone service or wide area transmission type service which entitles the subscriber to make or receive an unlimited number of communications to or from persons having telephone service in a specified area which is outside the state in which the station provided this service is located; (B) any interstate private communications service to the persons contracting for the receipt of that service that entitles the purchaser to exclusive or priority use of a communications channel or group of channels between exchanges; (C) any value-added nonvoice service in which computer processing applications are used to act on the form, content, code or protocol of the information to be transmitted; (D) any telecommunication service to a provider of telecommunication services which will be used to render telecommunications services, including carrier access services; or (E) any service or transaction defined in this section among entities classified as members of an affiliated group as provided by federal law (U.S.C. Section 1504);

(c) the gross receipts from the sale or furnishing of gas, water, elec-

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tricity and heat, which sale is not otherwise exempt from taxation under the provisions of this act, and whether furnished by municipally or privately owned utilities;

(d) the gross receipts from the sale of meals or drinks furnished at any private club, drinking establishment, catered event, restaurant, eating house, dining car, hotel, drugstore or other place where meals or drinks are regularly sold to the public;

(e) the gross receipts from the sale of admissions to any place providing amusement, entertainment or recreation services including admissions to state, county, district and local fairs, but such tax shall not be levied and collected upon the gross receipts received from sales of admissions to any cultural and historical event which occurs triennially;

(f) the gross receipts from the operation of any coin-operated device dispensing or providing tangible personal property, amusement or other services except laundry services, whether automatic or manually operated;

(g) the gross receipts from the service of renting of rooms by hotels, as defined by K.S.A. 36-501 and amendments thereto;

(h) the gross receipts from the service of renting or leasing of tangible personal property except such tax shall not apply to the renting or leasing of machinery, equipment or other personal property owned by a city and purchased from the proceeds of industrial revenue bonds issued prior to July 1, 1973, in accordance with the provisions of K.S.A. 12-1740 through 12-1749, and amendments thereto, and any city or lessee renting or leasing such machinery, equipment or other personal property purchased with the proceeds of such bonds who shall have paid a tax under the provisions of this section upon sales made prior to July 1, 1973, shall be entitled to a refund from the sales tax refund fund of all taxes paid thereon;

(i) the gross receipts from the rendering of dry cleaning, pressing, dyeing and laundry services except laundry services rendered through a coin-operated device whether automatic or manually operated;

(j) the gross receipts from the rendering of the services of washing and washing and waxing of vehicles;

(k) the gross receipts from cable, community antennae and other subscriber radio and television services;

(l) the gross receipts received from the sales of tangible personal property to all contractors, subcontractors or repairmen of materials and supplies for use by them in erecting structures for others, or building on, or otherwise improving, altering, or repairing real or personal property of others;

(m) the gross receipts received from fees and charges by public and private clubs, drinking establishments, organizations and businesses for participation in sports, games and other recreational activities, but such tax shall not be levied and collected upon the gross receipts received from: (1) Fees and charges by any political subdivision, or any youth recreation organization exclusively providing services to persons 18 years of age or younger which is exempt from federal income taxation pursuant to section 501(c)(3) of the federal internal revenue code of 1986, for participation in sports, games and other recreational activities; and (2) entry fees and charges for participation in a special event or tournament sanctioned by a national sporting association to which spectators are charged an admission which is taxable pursuant to subsection (e);

(n) the gross receipts received from dues charged by public and private clubs, drinking establishments, organizations and businesses, payment of which entitles a member to the use of facilities for recreation or entertainment;

(o) the gross receipts received from the isolated or occasional sale of motor vehicles or trailers but not including: (1) The transfer of motor vehicles or trailers by a person to a corporation solely in exchange for stock or securities in such corporation; or (2) the transfer of motor vehicles or trailers by one corporation to another when all of the assets of such corporation are transferred to such other corporation. In determining the base for computing the tax on such isolated or occasional sale, the fair market value of any motor vehicle or trailer traded in by the purchaser to the seller may be deducted from the selling price;

(p) the gross receipts received for the service of installing or applying tangible personal property which when installed or applied is not being held for sale in the regular course of business, and whether or not such tangible personal property when installed or applied remains tangible personal property or becomes a part of real estate, except that no tax shall be imposed upon the service of installing or applying tangible personal property in connection with the original construction of a building or facility or the construction, reconstruction, restoration, replacement or repair of a bridge or highway.

For the purposes of this subsection:

(1) "Original construction" shall mean the first or initial construction of a new building or facility. The term "original construction" shall include the addition of an entire room or floor to any existing building or facility, the completion of any unfinished portion of any existing building or facility and the restoration, reconstruction or replacement of a building or facility damaged or destroyed by fire, flood, tornado, lightning, explosion or earthquake, but such term shall not include replacement, remodeling, restoration, renovation or reconstruction under any other circumstances;

(2) "building" shall mean only those enclosures within which individuals customarily live or are employed, or which are customarily used to house machinery, equipment or other property, and including the land improvements immediately surrounding such building; and

(3) "facility" shall mean a mill, plant, refinery, oil or gas well, water well, feedlot or any conveyance, transmission or distribution line of any cooperative, nonprofit, membership corporation organized under or subject to the provisions of K.S.A. 17-4601 et seq., and amendments thereto, or of any municipal or quasi-municipal corporation, including the land improvements immediately surrounding such facility;

(q) the gross receipts received for the service of repairing, servicing, altering or maintaining tangible personal property, except computer software described in subsection (s), which when such services are rendered is not being held for sale in the regular course of business, and whether or not any tangible personal property is transferred in connection therewith. The tax imposed by this subsection shall be applicable to the services of repairing, servicing, altering or maintaining an item of tangible personal property which has been and is fastened to, connected with or built into real property;

(r) the gross receipts from fees or charges made under service or maintenance agreement contracts for services, charges for the providing of which are taxable under the provisions of subsection (p) or (q);

(s) the gross receipts received from the sale of computer software, and the sale of the services of modifying, altering, updating or maintaining computer software. As used in this subsection, "computer software" means information and directions loaded into a computer which dictate different functions to be performed by the computer. Computer software includes any canned or prewritten program which is held or existing for general or repeated sale, even if the program was originally developed for a single end user as custom computer software. The sale of computer software or services does not include: (1) The initial sale of any custom computer program which is originally developed for the exclusive use of a single end user; or (2) those services rendered in the modification of computer software when the modification is developed exclusively for a single end user only to the extent of the modification and only to the extent that the actual amount charged for the modification is separately stated on invoices, statements and other billing documents provided to the end user. The services of modification, alteration, updating and maintenance of computer software shall only include the modification, alteration, updating and maintenance of computer software taxable under this subsection whether or not the services are actually provided; and

(t) the gross receipts received for telephone answering services, including mobile phone services, beeper services and other similar services; and

(u) the gross receipts received from all sales of electricity, gas and water which is essential or necessary to and which is used in the actual process of and immediately consumed or dissipated in: (1) The production, manufacture, processing, mining, drilling, refining or compounding of tangible personal property; (2) the providing of services; or (3) the irrigation of crops, for sale in the regular course of business, and which is not reusable for such purposes which shall be taxed at the rate of 2.5%.

Sec. 4. On June 1, 1995, K.S.A. 1994 Supp. 79-3703 is hereby amended to read as follows: 79-3703. There is hereby levied and there shall be collected from every person in this state a tax or excise for the privilege of using, storing, or consuming within this state any article of tangible personal property. Such tax shall be levied and collected in an amount equal to the consideration paid by the taxpayer multiplied by the rate of 4.9%; except that such rate shall be 2.5% for the privilege of using, storing or consuming within this state tangible personal property enumerated by subsection (u) of K.S.A. 79-3603, and amendments thereto. All property purchased or leased within or without this state and subsequently used, stored or consumed in this state shall be subject to the compensating tax if the same property or transaction would have been subject to the Kansas retailers' sales tax had the transaction been wholly within this state.

Sec. 5. K.S.A. 1994 Supp. 79-3603 is hereby repealed.

Sec. 6. On and after June 1, 1995, K.S.A. 1994 Supp. 79-3602, 79-3603, as amended by section 2, and 79-3703 are hereby repealed.

Sec. 7. This act shall take effect and be in force from and after April 15, 1995, and its publication in the Kansas register.

(Published in the Kansas Register April 6, 1995.)

HOUSE BILL No. 2087

AN ACT concerning highways; relating to the costs of relocating certain water lines; amending K.S.A. 68-415 and repealing the existing section.

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

Section 1. K.S.A. 68-415 is hereby amended to read as follows: 68-415. (a) Whenever any person, firm or any corporation created for the purpose of constructing and maintaining magnetic telegraph or telephone lines or other telecommunication facilities or for the purpose of constructing and maintaining lines for the transmission of electric current or for the purpose of transporting oil or gas or water by pipelines, or municipal corporations, shall construct or maintain poles, piers, abutments, pipelines or other fixtures along, upon or across any state highway, such poles, wires, piers, abutments, pipelines and other fixtures shall be located upon that part of the right-of-way of the state highway designated by the secretary of transportation. The secretary of transportation may require the removal of such poles, piers, abutments, wires and pipelines and other fixtures upon state highways from any location on the state highways to such part of the right-of-way of the state highways as the secretary of transportation shall designate, and if such person, firm or corporation, upon receiving notice of the requirement of the secretary of transportation that such poles, piers, abutments, wires, pipelines or other fixtures be moved, fails to comply with any such requirement, the secretary of transportation may remove such poles, piers, abutments, wires, pipelines and other fixtures to such place on the right-of-way of the state highways as may be designated by the secretary of transportation, and the cost of such removal shall be paid to the secretary of transportation by such person, firm or corporation upon a statement of cost being furnished to such person, firm or corporation.

If such person, firm or corporation refuses to pay the charges, the secretary of transportation shall notify the attorney general, who shall bring suit against such person, firm or corporation in the name of the state to recover the amount. Any amounts received from such persons, firms or corporations shall be deposited in the state treasury and credited to the fund from which the cost of such removal was paid.

(b) In addition to the powers provided in subsection (a), the secretary may advance moneys to a public utility or entity when the utilities, structures or facilities of such public utility or entity are being moved, modified or relocated and in the secretary's opinion the expeditious movement, modification or relocation of such utilities, structures or facilities, from current or proposed highway right-of-way, is necessitated by a current or proposed highway project. The secretary shall not advance moneys to a public utility or entity, unless such public utility or entity can demonstrate a financial need for the advancement of such moneys.

The secretary shall not advance moneys in excess of \$20,000, per project, to any one public utility or entity. Such public utility or entity advanced money by the secretary shall pay interest upon such money at the rate of interest equal to the average yield before taxes received on 91-day United States treasury bills as determined by the federal reserve banks as fiscal agents of the United States at its most recent public offering of such bills prior to the date of the advancement of such money. The term for the repayment of such money by such public utility or entity shall not exceed 60 months.

Nothing in this subsection shall give any public utility or entity any standing on rights of compensation not currently available under law, and all such payments are deemed a matter of legislative policy to rest solely within the discretion of the secretary of transportation for the purpose of expediting the construction, reconstruction or maintenance of the state highway system.

The secretary of transportation shall adopt rules and regulations establishing the procedure and criteria for the advancement of moneys under the provisions of this subsection.

(c) *Notwithstanding the provisions of subsection (a), any rural water district created under the provisions of K.S.A. 82a-612 et seq., and amendments thereto, which, after excluding such water lines that cross a highway, has 90% or more of its remaining water lines on private right-of-*

way and is required to relocate such district's water lines in accordance with subsection (a): (1) Shall be reimbursed for such district's costs for relocating such water lines; or (2) if the secretary of transportation relocates the district's water lines, such district shall not be required to reimburse the secretary of transportation the costs for relocating such water lines. The provisions of this subsection shall apply to all state highway funded projects, including any highway projects currently in progress.

Sec. 2. K.S.A. 68-415 is hereby repealed.

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

(Published in the Kansas Register April 6, 1995.)

HOUSE BILL No. 2192

AN ACT concerning special benefit districts; relating to the creation or enlargement thereof; amending K.S.A. 19-270 and repealing the existing section.

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

Section 1. K.S.A. 19-270 is hereby amended to read as follows: 19-270. (a) (1) A special benefit district shall include any:

- (A) Sewer district;
- (B) water district, rural water district and water supply district;
- (C) fire district;
- (D) improvement district;
- (E) industrial district; and
- (F) drainage district.

(2) The fringe area of a city means the area of unincorporated territory lying outside of but within three miles of the nearest point on the city limits of a city which has adopted subdivision regulations under K.S.A. 12-705 12-749, and amendments thereto.

(b) No special benefit district shall be created, established or otherwise formed within the fringe area of any city unless approved by at least a ¾ majority vote of the board of county commissioners of the county in which the city is located. The boundaries of any such district shall not be extended unless approved by at least a ¾ majority vote of the board of county commissioners of the county in which the city is located. If the boundaries of the district cross county lines, the board of county commissioners of each county in which the district is located shall be required to approve the creation or extension of the boundaries of the district by at least a ¾ majority vote of the board of county commissioners of each county. If a hearing is not already required to be held prior to the creation or expansion of a special benefit district, the board of county commissioners shall call and hold a hearing on the proposed action. Notice of the hearing shall be published once in the official county newspaper. The notice shall be published at least seven days prior to the date of the hearing.

At the hearing, the board shall receive testimony from the city, township, county or regional planning commission having jurisdiction over any of the affected land area. Such testimony shall address any incompatibilities between the creation or expansion of the district and any adopted land use or comprehensive plans. The governing body of the city may present testimony of any proposed annexation of the affected land area. Any interested person may present testimony before the board. As a guide in determining the advisability of authorizing the creation or change in boundaries of a special benefit district located within the fringe area of a city, the board shall take into consideration board's considerations shall include, but not be limited to, any testimony offered at the public hearing concerning: (1) The size and population of such city; (2) the city's growth in population, business and industry during the past 10 years; (3) the extension of its boundaries during the past 10 years; (4) the probability of its growth toward the territory during the ensuing 10 years, taking into consideration natural barriers and other reasons which might influence growth toward the territory; (5) the willingness of the city to annex the territory and its ability to provide city services in case of annexation; and (6) the general effect upon the entire community, all of these and other considerations having to do with the overall orderly and economic development of the area and to prevent an unreasonable multiplicity of independent municipal and special district governments. The board shall approve or disapprove the creation or change in boundaries of the special benefit district within seven 30 days of the hearing. Any person or city aggrieved by the decision of the board of county commissioners may appeal from the decision of the board within 30 days following the rendering of the decision to the district court of the county in which the

(continued)

affected area is located. The appeal shall be taken in the manner provided by K.S.A. 19-223, and amendments thereto. Any city so appealing shall not be required to execute the bond prescribed therein.

Sec. 2. K.S.A. 19-270 is hereby repealed.

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

(Published in the Kansas Register April 6, 1995.)

SENATE BILL No. 104

AN ACT concerning conformity with employment security law; relating to claimant participation in reemployment services; amending K.S.A. 44-705 and repealing the existing section.

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

Section 1. K.S.A. 44-705 is hereby amended to read as follows: 44-705. Except as provided by K.S.A. 44-757, an unemployed individual shall be eligible to receive benefits with respect to any week only if the secretary, or a person or persons designated by the secretary, finds that:

(a) The claimant has registered for work at and thereafter continued to report at an employment office in accordance with rules and regulations adopted by the secretary, except that, subject to the provisions of subsection (a) of K.S.A. 44-704 and amendments thereto, the secretary may adopt rules and regulations which waive or alter either or both of the requirements of this subsection (a).

(b) The claimant has made a claim for benefits with respect to such week in accordance with rules and regulations adopted by the secretary.

(c) The claimant is able to perform the duties of such claimant's customary occupation or the duties of other occupations for which the claimant is reasonably fitted by training or experience, and is available for work, as demonstrated by the claimant's pursuit of the full course of action most reasonably calculated to result in the claimant's reemployment except that, notwithstanding any other provisions of this section, an unemployed claimant otherwise eligible for benefits shall not become ineligible for benefits because of the claimant's enrollment in and satisfactory pursuit of approved training, including training approved under section 236(a)(1) of the trade act of 1974.

(d) The claimant has been unemployed for a waiting period of one week or the claimant is unemployed and has satisfied the requirement for a waiting period of one week under the shared work unemployment compensation program as provided in subsection (k)(4) of K.S.A. 44-757, which period of one week, in either case, occurs within the benefit year which includes the week for which the claimant is claiming benefits. No week shall be counted as a week of unemployment for the purposes of this subsection (d):

(1) If benefits have been paid for such week;

(2) if the individual fails to meet with the other eligibility requirements of this section; or

(3) if an individual is seeking unemployment benefits under the unemployment compensation law of any other state or of the United States, except that if the appropriate agency of such state or of the United States finally determines that the claimant is not entitled to unemployment benefits under such other law, this subsection (d)(3) shall not apply.

(e) For benefit years established on and after the effective date of this act, the claimant has been paid total wages for insured work in the claimant's base period of not less than 30 times the claimant's weekly benefit amount and has been paid wages in more than one quarter of the claimant's base period, except that the wage credits of an individual earned during the period commencing with the end of a prior base period and ending on the date on which such individual filed a valid initial claim shall not be available for benefit purposes in a subsequent benefit year unless, in addition thereto, such individual has returned to work and subsequently earned wages for insured work in an amount equal to at least eight times the claimant's current weekly benefit amount.

(f) *The claimant participates in reemployment services, such as job search assistance services, if the individual has been determined to be likely to exhaust regular benefits and needs reemployment services pursuant to a profiling system established by the secretary, unless the secretary determines that: (1) The individual has completed such services; or (2) there is justifiable cause for the claimant's failure to participate in such services.*

Sec. 2. K.S.A. 44-705 is hereby repealed.

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

(Published in the Kansas Register April 6, 1995.)

HOUSE BILL No. 2476

AN ACT concerning sand and gravel pits; relating to the application of certain statutes to evaporation of water therefrom.

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

Section 1. (a) An operator will notify the chief engineer of the division of water resources of the state board of agriculture of the location and area extent of any existing or proposed sand and gravel pit to be excavated, expanded or operated by the operator.

(b) Unless the chief engineer determines that it has a substantially adverse impact on the area groundwater supply, the evaporation of water exposed as the result of the opening or operation of sand and gravel pits shall not be construed to be a beneficial use or diversion of water for the purposes of the Kansas water appropriation act, K.S.A. 82a-701 *et seq.*, and amendments thereto.

(c) Evaporation from sand and gravel pits, as calculated by the chief engineer, will be reported as an industrial use to the director of taxation for the purpose of assessing the water protection fee pursuant to K.S.A. 92a-954, and amendments thereto.

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

(Published in the Kansas Register April 6, 1995.)

SENATE BILL No. 23

AN ACT concerning banks and banking; state bank commissioner's powers; activities of banks and trust companies; amending K.S.A. 9-1715 and repealing the existing section.

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

Section 1. K.S.A. 9-1715 is hereby amended to read as follows: 9-1715. (a) In addition to any and all other powers granted to the state bank commissioner, the commissioner shall have the power to authorize any state bank or trust company to engage in any activity in which such bank or trust company could engage were they operating as a national bank at the time such authority is granted, including but without limitation because of enumeration the power to do any act, and own, possess and carry as assets, property of such character including stocks, bonds or other debentures which, at the time the authority is granted, is authorized under federal laws and regulations for transactions by national banks notwithstanding any restrictions elsewhere contained in the statutes of the state of Kansas. Upon receipt of a written request from any state bank or trust company, the commissioner shall exercise such power by the issuance of a special order if the commissioner deems it reasonably required to preserve and protect the welfare of such an institution and promote the general economy of this state. A copy of each such special order shall be mailed to all state banks and trust companies.

(b) In addition to any and all other powers granted to the state bank commissioner, the commissioner, with the prior approval of the state banking board, shall have the power to authorize state banks or trust companies to engage in any activity in which such banks or trust companies could engage were they operating as national banks at the time such authority is granted, including but without limitation because of enumeration the power to do any act, and own, possess and carry as assets, property of such character including stocks, bonds or other debentures which, at the time the authority is granted, is authorized under federal laws and regulations to be done by national banks notwithstanding any restrictions elsewhere contained in the statutes of the state of Kansas. The commissioner shall exercise such power by the issuance of a special order if the commissioner deems it reasonably required to preserve and protect the welfare of state banks or trust companies and promote competitive equality of state and national banks. Such special order shall provide for the effective date thereof and upon and after such date shall be in full force and effect until amended or revoked by the commissioner, with the prior approval of the state banking board, by subsequent special order. Upon issuance of a special order, the commissioner promptly shall mail copies to all state banks and trust companies. The issuance of such special orders shall not be subject to the provisions of article 4 of chapter 77 of the Kansas Statutes Annotated.

(c) The commissioner, at the time of issuing any special order pursuant to this section, shall submit a written report to the president and the minority leader of the senate and to the speaker and the minority leader of the house of representatives.

(d) The commissioner shall not have power under this section to au-

authorize any state bank or trust company to establish or operate any branch bank, except as provided in K.S.A. 9-1111, and amendments thereto.

(a) The commissioner shall have the power to authorize any or all state banks to engage in any activity in which such banks could engage were they operating as national banks at the time such authority is granted, including but without limitation because of enumeration the power to do any act, and own, possess and carry as assets, property of such character including stocks, bonds or other debentures which, at the time authority is granted, is authorized under federal laws and regulations to be done by national banks notwithstanding any restriction elsewhere contained in the statutes of the state of Kansas. This power shall include the power to authorize any or all Kansas trust companies to engage in any trust related activity in which the trust department of a national bank with trust powers could engage at the time authority is granted. This power shall be in addition to any and all other powers granted to the commissioner.

(b) The commissioner shall exercise the power granted in subsection (a) by the issuance of a special order if the commissioner deems it reasonably required to preserve and protect the welfare of a particular in-

stitution, or if the commissioner deems it reasonably required to preserve the welfare of all state banks or trust companies and to promote competitive equality of state and national banks. Such special order shall provide for the effective date thereof and upon and after such date shall be in full force and effect until amended or revoked by the commissioner. Promptly following issuance, the commissioner shall cause a copy of each special order to be mailed to all state banks and trust companies.

(c) The commissioner, at the time of issuing any special order pursuant to this section, shall submit a written report to the president and the minority leader of the senate and to the speaker and the minority leader of the house of representatives.

(d) The issuance of special orders under this section shall not be subject to the provisions of article 4 of chapter 77 of the Kansas Statutes Annotated.

Sec. 2. K.S.A. 9-1715 is hereby repealed.

Sec. 3. 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

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1-2-20	New	V. 14, p. 172
1-2-30	Amended	V. 12, p. 902
1-2-46	Amended	V. 12, p. 1705
1-5-15	Amended	V. 13, p. 1500
1-5-24	Amended	V. 13, p. 1679
1-5-28	Amended	V. 12, p. 902
1-5-29	Amended	V. 13, p. 1461, 1501
1-6-21	Amended	V. 13, p. 1461, 1501
1-6-22a	Amended	V. 13, p. 1501
1-6-23	Amended	V. 12, p. 1706
1-6-33	New	V. 14, p. 172
1-7-4	Amended	V. 12, p. 1707
1-8-2	Amended	V. 13, p. 1461, 1502
1-8-5	Amended	V. 13, p. 1461, 1502
1-8-6	Amended	V. 13, p. 1462, 1502
1-9-5	Amended	V. 12, p. 902
1-9-6	Amended	V. 12, p. 1708
1-9-13	Amended	V. 12, p. 1709
1-9-21	Amended	V. 12, p. 903
1-9-22	Amended	V. 13, p. 1502
1-9-23	Amended	V. 13, p. 1462, 1503
1-9-24	New	V. 12, p. 1709, 1779
1-9-25	New	V. 14, p. 173
1-9-26	New	V. 14, p. 175
1-10-6	Amended	V. 12, p. 1709
1-13-1a	Amended	V. 12, p. 1709
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1-14-7	Amended	V. 12, p. 1817
1-14-8	Amended	V. 12, p. 1710
1-14-10	Amended	V. 12, p. 1818
1-14-12	New	V. 12, p. 1711
1-16-2	Amended	V. 12, p. 721, 864
1-16-2a	Amended	V. 12, p. 721, 864
1-16-2b	Amended	V. 12, p. 721, 864
1-16-2d	Amended	V. 12, p. 721, 864
1-16-2f	Revoked	V. 12, p. 722, 865
1-16-2k	Amended	V. 12, p. 722, 865
1-16-22	Amended	V. 12, p. 865
1-17-13	Amended	V. 13, p. 720
1-18-1a	Amended	V. 12, p. 865

1-21-1	Amended	V. 12, p. 865
1-21-2	Amended	V. 12, p. 866
1-21-3	Revoked	V. 12, p. 866
1-21-4	Amended	V. 12, p. 866
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1-21-6	Revoked	V. 12, p. 866
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1-21-8	Revoked	V. 12, p. 866
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1-21-11	Revoked	V. 12, p. 866
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1-28-2	Revoked	V. 12, p. 867
1-49-1	Amended	V. 13, p. 720
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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

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4-2-6	Revoked	V. 13, p. 1609
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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
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4-13-65	Amended	V. 13, p. 1019
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4-16-1c	Amended	V. 13, p. 1611
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4-17-1c	Amended	V. 13, p. 1612
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5-3-5e	New	V. 13, p. 493
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5-3-10	New	V. 13, p. 1543
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7-23-13	New	V. 13, p. 276
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7-29-1	Revoked	V. 12, p. 1336
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7-36-6	New	V. 13, p. 5
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16-5-3 Revoked V. 13, p. 1992
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 28-35-242 Amended V. 12, p. 1177
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 28-35-251 Amended V. 12, p. 1177
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 28-46-24 Amended V. 13, p. 154
 28-46-26 through
 28-46-34 Amended V. 13, p. 154, 155
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 28-46-37 Revoked V. 13, p. 354
 28-46-38 Amended V. 13, p. 354
 28-46-39 Revoked V. 13, p. 156
 28-46-41 Amended V. 13, p. 156
 28-46-42 Amended V. 13, p. 156
 28-46-43 New V. 13, p. 156
 28-46-44 New V. 13, p. 156
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 28-51-104 Amended V. 13, p. 43-45
 28-51-108 Amended V. 13, p. 45
 28-51-110 Amended V. 13, p. 45
 28-51-111 Amended V. 13, p. 46
 28-51-112 Amended V. 13, p. 46
 28-59-5 Amended V. 13, p. 1158
 28-59-5a New V. 13, p. 1159
 28-59-7 Amended V. 13, p. 1159
 28-65-1 Amended V. 12, p. 1541
 28-65-2 Amended V. 13, p. 1551
 28-65-3 Amended V. 13, p. 1552
 28-65-4 Amended V. 13, p. 1552
 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

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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
44-14-305	Amended	V. 12, p. 1596
44-14-305a	Revoked	V. 12, p. 1596
44-14-306	Amended	V. 12, p. 1596
44-14-307	Amended	V. 12, p. 1597
44-14-309	Amended	V. 12, p. 1597
44-14-310	Amended	V. 12, p. 1597
44-14-311	Amended	V. 12, p. 1597
44-14-314	Amended	V. 12, p. 1597
44-14-316	Amended	V. 12, p. 1597
44-14-318	New	V. 12, p. 1597

AGENCY 51: DEPARTMENT OF HUMAN RESOURCES— DIVISION OF WORKERS COMPENSATION

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

AGENCY 56: OFFICE OF THE ADJUTANT GENERAL

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

AGENCY 60: BOARD OF NURSING

Reg. No.	Action	Register
60-1-101	Revoked	V. 12, p. 1205
60-1-102	Amended	V. 12, p. 348
60-1-103	Amended	V. 12, p. 348
60-3-101	Amended	V. 12, p. 348
60-3-102	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
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

(continued)

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. 14, p. 311
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	Amended	V. 14, p. 403
111-2-31	New	V. 14, p. 170
111-2-32	New	V. 14, p. 311
111-2-33	New	V. 14, p. 312
111-2-34	New	V. 14, p. 403
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 through 111-4-15	Revoked	V. 12, p. 113
111-4-66 through 111-4-77	New	V. 7, p. 207-209
111-4-96 through 111-4-114	New	V. 7, p. 1606-1610
111-4-100	Amended	V. 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 through 111-4-228	Revoked	V. 10, p. 1585
111-4-229 through 111-4-236	Revoked	V. 10, p. 1585, 1586
111-4-237 through 111-4-240	Revoked	V. 11, p. 413
111-4-241 through 111-4-244	Revoked	V. 12, p. 1371
111-4-245 through 111-4-248	Revoked	V. 12, p. 1371
111-4-249 through 111-4-256	Revoked	V. 12, p. 113, 114
111-4-257 through 111-4-286	Revoked	V. 11, p. 413, 414
111-4-287 through 111-4-300	New	V. 10, p. 883-886
111-4-287 through 111-4-290	Revoked	V. 12, p. 1371
111-4-291 through 111-4-300	Revoked	V. 12, p. 114
111-4-301 through 111-4-307	Revoked	V. 13, p. 1402
111-4-301	Amended	V. 12, p. 1115
111-4-303	Amended	V. 12, p. 1115
111-4-304	Amended	V. 12, p. 1115
111-4-306	Amended	V. 12, p. 1115
111-4-308 through 111-4-320	New	V. 10, p. 1214, 1215
111-4-308	Amended	V. 12, p. 1261
111-4-311	Amended	V. 12, p. 1262
111-4-312	Amended	V. 12, p. 1262
111-4-313	Amended	V. 12, p. 1262
111-4-318 through 111-4-321	Revoked	V. 12, p. 114
111-4-322 through 111-4-331	New	V. 10, p. 1411-1413
111-4-322 through 111-4-327	Revoked	V. 12, p. 1371
111-4-328 through 111-4-335	Revoked	V. 12, p. 114
111-4-336 through 111-4-345	New	V. 10, p. 1526-1528

111-4-336 through 111-4-340	Amended	V. 12, p. 1371, 1372
111-4-341	Revoked	V. 11, p. 1473
111-4-341a	Revoked	V. 12, p. 1372
111-4-341b	Amended	V. 12, p. 1372
111-4-341c	New	V. 12, p. 1664
111-4-344	Amended	V. 12, p. 1373
111-4-346 through 111-4-361	New	V. 10, p. 1586-1589
111-4-356 through 111-4-361	Revoked	V. 14, p. 7
111-4-346 through 111-4-349	Revoked	V. 12, p. 114
111-4-362 through 111-4-365	Revoked	V. 12, p. 114, 115
111-4-362	Amended	V. 11, p. 13
111-4-366 through 111-4-379	New	V. 11, p. 136-139
111-4-366 through 111-4-369	Revoked	V. 12, p. 1373
111-4-370 through 111-4-379	Revoked	V. 14, p. 7, 8
111-4-380 through 111-4-383	Revoked	V. 12, p. 1664
111-4-384 through 111-4-387	Revoked	V. 12, p. 1373
111-4-388 through 111-4-400	New	V. 11, p. 478-481
111-4-388 through 111-4-391	Revoked	V. 12, p. 1373
111-4-392	Amended	V. 12, p. 520
111-4-394 through 111-4-400	Amended	V. 12, p. 521, 522
111-4-401 through 111-4-404	Revoked	V. 12, p. 1373
111-4-405 through 111-4-413	New	V. 11, p. 756, 757
111-4-405	Amended	V. 13, p. 877
111-4-407	Amended	V. 13, p. 877
111-4-408	Amended	V. 13, p. 877
111-4-409	Amended	V. 13, p. 877
111-4-411	Amended	V. 11, p. 1474
111-4-412	Amended	V. 11, p. 1475
111-4-413	Amended	V. 11, p. 1475
111-4-414 through 111-4-428	Revoked	V. 14, p. 8
111-4-414	Amended	V. 11, p. 1150
111-4-429 through 111-4-432	Revoked	V. 12, p. 1373
111-4-433 through 111-4-440	Revoked	V. 12, p. 1374
111-4-441 through 111-4-443	Revoked	V. 14, p. 8
111-4-443	Revoked	V. 14, p. 8
111-4-445 through 111-4-453	New	V. 11, p. 1794-1796
111-4-445 through 111-4-448	Revoked	V. 12, p. 1374

112-9-30	Amended	V. 12, p. 975, 1211
112-9-39a	Amended	V. 12, p. 356, 378
112-9-40a	Amended	V. 12, p. 356, 379
112-9-41a	Amended	V. 12, p. 358, 380
112-9-42	Amended	V. 12, p. 359, 382
112-9-43	Amended	V. 12, p. 361, 383
112-9-44	New	V. 12, p. 361, 384
112-11-21	Amended	V. 13, p. 1090
112-12-1	New	V. 12, p. 50
112-12-2		
through		
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
112-12-4		
through		
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		
Reg. No.	Action	Register
115-2-1	Amended	V. 13, p. 1062
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		
Reg. No.	Action	Register
116-3-1	New	V. 12, p. 1175
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
120-1-1	New	V. 13, p. 1682

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